



AGENDA

**CITY OF LENOIR CITY
COUNCIL MEETING
905 WEST AVENUE
TUESDAY, JUNE 15, 2021
6:00 P.M.**



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, June 1, 2021 as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, May 25, 2021 as submitted.
- C. Resolution; Surplus Property: Approval of a resolution declaring Police Corporal Thai Lee's badge and service weapon, Serial Number G403227 as surplus property. Corporal Lee will be retiring from the Lenoir Police Department effective June 30, 2021.
- D. Lease Communication Agreement; Hibriten Mountain LLC: Approval of a Lease Agreement between the City of Lenoir and Hibriten Mountain, LLC for communications equipment and antenna location on top of Hibriten Mountain.
- E. Budget Amendments; FY2020-21: Staff requests approval of the amendments to the annual Budget Ordinance for the fiscal year ending June 30, 2021. Refer to Council Action Form for Items 1-6 as listed.
- F. Capital Project Budget Ordinance; ARPA Funds: Staff requests that City Council adopt the Capital Project Budget Ordinance for the American Recovery Plan Capital Project for \$3,834,691.00 as submitted.
- G. Capital Project Budget Ordinance; Craftmaster Furniture: Approval of a Capital Project Budget Ordinance in the amount of \$500,000.00 for the North Carolina Rural Center Grant funding for Craftmaster Furniture as submitted.
- H. Acceptance of an Offer to purchase Real Property and Notice of Offer to Purchase Real Property; 500 block of Wheeler Street: Staff recommends Acceptance of an Offer to Purchase Real Property in the amount of \$500.00 as submitted by Thomas Neal Moody for property located at 500 block of Wheeler Street, NCPIN#2749577733 and Tax ID#06-5-173B as submitted. The vacant parcel is owned by the City of Lenoir and adjacent to Mr. Moody's residential lot on High Circle. Note: The legal advertisement for the Notice of Offer to Purchase Real Property will be published in the *News-Topic* starting a ten (10) day upset bid period as required by N.C.G.S. §160A-269 following Council's acceptance of the Offer to Purchase.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITYMANAGER

A. Items of Information

1. The Committee of the Whole will meet on Tuesday, June 22 at 8:30 a.m. at City Hall, Third Floor.
2. The Planning Board will meet on Monday, June 28 at 5:30 p.m.
3. The Foothills Regional Airport Authority will meet on Wednesday, June 30 at noon.
4. A Cruise-In is scheduled for Saturday, July 3 in downtown Lenoir.
5. Parks and Recreation will host a fireworks display on Sunday, July 4 at 9:30 p.m. at Optimist Park. There will not be any vendors available at the event.
6. City offices will be closed on Monday, July 5 in observance of Independence Day.
7. City Council will conduct one meeting in July on Tuesday, July 20 at 6:00 p.m. in the City/County Chambers, 905 West Avenue, Lower Level.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

- A. Closed Session: Pursuant to N.C. G. S. §143-318.11(3), City Council will enter into closed session to discuss attorney/client privilege.

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Board Announcements: Mayor Gibbons will announce the following two individuals for consideration of appointment to the City's Authorities/Boards/Commissions. These individuals will be voted on at the July 20 City Council Meeting.

Planning Board

Curtis Baker 4-yr. term

Lenoir Business Advisory Board

Jennifer Indicott 3-yr. term

REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

IX. ADJOURNMENT

**LENOIR CITY COUNCIL
TUESDAY, JUNE 1, 2021
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Crissy Thomas, Ike Perkins, Todd Perdue, Ralph Prestwood and David Stevens. City Attorney T. J. Rohr, City Manager Scott Hildebran, Communications Director Joshua Harris, Police Captain Andy Wilson and Carmen Boone, *News Topic* also attended the meeting.

ABSENT: Councilmembers Jonathan Beal and Ben Willis.

OTHERS PRESENT:
Department Directors Finance Director Donna Bean, Fire Chief Ken Hair, Recreation Director Kenny Story, Planning Director Jenny Wheelock, Economic Development Director Kaylynn Horn, Public Works Director Jared Wright and Public Utilities Director Radford Thomas.

VIA MEDIA: City Clerk Shirley Cannon.

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.

MEMORIAL DAY

SERVICE: B. Mayor Gibbons reported a Memorial Day Service was held on the square on Monday, May 30 in remembrance of all who have served in the armed forces. On behalf of City Council, he thanked all the men and women for their service and asked everyone to keep them in their thoughts and prayers.

**CONGRATUALATIONS;
COUNCILMEMBER BEAL:**

- C. On behalf of City Council, Mayor Gibbons expressed congratulations to Councilmember Jonathan Beal upon his marriage to Erika Greer on Sunday, May 30 and wished them all the best.

**COMMENDED; FINANCE DIRECTOR
DONNA BEAN & STAFF:**

- D. Mayor Gibbons commended Finance Director Donna Bean and Staff upon receiving a Certificate of Achievement for Excellence in Financial Reporting for 2020 from the Government Finance Officers Association (GFOA). This is the 30th consecutive year the City has received this award.

**INTRODUCTION; NEW K9 HANDLER
& PARTNER (ATOS):**

- E. Police Captain Andy Wilson introduced the Department's newest K9 Atos and his handler, Master Patrol Officer Yongla "Joe" Lo. Captain Wilson reported that Atos is a German Shepard and was born on September 14, 2019 in the Czech Republic. Atos is certified through the Law Enforcement Canine Association.

Captain Wilson remarked that Officer Lo has twenty years' experience in law enforcement and is an asset to the Department. He has worked for the City since 2017.

Captain Wilson shared that Atos will replace K9 Axel who passed away last year following a brief illness.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

FY2021-2022 RECOMMENDED

BUDGET:

A. A public hearing was held to receive public comments regarding the Annual Budget for the fiscal year beginning July 1, 2021 through June 30, 2022 for the City of Lenoir. Upon conclusion of the public hearing, Council may take action on adoption of the enclosed FY2021-22 Budget Ordinance.

Mayor Gibbons opened the public hearing to receive public comments regarding the proposed budget.

A copy of the Budget Ordinance is hereby incorporated into these minutes by reference. (Refer to pages 186-189.)

City Manager Hildebran stated the budget is comprised of General Fund - \$18,594,890, Special District Fund - \$184,638, Tourism Development Fund - \$80,000 and Water/Sewer Fund - \$9,629,744, for a total budget of \$28,489,272.

Due to Caldwell County's revaluation this year, the proposed General Fund budget is balanced with a new revenue neutral tax rate of \$0.57 per \$100 of assessed property value, a reduction of 1-cent per \$100 from the current tax rate. The budget maintains the Rescue Readiness Tax Rate of \$0.85 cent per \$100 of assessed property value for a total tax rate of 57.85 cent per \$100. All other General Fund charges/fees remain unchanged.

The proposed Downtown Municipal Service District budget is balanced with the net revenue neutral property tax rate of \$0.20 cent per \$100 of assessed district property value. This is a reduction of 5-cent per \$100 from the FY2020-21 Downtown tax rate of \$0.25 per \$100.

The proposed Water/Sewer Fund budget is balanced and includes a 2% increase in water and sewer rates. For budget year 2020-2021, there was no increase in water and sewer rates due to the pandemic. All other Water/Sewer Fund charges and fees are unchanged.

Mr. Hildebran informed Council the recommended budget contains no borrowing and does not use any fund balance.

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

On behalf of City Council, Mayor Gibbons commended City Manager Scott Hildebran, Finance Director Donna Bean, Department Directors, and City Staff for working together to help keep expenditures down. He expressed appreciation to everyone for all their hard work in compiling the budget.

Councilmember Perdue referred to the reduced tax rates and also congratulated City Manager Hildebran and Finance Director Bean. Mr. Perdue remarked Council has to be forward thinking and prior City Councilmembers have taken care to ensure the annual budget meets the City's current needs and for years to come.

Councilmember Stevens remarked the City is in a great financial position and Department Directors and employees have worked hard to reduce expenditures. He also referred to how the City was able to make a good contribution to its Fund Balance.

Mayor Pro-Tem Thomas also commended City Manager Hildebran and Department Directors and mentioned how City Council along with Staff spend time planning for the budget each year. Ms. Thomas stated she was also proud of Staff how is saving the City as much as it can.

Councilmember Perkins remarked that City Manager Hildebran and Staff make Council's job easier and thanked everyone for all they do daily for the City of Lenoir.

Upon a motion by Councilmember Perdue, Council voted 5 to 0 to approve the annual FY2021-2022 Recommended Budget as described above and as recommended by City Manager Hildebran.

**AMENDMENTS; CHAPTER 18, STREETS AND
SIDEWALKS AND CHAPTER 19, SUBDIVISIONS;
LENOIR CITY CODE:**

- B. A public hearing was held to consider amendments to Chapters 18 (Streets and Sidewalks) and Chapter 19 (Subdivisions) of the Lenoir Code of Ordinances. Staff recommends approval of the submitted Ordinance.

A copy of the Ordinance is hereby incorporated into these minutes by reference (Reference to pages 190-256.)

The purpose of the amendments is to update the subdivision chapter in accordance with N.C.G.S. Chapter 160D, as well as to better organize, clarify, and separate the various rules that address the subdivision process.

Mayor Gibbons opened the public hearing to receive public comments regarding these amendments.

Planning Director Jenny Wheelock stated these amendments were discussed at the May 25, 2021 Committee of the Whole meeting and reminded Council these chapters were excluded from the omnibus ordinance Council adopted in January 2021 and must be amended prior to July 1, 2021.

Director Wheelock also presented an Addendum for Streets and Sidewalks Ordinance as of June 1, 2021 and reviewed four (4) minor changes to the submitted Ordinance. (A copy of the Addendum is hereby incorporated into these minutes by reference. Refer to page 257.)

Director Wheelock reiterated the Ordinance adopted in January 2021 is consistent with the updated N.C.G.S. 160D requirements. In addition, she reported that, since Preliminary Plats are quasi-judicial, Chapter 19 references these procedures rather than repeat them. Further, Director Wheelock briefly reviewed section 1309 Process Required as follows: All boards making quasi-judicial decisions shall follow quasi-judicial procedures, which include an evidentiary hearing. The Board of Adjustment shall follow quasi-judicial procedures in determining appeals of administrative decisions and variances. The Historic Preservation Commission shall follow quasi-judicial procedures in issuing Certificates of

Appropriateness. The City Council shall follow quasi-judicial procedures in issuing Special Use Permits.

Director Wheelock read a statement on the Addendum which includes Staff's recommendation as follows: The changes outlined above will be incorporated into the final adopted version of the Ordinance that's prepared for signatures and sent to Municode. Staff recommends an amended motion, for "Adoption of the proposed Ordinance as submitted by Staff, including the edits outlined in the addendum dated June 1, 2021."

Mayor Gibbons and City Councilmembers thanked Director Wheelock and Staff for all their time and hard work in compiling the Ordinance to address the changes to Chapter 160D.

Motion

Councilmember Stevens also read the statement from the Addendum as prepared by Staff and moved to approve the ordinance and edits as follows:

The changes outlined above will be incorporated into the final adopted version of the Ordinance that's prepared for signatures and sent to Municode. Staff recommends an amended motion, for "Adoption of the proposed Ordinance as submitted by Staff, including the edits outlined in the addendum dated June 1, 2021." This motion carried with a 5 to 0 vote.

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, May 18, 2021 as submitted.
2. Minutes: Approval of the minutes of the City Council Budget Workshop of Thursday, May 20, 2021 as submitted.
3. Capital Project Budget Ordinance; 2021 Community Development Block Grant: Approval of a Capital Project Budget Ordinance in the amount of \$164,146.00 for the 2021 Community Development Block Grant (CDBG) as submitted by Rick Oxford, Plan Administrator, Western Piedmont Council of Governments. (A copy of the capital project budget ordinance is hereby incorporated into these minutes by reference. Refer to page 258-259.)
4. Capital Project Budget Ordinance; 2021 Unifour Consortium HOME Program: Approval of a Capital Project Budget Ordinance in the amount of \$1,454,095.00 for the 2021 Unifour Consortium HOME Program as submitted by Rick Oxford, Plan Administrator, Western Piedmont Council of Governments. (A copy of the capital project budget ordinance is hereby incorporated into these minutes by reference. Refer to page 260-261.)

Upon a motion by Mayor Pro-Tem Thomas, Council voted 5 to 0 to approve the above list of items on the Consent Agenda as presented and as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

**COMMENTS; WAYNE DOUGLAS;
LENOIR RESIDENT:**

A. Mr. Wayne Douglas, 308 Ridge Street, addressed City Council regarding his belief that fireworks displays by the general public are illegal in North Carolina. Mr. Douglas presented City Councilmembers with a letter regarding why he believes selling fireworks to the public is illegal and how they should not be allowed to set them off in residential neighborhoods.

B. Mr. Mark Bartold, 807 Manchester Street, addressed City Council about solid waste fees and suggested gift certificates be given to property owners for use downtown. Then Mr. Bartold said this may be a Chamber of Commerce issue.

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

EDC: 1. The Caldwell County Economic Development Commission will conduct an in person meeting on Tuesday, June 8 at 8:00 a.m.

ABC BOARD: 2. The ABC Board will meet virtually on Thursday, June 10 at 2:00 p.m.

LENOIR TOURISM DEVELOPMENT

AUTHORITY: 3. The Lenoir Tourism Development Authority will meet on Thursday, June 10 at 4:00 p.m.

LENOIR BUSINESS ADVISORY

BOARD: 4. The Lenoir Business Advisory Board will meet on Thursday, June 10 at 6:00 p.m.

CITY/COUNTY SERVICES

COMMITTEE: 5. The City/County Services Committee will meet on Monday, June 14 at noon.

CRUISE-IN: 6. A Cruise-In Event will be held on Saturday, July 3 in the downtown area.

ANNUAL FIREWORKS

EVENT: 7. Parks and Recreation has scheduled a fireworks display at Optimist Park on Sunday, July 4 beginning at 9:30 p.m.

B. ITEMS FOR COUNCIL ACTION

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

1. There being no further business, the meeting was adjourned at 6:35 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2021– June 30, 2022**

BE IT ORDAINED by the Lenoir City Council in regular session assembled on June 1st, 2021.

Section 1. That the following amounts are hereby appropriated for the operation of the government of the City of Lenoir and its activities for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

<u>Fund</u>	<u>Estimated Revenues</u>	<u>Fund Balance Appropriated</u>	<u>Total Budget</u>	<u>Appropriated</u>
General	\$ 18,594,890	\$ -	\$ 18,594,890	\$ 18,594,890
Water & Wastewater	\$ 9,629,744	\$ -	\$ 9,629,744	\$ 9,629,744
Total	\$ 28,224,634	\$ -	\$ 28,224,634	\$ 28,224,634

Section 2. That for said fiscal year there is hereby appropriated as expenditures of the General Fund the following:

Legislative	\$ 360,035
Administrative	\$ 612,787
Finance	\$ 765,379
Planning	\$ 435,006
Police	\$ 6,112,425
Fire	\$ 4,255,092
Recreation	\$ 1,897,921
Public Works	
Administrative	\$ 237,993
Cemetery & Grounds	\$ 379,091
Building Maintenance	\$ 335,242
Sanitation	\$ 808,898
Streets	\$ 2,110,116
Vehicle Services	\$ 284,906
Total	\$ 18,594,890

2021-2022 is a property revaluation year and it has been eight (8) years since the last property revaluation. The Revenue Neutral Rate is the rate that is estimated to produce revenue for the next fiscal year equal to the revenue that would have been produced for the next fiscal year by the current rate if no reappraisal had occurred including growth. Based on the information from Caldwell County, the estimated revenue-neutral property tax rate for 2021 equals 62.83¢ per \$100. Due to fluctuations in refunded business personal property and the delayed impact of improvements being included in assessed values, staff made revenue-neutral calculations excluding refunded business property taxes as well as with only real property values. The average of all these calculations is a tax rate of 57¢ per \$100 of assessed value, which is what is recommended in the budget and reflects the net revenue-neutral rate.

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2021– June 30, 2022**

Section 3. That for said fiscal year there is hereby appropriated as expenditures of the Water & Wastewater Fund the following:

<u>DEPARTMENT/DIVISIONS</u>	<u>APPROPRIATION</u>
Admin/Engineering	\$ 394,256
Utilities Maintenance	\$ 345,125
Rhodhiss Water Treatment Plant	\$ 2,801,674
Water Distribution	\$ 1,953,981
Wastewater Collection	\$ 1,440,222
Wastewater Pretreatment	\$ 176,811
Gunpowder Wastewater Plant	\$ 1,279,002
Lower Creek Wastewater Plant	\$ 1,238,673
Total	<u>\$ 9,629,744</u>

Section 4. There is hereby levied for the fiscal year ending June 30, 2022, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2021, and of registered vehicles in accordance with G.S. 105-330.3(a)(1) for the purpose of raising the revenues from the current year's listed and registered property as set forth in the foregoing estimates of the General Fund revenues and in order to finance the foregoing General Fund appropriations.

General Fund.....\$.57 cents tax rate per one hundred dollars assessed valuation.

Rescue Readiness Tax.....\$.0085 cents tax rate per one hundred dollars assessed valuation.

Said General Fund tax rates are based on an estimated total appraisal value of real and personal property for the purpose of taxation of \$2,287,000,000 with an assessment ratio of one hundred percent (100%) of appraised value and estimated collection rate of 96.2%. Said collection rates are based on the actual 2019-2020 collection rates.

Section 5. That for said fiscal year there is hereby appropriated as expenditures of the special Downtown Tax District Fund for the operation of the Economic Development/Main Street Lenoir program and Tourism Development.

<u>Fund</u>	<u>Estimated Revenues</u>	<u>Fund Balance Appropriated</u>	<u>Total Budget</u>	<u>Appropriated</u>
Special Downtown District	\$ 184,638	\$ -	\$ 184,638	\$ 184,638
Tourism Development	\$ 80,000	\$ -	\$ 80,000	\$ 80,000
TOTAL	\$ 264,638	\$ -	\$ 264,638	\$ 264,638

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2021– June 30, 2022**

Section 6. There is hereby levied for the fiscal year ending June 30, 2022, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2021, and of registered vehicles in accordance with G.S. 105-330.3(a)(1) for the purpose of raising the revenues from the current year's listed and registered property set forth in the foregoing estimates of Special Downtown District Fund revenues and in order to finance the foregoing Special Downtown District Fund appropriations.

Special Downtown District.....\$.20 cents tax rate per one hundred dollars assessed valuation.

Said Special Downtown District tax is based on an estimated total appraised value of property for the purpose of taxation of \$ 18,079,600 with an assessment ratio of one hundred percent (100%) of appraised and registered real and personal property value. The estimated collection rate is 96.20%.

The proposed Downtown Municipal Service District budget is balanced with the reduced property tax rate of 20¢ per \$100 of assessed district property value. This is a reduction of 5¢ per \$100 from the FY 2020-21 Downtown tax rate of 25¢ per \$100. The revenue neutral calculation was performed with total values as well excluding the impact of improvements not included in the year they were made. The average of all these calculations is a tax rate of 20¢ per \$100 of assessed value, which is what is recommended in the budget and reflects the net revenue-neutral rate.

Section 7. It is estimated that \$80,000 in revenue will be available in the Tourism Development Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

Section 8. Water & Sewer rates are established to be effective July 1, 2021 according to the following schedule:

Water Inside Corporate Limits	
0 -1,000 gallons	\$10.75
Over 1,000 gallons	\$3.40 per 1,000 gallons
Sewer Inside Corporate Rates	
1 - 1,000 gallons	\$9.42
Over 1,000 gallons	\$3.99 per 1,000 gallons
Water Outside Corporate Limits	
0 - 1,000 gallons	\$21.50
Over 1,000 gallons	\$6.80 per 1,000 gallons
Sewer Outside Corporate Limits	
0 -1,000 gallons	\$18.86
Over 1,000 gallons	\$7.99 per 1,000 gallons
Resale Water	
\$2.26 per 1,000 gallons	
Resale Sewer	
\$3.94 per 1,000 gallons	

City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2021– June 30, 2022

Section 9. Salaries & wages accounts provide for funding of all budgeted employee positions and City Council.

Section 10. The City Manager and Finance Director shall notify the City Council of any items of over-expenditure or shortfalls in revenue on a timely basis throughout the fiscal year. Request for appropriations not contained in the Budget Ordinance will be presented to Council after a review of the necessary revenue sources to offset the expenditure has been conducted by the Finance Director. Recommended budget amendments will be presented to the Council at the time the request for appropriation is submitted by the Finance Director.

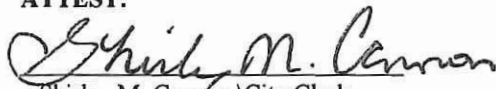
Section 11. Copies of this Budget Ordinance shall be furnished to the Finance Director and the City Manager of the City of Lenoir, North Carolina, to be kept on file by them for their direction in the collection of revenues and the expenditures of amounts appropriated.

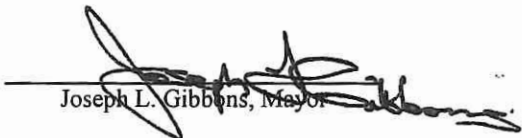
Section 12. The City Manager is authorized to amend the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present. Only one reading will be required and a public hearing or publication of notice is not necessary unless requested by Council.

Adopted this 1st day of June, 2021.

SEAL

ATTEST:


Shirley M. Cannon, City Clerk


Joseph L. Gibbons, Mayor

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING CHAPTERS 18 AND 19
OF THE LENOIR CODE OF ORDINANCES RELATED TO
STREETS, SIDEWALKS, AND SUBDIVISIONS,
PROVIDING FOR SEVERABILITY, CODIFICATION, AND
AN EFFECTIVE DATE.**

Whereas, the NC General Statutes that give local governments authority to regulate land use and development, previously located in N.C.G.S. Chapter 160A, Article 19, have been updated and re-codified as N.C.G.S. Chapter 160D, prompting the need for the City of Lenoir to update our local ordinances both to comply with legislative changes as well as to reference the new section citations; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments are consistent with the City's adopted Comprehensive Plan, which calls for straight-forward regulation, interconnected streets, and sidewalks; and

Whereas, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are reasonable and in the best interest of the public health, safety, and welfare, since they will ensure the City remains compliant with State law and eliminate potential conflicts or confusion resulting from outdated or unlawful provisions in our local ordinances that are enacted pursuant to authorities granted under the newly codified G.S. Chapter 160D; and

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

SECTION 1. Chapter 18 of the Code of Ordinances, City of Lenoir, North Carolina, "Streets and Sidewalks" is hereby amended to read as follows:

Chapter 18 - STREETS AND SIDEWALKS

ARTICLE I. - IN GENERAL

Sec. 18-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Review committee shall be the committee comprised of the city manager, police chief, fire chief, planning director, public works director and city engineer.~~

Street shall mean a dedicated and accepted public right-of-way for vehicular traffic, which has been improved to meet the minimum street standards and has been accepted for maintenance by the city council or the state. Streets are classified according to volume and design:

(1) Major thoroughfare means any part of a street which is used for carrying heavy volumes of traffic expeditiously within and through the city and has been designated as a major thoroughfare on the thoroughfare plan.

(2) Minor thoroughfare means a street of considerable continuity which collects traffic from other streets, such as local streets to major thoroughfares.

(3) Local street means a street whose principal function is to provide direct access to adjacent properties and higher street systems.

(4) Marginal access street means a local street that runs parallel to a major or minor thoroughfare, in order to limit private driveways having direct access to the major thoroughfare.

(5) Cul-de-sac means a short local street having one end open to traffic and the other permanently terminated by a vehicular turn around.

Storm drainage maintenance shall mean cleaning, clearing or replacing existing storm drainage facilities due to structural failures.

Technical Review Committee (TRC) is the committee comprised of the police chief, fire chief, planning director, public works director and public utilities director.

ARTICLE II. - STREETS

Sec. 18-21. - General Standardseonditions.

- (a) Access to adjacent properties. Where, in the opinion of the review committee it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn around shall be provided.
- (b) Plans required. Plans demonstrating compliance with this chapter must be reviewed and approved by the Public Works director prior to beginning construction on any improvements to existing streets or construction of new streets.
- (c) Additional width on existing streets. Properties that adjoin existing streets with no recorded right-of-way or with insufficient right-of-way width shall must dedicate additional rights-of-way necessary to meet the minimum width requirement prior to any road widening or improvement. When any part of the properties are on both sides of an existing street the entire minimum right-of-way shall be provided. When the properties are located on only one side of existing street, then one-half of the minimum right-of-way, measured from the center line of the existing street, shall be provided.
- ~~(b)~~(d) Unopened Streets (a/k/a "paper streets"). Where a plat map shows a public street, but such street has never been opened or improved, either the City or a private developer may make improvements consistent with the requirements of this Chapter the same as if it was a newly dedicated right-of-way. If the platted width of the unopened street is insufficient to meet City standards, additional right-of-way must be secured as described in (b) above.
- ~~(e)~~(e) Coordination and continuation of streets. Any proposed street layout shall be in coordination with the existing street system of the surrounding area and where possible shall be extended to meet an existing street.
- ~~(d)~~(f) Deceleration and/or acceleration lanes. Deceleration and/or acceleration lanes may be required upon review by the city and/or state department of transportation to provide for ingress and egress to adjacent proportion from major or minor thoroughfares. Such lanes shall be designed not to impede the design capacity of existing or proposed thoroughfare.
- ~~(e)~~(g) Utility relocation. Utilities requiring adjustment or relocation to conform to the city requirement (reference water and sewer specifications) shall be made at no expense to the city. Existing and/or relocated utilities may remain within the rights-of-way provided utilities do not run underneath curb and gutter or any other storm drainage facility. Any utility outside the street rights-of-way shall have an easement recorded with the county register of deeds that has been mutually agreed upon between the city engineer and/or the public works director and the developer.

Sec. 18-28. - Concrete curb and gutter constructed by petitionSpecial Assessments; Petition Required.

The City may construct, reconstruct, pave, widen, or otherwise build or improve streets, sidewalks, public utilities, and storm drainage in accordance with standards of this Chapter, and may make special assessments against benefited property, when a valid petition signed by a majority of the affected property owners in accordance with NCGS 160A-217 is received.

- (a) ~~Concrete curb and gutter shall be placed on any street upon a valid petition being received by the city council. The aforementioned petition shall be signed by at least 51 percent of property owners and at least 51 percent of the property to be curbed and guttered. The total cost of the curb and gutter shall be borne by the property owners.~~
- (b) ~~All other expenses, i.e., paving, storm sewer, etc., shall be borne by the city. The total cost of replacing items such as walls, driveways, trees, fences, etc., shall be borne by the property owner.~~

State Law reference— Similar provisions, G.S. 160A-216 and 217.

ARTICLE IV. - STORM DRAINAGE

Sec. 18-79. - Drainage structures.

On all newly constructed or reconstructed streets the contractor/developer shall be responsible for the construction of all stormwater drainage, which may include but shall not be limited to curb and gutter, catch basins and inlets, storm sewers, ~~road ditches, open channels, water retention structures and settling basins~~ vegetative swales, or structural control measures. All newly constructed or reconstructed streets shall include stormwater conveyance approved by the Public Works director and the Stormwater Administrator. ~~curb and gutter which meets the city's specifications. All cost of curb and gutter shall be the responsibility of the contractor/developer. When designing such structure, the engineer must consider that:~~

Stormwater drainage must conform to the following standards:

- (1) All drainage facilities shall be of adequate size and grade to hydraulically accommodate the anticipated flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life and property.
- (2) Earthen ditches shall have side slopes of at ~~least~~ least three feet of horizontal distance for each foot of vertical distance and be seeded or sodded as grass waterways.
- (3) All storm drainage shall be adequate so that the road may be maintained without excessive cost, and not cause flooding on private property from storm runoff of the design frequency.

Permanent drainage easements may be required. The minimum design frequency shall be as follows but may be increased at the recommendation of the ~~city engineer~~public works director:

- a. Storm sewer collector - 10 years
- b. Street cross drainage - 25 years

*All calculations concerning pipe sizing shall be submitted with design.

In areas where ditch grades or quantities of flow deem it impracticable to establish and maintain vegetation, an erosive resistant lining such as paving or rock rip rap may be required.

Subsurface drainage shall be adequately designed in order to maintain a stable subgrade.

When road crossings are within areas designated as flood hazard areas under the Federal Flood Insurance Program, ~~the design must be approved by the department of planning and the city engineer~~a Floodplain Development Permit is required and the provisions of Chapter 9 must be met.

(4) Cross pipes under streets shall be constructed of approved reinforced concrete, asphalt coated corrugated metal or aluminum.

(5) Culverts shall be of adequate size and grade to hydraulically accommodate the design frequency storm and to function properly with the overall storm sewer system. Pipes shall not be less than 15 inches in diameter. Culverts shall be of sufficient length to permit full width roadway and the required slopes. Cross drains shall be built on a straight line and grade shall be laid on a firm base, but not on rock. Pipes shall be laid with the spigot pointing in the direction of the flow and with the ends filled and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the road bed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the road bed.

Sec. 18-82. - Ditch enclosure by city.

The city may participate in enclosing private ditches in accordance with Sec. 18-28 of this Chapter. ~~will participate in enclosing private ditches on a priority basis. The city, after determining the feasibility of enclosing the ditch, will notify the property owner of its intentions. If approved, the city will participate in enclosing the private ditch by furnishing labor and equipment at no cost to the property owner to construct a catch basin or junction box. All cost of materials for the catch basin or junction box will be borne by the property owner. All materials that will be used in the ditch enclosure must be approved by the city. All material cost will be borne by the property owner and all installation of enclosure material will be the responsibility of the property owner or his contractor. Priority will be based on the following list:~~

~~1st priority—Ditch lines receiving direct discharge from a city maintained street.~~

~~2nd priority—Ditch lines receiving secondary discharge from a city maintained street. Example—A ditch line receiving water from an abutting lot which receives direct discharge from a city maintained street.~~

~~3rd priority—Side ditches on reconstructed or resurfaced streets.~~

~~4th priority—Side ditches along existing city maintained streets.~~

Secs. 18-83—18-107. - Reserved.

ARTICLE V. - DRIVEWAYS

Sec. 18-108. - Permit required.

A permit issued by the Planning Department in consultation with the Public Works Department director of public works or his designee shall be obtained for any new driveway or the widening or relocation of any existing driveway.

Sec. 18-112. - Driveway materials.

- (a) Where either concrete curb and gutter or concrete sidewalk is adjacent to a proposed drive, concrete shall be the only material used for construction of the driveway connection must be concrete, unless another acceptable hard surface (not asphalt) is approved under subsection (e), below.
- (b) ~~Asphalt or stone connections will be~~ permitted on a dirt or asphalt street when no concrete is adjacent.
- (c) Stone connections are prohibited, except when connecting to stone or dirt streets. Where stone drives are otherwise allowed, the driveway apron, all portions of the drive within the public right-of-way, and the first 15' of the drive on private property must be asphalt or concrete, in accordance with this Section.
- (d) The material standards of this subsection apply to all portions of the driveway located within 15 feet of the public right-of-way.
- (b)(e) The intent of this section is to ensure driveways do not negatively impact public safety or impede function or maintenance of public streets or sidewalks, by ensuring proper pedestrian crossings and stormwater drainage and preventing loose stone or dirt from washing into public roadways. The public works director may approve alternative driveway materials, such as pavers (including pervious pavers), open-weave concrete

blocks, brick, or other durable hard surfaces where concrete or asphalt connections would normally be required, such that the intent of this Section is achieved.

Sec. 18-113. - Driveway connection limits.

The control limits of this chapter for any driveway shall be the street right-of-way line, or the back side of a concrete walk or the back side of concrete curb and gutter, or the pavement-shoulder line, except that regulations on driveway materials apply as described in Sec. 18-112(d).

Sec. 18-117. - Joint driveways.

Joint driveways ~~will be permitted~~ are encouraged, and must if the driveway conforms to all other sections of this article.

Sec. 18-120. - Driveways Within Unopened Streets

Where a plat map shows a public street, but such street has never been opened or improved, private driveways conforming to the standards of this section may be approved within the platted right-of-way. In determining acceptable width and materials, the control limits of this Chapter will be applied to the line where city-maintained pavement meets the proposed private drive. Maintenance responsibility for private driveways falls to the property owner, and the City reserves the right to remove the driveway without compensation to the owner in order to improve the street to the standards contained in this Chapter and open the street for public use.

Secs. 18-~~120~~121—18-136. - Reserved.

ARTICLE VI. - SIDEWALKS

Sec. 18-137. - New sidewalks.

No new sidewalks shall be constructed along any street until the plans and specifications have been approved by the director of public works.

Sec. 18-138. - Concrete curb and gutter required.

No new sidewalks shall be constructed along any street until concrete curb and gutter and adequate storm drainage facilities have been installed, or adequate grass/vegetative safety separation is provided.

Sec. 18-139. - Petitions required.

The city council will act on petitions for sidewalk construction on any curb and gutter street. The petition must be signed by a majority of the property owners on both sides of the street who own a majority of the property footage, in accordance with Sec. 18-28 of this Chapter and NCGS160A-217.

Sec. 18-140. - Rights-of-way granted.

~~Rights of way shall be granted to the city by 100 percent of the property owners on the side or sides on which the sidewalk will be constructed.~~ Where insufficient width exists from the back-of-curb or edge of pavement to the property line for the required sidewalk section, additional right-of-way or easements must be granted to the City prior to start of construction or acceptance of any sidewalk for public maintenance. When a sidewalk will encroach in a state right-of-way, a three-party agreement must be executed with the NCDOT, the City, and the property owner prior to the start of construction.

Sec. 18-141. - Side selection.

On local residential streets, The the property owners or subdivider may select the side or sides on which the sidewalk or sidewalks will be constructed, provided the proper rights-of-way have been acquired.

Sec. 18-142. - Cost ~~(new — cost by developer)~~.

(a) Existing streets. The city will pay one-third of the total project cost. The property owners shall pay two-thirds of the total project cost or one-third per each side.

(a)(b) New Development. Where ever sidewalks are installed as a part of a new development, the entire cost shall be the responsibility of the developer.

Secs. 18-146—18-173. - Reserved.

ARTICLE VII. - PENALTIES

Sec. 18-174. - Penalties.

A violation of any provisions of this Chapter may subject the offender to civil and criminal penalties as stated in section 1-15 of this Code. ~~Any person who shall violate any provision within this Code, unless the ordinance specifically provides otherwise, shall be subject to a civil penalty of \$50.00, to be recovered in a civil action in the nature of a debt if not paid voluntarily within 72 hours after having been cited for said violation. Each day the violation continues to exist after original citation (72 hours) shall be considered a separate offense and shall be subject to a civil~~

penalty of \$10.00 per day to be added to the original civil penalty of \$50.00 for said violation. This provision is adopted pursuant to and in accordance with G.S. 160A-175(c) and shall not constitute a misdemeanor or infraction pursuant to G.S. 14-4.

Secs. 18-175—18-201. - Reserved.

ARTICLE VIII. - STREET NAMING, NUMBERING AND DISPLAY

Sec. 18-205. - ~~Land subdivisions~~Street Naming Standards.

- ~~(a)~~ Each subdivision submitted for approval shall not have duplicated the name of an existing street and "sound alike" street names shall be avoided when possible. In assigning names to new streets or renaming existing streets, duplication of existing names and "sound alike" names must be avoided.
- ~~(a)(b)~~ Proposed streets which are obviously in alignment with existing streets, or within 150 ft. of alignment, shall bear the name of the existing street.
- ~~(c)~~ All street designations such as street, avenue, court and quadrant designations shall be assigned by the city planning department, as follows:-
 - a. Street (St.). Any street that connects other streets.
 - b. Court (Ct.). A dead end street with a cul-de-sac.
 - c. Place (Pl.). A dead end street with no turn around area.
 - d. Avenue (Ave.). A street that is a minimum of three blocks or longer.
 - e. Drive (Dr.). A street that is generally lengthy, connecting to other streets.
 - f. Boulevard (Blvd.). A highway of four lanes or more.
 - g. Circle (Cir.). A street that connects back upon the same street without a break.
 - h. Road (Rd.). Generally, a state-maintained street that leads from the city to the county.
 - i. NW Quadrant – portions of streets located north of the centerline of Harper Avenue and West of the Centerline of Blowing Rock Blvd
 - j. NE Quadrant – portions of streets located north of the centerline of Wilkesboro Blvd and East of the Centerline of Blocking Rock Blvd.
 - k. SW Quadrant – portions of streets located south of the centerline of Harper Avenue and West of the centerline of Hickory Blvd.
 - l. SE Quadrant – portions of streets located south of the centerline of Wilkesboro Blvd and east of the centerline of Hickory Blvd.

~~(b)~~

Sec. 18-206. - Street naming procedure.

- (1) All requests for street name changes on public streets shall be submitted to the Planning Department for verification of duplicate/sound-alike names and assignment of street designations and quadrants, consistent with Sec. 18-205. Once verified, the Planning Department will forward the request for the street name change to the city council for approval.
 - (2) Names for streets created through a Major Subdivision Plat may be reviewed and approved during the review and approval of the Final Plat. Separate action by the Council to approve the street names is not required, provided the names are clearly shown on the face of the final plat and verified by the Planning Department.
 - (3) Names for private streets will be assigned in the same manner as names on public streets, except that when a private street is controlled by a single property owner, the Planning Department may assign a name consistent with 18-205 at the request of the property owner without action by City Council.
- ~~(1) Proposed street names for existing or proposed streets shall not bear the names of existing streets. Proposed streets that are in alignment or within 150 feet of alignment shall bear the name of the existing street. Existing streets not connected may bear the same name provided that preliminary subdivision plats or proposed thoroughfares indicated future connections. Designations for streets, avenues, etc., shall be given by the city as follows:~~
- ~~(1) Street (St.). Any street that connects other streets.~~
 - ~~(2) Court (Ct.). A dead end street with a cul-de-sac.~~
 - ~~(3) Place (Pl.). A dead end street with no turn around area.~~
 - ~~(4) Avenue (Ave.). A street that is a minimum of three blocks or longer.~~
 - ~~(5) Drive (Dr.). A street that is generally lengthy, connecting to other streets.~~
 - ~~(6) Boulevard (Blvd.). A highway of four lanes or more.~~
 - ~~(7) Circle (Cir.). A street that connects back upon the same street without a break.~~
 - ~~(8)(4) Road (Rd.). Generally, a state maintained street that leads from the city to the county.~~
- ~~(2) All submittals for street names shall be verified as to duplications and sound-alike names. Street designations shall be assigned by the planning department.~~

SECTION 2. Chapter 19 of the Code of Ordinances, City of Lenoir, North Carolina, "Subdivisions" is hereby amended to read as follows:

ARTICLE I. - IN GENERAL

Sec. 19-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

The definitions in Appendix A: Zoning are incorporated herein by reference and shall have the same meaning in this Chapter.

~~Subdivision means all division of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this chapter:~~

- ~~(1) The combination or recombination of portions of previously platted subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City of Lenoir as shown in its subdivision regulations;~~
- ~~(2) The division of land into parcels greater than ten acres where no street right of way dedication is involved, and all parcels have legal ingress and egress;~~
- ~~(3) The public acquisition by purchase of strips of land for the widening or opening of streets; and~~
- ~~(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality as shown in this chapter.~~

Building setback line means a line parallel to the front property line in front of which no structure shall be erected.

~~Concrete curb and gutter means the standard two feet six inches, section number 846.01 in the state department of transportation "Roadway Standards", unless otherwise approved by the department of public works.~~

Construction means work being performed in grading, building or rebuilding in widening, placing of concrete curb and gutter, surfacing or resurfacing of a street.

Cul-de-sac means a short local street having only one end open with a special provision for turning around.

~~*Deceleration and acceleration lanes* means an additional lane for ingress and egress to adjacent properties, along major and minor thoroughfares so as not to impede the normal flow of traffic.~~

Dedication means a gift, by the owner, or a right to the use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument and completed with an acceptance.

~~*Ditch line* means that part of the roadway approximately six feet wide on one or both sides of the road, graded and sloped to carry off stormwaters.~~

Easement means a grant by the property owner of a strip of land for a specific purpose and use by the public, corporation or persons.

Extra-territorial Jurisdiction (ETJ) means the defined area adjacent to the corporate limits of Lenoir in which Lenoir exercises its planning and development authority.

~~*Group developments* means a group of two or more buildings or cluster of development, where contemplated streets and lots are not subdivided in the original fashion.~~

Lot means a portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development of or both.

Lot, corner, means a lot which abuts the right-of-way of two streets at their intersection.

Lot, double frontage, means a continuous (through) lot which is accessible from both streets upon which it fronts.

Lot, record of, means a lot which is part of a subdivision, a plat of which has been recorded in the office of the county register of deeds of prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of the ordinance from which this chapter is derived.

Lot, single-tier, means a lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Lot, width of, means the width of the lot at the building setback line.

May is permissive.

Official maps or plans means any maps or plan officially adopted by the city council as a guide to the development of the city.

~~*Open space* means an area (land and/or water) generally lacking in manmade structures and reserved for enjoyment in its unaltered state.~~

Person means any individual, firm, company, association, society, corporation, or group.

~~*Planned unit development* means a design providing for the incorporation of a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common land must be an element of the plan related to effecting the longterm value of the entire development.~~

~~*Planning area* means the land located with the corporate limits of the city and within the territorial jurisdiction of the city, not to exceed one mile from the corporate limits.~~

Plat means a map or plan of a parcel of land which is to be, or has been subdivided.

Private entrances means any entrance off a public street to one or more pieces of property which does not have a right-of-way dedicated and accepted by the city council for public use.

~~*Private ditches* means any ditch which originates on private property or exists outside of an accepted right-of-way or storm drainage easement.~~

Reservation means a reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

~~*Review committee* means a committee comprised of the city manager, police chief, fire chief, planning director, chief building inspector and city engineer.~~

Right-of-way means a strip of land dedicated to a governmental entity for public use.

~~*Safe stopping sight distance* means the length of roadway that a driver can see. It is assumed that the drivers' eyes will be approximately 3.5 feet above the ground. The sight distance should be long enough to allow a driver traveling at the maximum allowed speed to stop before coming upon an observed object. This required distance is known as the stopping sight distance. It is assumed that the object being observed has a height of 0.5 feet or greater.~~

Shall is mandatory.

~~*Shoulder* means that part of the roadway between the edge of the pavement and the ditch line.~~

~~*Sight distance* means the distance a driver can see while sitting in his vehicle.~~

~~*Site plan* means an accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.~~

Streets means a dedicated and accepted public right-of-way for vehicular traffic. The following classifications shall apply to streets within the city.

- (1) *Major thoroughfare* means any part of a street which is used for carrying heavy volumes of traffic expeditiously within and through the city and has been designated as a major thoroughfare on the thoroughfare plan.
- (2) *Minor thoroughfare* means a street of considerable continuity which collects traffic from other streets, such as local streets to major thoroughfares.
- (3) *Local street* means a street whose principal function is to provide direct access to adjacent properties and higher street systems.
- (4) *Marginal access street* means a local street that runs parallel to a major or minor thoroughfare, in order to limit private driveways having direct access to the major thoroughfare, ~~where a tract of land to be subdivided adjoins a major thoroughfare, the subdivider may be required to provide a marginal access street parallel to the major thoroughfare or reverse frontage on a local street for the lots to be developed adjacent to the thoroughfare. Where reverse frontage is established, private driveways shall be prevented from having direct access to the major thoroughfare.~~
- (5) *Cul-de-sac* means a short local street having one end open to traffic and the other permanently terminated by a vehicular turn around.

Subdivider means any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision means any division of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, this definition does not include any division of land exempted from subdivision review by NCGS 160D-802(a).

Subdivision, Expedited means a minor subdivision of a tract or parcel of land in single ownership into no more than three lots, when such tract or parcel is greater than 5 acres and meets the criteria in NCGS 160D-802(c).

Subdivision, Family means a residential subdivision in the extra-territorial jurisdiction in which lots are intended to be conveyed to members of the owners' lineal family. Lineal family members only include the owners and the direct lineal descendants (children and grandchildren) and direct lineal ascendants (parents and grandparents), as well as the spouses/widows of such persons.

Subdivision, Major means any subdivision that includes dedication of new streets, changes to existing streets, or otherwise commits the expenditure of city funds, or creates more than 10 lots, and is not exempt from review. All subdivisions are presumed to be major subdivisions unless specifically exempt, expedited, or meeting the definition for minor subdivision in this ordinance.

Subdivision, Minor means a subdivision that is not exempt under NCGS 160D-802(a), or expedited under NCGS 160D-802(b), and meets the following criteria:

- (1) Involving not more than ten lots fronting on an existing public street;
- (2) Not involving any new street or easement for access to lots within the subdivision or to interior property;
- (3) Not requiring extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear;
- (4) Not adversely affecting the development of the remainder of the parcel or of adjoining property;
- (5) Creating no new or residual parcels not conforming to the requirements of these or other regulations; and
- (6) Not committing the expenditure of city funds.

Technical Review Committee means a committee comprised of the police chief, fire chief, planning director, public works director, and public utilities director, or their designees.

Sec. 19-3. - County register of deeds.

~~The city council shall have a copy of this chapter filed with the county register of deeds. The~~
register of deeds shall not thereafter file or record a plat of a subdivision located within the
municipal boundaries of the city or its ~~municipal perimeter~~Extra-territorial Jurisdiction (ETJ), as
defined, without the approval of the ~~planning board and the city council~~city as required in this
chapter. The landowner of a subdivision plat submitted for recording or his authorized agent shall
sign a statement on the plat as to whether or not any land thereon is within the jurisdiction of this
chapter as defined herein. The filing or recording of a plat of a subdivision without the approval
of the ~~planning board and city council~~city as required by this chapter shall be null and void. The
clerk of superior court of the county shall not order or direct the recording of a plat where such
recording would be in conflict with this chapter.

Sec. 19-4. - Effect of plat approval on dedications.

Pursuant to G.S. ~~160A-374~~160D-806, the approval of a plat shall not be deemed to constitute or
effect the acceptance by the city or dedication of any street or other ground, public utility line or
other facility shown on the plat. However, the city council may, by resolution, accept any
dedication made to the public of lands or facilities for streets, parks, public utility lines, or other
public purposes, when the lands or facilities are located within its subdivision regulation
jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision
regulation jurisdiction, but outside the corporate limits of the city shall not place on the city any
duty to operate, repair, or maintain any street, utility line, or other land or facility, the city shall
in no event be held to answer in any civil action or proceeding for failure to repair, or maintain
any street located outside its corporate limits.

Sec. 19-8. - ~~Public facilities~~. Exempt Subdivisions

(a) The following types of divisions of land are not subject to the regulations in this Chapter:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the city.
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the city.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

(B) Certificate of Exemption. The following certification is required to be shown on the face of the plat and signed by the subdivision administrator prior to recording when a proposal is claiming an exemption under (A)(1) or (A)(4) above:

Certificate of Exemption

I hereby certify that this division of land is exempt from the City of Lenoir Subdivision Ordinance in accordance with N.C.G.S. 160D-802(a). The resulting lots are equal to or exceed the standards of the City of Lenoir and the plat is hereby approved for recording in the office of the Caldwell County Register of Deeds within ninety (90) days of the date of this approval.

Subdivision Administrator

Date

~~In the event that a proposed park, recreation area, school, or other public or community service facility is located in whole or part within a proposed subdivision, the city council or the Caldwell County Board of Education may require the subdivider to reserve for acquisition such land for public use. If the city or board of education wishes to obtain such land, they shall have 18 months beginning on the date of final plat approval of the subdivision within which to acquire such land by purchase or by initiating condemnation proceedings. If the board of education or the city has not purchased or begun proceedings to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.~~

Sec. 19-9. - Arrangement.

Every lot must front for at least 25 feet on a public street or highway, except for attached dwellings which must meet the lot standards prescribed in the zoning ordinance for that use. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. ~~Double frontage lot shall be permitted only under peculiar circumstances. In some cases where the subdivision consists of parcels larger than ordinary building lots, such parcels shall be so arranged as to allow the opening of future streets and logical further subdivision.~~

Sec. 19-10. - Dimensions.

All ~~residential, business, or industrial~~ lots shall comply with the minimum standards as required by the zoning district and the proposed use, as applicable. ~~ordinance.~~

Sec. 19-11. - Drainage.

Lots shall be laid out so as to provide positive drainage away from all buildings and individual lots shall be coordinated with the general storm drainage pattern for the areas. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

Sec. 19-12. - Perimeter lots. Reserved.

~~(a) Residential lots which are served by a public or community water supply, but not by public or community sewerage shall be no less than 75 feet wide at the building line and no less than 15,000 square feet in area.~~

~~(b) Residential lots which are not served by a public or community water supply or sewerage, shall be not less than 90 feet wide at the building line and no less than 20,000 square feet in area.~~

Sec. 19-13. — Lots and Blocks.

- (a) *General.* All lots shall comply with the minimum standards as required by the zoning district and the proposed use. Length, width, and the shape of block shall be determined with due regard and special consideration given to the type of land use proposed within the block; limitations and opportunities of topography; and ~~zoning requirements as to lot sizes and dimensions~~adjacent street characteristics.
- (b) *Length.* Blocks shall not be less than 400 feet nor more than 1,200 feet in length, as measured from centerline to centerline; except as considered necessary to secure efficient use of land or desired features of street pattern.
- (c) *Width.* Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographic conditions, in which case a single tier of lots may be approved.
- (d) *Cul-de-sacs.* Cul-de-sacs may be no longer than 500 feet unless approved and may require additional turn rounds of suitable dimensions at intermediate locations. In general, streets with one end permanently closed shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area clearly indicate that a through street is not essential, Y - T - L may be accepted as cul-de-sac.

Sec. 19-14. - Easements.

To provide for public service poles, wires, conduits, storm or sanitary sewers, gas, water, or heat mains, or other utilities, easements not less ~~that~~than 25 feet wide, 12½ feet on either side, may be required along the lines of or across lots where necessary for storm drainage channels, surface overflow or for the extension of main sewers or similar utilities.

Sec. 19-15. - Streets.

- (a) *Access to adjacent properties.* ~~Where, in the opinion of the planning board it is necessary to provide for street access to an adjoining property, p~~Proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided.
- (b) *Additional width on existing streets.* Subdivisions that adjoin existing streets shall dedicate additional right-of-way necessary to meet the minimum width requirement. When any part of the subdivision is on both sides of existing street the entire minimum right-of-way shall be provided. When the subdivision is located on only one side of an existing street one-half of the minimum right-of-way, measured from the centerline of the existing street, shall be provided.
- (c) *Coordination and continuation of streets.* The proposed street layout within subdivision shall be in coordination with the existing street system of the surrounding area and where possible, existing ~~principle~~principal streets shall be extended.
- (d) *Dedication of half streets prohibited.* The development of half streets at the perimeter of a new subdivision is prohibited. Adequate provisions for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.
- (e) *Major thoroughfare plan.* Whenever a subdivision includes any part of a street in a major thoroughfare plan adopted by the city council such street shall be platted and dedicated in the location and width indicated on such plan.
- (f) *Marginal access streets.* Where a tract of land to be subdivided adjoins a major thoroughfare, the subdivider may be required to provide a marginal access street parallel to the major thoroughfare or reverse frontage on a local street for the lots to be developed adjacent to the thoroughfare. Where reverse frontage is established, private driveways shall be prevented from having direct access to major thoroughfare.
- (g) *Private streets and reserve strips.* Private streets or reserve strips shall be prohibited within any platted subdivision.

- (h) *Street names.* Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided. Street names shall be subject to approval of the planning department.
- (i) *Subdivision street disclosure statemen.* All streets shown on the final plat must be designed as "public" and this designation "as public" is to be conclusively presumed an offer of dedication to the public.

Sec. 19-16. - Sidewalks.

~~—(a) All new residential subdivisions that create three or more lots shall include sidewalks, to be constructed at the time of other infrastructure improvements, or prior to Certificate of Occupancy on each lot. All sidewalks must meet the standards of Chapter 18, Article VI and plans must be approved by the Public Works Director prior to construction. (see section 19-41). Stub-out sidewalk connections, easements, and other appropriate pedestrian connectivity shall be provided to adjacent commercial development, public facilities, common/open space, greenways, and adjacent developments as recommended by the Planning Board.~~

~~(a) (b) As applicable, the developer shall arrange lots and provide easements as necessary to facilitate greenway extensions and connections. The city may enter into an agreement on cost sharing of greenway improvements at the time of subdivision approval. The area encompassed by greenway easements may be used to satisfy open space requirements, when applicable.~~

(b) When site characteristics and/or traffic patterns are such that the construction of sidewalks is infeasible, unpractical, or otherwise would not result in useful pedestrian walkways, the city may allow the applicant to pay the designated cost of constructing such infrastructure into the city sidewalk fund in lieu of requiring construction of the infrastructure. In determining whether to accept a fee in lieu of construction of infrastructure, the city shall refer to any adopted plan or policy of the city for guidance. Such plans or policies include but are not limited to: City of Lenoir Comprehensive Plan, City of Lenoir Pedestrian Plan, City of Lenoir Capital Improvement Plan, other master

plans and small area plans, and other plans and policies. The developer shall provide an easement for a sidewalk even if the fee in lieu option is utilized.

Secs. 19-17—19-3360. - Reserved.

[Editor's note: The provisions formerly found in Chapter 19, Article II related to Improvements and Guarantees of Improvements have been incorporated into Article III in the proposed edits, and have been updated to reflect new statutory language for performance guarantees.]

~~ARTICLE II. IMPROVEMENTS AND GUARANTEES OF IMPROVEMENTS~~

~~Sec. 19-34. Completion of improvements.~~

~~Prior to approval of the final plat, by the city council, the subdivider shall be required to complete all improvements, and the director of public works, shall state in writing to the city council that all improvements have been installed and meet the criteria as established by the city of the city for streets, water sewer drainage, etc. The subdivider shall dedicate the same to the city free and clear of all liens and encumbrances on the property and public improvements.~~

~~Sec. 19-35. Building permits and certificates of occupancy.~~

~~Building permits may be issued upon city council approval of the preliminary plat, but a certificate of occupancy shall not be issued until all public improvements have been installed or guarantee of improvements have been received and accepted by the city council, but under no circumstances shall a certificate of occupancy be issued (under any part of this chapter) until proper water and sewer facilities have been installed and said building has been properly tapped thereto.~~

~~Sec. 19-36. Guarantee of improvements.~~

- ~~(a) The city council in its discretion may waive the requirement that the subdivider complete and dedicate all public improvements prior to the signing of the final plat and as an alternative the subdivider shall guarantee the installation of said improvements by one of the following methods:~~
- ~~(1) Performance bond. Performance bond shall be from a company authorized to do business in the state.~~
 - ~~(3) Letter of credit. A irrevocable letter of credit shall be from a recognized financial institution in the state.~~

~~(4) Escrow. Case or other instrument readily convertible into cash at face value in escrow with a recognized financial institution in the state.~~

~~(a) All of the aforementioned methods of guarantees shall be of sufficient amount to cover the entire cost of completing all required improvements as certified by the director of public works and shall be made payable and/or released in full, free and clear to the city upon failure of the subdivider to complete the required improvements. The period within which required improvements must be completed shall be specified by the city council and shall be incorporated in the method of guarantee, but shall not exceed 18 months. The city council may grant an extension up to one year upon proof of difficulty and new cost estimates sufficient to cover any increase.~~

~~Sec. 19-37. Sequential approval.~~

~~In lieu of the three methods of guarantee listed under subsection (a)(1) — (3) of this section, the city council may grant sequential approval of a proposed subdivision of land upon request of the subdivider in writing, at the same time as submittal of the preliminary plat, provided that the section seeking final approval does not exceed 25 lots or 50 percent of the total number of lots within the subdivision whichever is less and that the streets do not exceed 1,250 feet in total length. Prior to a second sequential approval for a future section of the same subdivision or continuation of the same streets, a minimum of 85 percent of all lots approved within the designated area shall have been developed and served by water and sewer (taps) and that all requirements being the responsibility of the subdivider shall have been completed.~~

~~Sec. 19-38. Water and sewer guarantees.~~

~~This section shall not apply to the extraterritorial area as defined by the official zoning boundary for the extraterritorial area).~~

~~(1) The subdivider may exercise the same question for guarantees as listed under subsection 19-36(a)(1) — (3) and section 19-37.~~

~~(5) That the total responsibility for both on and off-site easements, lift stations (where required) including the property for such lift stations be borne by the subdivider.~~

~~Sec. 19-39. Reimbursements for water and sewer.~~

~~The City of Lenoir may enter into an agreement with the developer for reimbursement of or a portion [of] water and/or sewer costs (without interest). The developer shall submit, in writing, said request to the city manager by April 1 for reimbursement during the City of Lenoir's fiscal year (July 1 thru June 30).~~

~~Reimbursements shall be based on the following criteria being submitted by the developer.~~

~~(1) Date of recording of the final plat.~~

~~(2) Number of lots on recorded plat.~~

~~(3) Copies of water and sewer costs (not including taps) and methods of payment (canceled checks, etc.).~~

~~(4) Address of structure and number of lot(s) as shown on the final plat.~~

~~(5) Building permit number and date of issue.~~

~~(6) Date certificate of occupancy issued.~~

~~(7) Water and sewer permit number and date of issue.~~

The City of Lenoir, upon receiving all required documentation, will reimburse the developer based on the following:

~~(1) Reimbursement will be made upon request during the fiscal year (not exceeding seven years from recording date of the final plat).~~

~~(2) Any amendments to the original final plat will not be considered in computing reimbursement costs.~~

~~(3) Only the original developer of said subdivision shall be paid reimbursements (unless specifically approved by the city manager).~~

~~(4) Reimbursement will be based on the minimum water and sewer rate at the time the final plat is recorded.~~

~~(5) Reimbursement shall not exceed actual investment per lot.~~

6. Reimbursement formula:	
Total water and sewer cost	\$37,500
Total lots	25
Cost per lot ($\$37,500 \div 25$)	\$1,500

Minimum monthly water and sewer rate (\$13.50) X 12 months X 8 years	\$ 1,296
Cost to be reimbursed	\$ 1,296
Cost to developer	\$ 204

~~Request for Reimbursement of Water and Sewer Construction Cost~~

I (we) _____ the developer of
 _____ Subdivision located at
 _____, respectfully request the City of Lenoir
 reimbursement said developers for _____ structures.

Reimbursement schedule requested by

Applicant/Developer/Property Owner

General information

1. Final plat recorded _____ (date)

Street Address of Structure	Bldg. Permit No. and Date of Issue	Water and Sewer Permit Number and Date of Issue	Certificate of Occupancy Issued

2. Copies of water and sewer construction cost (attached)

3. Method of payment (attached)

~~Sec. 19-40. Street participation.~~

~~The developer may request in writing to the director of public works that the city participate in the construction of streets.~~

~~Whereas the developer shall be wholly responsible for construction of streets within the subdivision where curb and gutter is not utilized, the developer may elect to negotiate with the City of Lenoir for participation of street construction where curb and gutter is provided. The developer may request, in writing, to the director of public works this participation. In such cases, it shall be the developer's responsibility to install curb and gutter, prepare the street for paving, and the city may pave the street (as specified by the City of Lenoir's Street Ordinance).~~

~~Sec. 19-41. Sidewalk participation.~~

~~When site characteristics and/or traffic patterns are such that the construction of sidewalks is infeasible, unpractical, or otherwise would not result in useful pedestrian walkways, the city may allow the applicant to pay the designated cost of constructing such infrastructure into the city sidewalk fund in lieu of requiring construction of the infrastructure. In determining whether to accept a fee in lieu of construction of infrastructure, the city shall refer to any adopted plan or policy of the city for guidance. Such plans or policies include but are not limited to: City of Lenoir Comprehensive Plan, City of Lenoir Pedestrian Plan, City of Lenoir Capital Improvement Plan, other master plans and small area plans, and other plans and policies. The developer shall provide an easement for a sidewalk even if the fee in lieu option is utilized.~~

~~Sec. 19-42. Restrictions on reimbursements for water and sewer.~~

~~The water and sewer reimbursements available under section 19-39, street construction participation under section 19-40, and sidewalk construction participation under section 19-41, shall not be available to contractors or developers that owe delinquent taxes, utility charges, or other fees to the City of Lenoir.~~

~~Secs. 19-43—19-61. Reserved.~~

ARTICLE IIII. - PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS

Sec. 19-61. Phases for Review and Approval of Major Subdivisions.

Approval of major subdivisions occurs in three phases:

- (1) Phase 1 - Preliminary Plat. A preliminary plat is reviewed and approved by the Technical Review Committee, Planning Board, and City Council, as described in this Article.

(2) Phase 2- Construction of Infrastructure. All public improvements must be constructed by the developer in accordance with city standards and the approved Preliminary Plat prior to approval of a Final Plat and the acceptance of infrastructure by the city, as described in Article III of this Chapter.

(3) Phase 3 – Final Plat. A final plat is reviewed and approved by the City Council, and infrastructure is accepted for public maintenance, as described in Article IV of this Chapter.

Sec. 19-62. – Pre-application discussion.

It is recommended prior to the filing of an application for the approval of a preliminary plat that the subdivider consult with the planning department for assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, and to assist the subdivider in planning his development.

Sec. 19-63. - Preliminary plat requirement (Phase I).

The preliminary plat shall be submitted to the ~~city planning board~~Planning Department by the Friday falling at least 20 days prior to its regularly scheduled meeting and shall include the following requirements:

- (1) Scale: Minimum of one inch = 100 feet unless otherwise approved.
- (2) Boundary of the tract showing all bearings and distances.
- (3) Northpoint.
- (4) Location of existing streets, buildings, water courses, utility easements, railroads, bridges, transmission lines, culverts, and other features that may be considered in the development such as floodplains, wooded area, etc.
- (5) Names of adjoining subdivision and/or property owners.
- (6) Contours of property five feet vertical intervals or less.
- (7) Proposed street rights-of-way, street names, lot line easements, and if applicable open space, parks or other public space.
- (8) Sketch vicinity map showing relationship between the subdivision and surrounding area.

- (9) Proposed lot lines, lot and block numbers and approximate dimensions.
- (10) Building set back lines.
- (11) General information:
 - a. Names of subdivision;
 - b. Name of owner(s);
 - c. Acreage of tract;
 - d. Total lots;
 - e. Northpoint;
 - f. Minimum lot size;
 - g. Graphic scale; and
 - h. Area of open space or other dedicated areas other than street or easements.
- (12) Base flood elevations and ~~floodway~~Special Flood Hazard Areas, as shown on the most recently adopted Flood Insurance Rate Maps.
- (13) Information related proposed method and system of water supply and sanitary sewage collection and disposal.

Sec. 19-64. — Procedure for Preliminary plat approval.

The review and approval of Preliminary Plats is considered a quasi-judicial function, and must conform to the procedures for quasi-judicial hearings prescribed in the Lenoir Zoning Ordinance (Appendix A, Article XIII, Division 3 of this Code), and more specifically as follows:

- (a) *Technical Review Committee.* Upon receiving a complete application for a Preliminary Plat, the Planning Department will forward the application materials to members of the Technical Review Committee (TRC) for review and comments. The TRC members shall review the proposed plat for compliance with relevant ordinances, and provide comments to the Planning Department and the applicant. Comments may be in the form of general information, or may state specific conditions or revisions that are required. The TRC may meet as a group to discuss proposed subdivisions, or may coordinate comments electronically. All comments and conditions will be included in the materials sent to the Planning Board and City Council by the Planning Department.

(B) Planning Board. The Planning Board provides a preliminary forum for review of major subdivisions. The Planning Board may hear citizen comments related to the permits, request that the applicant provide additional information, conduct informal preliminary discussion of the application, and make recommendations for revisions or conditions. Such recommendations must be in writing and should be based on goals and policies outlined in the Comprehensive Plan and other adopted plans. ~~The planning board shall~~ The Board must recommend to the city council that the preliminary plat be approved or disapproved within 45 days after the meeting at which it is first reviewed~~-, and~~ and schedule an evidentiary hearing before Council; or after 45 days have passed without a recommendation from the Planning Board, the planning department will set a date for an evidentiary hearing. The Planning Department will cause notice of the hearing to be served and posted as required for quasi-judicial hearings under Article VIII, Division 3. The planning board, upon a recommendation of disapproval of the preliminary plat, shall state the reasons for such action in writing and reference shall be made to specific sections of the ordinance with which the preliminary plat does not comply. ~~Approval of the preliminary plat may be waived by the planning department for minor subdivisions provided no new streets are implemented and no improvements are required to be constructed by the subdivider in accordance with the definition of a subdivision. After reviewing the preliminary plat, the planning board shall transmit the plat and its recommendations to the city council for final action.~~

(C) City Council. The City Council must hold an evidentiary hearing consistent with the Procedure prescribed by Sec. 1308-1318 of the Lenoir Zoning ordinance, and may vote to approve, approve with conditions, or deny the preliminary plat application. Reasonable and appropriate conditions and safeguards may be imposed upon preliminary plats. Conditions and safeguards imposed under this subsection shall not include requirements for which the city does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those

allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

Sec. 19-65. Special Standards for Major Subdivisions

The City Council must approve the preliminary plat, and release the same for Phase 2 construction of infrastructure, upon finding that the application, or the application with conditions, meets of all of the following standards:

- (a) *Lot Design and Layout* – The proposed lots meet all standards in Article I of this chapter and all standards for the proposed use and district prescribed by the Zoning Ordinance, and the length, width, and shape of the blocks are designed with due regard and special consideration to the type of land use proposed.
- (b) *Suitability of Land* – Land which is found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formations and other features likely to be harmful to the safety, health and general welfare of the future occupants or to the community shall not be subdivided unless adequate methods are formulated by the developer for meeting the problems created by the subdivision of such land.
- (c) *Orderly Development* – The subdivision is designed to allow for the opening of future streets and logical further subdivision of subsequent phases and adjacent parcels.
- (d) *Coordination and Continuation of Streets* – The proposed street layout is coordinated with the City's existing street system and maximizes the number of connections to the surrounding street network. Streets that abut the proposed subdivision are extended, and new street dedications must extend all the way to abutting parcels to provide for future extensions.
- (e) *Topography* – The subdivision design considers the limitations and opportunities of the existing topography and minimizes the need for excessive grading or site walls.
- (f) *Access Management* – Where a tract of land to be subdivided adjoins a major thoroughfare, the subdivision design manages access by establishing reverse frontage lots, marginal access streets, or other designs that limit private driveway connections on the major thoroughfare.
- (g) *Pedestrian Connectivity* – Lots are arranged to facilitate greenway and sidewalk connections in accordance with the adopted Pedestrian Plan and Bicycle Plan and pedestrian connections

to adjacent public facilities, common/open space, greenways, and adjacent developments are provided.

(h) Adequate Public Facilities – Adequate public facilities exist to serve the proposed subdivision, or will be developed upon approval of the preliminary plat.

~~Sec. 19-65. – Sedimentation control plan.~~

~~An erosion and sedimentation control plan must be submitted by the subdivider to the state department of natural and economic resources, land quality section for approval if the tract or contiguous tracts proposed for development are one acre (43,560 square feet) or more in total surface area. The plan must define how accelerated erosion and sediment will be controlled during construction activity and how the disturbed area will be stabilized and maintained after construction is completed. A letter confirming approval of the plan must be received by the planning department from the state prior to submission of the final plat to the planning board and city council.~~

~~Sec. 19-66. – Water and sewage systems.~~

~~The preliminary subdivision plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal. The city shall reserve the right of construction or approve bids taken by the subdivider for all water and sewage mains within its corporate limits. Outside the municipal boundaries of the city and within the municipal perimeter the regulations governing the construction of water and sewer systems or individual facilities shall be under the direction of the county water department and/or the county health department.~~

~~Sec. 19-6765—19-8684. Reserved~~

ARTICLE III. – PUBLIC IMPROVEMENTS AND GUARANTEES OF IMPROVEMENTS

[Editor's note: The rules contained in this Article were previously found in Secs. 19-34 through 19-42, Sec. 19-39 through 19-40, and Sec. 19-87. The provisions in previous Sec. 19-

88 through Sec. 19-116 have been deleted as they are located in the Streets chapter of the Lenoir Code of Ordinances.]

Sec. 19-85. - Completion of improvements.

Prior to approval of the final plat by the city council, the subdivider shall be required to complete all public improvements, and the director of public works shall state in writing to the city council that all improvements have been installed and meet the criteria as established by the city of the city for streets, water sewer drainage, etc. The subdivider shall dedicate the same to the city free and clear of all liens and encumbrances on the property and public improvements.

Sec. 19-86. - Building permits and certificates of occupancy.

Building permits may be issued upon city council approval of the preliminary plat, but a certificate of occupancy shall not be issued until all public improvements have been installed or guarantee of improvements have been received and accepted by the city council, but under no circumstances shall a certificate of occupancy be issued (under any part of this chapter) until proper water and sewer facilities have been installed and said building has been properly tapped thereto.

Sec. 19-87. - Construction Plans Required.

(a) Upon approval of the preliminary plat by the city council, and prior to beginning construction of any infrastructure, the subdivider must submit construction plans for streets, sidewalks, utility (water and sewer) drainage etc., as may be deemed necessary by the director of public works or the director of public utilities. Construction plans shall contain such data as to determine readily on the ground the length of every structure, crosswalk line, radius, cure data for street right-of-way, location and type of all monuments.

(b) It is advised that subdivider consult with the public works and public utilities department for assistance, prior to submittal of construction drawings.

(c) The following are requirements (where applicable) needed to complete phase II (construction drawings) design requirements:

(1) Streets;

(2) Storm drainage;

(3) Drainage;

(4) Sidewalks; and

(5) Water and sewer systems.

(d) All streets, sidewalks, storm drainage, and water and sewer systems must be designed in accordance with the standards of the Code of Ordinances, including but not limited to Chapter 18 Streets and Sidewalks, Chapter 21 Water and Sewer, Appendix A Zoning, and Appendix C Phase II Stormwater, and be consistent with the layout approved through the Preliminary Plat.

(e) An erosion and sedimentation control plan must be submitted by the subdivider to the state department of environmental quality for approval if the tract or contiguous tracts proposed for development are one acre (43,560 square feet) or more in total surface area. The plan must define how accelerated erosion and sediment will be controlled during construction activity and how the disturbed area will be stabilized and maintained after construction is completed.

Sec. 19-88. - Guarantee of improvements.

(a) The city council in its discretion may waive the requirement that the subdivider complete and dedicate all public improvements prior to the signing of the final plat and as an alternative the subdivider shall guarantee the installation of said improvements by one of the following methods:

(1) Surety bond issued by any company authorized to do business in this State.

(2) Letter of credit issued by any financial institution licensed to do business in this State.

(3) Other form of guarantee that provides equivalent security to a surety bond or letter of credit with a recognized financial institution in the state.

(b) Timing. -- Performance guarantees must be posted prior to signing of the final plat.

(c) The duration, extension, release, amount, coverage, and legal responsibilities of the guarantee, and the option to post one type of guarantee in lieu of multiple securities of the guarantee, shall be as prescribed in G.S. 160D-804.1(1-6).

Sec. 19-89. - Sequential approval.

In lieu of the three methods of guarantee listed under subsection (a)(1)—(3) above, the city council may grant sequential approval of a proposed subdivision of land upon request of the

subdivider in writing, at the same time as submittal of the preliminary plat, provided that the section seeking final approval does not exceed 25 lots or 50 percent of the total number of lots within the subdivision whichever is less and that the streets do not exceed 1,250 feet in total length. Prior to a second sequential approval for a future section of the same subdivision or continuation of the same streets, a minimum of 85 percent of all lots approved within the designated area shall have been developed and served by water and sewer (taps) and that all requirements being the responsibility of the subdivider shall have been completed.

Sec. 19-90. - Water and sewer guarantees.

This section shall not apply to the subdivisions within the City's extra-territorial jurisdiction.

- (1) The subdivider may exercise the same question for guarantees as listed under subsection 19-88(a)(1)—(3) and section 19-89.
- (2) That the total responsibility for both on and off site easements, lift stations (where required) including the property for such lift stations be borne by the subdivider.

Sec. 19-91. – City Participation

Pursuant to NCGS Chapter 160D, Article 10, the City of Lenoir may enter into an agreement with the developer for participation in street paving or for reimbursement of a portion of water and/or sewer costs (without interest). Requests for City participation must be made in writing to the Planning Department, and may be considered concurrently with preliminary plat approval or at any time prior to the approval and recording of the Final Plat. A legislative public hearing to consider the agreement must be held in accordance with NCGS160D-1005. No expenditures of city funds related to construction or reimbursements shall be made until an agreement has been approved by the City Council.

Sec. 19-92. – Reimbursements for Water and Sewer

Agreements for the reimbursement of water and sewer expenses will be based on the minimum water and sewer rate at the time the final plat is recorded, unless an alternative method of calculation is approved by the City Council. Reimbursements are generally paid out on a per-lot basis, following issuance of a certificate of occupancy. Reimbursements shall not exceed eight

years of minimum monthly rates (minimum monthly water and sewer rate multiplied by 12 months multiplied by 8 years) or the actual investment per lot (total cost of water and sewer installation, excluding taps, divided by the total number of lots on the recorded plat), whichever is less.

Where the City has entered into an agreement for reimbursements, the developer must submit copies of water and sewer cost, proof of payment (canceled checks), and any other information required by the approved agreement to the Planning Department by April 1 for reimbursement during the City's next fiscal year (July 1 through June 30).

Unless otherwise approved by the City Council, reimbursements will be paid only to the original developer and all reimbursement requests must be made within 7 years of the date of recording of the final plat. Amendments to the original final plat will not be considered in computing reimbursement costs unless the agreement is also amended.

Sec. 19-93. – Street Participation

When an agreement to participate in street construction is approved by the City Council, the Developer shall be responsible for installing all required curb and gutter and sidewalks, and preparing the street for paving. The City may pave the street or may provide the final asphalt cap, as provided in the approved agreement.

Sec. 19-94 – 19-136. -Reserved.

~~ARTICLE IV. — CONSTRUCTION STREET, UTILITY AND ENGINEERING REQUIREMENTS~~

~~Sec. 19-87. — General.~~

~~(a) Upon approval of the preliminary plat by the city council, the subdivider shall be required to submit construction plans for streets, utility (water and sewer) drainage etc., as may be deemed necessary by the director of public works. Construction plans shall contain such data as to determine readily on the ground the length of every structure, crosswalk line, radius, curve data for street right of way, location and type of all monuments.~~

~~(b) It is advised that subdivider consult with the director and public works for assistance, prior to submittal of construction drawings.~~

~~(e) The following are requirements (where applicable) needed to complete phase II (construction drawings) design requirements:~~

- ~~(1) Streets;~~
- ~~(2) Storm drainage;~~
- ~~(3) Drainage;~~
- ~~(4) Sidewalks; and~~
- ~~(5) Water and sewer systems.~~

~~Sec. 19-88. Right of way.~~

~~A right of way shall be granted to and accepted by the city council for public use before any construction, reconstruction, surfacing or resurfacing shall be done. The following shall be considered the minimum unless otherwise approved by the city council.~~

Type of Street	Minimum Required Rights of way.	
	Within Corporate Limits	Perimeter
Major thoroughfare	*As required	As required under the state department of transportation
Minor thoroughfare or collector	50	Subdivision roadways minimum construction
Local	40	Standards January 7, 1979 or as amended
Cul-de-sac	40 radius (turn around diameter 80 feet)	
* Lenoir Hudson Thoroughfare Plan		
* Assuming wet condition		

~~Sec. 19-89. Sight distance.~~

~~Sight distance probably is the most important individual design feature with respect to highway safety. The available sight distance determines how much of the highway the driver can see, and determines how much information he receives on the conditions ahead. The sight distance he needs should be related to the content of what he sees, or needs to see, because more complicated information requires more time to understand and act upon. The sight distance may be limited by the profile of the highway, the horizontal curvature, or by the cross section of the highway; perhaps by all three elements.~~

~~(1) The AASHO sight distance basis is widely used. It has three main features:~~

- ~~a. Sight distance at every point along the highway should be as long as possible under the total conditions;~~
- ~~b. At every point on any highway there should be sign distance at least equal to the minimum safe stopping sight distance for a governing speed; and~~
- ~~c. On two lane, two-way highways there should be some sections with longer sight distance as needed for passing.~~

~~The second of these is a design control for all highways and is most important.~~

~~(2) The safe stopping sight distance (SSD) is derived as the sum of the distance traveled during a 2.5 second perception reaction time and the distance traveled while braking from the assumed travel speed to a stop, using values for wet pavements and poor tire treads. SSD is measured from the typical passenger car eye height of 3.5 feet above the pavement surface to a 0.5 foot high object on the pavement. The object is considered to be some rock, box, animal or etc., large enough to be perceived and likely to require a stop. The stopping sight distance (SSD) shall be calculated using:~~

SSD	=	<u>1.47(2.5)(MPH)</u>	+	$\frac{(\text{MPH})^2}{30(f+g)}$
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	=	$3.675(\text{MPH})$	+	$\frac{(\text{MPH})^2}{30(f+g)}$
SSD	=	stopping sight distance (feet)		
MPH	=	miles per hour (miles/hour)		
f	=	coefficient of skidding friction (dimensionless)		
g	=	grade of street in decimal. It is negative if roadway is downhill approaching intersection.		

Coefficients of Sliding Friction	
(MPH)	(feet.)
20	.40
25	.38
30	.35
35	.34
40	.32
45	.31
50	.30
55	.30

~~When grades are relatively flat the safe stopping distance can be applied as follows:~~

Safe Stopping Sight	
(MPH)	(SSD FEET)
20	<u>125</u>
25	150
30	200
35	250
40	300
45	375
50	450
55	525

~~Note — When intersections are built on grades greater than four percent then the safe stopping distance must be calculated rather than using the table. The safe stopping sight distance shall be calculated using the maximum negative grade of traffic approaching the intersection.~~



The g factor in the formula would be ~~.07~~ for calculating purposes.

~~Sec. 19-90. Safe stopping sight distance for trucks.~~

~~Trucks.~~ The actual stopping distance required for trucks (including distance traveled during perception-reaction) for a given speed may vary from 1.5 to two times that needed for passenger cars. A guide to tailor the design of a highway to accommodate truck operations is as follows:

Initial Speed of Truck (MPH)	Minimum Sight Distance Required (feet)
30 mph or less	1.5 times SSD of Pass. Car.
40 mph	1.625 times SSD of Pass. Car.
50 mph	1.75 times SSD of Pass. Car.

~~Sec. 19-91. Vertical grades.~~

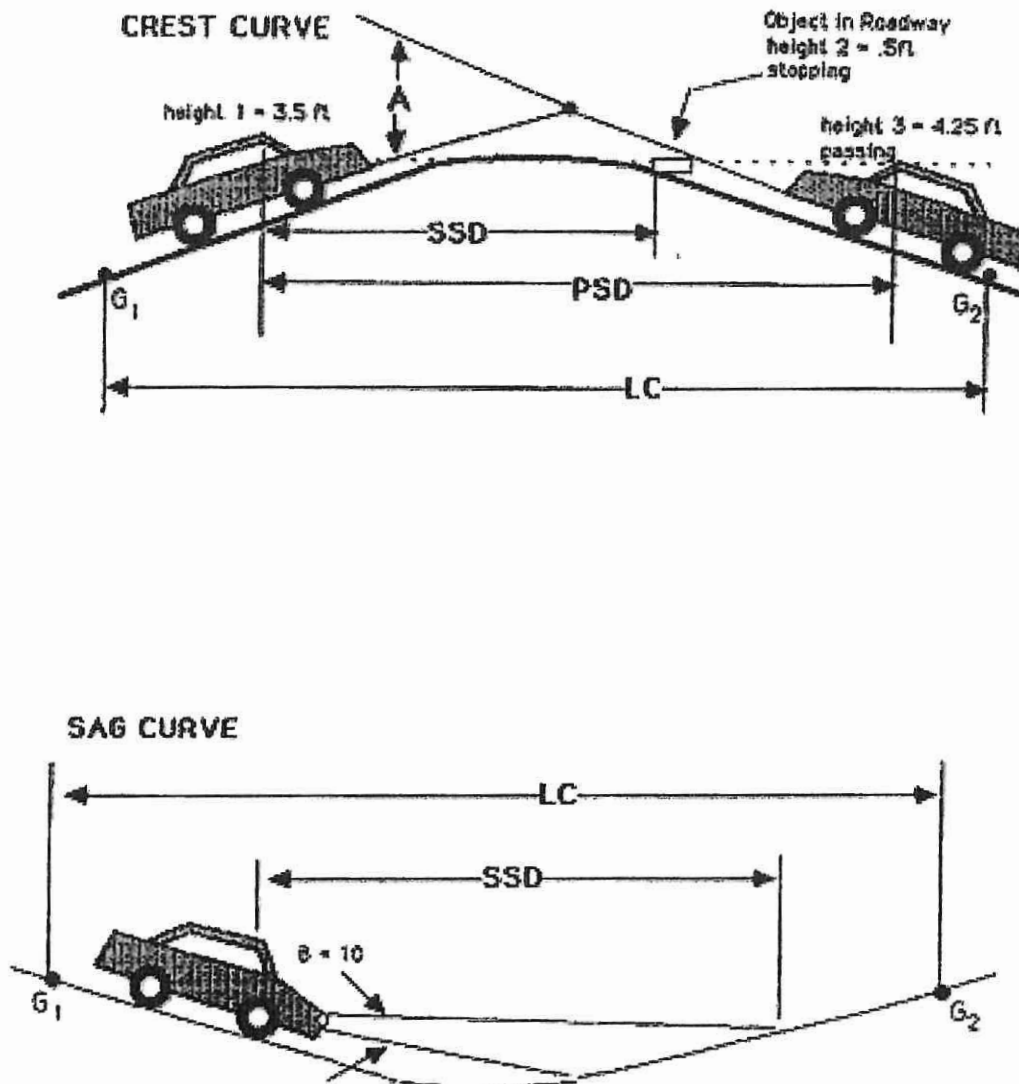
(a) ~~Maximum grades.~~ Unless necessitated by exceptional topography and subject to approval by the city engineer street grades shall not be greater than:

Cul-de-sac	3 percent
Intersections (50 foot approach area)	4 percent
Major and Minor Thoroughfares	7 percent
Marginal Access Streets	12 percent
Local Streets	12 percent

(b) ~~Minimum grades.~~ Grades less than five percent shall not be used unless reviewed individually by the city engineer to determine potential maintenance problems.

~~Sec. 19-92. Vertical curves.~~

~~All vertical curves shall meet the sight distance criteria once the sight distance is determined using the appropriate formula or chart. The vertical curve length can be calculated using the following~~
riteria:-



Crest Vertical Curves: ~~The design criteria of crest vertical curves shall be based on safe stopping sight distance. This design format is satisfactory from the standpoint of safety comfort, and appearance. An exception may be at decision areas, such as ramp exits, where longer lengths are necessary.~~

The basic formula for the length of crest vertical curve is:

$$L = KA$$

L = Length of vertical curve (ft.)

K = Rate of vertical curvature (no units)

A = Algebraic difference in grades (percent)

Ex. (10% - 5% = 5%)

Values of K can be found in the following table:

Design Controls for Crest Vertical Curves Based on SSD					
				Rate of Vertical Curvature, K (length (feet) per percent of A)	
Design Speed (mph)	Assumed Speed — for Condition (mph)	Coefficient of Friction f	Stopping Sight Distance Rounded — for Design (feet)	Computed ^a	Rounded for Design
20	20-20	0.40	125-125	8.6-8.6	10-10
25	24-25	0.38	150-150	14.4-16.1	20-20
30	28-30	0.35	200-200	23.7-28.8	30-30
35	32-35	0.34	225-250	35.7-46.4	40-50
40	36-40	0.32	275-325	53.6-73.9	60-80
45	40-45	0.31	325-400	76.4-110.2	80-120
50	44-50	0.30	400-475	106.6-160.0	100-160

Design Controls for Crest Vertical Curves Based on SSD					
				Rate of Vertical Curvature, K (length (feet) per percent of A)	
Design Speed (mph)	Assumed Speed — for Condition (mph)	Coefficient of Friction f	Stopping Sight Distance Rounded — for Design (feet)	Computed ^a	Rounded for Design
^a Using computed values of stopping sight distance.					

Sec. 19-93. — Horizontal curves and super elevation.

(a) — All horizontal curves shall be designed to simultaneously meet or exceed the required stopping sight distance while maintaining proper clearance from a roadside obstruction. The safe stopping sight distance used shall be as follows:

DESIGN SPEED	SAFE ————— STOPPING SIGHT DISTANCE
20	<u>125</u>
25	150
30	200
35	250
40	300
45	375

50	450
55	525

In the analysis the safe stopping sight distance and the length along the curve shall be considered the same.

(b) When designing horizontal curves the cross section of the roadway plays an important factor in the safety and comfort of the vehicle. Curb and gutter streets which appear to be flat are super-elevated in order to accommodate drainage. The centerline of the road to the gutter line experiences a plus four percent grade depending on the direction of the traffic. Therefore the outside lane of a curve section shall dictate the minimum radii.

(c) The following charts shall be used to determine the maximum allowable super elevation and the minimum allowable radius of curvature.

SUPER ELEVATIONS		
Type of Street	Max. Super elevation	Min. Super elevation
Major thoroughfare	0.06 foot/foot	0
Major thoroughfare	0.06 foot/foot	0
Local street	0.04 foot/foot	0
Marginal access street	0.04 foot/foot	0
MINIMUM RADII OF CURVATURE		
Curb and gutter streets with normal four percent crown		
SPEED (MPH)	MINIMUM RADII (FEET)	

20	205
25	320
30	460
35	625
40	820
45	1035

Non-curb and gutter streets with two (two percent) crown	
SPEED (MPH)	MINIMUM RADII (FEET)
20	175
25	275
30	400
35	545
40	710
45	900

(e) ~~Horizontal curves utilizing super elevation shall be design using AASHTO guidelines and sound engineering principles. All designs shall be accompanied with supporting data for the design.~~

Sec. 19-94. ~~Street intersections.~~

~~Street intersections shall be laid out as follows:~~

~~(1) Sight distance shall be determined by the safe stopping sight distance of the approaching traffic.~~

~~(2) All streets should intersect as nearly as possible at 90 degrees, and no street shall intersect at less than 75 degrees unless by variance from the city engineer and only under extreme conditions.~~

~~(3) Property line radii at street intersections shall not be less than 20 feet and where the angle of intersection is less than 75 degrees a greater radius shall be required by the city engineer.~~

~~(4) Intersections on thoroughfares shall be at least 1,000 feet apart measured from centerline to centerline.~~

~~(5) Street intersections shall not be less than 150 feet apart measured from centerline to centerline.~~

~~Sec. 19-95. Minimum street cross sections.~~

~~The requirements for minimum street cross sections are as follows:~~

~~(1) Concrete curb and gutter 27 feet back to back of curb.~~

~~(2) Paved streets 18 feet shoulder to shoulder.~~

~~(3) Four foot shoulders in cuts.~~

~~(4) Six foot shoulders on fill.~~

~~(5) One foot vertical to one and one half horizontal slope on banks which have been cut.~~

~~(6) One foot vertical to two feet horizontal slope on banks which have been filled.~~

~~(7) Twenty foot minimum curb radius at intersections.~~

~~Sec. 19-96. Pavement widths.~~

~~The requirement for pavement widths shall be as shown in the following table:~~

<u>TYPE OF STREET</u>	<u>PAVEMENT WITH CURB AND GUTTER</u>	<u>PAVEMENT WITHOUT CURB AND GUTTER</u>	<u>PERIMETER</u>

Major thoroughfare	As required*	As required	As required under the department of transportation
Minor thoroughfare collector	37 feet ** Back-to-Back-of-Curb (BBC)	24 feet	Subdivision Roadways Minimum Construction Standards, January 7, 1977, as amended.
Local	27 feet (BBC)	18 feet	18 feet
Marginal access street	27 feet (BBC)	18 feet	
Cul-de-sac	37 feet Radius 74 feet Diameter (BBC)	35 feet Radius 70 feet Diameter	

*Lenoir-Hudson-Thoroughfare Plan adopted September 1987.

** (BBC) Measured from back to back of curb.

~~Sec. 19-97. Pavement designs.~~

~~Shown below are minimum thicknesses of base and surface course to be used. Design should be chosen from Group 1 or Group 2 depending on subgrade soil type:~~

~~GROUP 1~~

Good to Excellent Subgrade Soil Types	Base Course	Pavement
---	-------------	----------

A 1 a, A 1 b, A 3 A 2 4, A 2 5, A 2 6, A 2	7 inches STBC, Type A or C 9 inches STBC, Type A or C	2 inches SA or I 2 1½ inch SA or I 2
	8 inches ABC or STBC, Type B	BST, 1 inch SA or I 2
	6 inches ABC or STBC, Type B	1½ inches SA or I 2
	3 inches BCBC, Type HB	1 inch SA or I 2
		5 inches Plain Concrete

GROUP II

Poor to Fair Subgrade Soil Types		
A 4, A 5, A 6, A 7 5, A 7 6	9 inches STBC, Type A or C	2 inches SA or I 2
	8 inches ABC or STBS, Type B	1½ inches or SA or I 2
	10 inches ABC or STBC, Type B	BST, 1 inch SA or I 2
	4 inches BCBS, Type HB	1½ inches SA or I 2
	3 inches BCBC, Type HB	2 inches SA or I 2
		6 inches Plain Concrete

~~Any other pavement design must be reviewed by the city engineer on an individual basis and approval will be based upon sound engineering principles.~~

~~NOTE: Subgrade—No base course shall be placed on muck, pipe clay, organic matter or other unsuitable material. The city engineer may require a subgrade soils test, if needed, to determine the soil classification type.~~

~~ABC—Aggregate Base Course, No. 7 stone~~

~~STBC—Soil Type Base Course~~

~~BST—Bituminous Surface Treatment~~

~~SA—Bituminous Concrete Surface Course, Type F-1 (Sand Asphalt)~~

~~I-2—Bituminous Concrete Surface Course, Type I-2~~

~~BCBC—Bituminous Concrete Base Course, Type HB (Black Base)~~

~~Other base course such as various cement-treated materials may be used in lieu of those shown above. These materials shall be of sufficient thickness to provide equivalent strength. However, any design other than those shown above must also be approved prior to use by the city engineer.~~

~~All materials shall meet the requirements set forth in the latest edition of the North Carolina Standard Specifications for Roads and Structures.~~

~~Sec. 19-98.—Drainage structure.~~

~~(a) On all streets with 40 to 60 feet rights of way, the subdivider shall construct stormwater drainage facilities, which may include curbs and gutters, catchbasins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins as required to adequately serve the subdivision.~~

~~(b) All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes (100-year flood) of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life and property.~~

~~(c) On all newly constructed or reconstructed streets the contractor shall be responsible for the construction of all stormwater drainage which may include but shall not be limited to curb and~~

~~gutter, catchbasins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins. When designing such structure the engineer must consider that:~~

~~(1) All drainage facilities shall be adequate size and grade to hydraulically accommodate the anticipated flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life and property.~~

~~(2) Earthen ditches shall have side slopes of at least three feet of horizontal distance for each foot of vertical distance and be seeded or sodded as grass waterways.~~

~~(3) All storm drainage shall be adequate so that the road may be maintained without excessive cost, and not cause flooding on private property from storm runoff of the design frequency. Permanent drainage easements may be required. The minimum design frequency shall be as follows but may be increased at the recommendation of the city engineer:~~

~~a. Storm sewer collector—10 years~~

~~b. Street cross drainage—25 years~~

~~*All calculations concerning pipe sizing shall be submitted with design.~~

~~(d) In areas where ditch grades or quantities of flow deem it impracticable to establish and maintain vegetation, an erosive resistant lining such as paving or rock rip rap may be required.~~

~~(e) Subsurface drainage shall be adequately designed in order to maintain a stable subgrade.~~

~~(f) When road crossings are within areas designated as flood hazard areas under the federal flood insurance program, the design must be approved by the department of planning and the city engineer.~~

~~(g) Cross pipes under streets shall be constructed of approved reinforced concrete or asphalt coated corrugated metal or aluminum.~~

~~(h) Culverts shall be provided to accommodate all natural water flow and shall be sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by the department of public works, but in no case shall be less than 15 inches. Cross drains shall be built on straight line and grade shall be laid on a firm base, but not on rock. Pipes shall be laid with the spigot pointing in the direction of the flow and with the ends filled and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the road bed to avoid dangerous pressure of impact, and in no case shall~~

the top of the pipe be less than one foot below the road bed and constructed of reinforced concrete or asphalt-coated corrugated metal.

~~(i) Storm sewers, drains and structures shall be installed by the subdivider of a size and type, and location as required by the city engineer. The minimum size of storm drains shall be 15 inches in diameter. The design frequency for storm sewer collectors shall be ten years with cross street frequency at 25 years storm. Storm drains carrying water from street rights-of-way shall be placed along lot lines where feasible and shall extend for a distance for 35 feet minimum back of the building line. All off-street storm drains or extensions shall be installed initially by the subdivider or the responsibilities thereafter shall be transferred to the purchaser through the instrument of property transfer, which responsibility shall be clearly indicated on the final plat.~~

~~Sec. 19-99. Private ditches.~~

~~Any ditch which originates on private property or exist outside of an accepted right-of-way or storm drainage easement shall be considered private. It shall be the responsibility of the property owner to keep the ditch clear of all obstructions which could impede the natural flow of stormwater runoff. The city will not participate in the construction or maintenance of a private ditch.~~

~~Sec. 19-100. Ditch enclosure by owner.~~

~~Plans and specifications shall be approved by the city engineer on all ditch enclosure projects planned by the owner. No approval will be required by the property owner who plans to enclose a private ditch unless the closure has a direct effect on existing city maintained structures.~~

~~Sec. 19-101. Ditch enclosure by the city.~~

~~The city will participate in enclosing of ditches on a priority basis. The city after determining the feasibility of enclosing the ditch will notify the property owner of its intentions. If approved, the city will participate in enclosing the ditch by furnishing labor and equipment at no cost to the property owner. All material that will be used in enclosing the ditch must be approved by the city engineer. All material cost will be borne by the property owner. Priority will be based on the following list:~~

~~1st priority—Ditch lines receiving direct discharge from a city maintained street.~~

~~2nd priority—Ditch lines receiving secondary discharge from a city maintained street.~~

~~Example—A ditch line receiving water from an abutting lot which receives direct discharge from a city maintained street.~~

~~3rd priority—Side ditches on reconstructed or resurfaced streets.~~

~~4th priority—Side ditches along existing city maintained streets.~~

~~Sec. 19-102. Residential driveways.~~

~~Only two driveways shall be permitted for any one residence. Any one driveway shall not exceed 30 feet in width at the curbline or pavement shoulder line. Any two driveways to any one piece or property shall be separated by at least 30 feet. Not more than 50 percent of any one side of any residential lot may be used for driveways.~~

~~Sec. 19-103. Commercial, industrial, and institutional driveways.~~

~~(a) Only two driveways shall be permitted on any one side and not more than a total of three driveways on two sides to any commercial, industrial, or institutional property.~~

~~(b) Each driveway shall be limited to a total width of 36 feet at the curbline or shoulder-pavement line.~~

~~(c) Any two driveways to any one piece of property shall be separated by at least 30 feet.~~

~~(d) Not more than 50 percent of any one side shall be used for driveways.~~

~~(e) The above category (driveways) must also be approved by the state department of transportation when on a state maintained road.~~

~~(f) Deceleration and acceleration lanes may be required and improved by the developing parties at driveways, utilizing standards developed by the state department of transportation.~~

~~Sec. 19-104. Driveway materials.~~

~~(a) Where either concrete curb and gutter or concrete sidewalk is adjacent to a proposed drive, concrete shall be the only material used for construction of the driveway connection.~~

~~(b) Asphalt or stone connections will be permitted on a dirt or asphalt street when no concrete is adjacent.~~

~~Sec. 19-105. Driveway connection limits.~~

~~The control limits of this chapter for any driveway shall be the street right of way line, or the back side of a concrete walk and the back side of concrete curb and gutter, or the pavement shoulder line.~~

~~Sec. 19-106. Concrete curb cuts.~~

~~A concrete driveway must be planned and a driveway permit secured before any concrete shall be cut or any construction shall commence.~~

~~Sec. 19-107. Owner responsibility.~~

~~(a) It shall be the responsibility of the property owner to bear the cost to construct or maintain any private driveway from the street right of way line to the back of the curb or the pavement shoulder line. The above includes the area across any concrete sidewalk.~~

~~(b) When any private driveway becomes a hazard to the safety of pedestrians using a concrete walk, the owner shall be notified and corrective action shall be taken within a 30 day period.~~

~~Sec. 19-108. Driveways at intersections.~~

~~No driveway shall be permitted to extend into the curved portion of any concrete curb radius or beyond the back edge of any intersecting sidewalk. No driveway edge shall extend closer than 25 feet from the back of the curbline of the intersecting street.~~

~~Sec. 19-109. Joint driveways.~~

~~(a) Joint driveways will be permitted if the driveway conforms to all other sections of this article.~~

~~(b) No driveway edge shall be constructed closer than 15 feet to any fire hydrant. Fire hydrants will be moved at owner's cost.~~

~~Sec. 19-110. Driveways near fire hydrants.~~

~~No driveway edge shall be constructed closer than 15 feet to any fire hydrant. Fire hydrants will be moved at owner's cost.~~

~~Sec. 19-111. —Dropped curb or radius type driveway.~~

- ~~(a) Either the dropped curb or radius type driveway will be permitted.~~
- ~~(b) The radius type shall not be extended through any concrete sidewalk.~~
- ~~(c) The radius type shall also conform to all state regulations to accommodate handicapped people.~~

~~Sec. 19-112. —New sidewalks.~~

~~No new sidewalks shall be constructed along any street until the plans and specifications have been approved by the city engineer.~~

~~Sec. 19-113. —Concrete curb and gutter required.~~

~~All newly constructed or reconstructed streets shall include curb and gutter which meets the city's specifications. All costs of curb and gutter shall be the responsibility of the contractor/developer.~~

~~Sec. 19-114. —Materials and specifications.~~

~~All new sidewalk material shall be class B concrete. The minimum width shall be five feet with a marking joint each five feet and an expansion joint with one half inch expansion joint materials placed each 40 feet. Additional expansion joint may be used in every place where the walk joins curb and gutter, walls, buildings, fire hydrants, poles, etc.~~

~~Sec. 19-115. —Sidewalk and damage replacement.~~

~~All sidewalk damage which occurs during the construction of a building or additional work being done to an existing building or where property is being developed shall be corrected by replacing the damaged walk with new concrete at the property owner's expense.~~

~~Sec. 19-116. —Water and sewage systems.~~

~~(a) Water and sewer construction drawings shall be submitted to the director of public utilities showing the proposed water supply, and sewage collection system specifically showing:~~

~~(1) Water:~~

~~1. Location;~~

~~2. Fire hydrants;~~

~~3. Taps; and~~

~~4. Size of line.~~

~~(2) Sewer:~~

~~1. Location;~~

~~2. Profiles;~~

~~3. Taps; and~~

~~4. Size of line.~~

~~(b) When utilities are located outside of dedicated rights of way easements shall be designated having a minimum width of 25 feet, 12½ feet on center.~~

~~(c) The city shall reserve the right of construction or approve bids taken by the subdivider for all water and sewage mains within its corporate limits. Outside the municipal boundaries of the city and within the municipal perimeter the regulations governing the construction of water and sewer systems or individual facilities shall be under the direction of the county water department and/or the county health department.~~

Secs. 19-11791—19-136. - Reserved.

ARTICLE IV. - FINAL PLAT

Sec. 19-138. - Final plat approval.

(a) When the requirements of the preliminary plat construction drawings and sedimentation control plan have been satisfactorily fulfilled, the subdivider may submit a final subdivision plat for review and approval by the City Council. ~~the review of the planning board.~~

(b) The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this chapter.

(c) ~~Four~~ A full-size, to-scale paper copy and a digital copy of copies of the final plat shall be submitted to the Planning Department. Upon determination that the final plat is consistent with the preliminary plat and all infrastructure has been satisfactorily constructed and approved, the Planning Department will place the final plat on the next available regularly scheduled Council meeting. The review of the final plat is an administrative function of Council. Any documents related to the dedication of public infrastructure or facilities must also accompany the final plat and be accepted/approved by the City Council planning department by the Friday falling at least 20 days prior to the board meeting at which it is to be reviewed.

(d) If a developer is requesting City participation or reimbursement for costs related to the construction of streets, sidewalks, or public utilities, a Developer's Agreement is required and must be approved through a Legislative public hearing.

~~(d) After reviewing the final plat and all requirements satisfactorily completed, the board shall transmit the final plat and its recommendations to the city council for final action. Failure of the board to act on a final plat within 45 days after the meeting at which it is first reviewed, shall result in the plat being forwarded to the council for consideration.~~

(e) The approval of the final plat by the council shall be conditional until said plat is recorded in the office of the county register of deeds and receipt of such record is presented to the planning department.

~~FINAL PLAT CHECK LIST~~

Date _____ Application No.: _____

Subdivision _____

Owner's Name _____

Address _____

Telephone _____

~~The following symbols are used in reviewing the preliminary plat.~~

✓ Compliance.

X Non-compliance.

NA Not applicable.

~~___ Submitted within 18 months of preliminary plat approval.~~

~~___ Conforms to preliminary plat and incorporates suggested changes.~~

~~___ Name of subdivision.~~

~~___ Names of owner.~~

~~___ Name of surveyor and/or engineer who prepared the final plat.~~

~~___ Plat drawn at a minimum scale of one hundred feet to the inch.~~

~~___ Northpoint, graphic scale, and date.~~

~~___ Drawn in ink on material suitable for reproduction 18" X 24" in size.~~

~~___ Sketch vicinity map.~~

~~___ Index sheet (if applicable).~~

~~___ Names of adjacent subdivision and/or property owners.~~

~~___ Closure.~~

~~___ Boundary lines of the tract dimensioned by lengths and bearings.~~

~~___ Location of rights of way, easements, and areas dedicated to public use with the purpose of each stated.~~

~~___ Location of rights of way, easements, and areas dedicated to public use with the purpose of each stated.~~

~~___ Description of off site rights of way or easements (if applicable).~~

~~___ Copy of proposed deed restrictions (if applicable).~~

~~___ Names, rights of way lines, widths, and easements of proposed and adjacent streets.~~

~~___ Curve data for street rights of way.~~

~~___ Dimensions and lines of all lots and tracts.~~

~~___ Minimum building setback lines.~~

~~___ Lots and blocks numbered consecutively.~~

~~___ Lengths and widths of blocks.~~

~~___ Engineering data sufficient to reproduce on the ground the location of bearings and lengths.~~

~~___ Location and types of all monuments.~~

- ~~___ Parks, open spaces, and other dedicated areas.~~
 - ~~___ Installation of guaranteed improvements. (Water and sewer systems, drainage facilities, and streets).~~
 - ~~___ Plans for individual water supply and/or sewage disposal systems.~~
 - ~~___ Copy of deed restrictions (if applicable).~~
 - ~~___ Required certificates and endorsements.~~
 - ~~___ Contractual agreement with the city to install water and sewer based on ___ (if applicable).~~
 - ~~___ Sedimentation and erosion control plan.~~
- ~~Recommendation of the subdivision review committee:~~

~~___~~
~~___~~

Approval of planning board ___ (Date)
Disapproval _____ Date (reasons for disapproval, see attached page):
Decision by city council ___ and ___ (Date).

~~City Clerk, City of Lenoir _____.~~

~~Signature of the owner of the subdivision~~

~~_____.~~

Secs. 19-139—19-158. - Reserved.

ARTICLE VI. - PROCEDURE FOR REVIEW AND APPROVAL OF MINOR AND EXPEDITED -SUBDIVISIONS

Sec. 19-159. - Procedures for review of minor-expedited subdivision.

In accordance with NCGS 160D-802, only a plat for recordation is required the division of a tract or parcel of land in single ownership if all of the following criteria are met:

(1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.

(2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.

(3) The entire area of the tract or parcel to be divided is greater than 5 acres.

(4) After division, no more than three lots result from the division.

(5) After division, all resultant lots comply with all of the following:

a. All lot dimension size requirements of the applicable land-use regulations, if any.

b. The use of the lots is in conformity with the applicable zoning requirements, if any.

c. A permanent means of ingress and egress is recorded for each lot.

Expedited subdivisions follow the same procedure as for other minor subdivisions, except that a sketch plan is not required and review is limited to the items listed above.

Sec. 19-160. — Minor subdivision defined.

~~For purposes of these regulations, a minor subdivision is defined as a subdivision:~~

~~(1) Involving not more than ten lots fronting on an existing public street;~~

~~(2) Not involving any new street for access to lots within the subdivision or to interior property;~~

~~(3) Not requiring extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear;~~

~~(4) Not adversely affecting the development of the remainder of the parcel or of adjoining property;~~

~~(5) Creating no new or residual parcels not conforming to the requirements of these or other regulations; and~~

~~(6) Not committing the expenditure of city funds.~~

Sec. 19-161160. - Approval process for minor subdivisions.

If the land to be subdivided meets the requirements of a minor subdivision as defined in ~~section 19-80~~Article I of this chapter, the subdivider will not have to follow the same procedures as for a major subdivision. The review process for minor subdivisions shall be adequate to protect the public interest, but shall also provide minimum delay and expense to the subdivider. A preliminary plat is not required. ~~The subdivider may go from a sketch plan to a final plat with the approval of the subdivision administrator. The following minor subdivision plat approval process may be used only where the subdivision meets the requirements of section 19-80.~~

Sec. 19-161. – Family Subdivisions

Family subdivisions are a type of minor subdivision permitted only with the City's extra-territorial jurisdiction in order to facilitate the residential subdivision of family homesteads without requiring the extension of public infrastructure such as streets, water lines, and sewer lines as is required in regular subdivisions. The tract of land from which the family subdivision is to be made must be at least three acres in size and no more than 20 acres in size.

Family subdivisions must meet all of the minimum requirements of the City of Lenoir Subdivision Ordinance, except:

(a) Only one lot may be conveyed to any individual lineal family member or to the spouse of such individual lineal family member. A lot may be conveyed jointly to the family member and to the family member's spouse, not separate lots each to the family member and to the spouse;

(b) No more than a total of five family subdivision lots may be created from the tract of land from which the family subdivision is to be made regardless of the size of the original tract;

(c) All family subdivisions plats shall be prepared in the same manner and bear the same certificates as minor subdivisions plats and shall be submitted to the planning department for approval and reviewed in accordance with the provisions for minor subdivisions;

(d) All lots created for a family subdivision shall have a duly recorded forty-five-foot-wide ingress and egress easement, including general residential utility easements, located within the tract of land from which the family subdivision is to be made. There shall also be a duly recorded ingress and egress easement extending to a publicly maintained road if the tract of land from which the family subdivision is created does not abut a publicly maintained road. If a duly

recorded easement for ingress and egress, located across nonfamily owned property, is to be utilized for access, this ingress and egress easement may be used for access at its existing width. However, if such duly recorded easement across nonfamily land is less than 45 feet in width and/or does not include general residential utility rights, then a written statement shall be included on the plat which states and describes such limitations with respect to such easement. Within any newly created ingress and egress easement created under the family subdivision provisions, a gravel or paved drive at least 18 feet in width shall be constructed upon the tract of land from which the family subdivision is to be made if it serves at least two new lots.

(e) A plat map is required showing the resulting lots and ingress/egress easements. The plat shall state that it has been prepared for a family subdivision, and shall state the name(s) of the owner(s) of the original tract being subdivided and the specific family member to which the subdivided property is being conveyed. The plat shall state that approval of the plat by the City of Lenoir does not establish any assumption of obligation by the City of Lenoir or the North Carolina Department of Transportation for maintenance of any street or driveway in the family subdivision, which shall be and remain private streets until such time, if any, as the City of Lenoir or the North Carolina Department of Transportation should accept such streets for public dedication.

Sec. 19-162. - Procedure for review of minor subdivisions.

(a) Prior to submission of a final plat, the subdivider shall submit to the subdivision administrator three copies of a sketch plan of the proposed minor subdivision containing the following information:

- (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- (2) The boundaries of the tract and the portion of the tract to be subdivided;
- (3) The total acreage to be subdivided;
- (4) The existing and proposed uses of the land within the subdivision and the existing uses of the land adjoining it;
- (5) The existing street layout and right-of-way width, lot layout and size of lots;
- (6) The name, if any, of the proposed subdivision;

- (7) The name, address and telephone number of the owner;
 - (8) The zoning classification of the tract and adjacent properties;
 - (9) The location of water and sewer facilities serving the proposed minor subdivision, if applicable; and
 - (10) A statement from the county health department that a copy of the sketch plan has been submitted to them, if septic tanks or other on-site water or wastewater systems are to be used in the subdivision.
- (b) The subdivision administrator shall review the sketch plan for general compliance with the requirements of this article, and shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed minor subdivision and the procedures to be followed in the preparation and submission of the final plat.
- (c) The subdivision administrator, after determining that all requirements of this article have been met, shall advise the subdivider to proceed with the preparation of a final plat which conforms to the submitted sketch plan. The approval of the sketch plan shall in no way be construed as constituting official approval of the final plat.

Sec. 19-163. - ~~Dispute of findings~~Appeals.

Appeals of administrative decisions made by staff under this ordinance shall be heard by the Board of Adjustment and follow the procedure outlined for appeals in Sec. 1308 of the Zoning ordinance. ~~In the event the subdivider disagrees with any findings of the subdivider and disagrees with any findings of the subdivision administrator concerning approval of a sketch plan of a minor subdivision, the matter shall be taken to the city council for a decision. No final plat shall be accepted for review~~recorded until the ~~city council~~Board of Adjustment has acted on the disputed sketch plan.

Sec. 19-164. - Final plat for expedited and minor subdivisions.

- (a) The subdivision administrator shall review the final plat for complete compliance with the requirements outlined for final plat approval of these minor subdivision regulations. The final plat shall be complete and show all information required for final plats in subsection 19-77

137(a) and (b)(1)–(12), and all certifications and notarizations required in section 19-85-165 for final plat approval of a minor subdivision.

(b) The final plat shall be prepared by a registered land surveyor currently licensed and registered in the state by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Manual of Practice for Land Surveying in North Carolina.

(c) Three copies of the final plat shall be submitted to the subdivision administrator. One of these shall be on reproducible material; two shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the county register of deeds.

(d) The final plat shall be of a size suitable for recording with the county register of deeds and shall be at a scale of not less than one inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.

~~ARTICLE VII. PROCEDURE FOR REVIEW AND APPROVAL OF FAMILY SUBDIVISIONS~~

~~Sec. 19-170. Definition.~~

~~A family subdivision is a residential subdivision in which lots are intended to be conveyed to members of the owners' lineal family. Lineal family members shall only include the owners and the direct lineal descendants (children and grandchildren) and direct lineal ascendants (parents and grandparents), as well as the spouses/widows of such persons.~~

~~Sec. 19-171. Purpose~~

~~This article is intended to facilitate the residential subdivision of family homesteads without requiring the extension of public infrastructure such as streets, water lines, and sewer lines as is required in regular subdivisions. The tract of land from which the family subdivision is to be made must be at least three acres in size and no more than 20 acres in size.~~

~~Sec. 19-172. Family subdivision~~

~~Family subdivision provisions shall be effective only within the extraterritorial jurisdiction of the City of Lenoir.~~

~~Sec. 19-173. Requirements.~~

~~Family subdivisions shall meet all of the minimum requirements of the City of Lenoir Subdivision Ordinance, except:~~

~~(a) Only one lot may be conveyed to any individual lineal family member or to the spouse of such individual lineal family member. A lot may be conveyed jointly to the family member and to the family member's spouse, not separate lots each to the family member and to the spouse;~~

~~(b) No more than a total of five family subdivision lots may be created from the tract of land from which the family subdivision is to be made regardless of the size of the original tract;~~

~~(c) All family subdivisions plats shall be prepared in the same manner and bear the same certificates as minor subdivisions plats and shall be submitted to the planning department for approval and reviewed in accordance with the provisions for minor subdivisions;~~

~~(d) All lots created for a family subdivision shall have a duly recorded forty-five-foot-wide ingress and egress easement, including general residential utility easements, located within the tract of land from which the family subdivision is to be made. There shall also be a duly recorded ingress and egress easement extending to a publicly maintained road if the tract of land from which the family subdivision is created does not abut a publicly maintained road. If a duly recorded easement for ingress and egress, located across nonfamily owned property, is to be utilized for access, this ingress and egress easement may be used for access at its existing width. However, if such duly recorded easement across nonfamily land is less than 45 feet in width and/or does not include general residential utility rights, then a written statement shall be included on the plat which states and describes such limitations with respect to such easement. Within any newly created ingress and egress easement created under the family subdivision provisions, a gravel or paved drive at least 18 feet in width shall be constructed upon the tract of land from which the family subdivision is to be made if it serves at least two new lots.~~

~~(e) A plat map is required showing the resulting lots and ingress/egress easements. The plat shall state that it has been prepared for a family subdivision, and shall state the name(s) of the owner(s) of the original tract being subdivided and the specific family member to which the subdivided property is being conveyed. The plat shall state that approval of the plat by the City of Lenoir does not establish any assumption of obligation by the City of Lenoir or the North Carolina Department of Transportation for maintenance of any street or driveway in the family subdivision, which shall be and remain private streets until such time, if any, as the City of Lenoir or the North Carolina Department of Transportation should accept such streets for public dedication.~~

SECTION 3. 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 4. 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 5. EFFECTIVE DATE.

This ordinance takes effect upon adoption.

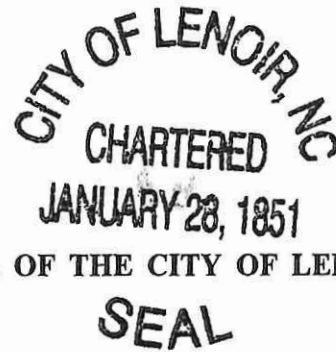
DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 21st day of May and this 28th day of May, 2021.

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 1st day of June, 2021.

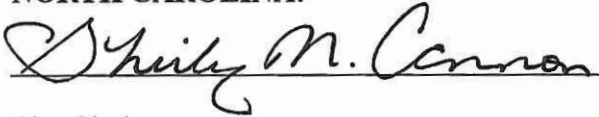
BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:



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.]

Addendum for Streets and Sidewalks Ordinance: June 1, 2021

Submitted by: Jenny Wheelock, Planning Director

A few minor changes to the ordinance on tonight's agenda:

1. On page 19, Sec. 19-12 should be the only reserved section (previously addressed "perimeter lots" and these provisions are incorporated elsewhere). Secs 19-13 through 19-15 are still used and should have been included as "Reserved."
2. On page 22, Sec. 19-16(a), the following sentence should be added: "All sidewalks must meet the standards of Chapter 18, Article VI and plans must be approved by the Public Works Director prior to construction."
3. On page 30, in Sec. 19-64(C), the following reference to quasi-judicial processes (attached here for your reference) should be added:
(C) *City Council*. The City Council must hold an evidentiary hearing consistent with the Procedure prescribed by Sec. 1308-1318 of the Lenoir Zoning ordinance, and may vote to approve, approve with conditions, or deny the preliminary plat application.****
4. On page 32, the word "guarantees" is misspelled in the title of Article III.

The changes outlined above will be incorporated into the final adopted version of the ordinance that's prepared for signatures and sent to Municode. Staff recommends an amended motion, for "Adoption of the proposed ordinance as submitted by staff, including the edits outlined in the addendum dated June 1, 2021."

CITY OF LENOIR
2021 COMMUNITY DEVELOPMENT BLOCK GRANT
CAPITAL PROJECT BUDGET ORDINANCE

Be it ordained by the City Council of the City of Lenoir that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#B-21-MC-37-0022) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY-2021 CDBG Entitlement Program.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the DHUD and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete the project:

Revenues

Community Development Block Grant	\$164,146
Total Revenues	<u>\$164,146</u>

Section 4. The following amounts are appropriated for the project:

Expenditures

Public Facilities (Lenoir High	\$131,317
School) Program Administration	<u>32,829</u>
Total Expenditures	<u>\$164,146</u>

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and Federal and State regulations.

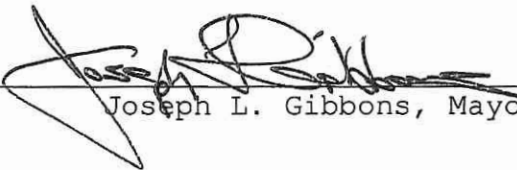
Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future cost and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 1st day of June, 2021.



Joseph L. Gibbons, Mayor



Shirley M. Cannon, City Clerk

CITY OF LENOIR
 2021 UNIFOUR CONSORTIUM HOME PROGRAM
 CAPITAL PROJECT BUDGET ORDINANCE

Be it ordained by the City Council of the City of Lenoir that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the HOME project described in the work statement contained in the Grant Agreement (#M21-DC370208) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY 2021 Unifour Consortium HOME Program (City of Lenoir, is the lead entity).

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the DHUD and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete the project:

Revenue from HOME Grant	\$1,154,095
Anticipated Program Income	<u>300,000</u>
Total Revenues	\$1,454,095

Section 4. The following amounts are appropriated for the project:

Downpayment Assistance (HOME Funds)	\$ 520,234
Downpayment Assistance (From Program Income Funds)	270,000
Program Income Administration	30,000
HOME CHDO (From HOME Grant HOME Funds Allocation)	173,115
Multi-Family Housing	229,928
General Program Administration	115,409
Contingency	<u>115,409</u>
Total Expenditures	\$1,454,095

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency

required by the grant agreement(s) and Federal and State regulations.

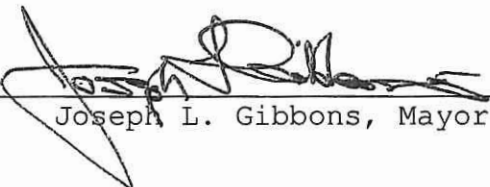
Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future cost and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 15th day of June, 2021.



Joseph L. Gibbons, Mayor



Shirley M. Cannon, City Clerk

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, MAY 25, 2021
8:30 A.M.**

PRESENT: Committee members, Mayor Joe Gibbons, Ralph Prestwood, David Stevens, Ben Willis and Ike Perkins.

STAFF PRESENT: City Manager Scott Hildebran and City Clerk Shirley Cannon.

DEPARTMENT DIRECTORS:

Fire Chief Ken Hair, Recreation Director Kenny Story, Main Street Director Kaylynn Horn, Planning Director Jenny Wheelock, Public Utilities Director Radford Thomas, Public Works Director Jared Wright and Communications Director Joshua Harris.

ABSENT: Mayor Pro-Tem Crissy Thomas and Councilmember Jonathan Beal.

VIA TELECONFERENCE:

Participating via teleconference were Councilman Todd Perdue, Finance Director Donna Bean, Police Brent Phelps.

I. CALL TO ORDER

A. Mayor Joe Gibbons welcomed everyone and called the meeting to order.

II. CITIZEN COMMENT PERIOD

III. COMMITTEE ITEMS

A. Public Utilities: Public Utilities Director Radford Thomas reported on the following items:

- A progress report was given on the Gryphon Dryer which is now operational with the dryer and belt press performing well. Staff is currently waiting on an additional piece of equipment. The last step in this process is a renovation on the sludge tank and it was noted they are operating on all new equipment. A tour will be scheduled in the near future for City Council and Department Directors.
- Crossroads Sewer Replacement – Easements are currently being obtained for this project and bids will be solicited in the near future. This project is designed in two parts (1) replacement of the line under the golf course and (2) on the other side of US Hwy 321 near Hampton Inn. This line will tie into the line at Veridian Apartments and will eliminate the sewer line across Smith Crossroads.
- Brownfield Site (Virginia Street & College Avenue) - Contractors from RCI Demolition have made significant improvements on the cleanup of the former Broyhill Furniture site.
- Director Thomas also reported he is still waiting on notification from the state regarding available funding for the Finley Avenue Project that will address water pressure issues in this area.

- Reported the surrounding areas are becoming dry, but the Catawba Wateree has not sent out any drought information yet.
 - Two Engineering Services Contracts prepared by McGill Associates were approved at the April 19 Council meeting for the Water Interconnect Project and the Water Transmission Main Replacement Project. The Water Interconnect Project will begin soon.
- B. Public Works: Public Works Director Jared Wright reported on the following items:
- The Street Department has received a number of positive comments for the completed streetscape sidewalk project. Flowers and plants have also been planted in the downtown planter boxes along with hanging baskets being placed on the poles.
 - The roads scheduled for paving are complete without any issues occurring.
 - City Council approved two parking lot agreements with United Presbyterian Church and Waterlife Church. Also, a greenway easement has been obtained for the Waterlife parking lot.
 - The City has received an executed Master Encroachment Agreement with Charter Communications. Staff is working with the project manager who is the City's local contact person and will keep the City informed of what is being done.
 - The Hospital Avenue right-of-ways project is ongoing and the City is currently waiting waiting on notification from NCDOT in order to proceed.
 - Removable Bollards: The Building Maintenance Division is in the process of installing removable bollards at several street crossings on the OVNHT section of the greenway. These feature a sleeve that is embedded in concrete and a bollard that drops in and locks into the sleeve. When the bollards are not in use, a flap will close and the top of sleeve is level with the surrounding concrete and/or asphalt, thus allowing it to be driven over by maintenance vehicles and equipment.
 - Positions are currently available in the Street Department and applications are available online at www.cityoflenoir.com or may be picked up at City Hall.
 - Director Wright reported one travel lane has been reduced at the intersection of College Avenue and Mulberry Street for the purpose of widening the parallel parking spaces.
 - Staff will be rebuilding the columns at the entrance sign to Lenoir that is located on Morganton Boulevard.

IV. COMMUNITY DEVELOPMENT

- A. Lenoir Tourism Development Authority: The Lenoir Tourism Development Authority did not meet in May. A meeting has been scheduled for Thursday, June 10 at 4:00 p.m. at City Hall for the purpose of establishing their upcoming budget.
- B. The Lenoir Business Advisory Board (LBAB): The Lenoir Business Advisory Board (LBAB) met on Thursday, May 13. City Manager Scott Hildebran presented the "State of the City" presentation to the Board. Kaylynn Horn, Economic Development Director, reported a cruise-in has been planned for Saturday, July 3 in downtown Lenoir. The downtown farmers market opened in May and is located behind the Caldwell County offices. Their hours are from 7:00 a.m. until 2:00 p.m. every Saturday through December.

In addition, Director Horn reported the Lenoir Legends first ball game will be held on Sunday, June 6 at 7:00 p.m. at Walker Stadium. A link to their full schedule is on the downtownlenoirnc.com website. A summer band concert will be held on Friday, July 9 and

Friday, August 13 on the downtown square. Additional information will be provided. The Caldwell County Chamber of Commerce is currently working on promotion for “Blackberry Themed Activities” along with tickets for free items.

- C. Planning Board: The Planning Board met on Monday, May 24, 2021. Planning Director Jenny Wheelock reported the Board discussed Chapter 18, Streets & Sidewalks and Chapter 19, Subdivisions of the 160D ordinance. Director Wheelock explained these chapters were excluded from the omnibus ordinance that City Council adopted in January 2021 and must be amended prior to July 1, 2021. The proposed changes eliminate duplicate sections between chapters, update reference to statutes that changed with adoption of N.C.G.S. Chapter 160D, streamline the process for approving major subdivisions, clarify that preliminary plats are quasi-judicial, and add a roll for the Technical Review Committee.

Director Wheelock further reviewed the process for quasi-judicial public hearings and stated an amended ordinance will be presented to City Council for their consideration of approval at the June 1 City Council meeting. These amendments will also be sent to MuniCode for codification in the City’s Code of Ordinances.

Next, Director Wheelock reported that Cube Smart Self Storage is opening a new location at 1031 Morganton Boulevard in Lenoir in the near future and a permit for a Highway 55 restaurant has been approved.

- D. Parks and Recreation Advisory Board: The Parks and Recreation Advisory Board did not meet in May. The next meeting is scheduled for Monday, August 16 at 6:00 p.m. at Mulberry Recreation.

Director Story stated the outdoor pool at the Aquatic & Fitness Center will open Memorial Day weekend. He stated hiring certified lifeguards remains a challenge. The Department currently has ten on staff, but needs 20 to 25 additional lifeguards. He emphasized that safety is the number one priority for Staff and Center hours have been modified to accommodate the shortage. In addition, a Memorial Day service will be held on the square on Monday, May 31 from 10:00 a.m. until 11:00 a.m.

Director Story reported the City will have a fireworks display at Optimist Park on Sunday, July 4 at 9:30 p.m., but there will not be any amenities available for the general public. Staff will meet today to discuss the details of this event.

Director Story reported the baseball and softball teams are doing well, but attendance is down slightly. Also, the restroom project at T.H. Broyhill Walking Park will be completed by mid to late June. The improvements project at the former LHS Auditorium is ongoing and a water line was replaced at a cost of \$5,500. Community Development Block Grant (CDBG) funding is paying for this improvements project.

Director Story reported the annual Summer Music Festival will be held this year at the Martin Luther King, Jr. Center in late July. The annual Harambee Festival will also be held in August at the Center. Additional information about these events will be available in the near future.

Councilman Ike Perkins reported that individuals were parking their cars at the end of Robbins Street where the old tennis courts (City property) are located. Director Story stated he would check on the situation today.

E. Financial and Administration

1. Update: Finance Director Donna Bean reported the April Financial Summary was reviewed with Council at the May 20 Budget Review Session and stated the City is on target with its budget. Director Bean stated she is currently working on closing out the fiscal year and commended Department Directors for all their assistance in keeping expenditures down. She reported the City is still waiting on guidance from the federal level regarding how to proceed for the \$3,834,691 in funding the City will receive from the American Rescue Plan. Further, Director Bean mentioned registration and sign up information is available for citizens to being signing up for the new Water Smart program service.

- F. Update; Public Communications: A copy of the April 2021 Communications Report was presented to Council as information.

There were 6 news releases, 99 photos, 1 video, 100 social posts, 22 notify me requests, 30 questions & answers and 5 e-sign ups. The website experienced 37,814 views and reached 78,497 people via Facebook and Twitter. Also, there were 148 new followers and 8 video views.

V. PUBLIC SAFETY

A. Police Department

1. Update: Police Captain Andy Wilson reported their in-service training is complete and two new hires are currently working a shift rotation and another new hire is going through orientation. The Department is also working on closing out year-end projects.

A brief discussion was held regarding the issue of litter at Pizza Hut and Chick-Fil-A as well as on Highway 18 to Highway 321. The Police Department will follow up on this issue. Planning Director Wheelock reported this parking lot will soon be under construction which may help with the litter problem.

B. Fire Department

1. Update; 2021 Quarterly Report: Chief Hair presented the Quarterly Report for January, February, and March. (Refer to the copy of the Quarterly Report attached to these minutes for the full report and it is also available on the City's website at www.cityoflenoir.com).

Chief Hair shared Staff were on scene at the 3-alarm fire that occurred on February 23 at the Thrift Store in Whitnel for approximately 8 hours for suppression efforts and remained on the scene throughout the next day for fire investigations efforts. The fire did major damage to the structure and affected all four businesses located there.

Chief Hair further shared an article was published in the NFPA Journal on February 22, 2021 from the commercial structure fire on Virginia Street at the (former Broyhill Occasional Plant 1) that occurred in January 2019. A story was published about global fire dangers when buildings are undergoing construction, alteration or demolition and an aerial photo from the Department's suppression efforts was published in their Journal.

Other major events from the report include how the Department assisted Samaritan's Purse, Boone, NC, set up a mobile 30-bed field hospital beside of Caldwell Memorial in January to help with the influx of COVID positive patients. The Department further assisted them in breaking down the hospital in February.

Chief Hair shared the Department entered into a contract agreement with Caldwell County to perform fire inspections for each entity due to the retirement of Roger Barlow, Fire Marshall. The Department has responded to 293 medical calls in 2021 and participated in a total of 4,991 training hours during the first quarter. Additional statistics are included in the report.

Chief Hair also reported concrete and asphalt has been poured at Stations 2 & 3 to address needed repairs. As information, he mentioned the Department currently has a 4-minute response time from the time they receive the call for service. Also, he briefly mentioned Air Quality Control is working to find the source of an odor that has been occurring recently at the location of Blue Ridge Energy and Excelsa on Highway 321.

VI. OTHER

- A. June Calendar: By consensus of the Council, the calendar for the month of June was approved listing various committee meetings.

VII. Adjourn:

There being no further business; the meeting was adjourned at 10:28 a.m.

Attachments

April Communications Report

April 2021 Communication Report

By Joshua Harris, Director, Communication & Public Information 5/5/2021

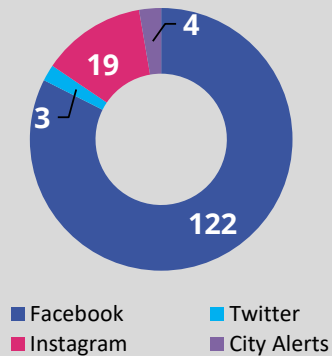
CONTENT CREATION

News Releases	Photos	Videos	Radio Spots	Social Posts	Notify Me	Q&A	eSign
6	99	1		100	22	30	5

PUBLIC ENGAGEMENT

New Followers

148



Social Reach

78,497

Facebook	72,740	
Twitter	5,536	

Video Views

8

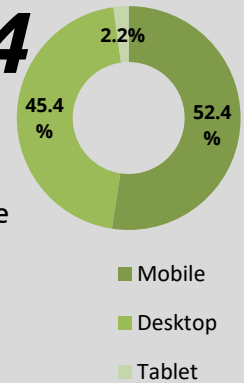
Facebook	
YouTube	8

Website Views

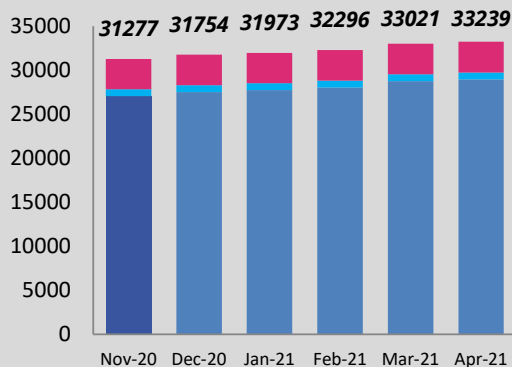
37,814

Top Pages

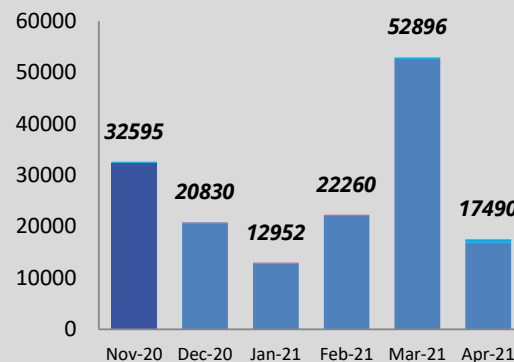
- 1 Payment Options
- 2 Water & Sewer Service
- 3 Jobs
- 4 Garbage Collection
- 5 Police
- 6 Parks & Recreation
- 7 LAFC



Total Followers

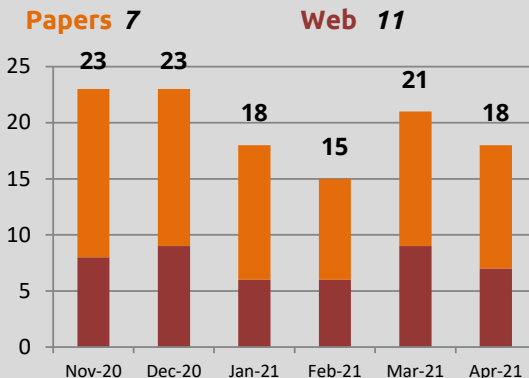


Social Engagement



Media Coverage

18





Top Facebook

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

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

Total Facebook Followers

28,938

Last Month 28,816

Gain 122

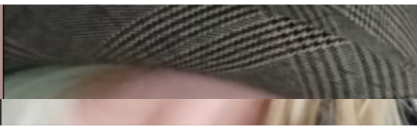
City of Lenoir Police Department
Published by CI Div · April 1 ·

The Lenoir Police Department is seeking the public's assistance to locate a missing person. April Reid was reported missing by family members and investigators have been unable to locate her. If you have information about her current location, please call the Lenoir Police Department Communications Center at 828-757-2100 at any time, day or night.

If you have other information related to this case, please contact us in one of the following ways:

1. Anonymously by calling Lenoir/Caldwell County Crime Stoppers at 828-758-8300.
2. By calling the investigator at 828-757-2172.
3. By Facebook sending a message.

April Michelle Reid
Age: 36
Height: 5'05"
Weight: 110 lbs
Hair: Blonde
Eye Color: Green



35,522 People Reached 2,741 Engagements [Boost Post](#)

32 14 Comments 779 Shares

	Paid	Organic	Rate
Reach		35,522	
Engagements		2,741	8%
> Comments		14	
> Shares		779	

City of Lenoir Fire Department is with Billy Safford and 4 others.
Published by Tucker Price · April 5 at 5:12 PM ·

This morning Lenoir Fire held a Promotional and Pinning Ceremony to recognize the promotions of several members as well as our new full time hire!

Members Promoted were as follows;

Lieutenant Keith Owens promoted to Battalion Chief

Driver/Operator Billy Safford promoted to Lieutenant of Engine 2, C-Shift

Firefighter BT Simmons promoted to Driver Operator of Ladder 1, C-Shift

New hire John Bard will be B shift, Headquater's new hire

Please give these gentlemen a well deserved congratulations as well as sending them your thoughts and prayers as they settle into their new positions!



6,868 People Reached 1,883 Engagements [Boost Post](#)

369 85 Comments 15 Shares

	Paid	Organic	Rate
Reach		6,868	
Engagements		1,883	27%
> Comments		85	
> Shares		15	

City of Lenoir, NC Government
Published by Joshua Harris · April 16 at 1:10 PM ·

Congrats to Exela Pharma Sciences on receiving a \$500,000 grant from [North Carolina Department of Commerce](#) Rural Infrastructure Authority (RIA). The grant will support the reuse of a warehouse located at 1170 West Ave. NW in [Downtown Lenoir](#). Exela CEO Phaneesh Koneru said the company will create a cGMP warehouse (Current Good Manufacturing Practice) at their new location. Exela plans to create 50 jobs while investing \$1,350,000 in the project. Read more on the [News-Topic](#) website at <https://bit.ly/3tpQJUh>. [Caldwell County Economic Development Commission](#)



6,254 People Reached 705 Engagements [Boost Post](#)

118 7 Comments 41 Shares

	Paid	Organic	Rate
Reach		6,254	
Engagements		705	11%
> Comments		7	
> Shares		41	



Top Tweets

Impressions: Times people saw this Tweet on Twitter

Engagements: Times people interacted with this Tweet

Total Twitter Followers

793

Last Month

790

Gain

3



City of Lenoir, NC @CityofLenoir

The @ONSLBaseball is bringing summer baseball back to Walker Stadium in @DowntownLenoir ! Read more at <https://bit.ly/3sYU0sG> .
<pic.twitter.com/pyOKtCxGnA>

Impressions	3,791
Total engagements	523
Media engagements	385
Link clicks	50
Profile clicks	29
Likes	26
Detail expands	25
Retweets	8



City of Lenoir, NC @CityofLenoir

The City of Lenoir recently repaved several streets around town and contractors have more to do. The Public Works Department also plans to pave more greenway soon. Read more at <https://bit.ly/3a4dHJh> .
<pic.twitter.com/fVP25JtJRp>

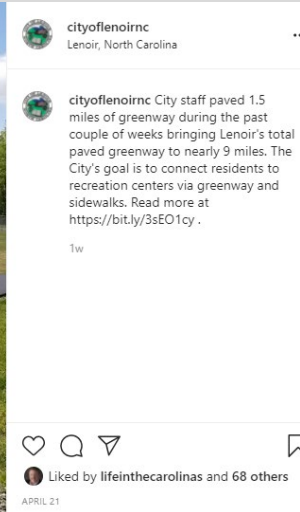
Impressions	168
Total engagements	18
Media engagements	10
Link clicks	4
Likes	2
Detail expands	2



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

3,508

Gain 19



69

n/a



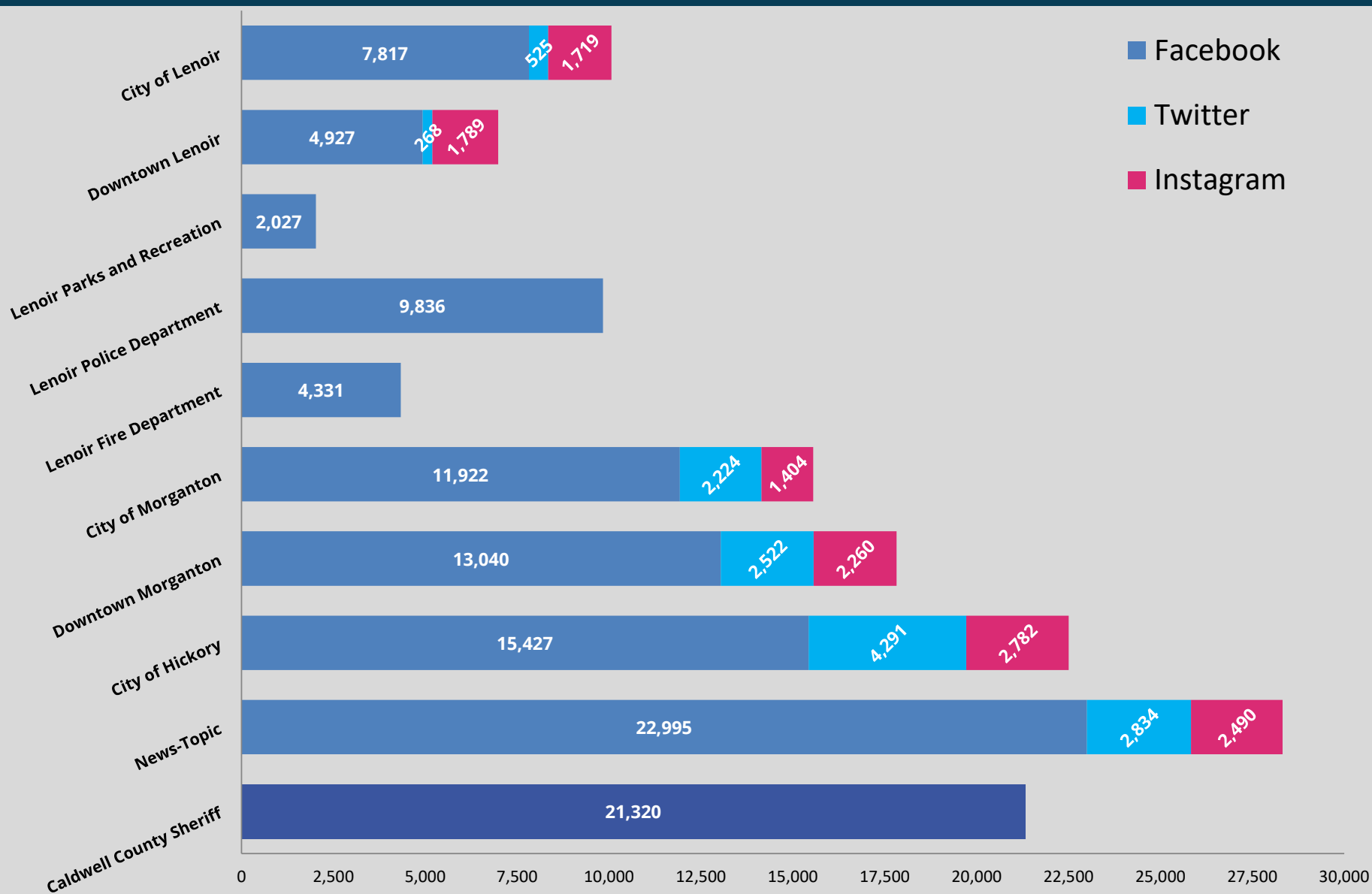
65

5



Social Comparison

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





Questions and Form Requests

30

Bulk Garbage 101

Garbage Pickup 39

Cart Issue 11

Extra Cart 14

Payment Plan

Records Request

Total Requests 165

I email on 12-3-20 about the dogs and garbage at the home at 1029 nuway circle Joshua Harris sent me a want to set up a payment plan

Last week a City truck came by and mutilated my cypress trees. I assume they had grown out so far that i calling for mom's account, all I need is a phone number change

Needing yard waste pick up

I have a beige wooden cabinet with glass that has been water damaged and needs to be hauled away, but I am not able to get it to the curbside.

The street light is out It's down from 1217 piedmont drive nw. The street light is in the curve

title, leans, defaults, payments of taxes for 1320 Idlewood St. SW

I'm trying to get a copy of my septic tank layout.

Could you tell me who to contact? It's concerning the trash qt the burnt store on Hwy 18 and the turn onto Playmore Beach Road.

I am currently a resident of McRary Creek Rd in Lenoir. I have lived here for several years and have noted a home on the road which appears to be an a wanting to buy residence at 1320 Idlewood St. SW

abandoned residence at 1320 Idlewood St.

Hi! I'm looking to apply for a job (concession worker/ fitness monitor) and I was just wondering what the minimum age is you guys hire!

I am wondering on how to turn in an application to Lenoir Fire department.

My driveway off Lower Creek Dr has become a deep, rutted ditch from the mail carrier dropping off the pavement to deliver the mail

Will [the compost giveaway] be available any other days coming up?

Han do you guys plan on bringing business that give our youth things to do?

Is the mulberry Rec center open yet

I work with a company that designs mobile apps

like to see about getting my trash picked up

Hi, I am a Trainer and Recruiter for Youth Villages. I wanted to reach out to see if you would be interested in putting us in your newsletter or on the ca uncertain as to whether they had the litter pickup last Saturday

we had spring cleanup and haven't come picked up stuff beside the curb

trying to find out if the CoL is going to have cruise ins in May

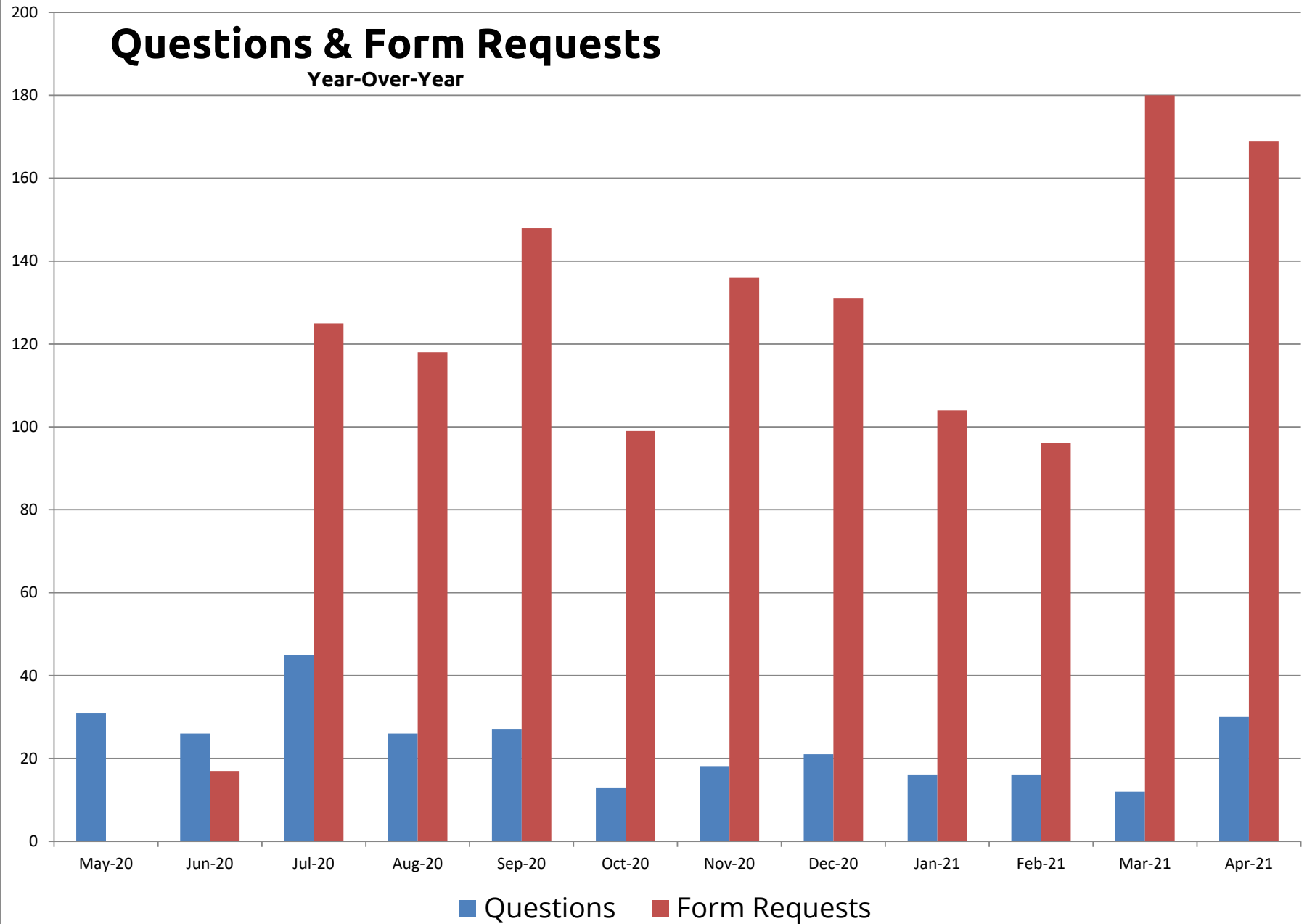
I have 2 questions first, are there any ordinances about feeding wildlife, specifically Deer , in the City? 2 nd are there any restrictions on apiaries in the Looking to get my electricity hooked up by 4/30/2021 and need assistance.

I have to contact you all several times a year to get you to have the lady (Bessie Goins) that owns the property across from me to maintain and trim th

The water drainage ditch at the end my driveway next to the street has washed away part of my yard.

Questions & Form Requests

Year-Over-Year



REQUEST TO SURPLUS CITY PROPERTY



Department Requesting Disposal of Surplus Property	
Date of Request	6/8/2021
Department Name	Police Department
Contact Name	Chief Brent Phelps
Phone	828-757-2100

ITEM	QTY	CODE*	SERIAL/VIN #	MAKE	MODEL YEAR	MILEAGE/ MACHINE HOURS	REASON FOR REQUEST	CURRENT LOCATION OF THE ITEM	ORIGINAL PURCHASE PRICE	DATE OF PURCHASE	ESTIMATED SALVAGE VALUE	ITEM IN WORKING ORDER Y/N	APPROVED TO LIST ON GOVDEALS
Sig Sauer Pistol	1	S1	G403227	Sig Sauer			Retirement	PD	\$788.00		\$ 275.00	Y	☐
													☐
													☐
													☐
													☐
													☐

* Please enter one CODE per item: (S1) Obsolete (S2) Too Costly to Maintain (S3) Beyond Repair (S4) Cannibalized

APPROVED BY	DATE

ITEM	DATE OF SALE	SELLING PRICE	DATE OF DEPOSIT	BUDGET CODE FOR DEPOSIT	DATE ITEM REMOVED FROM INVENTORY		BY WHOM - SIGNATURE	DATE ITEM REMOVED FROM INSURANCE	BY WHOM - SIGNATURE	DATE TAG CANCELLED OR TRANSFERRED	BY WHOM - SIGNATURE

ALL SURPLUS ITEMS ARE LISTED ON GOVDEALS IN ACCORDANCE WITH CITY OF LENOIR RESOLUTION NO. 6-2007, NC GENERAL STATUTES 160A-270 AND NCGS 160A-270 (c)



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 Corporal Thai Lee upon his retirement, and

NOW, THEREFORE BE IT RESOLVED,

- 1) the Mayor and City Council of the City of Lenoir acknowledge Corporal Thai Lee'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 Corporal Thai Lee, upon retirement, as surplus and no longer have any additional use to the City of Lenoir {Sig Sauer Model P220R .45 caliber (Serial #G403227)}; 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 Corporal Thai Lee in his retirement and commend him for the outstanding example he has set as a dedicated public servant.

Adopted this the 15th day of June 2021.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk



CITY OF LENOIR**COUNCIL ACTION FORM**

- I. Agenda Item:** Consideration of a Lease Agreement for Communication Equipment Location on Hibriten Mountain
- II.**
- III. Background Information:** The City of Lenoir currently has Public Works and Public Utilities communications equipment in a location on top of Hibriten Mountain. The City lease (sub-lease) for the location has previously been with T and J Leasing Co. who has had a long term lease with Hibriten Mountain, LLC for the antenna locations. T and J Leasing Co. has terminated its lease with Hibriten Mountain LLC causing the City to need a new lease for the communications equipment and antenna locations directly with Hibriten Mountain LLC. Under the new lease, the fees are acceptable and in line with the current fees that have been paid. The terms are agreeable to both parties.
- IV. Staff Recommendation:** Staff recommends approval of the proposed lease for communications equipment and antenna location on top of Hibriten Mountain between the City of Lenoir and Hibriten Mountain LLC.
- V. Reviewed by:**
- City Attorney:** _____
- Finance Director:** _____
- Public Works/Public Utilities Director:** _____

North Carolina
Caldwell County

LEASE

This Lease made and entered into the date of the last to sign below, is effective beginning July 1, 2021, is by and between:

HIBRITEN MOUNTAIN, LLC, a North Carolina limited liability company,

With a mailing address of:

Attn: James B. Hogan
Starnes Aycock Law Firm
118 N. Sterling St.
Morganton, N.C. 28655
(828) 437-3335; james@starneslawfirm.com, ("Landlord"),
and

CITY OF LENOIR

With a mailing address of:

Attn: Mr. Radford L. Thomas
City of Lenoir
Public Works, and Public Utilities Departments
Post Office Box 958
Lenoir, North Carolina 28645 ("Tenant");
both of Caldwell County, North Carolina;

RECITALS:

WHEREAS, Landlord owns the property known as Hibriten Mountain, pursuant to that certain deed recorded in deed book 1987 at page 1307 in the Caldwell County Registry; and

WHEREAS, Whitey Hawkins, Graham Gilley, and T&J Leasing Co. leased a spot near the top of Hibriten Mountain from Landlord, for the sole purpose of installing and maintaining radio antenna and related equipment; and

WHEREAS, for a number of years previous to this Lease, Tenant sub-let from Whitey Hawkins, Graham Gilley and/or T&J Leasing Co.; and

WHEREAS, Landlord and Graham Gilley and T&J Leasing Co. have agreed to cancel and terminate their lease; and

WHEREAS, Landlord and Tenant now desire to lease the same property on Hibriten Mountain directly, on the terms and conditions described below.

THEREFORE:

Subject to the terms and conditions herein set out, Landlord does hereby lease to Tenant, and Tenant agrees to lease from Landlord, the following described property:

1. A spot on top of Hibriten Mountain for the sole purpose of installing a maintaining radio and communications equipment. Some of said equipment is located within one or more buildings at the top of Hibriten Mountain. This lease is a continuation of the lease Tenant had with T&J Leasing Co., regarding the space being leased, and any expansion of the space taken up by Tenant or the location

of additional equipment that takes up more space in the buildings or on the ground is not covered by this Lease, and will require an additional lease agreement with Landlord. Included in this lease is the right of access to the Tenant's equipment, but Landlord has no duty to provide maintenance or repair to the gravel road that is known as Hibriten Mountain Road.

2. This lease is non-exclusive, and other Tenants may have similar leases regarding spots in the same building and nearby on the ground.
3. This lease shall begin on July 1, 2021 and, unless sooner terminated as herein provided, shall continue for twelve months, June 30, 2022. This lease shall automatically renew for twelve months, unless terminated with ninety (90) days written notice to the other party at the addresses shown above. In the third and future years, the lease will continue to renew unless terminated.
4. The rental to be paid by Tenant for said premises shall be **\$200.00** per month for Public Works, **\$200.00** per month for Telemetry, and **\$250.00** per month for Water Department, all payable in advance of the 10th day of each month being rented or paid annually in July of each year in one lump sum payment. Should any monthly installment of rent remain overdue for twenty (20) days, at any time during such default Landlord may terminate this lease and demand and receive possession of said premises. Rent should be sent to: Attn: John C. Hogan, 10601 River Forest Drive, Raleigh, N.C. 27614-8969.
5. Tenant agrees to accept said premises in its present condition and at the termination thereof to surrender said premises to said Landlord in as good condition as it now is, ordinary wear and tear excepted.
6. Landlord accepts no responsibility or liability for any damage that might occur to Tenant's equipment or property placed upon Landlord's property.

In Testimony Whereof, said parties have executed this contract on the date of the last to sign below.

LANDLORD:

Hibriten Mountain, LLC

By: _____ (SEAL) Date: _____
W.J. Hogan – Manager

TENANT:

City of Lenoir

By: _____ (SEAL) Date: _____
Signature Name/Title Printed

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Budget Amendments - Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2021

II. Background Information:

Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2021 as follows:

- **Budget Amendment:**
 - **Item 1: Adjustments to the General Fund Budget to reallocate funds.**
 - **Item 2: Adjustments to the Lenoir Tourism Development Authority Budget to increase Revenue and Expenditures.**
 - **Item 3: Adjustments to the Water/Enterprise Fund to reallocate funds.**
 - **Item 4: Adjustments to the General Fund Budget to allocate funding for the Craftmaster Furniture Capital Project funded through the NC Rural Center.**
 - **Item 5: Adjustments to the General Fund Budget to allocate funding for the ARC Brownfield Capital Project approved on 5/7/19.**
 - **Item 6: Adjustments to the Water/Enterprise Fund to allocate funding for the Crossroads Sewer Capital Project.**

Staff Recommendation:

Approve as requested

III. Reviewed by:

City Attorney:

Finance Director: 

Public Works/Public Utilities Director:

Planning Director:

Recreation Director:

2020-2021 Fiscal Year Budget Amendment 15-Jun-21

Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2021 as follows:

ITEM 1: ADJUSTMENTS TO THE GENERAL FUND WITH A ZERO NET EFFECT ON FUND BALANCE.

Account Number	Department	INCREASE	DECREASE
4110	LEGISLATIVE	25,000.00	
4120	ADMINISTRATIVE	25,000.00	
4130	FINANCE		4,000.00
4250	VEHICLE SERVICES	7,000.00	
4270	ENGINEERING	75,000.00	
4310	POLICE SUPPORT	180,000.00	
4311	POLICE DECT.		55,000.00
4312	POLICE PATROL		48,000.00
4340	FIRE SUPPORT SERVICES		50,000.00
4341	FIRE SUPPRESSION		10,000.00
4511	STREET MAINTENANCE		40,000.00
4512	STREET TRAFFIC CONTROL		5,000.00
4710	SANITATION	60,000.00	
4740	CEMETERIES	20,000.00	
4910	PLANNING	35,000.00	
6120	REC ADMIN		50,000.00
6121	AQUATIC		80,000.00
6122	MULBERRY REC		10,000.00
6123	MLK		15,000.00
6130	PARKS		60,000.00
	TOTAL INCREASE/DECREASES	427,000.00	427,000.00
NET EFFECT ON THE GENERAL FUND BALANCE		-	-

ITEM 2: ADJUSTMENTS TO THE LENOIR TOURISM DEVELOPMENT AUTHORITY FUND WITH A ZERO NET EFFECT ON FUND BALANCE.

Account Number	Department	Increase	Decrease
LTDA - FUND 12			
4940	INCREASE REVENUE	20,000.00	
4940	INCREASE CONTRACTED SERVICES	20,000.00	
NET EFFECT ON THE LTDA FUND BALANCE		-	

ITEM 3: ADJUSTMENTS TO THE WATER/ENTERPRISE FUND WITH A ZERO NET EFFECT ON FUND BALANCE.

Account Number	Department	Increase	Decrease
WATER FUND			
7130	RHODHISS PLANT	100,000.00	

7131	WATER DIST.		225,000.00
7132	WATER RESOURCES	20,000.00	
7133	WATER ADMIN	100,000.00	
7141	WASTEWATER PRETREATMENT		35,000.00
7143	LOWER CREEK	40,000.00	
	TOTAL INCREASE/DECREASES	260,000.00	260,000.00
NET EFFECT ON ENTERPRISE FUND BALANCE		-	-

ITEM 4: ADJUSTMENTS TO THE GENERAL FUND BUDGET TO ALLOCATE FUNDING FOR THE CRAFTMASTER FURNITURE CAPITAL PROJECT FUNDED BY THE NC RURAL CENTER GRANT.

Account Number	Department	Increase	Decrease
3326	RURAL CENTER REVENUE	500,000.00	
4110	ECONOMIC DEVELOPMENT	500,000.00	
NET EFFECT ON THE WATER/ENTERPRISE FUND BALANCE		-	-

ITEM 5: ADJUSTMENT TO ALLOCATE FUNDING FOR A CAPITAL PROJECT FOR ARC BROWNFIELDS PREVIOUS APPROVED ON 5/7/2019.

Account Number	Department	Increase	Decrease
	SALES TAX	250,000.00	
	TRANSFER TO ARC BROWNFIELD PROJECT	250,000.00	
NET EFFECT ON FUND BALANCE		-	-

ITEM 6: ADJUSTMENT TO ALLOCATE FUNDING FOR A CAPITAL PROJECT FOR CROSSROADS SEWER CAPITAL PROJECT PREVIOUS APPROVED.

Account Number	Department	Increase	Decrease
7140	WASTEWATER COLLECTIONS		55,550.00
7160/7140	CROSSROADS SEWER PROJECT	55,550.00	
NET EFFECT ON FUND BALANCE		-	-



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

**Resolution Authorizing the Execution of a Grant Agreement with
the Appalachian Regional Commission (ARC) for a \$300,000
Grant Award for the Old Broyhill Plant Site Clearance Project**

WHEREAS, the City of Lenoir has received notification from the Appalachian Regional Commission (ARC) that its application for grant funds for the Old Broyhill Plant Site Clearance Project has been approved; and

WHEREAS, the Old Broyhill Plant Site Clearance Project proposes to prepare an old, blighted manufacturing site for a new industrial development by removing demolition debris, conducting environmental assessments and preparation of a Brownfield Agreement to create a marketable industrial 15-acre site; and

WHEREAS, the total project budget is \$768,000, which includes \$45,000 in Environmental Protection Agency Funds, \$173,000 in in-kind funds (appraised value of the property), and the ARC grant award in the amount of \$300,000 and a required cash match of \$250,000 in city funds.

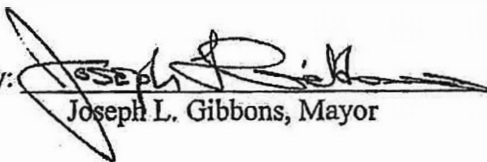
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LENOIR:

That the Mayor and/or City Manager are hereby authorized to execute the Appalachian Regional Commission Grant Contract, and any related documents for the grant award of \$300,000, and further authorizes the grant match of \$250,000 in City funds for the Old Broyhill Plant Site Project.

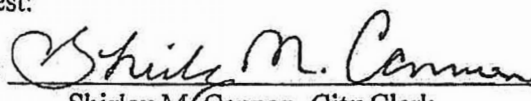
This the 23rd day of April, 2019.

(SEAL)

CITY OF LENOIR, NORTH CAROLINA

By: 
Joseph L. Gibbons, Mayor

Attest:

By: 
Shirley M. Cannon, City Clerk



**CITY OF LENOIR
COUNCIL ACTION FORM**

- I. Agenda Item:** Consideration of a Capital Project Budget Ordinance for the American Recovery Plan.
- II. Background Information:** Attached for your consideration is a Capital Project Budget Ordinance to authorize activities for the federal stimulus funding for the American Recovery Plan. At this time, plans for utilization are being formulated and will be forthcoming when additional federal guidance is received.
- III. Staff Recommendation:** Staff requests that City Council adopt the Capital Project Budget Ordinance for the American Recovery Plan Capital Project for \$3,834,691.00.
- IV. Reviewed By:**

City Attorney:

Finance Director: *Donna Bean*

Public Works/Public Utilities Director:

Planning Director:

Recreation Director:

Capital Project Ordinance for the City of Lenoir

American Recovery Plan Capital Project

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

Section 1: The project to authorize activities for American Recovery Plan Capital Project to include the expenditure of federal funds for the capital items and project administration for the American Recovery Plan Capital Project. The project will be funded with federal stimulus funds.

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

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

Capital Improvements/Equipment	\$3,834,691.00
--------------------------------	----------------

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

Federal Funding	\$3,834,691.00
-----------------	----------------

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

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

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

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

Adopted this 15th day of June, 2021.

Mayor

Clerk

**CITY OF LENOIR
COUNCIL ACTION FORM**

- I. Agenda Item:** Consideration of a Capital Project Budget Ordinance for Craftmaster Furniture.
- II. Background Information:** Attached for your consideration is a Capital Project Budget Ordinance to authorize activities for the NC Rural Center Grant funding for Craftmaster Furniture.
- III. Staff Recommendation:** Staff requests that City Council adopt the Capital Project Budget Ordinance for the NC Rural Center Grant funding for Craftmaster Furniture. for \$500,000.00.

IV. Reviewed By:

City Attorney:

Finance Director: *Donna Bean*

Public Works/Public Utilities Director:

Planning Director:

Recreation Director:

Capital Project Ordinance for the City of Lenoir

Craftmaster Furniture Capital Project

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

Section 1: The project to authorize activities for Craftmaster Furniture Capital Project to include the expenditure of NC Rural Center funds for the capital items and project administration for the Craftmaster Furniture Capital Project. This project is funded through the NC Rural Center's Building Reuse Grant.

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

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

Building Reuse Expenditures	\$500,000.00
-----------------------------	--------------

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

Federal Funding	\$500,000.00
-----------------	--------------

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

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

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

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

Adopted this 15th day of June, 2021.

Mayor

Clerk

CITY OF LENOIR
COUNCIL ACTION FORM
June 15, 2021

I. Agenda Item:

Consideration of Offer to Purchase property owned by the City of Lenoir on Wheeler Street (NC PIN 2749577733).

II. Background Information:

Thomas Moody of 423 High Circle NW has submitted the attached offer to purchase a vacant parcel owned by the City of Lenoir that is adjacent to his residential lot on High Circle. See map attached. Consistent with NCGS 160A-269, if Council proposes to accept the offer, staff will then provide notice of the offer in the Lenoir News Topic to initiate the upset bidding process.

Following a period of 10 days with no upset bids, staff will present the highest bid offered to the Council, at which time a final decision on whether or not to sell the property can be made.

The assessed value of this 0.29 acre parcel is \$8,600 and it is zoned R-6.

III. Staff & Planning Board Recommendation:

Consider the offer and direct staff to advertise for upset bids.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director: *D. Wheelock*

Date: 06-01-2021

Scott Hildebran, Manager
City of Lenoir
801 West Avenue NW
Lenoir, NC 28645

Mr. Hildebran:

Please accept this letter as my official bid offer of \$ 500.00 for property owned by the City of Lenoir and located at 2733 Wheeler St, further identified by NC PIN 06 5173B
2749577733

Furthermore, I understand that (check any/all that apply):

- ☐ This property contains a dilapidated structure. As part of my offer, I agree to remove this structure at my own expense.
- ☐ This property contains a deteriorated structure. As part of my offer, I agree to repair the structure in accordance with the standards contained in Chapter 10 of the Lenoir City Code and all applicable state building codes.

Enclosed is a deposit of 5% of the bid in accordance with 160A-269.

Sincerely,

X Thomas M. Moody (please sign)

Full Name: Thomas Neal Moody
Phone number: 828-572-1398
Email: 49MOODY@GMAIL.COM
Mailing Address: 423 High Cir NW Lenoir 28645

§ 160A-269. Negotiated offer, advertisement, and upset bids.

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)

CITY OF LENOIR
CASH RECEIPT

Receipt No: 1230733
Date: 06/11/2021
Time: 02:52:45 PM

Received From:

Amount: 50.00
Paid: 50.00
Change: 0.00

For:

RECEIPTS TO BE DISTR 50.00
10.00.3635.820 earnest money for
dep/offer to purchase
2379: 50.00

Received By: NTH



Board Appointment ListLenoir Business Advisory Board (Re-appointment)

Jennifer Indicott

Term

3-year term

Planning Board (New Appointment)

Curtis Baker

4-year term