

**LENOIR CITY COUNCIL
TUESDAY, APRIL 5, 2022
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Jonathan Beal, Kent Greer, Ike Perkins, Mayor Pro-Tem Crissy Thomas, Ralph Prestwood, David Stevens, City Manager Scott Hildebran, City Attorney T. J. Rohr, City Clerk Shirley Cannon, Police Chief Brent Phelps and Communications Director Joshua Harris.

ABSENT: Councilmember Todd Perdue.

ZOOM: Fire Chief Ken Hair, Recreation Director Kenny Story, Economic Development Director Kaylynn Horn, Finance Director Donna Bean, Planning Director Jenny Wheelock, Interim Public Works Director Ed Evans, and Public Utilities Director Radford Thomas.

Others in attendance was Cady Davis, *News-Topic*.

I. CALL TO ORDER

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

**FAIR HOUSING
MONTH:**

B. On behalf of City Council, Mayor Gibbons presented a proclamation to Ms. Lauren Hart, Catawba Valley Association of Realtors, proclaiming the month of April as "Fair Housing Month" throughout the City of Lenoir.

Mayor Gibbons read the proclamation and thanked Ms. Hart for coming. He stated he hopes housing will continue to grow in our community.

On behalf of the Catawba Valley Association of Realtors, Ms. Hart thanked City Council for their recognition and support of Fair Housing Month. Ms. Hart stated fair housing is allowing people of all walks of life to have the opportunity of applying for affordable housing without the fear of discrimination.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Proclamation; Fair Housing Month: Approval of a proclamation proclaiming the month of April as "Fair Housing Month" throughout the City of Lenoir. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to Page 61.)
- B. Minutes: Approval of the minutes of the City Council meeting of Tuesday, April 5, 2022 as submitted.
- C. Minutes: Approval of the minutes of the Budget Retreat held during the Committee of the Whole meeting of Tuesday, March 22, 2022 as submitted.
- D. Closeout; Capital Project Budget Ordinance; ARC Project: Approval of Ordinance #2022-1 to closeout the Appalachian Regional Commission (ARC) Capital Project Budget Ordinance #2022-1 grant for the Broyhill Plant Site Redevelopment as submitted. A copy of the capital project budget ordinance is hereby incorporated into these minutes by reference. Refer to page 62.)

- E. Resolution; ADA Policy Statement: Approval of a Resolution to update/adopt an Americans with Disabilities Act (ADA) Policy Statement and Resolution as well as a Grievance Procedure as submitted. Note: The City of Lenoir has contracted with Precision Infrastructure Management to develop and ADA Transition Plant. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to pages 63.)
- F. Authorizing Resolution; Whitnel Water Transmission Main Replacement Project, Phase I.: Staff recommends approval of an Authorizing Resolution to authorize an application for state loan/grant assistance for the Whitnel Water Transmission Main Replacement Project, Phase I as submitted. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 64.)
- G. Authorizing Resolution; Lower Creek WWTP Equipment & Concrete Repair Project: Approval of an Authorizing Resolution to authorize an application for state loan/grant assistance for the Lower Creek Wastewater Treatment Plant Equipment and Concrete Repair Project as submitted. (A copy of the authorizing resolution is hereby incorporated into these minutes by reference. Refer to page 65.)
- H. Renewal Agreement for Engineering Services; Mattern & Craig, Inc.: Approval of the renewal of an Agreement for Engineering Services, Task Order Edition, with Mattern and Craig, Inc. as submitted. Staff also recommends execution of Task Order No. 1 for Mattern and Craig, Inc. to provide on-call traffic and transportation engineering services in accordance with terms contained in the master agreement as submitted. (A copy of the Renewal Agreement is on file in the City Clerk's office).
- I. Meeting Cancellation Request: Approval to cancel the April 26 Committee of the Whole meeting due to the North Carolina League of Municipalities (NCLM) City Vision Conference schedule for April 26 – 28 in Wilmington, NC. Attending on behalf of the City of the Lenoir are Mayor Joe Gibbons, City Manager Scott Hildebran, Councilmembers Jonathan Beal, Todd Perdue, Ike Perkins, and Ralph Prestwood.

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to approve the above listed items on the Consent Agenda as presented and as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

- APRIL CALENDAR:** 1. The calendar for the month of April was submitted to Council listing various meetings and events.
- CITY/COUNTY SERVICES COMMITTEE:** 2. The City/County Services Committee will meet on Monday, April 11 at noon.
- LENOIR TOURISM DEVELOPMENT AUTHORITY:** 3. The Lenoir Tourism Development Authority (LTDA) will meet on Thursday, April 14 at 4:00 p.m.

LENOIR BUSINESS ADVISORY

AUTHORITY: 4. The Lenoir Business Advisory Authority (LBAB) will meet in person on Thursday, April 14 at 6:00 p.m. at City Hall, Third Floor.

NCLM ESSENTIALS OF MUNICIPAL

GOVERNMENT COURSE: 5. The North Carolina League of Municipalities Essentials of Municipal Government course will be held on April 13 & 14 in Asheville. Attending on behalf of the City is Mayor Joe Gibbons, City Manager Scott Hildebran, and Councilmembers Kent Greer and Ike Perkins.

HOLIDAY CLOSING: 6. City offices will be closed on Friday, April 15 in observance of Good Friday.

PARKS & RECREATION

ADVISORY BOARD: 7. The Parks and Recreation Advisory Board will meet on Monday, April 25 at 6:00 p.m. at Mulberry Recreation Center.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

BOARD APPOINTMENTS;

PLANNING BOARD: A. Mayor Gibbons recommended to City Council that Michael Careccia and Kyle Case be appointed to fill the two vacant terms on the Lenoir Planning Board, which will expire June 2023. These vacancies were announced at the March 15 Council meeting.

Upon a motion by Councilmember Beal, City Council voted 7 to 0 to appoint Michael Careccia and Kyle Case to fill the two vacant terms on the Lenoir Planning Board as described above and as recommended by Mayor Gibbons.

NOTICE OF RE-APPOINTMENT; FOOTHILLS

REGIONAL AIRPORT AUTHORITY:

B. Mayor Gibbons recommended Charles Thomas be re-appointed to serve a two-year term on the Foothills Regional Airport Authority, which will expire June 30, 2024. City Council will consider this recommendation at the April 19 Council meeting.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

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

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
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PROCLAMATION

FAIR HOUSING MONTH

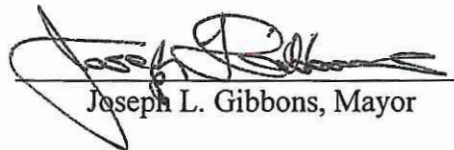
WHEREAS, April 11, 2022 marks the 54th anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, the Catawba Valley Association of Realtors is committed to highlighting the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, by continuing to address discrimination in our community, supporting programs that will educate the public about the right to equal housing opportunities, and planning partnership efforts with other organizations to help assure every American of their right to fair housing.

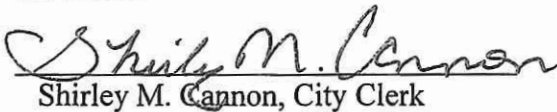
NOW, THEREFORE, I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, do hereby resolve that April 2022, being *Fair Housing Month*, begins a year-long commemoration of the U.S. Fair Housing Law in the City of Lenoir and urge all citizens to wholeheartedly recognize this celebration throughout the year.

Adopted this the 5th day of April, 2022.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk



CITY MANAGER
SCOTT E. HILDEBRAN

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ORDINANCE #2022-1

**CAPITAL PROJECT BUDGET ORDINANCE TO CLOSE CAPITAL PROJECT FOR
THE CITY OF LENOIR**

WHEREAS, the City Council of the City of Lenoir has adopted a Budget Ordinance for fiscal year beginning July 1, 2018, and ending June 30, 2019, in accordance with the General Statutes of the State of North Carolina, and;

WHEREAS, the City Council desires to recognize the completion of the following Capital Project, and;

WHEREAS, the City adopted the Capital Project Budget Ordinance for the ARC Grant for the Broyhill Plant Site Redevelopment on the 6th day of May, 2019 with a total project budget of \$768,000. This project was managed by the WPCOG and was complete as of October 2021 with total expenditures of \$768,742.69 which includes In-Kind contributions with a value of \$173,000. The project was over budget by \$21,742.69 due to the clean-up requirements for the project.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, THAT:

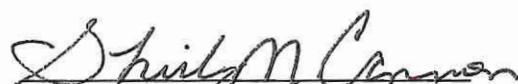
The Capital Project Budget Ordinance for the ARC Grant for the Broyhill Plant Site Redevelopment grant be closed.

Adopted this 5th day of April 2022.

SEAL


Joseph L. Gibbons, Mayor

Attest:


Shirley M. Cannon, City Clerk





CITY MANAGER
SCOTT E. HILDEBRAN

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RESOLUTION

**IN SUPPORT OF THE AMERICANS WITH DISABILITIES ACT SECTION 504
POLICY STATEMENT**

WHEREAS, the City of Lenoir prohibits discrimination on the basis of disability with respect to all terms and conditions of employment and access to its activities, programs, and services; and

WHEREAS, any interference, coercion, restraint, retaliation, or reprisal of any person alleging disability discrimination is prohibited; and

WHEREAS, for the purposes of this policy, an individual with a disability is defined as any person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such impairment.

WHEREAS, the City of Lenoir is committed to:

1. Providing reasonable accommodation for an individual with a disability to participate in employment, activities, programs, and services and has established procedures to allow persons with a disability to request reasonable accommodation;
2. Providing access to persons using its facilities, building, and city maintained roads, sidewalks, and cross walks;
3. Ensuring that communications with applicants, participants, beneficiaries, members of the public, and companions with disabilities are as effective as communications with others;
4. Auxiliary aids/services are provided upon request to individuals with a disability.

NOW, THEREFORE BE IT RESOLVED by the Lenoir City Council that the City of Lenoir has an ADA Coordinator/Risk Manager who can answer ADA related questions and handle reasonable accommodation requests as well as provide information on established procedures for filing a complaint alleging discrimination on the basis of a disability. The ADA Coordinator can be contacted at 828-757-2217 or by mail at 801 West Avenue NW, Lenoir, NC 28645. Any questions or comments concerning this policy should be referred to the ADA Coordinator/Risk Manager.

Adopted by vote of the City Council of Lenoir this, the 5th day of April, 2022, upon a motion by David Stevens, Councilperson.

SEAL




Joseph L. Gibbons, Mayor

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RESOLUTION BY THE LENOIR CITY COUNCIL

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water distribution system projects, and

WHEREAS, The **City of Lenoir** has need for and intends to construct a drinking water distribution system project described as the Whitnel Water Transmission Main project, and

WHEREAS, The **City of Lenoir** intends to request State loan and/or grant assistance for the project,

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

That **City of Lenoir**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the **City of Lenoir** to make scheduled repayment of the loan, to withhold from the **City of Lenoir** any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

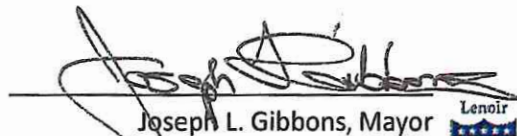
That Scott Hildebran, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

Adopted this the 5th day of April, 2022 at Lenoir, North Carolina.

SEAL


Joseph L. Gibbons, Mayor



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

Adopted this the 5th day of April, 2022 at Lenoir, North Carolina.

SEAL


Joseph L. Gibbons, Mayor

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PROCLAMATION

FAIR HOUSING MONTH

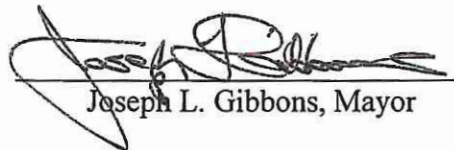
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WHEREAS, the Catawba Valley Association of Realtors is committed to highlighting the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, by continuing to address discrimination in our community, supporting programs that will educate the public about the right to equal housing opportunities, and planning partnership efforts with other organizations to help assure every American of their right to fair housing.

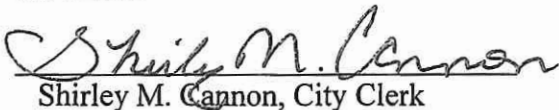
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ATTEST:


Shirley M. Cannon, City Clerk



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ORDINANCE #2022-1

**CAPITAL PROJECT BUDGET ORDINANCE TO CLOSE CAPITAL PROJECT FOR
THE CITY OF LENOIR**

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WHEREAS, the City Council desires to recognize the completion of the following Capital Project, and;

WHEREAS, the City adopted the Capital Project Budget Ordinance for the ARC Grant for the Broyhill Plant Site Redevelopment on the 6th day of May, 2019 with a total project budget of \$768,000. This project was managed by the WPCOG and was complete as of October 2021 with total expenditures of \$768,742.69 which includes In-Kind contributions with a value of \$173,000. The project was over budget by \$21,742.69 due to the clean-up requirements for the project.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, THAT:

The Capital Project Budget Ordinance for the ARC Grant for the Broyhill Plant Site Redevelopment grant be closed.

Adopted this 5th day of April 2022.

SEAL


Joseph L. Gibbons, Mayor

Attest:


Shirley M. Cannon, City Clerk





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RESOLUTION

**IN SUPPORT OF THE AMERICANS WITH DISABILITIES ACT SECTION 504
POLICY STATEMENT**

WHEREAS, the City of Lenoir prohibits discrimination on the basis of disability with respect to all terms and conditions of employment and access to its activities, programs, and services; and

WHEREAS, any interference, coercion, restraint, retaliation, or reprisal of any person alleging disability discrimination is prohibited; and

WHEREAS, for the purposes of this policy, an individual with a disability is defined as any person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such impairment.

WHEREAS, the City of Lenoir is committed to:

1. Providing reasonable accommodation for an individual with a disability to participate in employment, activities, programs, and services and has established procedures to allow persons with a disability to request reasonable accommodation;
2. Providing access to persons using its facilities, building, and city maintained roads, sidewalks, and cross walks;
3. Ensuring that communications with applicants, participants, beneficiaries, members of the public, and companions with disabilities are as effective as communications with others;
4. Auxiliary aids/services are provided upon request to individuals with a disability.

NOW, THEREFORE BE IT RESOLVED by the Lenoir City Council that the City of Lenoir has an ADA Coordinator/Risk Manager who can answer ADA related questions and handle reasonable accommodation requests as well as provide information on established procedures for filing a complaint alleging discrimination on the basis of a disability. The ADA Coordinator can be contacted at 828-757-2217 or by mail at 801 West Avenue NW, Lenoir, NC 28645. Any questions or comments concerning this policy should be referred to the ADA Coordinator/Risk Manager.

Adopted by vote of the City Council of Lenoir this, the 5th day of April, 2022, upon a motion by David Stevens, Councilperson.

SEAL




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RESOLUTION BY THE LENOIR CITY COUNCIL

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water distribution system projects, and

WHEREAS, The **City of Lenoir** has need for and intends to construct a drinking water distribution system project described as the Whitnel Water Transmission Main project, and

WHEREAS, The **City of Lenoir** intends to request State loan and/or grant assistance for the project,

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

That **City of Lenoir**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the **City of Lenoir** to make scheduled repayment of the loan, to withhold from the **City of Lenoir** any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

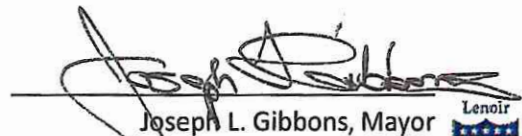
That Scott Hildebran, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

Adopted this the 5th day of April, 2022 at Lenoir, North Carolina.

SEAL


Joseph L. Gibbons, Mayor



CITY MANAGER
SCOTT E. HILDEBRAN

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RESOLUTION BY THE LENOIR CITY COUNCIL

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WHEREAS, The **City of Lenoir** has need for and intends to construct project described as the Lower Creek WWTP Improvements, and

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That Scott Hildebran, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

Adopted this the 5th day of April, 2022 at Lenoir, North Carolina.

SEAL


Joseph L. Gibbons, Mayor

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