



AGENDA

**CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, MAY 3, 2022
6:00 P.M.**



I. CALL TO ORDER

A. Moment of Silence & Pledge of Allegiance

B. Special Recognition; Police Department: Mr. Matthew Selves, Public Safety Risk Management Consultant, NCLM, will present a certificate to Brent Phelps, Chief of Police, following the Department's onsite review for risk assessment.

A law enforcement risk review is to assess an agency's adherence to best practices, court decisions, policies and procedures related to high liability activities in law enforcement. The goal is to mitigate liability exposures, enhance officer safety, and validate that training and operating procedures are meeting industry standards. The risk management review is designed and peer-reviewed by a panel of police chiefs representing a cross section of North Carolina law enforcement agencies and is available to those agencies who participate in the League's property and liability insurance pool.

C. Special Recognition: On behalf of City Council, Mayor Gibbons will present a proclamation to Brent Phelps, Chief of Police, proclaiming the week of May 11-17 as "Peace Officers' Memorial Week" throughout the City of Lenoir. Sunday, May 15 will be observed as "Peace Officers' Memorial Day."

An Officer Down Memorial Service will be held on Thursday, May 12, at 6:00 p.m. around the Officer Down Monument located in front the Caldwell County Courthouse. The Honor Guard from both the Lenoir Police Department and the Caldwell County Sheriff's Department will perform both rifle volley and flag presentations to honor those who have paid the supreme sacrifice. There will also be placement of the wreaths.

D. Special Recognition: On behalf of City Council, Mayor Gibbons will present a proclamation to Brent Phelps, Chief of Police, proclaiming the month of May as "Motorcycle Safety and Awareness Month" throughout the City of Lenoir.

E. Special Recognition: On behalf of City Council, Mayor Gibbons will present a proclamation to Ken Hair, Fire Chief, Lenoir Fire Department, proclaiming Wednesday, May 4 as "International Firefighters' Day" throughout the City of Lenoir. International Firefighters' Day is observed each year on May 4. On this date, the public is encouraged to remember the past firefighters who have died while serving our community or dedicated their lives to protecting the safety of us all.

F. Special Recognition: On behalf of City Council, Mayor Gibbons will present a proclamation to Radford Thomas, Public Utilities Director, proclaiming the week of May 1 – 7 as "Celebrate Drinking Water Week" throughout the City of Lenoir.

- G. Special Recognition: On behalf of City Council, Mayor Gibbons will present a proclamation to Ed Evans, Interim Public Works Director, proclaiming the week of May 15 - May 21 as “National Public Works Week” throughout the City of Lenoir. The theme for this year’s celebration is ready and resilient.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, April 19, 2022 as submitted.
- B. Authorizing Resolution; Lenoir Greenway Extension-Park Connection Project: Staff recommends City Council endorse the application for the STP-DA Program and commit to a 20% cash match in the amount of \$433,550 for the project, by adopting the attached resolution. The resolution will authorize the Lenoir Planning Department to submit up to three (3) applications to the Greater Hickory Metropolitan Planning Organization (GHMPO) for Surface Transportation Program –Direct Appointment Funding (STP-DA) Funds for the Lenoir Greenway Extension – Park Connection Project Segments 1-5 in the amount of \$2,167,750.
- C. Amendment; Sub Recipient Agreement, Yokefellow, Inc.: Approval of an amendment as requested by the Western Piedmont Council of Governments (WPCOG) to amend the Sub Recipient Agreement between the City of Lenoir and Caldwell County Yokefellow, Inc. Note: This addendum will re-allocate \$50,764.11 from the first agreement signed on August 28, 2020 to the second agreement signed on October 21, 2020. Re-allocating this funding will allow Caldwell County Yokefellow, Inc. to meet the demands and to use the additional funding to pay for activities described in the second agreement.
- D. Proclamation; Peace Officers’ Memorial Week: Approval of a proclamation proclaiming the week of May 11-17 as “Peace Officers’ Memorial Week” throughout the City of Lenoir. Sunday, May 15 will be observed as “Peace Officers’ Memorial Day.”
- E. Proclamation; Motorcycle Safety and Awareness Month: Approval of a proclamation proclaiming the month of May as “Motorcycle Safety and Awareness Month” throughout the City of Lenoir.
- F. Proclamation; International Firefighters’ Day: Approval of a proclamation proclaiming Wednesday, May 4 as International Firefighters’ Day throughout the City of Lenoir.
- G. Proclamation; Celebrate Drinking Water Week: Approval of a proclamation proclaiming the week of May 1–7 as “Celebrate Drinking Water Week” throughout the City of Lenoir.
- H. Proclamation; National Public Works Week: Approval of a proclamation proclaiming the week of May 15 - May 21 as “National Public Works Week” throughout the City of Lenoir.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

- A. Rick Oxford, Plan Administrator, Western Piedmont Council of Governments, will hold the second of two public meetings to receive public comments regarding the FY2022 Action Plan of the City of Lenoir and the Unifour Consortium HOME program as part of the five-year Consolidated Plan as submitted. This plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines goals and action plans of the City of Lenoir and the Unifour Consortium HOME program and its use of Community Development Block Grant (CDBG) and HOME funds for fiscal year 2022, beginning July 1, 2022 and ending June 30, 2023. The City of Lenoir serves as the lead entity for the Unifour Consortium.

- B. FY2022 Action Plan and FY2022 Unifour Consortium HOME Plan: Approval of the FY2022 Action Plan for the City of Lenoir Consolidated Plan and approval of the FY2022 Unifour Consortium HOME Program as submitted by Rick Oxford, Plan Administrator.

VI. REPORT AND RECOMMENDATIONS OF THE CITYMANAGER

A. Items of Information

1. May Calendar: The calendar for the month of May will be submitted to Council listing various meetings and events.
2. The National Day of Prayer will be observed on Thursday, May 5 at noon on the square.
3. A Cruise-In Event is scheduled on Saturday, May 7 from 3:00 p.m. – 9:00 p.m. in downtown Lenoir.
4. The City/County Services Committee will meet on Monday, May 9 at noon.
5. The Caldwell County Economic Development Commission (EDC) will meet on Tuesday, May 10 at 8:00 a.m.
6. The Lenoir Business Advisory Board will meet in person on Thursday, May 12 at 6:00 p.m. at City Hall, Third Floor.
7. City Council will conduct a Budget Work Session on Thursday, May 19 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers. If necessary, additional budget work sessions are scheduled on Tuesday, May 24 at 8:30 a.m. at the Committee of the Whole meeting and on Thursday, May 26 at 6:00 p.m. All budget work sessions are scheduled to be held at City Hall.
8. City offices will be closed on Monday, May 30 in observance of Memorial Day.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITYATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Board Announcements/Re-Appointments: Mayor Gibbons will announce the following list of proposed re-appointments to the City's Authorities/Boards/Commissions. These re-appointments will be presented to City Council for their consideration of approval at the May 17 City Council meeting.

ABC Board

Jerry Brooks

(3-year term)

Lenoir Tourism Development Authority (LTDA)

Dana Clark

Glenda Wilson

(4-year term)

Lenoir Business Advisory Board (LBAB)

Margaret Forney

Darin McKinney

Gonzalo Vasquez

John Moore

Sean Williams

(3-year term)

Parks & Recreation Advisory Board

(2-year term)

Schonna Banner

Darrell Lipford

Lenoir Housing Authority

(5-year term)

Debbie Smith

Planning Board

(3-year term)

Tim Scobie

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS**X. ADJOURNMENT**



City of Lenoir Police

1035 West Avenue NW
 Lenoir, North Carolina 28645
 (828) 757-2100 • Fax (828) 757-2103



Council Action Form

I. Agenda Item:

II. Background Information:

III. Staff Recommendation:

IV. Reviewed by:

City Attorney:_____	Date:_____
City Manager:_____	Date:_____
Police Chief:  _____	Date:_____

THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES

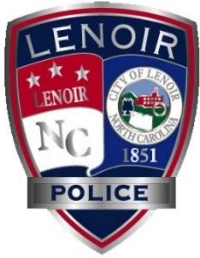
Recognizes

Lenoir Police Department

**For completing the Law Enforcement Risk Management Review
and proactively serving the community in a professional manner
while taking steps to minimize risks to our citizens and officers**

Presented May 3rd, 2022

PROCLAMATION



In Recognition of Peace Officers' Memorial Week May 11 – 17, 2022

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week; and

WHEREAS, the members of the law enforcement agency of the Lenoir Police Department play an essential role in safeguarding the rights and freedoms of those inside the City of Lenoir; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the law enforcement agency of the Lenoir Police Department unceasingly provide a vital public service;

NOW THEREFORE, BE IT RESOLVED, that I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council, do hereby proclaim and call upon all citizens of Lenoir and upon all patriotic, civic and educational organizations to observe the week of May 11 – May 17, 2022, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens;

FURTHERMORE, I proclaim and call upon all citizens of the City of Lenoir to recognize May 15, 2022, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty. Let us recognize and pay respect to the survivors of our fallen heroes.

WITNESS, my hand and seal this the _____ day of _____, 2022.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk



PROCLAMATION

Motorcycle Safety & Awareness Month

May 2022



***WHEREAS**, the growth in popularity of motorcycle riding and touring, combined with the many scenic destinations in our state and the year-long riding season, have led to North Carolina having one of the largest populations of motorcycle enthusiasts in the nation; and*

***WHEREAS**, more and more residents of the City of Lenoir are taking up this mode of transportation to commute to and from their places of employment; and*

***WHEREAS**, many motorcyclists undergo specialized training by attending professionally taught motorcycle operator training courses with emphasis on skills, traffic laws, and proper safety equipment; and*

***WHEREAS**, it is the responsibility of all motorists to be aware of motorcyclists and extend to them the same courtesy as any other vehicles on our roadways.*

***NOW, THEREFORE, BE IT RESOLVED**, that I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council, do hereby proclaim the month of May as "Motorcycle Safety and Awareness Month" throughout the City of Lenoir.*

***WITNESS**, my hand and seal this the _____ day of _____, 2022.*

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
F. KENT GREER
T. H. PERDUE
J. I. PERKINS
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS

PROCLAMATION

IN HONOR OF

INTERNATIONAL FIREFIGHTERS' DAY

WHEREAS, International Firefighters' Day is observed each year on May 4th to honor and remember past firefighters who have lost their lives while serving their communities, to express gratitude to those that have served in this line of work and to show support and appreciation for those who presently serve; and

WHEREAS, Regardless of the language a firefighter speaks, or the country in which he or she works and resides, all firefighters fight against the same enemy - fire; and

WHEREAS, Firefighters follow a long line of tradition and honor that inspires them to help colleagues, neighbors and strangers alike; and

WHEREAS, The demands of firefighting are accompanied by both personal and physical tolls that all firefighters knowingly accept while risking their lives to protect the lives of others.

NOW, THEREFORE, be it resolved, that by the virtue of the authority vested in me as Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, I do hereby proclaim Tuesday, May 4th, 2022, as "**International Firefighters' Day**" throughout the City of Lenoir and encourage all citizens to show support and appreciation to our City, County, and State firefighters who protect our lives and property so diligently throughout the year and by remembering past firefighters who dedicated their lives to preserve our safety.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 4th day of May, 2022.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk





CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
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D. F. STEVENS
C. D. THOMAS

PROCLAMATION
IN CELEBRATION OF
DRINKING WATER WEEK

WHEREAS, water is our most valuable natural resource; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, any measure of a successful society - low mortality rates, economic growth and diversity, productivity, and public safety are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of the City of Lenoir is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues by getting to know their water;

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, I do hereby proclaim the week of May 1 – 7, 2022, as *“Celebrate Drinking Water Week”* throughout the City of Lenoir.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 3rd day of May, 2022.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk





CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

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D. F. STEVENS
C. D. THOMAS

**PROCLAMATION
IN HONOR OF
NATIONAL PUBLIC WORKS WEEK**

WHEREAS, Public Works Professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Lenoir and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the City of Lenoir to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association,

NOW, THEREFORE, I, Joseph L. Gibbons, Mayor, and on behalf of the Lenoir City Council, do hereby designate the week of May 15 – 21, 2022, as "**National Public Works Week**" and urge all citizen to join with representatives of governmental agencies and the American Public Works Association in activities and ceremonies designed to pay tribute to our Public works professionals, engineers and administrators and to recognize the substantial contributions they have made to our national health and welfare.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 3rd day of May, 2022.

SEAL

Joseph L. Gibbons, Mayor

Shirley M. Cannon, City Clerk



**LENOIR CITY COUNCIL
TUESDAY, APRIL 19, 2022
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Jonathan Beal, Kent Greer, Ike Perkins, Ralph Prestwood, Todd Perdue, City Manager Scott Hildebran, City Attorney T. J. Rohr, City Clerk Shirley Cannon, Planning Director Jenny Wheelock, Police Chief Brent Phelps and Communications Director Joshua Harris.

ABSENT: Councilmember David Stevens and Mayor Pro-Tem Crissy Thomas.

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

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.

**SPECIAL RECOGNITION;
POLICE DEPARTMENT:**

- B. On behalf of City Council, Mayor Gibbons presented a proclamation to Brent Phelps, Chief of Police, recognizing the week of April 10 through April 16 as “National Public Safety Telecommunicators Week” in the City of Lenoir.

Chief Phelps thanked Mayor Gibbons and City Council for the recognition and stated the Department’s Telecommunicators provide a vital service for the City of Lenoir while working behind the scenes. He remarked the Telecommunicators are the key to the Department being able to serve and do their job.

Mayor Gibbons thanked Chief Phelps and Staff for all they do for the City of Lenoir and its citizens.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**AMENDMENTS; PHASE II
STORMWATER ORDINANCE:**

- A. A public hearing was held to consider amendments to the Phase II Stormwater Ordinance (codified as Appendix C of Lenoir’s Code of Ordinances) as submitted.) An outline of the proposed changes is included in the memorandum as submitted by Mr. Jack Cline, WPCOG Stormwater Administrator.

A copy of the Memorandum and Stormwater Ordinance is hereby incorporated into these minutes by reference. (Refer to pages 85-97.)

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

Planning Director Jenny Wheelock clarified for Council that the proposed amendments would not change the administrative purpose of the ordinance. The majority of these changes were required by the Department of Environmental Quality (DEQ) when they approved the City's Stormwater Management Plan (SWMP).

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

Upon a motion by Councilmember Perdue, City Council voted 5 to 0 to approve the amendments to the Phase II Stormwater Ordinance (Appendix C of Lenoir's Code of Ordinances) as submitted and as recommended by Planning Director Jenny Wheelock.

**CONDITIONAL ZONING ORDINANCE;
SUMMERHILL SUBDIVISION:**

- B. A public hearing was held to consider a Conditional Zoning Ordinance for the Summerhill Subdivision as requested by Munroe and Becky Cobey, Cape Hatteras, LLC, as submitted.

A copy of the ordinance and Staff Report is hereby incorporated into these minutes by reference. (Refer to pages 98-115.)

Mayor Gibbons opened the public hearing to receive public comments regarding the proposed Conditional Zoning Ordinance request.

Planning Director Jenny Wheelock reviewed a brief presentation of the Summerhill Subdivision along with a map of the property regarding the conditional zoning request.

Director Wheelock reported the owners of Summerhill Subdivision requested a zoning change from R-12 to Conditional Zoning in order to adopt special conditions for development of the remaining lots and designate additional open space for the management of stormwater run-off. The special conditions are included in the CZ-8 Ordinance.

As background information, Director Wheelock reported the subdivision is zoned as R-12 and contains 69 lots, the majority of which remain vacant. She stated there are now six completed homes and four additional homes under construction. There is also an un-named intermittent stream, which runs east-west through the center of the development, feeding a tributary to Lower Creek located on the western boundary.

Director Wheelock further explained that Section No. 8 in the ordinance states a Home Owners Association (HOA) must be established and maintained in perpetuity. The HOA must, at a minimum, be responsible for maintaining all commonly owned private improvements, including open space, stormwater conveyance systems, and neighborhood entrance signage.

Following a brief discussion, Director Wheelock clarified the owners have requested that entrance signage be removed from the ordinance and she clarified they are not required to have them. She stated this will be a minor change to the ordinance.

Mrs. Becky Cobey, 303 Lone Pine Road, Chapel Hill, NC, addressed City Council and stated they purchased the land in 2005-06 in order to build smaller homes for people

that wanted to downsize. A “spec” home was built in 2007 that did not sell until 2011. Mrs. Cobey stated they were unaware of the runoff and setback issues until they met recently with Director Wheelock to discuss the Phase II addition. Mrs. Cobey commended Director Wheelock for all of her hard work in addressing the stormwater issue for future development.

A resident of the neighborhood addressed Council and asked what is required to create an HOA. He stated residents were promised by the owners there would not be an HOA when the lots were sold. However, he remarked that was not correct because the owners fought for control over the HOA.

Mrs. Cobey stated she was unaware of what HOA may have been involved with since only one house was built in 2007. Mrs. Cobey said they never charged anyone a fee and thought the HOA would go away.

Director Wheelock clarified the HOA is required by the City of Lenoir and that Planning Staff has to have a copy on file should there be any enforcement issues. In addition, she pointed out the City is regulated by state guidelines.

Following a brief discussion and upon a motion by Councilmember Perkins, City Council voted 5 to 0 to approve the Conditional Zoning Ordinance as presented by Staff, with the changes to special condition number 8 related to removing language about HOA maintenance of entrance signs as requested by the property owner.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, April 5, 2022 as submitted.
- B. Minutes: Approval of the minutes of the Budget Retreat held during the Committee of the Whole meeting of Tuesday, March 22, 2022 as submitted.
- C. Resolution; Water & Sewer Enterprise Fund CIP: Approval of a resolution to adopt the updated Water and Sewer Fund Capital Improvements Project (CIP) list as presented to City Council at the March 22, 2022 Budget Meeting in order to meet the requirements of the Division of Water Infrastructure SRF funding application. (A copy of the resolution and certification statement are hereby incorporated into these minutes by reference. Refer to page 116-117.)
- D. Proclamation; National Public Safety Telecommunicators Week: Approval of a proclamation recognizing the week of April 11 through April 15 as “National Public Safety Telecommunicators Week” in the City of Lenoir. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 118.)

Upon a motion by Councilmember Perdue, Council voted 6 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

- PLANNING BOARD:** 1. A training and orientation session for the Board of Adjustment members is scheduled for Monday, April 25 beginning at 4:30 p.m. and the Board of Adjustment/Planning Board meeting will follow at 5:30 p.m. at the City/County Chambers.
- PARKS & RECREATION
ADVISORY BOARD:** 2. The Parks and Recreation Advisory Board will meet on Monday, April 25 at 6:00 p.m. at Mulberry Recreation Center.
- NCLM CITY VISION
CONFERENCE:** 3. The North Carolina League of Municipalities (NCLM) City Vision Conference will be held on Tuesday, April 26 through Thursday, April 28 in Wilmington.
- MEETING CANCELLATION;
COMMITTEE OF THE WHOLE:** 4. The Committee of the Whole meeting for Tuesday, April 26 was cancelled due to the NCLM City Vision Conference.
- EMPLOYEE LITTER
SWEEP:** 5. The City of Lenoir's Employee Litter Sweep is scheduled for Wednesday, April 20. A group of City volunteers will be collecting litter in the downtown area and along different City routes.

A. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

**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. This re-appointment was announced at the April 5 meeting.

Upon a motion by Councilmember Prestwood, City Council voted 6 to 0 to re-appoint Charles Thomas to serve a two-year term on the Foothills Regional Airport Authority, which will expire June 30, 2024 as recommended by Mayor Gibbons.

In addition, Mayor Gibbons stated he is continuing to work with Staff regarding approving all board appointment recommendations annually with all terms to begin July 1 through June 30 each year.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

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

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



**Western Piedmont
Council of Governments**

Creative Regional Solutions Since 1968

1880 Second Avenue NW | Hickory, NC 28601
PO Box 9026 | Hickory, NC 28603
828.322.9191 | Fax: 828.322.5991 | www.wpcog.org

MEMORANDUM

To: Lenoir City Council
From: Jack Cline, WPCOG Stormwater Administrator
Date: April 13, 2022
Re: Updates to the City of Lenoir Phase II Stormwater Ordinance

The attached ordinance proposes modifications to Lenoir's adopted Phase II Stormwater Ordinance (codified as Appendix C in the City's Code of Ordinances), consistent with the Best Management Practices (BMPs) prescribed by the City's state-approved Stormwater Management Plan (SWMP). Specifically, BMP 35 in the SWMP calls for the City to "require construction site operators to control waste at the construction site that may cause adverse impact to water quality."

Proposed Sec. 309 does not impose additional permitting requirements, but rather establishes clear standards and expectations for construction operations and provides "teeth" to field enforcement. The target is stock piles and materials outside of the typical Sediment and Erosion Control requirements currently handled by NCDEQ. Additional edits are also proposed, aimed at clarifying enforcement procedures, remedies, and penalties in light of recent changes made by SB300 last year.

Outline of proposed changes:

- Addition of Sec. 309 Construction Waste Management
 - Requires that construction sites follow the outlines procedures within the ordinance
 - Provides the City with more control over construction site stormwater runoff pollution
 - Establishes standards for field enforcement – does not add additional permitting requirements
 - Broken into 5 parts:
 - (1) Discarding building materials and construction waste disposal requirements (general waste and material disposal)
 - (2) Storage and disposal of construction site waste (stock piles)
 - (3) Disposal of Hazardous Waste
 - (4) Disposal of Pesticides
 - (5) Maintenance Requirements (maintain containers, storage areas, equipment, etc.)
- Fixing minor errors/typos present in the ordinance
- Updated provisions related to the enforcement procedures and remedies/penalties to be in line with S.B. 300 and clarify when and how city abatement of stormwater violations as public nuisances can occur.

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING APPENDIX C OF THE LENOIR CITY CODE, "PHASE II STORMWATER ORDINANCE," RELATED TO CONSTRUCTION SITE WASTE AND ENFORCEMENT PROCEDURES, PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, the City of Lenoir is subject to Phase II of the Clean Water Act and holds a National Pollution Discharge and Elimination System (NPDES) permit for our Municipal Separate Storm Sewer System (MS4); and

Whereas, the City of Lenoir's NPDES permit requires the City to adopt and maintain a Stormwater Management Plan (SWMP) and local ordinances to address stormwater runoff and illicit discharge; and

Whereas, the City's adopted SWMP contains Best Management Practices (BMPs) related to the control of stormwater pollution, including BMP 35 which requires the City to develop, adopt, maintain, and enforce an ordinance addressing the control of construction site waste that has the potential to adversely affect water quality; and

Whereas, additional changes to clarify the enforcement process, particularly related to sections addressing remedies and penalties, are deemed necessary to ensure enforcement complies with the standards contained in NCGS14-4, as recently amended by SB300; and

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

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

SECTION 1. Appendix C of the Code of Ordinances, City of Lenoir, North Carolina, "Phase II Stormwater Ordinance" is hereby amended to read as follows:

APPENDIX C - PHASE II STORMWATER ORDINANCE

SECTION 1: - GENERAL PROVISIONS

105 - APPLICABILITY AND JURISDICTION

(A) General.

Beginning with and subsequent to its effective date, this ordinance shall be applicable to all development and redevelopment, including, but not limited to, site plan applications, subdivision

applications, and grading applications, unless exempt pursuant to Subsection (B) of this Section. Exemptions.

(B) Exemptions.

Development that cumulatively disturbs less than one acre and does not exceed 20,000 square feet ~~or of~~ impervious area and does not include disturbances within a stream buffer, filling or excavation in excess of 1,000 cubic yards or filling and excavation that would impact an adjoining parcel through alteration or drainage paths, ponding or water or velocity of stormwater flow is not part of a larger common plan of development or sale is exempt from the provisions of this ordinance.

203 - APPLICATIONS FOR APPROVAL

(B) Stormwater Management Permit Application. The stormwater management permit application shall detail how post-development stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this ordinance, including Section 3, Standards. All such plans shall be prepared by a qualified registered North Carolina professional engineer, surveyor, soil scientist or landscape architect, and the engineer, surveyor, soil scientist or landscape architect shall perform services only in their area of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the Design Manual, and that the designs and plans ensure compliance with this ordinance.

The submittal shall include all of the information required in the submittal checklist established by the Stormwater Administrator. Incomplete submittals shall be treated pursuant to Section ~~2-202(D)~~, 202(E) of this ordinance.

305 - DEDICATION OF BMPS, FACILITIES & IMPROVEMENTS

The Lenoir City Council may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance. The City Council may consider a developer's request under this subpart concurrently with a preliminary subdivision plat or other discretionary land use approval, as applicable, or as a stand-alone request. Before entering into an agreement or accepting the dedication, a legislative hearing is required pursuant to NCGS160D-1005.

306 - VARIANCES

- (A) Any person may petition the ~~City of Lenoir~~ Board of Adjustment for a variance granting permission to use the person's land in a manner otherwise prohibited by this ordinance. To qualify for a variance, the petitioner must show all of the following:

- (1) Unnecessary hardships would result from strict application of this ordinance.
 - (2) The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.
 - (3) The hardships did not result from actions taken by the petitioner.
 - (4) The requested variance is consistent with the spirit, purpose, and intent of this ordinance; will secure public safety and welfare; and will preserve substantial justice.
- (B) The City of Lenoir may impose reasonable and appropriate conditions and safeguards upon any variance it grants.
- (C) Statutory exceptions. Notwithstanding subdivision (A) of this section, exceptions from the 30-foot landward location of built-upon area requirement as well as the deed restrictions and protective covenants requirements shall be granted in any of the following instances:
- (1) When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.
 - (2) When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water, sewer, or gas construction and maintenance corridor, as long as it is located 15 feet landward of all perennial and intermittent surface waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.
 - (3) A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.

307 - ADDITIONAL STANDARDS FOR SPECIAL SITUATIONS

(A) Restrictions on Pet waste

- (1) It shall be unlawful for the owner or custodian of any dog to take it off the owner's own property limits without the means to properly remove and dispose of the dog's feces from any public or private property.
- (2) It is the responsibility of a dog's owner or custodian to clean up the dog's feces from any public or private property outside of the dog's owner's own property limits. Such property includes, but is not limited to, parks, rights-of-way, paths, and public access areas.
- (3) "Means to properly remove and dispose of feces" shall consist of having on or near one's person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to clean up and contain dog waste until it can be disposed of in an appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce these ordinances.

- (4) This provision shall not apply to handicapped persons assisted by trained guide or assistance dogs.
- (5) "Public nuisance" is defined to include "a dog which deposits feces on public property or on private property without the consent of the owner or person in lawful possession of the private property, and the person owning, possessing, harboring or having the care, charge, control or custody of the dog fails to remove the feces so deposited. Provided, however, this definition shall not apply to any dog assisting a handicapped person. ~~Reference Section 5 for abatement and penalty.~~

(B) Reserved.

309 – CONSTRUCTION WASTE MANAGEMENT

(A) Discarding building materials and construction waste disposal requirements

The following shall apply to all owners and developers at construction sites:

(1) Discarded building materials, concrete truck washout, chemicals, paint washout, litter, sanitary waste, and other construction site wastes must be properly managed and disposed of to reduce the risk of pollution from materials such as surplus or refuse building materials or hazardous waste.

(2) Practices such as trash disposal, recycling, proper material handling, and spill prevention and clean up measures must be implemented to reduce the potential for stormwater runoff to mobilize construction site wastes and contaminate surface or ground water.

(3) The proper waste management and disposal of wastes must be practiced at all construction sites to reduce pollution risk from stormwater runoff:

a) Waste management practices must be used to properly locate refuse piles

b) Materials that may be displaced by rainfall or stormwater runoff must be covered.

c) Prevent all spills and leaks of hazardous waste

(4) Guidelines for the proper handling, storage, and disposal of construction site waste must be posted in storage and use areas on site

(B) Storage and disposal of construction site waste

Owners and developers shall do the following at all times at construction sites:

(1) Designate a waste collection area onsite that does not receive a substantial amount of runoff from upland areas and does not drain directly to a water body.

(2) Designate areas for concrete trucks and equipment to be washed down so that wash water does not flow into storm drains or become surface water runoff that would lead to drains. Under no circumstances should concrete truck wash out be conducted in the road or directly into storm drains.

(3) Designate areas for paint cans and equipment to wash down that will not flow into storm drains or become surface water runoff that would lead to the storm drains or ground water recharge areas. Under no circumstances should excess paint be washed out into the road or directly into storm drains.

(4) Ensure that containers have lids so they can be covered before periods of rain. Keep containers in a covered area whenever possible.

(5) Schedule waste collection to prevent containers from overfilling, which would prevent them from being able to be covered.

(6) Clean up spills immediately. For hazardous materials, follow cleanup instructions on the package, SDS, or other approved and documented SOPs. Use an absorbent material such as sawdust or cat litter to contain the spill.

(7) During the demolition phase of construction, provide extra containers and schedule more frequent pick-ups.

(8) Collect, remove, and dispose of all construction site waste at authorized disposal areas.

(C) Disposal of hazardous materials

The following steps must be taken by owners and developers at construction sites to ensure the proper disposal of hazardous materials

(1) Local waste management authorities must be consulted about the requirements of disposing of hazardous materials

(2) A hazardous waste container must be emptied and cleaned before it is disposed of to prevent leaks

(3) The original product label must never be removed from the container as it contains important safety information. Follow manufactures recommended method of disposal, which should be printed on the label

(4) If excess products need to be disposed of, they must never be mixed during disposal unless specifically recommended by the manufacturer

(5) Consult state and local solid waste regulatory agencies and private firms to ensure the proper disposal of contaminated soils that have been exposed and still contain hazardous substances

(D) Disposal of pesticides

Owners and developers shall engage in the following actions at construction sites to reduce risks associated with pesticides and to reduce the amount of pesticides that come in contact with stormwater:

(1) Follow all federal, state, and local regulations that apply to the use, handling, and disposal of pesticides

(2) Do not handle pesticide any more than necessary

(3) Store pesticides in a dry, covered area

(4) Construct curbs or dikes to contain pesticides in case of spillage

(5) Follow the recommended application rates and methods for any handled pesticide

(6) Have equipment and absorbent materials available in areas where pesticides are stored and used in order to contain and clean up any spills that occur

(E) Maintenance requirements

Owners and developers shall comply with the following regulations at construction sites:

(1) Containers or equipment that may malfunction and cause leaks or spills must be identified through regular inspection of storage and use areas

(2) Equipment and containers must be inspected regularly for leaks, corrosion, support or foundation failure, or any other signs of deterioration and should be tested for soundness. Any found to be effective must be repaired or replaced immediately

(3) If failures to the onsite BMPs occur, such as sediment build up in the road way, this must be shoveled by hand or with a road sweeper. Under no circumstances should this sediment be washed down into the storm drainage system or waterways

404 - PERFORMANCE SECURITY FOR INSTALLATION AND MAINTENANCE

(A) May Be Required.

The City of Lenoir may, at its discretion, require the submittal of a performance security or bond with surety or a letter of credit ~~other acceptable legal arrangement~~ prior to issuance of a permit in order to ensure that the structural BMPs are

(1) Installed by the permit holder as required by the approved stormwater management plan, and/or

(2) Maintained by the owner as required by the operation and maintenance agreement.

SECTION 5: - ENFORCEMENT AND VIOLATIONS

502 - REMEDIES AND PENALTIES

The remedies and penalties provided for violations of this ordinance shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order. A violation of this ordinance is a civil violation and does not constitute a misdemeanor or infraction.

(A) Remedies.

- (1) **Withholding of Certificate of Occupancy.** The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

- (2) **Disapproval of Subsequent Permits and Development Approvals.** As long as a violation of this ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the City of Lenoir Planning Board or City Council may disapprove, any request for permit or development approval or authorization provided for by this ordinance or the zoning, subdivision, and/or building regulations, as appropriate for the land on which the violation occurs.
- (3) **Injunction, Abatements, etc.** The Stormwater Administrator, with the written authorization of the City Administrator, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.
- (4) **Correction as Public Health Nuisance, Costs as Lien, ~~etc., etc.~~** If the violation is ~~deemed~~ dangerous or prejudicial to the public health or public safety, ~~and is within the geographic limits prescribed by North Carolina G.S. § 160A-193, the City Council may, in the form of an ordinance, find and declare the violations to be a danger to the public health, safety, morals, and general welfare of the inhabitants of the City and constituting a public nuisance, and order the Stormwater Administrator, with the written authorization of the City Administrator, may to~~ cause the violation(s) to be corrected and the costs to be assessed as a lien against the property. This subsection is adopted pursuant to NCGS 160A-193.
- (5) **Stop Work Order.** The Stormwater Administrator may issue a stop work order to the person(s) violating this ordinance. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

(B) Civil Penalties. Violation of this ordinance may result in the assessment of civil penalties-, in accordance with the following schedule:

<u>First</u> <u>Penalty</u>	<u>Second</u> <u>Penalty</u>	<u>Third</u> <u>Penalty</u>	<u>Fourth</u> <u>Penalty</u>	<u>Fifth</u> <u>Penalty</u>	<u>Sixth</u> <u>Penalty</u>	<u>Seventh</u> <u>Penalty</u>	<u>Eighth</u> <u>Penalty</u>	<u>Ninth</u> <u>Penalty</u>	<u>Tenth</u> <u>Penalty</u>
\$50.00	\$50.00	\$50.00	\$100.00	\$100.00	\$100.00	\$250.00	\$250.00	\$250.00	\$250.00

If violations continue to exist past the tenth penalty, subsequent penalties shall be \$500.00 each. Each day that a violation continues to exist, beginning 72 hours after the issuance of the original citation, may constitute a separate and distinct offense, and may be subject to additional civil penalties at the discretion of the Stormwater Administrator in accordance with the citation schedule above. All penalties must be paid within 72 hours. Penalties imposed under this Section may be recovered by the City in a civil action in the nature of debt.

~~shall follow the procedure for notice of violation and civil penalty schedule outlined in Section 1-15 of the Lenoir City Code.~~

If the violation of the ordinance causes the City of Lenoir to incur a penalty for violation of its Phase II Stormwater permit, civil penalties may be assessed up to the full amount of penalty to which City of Lenoir is subject.

503 - PROCEDURES

- (A) **Initiation/Complaint.** Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Stormwater Administrator.
- (B) **Inspection.** The Stormwater Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this ordinance.
- (C) **Notice of Violation and Order to Correct.** When the Stormwater Administrator finds that any building, structure, or land is in violation of this ordinance, the Stormwater Administrator shall notify, in writing, the property owner or other person violating this ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

The Stormwater Administrator may deliver the notice of violation and correction order personally, by the law enforcement or code enforcement personnel, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Administrator may take appropriate action ~~under~~ as described in Sec. 502 of this ordinance to correct and abate the violation and to ensure compliance with this ordinance.

- (D) **Extension of Time.** A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Stormwater Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 30 days. The Stormwater Administrator may grant 15-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this ordinance. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.
- (E) **Enforcement After Time to Correct.** After the time has expired to correct a violation, including any extension(s) if authorized by the Stormwater Administrator, the Stormwater Administrator shall determine if the violation is corrected. If the violation is not corrected, the Stormwater Administrator may act to impose one or more of the remedies and penalties authorized by this ordinance.

- (F) **Emergency Enforcement.** If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose an immediate danger to the public health, safety, or welfare, then the Stormwater Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

SECTION 6: - DEFINITIONS

601 - TERMS DEFINED

Design Manual

The stormwater design manual approved for use in Phase II jurisdictions by the Department of Environmental Quality and certified by this jurisdiction for the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Design Manual are to the latest published edition or revision to the NCDEQ Stormwater Design Manual.

SECTION 7: - ILLICIT DISCHARGES

701 - TITLE AND PURPOSE

- (A) **Title.** This ordinance shall be officially known as "The Phase II Stormwater Illicit Discharge Detection and Elimination Ordinance." It is referred to herein as "this ordinance."
- (B) **Purpose.** The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City Lenoir through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:
- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by Stormwater discharges by any user
 - (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
 - (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

703 - DEFINITIONS

For the purposes of this section, the following shall mean:

Municipal Separate Storm Sewer System (MS4)

Pursuant to 40 CFR 122.26(b)(8) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets catch basins, curbs, gutters, ditches, manmade channels, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures or storm drains):

- (i) Owned or operated by a ~~City~~, city, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, Stormwater, or other wastes, that discharges to waters of the United States or waters of the State.
- (ii) Designed or used for collecting or conveying Stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW), as defined in 40 CFR 122.2

704 - ILLICIT DISCHARGES AND CONNECTIONS

- (A) **Illicit Discharges.** No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any Stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a Stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than Stormwater; provided that non-Stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:

(16) Individual residential car washing^[1] ~~Designated vehicle wash areas at multi-family residential complexes are not allowed if they connect, directly or indirectly, to the Stormwater System or surface waters. Charity Vehicle Washing performed by the same organization or at the same location on a routine basis (more than one time in a thirty-day period) is not allowed under this article.~~

(17) Flows from riparian habitats and wetlands,

(18) Dechlorinated swimming pool discharges^[2] ~~"Salt Water" swimming pools cannot be directly discharged into the storm drain due to the salinity, bromoform/bromine concentration, and chlorine generated.~~

Footnotes:

[1] Designated vehicle wash areas at multi-family residential complexes are not allowed if they connect, directly or indirectly, to the Stormwater System or surface waters.

[2] "Salt Water" swimming pools cannot be directly discharged into the storm drain due to the salinity, bromoform/bromine concentration, and chlorine generated

(B) Illicit Connections.

The Stormwater Administrator/Illicit Discharge Officer shall designate the time within which the connection shall be removed - in setting the time limit for compliance the Stormwater Administrator/Illicit Discharge Officer shall take into consideration:

- i. The ~~quantify~~ quantity and complexity of the work,
- ii. The consequences of delay,
- iii. The potential harm to the environment, to the public health, and to public and private property, and
- iv. The cost of remedying the damage.

706 - ENFORCEMENT

(A) Notice of Violation.

Whenever the Stormwater Administrator/ Illicit Discharge Officer finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Stormwater Administrator/ Illicit Discharge Officer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring analyses, and reporting,
- (2) The elimination of illicit connections or discharges,
- (3) That violating discharges, practices, or operations shall cease and desist,
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property, and
- (5) Payment of a fine to cover administrative and remediation costs, and
- (6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate by the date specified, ~~or the City may cause the violations to be abated, the cost of which or a contractor designated by the Stormwater Administrator/ Illicit Discharge Officer will perform the restore, within the established deadline, the work and the expense thereof shall be charged to the violator, and may be added to the property as a lien.~~

(B) Violations Deemed a Public Nuisance.

Illicit discharges and illicit connections which exist within the Lenoir City Limits and Extra-territorial Jurisdiction are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.

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

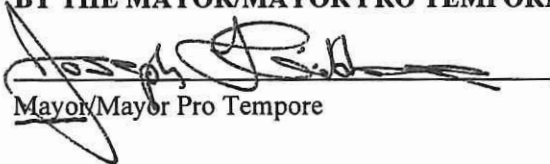
SECTION 3. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

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

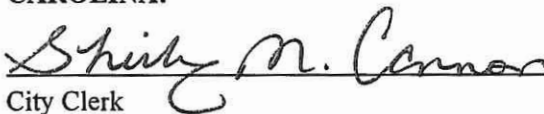
DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 8th day of April and this 15th day of April, 2022.

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 19th day of April, 2022.

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

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CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

Staff Report

CONDITIONAL ZONING REQUEST

CASE NUMBER R #2/22



LOCATION MAP/AERIAL PHOTOGRAPH



Subject Properties:

Summerhill Subdivision

Phases I & II

SUMMARY

Owner

Multiple

Applicant

Munroe & Becky Cobey,
Cape Hatteras LLC

Location

Summerhill Subdivision

NC PIN

Multiple

Project Planner

Jenny Wheelock, AICP, CZO

Updated April 8, 2022

Applicant's Request:

The applicant is requesting to re-zone the subject properties to a Conditional Zoning district (CZ-8), to officially adopt reduced setbacks and to modify conditions related to stormwater management that were attached to the previous approval.

Staff Recommendation:

Approval, with the conditions outlined in the staff report.

Planning Board Recommendation:

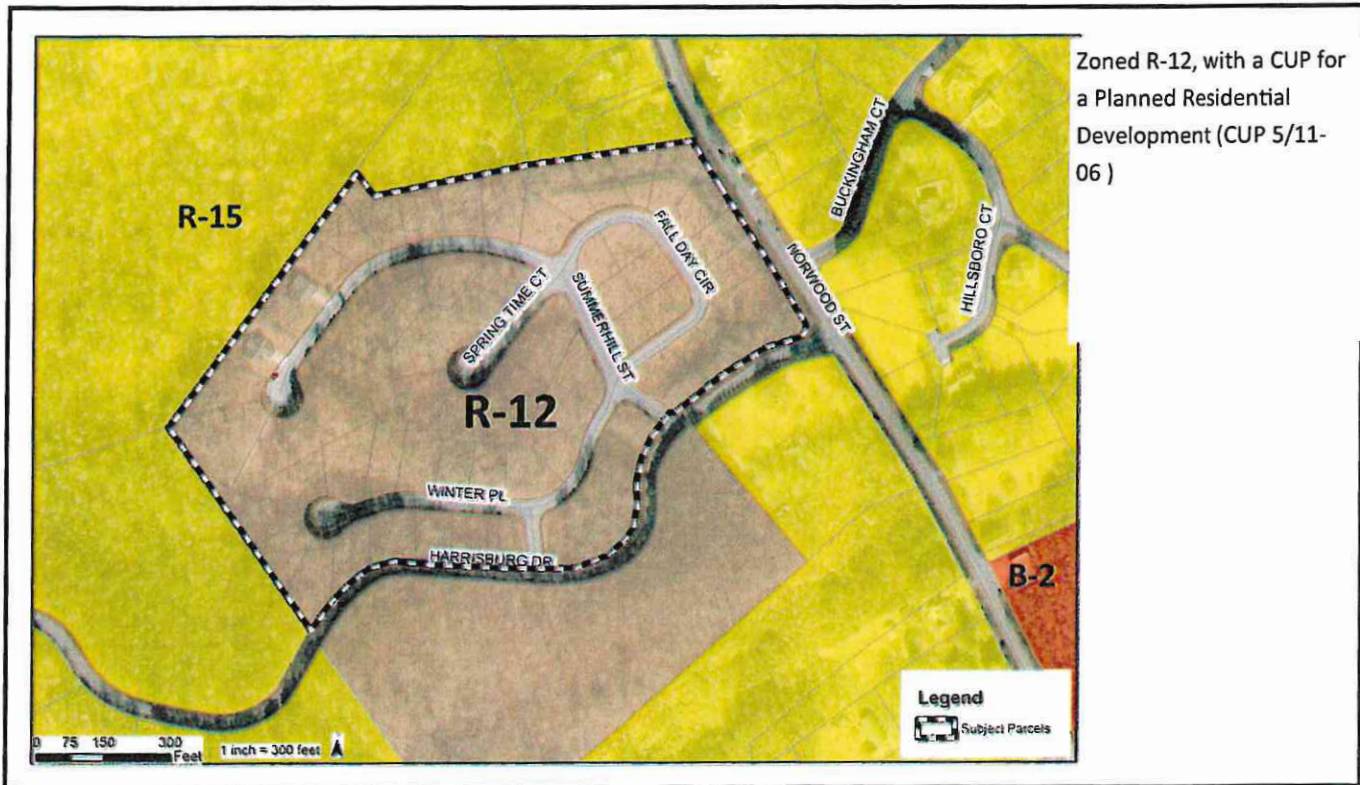
Public Comment:

Planning Board Meeting: Tabled on February 28, 2022. Notices were mailed to all Summerhill owners and adjacent property owners on February 18, 2022, and several participated via Zoom to ask questions about the request.

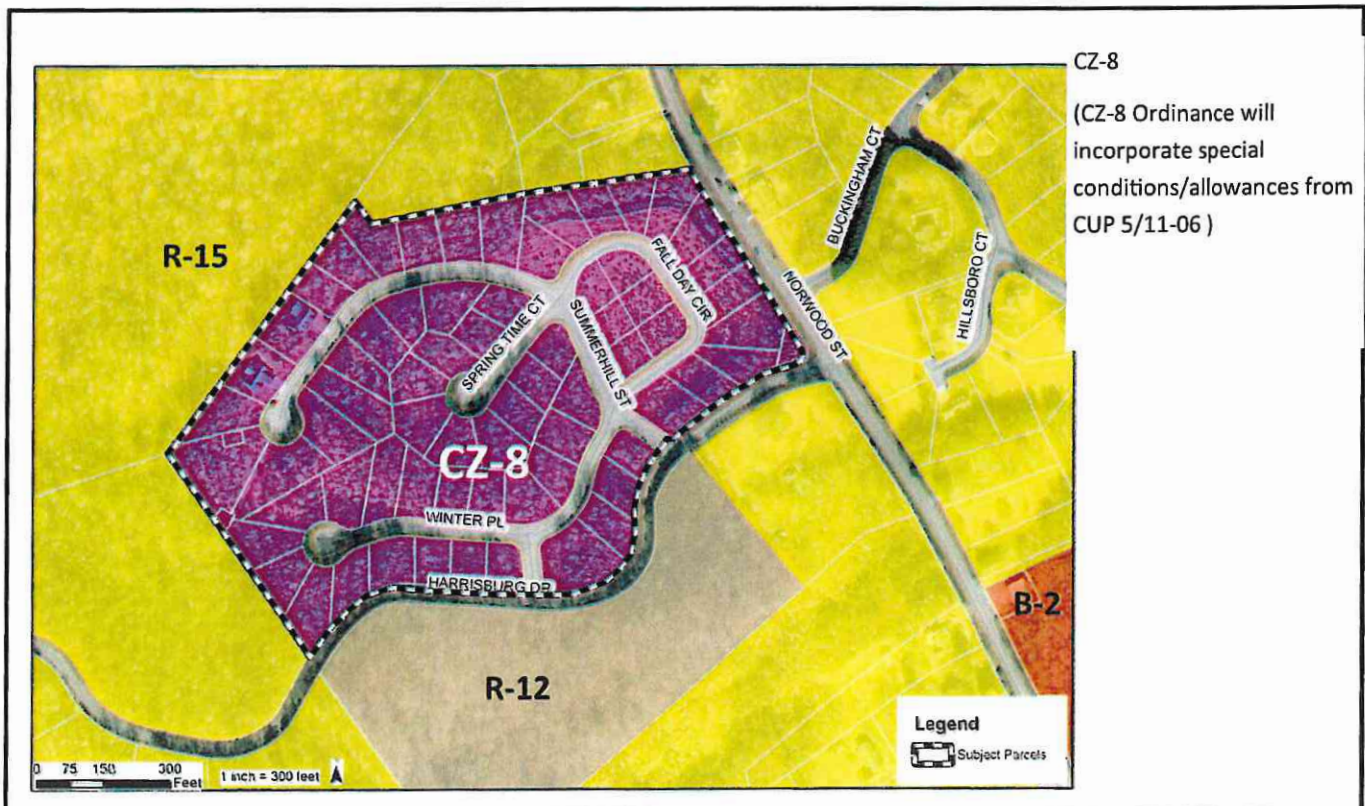
Staff re-sent courtesy notices to owners and adjacent property owners on March 18, 2022, for the March 28, 2022 Planning Board meeting.

City Council (Public Hearing): Scheduled for April 19, 2022

EXISTING ZONING



PROPOSED ZONING



BACKGROUND AND ANALYSIS

Intent of Conditional Zoning

The City of Lenoir's Zoning Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. Conditional Zoning is intended for use in unique development scenarios when a development proposal does not fit into a conventional zoning district, but may be desirable and compatible with an area depending on the specific details of the project and its surroundings.

The conditional zoning process gives the City sufficient flexibility to determine whether a specific project on a given site will be compatible with the environment and the Comprehensive Plan. Conditional Zoning is a legislative process requiring the Planning Board to review and make a recommendation to the City Council on the request. Each Conditional Zoning district is adopted as an ordinance and is recorded with the Register of Deeds.

Subject and Surrounding Properties

The Summerhill Subdivision is located west of Norwood Street and north of Harrisburg Drive in the southwest quadrant of the City. The subdivision is zoned R-12 and contains 69 lots, the majority of which remain vacant. Building activity has picked up in recent years — there are now six completed homes and four additional homes under construction. An un-named intermittent stream runs east-west through the center of the development, feeding a tributary to Lower Creek located on western boundary.

The surrounding area to the west, north, and east is zoned R-15, with about 10 acres to the south zoned R-12. Most of the surrounding properties are large wooded tracts, with a handful of older single family homes along Norwood Street. Summerhill is located about half a mile north of the McLean Drive and Norwood Street intersection in Whitnel, about half a mile east of the Google Data Center, and about a mile south of Caldwell Memorial Hospital.

Summerhill Subdivision History

The Summerhill development was initially approved in February 2006 as a Conditional Use Permit (CUP 1/2-06) for a "Planned Residential Development" with a preliminary plat (SP-1/2-06) showing 51 single family lots and 38 townhome lots. In 2007, there was no explicit authority in the zoning ordinance to adopt alternative development standards through a CUP, but like many Planned Residential Developments approved during this time period, the lots shown on the plat were smaller than the 12,000 sq. ft. minimum lot size required by the R-12 zoning district.

In March of 2007, City Council approved a request to amend the Conditional Use Permit to allow 18 single family lots instead of the 38 townhome lots initially contemplated (CUP 5/11-06), along with a preliminary plat showing the same as "Phase II" (SP-3/11-06), and a final plat for "Phase I" to record the 51 single family lots initially approved in Feb. 2006 (SF- 1/2-07). There was no indication in the application, staff analysis, or meeting minutes that modifications to the R-12 setbacks were proposed, but at some point prior to recording the final mylar for Phase I, the setback notes on the face of the plat were changed to state the setbacks would be: 20' front yard (R-12 minimum is 40') , 10' side yard (R-12 minimum is 12'), and a 20' rear yard (R-12 minimum is 35').

While plat notes aren't legally binding, the incorrect setbacks on the plat create confusion for would-be buyers. Some of the existing houses have been built relying on the lesser setbacks. The final plat for Phase II was approved by the City Council in January 2022 and was recorded with conventional R-12 setback standards. However, reduced setbacks create more opportunities to thoughtfully site homes with respect to the topography of an individual lot, and the conventional R-12 setbacks make building on some of the smaller lots nearly impossible

One of the conditions proposed for this conditional zoning district would officially adopt the setbacks shown on the 2007 plat. However, due to concerns of over-building and the resultant stormwater run-off (see next section for full discussion), a limit on built-upon area is also added as a condition of approval.

BACKGROUND AND ANALYSIS

Stormwater Concerns

During street construction (early 2007), the developer was cited by the NCDNR for construction site run-off, and was subsequently required by NCDNR to install sediment control measures. Neither the Asheville DEQ office (f/k/a NCDNR) nor the applicant have been able to locate drawings or design details of the sediment ponds or the rock step dams/weirs, but historic aerials show the general location of the drainage structures.

In 2007, the Planning Board and Council both expressed concerns over the prevention of future stormwater issues in Summerhill. Recognizing the need for stormwater control would not end with construction, they required that some of the temporary SW features become permanent, with an expectation that the HOA would be responsible for owning and maintaining these facilities. Specifically, lots 13 and 41B were to be deeded to the HOA, and the two sedimentation collection ponds located on those lots were to become permanent. However, design standards for permanent stormwater control or maintenance expectations were not addressed. Likewise the drainage areas on Lots 28,29, 14,15, 16 or 17 were not addressed at all — but these lots contain the natural drainage area for the Phase II portion of the development and show serious erosion just from the street run-off.

The applicant now proposes to deed the entire drainage area to the HOA (see stormwater analysis, page 7, and the Concept Plan in Appendix A), creating approximately 2.5 acres of open space and reducing the overall density of the project from 3 du/acre to just under 2.5 du/acre.

STORMWATER PARCELS/HISTORIC AERIALS



BACKGROUND AND ANALYSIS

Proposed Amendment

The applicant requests that the setbacks for Summerhill Phases I & II be reduced from the standard setbacks of R-12, to the setbacks listed on the final recorded plat on Plat Book 24, Page 82 (20' front yard, 10' side yard, 20' rear yard, 15' streetside yard). Limitations on overall built upon area are proposed to lessen the volume of stormwater runoff, and parcels dedicated to storage, treatment, and conveyance of stormwater are expanded. Overall, the changes represent additional flexibility for building on challenging lots with lots of grade changes, with better overall consideration/protection against future stormwater violations.

PROPOSED SPECIAL CONDITIONS

Proposed Conditional Zoning District: CZ-8 Specific Standards

Special conditions proposed for CZ-8 ordinance:

1. **Base Zoning.** Base zoning district is R-12. Any development standards not specifically addressed in the Conditional Zoning Ordinance will default to the R-12 zoning district.
2. **Permitted Uses.** Single family detached homes, incidental accessory uses to single family homes, passive recreation/open space, residential community amenities.
3. **Minimum Setbacks.**
 - Front (measured from the edge of the right-of-way): 20 ft.
 - Side: 10 ft.
 - Rear: 20 ft.
 - Street side: 15 ft.
4. **Maximum Built Upon Area.** Built upon area/impervious surfaces on each lot/combination of lots shall be determined using the following formula:

$$(\text{Lot Depth} - 75 \text{ ft.})(\text{Lot Width} - 24 \text{ ft.}) = \text{Maximum s.f. BUA}$$
5. **Combination/Recombination.** Lots 11 and 12 must be combined as a single building site. Other lots may be combined, or split and recombined, provided that the overall density remains unchanged or is reduced.
6. **Home Owners Association (HOA) Required.** An HOA must be established and maintained in perpetuity. The HOA must, at a minimum, be responsible for maintaining all commonly owned private improvements, including open space, stormwater conveyance systems, and neighborhood entrance signage.
7. **Open Space/Drainage Areas.** Lots 13, 14, 15, 16, 17, 28, 29, 41a, and 41b must be held in common ownership under the Summerhill Homeowner's Association. Permitted uses of these lots are passive recreation, open space, and stormwater control. Walking paths, trails, picnic tables, and non climate-controlled structures less than 200 sq. ft. (gazebo, deck) may also be permitted, when located outside of the drainage basins.
8. **Drainage Easements/Environmentally Sensitive Areas.**
 - A. **Lots 38-39:** Prior to making application for zoning permits, the rear lot lines must be marked on the property by a licensed surveyor, or a survey drawing showing the location of the lot lines relative to the drainage area described in condition #7 must be submitted with the permit application. Dedication of a private drainage easement to limit land disturbance and allow for maintenance by the HOA may be required, at the discretion of the Lenoir Planning Director, depending on the extent of impacts shown by survey.
 - B. **Lots 6-8:** Development of these lots shall accommodate/preserve the existing vegetative conveyance located in the

front 1/3 of the lots to the maximum extent practicable. Modifications to the drainage patterns require review and approval by the Stormwater Administrator and must maintain the pre-development hydrologic response. Consolidation of these lots into fewer building sites, or limiting the impacts of driveways by utilizing shared driveways, is encouraged. Dedication of a private drainage easement to limit land disturbance and allow for maintenance by the HOA may be required.

9. Low Density Design. Development must conform to NCDEQ's SW Design Manual's low density design requirements for dispersed flow and vegetative conveyances whenever feasible.

10. Erosion Control and Stormwater Maintenance Plan. A site plan showing the overall stormwater drainage system for the subdivision must be submitted the Planning Department for review and approval prior to the issuance of any zoning permit on lots 1-3, 6-12, 30-40, 42, or 46-69. The site plan must include the following information:

1. Location of all curb inlets and their outfalls, with a brief assessment of the condition of each.
2. Location/size/detail of existing conveyance, including sediment basins, swales, channelized areas, rock dams/weirs, etc.
3. Grading plan
4. Landscaping plan
5. Public amenities/features (if proposed) - ex. walking trails

11. Improvements Required.

A. Outfalls — secured against erosion using permanent matting, rip rap, or other approved methods of erosion control. (see Appendix B)

B. Sediment Basins — remove sediment as necessary

C. Grading/Landscaping — 3:1 slopes

D. Design of required improvements should follow the best practices recommended by DEQ's Stormwater Design Manual and/or NC State's Small Scale Solutions to Eroding Streambanks manual.

E. Improvements may be phased and/or timed to coincide with stages of build-out (for example, 50% build out or 70% build out)

12. Landscape Screen.

A continuous evergreen landscape screen must be maintained along the northern and eastern development boundaries (on lots 53-60; see Appendix A). The width may be reduced from 15' where continuous screening can be achieved in less space, in order to allow utilization of the setback reduction.

CONSISTENCY STATEMENT/STAFF RECOMMENDATIONS

Consistency with the Comprehensive Plan/Reasonableness of Amendment

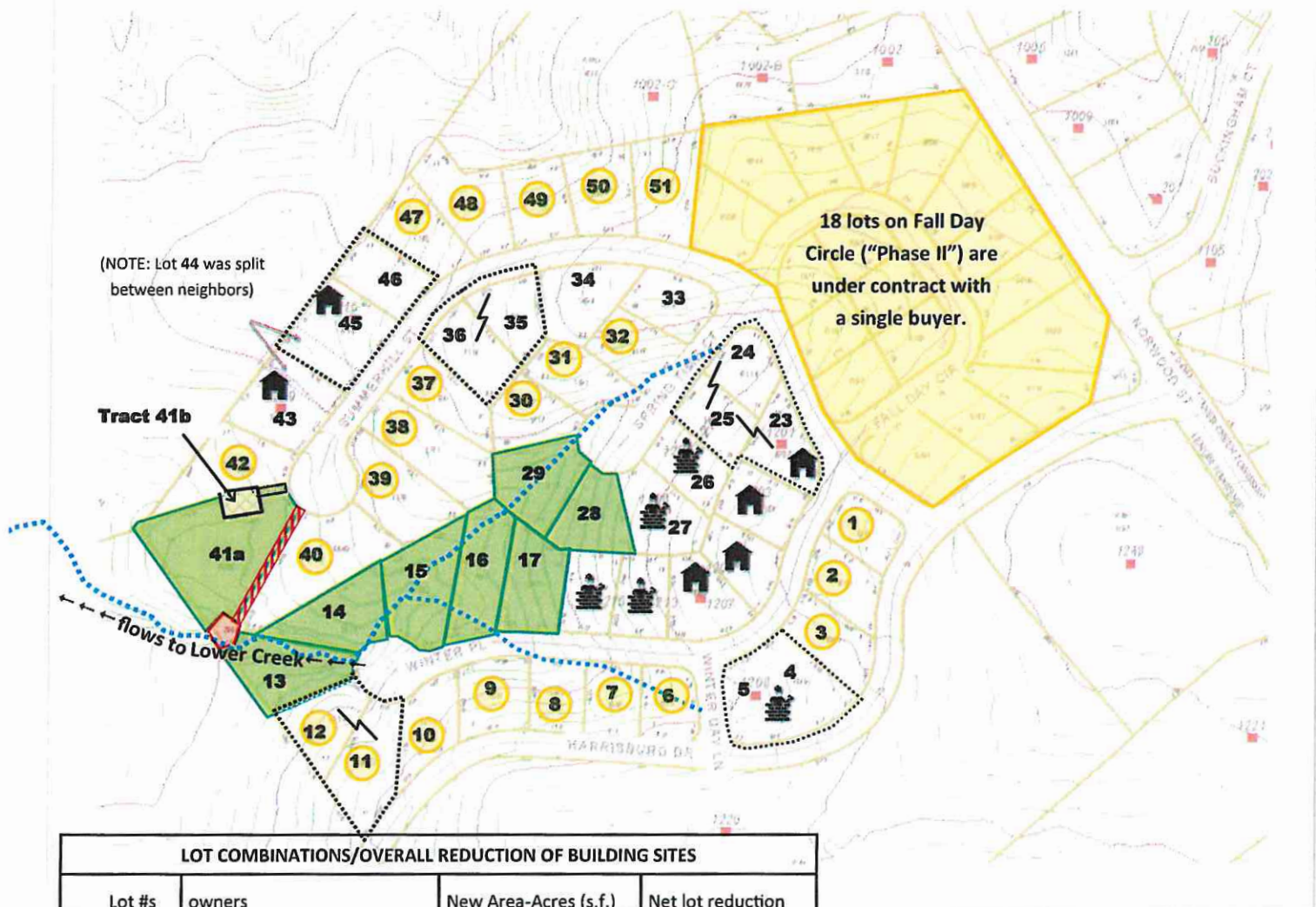
When adopting or rejecting any zoning amendment, City Council must adopt a brief statement describing whether or not the action is consistent with the City's Comprehensive Plan, in accordance with G.S. 160D-605(a), and must also address the reasonableness of any proposed map amendments. Staff offers the following draft statement on the consistency and reasonableness of the request.

The proposed Conditional Zoning Ordinance is consistent with the adopted Comprehensive Plan, and is reasonable and in the public interest, because it facilitates quality residential development that's already served by existing infrastructure, while providing additional open space for both community enjoyment and stormwater control. This amendment is consistent with the property's future land use designation of Medium Density Residential on the Future Land Use Map.

PLANNING BOARD RECOMMENDATIONS

Planning Board recommends approval of the rezoning request to Conditional Zoning.

LOT ANALYSIS— OWNERSHIP PATTERNS/DRAINAGE AREAS



LOT COMBINATIONS/OVERALL REDUCTION OF BUILDING SITES

Lot #s	owners	New Area-Acres (s.f.)	Net lot reduction
① 4+5	[tax card not updated; insert new owner info]	0.49 acres (21,344 s.f.)	-1
② 11+12	CAPE HATTERAS LLC	0.79 acres (34,412 s.f.)	-1
③ 23,24,25	BROWN TREVOR WESLEY CARPENTER HAILEY MICHELLE	.64 acres (27,878 s.f.)	-2
④ 35+36	POST WILLIAM H POST JAEHEE KIM	0.48 acres (20,908 s.f.)	-1
⑤ 43+part of 44	WEST ERIC BARTON KELLY	0.34 acres (14,810 s.f.)	-0.5
⑥ Part of 44+45+46	CASELL STEVEN RAY CASELL LAURA LINDSEY	0.59 (25,700 s.f.)	-1.5
	Total:		-7

- Lot consolidations (7 fewer lots)
- Stormwater tracts to be deeded to HOA (8 fewer lots)
- Pump Station on Lot 70, to be deeded to City of Lenoir.
- Owned by Cape Hatteras, LLC
- Existing House
- Under construction

Density Analysis

2006 Approval: 89 lots (51 SF plus 38 townhomes)
4.08 du/acre

2007 Amendment: 68 buildable lots (69 lots, but 13 isn't buildable) 3.12 du/acre

Current Proposal: Net reduction of 15 lots (54/69)
2.48 du/acre

LEGEND

EXISTING ROAD RIGHT - FR - 

EXISTING ROAD LEFT - CL - 

NEW TURN ARROWS - 

NEW LANE - 

EXISTING DRIVE CLOSURE - 

CHANGING WORK AREA - 

BEFORE IS A CLOSING WORK AREA - 

OPEN, FR - 

CHANGING WORK AREA - 

BOST LUMBER COMPANY, INC.
1158/119

3. Name of Officer of School County,
to which this certificate is filed
ready for recording.

RESEARCH FRONTIER

D. CLYDE KEYS
386/141

[illegible]

Certificate of Appreciation to Dr. Brenda Weber, 1988, Orange, Virginia

† Twelve cattle died of respiratory conditions; 4, 4 months, enteric and nervous and diarrhoea have been related to association with use of Lister standards and examined prior to marketing of the first test.

Charles E. Beal.

City of Miami
Bureau of Public Works

Journal of Planning Literature

CONCLUSIONS

959 P. 2. ADDRESS: 124705 TIONSON, WOOD, DE

NOTE: THIS PROPERTY IS TAKEN TO 12 AM.

CONWAY, STANLEY, JR. (continued)

NOTE: THIS PLACE IS THE PROPERTY OF ONE OF THE CHARITABLE, CULTURAL AND EDUCATIONAL ORGANIZATIONS

THE TIGER

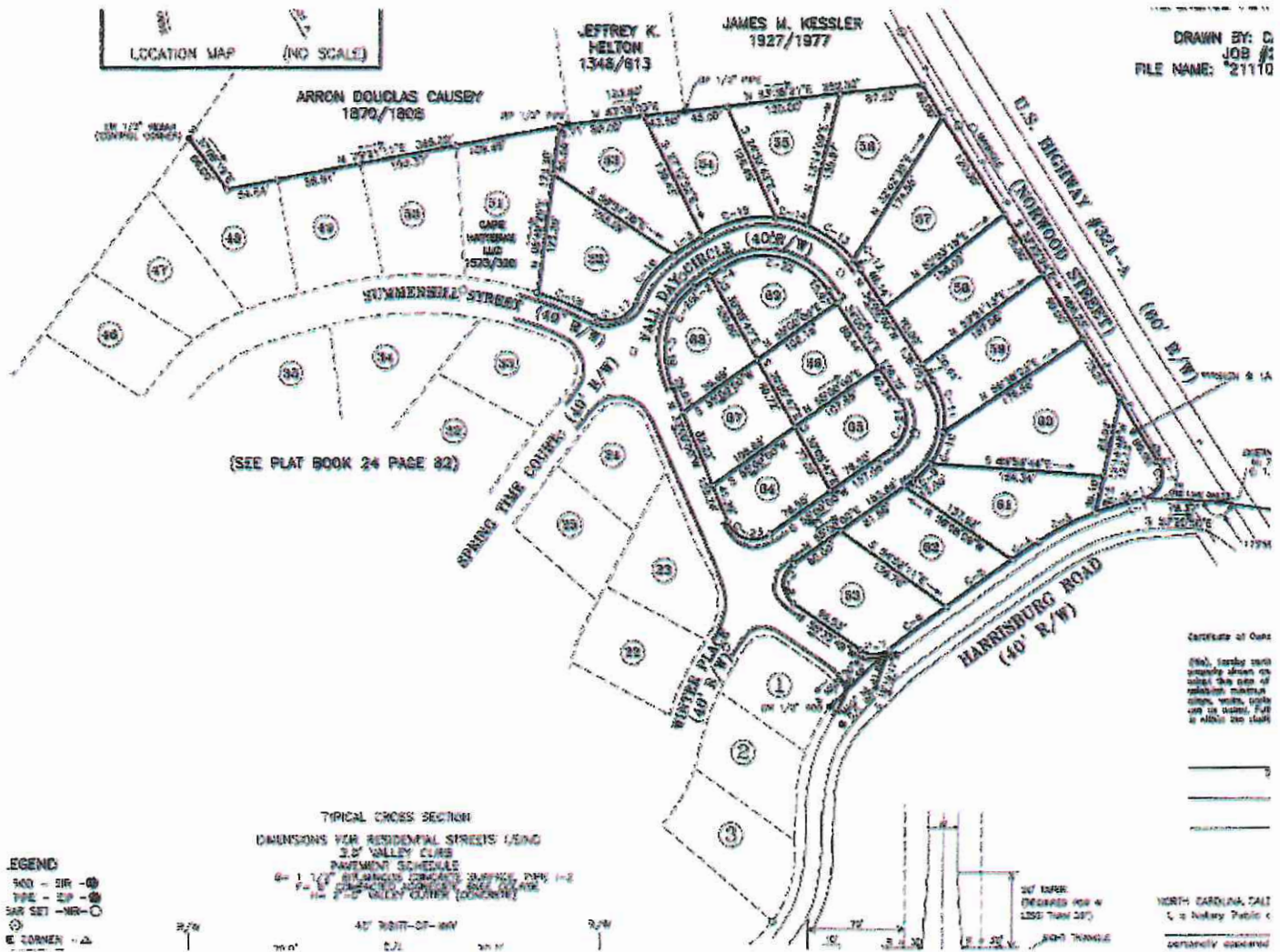
NOTE: THIS IS A NEW PROGRAM FOR THE 4th GRADE
NARRATIVE: CONCEPTS OF THE NEW GRADE



New Construction on Winter Place
in Summerhill Phase I.

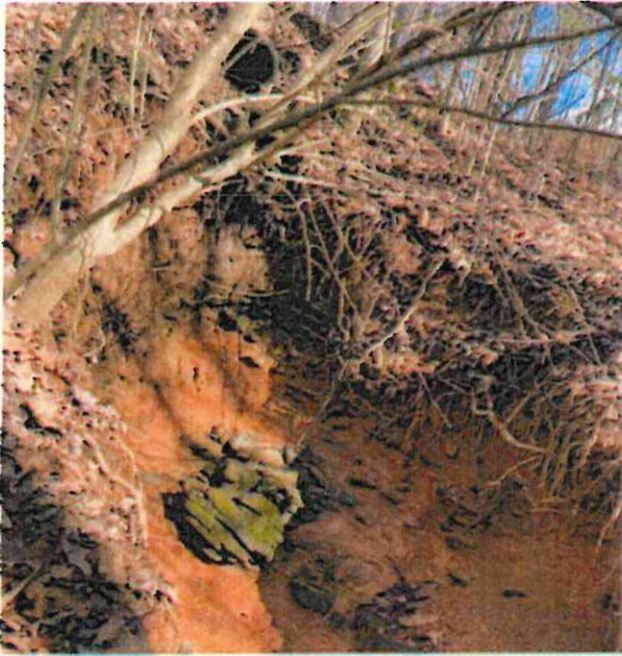
FINAL PLAT: SUMMERHILL PHASE II

Plat Book 38, Page 18



Fall Day Circle in Summerhill Phase II.

SITE PHOTOS — 2.23.2022



Erosion on Lot 29 below the outfall



Basin holding stormwater following 1" rain event (Lot 16)



Erosion and channelization (foreground) on Lot 13; sediment basin holding water following 1" storm event (background).

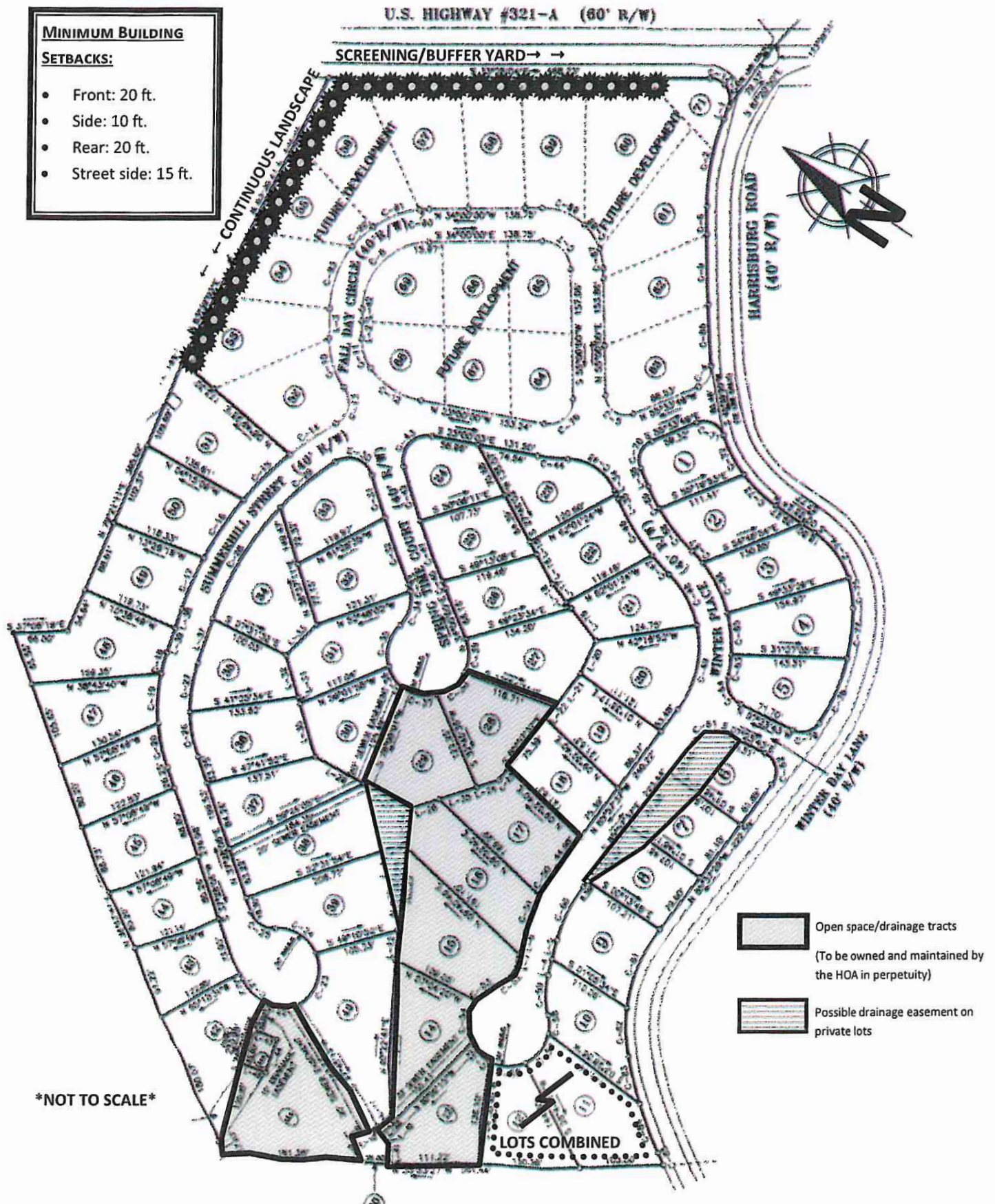


Stormwater conveyance swale on lots 6-8

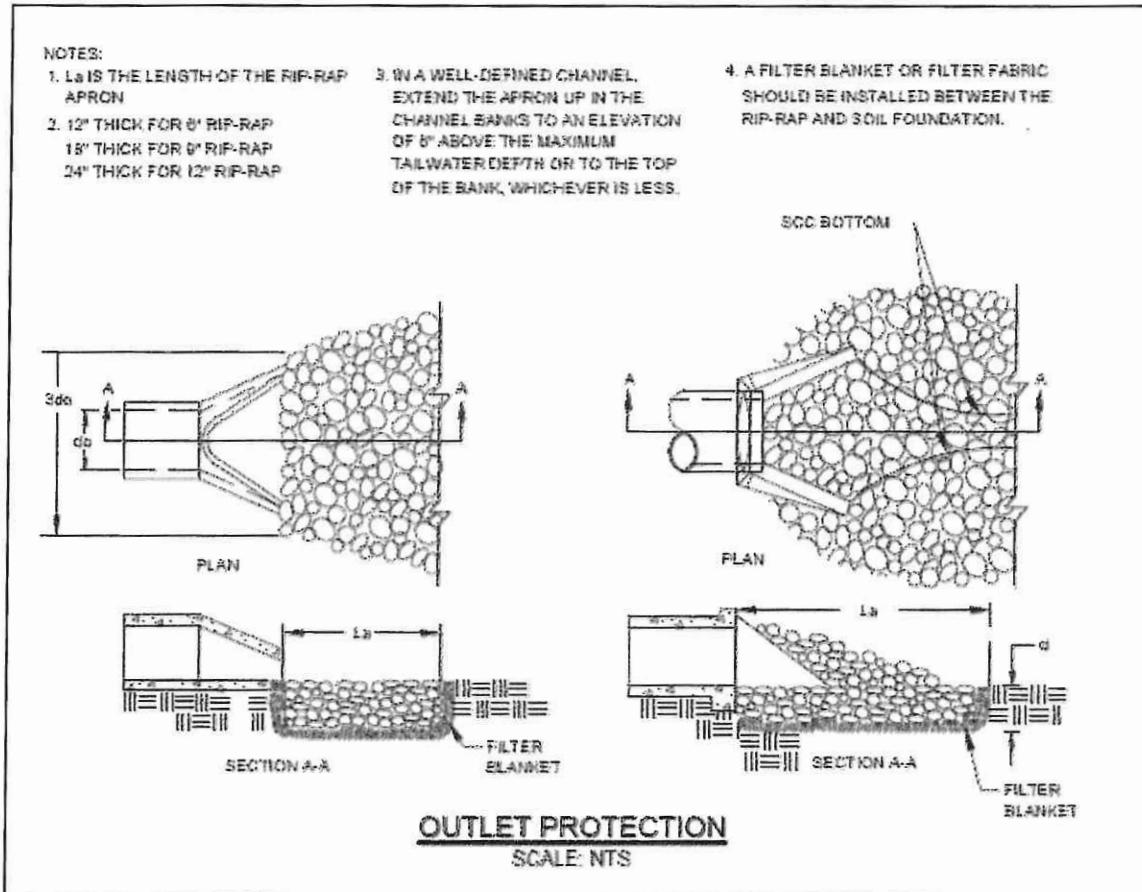


Homes under construction on lots 25-26 on Spring Time Court (foreground) and recently completed on lots 20-23 on Winter Place

APPENDIX A: SUMMERHILL CZ-8 CONCEPT PLAN (2022)



APPENDIX B: OUTLET PROTECTION DETAILS



Additional guidance on outlet protection from the NC Erosion and Sediment Control Planning and Design Manual is as follows:

1. Ensure that the subgrade for the filter and riprap follows the required lines and grades shown in the plan. Compact any fill required in the subgrade to the density of the surrounding undisturbed material. Low areas in the subgrade on undisturbed soil may also be filled by increasing the riprap thickness.
2. The riprap and gravel filter must conform to the specified grading limits shown on the plans.
3. Filter cloth, when used, must meet design requirements and be properly protected from punching or tearing during installation. Repair any damage by removing the riprap and placing another piece of filter cloth over the damaged area. All connecting joints should overlap so the top layer is above the downstream layer a minimum of 1 foot. If the damage is extensive, replace the entire filter cloth.
4. Riprap may be placed by equipment, but take care to avoid damaging the filter.
5. The minimum thickness of the riprap should be 1.5 times the maximum stone diameter.
6. Riprap may be field stone or rough quarry stone. It should be hard, angular, highly weather-resistant and well graded.
7. Construct the apron on zero grade with no overfill at the end. Make the top of the riprap at the downstream end level with the receiving area or slightly below it.
8. Ensure that the apron is properly aligned with the receiving stream and preferably straight throughout its length. If a curve is needed to fit site conditions, place it in the upper section of the apron.
9. Immediately after construction, stabilize all disturbed areas with vegetation

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, DESIGNATING CERTAIN LAND GENERALLY LOCATED NORTH OF HARRISBURG DRIVE AND WEST OF NORWOOD STREET, BEING ALL OF THE PROPERTY IN THE SUMMERHILL SUBDIVISION RECORDED ON PLAT BOOK 24, PAGE 82 AT THE CALDWELL REGISTER OF DEEDS, AS CONDITIONAL ZONING DISTRICT #8 (CZ-8) ON THE CITY'S OFFICIAL ZONING MAPS; DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

Whereas, at its regularly scheduled meeting of March 28, 2022, the Lenoir Planning Board considered re-zoning application case number R2-22, requesting the Conditional Zoning district designation, for approximately 23 acres of land platted as "Summerhill" on Plat Book 24, Page 82 (hereinafter the "Property"); and

Whereas, the development was designed with small lots that utilized reduced setbacks, but the reduced setbacks were not officially adopted with the initial approval; and

Whereas, during construction, the original development partner was cited for stormwater violations, resulting in the construction of sediment control measures throughout the low-lying areas of the property; and

Whereas, a condition of the original approval required some lots to retain stormwater control features in perpetuity, but maintenance and design standards were not established, and subsequent erosion has continued to occur; and

Whereas, the current majority owner and master developer desires to sell the remaining lots to be developed with the flexibility of reduced setbacks, but also has proposed to expand the area dedicated to stormwater run-off and collection; and

Whereas, based upon the evidence presented to the Lenoir Planning Board, including the information and analysis contained in the staff report for application case number CZ-8, and subject to certain conditions, the Lenoir Planning Board recommended that the Lenoir City Council approve said conditional zoning application and adopt an ordinance in accordance therewith; and

Whereas, the Lenoir Planning Board has found that the proposed Conditional Zoning Ordinance is consistent with the adopted Comprehensive Plan, and is reasonable and in the public interest, because it facilitates quality residential development that's already served by existing infrastructure, while providing

additional open space for both community enjoyment and stormwater control, and is consistent with the property's medium density residential future land use designation; and

Whereas, the Lenoir City Council hereby finds that this ordinance is consistent with the intent and purpose of the Conditional Zoning designation as established by Appendix A, Article V, Section 502, Lenoir City Code; and

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

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

SECTION 1. ZONING. After due notice and public hearing, and pursuant to part Appendix A, Article XIV of the Lenoir City Code, and other relevant portions of the Lenoir City Code, the zoning designation for the Property is hereby changed from the R-12 district to Conditional Zoning district on the City's Official Zoning Map (to be denoted as "CZ-8"), as depicted in Exhibit "A" to this ordinance.

SECTION 2. OTHER DEVELOPMENT LAWS. Except as expressly provided otherwise by this ordinance, the CZ-8 zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the R-12 Single Family zoning district.

SECTION 4. SPECIAL CONDITIONS. The Conditional Zoning district for the Property is subject to the following special conditions:

1. **Concept Plan.** Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the concept plan attached to this ordinance as Exhibit "B" (hereinafter the "Concept Plan"). In the event of a conflict between the text of this ordinance and the Concept Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Concept Plan.
2. **Variances.** Zoning variances to the standards of the default zoning district not modified by this ordinance may be approved pursuant to the procedures set forth in Appendix A, Article XIII, Section 1312.1 of the Lenoir City Code.

3. **Modification.** The special conditions specific to the CZ-8 zoning district may only be modified by application for a zoning map amendment following the procedures outlined in Appendix A, Article VIII, Section 820 of the Lenoir City Code.
4. **Permitted/Special Uses.** The only permitted uses shall be single family detached homes, incidental accessory uses to single family homes, passive recreation/open space, stormwater control/conveyance features, and residential community amenities.
5. **Minimum Setbacks.** Measured from the property line or edge of the right-of-way:
 - a. Front: 20 ft.
 - b. Side: 10 ft.
 - c. Rear: 20 ft.
 - d. Street side: 15 ft.
6. **Maximum Built Upon Area.** Built upon area/impervious surfaces on each lot/combination of lots shall be determined using the following formula:

$$(\text{Lot Depth} - 75 \text{ ft.})(\text{Lot Width} - 24 \text{ ft.}) = \text{Maximum s.f. BUA}$$
7. **Combination/Recombination.** Lots 11 and 12 must be combined as a single building site. Other lots may be combined, or split and recombined, provided that the overall density remains unchanged or is reduced.
8. **Home Owners Association (HOA) Required.** An HOA must be established and maintained in perpetuity. The HOA must, at a minimum, be responsible for maintaining all commonly owned private improvements, including open space, stormwater conveyance systems, and neighborhood entrance signage.
9. **Open Space/Drainage Areas.** Lots 13, 14, 15, 16, 17, 28, 29, 41a, and 41b must be held in common ownership under the Summerhill Homeowner's Association. Permitted uses of these lots are passive recreation, open space, and stormwater control. Walking paths, trails, picnic tables, and non climate-controlled structures less than 200 sq. ft. (gazebo, deck) may also be permitted, when located outside of the drainage basins.

10. Drainage Easements/Environmentally Sensitive Areas.

A. Lots 38-39: Prior to making application for zoning permits, the rear lot lines must be marked on the property by a licensed surveyor, or a survey drawing showing the location of the lot lines relative to the drainage area described in condition #9 must be submitted with the permit application. Dedication of a private drainage easement to limit land disturbance and allow for maintenance by the HOA may be required, at the discretion of the Lenoir Planning Director, depending on the extent of impacts shown by survey.

B. Lots 6-8: Development of these lots shall accommodate/preserve the existing vegetative conveyance located in the front 1/3 of the lots to the maximum extent practicable. Modifications to the drainage patterns require review and approval by the Stormwater Administrator and must maintain the pre-development hydrologic response. Consolidation of these lots into fewer building sites, or limiting the impacts of driveways by utilizing shared driveways, is encouraged. Dedication of a private drainage easement to limit land disturbance and allow for maintenance by the HOA may be required.

11. Low Density Design. Development must conform to NCDEQ's SW Design Manual's low density design requirements for dispersed flow and vegetative conveyances whenever feasible.

12. Erosion Control and Stormwater Maintenance Plan. A site plan showing the overall stormwater drainage system for the subdivision must be submitted the Planning Department for review and approval prior to the issuance of any zoning permit that utilizes setbacks less than those typically required under the R-12 zoning district on lots 1-3, 6-12, 30-40, 42, or 46-69. The site plan must include the following information:

1. Location of all curb inlets and their outfalls, with a brief assessment of the condition of each.
2. Location/size/detail of existing conveyance, including sediment basins, swales, channelized areas, rock dams/weirs, etc.
3. Grading plan
4. Landscaping plan
5. Public amenities/features (if proposed) - ex. walking trails

13. Required Improvements. Improvements shall be installed as required by the Erosion Control and Stormwater Maintenance Plan. The best practices recommended by DEQ's Stormwater Design Manual and/or NC State's Small Scale Solutions to Eroding Streambanks manual shall be followed to the maximum extent practicable.

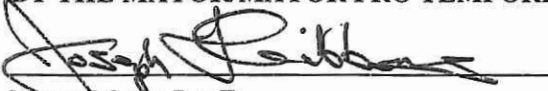
SECTION 5. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect upon adoption.

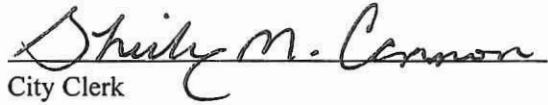
DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 8th day of April and this 15th day of April, 2022.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 19th day of April, 2022.

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

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CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL



CITY MANAGER
SCOTT E. HALDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
F. KENT GREER
T. H. PERDUE
J. I. PERKINS
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS

RESOLUTION BY THE LENOIR CITY COUNCIL

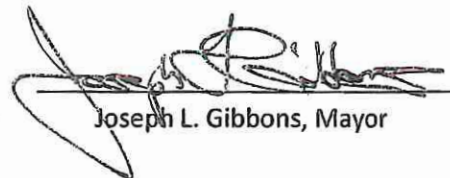
- WHEREAS,** The City of Lenoir has a current Capital Improvement Plan (CIP) for the Water and Sewer Enterprise Fund that spans 10-years, and
- WHEREAS,** The City of Lenoir annually updates its 10-Year Water and Sewer CIP, and
- WHEREAS,** The City of Lenoir held a City Council Budget Retreat on March 22, 2022 to present the 10-Year Water and Sewer CIP, and
- WHEREAS,** Applications for funding submitted to the NC Department of Environment Quality (DEQ) Division of Water Infrastructure (DWI) may earn points if the Applicant has a CIP adopted by the City Council within two years of the application date.

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

That City of Lenoir does hereby adopt the Capital Improvements Plan (CIP) as updated for the Fiscal Year 2021-22 budget, as presented at the March 22, 2022 City Council Budget Retreat.

Adopted this the 19th day of April, 2022 at Lenoir, North Carolina.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:

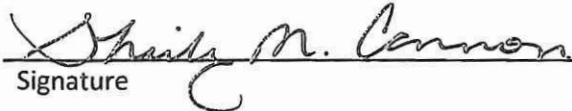


Shirley M. Cannon, City Clerk



CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Lenoir does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the adoption of the 10-Year Capital Improvement Plan, as regularly adopted at a legally convened meeting of the City Council of the City of Lenoir duly held on the 19th day of April, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of April, 2022.


Signature

Shirley Cannon, City Clerk

Printed Name and Title





PROCLAMATION

In Recognition of

Public Safety Telecommunicators Week

April 10 – 16, 2022



Whereas, the Lenoir Police Department Telecommunicators play a vital role in the protection of human life and property in our community; and

Whereas, the Lenoir Police Department Telecommunicators have been successfully serving the public safety communication needs of the City of Lenoir throughout the year; and

Whereas, while enduring long hours, abnormal schedules, and handling frequent life and death emergencies, Telecommunicators set high standards in performing their duties in a dedicated, diligent, and compassionate manner; and

Whereas, Telecommunicators provide a critical communication link between the residents and Emergency Responders; and

Whereas, these individuals efficiently coordinate emergency services to ensure the health and safety of our residents, visitors, and travelers in our community, 24-hours a day, seven days a week; and

Whereas, our Public Safety Communications personnel serve the public daily in countless ways without due recognition by the beneficiaries of their services;

Therefore Be It Resolved, that I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council, do hereby proclaim and declare the week of April 10 – April 16, 2022

“National Public Safety Telecommunicators Week”

in the City of Lenoir, in honor of the men and women whose diligence and professionalism keep our city and first responders safe.

Witness, my hand and seal this the 19th *day of* April, 2022.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

CITY OF LENOIR**COUNCIL ACTION FORM: May 3, 2022****I. Agenda Item:**

Resolution authorizing an application to the Greater Hickory Metropolitan Planning Organization (GHMPO) for Surface Transportation Program – Direct Appointment (STP-DA) funds for an extension of the Lenoir Greenway to connect park facilities.

II. Background Information:

Both the City's adopted Pedestrian Plan (2012) and Bicycle Plan (2018) identify greenway connectivity as a top priority for transportation and recreation. The proposed project would connect the Greenway at Mulberry Recreation center to the extensive greenway network east of US321 (Aquatic Center, Zach's Fork, Library, Perry Trail, etc.). Eliminating this gap is a top priority, because this provides the connection from the east side to the Overmountain Victory Trail and is one of the last remaining gaps to integrate the rail trail into the City's existing greenway network.

The project has an estimated total cost of \$2,167,750. The application for these funds requires endorsement of the Lenoir City Council and the commitment of a 20% cash match (up to \$433,550).

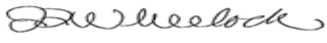
III. Staff Recommendation:

Lenoir City Council to endorse the application for the STP-DA program and commit to a 20% cash match (\$433,550) for the project, by adopting the attached resolution.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____



Greater Hickory Metropolitan Planning Organization

Local Administered Project Program (LAPP) Project Submittal Guide

FYs 2023, 2024, 2025, 2026

Date of Release: Wednesday, March 23, 2022

Submittal Deadline: Friday, May 27, 5pm

Local Resolution Deadline: Wednesday, July 20, Noon

Submit PDF application packet to: brian.horton@wpcog.org

All submissions should be labeled with the following:

Project Name

Name of Government Agency

Date of Submission

MPO Staff Contacts

Brian Horton 828.485.4225 brian.horton@wpcog.org - Application questions

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Introduction

The Locally Administered Projects Program (LAPP) was adopted by the Greater Hickory Metropolitan Planning Organization (GHMPO) and will be used by the GHMPO to prioritize and program all projects in the region that will utilize federal funding that is the responsibility of the GHMPO. This process will involve a once-a-year call for all local highway, transit, bicycle and pedestrian projects, and will result in an annual program of projects added to the GHMPO's Metropolitan Transportation Improvement Program (MTIP).

Federal Funding Overview

Surface Transportation Block Grant Program – Direct Attributable

In addition to apportioning Surface Transportation Block Grant Program (STBG) funds to each state for the state's entire Federal-aid system; Moving Ahead for Progress in the 21st Century (MAP-21) and FAST ACT allocates STBG Direct Attributable (STBG-DA) funds directly to any Metropolitan Planning Organization (MPO) that is designated as a Transportation Management Area (TMA). STBG funds have broad latitude for use on metropolitan transportation planning and projects along and in support of the Federal-aid system per 23 U.S. C. 133. Specific eligibility criteria and guidance can be found through the Federal Highways Administration (FHWA www.fhwa.dot.gov).

Transportation Alternatives Program

The Transportation Alternatives Program (TAP) was authorized under Section 1122 of Moving Ahead for Progress in the 21st Century Act (MAP-21) and Fast Act and is codified at 23 U.S.C. sections 213(b), and 101(a)(29). Section 1122 provides for the reservation of funds apportioned to a State under section 104(b) of title 23 to carry out the TAP. The national total reserved for the TAP is equal to 2 percent of the total amount authorized from the Highway Account of the Highway Trust Fund for Federal-aid highways each fiscal year. (23 U.S.C. 213(a))

The TAP provides funding for programs and projects defined as transportation alternatives, including:

- Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation.
- Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
- Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.
- Construction of turnouts, overlooks, and viewing areas.
- Community improvement activities, including—
 - o inventory, control, or removal of outdoor advertising;
 - o historic preservation and rehabilitation of historic transportation facilities;

- o vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
 - o archaeological activities relating to impacts from implementation of a transportation project eligible under 23 USC.
- Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to—
 - o address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff; or
 - o reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

Local Funding Details

As a Transportation Management Area (TMA), the Greater Hickory Metropolitan Planning Organization (GHMPO) will receive a direct allocation of approximately \$3,335,000 in Surface Transportation Block Grant Program Direct Attributable (STBG-DA) and \$251,000 in Transportation Alternatives Program (TAP) funding annually.

The modal investment targets as follows for the STBG-DA funds:

- Bicycle and Pedestrian: 50%
- Roadways: 25%
- Intersections: 15%
- Public Transportation: 10%

If the GHMPO receives more projects than is allotted for a modal investment target, the GHMPO will transfer current fiscal year funds from other modes that have not reached their targets to compensate for the difference.

A competitive process has been adopted to determine which projects are funded. Each jurisdiction is able to submit one project of not less than \$200,000 for possible award.

Eligibility Criteria

In order to be eligible for Surface Transportation Block Grant Program – Direct Attributable (STBG-DA) and Transportation Alternative (TA) funding, a project must meet the minimum criteria outlined in this section. Also, a completed application must be submitted by the applicant(s). Co-applications can be submitted by a combination of municipalities in a primary applicant and secondary applicant format. Incomplete applications will not be considered. These criteria meet federal and state funding requirements, as well as the goals of the GHMPO for STBG-DA/TA dollars as adopted by the Transportation Advisory Committee (TAC). Projects that do not meet these criteria will not be considered for funding.

1) Federal Aid Eligible Projects

The federal eligibility requirements associated with Transportation Alternative Program funding can be found in 23 USC §133

(<http://www.fhwa.dot.gov/map21/guidance/guidetap.cfm>)

2) Locally Administered

By submitting a project for STBG-DA/TAP funding, the municipality (or municipalities) or local government entity (or entities) are committing funds to sponsor said project. The applicants (if awarded) shall be responsible for all federal and state reporting requirements associated with STBG-DA/TAP funding. The local government entities are also expected to make progress reports to the TAC upon request. An inter-local agreement between the North Carolina Department of Transportation (NCDOT) and the designated recipients will outline a reimbursement schedule; local sponsors will be required to front all project costs, invoice NCDOT, and then get reimbursed for the federal percentage dedicated to the project. The GHMPO may assist in coordination between NCDOT and the local government entities, however, the ultimate responsibility and the signatories on the NCDOT agreements will be the local government entities.

3) Compliant with an adopted plan

Projects must be identified in the GHMPO's current Long Range Transportation Plan (LRTP) or a locally adopted plan. A copy of the 2045 MTP can be found here: <https://www.wpcog.org/metropolitan-trans-plan-mtp>

4) Locally funded with funding commitment

All funds programmed with STBG-DA dollars require a minimum 20% local cash match. The funding application must include a resolution supporting this financial commitment. If an application is a primary/secondary applicant format, a resolution by all parties involved must be submitted with the application. [See Exhibit F for an example resolution]

In addition to the provision of the match commitment submitted as part of the STBG-DA/TAP application, local government entities are responsible for funding cost overruns on projects in excess of the final programmed cost estimate. This provision may only be waived through the approval for additional funding from TAC and through additional Surface Transportation Improvement Program (STIP) amendments by the Board of Transportation if needed.

5) Transportation Improvement Program (TIP)

Projects not in compliance with an existing TIP category will require a TIP amendment. Applicants should consider that the TIP amendment process could delay the funding obligation timeline.

6) Project Design Intent

Project design intent must meet Federal and State guidelines.

7) Project Cost

- Minimum amount requested will be \$200,000.
- Total Cost of Project = Total STBG-DA/TAP funding requested from TAC + Total Local Match
- *For example, if \$200,000 is requested, the minimum local match will be \$40,000 for a minimum total project cost of \$160,000.*

Program Administrative Details

1) Project Scope

The target modal mix that has been adopted for fiscal year 2018 is as follows:

- Bicycle and Pedestrian=50%
- Roadways=25%
- Intersections=15%
- Transit=10%

The modal mix may be revisited on an annual basis at the discretion of the TAC. Due to the high administrative burden associated with projects funded with STBG-DA/TA dollars, the minimum estimated project cost shall be \$200,000.

2) Project Submittal Limits

For FY 2018, the maximum number of project submittals allowed per jurisdiction is three (3). Each jurisdiction may submit 0, 1, 2, or 3 projects under any one category as long as the total number of projects submitted by any jurisdiction is no more than three.

3) No Unfunded Project Carry-Over

Projects submitted in FY 2018 that are not prioritized for STBG-DA/TAP funding are not automatically considered for funding in subsequent years. Any unfunded project may be resubmitted in subsequent years for funding.

4) Construction Requirement within 5 years

As a federal funding source, the use of STBG-DA/TAP funds must result in achieving Construction Authorization of the project within 5 years of the fiscal year when Preliminary Engineering was authorized. As a result, projects that have cost overruns must be accounted for through a commitment of local funds through the construction phase. This provision may only be waived by the approval for additional funding from TAC and through additional STIP amendments by the Board of Transportation if needed.

Application Materials

Applicants are required to submit the following materials:

1. Map(s) of proposed project (See Exhibit A for an example)
2. GIS file of project
3. Completed Funding Request Submittal Form – Background Information
4. Completed mode specific criteria form (either bicycle and pedestrian or roadways and intersections)
5. Resolutions of support from local government agency to apply for STBG-DA/TAP funding AND committing a minimum 20% match. Signature must be provided. (See Exhibit E for an example)
6. Supporting documents – Pictures with labels, additional maps, resolutions adopting plans that specify a need for the project, etc. (Resolutions supporting plan must have been adopted prior to call for projects)

Details and descriptions for the Background Information form and required maps are supplied in the sections to follow.

Funding Request Submittal Forms – Background Information

The following descriptions of items are to help describe how you should complete this form:

- **Type of Project** – Indicate here what type of project you are submitting. Keep in mind that all projects must comply with eligibility criteria as defined on page 4.
- **Project Name** – A descriptive name of your project.
- **Project Municipality** – The physical location of the proposed project (city/town or county).
- **TIP ID#** - In the case that your project is for work on a project that is already in the TIP, the TIP number here.
- **Primary Applicant/Secondary Applicant** – The name of each municipality or agency applicant submitting the application.
- **Managing Agency** – The managing agency will typically be the Primary/Secondary Applicant; in some cases, however, local governments could partner with NCDOT to administer a project. Coordination would be required in advance of project submittal in cases where the local jurisdiction requests assistance from NCDOT. ***A letter of agreement from each municipality or agency should be included in the application materials.***

- **Costs**
 - Local Match Percentage – full matching contributed by municipality
 - **Total STBG-DA funding requested from TAC** = Total Cost of Project – Total Local Match
 - **Total Project Cost** – An estimate of the total cost of the project for all phases needing completion (Design/NEPA, Right-of-Way, Construction). Note that local jurisdictions are responsible for 100% of actual project costs exceeding the estimations programmed through this process into the STIP (unless otherwise approved by the TAC). Local match and requested funding should be broken out.
- **Contact Person** – This is the person GHMPO staff will contact with questions regarding the application.
- **Project Location & Description** – The specific location and description of your project, including beginning and end points of the project and specific facility type.
- **Problem Statement** – This can be thought of as a preliminary Purpose & Need Statement used to justify expenditure of funds to address a problem in a GHMPO member jurisdiction. The problem statement should state the transportation problem to be solved as well as a minimal amount of data needed to support the problem statement.

Ranking Criteria

Bicycle & Pedestrian Projects

20% or higher match for all projects required

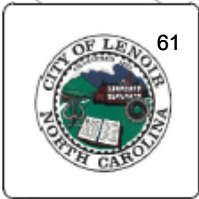
Criteria and Maximum Points	0 points	5 points	10 points	15 points	Notes:
Crash Exposure* (15 max)	All other projects.	AADT $\leq 2,000$ (separated facility - multi-use path, cycle tracks, planning strip sidewalks)	AADT = 2,001 $\leq$ 4,999 (separated facility - multi-use path, cycle tracks, planning strip sidewalks)	AADT $\geq 5,000$ (separated facility - multi-use path, cycle tracks, planning strip sidewalks)	Based on traffic volume along the current bike/ped route
		AADT = 5,000 $\leq$ 10,000 (non separated facility)	AADT = 2,001 $\leq$ 4,999 (non separated facility)	AADT $\leq 2,000$ (non separated facility)	
Dedicated ROW Availability (10 points)	no		yes (does not have to have 100%)		Proof of dedicated ROW and plan for acquiring remaining ROW
Feasibility Score (10 points)		Design by engineer			Project can select one for 5 points or both for a max of 10 points
		Cost estimate by engineer			
Supports community goals and initiatives (10 max)		Project is in an adopted Plan	Project has letters of support, survey interest, community walk audit, NCDOT support etc.		For a maximum of 10 points, 2 or more criteria must be met
Safety Benefit (5 max)	No crash data.	Addresses proposed project location with documented bicycle or pedestrian crash data (based on 10 year data).			PBIN crash data or local data
Closing A Gap (15 Max)	All other projects	Closing an internal gap and creating a total facility length less than 1 mile.	Closing an internal gap and creating a total facility length 1-2 miles.	Closing an internal gap and creating a total facility length greater than 2 miles.	
Connects to homes & School (5 max)	All other projects.	Connects residential development to a K 12 school, community college, or university			
Economic Development & Points of Interest (10 max)	All other projects.		Project connects to 5 or more points of interest. I.e. connects to a retirement community, central business district, shopping center, park, hospital, or employment location		
Addresses Mobility Concerns (10 max)	All other projects.		Serves documented population with mobility impairments	Best if connects those with mobility difficulties to places of interest. Can also use census data - project is within Tract with high concentration of any of the 6 function difficulties	
Supports Environmental Justice & Serves the Community (10 max)	All other projects.	Serves those within TAZs with poverty level of 10% or higher or minority concentration of 25% or higher or zero car households of 10% or higher	Serves those within TAZ with poverty level of 20% or higher or minority concentration of 50% or higher or zero car households of 20% or higher		

*Maintenance agreement must be in place for all projects receiving funding.

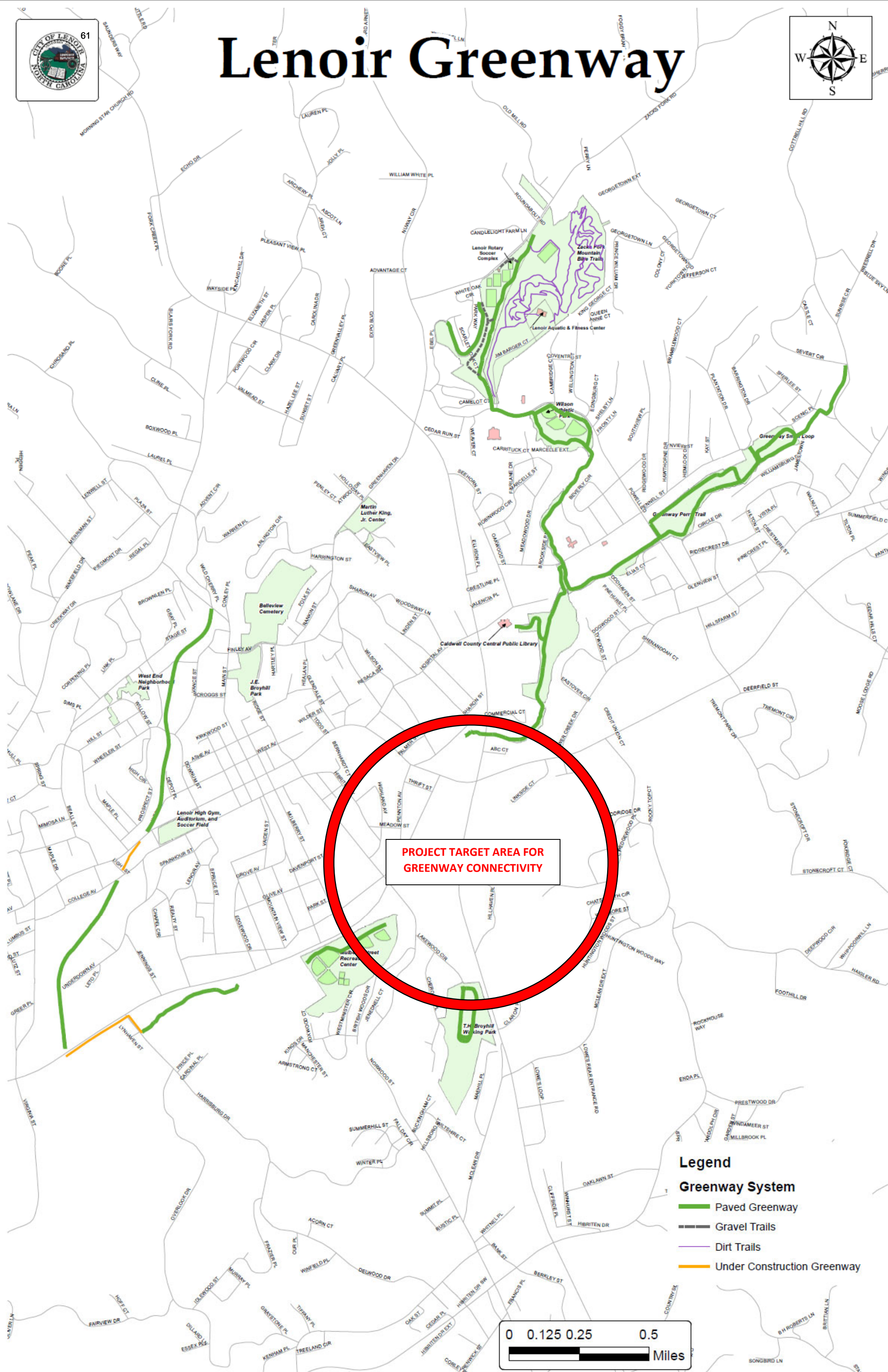
Roadway & Intersection Projects

Criteria and Maximum Points	0 points	5 points	10 points	15 points	20 points
Local Match (20 max)	20% match	25% match	30% match	35% match	40% match or greater
Project Readiness (20 Max)	All other projects.	ROW Acquired	Design/Survey/Construction Documents Completed	Bid Phase	Partial Construction of Project
Crash Exposure* (15 max)	All other projects.	AADT $\leq 2,000$	AADT = $2,001 \leq 4,999$	AADT = $5,000 \leq 10,000$	
Safety (15 max)	No accidents in the past year.	1 to 2 accidents within the past 5 years.	3 to 5 accidents within the past 5 years.	6 or more accidents within the past 5 years.	
ROW Available (15 max)	25% or less	26% - 50%	51% - 75%	76% - 100%	
Economic Development (10 max)	All other projects.	Intersects any TAZ that includes 100 or more employees	Intersects any TAZ that includes 250 or more employees		
Supports Environmental Justice (EJ) (5 max)	All other projects.	Intersects TAZ with poverty level of 20% or higher or minority concentration of 50% or higher			

*AADT = Annual average daily traffic. More information on NCDOT's AADT collection can be found [here](#).

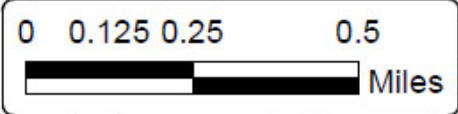


Lenoir Greenway



PROJECT TARGET AREA FOR
GREENWAY CONNECTIVITY

- Legend**
- Greenway System**
- Paved Greenway
 - Gravel Trails
 - Dirt Trails
 - Under Construction Greenway





BEGIN BROYHILL WALKING PARK LINK

US 64

END BROYHILL
WALKING PARK LINK

**BEGIN US 321
PARALLEL LINK**

PENNTON SIDEWALK CONNECTOR

US 321 PARALLEL LINK

US 327

**END WALKING
PARK CONNECTOR**

**BEGIN MULBERRY
PARK LINK**



MULBERRY LINK

END MULBERRY
PARK LINK

END US 321
PARALLEL LINK

**BEGIN WALKING
PARK CONNECTOR**

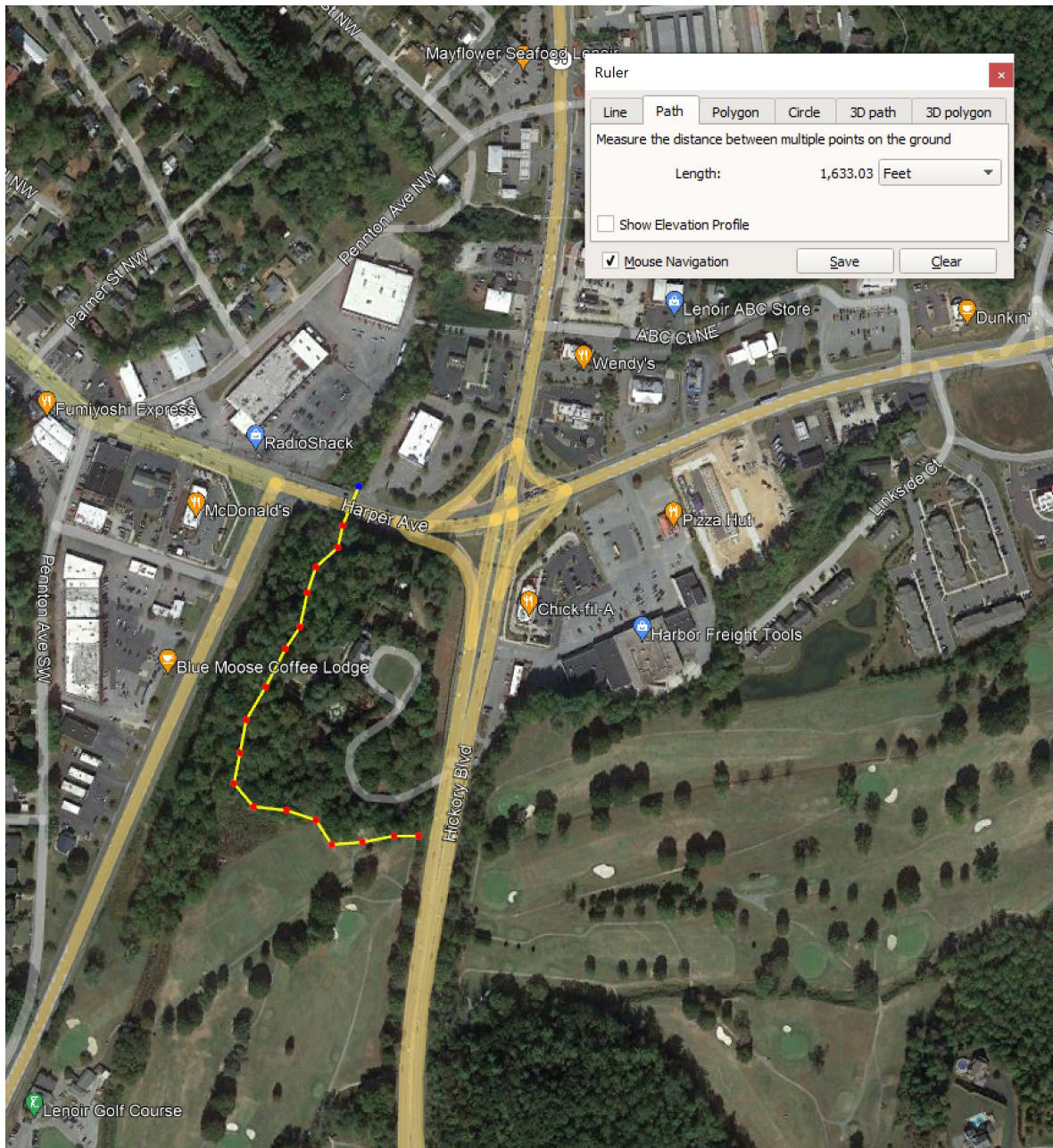


SCALE 1''=400'



231 16TH AVE NW
HICKORY, NORTH CAROLINA 28801
(828) 855-2233
FAX (828) 855-1133
NC LIC. NO. C-1154

PROJECT: LENOIR GREENWAY – PARK CONNECTION PROJECT
 LOCATION: CITY OF LENOIR
 ROUTE: BROYHILL WALKING PARK TO BROYHILL HOUSE SITE.
 DESCRIPTION: SEGMENT 1: BROYHILL WALKING PARK LINK
 CONSTRUCT 10-FT WIDE MULTI-USE PATH FOR CITY GREENWAY
 EXTENSION THROUGH BROYHILL HOUSE SITE
 MODE: BICYCLE AND PEDESTRIAN
 COMMENT: CONNECTS EXISTING GREENWAY TERMINUS TO BROYHILL HOUSE
 SITE VIA CULVERT UNDERPASS BELOW HARPER AVE
 COUNTIES: CALDWELL
 DIVISIONS: 11
 MPO: GREATER HICKORY MPO



SIT 2: Off-Road/Separated Linear Bicycle Facility

Start Over



Project Name

Lenoir Greenway Extension - Broyhill House Site

SPOT ID

Segment 1

Project Type:

Shared-Use Path, Multi-Use Path, Rail-Trail, or Sidepath

1

Total Project Length

1,635

feet

2

Proposed Facility Width (Default is 10 feet)

10

feet

3

Project Located on Both Sides of the Road

☐ YES ☒ NO

4

County

Caldwell

5

City

Lenoir

6

Surrounding Development Type

Forested

7

Registered Historic District

☐ YES ☒ NO

8

Existing Curb & Gutter within Project Area

☐ YES ☒ NO

9

Number of Stream Crossings

0

10

Percentage of ROW Area Needed

None (0-15%)

11

Impact to Active Railroad Track or Railroad ROW

☐ YES ☒ NO

12

Roadways Intersected

Interstate0

Freeway0

Major Arterial0

Arterial0

Major Collector0

Collector0

Local Road0

Total0

14

Number of Existing Bridges

Interstate0

Freeway0

Major Arterial0

Arterial0

Major Collector0

Collector0

Local Road0

Small Stream0

Medium Stream0

Large Stream0

Railroad0

Total0

13

Signalized Intersections Crossed
(Number within Total Roadways Intersected)

0

15

Submitted by

Mattern & Craig Enginee

Date:

4/26/2022

Generate Cost

Clear

Cost Estimate Summary

Go to Calculation Tab

Total	\$	845,000
Design	\$	150,000
ROW	\$	5,000
Utilities	\$	30,000
Construction	\$	660,000

Print PDF

Enter Any Desired Notes in the Box Below

Disclaimers

All costs are based on 2019 prices and cost components are rounded to the nearest \$5,000, with a minimum of \$5,000 per component. This tool assumes that 10% of the utilities located within the project area would need to be relocated.

This tool assumes established ecoregion typologies, construction market regions, and average land values specific to North Carolina. They are determined within the tool based on user inputs for project location. This location-based information is used in ROW, construction, and environmental mitigation calculations.

This tool assumes a project impact area for ROW and environmental mitigation calculations based on chosen SIT, project type, project length, and project facility width.

This tool is limited in accuracy by user inputs and the complexity of questions presented for each project. If the inputs are incorrect, the tool’s accuracy will be diminished.

This tool does not estimate costs associated with the purchase or taking of buildings within its ROW estimate calculations. It is assumed that projects would require land acquisition only.

Estimates for the construction of new and/or the modification of existing structures (bridges or tunnels) have been simplified to estimate an assumed width of each structure based on the type of feature crossed and other factors. The construction of new and/or modification of existing structures can be exponentially complex based on project specifications. A separate feasibility study is highly recommended to address the high variability associated with structure costs.

PROJECT: LENOIR GREENWAY EXTENSION – PARK CONNECTION PROJECT
 LOCATION: CITY OF LENOIR
 ROUTE: ALONG WEST SIDE WITH US 321 RIGHT-OF-WAY SOUTH
 DESCRIPTION: SEGMENT 2: US 321 PARALLEL LINK
 CONSTRUCT 10-FT WIDE MULTI-USE PATH FOR CITY GREENWAY
 EXTENSION TO BROYHILL WALKING PARK
 MODE: BICYCLE AND PEDESTRIAN
 COMMENT: PARALLELS THE LENOIR GOLF COURSE ALONG US 321 ROW
 COUNTIES: CALDWELL
 DIVISIONS: 11
 MPO: GREATER HICKORY MPO



SIT 2: Off-Road/Separated Linear Bicycle Facility

Start Over



Project Name

Lenoir Greenway Extension - US 321 Parallel Link

SPOT ID

Segment 2

Project Type:

Shared-Use Path, Multi-Use Path, Rail-Trail, or Sidepath

1

Total Project Length

2,200

feet

2

Proposed Facility Width (Default is 10 feet)

10

feet

3

Project Located on Both Sides of the Road

☐ YES ☒ NO

4

County

Caldwell

5

City

Lenoir

6

Surrounding Development Type

Suburban

7

Registered Historic District

☐ YES ☒ NO

8

Existing Curb & Gutter within Project Area

☒ YES ☐ NO

9

Number of Stream Crossings

1

10

Percentage of ROW Area Needed

None (0-15%)

11

Impact to Active Railroad Track or Railroad ROW

☐ YES ☒ NO

12

Roadways Intersected

Interstate0

Freeway0

Major Arterial0

Arterial0

Major Collector0

Collector0

Local Road0

Total0

14

Number of Existing Bridges

Interstate0

Freeway0

Major Arterial0

Arterial0

Major Collector0

Collector0

Local Road0

Small Stream0

Medium Stream0

Large Stream0

Railroad0

Total0

13

Signalized Intersections Crossed
(Number within Total Roadways Intersected)

0

15

Submitted by

Mattern & Craig Enginee

Date: 4/26/2022

Generate Cost

Clear

Cost Estimate Summary

Go to Calculation Tab

Total	\$	1,230,000
Design	\$	220,000
ROW	\$	5,000
Utilities	\$	40,000
Construction	\$	965,000

Print PDF

Enter Any Desired Notes in the Box Below

Disclaimers

All costs are based on 2019 prices and cost components are rounded to the nearest \$5,000, with a minimum of \$5,000 per component. This tool assumes that 10% of the utilities located within the project area would need to be relocated.

This tool assumes established ecoregion typologies, construction market regions, and average land values specific to North Carolina. They are determined within the tool based on user inputs for project location. This location-based information is used in ROW, construction, and environmental mitigation calculations.

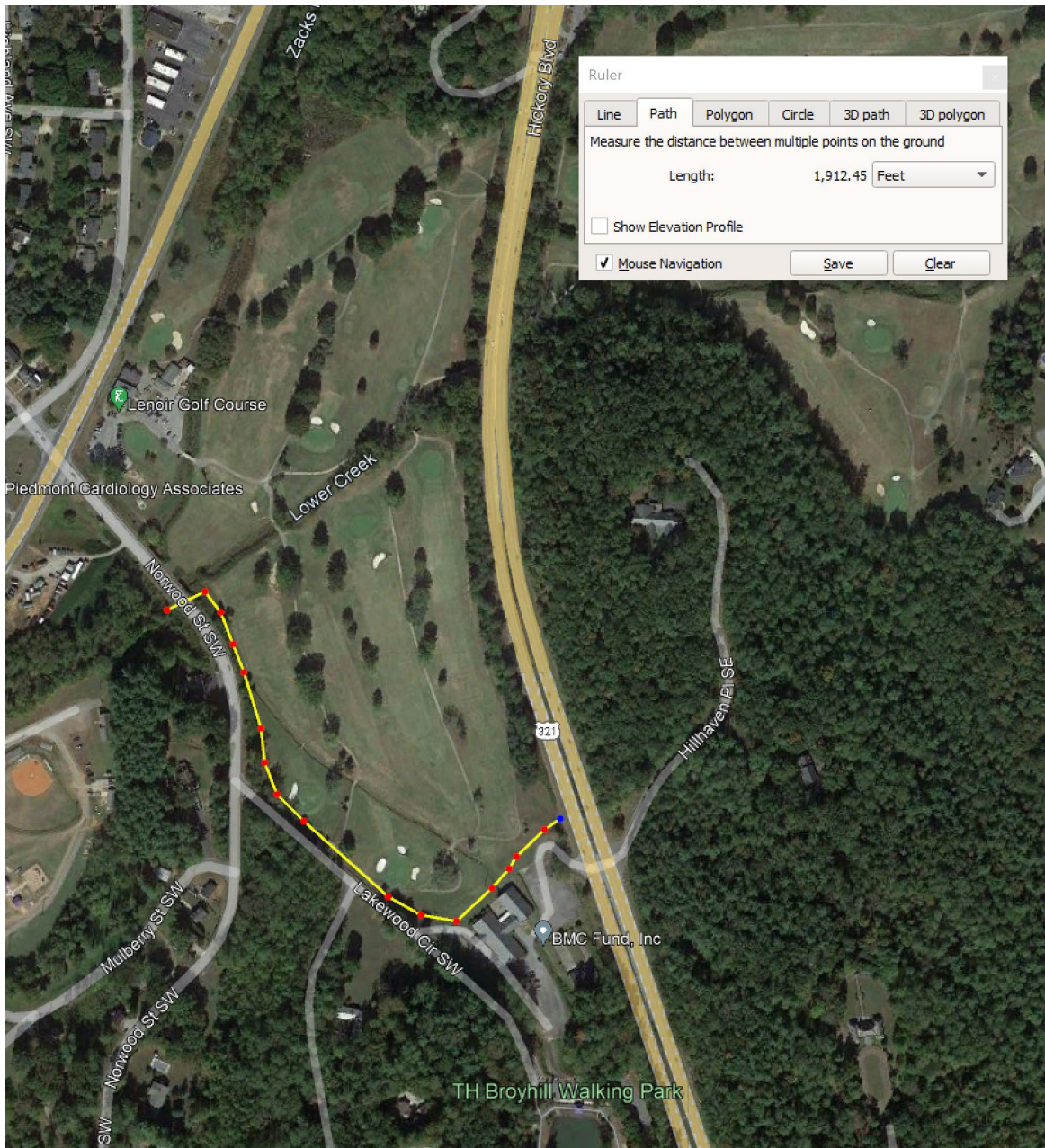
This tool assumes a project impact area for ROW and environmental mitigation calculations based on chosen SIT, project type, project length, and project facility width.

This tool is limited in accuracy by user inputs and the complexity of questions presented for each project. If the inputs are incorrect, the tool’s accuracy will be diminished.

This tool does not estimate costs associated with the purchase or taking of buildings within its ROW estimate calculations. It is assumed that projects would require land acquisition only.

Estimates for the construction of new and/or the modification of existing structures (bridges or tunnels) have been simplified to estimate an assumed width of each structure based on the type of feature crossed and other factors. The construction of new and/or modification of existing structures can be exponentially complex based on project specifications. A separate feasibility study is highly recommended to address the high variability associated with structure costs.

PROJECT: LENOIR GREENWAY EXTENSION– PARK CONNECTION PROJECT
 LOCATION: CITY OF LENOIR
 ROUTE: BROYHILL WALKING PARK TO NORWOOD STREET.
 DESCRIPTION: SEGMENT 3: BROYHILL WALKING PARK LINK
 CONSTRUCT 10-FT WIDE MULTI-USE PATH FOR CITY GREENWAY
 EXTENSION FROM BROYHILL WALKING PARK
 MODE: BICYCLE AND PEDESTRIAN
 COMMENT: CONNECTS TO THE MULBERRY PARK SEGMENT VIA CULVERT
 UNDERPASS BELOW NORWOOD ST SW
 COUNTIES: CALDWELL
 DIVISIONS: 11
 MPO: GREATER HICKORY MPO



SIT 2: Off-Road/Separated Linear Bicycle Facility

Start Over



Project Name

Lenoir Greenway Extension - Broyhill Walking Park Link

SPOT ID

Segment 3

Project Type:

Shared-Use Path, Multi-Use Path, Rail-Trail, or Sidepath

1

Total Project Length

1,915

feet

2

Proposed Facility Width (Default is 10 feet)

10

feet

3

Project Located on Both Sides of the Road

☐ YES ☒ NO

4

County

Caldwell

5

City

Lenoir

6

Surrounding Development Type

Rural

7

Registered Historic District

☐ YES ☒ NO

8

Existing Curb & Gutter within Project Area

☐ YES ☒ NO

9

Number of Stream Crossings

1

10

Percentage of ROW Area Needed

Total (80-100%)

11

Impact to Active Railroad Track or Railroad ROW

☐ YES ☒ NO

12

Roadways Intersected

Interstate0

Freeway0

Major Arterial0

Arterial0

Major Collector0

Collector0

Local Road0

Total0

14

Number of Existing Bridges

Interstate0

Freeway0

Major Arterial0

Arterial0

Major Collector0

Collector0

Local Road0

Small Stream0

Medium Stream0

Large Stream0

Railroad0

Total0

13

Signalized Intersections Crossed
(Number within Total Roadways Intersected)

0

15

Submitted by

Mattern & Craig Enginee

Date: 4/26/2022

Generate Cost

Clear

Cost Estimate Summary

Go to Calculation Tab

Total	\$	975,000
Design	\$	200,000
ROW	\$	5,000
Utilities	\$	35,000
Construction	\$	735,000

Print PDF

Enter Any Desired Notes in the Box Below

Disclaimers

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This tool assumes established ecoregion typologies, construction market regions, and average land values specific to North Carolina. They are determined within the tool based on user inputs for project location. This location-based information is used in ROW, construction, and environmental mitigation calculations.

This tool assumes a project impact area for ROW and environmental mitigation calculations based on chosen SIT, project type, project length, and project facility width.

This tool is limited in accuracy by user inputs and the complexity of questions presented for each project. If the inputs are incorrect, the tool’s accuracy will be diminished.

This tool does not estimate costs associated with the purchase or taking of buildings within its ROW estimate calculations. It is assumed that projects would require land acquisition only.

Estimates for the construction of new and/or the modification of existing structures (bridges or tunnels) have been simplified to estimate an assumed width of each structure based on the type of feature crossed and other factors. The construction of new and/or modification of existing structures can be exponentially complex based on project specifications. A separate feasibility study is highly recommended to address the high variability associated with structure costs.

PROJECT: LENOIR GREENWAY EXTENSION – PARK CONNECTION PROJECT
 LOCATION: CITY OF LENOIR
 ROUTE: NORWOOD STREET TO MULBERRY RECREATION CENTER.
 DESCRIPTION: SEGMENT 4: MULBERRY PARK LINK
 CONSTRUCT 10-FT WIDE MULTI-USE PATH FOR CITY GREENWAY
 EXTENSION FROM NORWOOD STREET
 MODE: BICYCLE AND PEDESTRIAN
 COMMENT: CONNECTS TO THE BROYHILL WALKING TRAIL SEGMENT VIA
 CULVERT UNDERPASS BELOW NORWOOD ST SW
 COUNTIES: CALDWELL
 DIVISIONS: 11
 MPO: GREATER HICKORY MPO



SIT 2: Off-Road/Separated Linear Bicycle Facility

Start Over



Project Name

Lenoir Greenway Extension - Mulberry Park Link

SPOT ID

Segment 4

Project Type:

Shared-Use Path, Multi-Use Path, Rail-Trail, or Sidepath

1

Total Project Length

400

feet

2

Proposed Facility Width (Default is 10 feet)

10

feet

3

Project Located on Both Sides of the Road

☐ YES ☒ NO

4

County

Caldwell

5

City

Lenoir

6

Surrounding Development Type

Rural

7

Registered Historic District

☐ YES ☒ NO

8

Existing Curb & Gutter within Project Area

☐ YES ☒ NO

9

Number of Stream Crossings

0

10

Percentage of ROW Area Needed

None (0-15%)

11

Impact to Active Railroad Track or Railroad ROW

☐ YES ☒ NO

12

Roadways Intersected

Interstate0

Freeway0

Major Arterial0

Arterial0

Major Collector0

Collector0

Local Road0

Total0

14

Number of Existing Bridges

Interstate0

Freeway0

Major Arterial0

Arterial0

Major Collector0

Collector0

Local Road0

Small Stream0

Medium Stream0

Large Stream0

Railroad0

Total0

13

Signalized Intersections Crossed
(Number within Total Roadways Intersected)

0

15

Submitted by

Mattern & Craig Enginee

Date:

4/26/2022

Generate Cost

Clear

Cost Estimate Summary

Go to Calculation Tab

Total	\$	240,000
Design	\$	75,000
ROW	\$	5,000
Utilities	\$	5,000
Construction	\$	155,000

Print PDF

Enter Any Desired Notes in the Box Below

Disclaimers

All costs are based on 2019 prices and cost components are rounded to the nearest \$5,000, with a minimum of \$5,000 per component. This tool assumes that 10% of the utilities located within the project area would need to be relocated.

This tool assumes established ecoregion typologies, construction market regions, and average land values specific to North Carolina. They are determined within the tool based on user inputs for project location. This location-based information is used in ROW, construction, and environmental mitigation calculations.

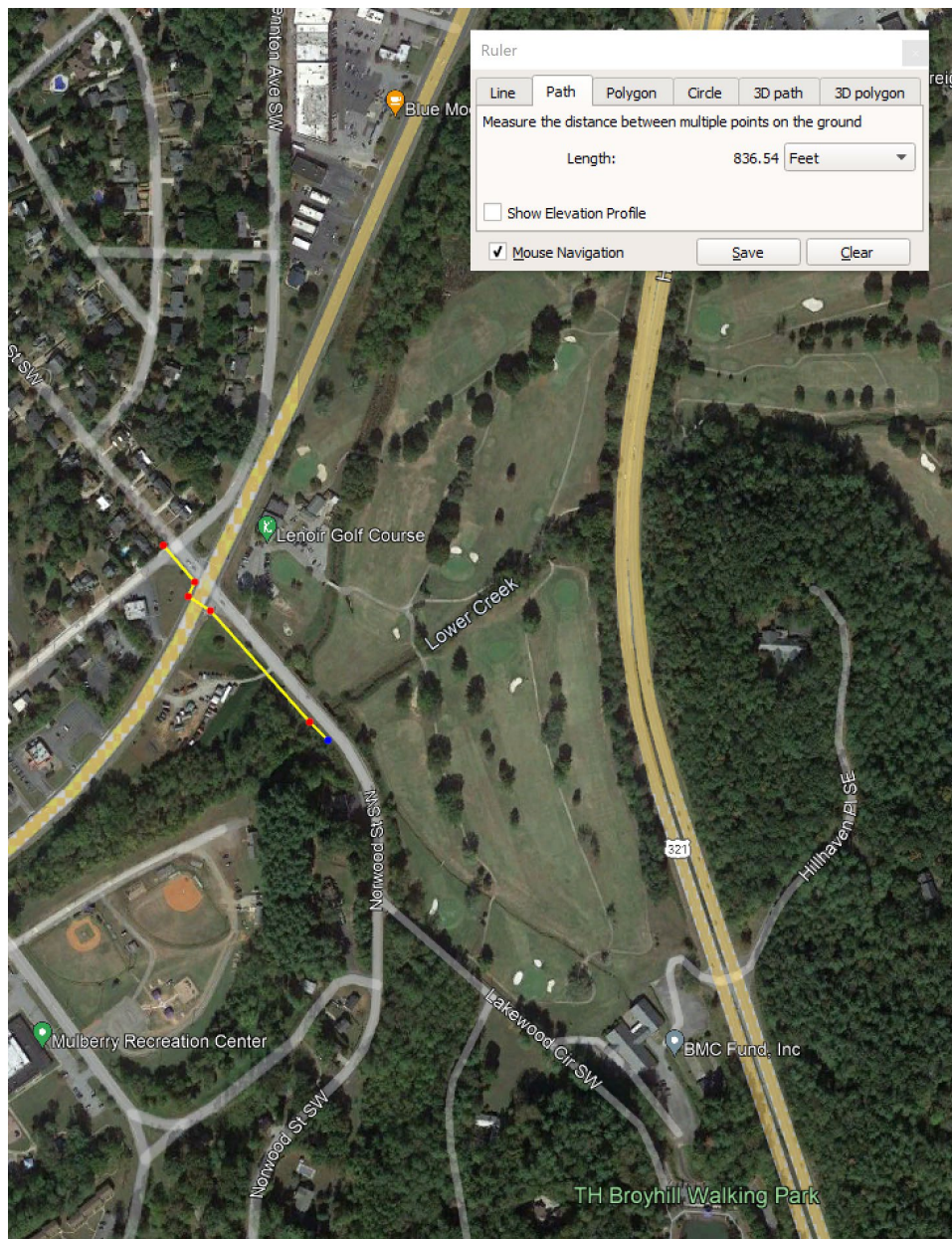
This tool assumes a project impact area for ROW and environmental mitigation calculations based on chosen SIT, project type, project length, and project facility width.

This tool is limited in accuracy by user inputs and the complexity of questions presented for each project. If the inputs are incorrect, the tool’s accuracy will be diminished.

This tool does not estimate costs associated with the purchase or taking of buildings within its ROW estimate calculations. It is assumed that projects would require land acquisition only.

Estimates for the construction of new and/or the modification of existing structures (bridges or tunnels) have been simplified to estimate an assumed width of each structure based on the type of feature crossed and other factors. The construction of new and/or modification of existing structures can be exponentially complex based on project specifications. A separate feasibility study is highly recommended to address the high variability associated with structure costs.

PROJECT: LENOIR GREENWAY EXTENSION– PARK CONNECTION PROJECT
LOCATION: CITY OF LENOIR
ROUTE: PENNTON AVE ACROSS MORGANTON BLVD TO NORWOOD STREET.
DESCRIPTION: SEGMENT 5: PENNTON SIDEWALK CONNECTOR LINK
CONSTRUCT 8-FT WIDE MULTI-USE PATH FOR CITY GREENWAY
CONNECTION TO MULBERRY PARK
MODE: BICYCLE AND PEDESTRIAN
COMMENT: CONNECTS TO THE MULBERRY PARK SEGMENT VIA SIGNALIZED
PEDESTRIAN CROSSING AT MORGANTON BLVD & NORWOOD ST
COUNTIES: CALDWELL
DIVISIONS: 11
MPO: GREATER HICKORY MPO



SIT 2: Off-Road/Separated Linear Bicycle Facility

Start Over



Project Name

Lenoir Greenway Extension - Pennton Sidewalk Connecto

SPOT ID

Segment 5

Project Type:

Shared-Use Path, Multi-Use Path, Rail-Trail, or Sidepath

1

Total Project Length

836

feet

2

Proposed Facility Width (Default is 10 feet)

10

feet

3

Project Located on Both Sides of the Road

☐ YES ☒ NO

4

County

Caldwell

5

City

Lenoir

6

Surrounding Development Type

Urban

7

Registered Historic District

☐ YES ☒ NO

8

Existing Curb & Gutter within Project Area

☒ YES ☐ NO

9

Number of Stream Crossings

0

10

Percentage of ROW Area Needed

Large (25%-60%)

11

Impact to Active Railroad Track or Railroad ROW

☐ YES ☒ NO

12

Roadways Intersected

Interstate0

Freeway0

Major Arterial1

Arterial0

Major Collector0

Collector0

Local Road1

Total2

14

Number of Existing Bridges

Interstate0

Freeway0

Major Arterial0

Arterial0

Major Collector0

Collector0

Local Road0

Small Stream0

Medium Stream0

Large Stream0

Railroad0

Total0

13

Signalized Intersections Crossed
(Number within Total Roadways Intersected)

1

15

Submitted by

Mattern & Craig Enginee

Date:

4/26/2022

Generate Cost

Clear

Cost Estimate Summary

Go to Calculation Tab

Total	\$	610,000
Design	\$	125,000
ROW	\$	5,000
Utilities	\$	15,000
Construction	\$	465,000

Print PDF

Enter Any Desired Notes in the Box Below

Disclaimers

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CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
F. KENT GREER
T. H. PERDUE
J. I. PERKINS
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS

**RESOLUTION TO ADOPT THE
LENOIR GREENWAY EXTENSION – PARK CONNECTION PROJECT**

WHEREAS, the City is committed to providing its citizens with a safe community in which to live, work, and play that includes the improvement of multi-modal transportation connectivity and enhanced future efforts to provide for greater mobility choice; and

WHEREAS, the City adopted its existing Pedestrian Plan in 2013 and Bicycle Plan in 2018 that includes project priority for improved accommodations for bicycle & pedestrian transportation corridors throughout the City using greenways to enhance connectivity in Lenoir; and

WHEREAS, the City has been successful in creating more than 9 miles of path and trails for outdoor activities in the existing greenway system that increase quality of life, raise the value of properties near the corridor, and attract recreational tourism and business; and

WHEREAS, the City's existing greenway system still requires additional connectivity to broaden its user base by connecting more parks, neighborhoods, employers, and businesses; and

WHEREAS, the City understands the importance of planning for projects incorporating more bicycle & pedestrian transportation connectivity for the positive benefits of improved public health, economic development, social interaction, and enhanced environmental quality; and

WHEREAS, On March 23, 2022, the Greater Hickory Metropolitan Planning Organization (GHMPO) issued a call for projects to agencies in its jurisdiction for Surface Transportation Program - Direct Appointment Funding (STBG-DA). A total of approximately \$3,335,000 is available to award among four transportation modal buckets: bicycle and pedestrian, intersections, roadway, and transit; and

WHEREAS, STBG-DA is comprised of a collection of discretionary programs including 50% of funding allocated to bicycle & pedestrian and 15% to intersection projects consistent with the Lenoir Greenway Extension – Park Connection Project, including: greenway construction, intersection improvement, and safe pedestrian crossings which each require a minimum 20% local cash match;

NOW, THEREFORE BE IT RESOLVED that the Lenoir City Council hereby authorizes the City Planning Department to submit up to 3 applications to the GHMPO for STDG-DA Funds for Lenoir Greenway Extension – Park Connection Project Segments 1-5 in the amount of \$2,167,750 and will commit up to \$433,550 as a cash match for the selected Lenoir Greenway Extension – Park Connection Project Segments by this Resolution.

Adopted this 3rd day of May 2022.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk

POST OFFICE BOX 958 • LENOIR, NORTH CAROLINA 28645-0958 • (828) 757-2200



NOTICE OF PUBLIC HEARING CITY OF LENOIR

Notice is hereby given that the City of Lenoir and the Unifour HOME Consortium will hold a second public hearing to receive public input and comments concerning the proposed FY-2022 Action Plan of the City of Lenoir and the Unifour HOME Consortium as part of the five year Consolidated Plan. This plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines goals and action plans of the City of Lenoir and the Unifour HOME Consortium and its use of Community Development Block Grant (CDBG) and HOME funds for fiscal year 2022, beginning July 1, 2022 and ending June 30, 2023.

The public meeting will be held on Tuesday, May 03, 2022 at 6:00pm before the Lenoir City Council in the City/County Chambers on the bottom floor of the Caldwell County Office building located at 905 West Avenue, Lenoir, NC.

A summary of the proposed Action Plan is available for public review at the Lenoir City Hall. There is a 30-day comment period beginning March 4, 2022, to obtain citizen input before the plan is adopted.

The City of Lenoir has received entitlement status by HUD and receives CDBG funds for carrying out community development activities as described in the Consolidated Plan. The Unifour HOME Consortium is comprised of 28 member local governments located within and including Alexander, Burke, Caldwell and Catawba Counties. The City of Lenoir serves as Lead Entity for this Consortium. The Unifour Consortium has received entitlement status by HUD, and will receive HOME funds to carrying out affordable housing activities as described in the Consolidated Plan.

This meeting is open to the public. Any person with a disability needing special accommodations or non-English speaking persons needing translation services should contact the City of Lenoir at least 48 hours prior to the meeting. For more information, contact Rick Oxford at the Western Piedmont Council of Governments at (828) 322-9191 extension 245, or 1-(800) 735-2962 TDD.
PUBLISH: Friday, April 22, 2022

Please run this ad on Friday, April 22, 2022

Please run one time only

Use Small Block Ad

Use HUD and Fair Housing, EEO logos

Affidavit Required

Send Bill & Affidavit to:

Attention: **Rick Oxford**
Unifour HOME Program/City of Lenoir CDBG Program
1880 2nd Avenue NW
Hickory, NC 28601
828-514-9191

If you need further information contact Rick Oxford at (828) 514-9191.

CITY OF LENOIR FY-2022 Action Plan

City of Lenoir

P.O. Box 958
Lenoir, NC 28645
(828) 485-4245

For Submittal to the U.S. Department of Housing and Urban Development
May, 2022

**ACTION PLAN 2022
CITY OF LENOIR, NORTH CAROLINA**

- I. Federal Form 424**
- II. Introduction**
- III. Five Year Strategy**
- IV. Second Year Action Plan 2022**
 - A. Resources**
 - 1. Federal**
 - B. Activities to be Undertaken**
 - 1. Public Facilities Improvements**
 - 2. Program Administration**
- V. Other Actions**
 - A. Affordable Housing**
 - B. Homelessness and Other Special Needs**
 - C. Non-Housing Community Development Needs**
 - D. Lead Based Paint Hazard Reduction**
 - E. Public Housing Improvements**
 - F. Public Housing Residents Initiatives**
- VI. Monitoring**
- VII. Fair Housing - Barriers to Affordable Housing**
- VIII. Anti-Poverty Strategy**
- IX. Coordination of Efforts**
- X. Summary of Citizen Comments**
- XI. Certifications**

II. INTRODUCTION

The Community Development Block Grant Entitlement Program allows the City of Lenoir to address the housing affordability, community and economic development needs for the low and moderate-income residents of Lenoir. The Consolidated Plan is a planning document which guides the development of affordable housing, community and economic development strategies. The Consolidated Plan serves as a guide to be used in decision making for investors, non-profit organizations, community organizations, program administrators, City officials and concerned citizens. The Consolidated Plan, required by the Department of Housing and Urban Development, is designed to promote and coordinate citizen participation in the development of local priority needs and objectives.

This year the City of Lenoir will be utilizing the entitlement funds from the CDBG program for public facilities renovations at the Old Lenoir High School Complex which include the Gym, the Auditorium and Mack Cooke Stadium.

Mandated by the U.S. Department of Housing and Urban Development, the Consolidated Plan, developed in FY 2020 for a five year period, set forth a five-year plan for addressing the City's housing, community development and economic development needs of its low and moderate – income residents. The following is the summary of the five-year plan and the strategies for the FY 2022 CDBG program year.

III. FIVE YEAR STRATEGY

Summary of the Five Strategy. The City of Lenoir has established the following significant elements for achieving its strategic purposes and objectives through this consolidated plan.

- Installation of streets and sidewalks in CDBG eligible areas.
- Installation of greenways paths and/or bridges in CDBG eligible areas.
- Streets improvements in CDBG eligible areas.
- Installation of water & sewer in CDBG eligible areas.
- Elimination of slum and blight housing units and vacant buildings in the city through the acquisition and demolition and/or condemned structures.
- Increase economic and job opportunities for low and moderate income persons.
- Stimulating homeownership opportunities for low and moderate income homebuyers by providing downpayment assistance through the HOME Unifour Consortium Program.
- Increase the supply of standard, affordable housing through the rehabilitation of existing structures.
- Continue supporting programs offered by non-profits that benefit low and moderate income people and meet the requirements of CDBG Program.
- Encourage efforts on a regional basis to further study and address homelessness.
- Continue efforts to create, maintain or improve new or existing parks, recreational and other public facilities in CDBG eligible areas.
- Continue efforts to reduce and eliminate lead-based paint hazards through education and testing, utilizing services of the Caldwell County Health Department.
- Continuation of efforts to further Fair Housing and minimize relocation or displacement in all programs.

Priority Analysis and Strategy Development. The City of Lenoir has established its general priorities for allocating federal, state and private resources expected to be available over the five-year period of the consolidated plan. The data obtained from the 2010 Census and HUD Databooks indicate that low-income small related, low-income large related and elderly owner households were more likely to experience housing problems than other sub-populations. The growing number of severe housing problems in the 0 to 80% income categories, indicate the need for rehabilitation assistance. The City will continue to support applications for elderly and low-income housing rehabilitation and construction.

The City also supports any applications for funds which goals are to provide affordable, safe and decent housing to low and moderate income individuals and families.

Sources of Funds. All program activities will be paid by federal CDBG funds

IV. SECOND YEAR ACTION PLAN 2022

Strategy Implementation-Year 2

Total CDBG Funding **\$164,146**

Total Resources **\$164,146**

In accordance with 24 CFR Part 91.220 of Title 1 of the Housing and Community Development act of 1974, as amended, the City of Lenoir's One Year Action Plan outlines the activities that will be funded using CDBG funds.

A. Resources

1. Federal

Federal resources are expected to be available to address the priority needs and specific objectives identified in the strategic plan of the CDBG Program. The City anticipates receiving \$164,146 in FY 2022.

B. Activities to be Undertaken

Priority 1. Public Facilities - \$131,317 for renovations at the Old Lenoir High School Complex which include the Gym, the Auditorium and Mack Cooke Stadium.

Geographic Distribution. Low Income Census Tract

Priority 2. Program Administration - \$32,829 in CDBG funds to provide efficient and timely administrative services. Administration will be a key component to the success of the City of Lenoir programs. The staff will be responsible for preparing all documents required of the CDBG Program, monitoring and other requirements of the Program.

V. OTHER ACTIONS

A. Affordable Housing. The City of Lenoir has established its general priorities for allocating federal, state and private resources expected to be available over the five year period. The data obtained from the 2010 Census of Population and Housing and HUD Databooks indicate low-income households are more likely to experience housing problems. Older adults will continue to experience housing problems due to that population's decreased incomes, the age of their homes and their increasing frailty as they age. The City of Lenoir will continue to support individual applications for HOME, CDBG and Rural Development Corporation funds to address these needs.

Priority has been given to improving areas of the city through infrastructure improvements and improvements to public facilities. The City of Lenoir supports any applications, which have goals of providing affordable, safe and decent housing to low and moderate-income families and individuals.

B. Homelessness and Other Special Needs. The City of Lenoir will work closely with the existing network of agencies and organizations that are addressing the needs of the homeless and those threatened with homelessness and those with special needs housing. The City of Lenoir will work with regional efforts by the Western Piedmont Council of Governments or the Unifour Consortium to study the causes and possible remedies for homelessness.

C. Non-Housing Community Development Needs. The City of Lenoir will seek to improve the downtown business area. This revitalization of this area is of extreme importance in maintaining the character of the City. New businesses, restaurants, and industry are needed to create new jobs and to increase the viability of the City.

D. Lead Based Paint Hazard Reduction. The number of homes built before 1970 is 4563 all of which can be classified as potential hazards. Any units assisted with CDBG funds will be addressed for lead hazards on a unit-by-unit basis in accordance with all D-HUD regulations. With limited funds available, the abatement of lead from all units within the city is not possible. Lead based paint hazard and abatement information is made available at the CDBG office for all city residents upon request. Approved measures such as wet scraping to reduce the amount of lead disturbed during rehabilitation will be used.

E. Public Housing Improvements. The Lenoir Housing Authority plans to improve the management and operation of the public housing units by applying for funds to refinance the 97 units currently managed by a private management company. Further, the LHA cooperates with the Western Piedmont Council of Governments to increase homeownership among residents, and encouraging residents to apply for homebuyer assistance funds. The LHA also coordinates efforts with the Lenoir Police Department to reduce crime in at their units.

F. Public Housing Resident Initiatives. The LHA will work in the coming five-year period to increase resident awareness of energy factors, homeownership possibilities, credit counseling,

drug elimination, and community activities. Together with the City of Lenoir, the Western Piedmont Council of Governments, Blue Ridge Community Action the LHA hopes the residents of the authority will be able to accomplish more self-reliance and independence expenditures.

VI. MONITORING. The City of Lenoir will take every measure to ensure the City of Lenoir's long-term compliance, completely and correctly, with provisions of this consolidated plan and all of the provisions of the CDBG program.

The City of Lenoir is committed in its efforts to develop and provide affordable housing and to meet the goals of their five-year strategy outlined in the consolidated plan. The City of Lenoir will review the goals of their one-year strategy on a quarterly basis to determine progress made toward reaching the goals. The City of Lenoir shall be responsible for monitoring only those funds that it receives from DHUD.

All persons receiving assistance under the CDBG program must meet low and moderate-income requirements as determined annually by U.S. Department of Housing and Urban Development.

Any acquisition and relocation will comply with the Uniform Relocation Act.

Any demolition/clearance/construction/site preparation work will be monitored in accordance with Davis-Bacon requirements. Environmental clearance will be received prior to expenditure of any HUD funds. Any asbestos and/or lead-based paint abatements will be done in accordance with applicable state and federal governing laws.

For every \$30,000 in CDBG funds spent on economic development, at least 1 new job will be created for low and moderate-income residents. All required procedures will be followed to ensure compliance with national objective to benefit low to moderate-income persons.

All construction work will be monitored in accordance with any Davis-Bacon requirements.

In order to ensure compliance the Western Piedmont Council of Governments will conduct the monitoring for this program.

VII. Fair Housing – Barriers to Affordable Housing. The City of Lenoir makes every effort in supporting affordable housing. The City serves as the Lead Entity for the Unifour Consortium which has 28 participating local governments. Within the Consortium, there are varying degrees of adopted zoning and land use controls, fees and other costs that will affect the cost of housing. Adopted zoning and subdivision codes that are currently in force are not considered to be excessive or exclusionary. The Consortium staff, the Western Piedmont Council of Governments, will administer an Individual Development Account program with CDBG funds received by

counties. These IDA program will be administered and available throughout the Unifour. The Western Piedmont Council of Governments is a HUD-approved comprehensive housing counseling agency, and as such, it will also continue to provide Home Equity Conversion Mortgage counseling to older adult homeowners.

Lack of education about purchasing home can be a barrier to affordable housing. The lack of a job, money, or even a person's language can be a barrier to fair housing. An analysis of impediments to fair housing has identified various hurdles to fair housing and suggest ways to make housing opportunities more fair.

The City of Lenoir will take an active role in affirmatively furthering fair housing in its jurisdiction through these activities:

- The City of Lenoir will participate in the Unifour Consortium HOME Program, which assists low and moderate-income persons with down payment assistance.
- The City of Lenoir will promote education of housing rights and housing responsibilities through flyers translated into Spanish for our Hispanic population.
- The City of Lenoir will participate in various forums to provide housing and fair housing information to its citizens.
- The City of Lenoir Continued will place handicap accessible sidewalks and improved parking to provide equal access to the city for the handicap and disabled persons of Lenoir.
- The City of Lenoir as Lead Entity of the Unifour Consortium will meet semi-annually to present fair housing information at workshops sponsors by the Catawba Valley Board or Realtors.
- The City will observe April as “Fair Housing Month” by the city adopting a fair housing resolution each April to recognize and support fair housing The City will sponsor public service announcements regarding fair housing and “Fair Housing Month” in local newspaper and/or radio.
- The City of Lenoir will participate semi-annually in community meeting in predominately black neighborhoods in order to present information on various housing programs and to make available printed materials designed to inform citizens of their fair housing rights as outlines in state and federal housing laws.
- The City of Lenoir will supply informational posters, brochures and/or flyers to historically black church and community centers to inform citizens about their fair housing rights.
- The Unifour Consortium will provide down payment assistance for first-time homebuyers, to qualifying low to moderate income minorities and will specifically affirmatively market the down payment assistance program to minority and/or predominately black communities by placing down payment assistance and fair housing posters, brochures, and/or flyers in minority and/or predominately black communities, churches, libraries, and community centers.

VIII. ANTI-POVERTY STRATEGY. The City of Lenoir is seeking new and diverse industries and commercial businesses for the City. Data from the Employment Security Commission of North Carolina states that unemployment in Caldwell County averaged 6.3% in 2015 due to the loss of furniture and textile jobs to overseas labor market. Job-training and job placement is provided through the Workforce Investment Act provide skill training and job placement assistance to over 150 adults and youth each year within Caldwell County.

IX. COORDINATION OF EFFORTS. The City of Lenoir has a strong network of private institutions, non-profit and public agencies that carry out the distribution of funds allocated to help the very-low and low-income families of the City. The staff of the Lenoir Community Development Department has accumulated experience in carrying out these programs. Reporting directly to the city manager and the city council the community development department receives valuable input into most of their activities. The City of Lenoir will continue to work with area service providers and agencies to remain aware of existing programs and make referrals as needed to individuals and families. The WPCOG staff assigned to the City of Lenoir will continue to be involved with various housing, aging, social service and non-profit agencies in order to stay abreast of other activities.

X. SUMMARY OF CITIZEN COMMENTS. A summary of citizen comments regarding the proposed 2021 Action Plan from the March 15, 2022 and the May 03, 2022 public meetings will be included here:

XI. CERTIFICATIONS

Unifour Consortium FY 2022 Action Plan

Unifour Consortium

City of Lenoir, Lead Entity

P.O. Box 958

Lenoir, NC 28645

(828) 485-4245

For Submittal to the U.S. Department of Housing and Urban Development
May, 2022

ACTION PLAN 2022 UNIFOUR HOME CONSORTIUM
CITY OF LENOIR, NORTH CAROLINA

- I. Federal Form 424
- II. Introduction
- III. Five Year Strategy
- IV. Second Year Action Plan 2022
 - A. Resources
 - 1. Federal
 - 2. Other
 - B. Activities to be Undertaken
 - 1. Downpayment Assistance
 - 2. CHDO Set-aside
 - 3. Multi-Family Housing
 - 4. New Construction
 - 5. Program Administration
- V. Other Action
 - A. Affordable Housing
 - B. Homelessness and Other Special Needs
 - C. Non-Housing Community Development Needs
 - D. Lead-Based Paint Hazard Reduction
 - E. Public Housing Improvements
 - F. Public Housing Resident Initiatives
- VI. Monitoring
- VII. Fair Housing – Barriers to Affordable Housing
- VIII. Anti-Poverty Strategy
- IX. Coordination of Efforts
- X. Summary of Citizen Comments
- XI. Certifications

II. INTRODUCTION

The Unifour Consortium, comprised of four counties and twenty-four municipalities, located in the western piedmont region of North Carolina have prepared a Consolidated Plan as required to receive HOME funds and an HOME entitlement jurisdiction. The total twenty-eight participating Consortium members are contiguous and are in agreement as to the components of this plan. The Consolidated Plan serves as a guide for decision-making by investors, non-profit organizations, community organizations, elected officials and concerned citizens. The Consolidated Plan, required by the Department of Housing and Urban Development, is designed to promote and coordinate citizen participation in the development of local priority needs and objectives.

The twenty-eight local governments that comprise the Unifour Consortium sit on the Unifour Consortium Governing Board. Each local government provides one representative to set on the board. Each representative has one vote. The City of Lenoir serves as the Lead Entity for the Unifour Consortium. All funding from the Department of Housing and Urban Development will flow through the City of Lenoir to the benefit of all twenty-eight local governments. The City of Lenoir assures compliance with all required regulations pertaining to the HOME Program. The City of Lenoir contracts with the Western Piedmont Council of Governments for the administration of the HOME Program.

The Consortium has established its general priorities for allocating HOME funds expected to be available over the five-year period. The data obtained from the 2010 Census of Population and Housing indicates that low and moderate-income households are more likely to experience housing problems. Older adults will continue to experience housing problems due to that population's decreased incomes, the age of their homes and their increasing frailty as they age. Priority has been given to making homeownership more available to low and moderate-income families and individuals. This will be addressed through downpayment assistance and counseling for those wishing to purchase a home.

Specifically, funds will be used to provide up to \$30,000 downpayment assistance loans to low and moderate-income families, with incomes no greater than 80% of the area median income. These loans are 0% interest loans and are to be paid back upon the sale or refinancing of the home.

The downpayment assistance program was selected as the most pressing need at this point due to the increasing number of families moving to the Unifour area seeking employment. However, many of the jobs taken by new residents are lower income jobs. The downpayment assistance program will assist the working poor - those who are able to make rent payments but not save enough funds for a downpayment. By assisting individuals in obtaining their own homes, the Consortium hopes to increase the tax base of the area, strengthen neighborhoods, decrease transience, and empower and inspire families to become a permanent fiber in the local community fabric.

Homelessness and Other Special Needs. The Consortium will work closely with the existing network of agencies and organizations that are addressing the needs of the homeless, those threatened with homelessness and those with special needs housing. Implementation of the Continuum of Care plan will be done as federal funds are made available to agencies dealing directly with homeless issues.

The Consortium will set aside a minimum of at least 15% of its funding each year for investment in housing to be developed, sponsored or owned by community development housing organizations (CHDO's). These CHDO's must be a non-profit organizations whose purposes are to provide housing or housing opportunities to low income persons or families or those with special needs. Further, to qualify for funds participating CHDO's must meet criteria as defined by HUD and approved by the Consortium. The Executive Committee of the Consortium will recognize and approve CHDO's and will award funding for CHDO projects.

Preference for CHDO funding will be made to organizations addressing the needs of the homeless, persons with HIV/AIDS, at risk persons, older adults, affordable housing opportunities, or concentrating in areas or neighborhoods identified to have a concentrated need for housing assistance.

III. FIVE YEAR STRATEGY

Summary of the Five Year Strategy. Although significant housing initiatives have and will continue to take place by individual members of the Consortium, gaps in housing service have been identified. These include the lack of assistance for low and moderate-income household in purchasing housing, special needs housing development, affordable housing development (both rental and owner occupied), and housing counseling. The Unifour Consortium has established the following significant elements for fillings these gaps and achieving its purpose of creating housing opportunities through this Consolidated Plan.

- o Stimulating homeownership opportunities for very-low and low-income homebuyers by the continuation of a four county-wide Downpayment Assistance Program for First-Time Homebuyers.
- o Homeownership opportunities will be stimulated through homebuying counseling for potential homebuyers
- o Work with developers to increase the supply of standard, affordable housing through development of new housing units under the HOME Program.
- o Encourage community based non-profit organizations to develop the resources and capacity to address special needs housing throughout the Consortium area.
- o Increase the supply of standard, affordable housing opportunities through new construction of housing and rehabilitation of existing housing units under HOME Program, utilizing deferred loans/grants to very-low and low-income families.
- o Provide assistance to agencies that assist homeless persons and families and those threatened with homelessness.
- o Encourage efforts on a regional basis to further the study and address homelessness.
- o Continuation of efforts to further Fair Housing and minimize relocation or displacement in all programs.

IV. THIRD YEAR ACTION PLAN 2022

Strategy Implementation Year 2

Total HOME Funding for FY 2022

\$1,154,095

Total Estimated Program Income

300,000

Total Projected Resources

\$1,454,095

In accordance with 24 CFR Part 91.220 of Title 1 of the Housing and Community Development act of 1974, as amended, the City of Lenoir's One Year Action Plan outlines the activities that will be funded using HOME funds.

A. Resources

1. Federal

Federal resources are expected to be available to address the priority needs and specific objectives identified in the strategic plan of the HOME Program. The Unifour Consortium anticipates receiving **\$1,154,095 in FY 2021 HOME funds.**

2. Other

The Unifour Consortium will receive a loan repayment in the amount of **\$11,950** from Conover's Cline Village senior apartments.

The Unifour Consortium will receive a loan repayment in the amount of **\$9,788.00** from Hickory's Villas at Northview apartments.

The Unifour Consortium will receive a loan repayment in the amount of **\$7,339.00** from Hudson's Pine Mountain Trace apartments.

The Unifour Consortium will receive a loan repayment in the amount of **\$15,289.00** from Morganton's Glenwood Hills apartments.

The Unifour Consortium will receive a loan repayment in the amount of **\$19,570.00** from Hudson's Woodland Village senior apartments.

The Unifour Consortium will receive a loan repayment in the amount of **\$11,832.00** from Taylorsville's Milstead Woods apartments.

The Unifour Consortium will receive a loan repayment in the amount of **\$6,688.00** from the Lenoir's Viridian apartments.

The Unifour Consortium will receive a loan repayment in the amount of **\$7,249.00** from Hickory's Viewmont Square senior apartments.

The Unifour Consortium will receive a loan repayment in the amount of **\$7,075.00** from Morganton's Sienna apartments.

The Unifour Consortium will receive a loan repayment in the amount of **\$18,347.00** from Claremont's Oxford Crossing apartments.

The Unifour Consortium will receive a loan repayment in the amount of **\$18,347.00** from Lenoir's Arbor Glen senior apartments.

Based on past performance and the current number of loans on the books, additional program income of approximately \$166,426 is estimated to be received from the repayment of down-payment assistance loans, bringing the total program income to be received during FY 2022 to approximately \$300,000.

B. Activities to be Undertaken

Priority 1: Regional Down-payment Assistance Program: \$743,162 in HOME funds to provide Down-payment assistance for approximately 25 homebuyers in four-county area.

These HOME funds will be used to provide down-payment assistance for approximately 25 homebuyers in the four-county area. This program will provide up to 20% in down-payment assistance to low to moderate- income family with an income of no greater than 80% of the area median income. Applicant families will receive assistance on a first-come-first-served basis. The applicant family must have good credit and be able to obtain a loan.

Assistance will be provided in the form of 0% interest deferred loans. Repayment is due if and when a family sells or refinances. If the home is sold after ten years, one half of the loan amount is repayable to the Unifour Consortium at closing as program income and the other half is forgiven. Any such program income will be used for down-payment assistance prior to Treasury funds, in accordance with HUD HOME regulations.

Matching funds will be provided by local lending institutions through such means as reducing, waiving or discounting ordinary fees and charges such as origination fees, attorney fees, appraisal fees, flood certification fees, private mortgage insurance premiums, etc. Because these discounts will serve as the required local match, local government financial participation will not be required.

Applications will be processed through the program administrator's office at the Western Piedmont Council of Governments.

Geographic Distribution. Funds are distributed on a first-come, first-serve basis.

Priority 2: Program Income Administration: \$30,000 or 10% of Program Income funds received will be used to support the administrative services directly related to the expenditure and compliance of Program Income funds received.

Priority 3: CHDO set-asides: \$173,115 will be set-aside community housing development organizations for investment in housing only to be developed, sponsored or owned by community housing development organizations (CHDO's). CHDO's are non-profit community-based organization whose purpose is to provide housing or housing opportunities to low income persons and families or those with special needs. Total matching funds of 25% may be required of CHDO's. Preference will be given to those organizations that address the housing needs of the homeless, those threatened with homelessness, at risk persons, older adults, disabled persons, persons with HIV/AIDS, and CHDO's developing new affordable housing opportunities to low and moderate-income households. The Executive Committee of the Consortium will approve CHDO funding and activities.

Geographic Distribution. Funds will be distributed on a competitive priority needs basis for qualifying CHDO's located in the Consortium jurisdiction.

- Priority 4: Development of Multi-Family Housing:** \$307,000 will be used to work with developers to increase the supply of standard, affordable housing through the development of new housing units under the HOME Program.
- Priority 5: Program Administration:** \$115,409 in HOME funds will provide efficient and timely administrative services. Planning and administration will be a key component to the success of the Consortium programs. The staff will be responsible for preparing all documents required of the HOME Program, evaluation of applications, interviews with applicants, monitoring and other legal requirements of the Program.
- Priority 6: Contingency:** \$115,409 will be used as a Contingency Fund which will be used to support any unforeseen need or to provide additional funds to an existing activity.

Resale/Recapture Provision:

The Unifour Consortium uses the Recapture Provision with Recapture from net proceeds. These provisions are imposed for the duration of the period of affordability on all HOME-assisted homebuyer projects through written agreements with the homebuyer, and enforced via a promissory note, deed of trust, and declaration of deed restrictions. The recapture provision is triggered by any transfer of title, either voluntary or involuntary, during the established period of affordability. Recapture is limited to the net proceeds available at sale. The period of affordability is based upon direct HPME subsidy provided to the homebuyer that enabled the homebuyer to purchase the unit. The Unifour Consortium recaptures the entire amount of the direct HOME subsidy provided to the homebuyer before the homebuyer receives a return.

V. OTHER ACTION

A. Affordable Housing. Housing represents the chief means that families have of saving and forming capital. It also represents the key to successful community development. A neighborhood of homeowners is inherently more stable than one which has none. So, the key strengthening our society, or economy, and our families lies in improving access to homeownership. Housing affordability will continue to be addressed through the Unifour Consortium program and by housing programs of individual members of the Unifour Consortium.

B. Homelessness and Other Special Needs. The Consortium will work closely with the existing network of agencies and organizations that are addressing the needs of the homeless, those threatened with homelessness and those with special needs housing. Implementation of the Continuum of Care plan will be done as federal funds are made available to agencies dealing directly with homeless issues.

The Consortium will set aside at least an average of 15% of its funding each year for investment in housing to be developed, sponsored or owned by community development housing organizations (CHDO's). These CHDO's must be non-profit organizations whose purposes are to

provide housing or housing opportunities to low income persons or families or those with special needs. Further, to qualify for funds participating CHDO's must meet criteria as defined by HUD and approved by the Consortium. To qualify for funding, each CHDO may have to provide a match of 25%. The Executive Committee of the Consortium will recognize and approve CHDO's and approve funding applications.

Preference for CHDO funding will be made to organizations addressing the needs of the homeless, persons with HIV/AIDS, older adults, affordable housing opportunities, or concentrating in areas or neighborhoods identified to have a concentrated need for housing assistance.

C. Non-Housing Community Development Needs. The Unifour Consortium is not seeking to use funds for non-housing community development needs. However, in accordance with HUD requirements, the non-housing community development plans of the three entitlement cities within the Unifour Consortium are herein incorporated.

D. Lead-Based Paint Hazard Reduction. The number of homes built before 1978 is 78,348, all of which can be classified as potential hazards. Any funds used for rehabilitation will address the lead hazard on a unit-by-unit basis. With limited funds available, the abatement of lead from all units is not possible. Approved measures such as wet scraping to reduce the amount of lead disturbed during rehabilitation will be used. All recipients of HOME funds will be provided information outlining the dangers of lead-based paint.

E. Public Housing Improvements. Each of the four conventional public housing authorities (Morganton, Lenoir, Valdese and Hickory) are working with their local law enforcement/public safety agencies to reduce crime in their PHA's. Since 1996 over \$1.5 million has been spent to bring the public housing units into compliance with the Americans with Disabilities Act requirements.

F. Public Housing Resident Initiatives. Each of the five housing authorities within the Consortium jurisdiction is self-governing and responsible for administering its own funds. Appointments to each board are made from within their own memberships, and they each have their own policies regarding hiring, contracting and procurement.

Outreach efforts will be coordinated with each housing authority to inform residents of the downpayment assistance program and other housing assistance programs available within their jurisdictions. Within the Consortium jurisdiction there are five housing authorities: Hickory, Lenoir, Morganton, Valdese and the Western Piedmont Council of Governments. Among the assisted housing available are 1,013 units of conventional public housing, and housing subsidies for 1,178 families and individuals through Section 8 vouchers and certificates. There is a need for private landlords for the Section 8 program throughout the Unifour area.

All of the above mentioned housing authorities anticipate no losses from their housing inventories. Those that own and operate conventional housing units as of March, 2018, report 0% vacancy rates and continuous waiting lists of needy families.

Each of the housing authorities will work to accomplish more self-reliance and independence through a variety of programs. They each will continue to strive to increase resident awareness of energy factors, job training, homeownership opportunities, credit counseling, drug elimination and community activities.

VI. MONITORING. The Unifour Consortium will take every measure to ensure the Consortium's long term compliance, completely and correctly, with provisions of the Consolidated Plan and all of the provisions of Title 1 of the National Affordable Housing Act.

The Unifour Consortium is committed in its efforts to develop and provide affordable housing and to meet the goals of their five strategies outlined in this plan. The Consortium will review the goals of their one-year strategy on a quarterly basis to determine progress made toward reaching the goals. The Consortium shall be responsible for monitoring only those funds that it receives from DHUD.

Specifically, for priority 1, the Unifour Consortium will ensure that all participants with the first time homebuyer program meeting HUD income eligibility requirements via income verifications. Such verifications will be maintained on file with each applicant. Each unit purchased with HOME assistance will be meet price limits, as determined annually by HUD. Each purchase price per unit will be maintained on file for each applicant. To ensure the lead-based paint status of each home purchased with HOME assistance, the year of construction for each unit will be verified through county tax records and maintained in each file. For homes built prior to 1978, verification from a lead-based paint inspector will be required for certification that the unit is free of lead-based paint prior to closing. Under no circumstances will any unit built prior to 1978 be purchased with HOME assistance without proper certification of lead-free conditions if a child or children under age seven will reside in or be cared for within. Each unit purchased with HOME assistance shall be inspected by a qualified inspector to verify its compliance with Section 8 Housing Quality Standards at time of the closing. Such verification shall be maintained within each applicant file.

The Unifour Consortium will take every step necessary to ensure that CHDO's funded through the HOME program comply with the Consolidated Plan and all applicable Federal, State and local laws and policies. Specifically, for homeownership projects, each CHDO shall provide documentation of affordability by such means as deed restrictions, deeds of trust and promissory notes. CHDO's receiving funding for rental projects shall provide income verification for beneficiaries annually throughout the period of affordability. Rental project affordability shall be ensured by deeds of trust and promissory notes. All CHDO's shall provide annual project reports for their HOME assisted units throughout the period of affordability per project.

VII. FAIR HOUSING -BARRIERS TO AFFORDABLE HOUSING. The Unifour Consortium makes every effort in supporting affordable housing. With 28 participating local governments within the Consortium, there are varying degrees of adopted zoning and land use controls, fees and other costs that will affect the cost of housing. Adopted zoning and subdivision codes that are currently in force are not considered to be excessive or exclusionary. Lack of education about purchasing home can be a barrier to affordable housing. The Consortium staff, the Western Piedmont Council of Governments, will administer an Individual Development

Account program with CDBG funds received by Caldwell County. This IDA program will be administered and available throughout the Unifour. The Western Piedmont Council of Governments is a HUD-approved comprehensive housing counseling agency, and as such, it will also continue to provide Home Equity Conversion Mortgage counseling to older adult homeowners.

The Unifour Consortium will take an active role in affirmatively furthering fair housing in its jurisdiction through the following activities:

- The Unifour Consortium staff will provide information to various citizens and/or groups about local housing programs offered throughout the area and staff will make available printed materials designed to inform citizens of their fair housing rights as outlined in state and federal housing laws. Information will be translated into Spanish for our Hispanic population.
- The Unifour Consortium will observe April as “Fair Housing Month” by the City adopting a fair housing resolution each April to recognize and support fair housing. The Unifour Consortium will sponsor public service announcements regarding fair housing and “Fair Housing Month” in local newspaper and/or radio.
- The Unifour Consortium will sponsor quarterly Fair Housing Workshops with the Catawba Valley Hispanic Ministry, better known as “Centro Latino”. Centro Latino is a non-profit organization offering a wide variety of programs including: health, social and educational services, community building, and advocacy for the Latino community of the Unifour area. Written material will be provided in Spanish and English,
- The Unifour Consortium will participate semi-annually in community meeting in predominately black neighborhoods in order to present information on various housing programs and to make available printed materials designed to inform citizens of their fair housing rights as outlines in state and federal housing laws.
- The Unifour Consortium will supply informational posters, brochures and/or flyers to historically black church and community centers to inform citizens about their fair housing rights.
- The Unifour Consortium will provide down payment assistance for first-time homebuyers, to qualifying low to moderate income minorities and will specifically affirmatively market the down payment assistance program to minority and/or predominately black communities by placing down payment assistance and fair housing posters, brochures, and/or flyers in minority and/or predominately black communities, church, libraries, and community centers.
- The Unifour Consortium will annually budget funds for Community Development Housing Organizations (CHDO’S) such as Habitat for Humanity to help finance housing related projects resulting in a home for low to moderate income families.

VIII. ANTI-POVERTY STRATEGY. Each member local government of the Consortium is very aggressive in trying to attracting new and diverse industries and commercial businesses into the area.

IX. COORDINATION OF EFFORTS. The Consortium will continue to work with area service providers and agencies to remain aware of existing programs and make referrals as needed to individuals and families. The WPCOG staff assigned to the Consortium will continue to be

involved with various housing, aging, social service and non-profit agencies in order to stay abreast of other activities and expenditures.

The same outreach efforts will be made with area social services providers and non-profit organizations. The Consortium will coordinate its efforts with Blue Ridge Community Action, a local non-profit agency, which provides transitional housing units, new home construction, weatherization, rehabilitation and rental rehabilitation.

The cities of Hickory, Lenoir and Morganton are all HUD entitlement cities. The Consortium will work with each of these cities to coordinate housing initiatives and efforts. If any conflicts or negative effects arise, the Consortium will investigate all possible ways to alleviate the cause(s).

To meet housing and community development needs, individual local governments within the Unifour Consortium have applied for and received funding through other federal housing assistance programs including CDBG, Rural Development Corporation, and the North Carolina Housing Finance Agency. These localized programs assist low and moderate income, elderly and disabled owner occupied households.

X. SUMMARY OF CITIZEN COMMENTS. A summary of citizen comments regarding the proposed 2022 Action Plan from the March 15 and the May 03, 2022 public hearings will be included here:

XI. Certifications

May 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	2	3 6:00 p.m. City Council	4 9:00 a.m. Staff Mtg.	5 Noon - National Day of Prayer-Square	6	7 3:00 p.m Cruise-In (Downtown)
8	9 Noon - City/County Services Committee	10 8:00 a.m. EDC	11	12 6:00 p.m. Lenoir Business Adv. Brd.	13	14 10:00 a.m. - 3:00 p.m. Lenoir Bicycle Fest (Downtown)
15	16	17 6:00 p.m. City Council	18 9:00 a.m. Staff Mtg.	19 6:00 p.m. Budget Work Session (City Hall, 3rd Floor)	20	21
22	23 5:30 p.m. Planning Board	24 8:30 a.m. Committee of the Whole (Budget Work Session) (if necessary)	25	26 6:00 p.m. Budget Work Session (if necessary) (City Hall, 3rd Floor)	27	28
29	30 Memorial Day! City Offices Closed	31				
		Notes for June				

ABC Board

Jerry Brooks

(3-year term)

Lenoir Tourism Development Authority (LTDA)

Dana Clark

Glenda Wilson

(4-year term)

Lenoir Business Advisory Board (LBAB)

Margaret Forney

Darin McKinney

Gonzalo Vasquez

John Moore

Sean Williams

(3-year term)

Parks & Recreation Advisory Board

Schonna Banner

Darrell Lipford

(2-year term)

Lenoir Housing Authority

Debbie Smith

(5-year term)

Planning Board

Tim Scobie

(3-year term)