



AGENDA
CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, JULY 19, 2022
6:00 P.M.



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Special Recognition: On behalf of City Council, Mayor Gibbons will present a framed City flag and a resolution to Mr. Alan Hall, Central Barber Shop, in honor and recognition of their Centennial Celebration. Central Barber Shop was established in May 1922.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- 1. Rezoning; 1231 Hibriten Drive SE and 1304 Hibriten Drive SE: A public hearing will be held to consider approval of a proposed re-zoning for property located at 1231 and 1304 Hibriten Drive SE to be rezoned from B-1 (Neighborhood Business) to B-2 (General Business) to allow for Auto Sales (Intensive Retailing) as requested by Ben Griffin, New Vision Trust Company. The Planning Board recommends approval consistent with the Consistency Statement as follows:

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan's future land use map identifies this parcel as "existing commercial" and does not identify any other future land use for the property. The proposed zoning change is consistent with the Comprehensive Plan's policy concepts to coordinate land use policies with transportation, and to anticipate and plan for growth associated with roadway improvements. Staff finds the proposed rezoning to be consistent with the goals and policy concepts of the Comprehensive Plan.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Budget Work Session of Thursday, May, 19, 2022 as submitted.
- B. Minutes: Approval of the minutes of the City Council meeting of Tuesday, June 7, 2022 as submitted.
- C. Minutes: Approval of the closed session minutes of the City Council meeting of Tuesday, June 7, 2022 as submitted.
- D. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, June 28, 2022 as submitted.
- E. Minutes: Approval of the closed session minutes of the Committee of the Whole meeting of Tuesday, June 28, 2022.
- F. Technical Assistance Agreement; WPCOG: Approval of City Council to enter into an agreement with the Western Piedmont Council of Government (WPCOG) in the

amount of \$30,000 (not to exceed) in accordance with the attached proposal to provide grant administration and technical assistance for the EPA Brownfield Assessment Program.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITYMANAGER

A. Items of Information

1. August Calendar: The calendar for the month of August will be submitted to Council listing various committee meetings and events.
2. A Summer Music Festival will be held on Friday, July 22 and Saturday, July 23 at 6:00 p.m. at the Martin Luther King, Jr. Center located at 313 Greenhaven Drive NW, Lenoir, NC.
3. The Planning Board will meet on Monday, July 25 at 5:30 p.m. at the City/County Chambers.
4. The Committee of the Whole will not meet in July. The next City Council meeting will be held on Tuesday, August 2 at 6:00 p.m. in the City/County Chambers.
5. A Cruise-In Event is scheduled for Saturday, August 6 beginning at 3:00 p.m. in downtown Lenoir.

B. Items for Council Action

1. Request for Qualifications for Architectural Services: City Staff recommends City Council approval to enter into an agreement with Maurer Architecture regarding the Request for Qualifications (RFQ) for firms offering Schematic Design Phase Architectural Services for three redevelopment sites in downtown Lenoir which include the former Bernhardt-Seagle Industrial Complex building at 1136 Harper Avenue; the Historic Lenoir High School Gymnasium and the LHS Auditorium building at 1114-1116 College Avenue. Services may include site visits, as built drawings, and illustrative conceptual plans.
2. Bid Award; FY2022-2024 Asphalt Resurfacing Contract: Bids were received and opened on Tuesday, July 12, 2022 for the City of Lenoir's Asphalt Resurfacing Contract for a two-year period beginning July 1, 2022 and ending on June 30, 2024. Tri-County Paving is the lowest, responsive, responsible bidder. Tri-County Paving, Inc.'s bid includes the required bid security (bond) and an escalator clause for unit price adjustment based on liquid asphalt price fluctuation.

Staff recommends City Council award the low bid of \$109/ton to Tri-County Paving, Inc. for the City's Asphalt Resurfacing Contract as submitted.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT



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

Central Barber Shop Celebrates 100 Years of Business

WHEREAS, Central Barber Shop opened in Downtown Lenoir on May 11, 1922, in a room in the Miller Building next to the Caldwell County Courthouse; and

WHEREAS, Central Barber Shop later moved from the Miller Building to 138 Main Street, which sits at the corner of West Avenue and Mulberry Street; and

WHEREAS, Terry Hall started working as a barber in Lenoir in 1961 and bought Central Barber Shop ten years later in 1971; and

WHEREAS, in 1976, Terry Hall bought the building located on the northwest corner of the square in Downtown Lenoir and moved Central Barber Shop to its current location at 211 Main Street where it has operated for the past 46 years; and

WHEREAS, Terry Hall's son, Alan Hall, started working as a barber at Central Barber Shop in 1995, and Terry Hall retired from Central Barber Shop in 2009; and

WHEREAS, Alan Hall has worked at Central Barber Shop for the past 27 years, along with fellow barbers Mark Gentry, 18 years, and Chris Whittaker, 14 years; and

WHEREAS, barbershops have traditionally been a place where men can socialize, take a break from their daily routine, meet like-minded people, and build friendships with other men in the community; and

WHEREAS, Central Barber Shop has served the Lenoir community for 100 years;

NOW THEREFORE BE IT RESOLVED, I, Mayor Joseph L. Gibbons, on behalf of the City of Lenoir City Council, congratulate Central Barber Shop on its centennial celebration and thank Terry Hall and Alan Hall for building their business in Lenoir, investing their time and talents in our community, and giving our residents friendship, camaraderie, and excellent haircuts for 100 years.

This the 19th day of July 2022.

SEAL

Joseph L. Gibbons, Mayor



CITY OF LENOIR**COUNCIL ACTION FORM: July 19, 2022****I. Agenda Item:**

R3-22: Rezoning the parcel at 1231 Hibriten Dr SE

II. Background Information:

The applicant is requesting to rezone the subject property from B-1 (Neighborhood Business) to B-2 (General Business).

See attached staff report for the analysis and consistency statement supporting this request.

III. Staff and Planning Board Recommendation:

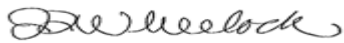
Approval of the re-zoning based on the following consistency statement:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it reflects the changing transportation patterns of the area, expanding the allowable uses on a commercial parcel within 1,000 ft. of a major interchange, while maintaining buffering to the nearby residential areas. The proposed amendment is reasonable and in the public interest because facilitates the re-use of existing buildings and leverages the economic impact of infrastructure improvements in the vicinity.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____


Planning Director: _____



Staff Report

Zoning Amendment

CASE NUMBER R #3-22

LOCATION MAP/AERIAL PHOTOGRAPH



Parcel addresses and owner information shown for all properties required to receive notice of these proceedings.

SUMMARY

Owner

NEW VISION TRUST CO; Custodian Ben Griffin

Applicant

Ben Griffin

Location

1231 Hibriten Dr SE
1304 Hibriten Dr SE

NC PIN

2758587898

Project Planners

Hannah Williams, CZO

Description of Request:

The applicant is requesting to rezone the subject property (2.69 AC) from B-1 (Neighborhood Business) to B-2 (General Business).

Staff Recommendation:

Approval of a request, based on the consistency statement on page 6.

Planning Board Recommendation:

Approval of the request (4 to 2), as presented by staff.

Public Comment:

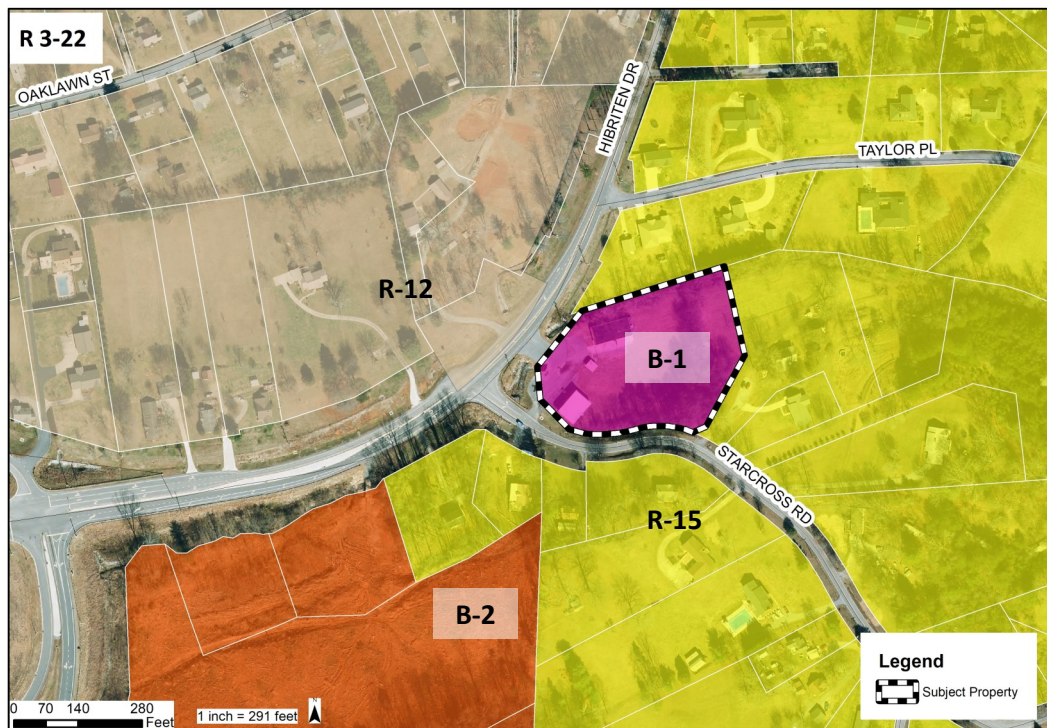
Braswell, an adjacent owner expressed concern about hours of operation and parking capacity on the site.

Planning Board Meeting: June 27, 2022. Notice of the meeting was mailed to the owners of all adjacent parcels (listed on map above) on June 17, 2022.

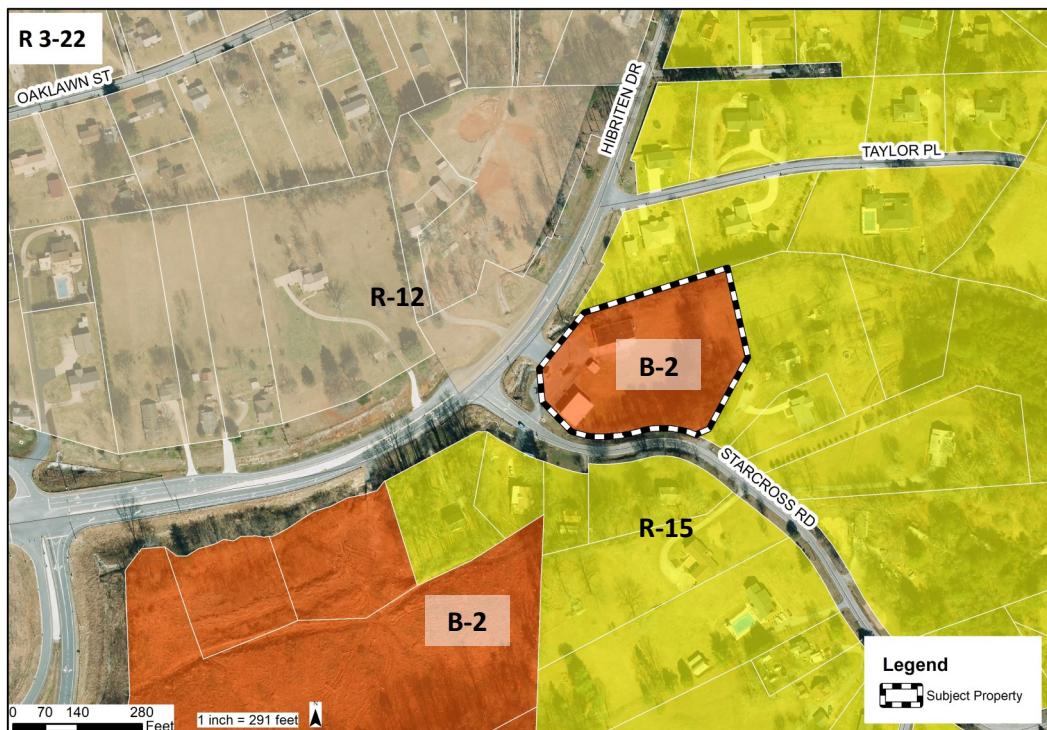
City Council (Public Hearing): Scheduled for July 19, 2022.

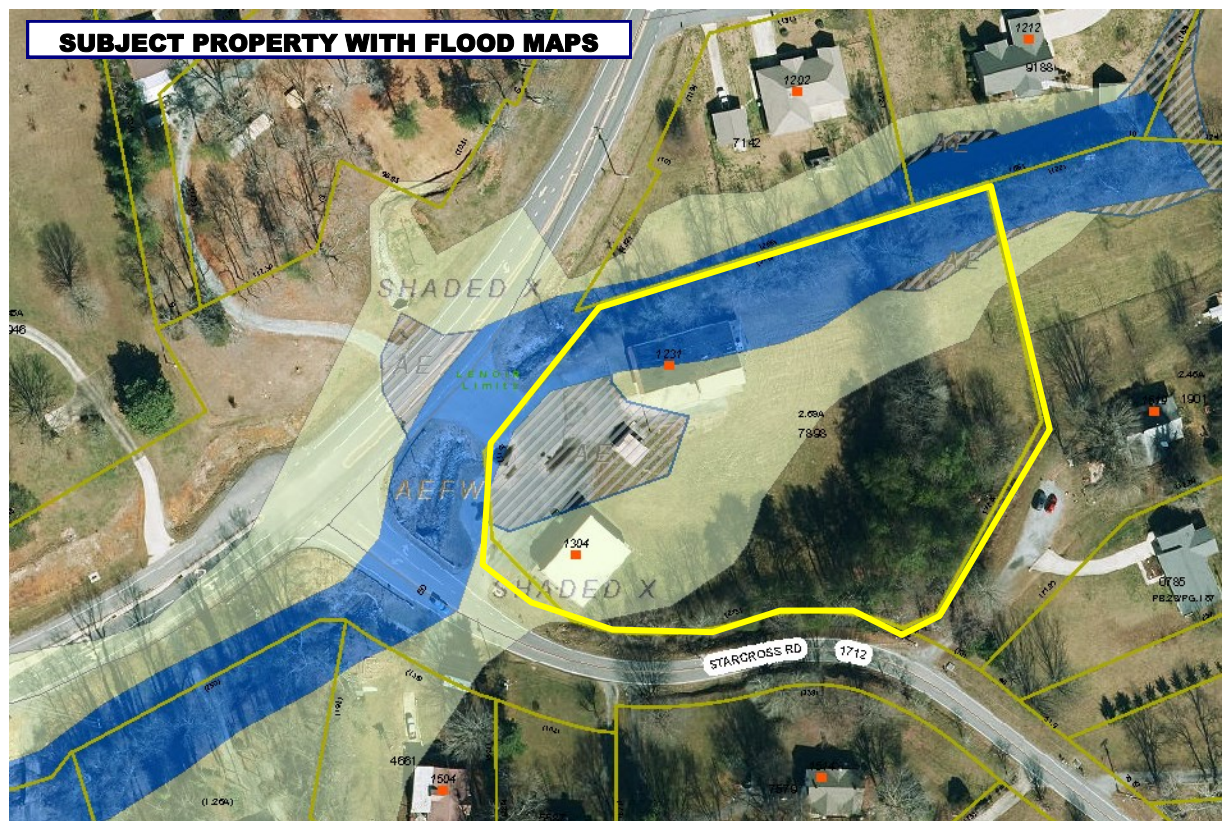
EXISTING AND PROPOSED ZONING MAPS

Existing Zoning: B-1



Proposed Zoning: B-2



[illegible]

Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and special uses for each zoning district. The B-1 zoning district allows for retail and service uses that serve the immediately surrounding neighborhood. The B-2 zoning district allows for many residential, commercial, and institutional uses.

Comparison of Zoning Districts

	B-1	B-2
Development Standards	Min Lot Size— 0 Setbacks Front: 10' Side Yard: 10' Abutting side Street: 10' Minimum Rear Yard: 10'	Min Lot Size - 0 Setbacks Front: 10' Side Yard: 0' Abutting side Street: 0' Minimum Rear Yard: 20' abutting residential, 0' otherwise
Summary of Permitted Uses	Day Care Centers Manufacturing & Processing: Boutique/Artisan Retailing: Neighborhood Business Services, Business and Personal Studios and Specialty Schools **For special uses see Section 600, Table A in Lenoir Zoning Ordinance**	Accessory Cottage or Apartment Attached Dwellings Billiards Community Facilities such as Churches Day Care Centers Dwelling, Single/Two-Family/Multi-family/Group Eating and Drinking (with or w/o drive through) Manufacturing & Processing (Artisan & Light) Office/Clinics Public Service Facility Personal Storage Retail (Light & Intensive) Services (Automotive, Major Vehicle, Business & Personal) Indoor Shooting Range Veterinarian Warehousing

BACKGROUND AND STAFF ANALYSIS

Zoning Map Amendments

The City of Lenoir 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. The zoning map cannot be changed until the Planning Board reviews the request and makes a report to City Council on the proposed change and the City Council holds a public hearing to consider the request.

Reason for Request

The applicant is requesting this zoning change in order to provide more flexibility for the existing vacant office space on the site. One contemplated use would be the relocation of a small existing car dealership. While there is room on the parcel for additional development, no new construction is proposed at this time.

Intent of the Zoning Districts

B - 1 (Neighborhood Business) District is intended to serve the needs of the surrounding residential neighborhoods by providing convenience goods and services which cater to the everyday needs of the residents. These areas are usually located on small parcels within established neighborhoods, allowing structures built as neighborhood businesses prior to the establishment of zoning to continue to be improved and re-used to suit the changing needs of the neighborhood. It is the intent of this district to protect the integrity of the surrounding residential neighborhoods; and therefore the B-1 district should not normally be extended or new areas established.

B - 2 (General Business) District is intended to provide for a wide variety of retail, service and other activities, controlled by performance standards, at locations along major transportation routes, to serve both local and transient traffic. While generally located in areas that are auto-centric, the General Business zoning district is intended to promote development that equally considers pedestrian traffic, because this district is often located in close proximity to multi-family developments and short-term lodging. This district is designed to accommodate a moderate to high intensity of development along key commercial corridors in the City, with robust design standards to encourage a unique sense of place and promote a multi-modal future with support for transit, bike, and pedestrian infrastructure.

Subject and Surrounding Properties

The subject property is located at the intersection of Hibriten Drive and Starcross Road, with driveway access off both streets. The property has two small commercial buildings on site built in the early 1970s. One building, addressed as 1304 Hibriten Drive SE is used as Resurrection Life Church. The other building, addressed as 1231 Hibriten Drive SE has two commercial spaces that are currently vacant. It is the former location of a small engine workshop. The parcel's Hibriten Drive frontage is located in the floodway, and some of the parking lot and existing buildings encroach into the AE flood zone ("100 year" flood zone). The development is all "pre-FIRM" meaning it was built prior to the adoption of the flood insurance rate maps.

To the east, north, and south of the subject property are established residential areas zoned R-12 and R-15. To the west, the Whisnant tracts offer commercial or multi-family development opportunities, and together with this property could be considered the eastern extension of the Whitnel commercial district, enhanced by the fairly recently constructed interchange at US321.

Zoning Analysis

Historically, this site has been fairly isolated from US 321 and was surrounded by residential land uses in all directions. Given that context, the B-1 zoning designation made sense for this site, although it doesn't follow the usual pattern for neighborhood business because it is buffered and disconnected from the neighborhoods. It has not had any neighborhood-serving businesses in many years.

With the construction of the Whitnel interchange, the subject property's frontage on Hibriten Drive makes it a viable commercial site for a range of uses, not just the very limited neighborhood-serving uses permitted in B-1. The established tree lines provide

STAFF ANALYSIS CONTINUED

mature buffering to surrounding residential land uses. Technically this property is “spot-zoned” today, and the proposed map amendment does not eliminate the “spot zone.” However, spot zones are legal in NC, and a change to B-2 is not an arbitrary amendment — it’s within 400 ft. of property zoned B-2, and could be considered a natural edge of the Whitnel commercial district.

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan’s future land use map identifies this parcel as “existing commercial” and does not identify any other future land use for the property. The proposed zoning change is consistent with the Comprehensive Plan’s policy concepts to coordinate land use policies with transportation, and to anticipate and plan for growth associated with roadway improvements. Staff finds the proposed rezoning to be consistent with the goals and policy concepts of the Comprehensive Plan.

STAFF RECOMMENDATION AND CONSISTENCY STATEMENT

Staff recommends that the Planning Board recommend approval of the request, based on the following consistency statement, and call for a Public Hearing for City Council to consider the request on July 19, 2022:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it reflects the changing transportation patterns of the area, expanding the allowable uses on a commercial parcel within 1,000 ft. of a major interchange, while maintaining buffering to the nearby residential areas. The proposed amendment is reasonable and in the public interest because facilitates the re-use of existing buildings and leverages the economic impact of infrastructure improvements in the vicinity.

PLANNING BOARD RECOMMENDATION

Approval of the request by vote of 4 to 2.

MINUTES

CITY COUNCIL BUDGET REVIEW CITY HALL, THIRD FLOOR THURSDAY, MAY 19, 2022 6:00 p.m.

Participants: Mayor Joseph Gibbons, Jonathan Beal, Kent Greer, Ike Perkins, Todd Perdue, Ralph Prestwood, and David Stevens.

City Staff: City Manager, Scott Hildebran, Finance Director, Donna Bean, and Planning Technician, Lauren Hartley.

Zoom: Mayor Pro-Tem Crissy Thomas.

Absent: Shirley Cannon, City Clerk.

Others: Cady Davis, *News-Topic*.

Call to Order

I. Mayor Gibbons welcomed everyone and called the meeting to order. He referred to the proposed FY2022-23 Annual Budget presented at the May 17 City Council meeting by City Manager Hildebran and asked Council if anyone has any additional questions regarding the proposed budget.

City Council did not have any questions for Mr. Hildebran at this time.

II. Financial Summary

A. Donna Bean, Finance Director, presented the Financial Summary as of April 30, 2022. She reported the City has collected 94% of its budgeted revenues with expenditures totaling 79% resulting in the City being in a good financial position. Director Bean reported the over/under balance in the General Fund is \$2,795,289.08, Downtown District (\$103,010.28), and Water & Sewer Fund \$854,882.13.

Director Bean stated funds were transferred from the General Fund to the Downtown District budget line because expenditures are higher this year, but remarked they are on target with their budget. She also mentioned Staff was not able to schedule any events/festivals during COVID-19. In addition, she shared the City has collected 85% of its budgeted amount for revenues for the Water and Sewer Fund with expenditures being at 76%.

(A copy of the financial summary is attached to these minutes as information.)

Director Bean also discussed the proposed Capital Items from the Operating Budget and the General Fund Budget for FY2022-2023.

(A copy of the spreadsheets for Capital Items from the Operating Budget and the Capital Items from the General Fund Budget are attached to these minutes as information.)

City Manager Hildebran reviewed the 2022 Council Budget Priorities list and stated these items are addressed in the proposed budget. The budget priorities are as follows:

1. Continue Efforts to Offer Competitive Compensation and Benefits for Employees
2. Increase Funding & Support for Minimum Housing & Code Enforcement
3. Develop Strategies to Support Affordable, Workforce, and Market-Rate Housing
Continue to Fund & Support Street Paving Plan
Develop Master Plans for The Campus, Downtown, and Park & Recreation
Establish a Human Relations Commission (Diversity, Equity & Inclusion)
7. Implement Wayfinding Plan, including Greenway Signage
Establish Area Plans for Whitnel & West End
Continue to Fund & Support Technology/Cybersecurity/Digital Services
10. Share State of the City Presentations/Re-establish Community Meetings
11. Continue to Fund & Support Water/Sewer Capital Improvements Plan
12. Continue to Fund & Support Sidewalks/Greenway/OVT

IV. General Fund

- A. City Manager Hildebran reviewed the highlights of the proposed budget which totals \$20,320,130 and is balanced with the current property tax rate of 57-cent per \$100 of assessed property value. The budget maintains the current Rescue Readiness Tax Rate of 85-cent per \$100 of assessed property value for a total tax rate of 57.85 cent per \$100. The budget includes a \$1.00 monthly increase in the Solid Waste Fee, bringing the total to \$11.00 per month.

Mr. Hildebran pointed out the City of Lenoir was allocated \$3,834,691 from the American Rescue Plan (ARP), recently adopted by Congress, but shared the proposed budget does not allocate any of the approved revenue.

Downtown Municipal Service District Budget

The proposed Downtown Municipal Service District budget is balanced with the current property tax rate of 20-cent per \$100 of assessed district property value.

Water/Sewer Fund

Next, Mr. Hildebran stated the proposed Water/Sewer Fund budget totals \$10,232,980 and includes the recently adopted 5% increase in water and sewer rates effective July 1, 2022. A customer utilizing 5,000 gallons will see an increase of \$2.49 per month. Mr. Hildebran reminded Council Water and Sewer tap fees have been adjusted to a rate of cost plus \$250.00 to account for the actual cost of meters/taps and to cover the rising cost of labor/materials.

Mr. Hildebran reviewed the budget highlights which includes the following items:

- Core Services
- Employee Compensation
- Group Health Insurance
- Allocated Positions
- Street Resurfacing
- Greenway/Rail Trail
- Downtown
- Code Enforcement

- Diversity, Equity & Inclusion
- Technology
- Clean Energy Debt Service

Cost Information/General Comments

Mr. Hildebran shared the City's group health insurance premiums will increase by 3%, while maintaining the current plan benefits. The City's contribution to the Local Government Retirement System (LGRS) is also increasing, but he stated the cost is included in the budget.

In addition, he stated eligible employees will receive either a 5% COLA or an 8% COLA based upon where their salary is listed on the City's pay grade scale and current pay plan as compared to the North Carolina League of Municipalities (NCLM) Salary Survey. Employees will receive the proposed pay increase in July 2022. The minimum salary for employees is now \$30,000 and \$42,000 for law enforcement.

Next, Mr. Hildebran stated the City increased its code enforcement budget line to \$100,000 in order to assist with addressing minimum housing issues. He reported the cost of asphalt has increased by 25% and reminded Council the paving contract contains an escalator clause. Additional discussion was held regarding paving, sidewalk improvements, proposed improvements to the downtown area, and the Campus (former LHS facility) as well as the sink hole at the Fire Department.

Grants

City Manager Hildebran stated the City has received \$1,500,000 in grant funding with the money being set aside for capital items. He restated the proposed budget contains funding for several items and the City has paid for several capital items. Finance Director Bean also reported the City is seeking other funding opportunities as well such as grants that require a City match.

Mr. Hildebran also briefly discussed getting the current projects that are ongoing completed by the end of the year if possible.

Wrap-Up

Mayor Gibbons stated the City has submitted four requests to its local legislators and is currently waiting to hear back from our representatives. He asked City Council to consider what projects they would like to see accomplished. Mr. Hildebran briefly mentioned Google's property taxes and noted they have paid fifteen years of their thirty year agreement.

City Council commended City Manager Hildebran and Staff for the great job they are doing daily for the City of Lenoir and for all of their cost savings efforts.

Mr. Hildebran thanked City Council, Department Directors, and especially Finance Director Donna Bean for her thoroughness and hard work in compiling the budget. He further stated the Committee of the Whole meeting on Tuesday, May 24 would be a regular meeting. In addition, Mr. Hildebran stated a public hearing will be held at the June 7 City Council meeting in order to receive public comments regarding the budget and for City Council's consideration of approval of the FY2022-2023 Annual Budget.

There being no further business, the meeting was adjourned at 6:55 p.m.

Attachments

April Financial Summary

Capital Items Spreadsheet (Operating Budget & General Fund)



**City of Lenoir
Financial Summary
As of 4/30/2022**



General Fund					
	2021-2022 Budget	4/30/2022	% of Budget	Change from Previous Year	4/30/2021
Total Revenue	\$ 18,594,890.00	\$ 17,465,163.37	94%	\$ 686,888.88	\$ 16,778,274.49
Expenditures	\$ 18,594,890.00	\$ 14,669,874.29	79%	\$ 1,039,766.14	\$ 13,630,108.15
Over/Under	\$ -	\$ 2,795,289.08		\$ (352,877.26)	\$ 3,148,166.34
Downtown District					
	2021-2022 Budget	4/30/2022	% of Budget	Change from Previous Year	4/30/2021
Revenues	\$ 184,638.00	\$ 32,850.66	18%	\$ 1,418.76	\$ 31,431.90
Expenditures	\$ 184,638.00	\$ 135,860.94	74%	\$ 20,355.10	\$ 115,505.84
Over/Under	\$ -	\$ (103,010.28)		\$ (18,936.34)	\$ (84,073.94)
Water/Sewer Fund					
	2021-2022 Budget	4/30/2022	% of Budget	Change from Previous Year	4/30/2021
Revenues	\$ 9,629,744.00	\$ 8,145,650.26	85%	\$ 135,899.94	\$ 8,009,750.32
Expenditures	\$ 9,629,744.00	\$ 7,290,768.13	76%	\$ 1,307,796.89	\$ 5,982,971.24
Over/Under	\$ -	\$ 854,882.13		\$ (1,171,896.95)	\$ 2,026,779.08

CITY OF LENOIR
Capital Items from Operating Budget
Fiscal Year 2022-2023

Department	Qty	General Fund	Amount	Department Totals
		Public Works		
Vehicle Services	1	Light Duty Truck 1/2 ton 4 WD - Vehicle Services	30,000.00	
Vehicle Services	1	Fuel System Upgrade - Split with Enterprise Fund	15,000.00	
		Total Vehicle Services		45,000.00
Building Maintenance	1	Vehicles/Equipment - Build. Maint.	30,000.00	30,000.00
Streets	1	Single Axle Dump Truck - Streets	275,000.00	275,000.00
Cemeteries	1	Cemetery Master Plan & Expansion (TBD)	50,000.00	
Cemeteries	1	Zero-Turn Mower 60" Cemeteries	15,000.00	
		Total Cemeteries		65,000.00
		Fire		
Fire Support	1	Station IT Upgrades	11,000.00	11,000.00
Fire Suppression	10	SCBAs	37,000.00	
Fire Suppression	1	Station #2 Creek Bank Repair	32,000.00	
Fire Suppression	1	Station #1 Back Apron Repair	30,000.00	
		Total Fire Suppression		99,000.00
Fire Prevention	1	Fire Marshal Truck	34,000.00	34,000.00
		Police		
Police Support	1	Parking Lot Repaving	5,000.00	
		Total Police Support		5,000.00
Detectives	2	Used Vehicles	30,000.00	30,000.00
Patrol	4	Patrol Vehicles	207,000.00	
		Total Patrol		207,000.00
		Parks and Recreation		
Aquatic Center	1	Aquatic Center HVAC Replacement	25,000.00	25,000.00
Mulberry	1	Mulberry Recreation Center Roof Replacement	150,000.00	
Mulberry	1	Mulberry Recreation Center Playground Improvements	21,000.00	
Mulberry	1	Mulberry Recreation Center Outdoor Pickle ball Courts	20,000.00	
		Total Mulberry Recreation Center		191,000.00
General Fund Total				1,017,000.00

CITY OF LENOIR
Capital Items from Operating Budget
Fiscal Year 2022-2023

Department	Qty	General Fund	Amount	Department Totals
Department	Qty	Utility Fund	Amount	Department Totals
Rhodhiss Water Treatment Plant	1	Painting at Water Treatment Plant	15,000.00	
Rhodhiss Water Treatment Plant	1	ATV for Water Treatment Plant	15,000.00	
Rhodhiss Water Treatment Plant	1	Pickup Truck	41,000.00	
Rhodhiss Water Treatment Plant	1	AWIA Compliance Projects	100,000.00	
		Total Rhodhiss Water Treatment Plant		171,000.00
Water Distribution	1	Mini Excavator	82,000.00	
Water Distribution	1	Utility Line Locator	6,000.00	
Water Distribution	1	Boring Machine	21,000.00	
Water Distribution	1	Service Truck	41,000.00	150,000.00
Water Distribution	1	Major Pressure Reducing Valve Vaults	320,000.00	
Water Distribution	1	Divisional Valve Replacement	93,000.00	
Water Distribution	1	Man Hole Improvements	180,000.00	
		Total Water Distribution		743,000.00
Utilities Maintenance	1	Three Phase Power	4,000.00	
Utilities Maintenance	1	Lift Station Upgrades - Dula Town and Spring St.	42,000.00	
		Total Utilities Maintenance		46,000.00
Gunpowder Plant	1	Lawn Mower	10,000.00	
Gunpowder Plant	1	Recycle Pump Installation	20,000.00	
		Total Gunpowder Plant		30,000.00
Lower Creek Plant	1	Dump Truck	98,000.00	
Lower Creek Plant	1	Floor Cleaning Machine	5,000.00	
Lower Creek Plant	1	Building and Grounds Improvements	144,000.00	
		Total Lower Creek Plant		247,000.00
Utility Fund Total				1,237,000.00

Department	Qty	Main Street	Amount	Department Totals
Main Street	1	Holiday/Christmas Decorations Downtown		100,000.00
Grand Total				2,354,000.00

**LENOIR CITY COUNCIL
TUESDAY, JUNE 7, 2022
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Jonathan Beal, Kent Greer, Todd Perdue, Ike Perkins, Ralph Prestwood, David Stevens, City Manager Scott Hildebran, City Clerk Shirley Cannon and City Attorney T.J. Rohr.

ABSENT: Mayor Pro-Tem Crissy Thomas.

STAFF PRESENT: Police Chief Brent Phelps, Planning Director Jenny Wheelock, Public Utilities Director Radford Thomas, Interim Public Works Director Ed Evans, Communications Director Joshua Harris, and Downtown & Main Street Event Coordinator, Matthew Anthony.

ZOOM: Finance Director Donna Bean, Fire Chief Ken Hair, and Recreation Director Kenny Story.

OTHERS: Cady Davis, *News-Topic*, was also in attendance at the meeting.

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;

MAC MARTIN: B. On behalf of City Council, Mayor Gibbons presented a framed City flag and read a resolution to Mac Martin in honor and recognition of 17 years of dedicated and outstanding service on the Lenoir Planning Board and Board of Adjustment.

A copy of the resolution is hereby incorporated into these minutes by reference. (Refer to page 177.)

Mayor Gibbons thanked Mr. Martin for all he has done for the City of Lenoir and for his monetary donation to Fire Station No. 3 when it was under construction.

Mr. Martin thanked City Council for the recognition and their support during the years.

SPECIAL RECOGNITION; CCC&TI'S

BASEBALL TEAM: C. On behalf of City Council, Mayor Gibbons presented Mr. Jeffrey Link, Athletic Director, CCC&TI, with a resolution in honor and recognition of the Cobras finishing in 3rd place in the nation with a 49-9 record, along with being Region 10 and Mid-Atlantic District Champions.

A copy of the resolution is hereby incorporated into these minutes by reference. (Refer to page 178.)

Mayor Gibbons stated the Cobras have experienced a fantastic season and read a list of their game statistics.

Mr. Jeffrey Link, Athletic Director, CCC&TI, addressed City Council regarding CCC&TI's Baseball Team, the Cobras, finishing in 3rd place in the nation with a 49-9 record, along with being Region 10 and Mid-Atlantic District Champions. As a token of their appreciation for the City of Lenoir's great partnership and support, Mr. Link presented Mayor Gibbons with an autographed program and a t-shirt from the World Series Game. He commented Mayor Gibbons was a great supporter of CCC&TI and the Cobras team.

Mr. Link thanked Mayor Gibbons and City Council for their recognition of the baseball program and remarked the college appreciates everything the City has done for them. Mr. Link mentioned the men's baseball team plays at Walker Stadium and the Women's Softball team plays at Optimist Park. He also displayed the two plaques the Cobras won during the championship games.

Mayor Gibbons reiterated CCC&TI and the City have a great partnership. He remarked the Cobras were a young baseball team and the first team in CCC&TI's program. Mayor Gibbons congratulated the team for all their worthy accomplishments.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

FY2022-2023 ANNUAL BUDGET:

- A. A public hearing was held to receive public comments regarding the annual budget for the fiscal year beginning July 1, 2022 through June 30, 2023 for the City of Lenoir. Upon conclusion of the public hearing, Council may take action adoption of the enclosed FY2022-2023 Budget Ordinance.

A copy of the budget ordinance is hereby incorporated into these minutes by reference. Refer to pages 179-182.)

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

City Manager Hildebran asked Council if there were any questions pertaining to the proposed budget. City Council did not have any questions at this time.

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

Upon a motion by Councilmember Beal, City Council voted 6 to 0 to adopt the FY2022-2023 Budget Ordinance as recommended and as presented by City Manager Hildebran.

Councilmember Perdue remarked the City has the best finance department in the state and commended City Manager Scott Hildebran for his leadership and for keeping the tax rate the same. Mr. Perdue stated the budget is doable, makes sense and he is very confident of the City's leadership. Mr. Perdue also commended Finance Director Donna Bean for the great job she does and for keeping the ARPA funds separate from the budget.

Mayor Gibbons, along with City Council, thanked Mr. Hildebran and City Staff for all they do for the City of Lenoir. Mr. Hildebran also thanked City Council, Finance Director

Bean and her Staff for the great job they do in maintaining the City's finances.

RESOLUTION; COMPREHENSIVE

PLAN UPDATE: B. A public hearing was held to consider adoption of a resolution amending the 2007 Comprehensive Plan to incorporate by reference the plans, studies, and policies developed since its initial adoption and establishing a protocol for maintaining and amending the plan in the future.

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

A copy of the resolution amending the 2007 Comprehensive Plan is hereby incorporated into these minutes by reference. (Refer to pages 183-186.)

Planning Director Jenny Wheelock explained the Comprehensive Plan will change periodically over time and the plan is a work in progress. She stated the proposed amendments meet all of the state's current guidelines.

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

Upon a motion by Councilmember Perdue, Council voted 6 to 0 to adopt the resolution amending the 2007 Comprehensive Plan as presented and as recommended by City Staff.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, May 17, 2022 as submitted.
- B. Minutes: Approval of the closed session minutes as reviewed by the City Attorney, City Council and City Manager.
- C. Minutes: Approval of the minutes of the committee of the Whole meeting of Tuesday, May 24, 2022 as submitted.
- D. Capital Project Budget Ordinance; 2022 Unifour Consortium HOME Program: Approval of a Capital Project Budget Ordinance in the amount of \$1,530,918 for the 2022 Unifour Consortium HOME Program as submitted by Rick Oxford, Western Piedmont Council of Governments, Plan Administrator. (A copy of the Capital Project Budget Ordinance is hereby incorporated into these minutes by reference. Refer to pages 187-188.)
- E. Capital Project Budget Ordinance; 2022 Community Development Block Grant Program: Approval of a Capital Project Budget Ordinance in the amount of \$153,768 for the 2022 Community Development Block Grant (CDBG) as submitted by Rick Oxford, Western Piedmont Council of Governments, Plan Administrator. (A copy of the Capital Project Budget Ordinance is hereby incorporated into these minutes by reference. Refer to pages 189-190.)
- F. Budget Amendments; FY2021-22: Staff request approval of the amendments to the annual Budget Ordinance for the fiscal year ending June 30, 2022 as follows:
 - Item 1: Increase revenues for the General Fund in the amount of \$905,000 due to revenues exceeding the budgeted amounts for sales tax, Powell Bill funding and cemetery lots sales.
 - Item 2: Increase expenditure lines in the General Fund in the amount of \$905,000 to reallocate additional revenue and re-allocate funding by department.
 - Item 3: Re-allocate funding for the Water Fund with a zero net effect to the budget. (A

copy of the budget amendments is hereby incorporated into these minutes by reference. Refer to page 191.)

- G. Capital Project Budget Ordinance; Joyceton Waterworks, Inc.: Staff recommends approval of a Budget Amendment to the annual Budget Ordinance for the fiscal year ending June 30, 2022 as follows:

Item 1: Adjustment to the Water Fund Budget to allocate funding in the amount of \$100,000 for the Joyceton Waterworks, Inc. Purchase Project approved on May 17, 2022 as submitted. (A copy of the Capital Project Budget Ordinance for Joyceton Waterworks, Inc. is hereby incorporated into these minutes by reference. Refer to pages 192.)

- H. Budget Amendment; Joyceton Waterworks, Inc.: Staff request approval of a Budget Amendment of the annual Budget Ordinance for the fiscal year ending June 30, 2022 as follows:

Item 1: Adjustment to the Water Fund Budget to allocate funding in the amount of \$100,000 for the Joyceton Waterworks, Inc., Purchase Project approved on May 17, 2022 as submitted. (A copy of the budget amendment is hereby incorporated into these minutes by reference. Refer to pages 193.)

- I. Resolution, ROW Dedication; Prince William Drive: Approval of a resolution accepting the dedication of the right-of-way for a 220-foot extension of Prince William Drive by GTE Construction and Realty and accepting the newly constructed extension for City maintenance as submitted. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to pages 194.)

- J. Meeting Cancellation; City Council: City Council may cancel the June 21 City Council meeting due to no agenda items.

Upon a motion by Councilmember Perdue, City Council voted 6 to 0 to approve the about listed items (A-J) on the Consent Agenda as presented and as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

NUISANCE/ABATEMENT ISSUE; 710 PENNTON AVENUE:

1. Mr. Larry Smith, 701 Pennton Avenue, addressed City Council in regards to a nuisance situation on Pennton Avenue. Mr. Smith stated homeless people are living behind a property on Pennton Avenue and using makeshift tents with tarps over them to sleep in. He distributed photos of the property to City Council and reported the individuals are using the backyard as bathroom facilities thereby creating health and smell issues for the neighborhood children and residents. He stated the children are unable to play outside because of the flies and odor.

Mr. Smith remarked the homeless people are drug addicts and said they are harassing area businesses as well by damaging their personal property. He stated they are also bothering people coming to or from UNC Healthcare and Davenport School by asking them for money. Mr. Smith stated this situation has become such a critical issue that he is willing to go to jail because of it. In addition, Mr. Smith said there were a number of animals living in the house and further mentioned these individuals keep tearing down part of the fence around the property and burning it. He finished his comments by saying he refuses to be bullied by these individuals.

Mr. Tommy Nelson, 707 Park Place, stated he resides with his sister on Pennton Avenue and informed Council she spent a large amount of money on improvements to her property

prior to her retirement from the Caldwell County School system. Mr. Nelson said they are unable to use their back porch because of the bad odor. He reported these people built a hut out of shipping pallets that they use at night. In addition, Mr. Nelson said there are several dogs chained up outside and he also reported the people are using the back yard as a bathroom.

Ms. Megan Burchette informed Council she has a client that lives on Pennton Avenue and agreed there are many animals at this residence. She referred to an incident happening at the property where they thought an individual was dying from a fentanyl overdose. Ms. Burchette stated the situation has gotten much worse over time.

Mr. Jon Miller, 709 Park Place, informed Council a bicycle was stolen from their residence and when they replaced it, it was stolen again. Mr. Miller said he and his wife have three children ages 10, 3 and 1 year old and emphasized they could not let them go outside to play. Mr. Miller further said they had an incident where a man was sneaking around their house.

Ms. Taylor Davis, 709 Park Place, informed Council one person was taking wood from their fence and the man started cursing and threatening her when she approached him. She said an officer came out to investigate and the man admitted to taking it. Ms. Davis reiterated they could not let their children play outside and related an incident where her daughter ran into the house crying and upset because one of the homeless men was standing near their fence and scared her.

Mr. Jim Sponenburg, 308 Beall Street NW, addressed City Council and thanked them for recognizing CCC&TI's baseball team. Mr. Sponenburg stated he was a member of the Board of Trustees at the college. Mr. Sponenburg shared issues regarding the former bank building located at 676 Morganton Boulevard near Pennton Avenue. He stated homeless people previously broke into the facility and destroyed the heating unit. Mr. Sponenburg asked City Council what he could do to work with the City in order to help address this problem.

Ms. Vicki Konyse, Little Caesars Pizza, stated she resides on Pennton Avenue and witnessed street people camping in the yard. Ms. Konyse shared she could smell the odor from her house even in the winter time. In addition, Ms. Konyse stated the flies could create a situation that would increase the number of rodents already on the property. Ms. Konyse thanked City Council for the opportunity to share her comments about this problem.

Councilmember Perdue asked Planning Director Jenny Wheelock how this property is ranked on the City's Minimum Housing Priority List since it is a code enforcement issue.

Director Wheelock said the property was close to the top of the Planning and Police Department's radar.

Police Chief Brent Phelps shared the owners of the property live out of state and reported a female family member is living at the residence. He stated the Police Department has an open nuisance case on the property and stated Staff is looking into other options such as this being a criminal issue. Chief Phelps stated a nuisance violation is a civil punishment and clarified that an individual is not trespassing if a property owner allows them to stay on the property.

Chief Phelps stated the Police Department did make an arrest and serve warrants on an individual at the property this past week, but pointed out the Police are legally bound by the laws. He also mentioned if an individual has filed a complaint that they have to be willing to also testify in court. Chief Phelps encouraged the residents to call the Police Department because it would allow officers to keep a track record of incidents at the residence.

Chief Phelps said that homelessness is a social issue and emphasized the Police Department is trying to help. He also expressed empathy for Mr. Miller and Ms. Davis and their children regarding this situation.

Councilmember Stevens asked if putting up a camera would help with Chief Phelps replying the property owner would have to be part of the process.

Councilmember Perdue asked whether the City's ordinances contained any sections pertaining to nuisance that would help with this situation.

City Attorney T.J. Rohr stated he was unsure at this time if the code did address this issue.

Councilmember Perkins stated he has gone through a similar issue regarding code enforcement and also expressed empathy for the residents of the neighborhood.

Director Wheelock stated the City would contact Caldwell County Animal Control and other agencies to make them aware of the nuisance situation caused by the number of animals at this location.

Mr. Smith stated the residents have seen some progress and hope they will continue to see progress.

Mayor Gibbons thanked everyone for their comments and stated the City would take this matter under consideration.

TRAFFIC REQUEST; TREMONT

PARK:

2. Mr. Sonny Hines, Tremont Park, addressed City Council regarding speeding on Wilkesboro Boulevard and stated a de-acceleration lane is needed for people turning into Tremont Park. Mr. Hines indicated he is aware this is an NCDOT issue, but emphasized it is a safety hazard as well. He referred to a recent fatal accident that happened at this location. Mr. Hines mentioned the street is twenty-six feet wide and further shared when Lower Creek Elementary School is in session, the traffic lanes are full of cars.

In addition, Mr. Hines reviewed a City of Lenoir map of Tremont Park and Stonecroft Development and presented the map to City Manager Scott Hildebran.

On behalf of City Council, Mayor Gibbons thanked Mr. Hines for attending and for his comments regarding this traffic issue.

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

ABC BOARD

1. The ABC Board will meet on Thursday, June 9 at 2:00 p.m.

**SUMMER MUSIC
CONCERTS:**

2. The Night Move Band will perform on the downtown stage on Friday, June 10 from 7:00 p.m. – 10:00 p.m. The Shelby Rae Moore Band will perform on Friday, June 24 and the Silvio Martinat Band will perform on July 9. The New Kids-Super Fly 90's Tribute Band will perform on July 15.

SUMMER MOVIES:

3. The movie "Encanto" will be shown on the downtown stage on Friday, June 17 from 8:30 a.m. – 11:00 p.m. The movie "Sing 2" will be shown on Friday, July 1.

**LENOIR TOURISM
DEVELOPMENT AUTHORITY:**

4. The Lenoir Tourism Development Authority (LTDA) will meet in June. The date and time of the meeting will be announced soon.

**LENOIR BUSINESS ADVISORY
BOARD:**

5. The Lenoir Business Advisory Board (LBAB) will meet in person on Thursday, June 9 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.

**CITY/COUNTY SERVICES
COMMITTEE:**

6. The City/County Services Committee will meet on Monday, June 13 at noon.

EDC:

7. The Caldwell County Economic Development Commission (EDC) will meet on Tuesday, June 14 at 8:00 a.m.

B. Items for Council Action**VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY****VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR****IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS****CLOSED
SESSION:**

A. Pursuant to N.C.G.S. §143-318.11(a), (3), and upon a motion by Councilmember Stevens, Council voted 6 to 0 to enter into closed session to discuss attorney/client privilege.

**OPEN
SESSION:**

B. Upon a motion by Councilmember Perdue, Council voted unanimously to re-enter into open session.

**CONSENT JUDGMENT AND FINAL ORDER OF ABATEMENT;
BRIAN J. STALLINGS AND MARIE E. BESIO, BENEFICIARIES OF
THE ESTATE OF PORTER J. STALLINGS:**

C. Upon a motion by Councilmember Perdue, City Council voted 6 to 0 to approve the Consent Judgment and Final Order of Abatement for property owned by Brian J. Stallings and Marie E. Besio, Beneficiaries of the estate of Porter J. Stallings, and located at 704 and 706 Ridgecrest Drive NE, Lenoir, NC and 716A and 716B Circle Drive NE, Lenoir, NC, as described in Deed Book 332, Page 261, of the Caldwell County Register of Deeds.

X. ADJOURNMENT

A. There being no further business, the meeting adjourned at 7:45 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

RESOLUTION HONORING MAC MARTIN

WHEREAS, Mac Martin has served faithfully and diligently as a member of the Lenoir Planning Board since 2005 when he was first appointed; and

WHEREAS, Mac Martin went on to serve as a member of the Lenoir Board of Adjustment as well as a member of the Lenoir Historic Preservation Commission; and

WHEREAS, Mac Martin, during his 17 year tenure as a Board Member, has served with great competence and made important contributions to a large variety of land development cases; including the adoption of a Comprehensive Plan, amendments to the Land Development Code, re-zonings, conditional use permits, variances, conditional zoning districts, and other planning projects; and

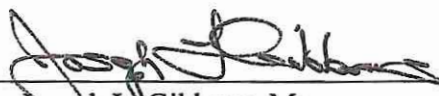
WHEREAS, Mac Martin is being honored and recognized for his volunteerism, devotion to the community, and his commitment and hard work,

NOW THEREFORE BE IT RESOLVED, that the Lenoir City Council hereby expresses sincere appreciation to our friend and colleague, who, through his leadership and dedicated service to the City, has earned respect and has made lasting contributions for the betterment of the City.

BE IT FURTHER RESOLVED, I, Mayor Joseph Gibbons, 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 and all the citizens, do hereby extend sincere appreciation and deep gratitude to Mac Martin for his devoted and outstanding service.

This the 7th day of June, 2022.

SEAL


Joseph L. Gibbons, Mayor



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

Congratulations to the 2022 CCC&TI Cobras Baseball Team on an Outstanding Season

WHEREAS, Caldwell Community College & Technical Institute President Dr. Mark Poarch understands the value of a diverse athletics program in providing enjoyment and opportunities for students; and

WHEREAS, in the fall of 2018, led by Dr. Poarch, Caldwell Community College & Technical Institute (CCC&TI) announced the addition of men's baseball and women's softball to the athletics program; and

WHEREAS, the 2020 season for both the baseball and softball teams were interrupted by COVID-19, and 2021 was the first full season the teams played; and

WHEREAS, the CCC&TI Cobras Baseball Team plays in the National Junior College Athletic Association (NJCAA), the governing association of community college, state college, and junior college athletics throughout the United States; and

WHEREAS, the Cobras Baseball Team completed their 2021 and 2022 regular conference schedule with 33 wins and no losses; and

WHEREAS, Cobras Baseball won its first Region 10 Division III Championship in program history, at Moor Park May 9, 2022, in Mooresville, North Carolina; and

WHEREAS, Cobras Baseball swept the best two of three series to win the NJCAA Mid-Atlantic District Division III Baseball Championship May 13, 2022, in Monroeville, Pennsylvania; and

WHEREAS, the Cobras Baseball Team was ranked #1 in nation in Division III when they advanced to the NJCAA Division III Baseball World Series held at Pioneer Park in Greeneville, Tennessee, May 28 to June 2, 2022, and went 3-2 to finish third completing an amazing run for the team and an impressive achievement for such a young baseball program; and

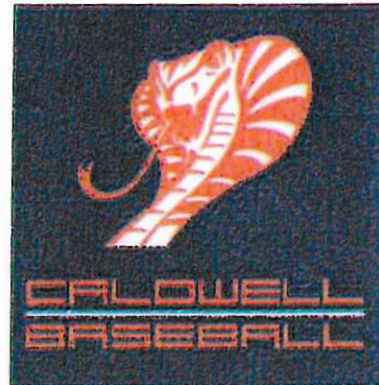
WHEREAS, the Cobras played 58 games in the 2022 season and finished with 49 wins to only 9 losses; and

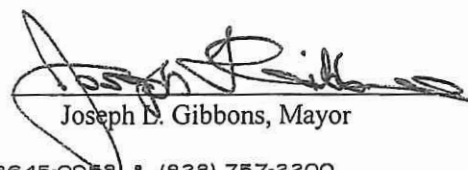
WHEREAS, the Cobras Baseball Team players, Coach Frank J. Pait IV, Athletic Director Jeff Link, and CCC&TI President Dr. Mark Poarch should be recognized and honored for this accomplishment;

NOW THEREFORE BE IT RESOLVED, I, Mayor Joseph L. Gibbons, on behalf of the City of Lenoir City Council, recognize, honor, and congratulate the CCC&TI Cobras Baseball Team, the coaches and staff, and the players and their parents on an outstanding and truly amazing 2022 season.

This the 7th day of June 2022.

SEAL




Joseph L. Gibbons, Mayor

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2022– June 30, 2023**

BE IT ORDAINED by the Lenoir City Council in regular session assembled on June 7th, 2022.

Section 1. That the following amounts are hereby appropriated for the operation of the government of the City of Lenoir and its activities for the fiscal year beginning July 1, 2022, and ending June 30, 2023.

<u>Fund</u>	<u>Estimated Revenues</u>	<u>Fund Balance Appropriated</u>	<u>Total Budget</u>	<u>Appropriated</u>
General	\$ 20,320,130	\$ -	\$ 20,320,130	\$ 20,320,130
Water & Wastewater	\$ 10,232,980	\$ -	\$ 10,232,980	\$ 10,232,980
Total	\$ 30,553,110	\$ -	\$ 30,553,110	\$ 30,553,110

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

Legislative	\$ 453,975
Administrative	\$ 660,050
Finance	\$ 818,770
Planning	\$ 407,342
Police	\$ 6,475,044
Fire	\$ 4,785,047
Recreation	\$ 2,120,376
Public Works	
Administrative	\$ 273,643
Cemetery & Grounds	\$ 480,478
Building Maintenance	\$ 395,105
Sanitation	\$ 895,791
Streets	\$ 2,223,014
Vehicle Services	\$ 331,495
Total	<u>\$ 20,320,130</u>

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2022– June 30, 2023**

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

<u>DEPARTMENT/DIVISIONS</u>	<u>APPROPRIATION</u>
Admin/Engineering	\$ 409,949
Utilities Maintenance	\$ 426,595
Rhodhiss Water Treatment Plant	\$ 2,455,857
Water Distribution	\$ 2,685,933
Wastewater Collection	\$ 1,174,651
Wastewater Pretreatment	\$ 190,040
Gunpowder Wastewater Plant	\$ 855,844
Lower Creek Wastewater Plant	\$ 2,034,111
Total	<u>\$ 10,232,980</u>

Section 4. There is hereby levied for the fiscal year ending June 30, 2023, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2022, and of registered vehicles in accordance with G.S. 105-330.3(a)(1) for the purpose of raising the revenues from the current year's listed and registered property as set forth in the foregoing estimates of the General Fund revenues and in order to finance the foregoing General Fund appropriations.

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

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

Said General Fund tax rates are based on an estimated total appraisal value of real and personal property for the purpose of taxation of \$2,392,382,962 with an assessment ratio of one hundred percent (100%) of appraised value and estimated collection rate of 97.01%. Said collection rates are based on the actual 2020-2021 collection rates.

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

<u>Fund</u>	<u>Estimated Revenues</u>	<u>Fund Balance Appropriated</u>	<u>Total Budget</u>	<u>Appropriated</u>
Special Downtown District	\$ 288,220	\$ -	\$ 288,220	\$ 288,220
Tourism Development	\$ 90,000	\$ -	\$ 90,000	\$ 90,000
TOTAL	<u>\$ 378,220</u>	<u>\$ -</u>	<u>\$ 378,220</u>	<u>\$ 378,220</u>

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2022– June 30, 2023**

Section 6. There is hereby levied for the fiscal year ending June 30, 2023, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2022, and of registered vehicles in accordance with G.S. 105-330.3(a)(1) for the purpose of raising the revenues from the current year's listed and registered property set forth in the foregoing estimates of Special Downtown District Fund revenues and in order to finance the foregoing Special Downtown District Fund appropriations.

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

Said Special Downtown District tax is based on an estimated total appraised value of property for the purpose of taxation of \$ 18,079,600 with an assessment ratio of one hundred percent (100%) of appraised and registered real and personal property value. The estimated collection rate is 97.01%.

Section 7. It is estimated that \$90,000 in revenue will be available in the Tourism Development Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

Section 8. Water & Sewer rates are established to be effective July 1, 2022 according to the following schedule:

Water Inside Corporate Limits	
0 -1,000 gallons	\$11.29
Over 1,000 gallons	\$3.57 per 1,000 gallons
Sewer Inside Corporate Rates	
1 - 1,000 gallons	\$9.89
Over 1,000 gallons	\$4.19 per 1,000 gallons
Water Outside Corporate Limits	
0 - 1,000 gallons	\$22.58
Over 1,000 gallons	\$7.14 per 1,000 gallons
Sewer Outside Corporate Limits	
0 -1,000 gallons	\$19.80
Over 1,000 gallons	\$8.39 per 1,000 gallons
Resale Water	
\$2.37 per 1,000 gallons	
Resale Sewer	
\$4.14 per 1,000 gallons	

City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2022– June 30, 2023

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

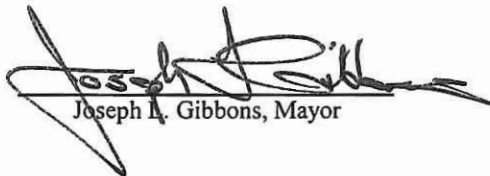
Section 10. The City Manager and Finance Director shall notify the City Council of any items of over-expenditure or shortfalls in revenue on a timely basis throughout the fiscal year. Request for appropriations not contained in the Budget Ordinance will be presented to Council after a review of the necessary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

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

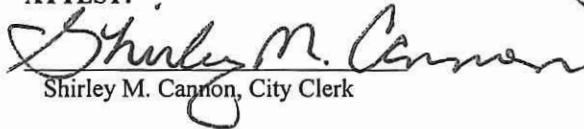
Section 12. The City Manager is authorized to amend the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority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

Adopted this 7th day of June, 2022.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

**A RESOLUTION OF THE CITY COUNCIL OF LENOIR, NORTH
CAROLINA AMENDING THE 2007 LENOIR COMPREHENSIVE
PLAN TO INCORPORATE BY REFERENCE THE PLANS, STUDIES,
AND POLICIES DEVELOPED SINCE ITS INITIAL ADOPTION AND
ESTABLISHING A PROTOCOL FOR MAINTAINING AND
AMENDING THE PLAN IN THE FUTURE.**

WHEREAS, the Lenoir Comprehensive Plan contains the general policy of the City Council to be used as a guide for development, the scheduling of capital improvements, preparation of budgets and ordinances, and operating procedures to implement the plan; and,

WHEREAS, the purpose of the Comprehensive Plan is also to provide general guidance to City agencies, other public agencies, private individuals, and organizations as they prepare detailed plans, programs, and ordinances; and,

WHEREAS, it is the intent of the City Council to maintain and amend this Comprehensive Plan as the official statement of City Council policy concerning the future development of the City of Lenoir; and,

WHEREAS, the City has been devoted to continuous and ongoing public engagement around planning and development, using the concepts and strategies in the Comprehensive Plan as a starting point to develop more detailed plans around specific citywide goals (like Historic Preservation and bike/pedestrian facilities) as well as smaller geographic subareas (like the North Main Street and Fairfield South vision plans), and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, THAT THE LENOIR COMPREHENSIVE PLAN IS AMENDED AS FOLLOWS:

Section 1. The following plans, studies, and vision concepts are hereby adopted and incorporated by reference into the Lenoir Comprehensive Plan:

- a. **Bicycle and Pedestrian Plans.** Developed through the support of NCDOT Planning grants, the 2012 Lenoir Pedestrian Plan (prepared by consulting firm McGill & Associates) and the 2018 Lenoir Bicycle Plan (prepared by Kimley-Horn) represent a comprehensive vision for connected bike/ped facilities within the City of Lenoir. The plans call for a robust alternative transportation network that prioritizes multi-use paths (greenways) as a way to connect the City's recreation facilities as well as link residential areas with activity nodes like employers, schools, and shopping.
- b. **North Main Street Small Area Plan.** Adopted in 2015 following a year-long community input process, this plan applies many of the strategy recommendations contained in the Comprehensive Plan related to historic preservation, infill development, streetscapes, Downtown development, beautification, and neighborhood stabilization in a specific, context-sensitive manner for the northern gateway to the Historic Downtown. Map 3 of the Comprehensive Plan identified only three "downtown gateways" (West

Harper Avenue, East Harper Avenue, and Mulberry Street) – with the adoption of the N. Main Street small area plan, a fourth “downtown gateway” is established.

- c. **Overmountain Victory National Historic Trail Master Plan.** A multi-jurisdictional plan developed in partnership with the National Park Service, consulting firm Destination by Design worked with the City of Lenoir, Town of Gamewell, City of Morganton, Caldwell County, Burke County, and Caldwell County Pathways to present a feasible multi-use path/greenway alignment that would connect the participating jurisdictions following the congressionally-designated Overmountain Victory Trail corridor. Within the City of Lenoir, a large portion of the alignment follows a segment of rail right-of-way that was discontinued in 2006. The 2007 Comprehensive Plan called for a “Rails to Trails” project along the discontinued corridor – the OVNHT master plan further refines that vision. (Since the adoption of the OVNHT master plan in 2015, the rail corridor has been successfully “railbanked” and the trail is under construction.)
- d. **Fairfield South/Lenoir Mills.** The 2007 Comprehensive Plan and Future Land Use map identifies several historic industrial properties located just west of Downtown Lenoir as “transitional” properties, and contains a multitude of strategies in support of adaptive re-use of industrial buildings, as well as support for participation in the state’s Brownfield program to address real or perceived issues with contamination on these sites. The Fairfield South Vision was created through community input and planning staff analysis in 2015, taking individual policy concepts and strategies from the Comprehensive Plan to connect planning efforts around the rail trail, historic preservation, support for Downtown, creating opportunities for multi-family residential, cleaning up industrial sites, and facilitating re-use of the historic train depot. The Fairfield South Vision attracted developer interest early-on, and evolved into the Lenoir Mills project.
- e. **Neighborhood Map.** The Planning Board and Planning Staff engaged the public in 2018 in an effort to document commonly understood neighborhood boundaries, recognizing that while not official political demarcations, neighborhoods are the basic building blocks of the City. The resulting map is intended to generally represent the various unique neighborhoods in the City, providing a tool to organize future neighborhood input and outreach. The neighborhood map is hereby added to the map series found in the Comprehensive Plan.
- f. **Branding and Way-finding.** In 2016, the City engaged Destination by Design to develop a “brand” for Downtown Lenoir – extensive public input was sought during this process, and a new logo and tagline “Together We Create” was born for the Downtown. Initial implementation included a new website, promotional merchandise, and street light pole banners in the Downtown core – advancing many of the concepts contained in the Downtown section of the comprehensive plan. As a follow-up, Destination by Design was again engaged in 2020 to develop a city-wide brand and a vehicular way-finding plan. The City brand plays off the Downtown concept, with the tagline, “Create with Us.” Both efforts are in the initial

implementation stages, and incorporating the brands and planned signage/beautification projects provides additional context for the strategies in the Comprehensive Plan.

Section 2. Implementation and Evolution In its current format, the plan recommendations are difficult to cite specifically, or surgically amend as implementation results in better information or necessitates small “tweaks” or shifts in policy. The concepts contained in the plan are still relevant and useful, especially considering the additional details provided by incorporating the items listed in Section 1. In order to be more transparent in the progress, staff is hereby directed to develop a numbering convention for the plan’s individual, actionable policy recommendations, as well as a maintenance schedule for review and amendments. Items deemed “completed” may be proposed for deletion. As new data or trends emerge, additional policies may be added.

Section 3. City Profile/Data Management Extensive data collection and analysis of transportation, housing, and population/demographic metrics is an essential step in the Comprehensive Planning process. Much of the data the City uses is maintained by the WPCOG, and publicly available online. The data helps us identify emerging trends, make projections and predictions about future growth, and track change over time.

The 2007 Comprehensive Plan was adopted with data from 2005, and the optimistic growth projections contained in the analysis were essentially outdated when the plan was adopted. However, the policy concepts are still relevant and useful for the areas within the City that experienced growth pressures. As we maintain and refine our comprehensive plan, so too must we maintain and refine the data we have available. However, the data itself is not a part of the plan. In order to streamline the document, and avoid the need for plan amendments related only to updating the City’s data profile, staff is directed to re-locate the supporting data sections of the plan to a separate “City Profile” document during the next amendment cycle.

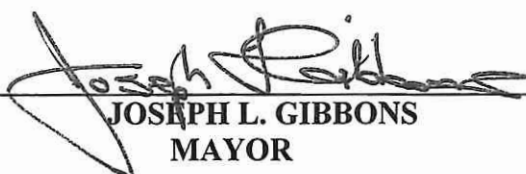
Section 4. Special Study Areas The following Special Study Areas are hereby created:

- a. Whitnel Special Study Area
- b. West End Special Study Area
- c. 321 South Special Study Area

These are areas that have been identified during strategic planning retreats with the City Council as being places worth studying individually for recommendations related to future land use, attracting investment, attractive yet feasible development standards, and community outreach to better understand the dynamics at play in these areas that have lagged behind other places in the City as far as attracting new investment. The current plan policies and future land uses shall continue to apply to these areas until changes are proposed, but these geographic areas are established as priorities for the next amendment cycle(s).

Adopted this the 7th day of June 2022.

SEAL



JOSEPH L. GIBBONS
MAYOR

Tuesday, June 7, 2022

ATTEST: Minutes-City of Lenoir Council Meeting


SHIRLEY M. CANNON
CITY CLERK

APPROVED AS TO FORM:


TIMOTHY J. ROHR
CITY ATTORNEY

CITY OF LENOIR
2022 UNIFOUR CONSORTIUM HOME PROGRAM
CAPITAL PROJECT BUDGET ORDINANCE

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

Section 1. The project authorized is the HOME project described in the work statement contained in the Grant Agreement (#M22-DC370208) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY 2022 Unifour Consortium HOME Program (City of Lenoir, is the lead entity).

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

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

Revenue from HOME Grant	\$1,230,918
Anticipated Program Income	<u>300,000</u>
Total Revenues	\$1,530,918

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

Downpayment Assistance (HOME Funds)	\$ 482,733
Downpayment Assistance (From Program Income Funds)	270,000
Program Income Administration	30,000
HOME CHDO (From HOME Grant HOME Funds Allocation)	195,003
Multi-Family Housing	307,000
General Program Administration	123,091
Contingency	<u>123,091</u>
Total Expenditures	\$1,530,918

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

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

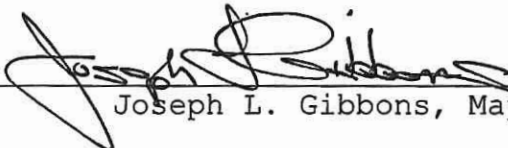
Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

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

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

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

Adopted this the 7th day of June, 2022.



Joseph L. Gibbons, Mayor



Shirley M. Cannon, City Clerk

CITY OF LENOIR
2022 COMMUNITY DEVELOPMENT BLOCK GRANT
CAPITAL PROJECT BUDGET ORDINANCE

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

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#B-22-MC-37-0022) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY-2022 CDBG Entitlement Program.

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

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

Revenues

Community Development Block Grant	\$153,768
Total Revenues	<u>\$153,768</u>

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

Expenditures

Public Facilities (Lenoir High School)	\$123,015
Program Administration	<u>30,753</u>
Total Expenditures	<u>\$153,768</u>

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

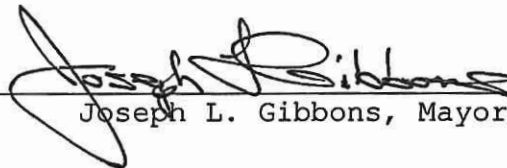
Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

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

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

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

Adopted this the 17th day of June, 2022.



Joseph L. Gibbons, Mayor



Shirley M. Cannon, City Clerk

**2021-2022 Fiscal Year
Budget Amendment
Tuesday, June 7, 2022**

Request for amendments to be made to the annual budget ordinance for the fiscal year end 6/30/2022.

ITEM 1: ALLOCATE FUNDING TO THE GENERAL FUND FOR REVENUE INCREASES.

Account Number	Department	Increase	Decrease
3231	SALES TAX ART 39	208,755.82	
3232	SALES TAX ART 40	151,812.16	
3233	SALES TAX ART 42	98,043.47	
3235	SALES TAX HOLD HARMLESS	160,656.20	
3236	SALES TAX SEC 32.19	35,542.35	
3316	POWELL BILL	206,000.00	
3480	CEMETERY LOTS	45,000.00	
	TOTAL REVENUE INCREASE	905,810.00	

ITEM 2: ALLOCATE FUNDING TO THE GENERAL FUND FOR EXPENDITURES.

Account Number	Department	Increase	Decrease
4110	LEGISLATIVE		10,000.00
4120	AMINISTRATION	50,000.00	
4130	FINANCE	10,000.00	
4250	VEHICLE SERVICES	25,000.00	
4260	BUILDING MAINTENANCE	35,000.00	
4270	ENGINEERING	70,000.00	
4310	POLICE SUPPORT	290,000.00	
4311	POLICE DETECTIVE	65,000.00	
4312	POLICE PATROL	35,000.00	
4340	FIRE SUPPORT	75,000.00	
4341	FIRE SUPPRESSION	40,000.00	
4342	FIRE PREVENTION/TRAINING	8,000.00	
4510	STREET ADMIN	8,000.00	
4511	STREET MAINTENANCE		20,000.00
4511	STREET CAPITAL TRANSFER		160,190.00
4512	STREETS TRAFFIC CONTROL	20,000.00	
4710	SANITATION	215,000.00	
4740	CEMETERIES	60,000.00	
4910	PLANNING		30,000.00
6120	RECREATION ADMIN	10,000.00	
6121	AQUATIC CENTER	85,000.00	
6122	MULBERRY	10,000.00	
6123	MLK CENTER		10,000.00
6130	GROUNDS	25,000.00	
4920	MAIN STREET		
		1,136,000.00	230,190.00
	TOTAL EXPENDITURE CHANGES	905,810.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	905,810.00	

ITEM 3: ALLOCATE FUNDING TO THE WATER FUND FOR EXPENDITURES.

Account Number	Department	Increase	Decrease
7130	RHOODHISS PLANT		305,000.00
7131	WATER DISTRIBUTION	95,000.00	
7132	WATER RESOURCES	85,000.00	
7133	WATER ADMINISTRATION	75,000.00	
7140	WASTEWATER COLLECTIONS		250,000.00
7141	WASTEWATER PRETREATMENT	50,000.00	
7142	GUNPOWDER PLANT	50,000.00	
7143	LOWER CREEK PLANT	200,000.00	
		555,000.00	555,000.00
	TOTAL EXPENDITURE CHANGES	-	
	NET EFFECT ON THE WATER FUND BUDGET	-	

Capital Project Budget Ordinance for the City of Lenoir

Joyceton Waterworks, Incorporated Purchase

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

Section 1: The project to authorize activities for the project to purchase Joyceton Waterworks, Incorporated and initial upgrades. The Water System Purchase Agreement with Joyceton Waterworks, Inc. is subject to conveyance of all necessary easements for access to the assets being transferred to the City of Lenoir by Joyceton Waterworks, Inc. and subject to review and approval of the sale by the North Carolina Utilities Commission. The funding will be used to purchase the system as well as initial upgrades.

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

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

Purchase Joyceton Waterworks, Inc.	\$80,000.00
System Upgrades	\$20,000.00
Total	<u>\$100,000.00</u>

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

Local Funds	\$100,000.00
Total	<u>\$100,000.00</u>

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

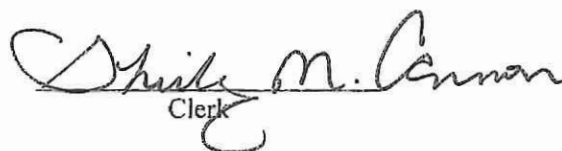
Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

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

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

Adopted this 7th day of June, 2022


Mayor


Clerk

**2021-2022 Fiscal Year
Budget Amendment
June 7th 2022**

Request for an amendment to be made to the annual budget ordinance for the fiscal year ending June 30, 2022 as follows:

ITEM 1: Adjustment to allocated funding for the Capital Project Budget Ordinance for the purchase of Joyceton Waterworks, Inc. approved on 5/17/22.

Account Number	Department	Increase	Decrease
7130	Rhodhiss Plant		\$100,000.00
3990	Transfer to Joyceton Waterworks Purchase Project	\$100,000.00	
Net Effect on Fund Balance		-	-

**A RESOLUTION OF THE CITY COUNCIL OF LENOIR, NORTH
CAROLINA ACCEPTING THE DEDICATION OF RIGHT OF WAY
EXTENDING PRINCE WILLIAM DRIVE AND ACCEPTING
MAINTENANCE OF IMPROVED STREETS.**

WHEREAS, in 2014 GTE Construction and Realty, Inc. dedicated a 40ft by 40 ft right-of-way extension over a section of Prince William Drive that had already been constructed to City standards but was located outside of Georgetown Section 7 platted right-of-way area; and,

WHEREAS, in 2017 GTE Construction and Realty, Inc. dedicated a 40 ft. wide right-of-way extension for future roadway construction, with the understanding that no additional lots could be subdivided unless and until the right-of-way was improved to City standards by the developer; and,

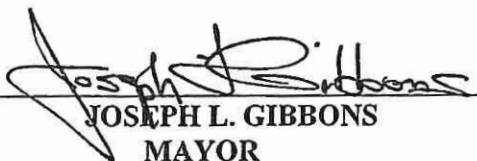
WHEREAS, in 2021, GTE Construction and Realty, Inc. constructed an additional 220 ft. of Prince William Drive, in accordance with the City standards for such an extension; and,

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

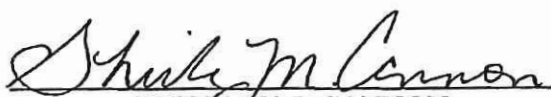
1. The dedication of Right-of-Way in DB 1861 PG 2029 and DB 1918 PG 1634 is hereby accepted by the City; and,
2. The constructed streets within this right-of-way, excluding private driveways, are hereby accepted by the City for maintenance.

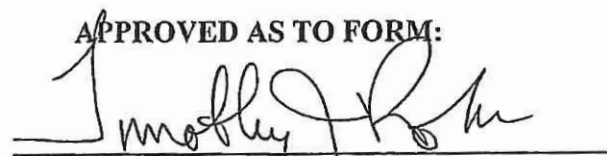
Adopted this the 7th day of June 2022.

SEAL


JOSEPH L. GIBBONS
MAYOR

ATTEST:


SHIRLEY M. CANNON
CITY CLERK

APPROVED AS TO FORM:

TIMOTHY J. ROHR
CITY ATTORNEY

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, JUNE 28, 2022
8:30 A.M.**

PRESENT: Mayor Joe Gibbons, Mayor Pro-Tem Crissy Thomas, Councilmembers Kent Greer, Ike Perkins, David Stevens, and Todd Perdue.

STAFF PRESENT:

City Manager Scott Hildebran, City Clerk Shirley Cannon, Finance Director Donna Bean, Planning Director Jenny Wheelock, Planning & GIS Coordinator Hannah Williams, Communications Director Joshua Harris, Police Captain Andy Wilson, Interim Public Works Director Ed Evans, Public Utilities Director Radford Thomas, Economic Development Director Kaylynn Horn and Parks & Recreation Director Kenny Story.

ABSENT: Councilmembers Jonathan Beal, Ralph Prestwood and Police Chief Brent Phelps.

VIA ZOOM: Fire Chief Ken Hair.

I. CALL TO ORDER

A. Mayor Pro-Tem Crissy Thomas welcomed everyone and called the meeting to order.

II. SPECIAL RECOGNITION

A. On behalf of City Council, Mayor Gibbons presented a framed City Flag with coins to Mike Engstrom, Superintendent, Building Maintenance, in honor and recognition of his 20+ years of dedicated and outstanding service to the City of Lenoir and its citizens.

Mayor Gibbons thanked Superintendent Engstrom for his dedication and hard work and for all the improvement projects Building Maintenance Staff have made to the downtown area during his tenure. Mayor Gibbons said he was proud to work with Mike and he will be missed.

Superintendent Engstrom thanked City Council for all their support and commented he was looking forward to retirement.

B. On behalf of City Council, Mayor Gibbons presented a framed City Flag with coins to Kevin Pritchard, Superintendent, Water Distribution & Wastewater Collection, in honor and recognition of 27+ years of dedicated and outstanding service to the City of Lenoir and its citizens.

Mayor Gibbons thanked Superintendent Pritchard for his dedication and hard work and for always striving to provide the best quality of drinking water to the City of Lenoir and its citizens. He thanked Mr. Pritchard for his service.

Superintendent Pritchard thanked City Council for all of their support and stated he was looking forward to retirement. He stated he would be glad to assist the City if needed in the future.

III. CITIZEN COMMENT PERIOD

IV. COMMITTEE ITEMS

- A. Update; Public Utilities: Radford Thomas, Public Utilities Director, gave the following report:
- Informed everyone that Duke Moore and Derrick Goble are the two main contacts for Public Utilities during the transition period. He stated Jonathan Hogan will begin work with Public Works on Monday, July 11 and Jeff Church will begin work with Public Utilities on Monday, August 8. Director Thomas shared both individuals have a lot of experience and are very knowledgeable.
 - The manholes & piping for the Smith Crossroads Sewer Line Replacement Project have been delivered.
 - Some electrical issues have occurred with the Bio-Solids Project, but the project is on track for completion.
 - Funding will be available on October 1 for the City's Brownfields grant approved by the state in May 2022. Director Thomas further reported an application for a BRIC grant was submitted and the City should receive notification in the near future if funding will be awarded for this project.
 - Director Thomas also stated that Freese and Nichols has started work on the City's Facilities Assessment Project.
- B. Update; Public Works: Ed Evans, Interim Public Works Director, gave the following report:
- Reported the City is waiting for notification whether its BRIC grant application for the replacement of the Arrowood Bridge would be funded. He shared the City would only receive one BRIC grant.
 - Reported he has submitted two (2) grant applications for an electric vehicle charging station and a fast charging vehicle station.
 - The City has secured all residential easements for the Hospital Avenue Sidewalk Project, but is still waiting on the easement for the property located beside of Ruby Tuesdays. City Staff has been working with the property owners regarding this issue.
 - A bid opening will be held on Tuesday, July 12 for the purpose of awarding the City's two-year paving contract.
 - Reported that individuals from Bethel Colony are assisting the City with mowing and weed eating at the Belleview Cemetery.
 - A new Sanitation truck was ordered for Public Works Staff.

On behalf of City Council, Mayor Gibbons thanked Interim Public Works Director Ed Evans for all of his assistance and sharing his expertise while the City went through the

process of hiring a new Public Works Director to fill the current vacancy. Mayor Gibbons stated it was a pleasure working with him.

V. COMMUNITY DEVELOPMENT

- A. Lenoir Tourism Development Authority: The Lenoir Tourism Development Authority (LTDA) will meet on Thursday, June 30 at 4:00 p.m. at City Hall, Third Floor. Donna Bean, Finance Director, presented a report of current activities.

Director Bean stated LTDA has reviewed several projects and has received more application requests for funding from businesses.

- B. Lenoir Business Advisory Board: The Lenoir Business Advisory Board did not meet in June. Kaylynn Horn, Economic Development Director, presented a report of current projects.

Director Horn shared that several ribbon-cutting events have been held and mentioned a Vintage Clothing Shop has opened as well as a beauty salon in the downtown area. In addition, she stated that Taste of Havana has moved to their new location. Staff is also still working on the wayfinding signs project.

In addition, Director Horn stated the City has received a preservation grant from Covington Foundation in the amount of \$18,000 for the Campus Project. Director Horn further stated the City has applied to National Trust for a historic preservation grant. She remarked this is a pilot program.

- C. Planning Board: The Planning Board met on Monday, June 27 at 5:30 p.m. Jenny Wheelock, Planning Director, presented an update on the meeting and current projects.

The Planning Board approved the following request along with a Consistency Statement and moved to call for a public hearing on Tuesday, July 19 for the following item:

1. Rezoning; 1231 Hibriten Drive SE and 1304 Hibriten Drive SE: A public hearing will be held to consider approval of a proposed re-zoning for property located at 1231 and 1304 Hibriten Drive SE to be rezoned from B-1 (Neighborhood Business) to B-2 (General Business) to allow for Auto Sales (Intensive Retailing) as requested by Ben Griffin, New Vision Trust Company.

Director Wheelock reported the abatement of the property located on Jolly Place is underway. She also reported the individual that was staying at the property has gotten rid of a number of dogs that were staying inside the house. In addition, she stated the property on Circle Drive was abated by the City.

2. Legacy Conditional Zoning: Planning Director Jenny Wheelock and Planner/GIS Hannah Williams presented a brief review of the City's Zoning Map related to Conditional Zoning districts, including the new designation for Conditional Zoning Overlay Districts (CZ-L) on properties that had active Special Use Districts on January 1, 2021, when North Carolina General Statutes §160D became effective.
- D. Parks & Recreation Advisory Board: The Parks & Recreation Advisory Board did not meet in June or July. The next meeting is scheduled for Monday, August 15 at 6:00 p.m. Kenny Story, Recreation Director, presented updates on current activities.
- Reported the basketball league at the Martin Luther King, Jr. Center has 60 team members and commented they are playing really well.
 - The Summer Swim Club has 50 youth participating and practices at the Aquatic & Fitness Center. The team is also competing with other area swim teams.
 - Staff is partnering with Smart Start for swimming lessons for ages 5 and under. Smart Start is covering the cost of the lessons which are going well.
 - The Department still needs additional life guards and will be extending summer hours at the Aquatic & Fitness Center until 7:00 p.m. to allow additional time for residents to swim.
 - The Harambee Festival will be held at the Martin Luther King, Jr. Center on August 1 through August 6. Activities pertaining to the Harambee celebration are planned throughout the week.
 - The Lenoir Rockies 10U baseball team and the Lenoir Blue Hurricanes 10U softball team recently won their respective championship games in the Foothills Athletic Association summer tournaments.
 - The Fire Cracker 5K & 10K is scheduled for Saturday, July 2. The annual fireworks display is scheduled for Monday, July 4 at 9:30 a.m. at Optimist Park.
 - A Summer Music Fest will be held on Friday, July 22 & Saturday, July 23 at the Martin Luther King, Jr. Center beginning at 6:00 p.m.
 - A Juneteenth Celebration was held at the Campus (former LHS Auditorium) on Saturday, June 18. The event was successful and well attended. Councilmembers Ike Perkins and Crissy Thomas stated they received a lot of positive comments and thanked City Staff for all their hard work.

VI. FINANCE & ADMINISTRATION

A. Update – Finance Director Donna Bean

1. May Financial Summary: Finance Director Donna Bean discussed the Financial Summary as of May 31, 2022 and stated everything is on target to meet the projections for the year. The over/under balance in the General Fund is \$2,689,753.85, Downtown District \$36,799.10 and Water & Sewer Fund \$1,028,604.23.

A copy of the May financial summary is attached to these minutes as information.

2. American Rescue Plan Policies: Director Bean presented the proposed American Rescue Plan (ARP) Policies necessary to meet the guidelines for the Coronavirus State and Local

Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021.

A copy of the policies are on file in the Finance Director's office.

3. Motion

Following a brief discussion and upon a motion by Councilmember Perdue, Council voted 5 to 0 to approve the ARP Policies as described above and as recommended by Finance Director Bean.

4. FY2021-22 Budget Amendments: Director Bean requested approval of amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2022 as follows:
- A. Increase expenditure lines in the General Fund in the amount of \$225,000 to allocate additional revenue and re-allocate funding by department.
 - B. Increase revenue and expenditures for Building Reuse Grant for Craftmaster for monies received from NC Commerce.
 - C. Increase revenues for the General Fund in the amount of \$220,000 due to revenues for Motor Vehicle Tax exceeding the budgeted amounts.
 - D. Increase expenditure lines in the General Fund in the amount of \$220,000 to allocate additional revenue.

A copy of the FY2021-22 Budget Amendments are attached to these minutes as information.

Motion

Upon a motion by Councilmember Stevens, Council voted 5 to 0 to approve the above listed FY2021-22 Budget Amendments as described above and as submitted by Finance Director Donna Bean.

5. Tax Releases & Refunds as of June 23, 2022: Approval of the Tax Releases and Refunds as of June 23, 2022 in accordance with N.C.G.S. §105-381 as submitted.

A copy of the Tax Releases and Refunds list is on file in the Finance Director's office.

Upon a motion by Councilmember Perkins, City Council voted 5 to 0 to approve the list of Tax Releases and Refunds as submitted by Finance Director Bean.

6. Retail Strategies Agreement: City Manager Hildebran presented an Agreement with Retail Strategies to provide services for the City of Lenoir at a cost of \$35,000 for a one-year period.

A copy of the agreement on file in the City Clerk's office.

Mr. Hildebran stated Retail Strategies' contract has expired and he is recommending Council approval in order to continue using their services to determine they types of businesses our demographics would support. He reviewed a list of businesses and restaurants the company has assisted in recruiting in different areas.

Motion

Upon a motion by Councilmember Perdue, Council voted 5 to 0 to approve the Agreement with Retail Strategies for a one-year period at a cost of \$35,000 as recommended by City Manager Hildebran.

6. Removed: The Job Description Update-Zoning/Housing Inspector was removed from the agenda at this time.

B. Update; Public Communications: Public Information Officer Joshua Harris

1. Joshua Harris, Public Information Officer, presented the Communications Report for the month of May. Director Harris reported there were 14 news releases, 314 photos, 6 videos, 139 social posts, 36 notify me requests, 33 questions & answers and 1 e-sign up. The website has 357 new followers, social reach is 100,956, and video views 3,444. There were 32,716 Facebook followers, 625 Twitter followers and 4,683 Instagram followers.

VII. PUBLIC SAFETY

- A. Update; Police Department: Police Captain Andy Wilson reported training is ongoing for all Staff members and things are going well.

B. Update; Fire Department: Fire Chief Ken Hair presented the following:

1. Fireworks Authorization Permit: Approval of an application for a Fireworks Display Permit as submitted by Chris Jacobs, Fire Marshall, City of Lenoir. The date of the display is July 2, 2022 and conducted by Munnerlyn Pyrotechnics.

A copy of the Fireworks Authorization Permit and Certificate of Insurance are attached to these minutes as information.

Fire Chief Ken Hair stated the application is from Midway Fireworks and noted they meet all of the required specifications. He explained the company needs approval in order to have the authority to conduct the event at the Caldwell County Fairground. The fireworks display is scheduled for Saturday, July 2 with a rain date of July 3.

Motion

Upon a motion by Councilmember Greer, Council voted 5 to 0 to approve the Fireworks Authorization Permit as submitted by Chris Jacobs, Fire Marshall, City of Lenoir.

2. Class 2 Rating; NC Department of Insurance: City Manager Hildebran congratulated Fire Chief Ken Hair and Staff upon earning a Class 2 rating from the N.C. Department of Insurance Office of the State Fire Marshall (OSFM). The rating is based on scores for the Fire Department (50%), the City's water supply (40%), and emergency communications (10%). In addition, state inspectors look for proper staffing levels, sufficient equipment,

proper maintenance of equipment, communications capabilities, and the availability of a water source. Ratings go from Class 1 (the highest) to Class 10 (not recognized as a certified fire department by the state.)

Chief Hair remarked that only 3.9% of fire departments across the state hold a Class 2 rating or better. He stated the City's Fire & Water Departments along with the County Communications Department Staff should be very proud because the rating is a team effort.

Chief Hair thanked City Council and Mr. Hildebran for ensuring the Fire Department has the Staff, tools, and budget needed to provide excellent fire service to the residents and businesses in Lenoir.

On behalf of City Council, Mayor Gibbons thanked Chief Hair and all the Staff for their hard work and dedication in achieving the Class 2 Ranking.

VIII. OTHER

- A. July Calendar: By consensus of the Council, the calendar for the month of July was approved listing various meetings and events.
- B. Closed Session: Pursuant to N.C.G.S. §143-318.11(5), and upon a motion by Councilmember Perdue, which carried unanimously, City Council entered into closed session to discuss real estate.
- C. Open Session: Upon a motion by Councilmember Perdue, Council voted unanimously to re-enter into open session. City Council took the following action:

Motion

Upon a motion by Councilmember Stevens, City Council voted 5 to 0 to approve a Capital Project Budget Ordinance and a Budget Amendment as presented for the purchase of property to be used as a Farmer's Market Pavilion. The property is located at 1136 Harper Avenue, NCPIN #2749666419. The projected cost of the property and associated fees is \$75,000.

A copy of the Capital Project Budget Ordinance and the Budget Amendment are attached to these minutes as information.

IX. ADJOURN

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

Attachments

May Financial Summary
FY2021-22 Budget Amendments

Minutes-Committee of the Whole Meeting
Tuesday, June 28, 2022

Fireworks Authorization Permit/Certificate of Insurance
Capital Project Ordinance/Budget Amendment



**City of Lenoir
Financial Summary
As of 5/31/2022**



General Fund					
	2021-2022 Budget	5/31/2022	% of Budget	Change from Previous Year	5/31/2021
Total Revenue	\$ 18,594,890.00	\$ 18,732,188.97	101%	\$ 1,363,923.48	\$ 17,368,265.49
Expenditures	\$ 18,594,890.00	\$ 16,042,435.12	86%	\$ 1,107,838.52	\$ 14,934,596.60
Over/Under	\$ -	\$ 2,689,753.85		\$ 256,084.96	\$ 2,433,668.89
Downtown District					
	2021-2022 Budget	5/31/2022	% of Budget	Change from Previous Year	5/31/2021
Revenues	\$ 184,638.00	\$ 184,739.47	100%	\$ 1,647.57	\$ 183,091.90
Expenditures	\$ 184,638.00	\$ 147,940.37	80%	\$ 17,625.77	\$ 130,314.60
Over/Under	\$ -	\$ 36,799.10		\$ (15,978.20)	\$ 52,777.30
Water/Sewer Fund					
	2021-2022 Budget	5/31/2022	% of Budget	Change from Previous Year	5/31/2021
Revenues	\$ 9,629,744.00	\$ 8,951,503.50	93%	\$ 276,896.10	\$ 8,674,607.40
Expenditures	\$ 9,629,744.00	\$ 7,922,899.27	82%	\$ 750,382.90	\$ 7,172,516.37
Over/Under	\$ -	\$ 1,028,604.23		\$ (473,486.80)	\$ 1,502,091.03

Minutes-Committee of the Whole Meeting
Tuesday, June 28, 2022

**2021-2022 Fiscal Year
Budget Amendment
Tuesday, June 28, 2022**

Request for amendments to be made to the annual budget ordinance for the fiscal year end 6/30/2022.

ITEM 1: ALLOCATE FUNDING TO THE GENERAL FUND FOR REVENUE INCREASES.

Account Number	Department	Increase	Decrease
3319	FRANCHISE TAX	110,100.00	
3837	ABC REVENUE	56,000.00	
3771	ROLL OUT CONTAINERS	26,900.00	
3480	CEMETERY MARKERS	32,000.00	
	TOTAL REVENUE INCREASE	225,000.00	

ITEM 2: ALLOCATE FUNDING TO THE GENERAL FUND FOR EXPENDITURES.

Account Number	Department	Increase	Decrease
4110	LEGISLATIVE	75,000.00	
4511	STREET CAPITAL TRANSFER	150,000.00	
		225,000.00	-
	TOTAL EXPENDITURE CHANGES	225,000.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	-	

ITEM 3: ALLOCATE FUNDING TO THE GENERAL FUND FOR EXPENDITURES FOR RURAL CENTER BUILDING REUSE GRANT FOR CRAFTMASTER FURNITURE.

Account Number	Department	Increase	Decrease
3326	RURAL CENTER GRANT - CRAFTMASTER	52,361.26	
4110	LEGISLATIVE	52,361.26	
	NET EFFECT ON THE GENERAL FUND BUDGET	-	

**2021-2022 Fiscal Year
Budget Amendment
Tuesday, June 28, 2022**

Request for amendments to be made to the annual budget ordinance for the fiscal year end 6/30/2022.

ITEM 1: ALLOCATE FUNDING TO THE GENERAL FUND FOR REVENUE INCREASES.

Account Number	Department	Increase	Decrease
3200	MV TAX	220,000.00	
	TOTAL REVENUE INCREASE	220,000.00	

ITEM 2: ALLOCATE FUNDING TO THE GENERAL FUND FOR EXPENDITURES.

Account Number	Department	Increase	Decrease
4511	STREETS	220,000.00	
		220,000.00	-
	TOTAL EXPENDITURE CHANGES	220,000.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	220,000.00	



Lenoir Fire Department

602 Harper Avenue, N.W.
Lenoir, North Carolina 28645



Fire Marshal

Lenoir Fire Department
Christopher W. Jacobs
(828) 757-2193
(828) 394-1206 Fax
cjacobs@ci.lenoir.nc.us

(828) 757-2190

APPLICATION FOR FIREWORKS DISPLAY PERMIT

- Name: Munnerlyn Pyrotechnics (individual, group or organizational sponsor)
- Address: 255A Charter Oak Rd
Lexington, SC 29072
- Location of Display: 2460 Fairgrounds Rd (Street Address)
Lenoir, NC 28645
- Name, Address and Phone number of fireworks display operator:
- Date and Time of Fireworks Display: 7/2/22 @approx 930PM
- Proposed Rain/Wind Date if event is postponed: 7/3/22 @approx 930PM
- Provided a copy of approval for the fireworks display from the City of Lenoir per Caldwell County Agreement.
- Provide the qualifications of the operator which demonstrate experience with use of fireworks and knowledge of all safety precautions related to the storage, handling or use of fireworks. Operators **must have a permit from the Office of State Fire Marshal** and provide a copy of permits of all personnel involved in the display to this office or provide documentation required for assistants on site.
- Provide Evidence of Financial Responsibility by the sponsor of the event of the operator of the fireworks display. (Insurance Certificate) **City of Lenoir is to be included in the Certificate Holder Section**
- Provide a "Procedure Plan for Failures" which establishes procedures to follow and actions to be taken in the event that a shell fails to ignite or other malfunctions.
- Provide a diagram (including distances) of the grounds on which the outdoor fireworks display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, this lines behind which the audience is to be restrained, and the location of other possible overhead obstructions.
- Provide information regarding the number and types of fireworks which will be discharged.
- Provide information regarding the manner and place of storage of such fireworks prior to delivery to the outdoor fireworks display site.

By signing this document, the applicant agrees that the operation of this outdoor fireworks display will conform to the terms of NFPA 1123 or NFPA 1126, and the General Statutes of North Carolina.

Renee Cannon

(Signature of Applicant)

6/14/2022

(Date)

Minutes-Committee of the Whole Meeting

Tuesday, June 28, 2022



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/28/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Britton-Gallagher and Associates, Inc. One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	CONTACT NAME: PHONE (A/C, No., Ext.): 216-658-7100 FAX (A/C, No.): 216-658-7101 E-MAIL: info@brittongallagher.com ADDRESS: info@brittongallagher.com														
INSURED Munnerlyn Pyrotechnics 808 Highway 378 STE A Lexington SC 29072	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: Everest Indemnity Insurance Co.</td> <td>10851</td> </tr> <tr> <td>INSURER B: Everest Denali Insurance Company</td> <td>16044</td> </tr> <tr> <td>INSURER C: Axis Surplus Lines Insurance Co.</td> <td>26620</td> </tr> <tr> <td>INSURER D: Liberty Insurance Corporation</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Everest Indemnity Insurance Co.	10851	INSURER B: Everest Denali Insurance Company	16044	INSURER C: Axis Surplus Lines Insurance Co.	26620	INSURER D: Liberty Insurance Corporation		INSURER E:		INSURER F:	
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COVERAGES

CERTIFICATE NUMBER: 635055576

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC ☐ OTHER	Y	SI8ML02549-221	4/29/2022	4/29/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS	Y	SI8CA00294-221	4/29/2022	4/29/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
C	☐ EXCESS LIAB ☒ EXCESS LIAB ☐ DED ☐ RETENTION \$	Y	P-001-000875153-01	4/29/2022	4/29/2023	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe in under DESCRIPTION OF OPERATIONS below	Y/N	WCS-39S-742832-022	5/18/2022	5/18/2023	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Excess Liability #2	Y	SI8EX02050-221	5/26/2022	4/29/2023	Each Occ/Aggregate \$5,000,000 Total Excess Limits \$9,000,000

DESCRIPTION OF OPERATIONS (LOCATIONS/VEHICLES, IF APPLICABLE, for Commercial Policies. Some fields may be attached if extra space is required)
 Additional insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.
 RE: General Liability, the following are named as additional insureds in respects to the negligence of the named insured: David Shoup and his Agents, employees and associates; Caldwell County NC; Caldwell County Fire Department; City of Lenoir Fire Department; State of NC and its Agents

CERTIFICATE HOLDER

CANCELLATION

City of Lenoir PO Box 958 Lenoir NC 28645 United States	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Capital Project Ordinance for the City of Lenoir

Pavilion Capital Project

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

Section 1: The project to authorize activities for the Pavilion Capital Project to include the expenditure of local funds to purchase property to be used as a Farmer's Market Pavilion and the necessary fees for the purchase. The property to be purchased is NC Pin# 2749666419 and is located at 1136 Harper Avenue NW.

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

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

	Budget
Property and Fees	\$75,000.00

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

	Budget
Local Funding	\$75,000.00

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

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

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

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

Adopted this _____ day of June, 2022

Mayor

Clerk

**2021-2022 Fiscal Year
Budget Amendment Ordinance June 28, 2022**

Request for amendment to be made to the annual budget ordinance for the fiscal year ending June 30, 2022 as follows:

Section 1. To amend the General Fund - the appropriations are to be changed as follows:

Item 1: Allocate funds for the Pavilion Capital Project.

Acct. No.		Increase
3981	Transfer from General Fund Pavilion	75,000.00
	Net increase in appropriation to the Capital Project Fund for this item	75,000.00
Acct. No.		Decrease
4110	Legislative	75,000.00
	Net decrease in appropriation to the General Fund for these items	75,000.00
	Total Change in Fund Balance	0.00

CITY OF LENOIR
COUNCIL ACTION FORM

- I. Agenda Item:** Consideration of Technical Assistance Agreement with Western Piedmont Council of Governments – EPA Brownfield Assessment Grant Project
- II. Background Information:** The City of Lenoir recently was awarded a Brownfield Assessment Grant from the US Environmental Protection Agency. The grant is for \$500,000 to assist the City and local property owners to assess the environmental condition of properties located in Lenoir that may have hazardous material contamination or petroleum contamination. It is recommended that the City engage the services of the Western Piedmont Council of Governments located in Hickory, NC to assist city staff with the administration of the grant and to provide technical assistance over the three year grant period. Funds from the grant will be available in October 2022.
- III. Staff Recommendation:** Staff recommends City Council approval to enter into an agreement with WPCOG in the amount of \$30,000.00 (not to exceed) in accordance with the attached proposal to provide grant administration and technical assistance for the EPA Brownfield Assessment Program.
- IV. Reviewed by:**
- City Attorney:** _____
- Finance Director:** _____
- Public Services Director:** _____

AGREEMENT BETWEEN THE
 WESTERN PIEDMONT COUNCIL OF GOVERNMENTS AND
 THE CITY OF LENOIR
 FOR THE PROVISION OF
 TECHNICAL ASSISTANCE
 EPA BROWNFIELDS ASSESSMENT GRANT PROJECT
October 1, 2022 – September 30, 2025

This AGREEMENT, entered into on this the ____ day of _____, 2022, by and between the Western Piedmont Council of Governments (hereinafter referred to as the "Planning Agency") and the City of Lenoir, North Carolina (hereinafter referred to as the "Local Government"); WITNESSETH THAT:

WHEREAS, the Planning Agency is empowered to provide technical assistance by the North Carolina General Statutes and by resolution passed by the Planning Agency on April 17, 1972. Technical assistance shall consist of the provision of services as described in Attachment A, which is herein made a part of this Contract;

WHEREAS, the Local Government has requested the Planning Agency to provide such technical assistance to the Local Government and;

WHEREAS, the Planning Agency desires to cooperate with the Local Government in every way possible to the end that the proposed activities are carried out in an efficient and professional manner;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Personnel.** That during the period of this Contract, the Planning Agency will furnish the necessary trained personnel to the Local Government.
2. **Travel/Printing.** The Local Government will pay for expenses related to conferences, conventions, seminars, local travel, etc. of the personnel when the Local Government requests or approves travel related to the Local Government's planning program, or if it is beneficial to both parties, the costs will be shared on an agreed-upon ratio.

The Local Government will also pay for expenses related to printing of report(s), mailings to advisory boards, and other costs not related to normal travel and staffing costs associated with personnel furnished by the Planning Agency.

3. **Compensation.** The Local Government will pay the Planning Agency an amount not to exceed \$30,000 (thirty thousand dollars) for the satisfactory performance of all services related to administration of the project as defined in the attached Scope of Services. Planning Agency personnel will keep an accurate record of time spent, which will serve as the basis for the amount charged to the Local

Government per month. The Local Government will reimburse the Planning Agency monthly at a rate per hour for each of the personnel involved, which includes the salary, fringe benefits, travel and indirect costs, plus travel and other approved expenses.

All other costs associated with the administration of the EPA Brownfields Assessment grant will be expended from the grant administration allowance budgeted for the Local Government.

It is expressly understood and agreed that total compensation shall not exceed the maximum sum specified without prior approval of both agencies.

4. **Termination/Modifications.** The Local Government may terminate the Contract by giving the Planning Agency a thirty-day written notice. Furthermore, if there is a need to amend the proposal outlined in Attachment A, either party may do so with the written consent of the other.
5. **Time of Performance.** The Planning Agency shall ensure that all services required herein shall be completed and all required reports, maps, and documents submitted during the period beginning October 1, 2022, and ending September 30, 2025.
6. **Interest of Members, Officers, or Employees of the Planning Agency, Members of the Local Government, or Other Public Officials.** No member, officer, or employee of the Planning Agency or its agents; no member of the governing body of the locality in which the program is situated; and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any financial interest, either direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. Immediate family members of said members, officers, employees, and officials are similarly barred from having any financial interest in the program. The Planning Agency shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this section.
7. **Nondiscrimination Clause.** No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination with any program or activity funded in whole or in part with funds available under the Housing and Community Development Act of 1974, Section 109.
8. **Age Discrimination Act of 1975, as amended.** No qualified person shall on the basis of age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

9. **Section 504, Rehabilitation Act of 1973, as amended.** No qualified handicapped person shall, on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

IN WITNESS WHEREOF, the Planning Agency and the Local Government have executed this Agreement as of the date first above written.

LOCAL GOVERNMENT:
CITY OF LENOIR

By: _____
Mayor

PLANNING AGENCY:
WESTERN PIEDMONT COUNCIL OF GOVTS.

By: _____
Executive Director

By: _____
City Manager

PLANNING AGENCY:
By: _____
Chair

Preaudit statement:

This instrument has been pre-audited in the manner prescribed by the Local Government Budget and Fiscal Control Act.

By: _____
Local Government Finance Officer

GRANTS MANAGEMENT ASSISTANCE
 WORK PROGRAM/BUDGET
 OCTOBER 1, 2022 – SEPTEMBER 30, 2025
 ATTACHMENT A
 SCOPE OF SERVICES

The following work program and budget are presented as descriptive of the work and dollar amounts requested in the Agreement concerning grant administration activities by the Western Piedmont Council of Governments for the City of Lenoir.

Erin Schotte, Economic & Community Development Administrator, will be responsible for administering the EPA Brownfields Assessment grant.

Work Program

The activities to be completed include:

- Work with City and EPA on any amendments needed to the contract between EPA and the City
- Coordinate requests for reimbursement from EPA to the City
- Meet with consultants, City staff, and Brownfield Committee as needed
- Maintain database of EPA assessment work to date
- Work with consultant to assure EPA compliance

Time of Performance

The WPCOG will complete all activities involved in administration of this project in a 36-month period beginning October 1, 2022 and ending September 31, 2025.

Budget

The WPCOG will provide these administrative services for a fee not to exceed \$30,000. The budget is broken down as follows:

Salaries	\$ 14,500
Fringe Benefits	7,903
Travel	1,212
Indirect	<u>6,385</u>
Total	\$ 30,000

Assurances

Assurances are attached as a part of the Agreement.

Amendments

This scope of services and budget may be amended as desired by mutual consent of the Local Government and Planning Agency.

ASSURANCES OF COMPLIANCE

ATTACHMENT B

Executive Order 11246

During the performance of this Contract, the contractor agrees as follows:

- 1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin. Such action shall include, but not be limited to the following: recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- 2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, or national origin.
- 3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, notice advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- 4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- 5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- 6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies involved as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- 7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract

or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

ATTACHMENT C

Section 3 Clause

"Section 3" Compliance in the Provision of Training, Employment, and Business Opportunities

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- b. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment and training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice of knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors or assigns to those sanctions specified by the grant or loan agreement of contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

ATTACHMENT D

Lobbying Clause

No Federal appropriated funds have been paid or will be paid, by or on behalf of the Planning Agency or the Local Government, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative, agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid or will be paid any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Planning Agency and/or the Local Government shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

August 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 Harambee Events will be scheduled all week at the MLK, Center.	2 6:00 p.m. City Council	3 9:00 a.m. Staff Mtg.	4	5	6 3:00 p.m. Cruise-In (Downtown)
7	8 Noon - City/County Services Committee	9 8:00 a.m. EDC	10	11 6:00 p.m. Lenoir Business Adv. Board	12	13
14	15 6:00 p.m Parks & Recreation Adv. Brd.	16 6:00 p.m. City Council	17 9:00 a.m. Staff Mtg.	18	19	20
21	22 5:30 p.m. Planning Board	23 8:30 a.m. Committee of the Whole (City Hall, 3rd Floor)	24	25	26	27
28	29	30	31 Noon - Foothills Regional Airport Authority			
		Notes for September City offices will be closed on Monday, September 5 in observance of Labor Day. 				

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Economic Development Department requests permission to accept the submission provided by Maurer Architecture regarding the Request for Qualifications for firms offering Schematic Design Phase Architectural Services for three redevelopment sites in Downtown Lenoir which include the former Bernhardt-Seagal Industrial Complex building 1136 Harper Ave Lenoir, NC; the Historic Lenoir High School Gymnasium and the LHS Auditorium building at 1114-1116 College Ave Lenoir, NC. Services may include: site visits, as built drawings, and illustrative conceptual plans.

II. Background Information:

After the Lenoir City Council entertained the notion to purchase 1136 Harper Ave and further efforts to rehabilitate City owned buildings located at the Historic LHS Campus, we requested submissions from various firms on their respective Request for Qualifications regarding Design Services for this project. The City of Lenoir also posted this request on their website. We have since allowed ample time for all submissions to be returned and be reviewed by the Downtown Economic Development Staff and selection committee. Upon review, staff is assured that the submissions from Maurer Architecture is the firm that fully meets the specifications needed to address our needs and meet the requirements for the Design Services.

Mr. Maurer is well aware of the vision for Downtown Lenoir has been enthusiastically involved with many of the development initiatives in Downtown Lenoir over the years like *Moving Lenoir to the Second Floor*, projects which have then gone on to receive NC Main Street Awards. He has assisted numerous Downtown Lenoir property owners with their rehabilitation projects. He and his partner purchased a distressed building in the Downtown core which now houses retail and a luxury apartment, also receiving a NC Main Street and Preservation NC award for the high-quality results of this project. Jesse Plaster, a local architect in Lenoir, also endorses this application.

Mr. Maurer and his firm understands the special concerns when working with historic properties, timeliness, knowledge of our project, similar projects completed, and especially, personal and consistent availability. Other relevant experiences include the design work for Henkel Opera House on Mulberry Ave. and the Ford Motor Company Building on Mulberry Ave. in Lenoir.

We had correspondence with two different agencies about Request for Qualifications, including CBSA Hickory NC and STITCH Winston-Salem NC Architectural Firms. We believe Maurer would more thoroughly meet our needs and objectives for our project. Maurer Architecture has worked on numerous historic preservation projects across the State, has the knowledge and ability for our project, and with his strong local ties, is available for immediate consultation for future expected plan changes.

Economic Development Department requests the authorization from the City of Lenoir Council to enter into a contract with Maurer Architecture for their services.

III. Staff Recommendation:

Adopt as submitted.

IV. Reviewed By:

City Manager:

Economic Development Director:

Request for Qualifications (RFQ)

for

Architectural Services

for

The City of Lenoir,
North Carolina



The City of Lenoir (COL) is seeking qualifications statements from individual firms offering Schematic Design Phase Architectural Services for three redevelopment sites in Downtown Lenoir (see description below). Services may include: site visits, as built drawings, and illustrative conceptual plans.

Project Description

The City of Lenoir (COL) Council and Staff are committed to the rehabilitation of the facilities located at the Historic Lenoir High School positioned on the edge of Downtown Lenoir. The rehabilitation of these historic assets will provide the City and Downtown with a much-needed event venue facility including a 500-seat auditorium; a 10,000 square foot “flex-space” gymnasium; an indoor/outdoor farmer’s market pavilion; an outdoor recreation field; a potential music and arts venues housed in the Harper Band Building and the Masonry Building. The City will now focus on three specific sites within the 5-acre event venue space.

The 5-acre Campus event venue will certainly drive traffic and business to the near-by, adjacent Downtown core. This Campus is ideally situated not only to become an economic engine for Downtown, but is located along the NPS Overmountain Victory National Trail (OVT) which runs through the heart of Downtown Lenoir. Fort Crider, one of the historic points on the OVT is actually located on the LHS property and dedicated by Senator Broyhill a few years ago. Having this event venue placed directly on this National Trail will certainly be a draw for recreational tourism and Overmountain Victory Trail historic event promotion.

To this end, COL requires architectural services to advise on the opportunities and constraints of these sites primarily focused on event venue use scenarios and parking. These development scenarios should take into consideration the surrounding area (adjacent streets, proximate buildings, and downtown context), resulting in a schematic design that preserves and enhances historic character of the LHS Historic District adjacent to the Downtown Lenoir Historic District.



Site 1 is a ~ 12,200 sq. ft. building constructed in 1935. The former Bernhardt-Seagal Industrial Complex building has metal wall exterior with wood beam interior construction. The City's vision for Site 1 is an indoor/outdoor pavilion to be used as a farmers market and/or event gathering space for all seasons. This structure is located 1K feet from the NPS Overmountain Victory Trail.



Site 2 is a ~ 10,000 sq. ft. gymnasium was constructed in 1947. The City's vision for Site 2, the historic LHS Gymnasium, is a "flex-space" event venue not only for sporting events, but private functions and gathering events. With the addition of such amenities as a catering kitchen and beverage service area, this "flex-space" facility can host a variety of community-based functions. The Gym's previous locker room is the current location of the Wishful Thinking Pottery Studio. The space is occupied and in-use but primarily limited to City facilitated activities. The space has recently received improvements including \$157,000 worth of, ceiling replacement, and floor refinishing. The Gymnasium is located within the LHS Historic District. The National Register District description can be found here <https://files.nc.gov/ncdcr/nr/CW0005.pdf>



Site 3 is a ~ 7,000 sq. ft. auditorium was constructed in 1922 and is also in the National Register. The City's vision for Site 3, the Historic LHS Auditorium, is a conference/business meeting facility; private functions; as well as, host live performances. Recently, the Foothills Performing Arts live theater production company has designated this site as their resident theater. Occupied and in limited use, it has recently received \$200,000 worth of improvements including new ADA compliant bathrooms and current improvements underway including lobby painting, door replacements, carpet upgrades and stage improvements.



Professional Services Expectations

The specific expectations of the selected firm for this project will be defined in contract documents. However, at a minimum the following services and responsibilities are anticipated:

1. Meet with COL and project stakeholders to discuss design concepts and coordinate work.
2. Visit the study area and project sites.
3. Review of documents related to the site.
4. Collaborate with COL to refine program parameters for various development scenarios, including parking programs for Site 1, 2 and 3.
5. Advise on suitability of site for new construction per program parameters and existing site conditions, specifically for Site 1.
6. Provide a range of alternative design concepts (three scenarios per site). Design concepts should incorporate the area surrounding the site, including adjacent streets and buildings and identify potential parking areas.
7. Ensure concept conformance with applicable zoning ordinances, district designations, community, and/or or special interest concerns.
8. Present conceptual plans and OPC (Opinion of Probable Cost) for each Site to COL and their advisors. Anticipate at least one revision per Site.
9. Prepare and present the final conceptual design schemes for each Site, including preliminary building plans, elevations, sections, and site plans and OPC.

The estimated timeline for delivering these services will be:

Site 1 – 90 days from contract signature

Site 2 & Site 3 – 60 days from contract signature

Resources to be provided to the selected firm to facilitate its work will include:

- Demographic data and market research
- Geodatabase of site features, including elevation, slope, hydrology, soils, utilities, roads, and buildings, if available
- Site survey and geotechnical survey, if necessary
- Recent and current plans for public and private investment in and around the sites

Qualification Package Evaluation Criteria

Qualifications Packages will be evaluated on the firms' ability to meet the requirements of this Request for Qualifications (RFQ). Some evaluation criteria, among other factors, will include:

1. The firm experience in providing similar services for similar projects scale and scope;
2. The firms experience with structures listed on the National Register of Historic Places;
3. Qualifications of key individuals identified in the Qualifications Package that will be assigned to the project;
4. Capability of lead firm to manage the work;
5. Past performance references;
6. Ability to meet established schedules;
7. Qualifications package appearance and presentation.

Submittal Requirements

Any firm that would like to be considered for this project must submit the following information as part of their Qualifications Package (entire package should be no more than 20 pages):

1. A signed cover letter from a principal in the lead firm (a) expressing interest in the project, (b) certifying that the firm is properly licensed to carry out the professional services described in this RFQ, and (c) certifying that sufficient resources in personnel, equipment, and time are available and can be committed to this project.
2. Up to three (3) examples of statements of previous work completed by the firm and staff that will be involved in this project that are similar in nature to the scope of work proposed for this project. Content should include scope of work performed by the firm, images of plans, location and timing of the projects, and outcomes.
3. Short resumes or bios of professional staff that would be involved in the project design and management, including professional registrations and certifications, office location, position title, length of service in current position, role in past projects of similar nature, and role/commitment to this project.
4. References from two recent clients on similar projects.
5. Assumptions and expectations regarding COL staff cooperation and assistance.
6. Fee information should not be included in the Qualifications Package.

COL invites all interested and qualified firms to electronically submit their Qualifications Package for this project as a PDF to Kaylynn Horn at khorn@ci.lenoir.nc.us. Email attachments must be less than 25 MB.

Submittal and Evaluation Timeline

Each firm is solely responsible for the timely delivery of the Qualifications Package. All Qualifications Packages must be received **by 2:00 pm on July 13, 2022**. No Qualifications Packages will be accepted after this deadline. Firms accept all risks for late delivery of Qualifications Packages regardless of fault.

COL will accept questions regarding the RFQ until 2:00 pm on July 12, 2022. COL will respond to questions submitted on an individual basis as they arrive. Responses to all submitted questions will be posted on the City of Lenoir's website (www.cityoflenoir.com/rfqarchservices) **until July 12, 2022 at 3:00 pm.**

COL will evaluate the submittals and short list firms for interviews (if necessary) the week of **July 18, 2022**. The selected firm will be expected to begin work immediately upon execution of a contract.

Additional Information about this RFQ

1. Public Records

Upon receipt by COL, your Qualifications Package is considered a public record except for material that qualifies as “Trade Secret” information under North Carolina General Statute 66- 152 et seq. Your Qualifications Package will be reviewed by COL, as well as members of the general public who may submit public record requests. To properly designate material as a trade secret under these circumstances, each firm must take the following precautions: (a) any trade secrets submitted by a firm should be submitted in a separate documents marked “Trade Secret – Confidential and Proprietary Information – Do Not Disclose Except for the Purpose of Evaluating this Qualifications Package,” and (b) the same trade secret/confidentiality designation should be stamped on each page of the trade secret materials contained in the document.

In submitting a Qualifications Package, each firm agrees that COL may reveal any trade secret materials contained in such response to all COL staff involved in the selection process and to any outside consultant or other third parties who are hired by COL to assist in the selection process. Furthermore, each firm agrees to indemnify and hold harmless COL and each of its officers, employees and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material that the firm has designated as a trade secret. Any firm that designates its entire Qualifications Package as a trade secret may be disqualified from the selection process.

2. Conditions, Clarifications, and Reservations

- a. COL expects to select one or more firms, but reserves the right to request substitutions of sub-consultants.
- b. COL reserves the sole discretion and right to reject any and all responses received with respect to the RFQ and to cancel the RFQ process at any time prior to entering into a formal agreement. COL further reserves the right to request additional information or clarification of information provided in any response. COL also reserves the right, but is under no obligation, to waive technicalities and informalities.
- c. A response to this RFQ should not be construed as a contract, nor indicate a commitment of any kind. The RFQ does not commit COL to pay for costs incurred in the submission of a response to this RFQ or for any cost incurred prior to the execution of a final contract. No recommendations or conclusions from this RFQ process concerning an individual firm shall constitute a right (property or otherwise) under the Constitution of the United States, or under the Constitution, case law, or statutory law of North Carolina. Neither binding contract, obligation to negotiate, nor any other obligation shall be created on the part of COL unless COL and your firm execute a contract.
- d. All responses to this RFQ shall be the property of COL.

Contacts/Further Information

City of Lenoir greatly appreciates your interest and time in providing services for this important project. For further information or questions regarding the content of this RFQ, please contact:

Kaylynn Horn
Economic Development Main Street Director
City of Lenoir, NC
828.750.2870
khorn@ci.lenoir.nc.us

Historic Lenoir High School Campus Rehabilitation

Lenoir, NC



RFQ Response | July 13th, 2022





July 13th, 2022

Kaylynn Horn
Economic Development Main Street Director
The City of Lenoir, NC

RFQ Response for Architectural Services
Historic Lenoir High School
The City of Lenoir, NC

Dear Ms. Horn,

Maurer Architecture is pleased to submit our qualifications for the Historic Lenoir High School Campus rehabilitation. Our desire to partner with The City of Lenoir stems from a deep commitment to serving local communities across North Carolina, and preserving our historic building environment for generations to come. Our work is inspired by our team's combined love for history, old buildings, and community infrastructure; this is apparent through our design process and echoed through the excellence of each deliverable. Maurer Architecture has previous experience working with the City of Lenoir on a feasibility study, winning a joint NC Main Street award for "Taking Lenoir to the Second Floor". Additionally, Maurer Architecture rehabilitated 818 Harper in Lenoir, Stine's Ice Cream Parlor, which won both a NC Main Street award as well as a Preservation North Carolina award.

FIRM BACKGROUND

With twenty-nine years of specialized experience working on historic and adaptive reuse projects across the state of North Carolina, Maurer Architecture is uniquely and specifically qualified to provide the architectural and engineering services and coordination necessary for the study and preservation of the Historic Lenoir High School buildings. Maurer Architecture will be the principal firm, with each consultant contracting directly with us to provide requested services.

Maurer Architecture is an award-winning architecture firm located in Raleigh, North Carolina. We are known for our creative approach to urban restoration, adaptive reuse, and new construction projects alike. Our work is thoughtful and grounded, and our focused approach to problem solving has led to a reputation of integrity and leadership in the community. We take pride in the variety of work that we do, and in the lasting relationships that we have formed over the years.

Since 1993, we have completed many diverse and complex projects including adaptive reuse, historic renovations, office and retail buildings, multi-family, restaurants, and breweries across the state of North Carolina. We have thorough knowledge of the Building Codes including the NC Existing Building Code, and we have extensive experience working with the NC State Historic Preservation Office and historic tax credits. David Maurer, AIA, President of Maurer Architecture, is currently working with many municipalities to encourage development in their downtowns. He is a frequent presenter at the NC Main Street and Preservation NC conferences on various aspects of rehabilitating our downtowns, including the use of historic tax credits and the Existing Building Code. He also recently received the top Preservation Professional honor awarded by Preservation NC.

The Maurer Architecture design process begins with understanding the unique needs and considerations of our client. We are experienced, thoughtful, and active listeners, and we recognize that with every existing building comes a complex history which should inform future design decisions.

We are team players, and recognize that the key to a successful project is maintaining clear communication and setting a definitive road map to outline the design process. We think of the Project Delivery Team as a complex system, and as the Architect, we are just one facet. However, we know that we play a crucial role in making sure the system runs smoothly. We will manage consultants, work with the ownership team, and partner with stakeholders. We identify as facilitators, communicators, leaders, supporters, and recognize that our relationships – along with our skillful design – are vital to the success of this project.

Stakeholders are an invaluable part of the design process, and Maurer Architecture seeks to incorporate their individual skill and knowledge into every phase of the project. Each stakeholder, both internal and external, represents a unique perspective which should be considered and integrated into the design. We believe that a project is successful when it achieves its objectives and meets or exceeds the expectations of the project stakeholders. Our process is rooted in team work, and we believe that clear communication, organization, and understanding are the foundation for all successful projects.

Sincerely,

Maurer Architecture



David S. Maurer, AIA, LEED-AP
President, Maurer Architecture PA
115 1/2 E. Hargett Street, Suite 300
Raleigh, NC, 27601
david@maurerarchitecture.com
www.maurerarchitecture.com
(919) 829-4969

FIRM LOCATION

115 ½ East Hargett Street
Suite 300
Raleigh, NC 27601
919.829.4969

YEAR ESTABLISHED

January 1, 1993

TYPE OF OWNERSHIP

S Corporation
Principal Shareholders: David Maurer,
Laurie Jackson, Meredith Kirkpatrick,
Ethan Page, Robert Sarle

FIRM SIZE

14

FIRM LICENSURE

North Carolina Registered Architectural
Corporation, #51562

SERVICES

Architecture
Historic Tax Credit Consulting
Existing Building Documentation
Feasibility Study
Building Code Analysis
Construction Administration



Project:

Wake Forest Food Hall
303 E Roosevelt Ave, Wake Forest, NC

Project Size:

Overall: ~14,000SF

Design Team:

Principal Architect: David Maurer
Project Architect: Mike Morrison

Project Description:

The Wake Forest Food Hall was a feasibility study for a 1950s auto repair building. The study explored converting the building to a multi restaurant food hall and event space. The design is complete and the client is currently lining up tenants.





Project:

Gig East Exchange
127 Goldsboro St. S, Wilson, NC

Project Size:

Overall: ~9,000SF

Design Team:

Principal Architect: David Maurer
Project Architect: Ethan Page

Project Description:

The concept for the Gig East Exchange was to provide a hub of innovation where start up companies could have a place to build their businesses, gather, and share ideas. Maurer Architecture helped the City of Wilson secure funding by developing concept renderings of the historic building. From there we worked closely with the City through programming, design, and finally construction.



Maurer Architecture

Project:

The Henkel Opera House
126 Mulberry St, Lenoir, NC

Project Size:

Overall: ~17,000SF

Design Team:

Principal Architect: David Maurer
Project Architect: Dayle Barnes

Project Description:

The Henkel Opera House is a historic tax credit project in Lenoir. The design restores the building, and converts the spaces into an event space with a bar and warming kitchen, an auditorium that seats ~250 people, and artist spaces including a lounge. The design was complete in 2019, but construction has not started.

Adaptive Reuse and Historic Preservation

Recent Work
North Carolina



Next Glass/Untappd



Death + Taxes



Owl's Roost Brewing



Next Glass/Untappd



Goldsboro Fire Station



Todd's Building



Lutterloh Building



Stine's Ice Cream



Benchwarmers Bagels



Seabird



Hertford Theater

AWARDS

Preservation NC, Gertrude S. Caraway Award of Merit

Masonic Lodge, Smithfield
Death + Taxes, 200 S. Salisbury St., Raleigh
Norris Heart House, 421 N. Blount St., Raleigh
21 S. Front St., Wilmington
222 & 226 Princess St., Wilmington
Goldsboro Fire Station
1 S Front St., Wilmington
Stine's Ice Cream Parlor, Lenoir
Gig East/City of Wilson
Heights House (Montfort Hall), Raleigh

Preservation NC, Robert Stipe Professional Award

David Maurer, AIA

North Carolina Main Street Awards

David S. Maurer, AIA Champion Award for Commitment to Historic Preservation
Masonic Lodge, Smithfield, for Historic Preservation
105 S. Third St., Smithfield, for Historic Preservation
Schmidlin Law Offices, 115 S. Third Street, Smithfield, for Historic Preservation
Edgerton Building, Goldsboro, for Best Upper Floor Redevelopment
John St. Properties, Goldsboro, for Best Endangered Properties Rescue Effort
Goldsboro Drug Company Building, Goldsboro, for Best Historic Rehabilitation Project
Moving Lenoir to the Second Floor, for Best Innovation
The Firehouse, Goldsboro, for Best Adaptive Reuse Project
151 N. Center St., Goldsboro, for Best Historic Rehabilitation Project
La Dolce Vita Pizzeria, Sanford, for Best Adaptive Reuse Project
Stines Ice Cream Parlor, Lenoir, for Best Endangered Properties Rescue Effort

Anthemion Awards, Capital Area Preservation

All Saints Chapel Restoration
J.M. Norwood House Relocation and Renovation
Wesley A. Putney House
Cooke Street Redevelopment
Death + Taxes, 200 S. Salisbury St.
119 E Hargett St.
Busy Bee Café
Capital Club
230 Fayetteville St.
218 N. East Street, Oakwood
White Street Brewery, Wake Forest
Raleigh Nehi Bottling Company Building
G&S Department Store
East Raleigh/ South Park Neighborhood Revitalization
Lunsford Residence, 420 Cutler St.
Fire Station #4, 505 Jefferson St.
Southern Building, 15 E. Martin St.
McClatchy Interactive, Martin Building, 111 W. Hargett St.
Norris Heart House, 421 N. Blount St.
821 Wake Forest Rd.

Sir Walter Raleigh Awards for Community Appearance

All Saints Chapel Restoration
Edenton Street Quadrangles
J.M. Norwood House Relocation and Renovation
Cutler Street Grocery / Bonomo Residence
Person Pointe Condominiums
536, 532 & 530 Edenton St.
602 E. Hargett St.
Boylan Condominiums
Swain Street Shotguns
Death + Taxes, 200 S. Salisbury St.
Norris Heart House, 421 N. Blount St.
Gateway Plaza Renovation
Longleaf Hotel & Lounge



David Maurer AIA, LEED AP

Principal-In-Charge
Maurer Architecture

As principal of Maurer Architecture, David has led the firm's diverse and complex work since 1993. He regularly travels across the state of NC meeting with municipalities and developers and presenting at conferences on the benefits of adaptive reuse, historic preservation, building code issues, and historic tax credits, and is an expert in the NC Existing Building Code. In 2019, David was recognized by Preservation NC as the top Preservation Professional in North Carolina, and has received multiple awards as a NC Main Street Downtown Champion.

With nearly 40 years assessing, understanding, and adapting older structures, David will serve as principal-in-charge. His passion for breathing new life into our older buildings has led him to become a statewide leader in understanding the complexities of the building codes balanced with a respect for our historic fabric. David's commitment to North Carolina is evident not only in his work across the state, but also in 'giving back' by serving on numerous local and state historic commissions, advisory boards, and NC Main Street Center. Due to his vast experiences and expertise, David has led many strategic and educational seminars, workshops, and conference sessions on the rehabilitation of our valued buildings and downtowns.

PROFESSIONAL ASSOCIATIONS AND BOARDS

American Institute of Architects, National, NC and Raleigh Sections, 1984-present

Raleigh Historic Districts Commission, 1990-91, 1993-1999

Chairman, 1995-1999

Vice Chairman, 1991, 1994

Design Review Advisory Committee, 1986-90, 1999-present

City of Raleigh Task Forces:

Community Development Housing Prototype, 1995

Raleigh Future Neighborhoods Group, 1995-1997

Hillsborough Street/ Morgan Street Bridges, 1994-95

Glenwood South Small Area Plan, 1996-97

Livable Streets Partnership, 2002-2004

Mayor's Task Force on Affordable Housing, Chapel Hill, 2013-2014

North Carolina State University, Guest Juror/Critic, 2008-present

Wake Technical Community College, Guest Juror/Critic, 2008-present

National Register Advisory Committee, 2014-2020, Chair 2018-2020

North Carolina Downtown Development Association Board of Directors 2019-present

LeverageNC Board of Directors 2020-present

City of Raleigh Development Stakeholders 2014-present

EDUCATION

Bachelor of Architecture, Virginia Tech

Master of Architecture, University of Washington

REGISTRATIONS

Architect, North Carolina: #5131

Architect, Virginia: #0401017072

Architect, Georgia, #015550

LEED-AP

AFFILIATIONS

American Institute of Architects

National Trust for Historic Preservation

Preservation North Carolina

Capital Area Preservation

RECENT AWARDS

Preservation North Carolina Stipe

Professional Award, 2019

NC Main Street

Champion for Smithfield, 2007

Preservation North Carolina Gertrude S. Carraway Award of Merit

- Stine's Ice Cream Parlor, 2021
- Gig East, 2021
- Heights House, 2021
- 1 S Front St., 2021
- Goldsboro Fire Station, 2020
- 222, 226 Princess St., 2019
- 421 N Blount St., 2018
- 21 S Front St., 2018

Capital Area Preservation Anthemion Award

- 821 Wake Forest Road Office, 2019
- Norris House, 421 N Blount Street, 2018

Sir Walter Raleigh Award

- Rehabilitation and Historic Preservation: Longleaf Hotel & Lounge, 2020
- Gateway Plaza Renovation, 2020
- Norris House, 421 N Blount Street, 2018

Historic Wilmington Foundation

- Solomon Building, 1 S Front Street, 2021
- Public Archaeology Corps, 10 S Front Street, 2021
- 222 & 226 Princess Street, 2019

**Ethan Page AIA**

Partner | Architect
Maurer Architecture

Ethan is dedicated to delivering high quality client services, and he takes pride in his ability to understand a client's unique needs and synthesize them into creative design solutions. His experience includes event space, office, hotel, restaurant, brewery, and both new construction and extensive adaptive reuse.

RELEVANT EXPERIENCE**Ongoing Adaptive Reuse and Historic Preservation**

- 201 S Washington St. (Rocky Mount, NC)
- SW Main St. (Rocky Mount, NC)
- The Carolina Civic Center (Lumberton, NC)
- The Upchurch (Apex, NC)
- Gig East (Wilson, NC)
- Wilson Visitor Center (Wilson, NC)
- Havoc Brewing Company (Pittsboro, NC)
- Sneaky Penguin Brewery (Brewery in existing shopping center in Raleigh NC)
- 911 N. West St. (Raleigh, NC)
- 301 N West St. (Raleigh, NC)

EDUCATION

Bachelor of Architecture, North Carolina State University

Bachelor of Environmental Design in Architecture, North Carolina State University

REGISTRATIONS

Registered Architect in North Carolina

**Rachel Parks**

Architectural Designer
Maurer Architecture

Rachel is a versatile individual with a background in architecture and design. She supports a range of projects including adaptive reuse and interior alterations.

RELEVANT EXPERIENCE**Ongoing Adaptive Reuse and Historic Preservation**

- Dix Park Historic Houses (Raleigh, NC)
- Narron Building (Law Office renovation in an existing building in Downtown Smithfield)
- Raleigh Founded Glenwood (Open rentable work space; Raleigh, NC)
- Sneaky Penguin Brewery (Brewery in existing shopping center in Raleigh NC)

EDUCATION

Bachelor of Architecture;
Minor Industrial Design from
University of Tennessee Knoxville

Rodger H. Lentz

Chief Planning & Development Office
City of Wilson
112 Goldsboro St. E
Wilson, NC 27894
252-339-2210
rlentz@wilsonnc.org



David M. Perry

Goldsboro Builders Supply Co. Inc.
PO Drawer E
Goldsboro, NC 27533
919-922-0073
dperry6961@aol.com



July 19

- City Council Approval

July 25-29

- Contract Negotiations & Approval

August 1-19

- City of Lenoir to provide any digital or hard copies of any surveys, building plans, etc.
- Maurer Architecture to visit the study area & project sites to conduct field work to document existing conditions
- Maurer Architecture to utilize documents related to the site and field documentation to draft as-built conditions

August 22- September 2

- City of Lenoir, project stakeholders, and Maurer Architecture to collaborate on programming, development scenarios, code requirements, parking, & preliminary design concepts. Maurer
- Maurer Architecture will advise on site suitability of site for new construction per program parameters & existing site conditions
- Maurer Architecture to produce proposed 3 alternative design concepts per site including site, adjacent streets, buildings, and potential parking areas. Concepts to comply with applicable zoning ordinances, district designations, community, and/or special interest concerns.

September 6-9

- Maurer Architecture to present proposed concept plans to the City of Lenoir
- City of Lenoir and project stakeholders to provide feedback on proposed concept plans

September 12-16

- Maurer Architecture to present final concepts and written scope for sites 2 & 3, including preliminary plans, elevations, sections, site plans, and OPC (Opinion of Probable Cost)

September 19-30

- Maurer Architecture to present final concepts and written scope for site 1, including preliminary plans, elevations, sections, site plans, and OPC (Opinion of Probable Cost)

**Thoughtfully designing a better world.
Together.**



CITY OF LENOIR COUNCIL ACTION FORM

I. Agenda Item:

Bid Award: 2022-2024 Asphalt Resurfacing Contract

II. Background Information:

In June, 2022, Public Works staff assembled the bid package for the upcoming FY 2022 – FY 2024 Asphalt Resurfacing Contract and distributed bid packages to interested contractors. The bid opportunity was also publicly advertised in accordance with G. S. 143-129. A total of seven (7) bid packages were distributed, and Public Works staff held a *Pre-Bid Meeting* with interested parties to discuss bidding and project execution requirements on July 05 and July 6, 2022 at 2PM. Three contractors attended the Pre-Bid meeting.

Bids were received, publicly opened, and read aloud on July 12, 2022, at 2:01pm. A total of three (3) bids were received. A signed bid tabulation is included for Council's review.

Attachments: Signed Bid Tab (1 page), Public advertisement (1 page), Tri-County Paving, Inc. proposal with Bid Bond (4 pages), JT Russel & Sons, Inc. proposal with Bid Bonds (3 pages), Maymead, Inc. proposal with Bid Bond (3 pages); Bid Packet & instructions (5 pages), List of Contractors invited to bid (1 page), Liquid Asphalt Price Trend Graph (1 page)

III. Staff Recommendation:

Following review of bids submitted for this contract, staff recommends awarding the contract to Tri-County Inc. for a unit price of \$109.00/ton. Tri-County Paving, Inc. is the lowest, responsive, responsible bidder, is appropriately licensed in the state of North Carolina, and is adequately equipped to perform work of this nature. Tri-County Paving, Inc.'s bid included the required bid security (bond) and an escalator clause for unit price adjustment based on liquid asphalt price fluctuation. For comparison, the bid period in FY2018-2020 resulted in a unit price of \$93.00 and FY2020-2022 resulted in a unit price of \$82.00 per ton.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Interim Public Works Director Ed Evans



City of Lenoir

Asphalt Paving Bid Tabulation

FY 2022 – 2024 Asphalt Resurfacing
July 12, 2022, 2:01 p.m. Local Time

<u>Contractor</u>	<u>Bid Amount – Unit Price per ton</u>
Tri-County Paving, Inc. 613 W. Main Street Jefferson, NC 28640	\$109.00/ton
J.T. Russell & Sons 201 Herman Sipe Road Conover NC 28613	\$120.00/ton
Maymead, Inc. PO Box 911 Mountain City, TN 37683	\$139.35/ton

Ed Evans

**Advertisement for Bids
City of Lenoir, NC
Lenoir News Topic**

The City of Lenoir will be receiving sealed bids for 4,000 (+-) tons of S9.5B Asphalt Concrete each year delivered in place for a two-year period beginning July 1, 2022 and ending on June 30, 2024. This contract is subject to N. C. General Statutes 44A-26 and 143-129 and will require a Bid Deposit or Bond, Performance Bond, and Payment Bond. Please submit the unit price per ton that will continue through the paving season of July 1, 2022 until June 30, 2024. The proposals are to be submitted by: Tuesday, July 12, 2022, 2:00 P. M. to Mr. Ed Evans, Interim Director of Public Works & Engineering, 510-B Greer Circle, SW, Lenoir, NC 28645-0958. No bids will be accepted after the date and time identified above. Mr. Evans' phone number is (828) 757-2183. A pre-bid meeting will be held on Tuesday, July 6, 2022, at 2:00 P.M. at the City of Lenoir Public Works Facility, 510-B Greer Circle, SW, Lenoir, NC 28645. Attendance at this meeting is NOT mandatory but is strongly encouraged. The City reserves the right to reject any and all bids.

The proposals will be opened promptly at the City of Lenoir Public Works Facility, 510-B Greer Circle, SW, Lenoir, NC 28645 by Mr. Ed Evans, Interim Director of Public Works & Engineering, on Tuesday, July 12, 2022 at 2:01 PM. All bidders and the public are invited to attend the bid opening.

If the proposals are mailed please address your proposal to:

**City of Lenoir
Attention: Mr. Ed Evans
Interim Director of Public
Works & Engineering
P. O. Box 958
Lenoir, NC 28645-0958**

June 15, 2022

UNTAXEDPROPOSAL

To the Mayor, City Council, and City Manager, City of Lenoir, North Carolina:

The undersigned hereby agrees to furnish **4,000 (+/-) tons of S9.5B Asphalt Concrete Delivered, Installed and Compacted during Fiscal Years beginning July 1, 2022 and ending June 30, 2024** for resurfacing.

DELIVERED, INSTALLED, and COMPACTED UNIT PRICE per TON:
\$ 109.00. (Note: Applicable federal, state, county, and city taxes are not included in the Unit Price per Ton.)

Escalator Clause to cover the fluctuating cost of liquid asphalt. Describe conditions in detail concerning when unit pricing will be adjusted – At a minimum, monthly adjustments (increases or decreases to unit price) based on the NCDOT pricing index should be reflected during any month when resurfacing for this contract has occurred. The price is based on a NCDOT price index of \$790.00 per ton. TCPI reserves the right to adjust the per ton price of 109.00 as needed prior to each mobilization & monthly until the desired task has been completed.

It is understood and agreed that the proposal submitted herein shall meet all specifications as adopted by the North Carolina Department of Transportation Specifications (N. C. Standard Specifications for Roads and Structures and Asphalt QMS Manual, 2020).

Submitted July 12th, 2022

By: [Signature]

Company: Tri-County Paving, Inc. (SEAL)

Title: President

Address: 613 South Main Street
Jackson, NC 28640

P.O. Box 863
West Jackson, NC 28694

Telephone: (336) 246-7244

Fax: (336) 846-4914



Note regarding price per ton and applicable sales taxes.

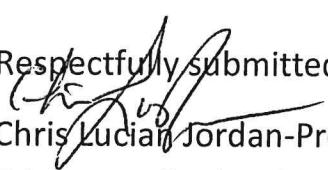
The price per ton including the sales tax at 7% tax rate for asphalt coming from Conover Asphalt plant is: \$115.06 per ton including sales tax.

The price per ton not including sales tax is: \$109.00 per ton.

The sales tax is \$6.06 per ton .

If Tri- county Paving is the successful bidder then a notarized sales tax report will be presented with each billing as well as sales tax being broke out on the invoice so that the City of Lenoir can apply with state to receive sales tax paid back.

Respectfully submitted:



Chris Lucian Jordan-President

Tri-County Paving, Inc.

336-246-7244



PHILADELPHIA INSURANCE COMPANIES

A Member of the Tokio Marine Group

KNOW ALL MEN BY THESE PRESENTS, THAT WE Tri-County Paving, Inc.

PO Box 863, West Jefferson, NC 28694

as Principal, and Philadelphia Indemnity Insurance Company

One Bala Plaza East, Suite 100, Bala Cynwyd, PA 19004

as Surety, who is duly licensed to act as surety in North Carolina, are held and firmly bound unto

City of Lenoir Public Works & Engineering, PO Box 958, Lenoir, NC 28645-0958

AN AMOUNT EQUAL TO FIVE PERCENT OF THE PRINCIPAL'S
as Obligee, in the penal sum of BID - - - - - (5% OF BID) DOLLARS,
lawful money of the United States of America, for the payment of which, well and truly to be made, we
bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by
these presents.

Signed, sealed and dated this 12th day of July, 2022

WHEREAS, the said Principal is herewith submitting proposal for

Asphalt Resurfacing - S9.5B Asphalt Concrete Proposal, July 1, 2022 to June 30, 2024

and the principal desires to file this Bid Bond in lieu of making the cash deposit as required by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that if the principal shall be awarded the contract for which the bid is submitted and shall execute the contract and give bond for the faithful performance thereof within ten days after the award of same to the principal, then this obligation shall be null and void; but if the principal fails to so execute such contract and give performance bond as required by G.S. 143-129, the Surety shall, upon demand, forthwith pay to the obligee the amount set forth in the first paragraph hereof. Provided further, that the bid may be withdrawn as provided by G.S. 143-129.1

Tri-County Paving, Inc. (SEAL)

C. Lucian Jordan, President (SEAL)

Philadelphia Indemnity Insurance Company

Attorney-in-Fact, Martha Ann Macley Long



PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Martha Ann Marley Long and Vonda A. Rentz of Mooresville, NC its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$Unlimited.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5TH DAY OF MARCH, 2021.

(Seal)



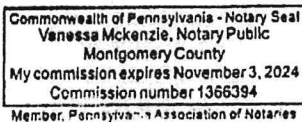
John Glomb

John Glomb, President & CEO
Philadelphia Indemnity Insurance Company

On this 5th day of March, 2021 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:

Vanessa McKenzie



residing at:

Bala Cynwyd, PA

My commission expires:

November 3, 2024

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5th day March, 2021 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 12th day of July, 20 22



Edward Sayago

Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



PROPOSAL

To the Mayor, City Council, and City Manager, City of Lenoir, North Carolina:

The undersigned hereby agrees to furnish **4,000 (+/-) tons of S9.5B Asphalt Concrete Delivered, Installed and Compacted during Fiscal Years beginning July 1, 2022 and ending June 30, 2024** for resurfacing.

DELIVERED, INSTALLED, and COMPACTED UNIT PRICE per TON:
\$ 120.00. (Note: Applicable federal, state, county, and city taxes are not included in the Unit Price per Ton.)

Escalator Clause to cover the fluctuating cost of liquid asphalt. Describe conditions in detail concerning when unit pricing will be adjusted – At a minimum, monthly adjustments (increases or decreases to unit price) based on the NCDOT pricing index should be reflected during any month when resurfacing for this contract has occurred.

Adjustments to unit price will be made monthly based on the NCDOT Base Price Index for July 2022 of \$790.00 per liquid ton. Effective July 1, 2023 there will be an adjustment of \$1.30 per ton mix due to Martin Marietta increasing the cost of the aggregate to produce this mix.

It is understood and agreed that the proposal submitted herein shall meet all specifications as adopted by the North Carolina Department of Transportation Specifications (N. C. Standard Specifications for Roads and Structures and Asphalt QMS Manual, 2020).

Submitted July 12., 2022

By: [Signature]

Company: J.T. Russell & Sons Inc. (SEAL)

Title: Branch Manager

Address: 201 Herman Sipe Road
Conover, NC 28613

Telephone: (828) 464-0328

Fax: (828) 464-8203

FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS THAT _____

J. T. Russell & Sons, Inc. as
principal, and Philadelphia Indemnity Insurance Company, as surety, who is
duly licensed to act as surety in North Carolina, are held and firmly bound unto
City of Lenoir as obligee,
in the penal sum of Five Percent of Amount Bid 5% DOLLARS, lawful money of
the United States of America, for the payment of which, well and truly to be made, we bind
ourselves, our heirs, executors, administrators, successors and assigns, jointly and
severally, firmly by these presents.

Signed, sealed and dated this 12th day of July, 2022

WHEREAS, the said principal is herewith submitting proposal for

City of Lenoir 2022-2024 Asphalt Resurfacing
and the principal desires to file this bid bond in lieu of making the cash deposit as required
by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that
if the principal shall be awarded the contract for which the bid is submitted and shall
execute the contract and give bond for the faithful performance thereof within ten days after
the award of same to the principal, then this obligation shall be null and void; but if the
principal fails to so execute such contract and give performance bond as required by G.S.
143-129, the surety shall, upon demand, forthwith pay to the obligee the amount set forth in
the first paragraph hereof. Provided further, that the bid may be withdrawn as provided by
G.S. 143-129.1

J. T. Russell & Sons, Inc. (SEAL)

By: Nikki R. Hines (SEAL)

Secretary (SEAL)

Philadelphia Indemnity Insurance Company (SEAL)

By: Heather Segrist (SEAL)

Heather Segrist, Attorney-in-Fact



PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

Surety Bond Number: **Bid Bond**
Principal: **J. T. Russell & Sons, Inc.**
Obligee: **City of Lenoir**

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Heather Segrist its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$75,000,000.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5TH DAY OF MARCH, 2021.

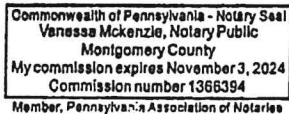
(Seal)



John Glomb, President & CEO
Philadelphia Indemnity Insurance Company

On this 5th day of March, 2021 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:



residing at:

Bala Cynwyd, PA

My commission expires:

November 3, 2024

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5th day March, 2021 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 12th day of July, 2022



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

PROPOSAL

To the Mayor, City Council, and City Manager, City of Lenoir, North Carolina:

The undersigned hereby agrees to furnish **4,000 (+/-) tons of S9.5B Asphalt Concrete Delivered, Installed and Compacted during Fiscal Years beginning July 1, 2022 and ending June 30, 2024** for resurfacing.

DELIVERED, INSTALLED, and COMPACTED UNIT PRICE per TON:
\$ 139.35. (Note: Applicable federal, state, county, and city taxes are not included in the Unit Price per Ton.)

Escalator Clause to cover the fluctuating cost of liquid asphalt. Describe conditions in detail concerning when unit pricing will be adjusted – At a minimum, monthly adjustments (increases or decreases to unit price) based on the NCDOT pricing index should be reflected during any month when resurfacing for this contract has occurred.

Bid is based upon current NCDOT Liquid Asphalt Index of \$790.00/ton. Adjustment to mix prices will be made monthly based upon current Job Mix Formulas.

It is understood and agreed that the proposal submitted herein shall meet all specifications as adopted by the North Carolina Department of Transportation Specifications (N. C. Standard Specifications for Roads and Structures and Asphalt QMS Manual, 2020).

Submitted July 11, 2022

By: Mary Katherine Harbin, VP Foothills Division

Company: Maymead, Inc. (SEAL)

Title: VP Foothills Division

Address: P.O. Box 911
Mountain City, TN 37683

Telephone: (423) 727-2000 (office)

Fax: (423) 727-2025

Bid Bond**AIA Document A310™ – 2010****CONTRACTOR:***(Name, legal status and address)*MAYMEAD, INC.
P. O. Box 911

Mountain City, TN 37683

OWNER:*(Name, legal status and address)*City of Lenoir
510-B Greer Circle, SW

Lenoir, NC 28645

SURETY:*(Name, legal status and principal place of business)*Travelers Casualty and Surety
Company of America
One Tower Square

Hartford, CT 06183

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

BOND AMOUNT: Five Percent of the Amount Bid (- - - 5.00% - - -)**PROJECT:** Asphalt Resurfacing Bid - \$9.5B Asphalt Concrete Proposal, July 1, 2022 to June 30, 2024*(Name, location or address, and Project number, if any)*

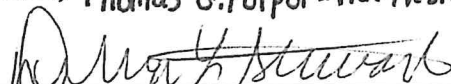
The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

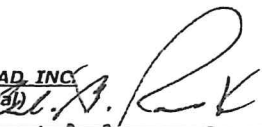
If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

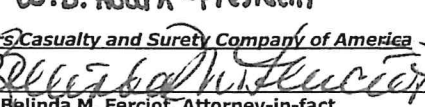
Signed and sealed this 12th day of July, 2022.


(Witness) Thomas G. Purpur - Vice President


(Witness) Debra L. Stewart, Witness as to Surety

MAYMEAD, INC.
(Principal)  (Seal)

(Title) W.B. Hoark - President

Travelers Casualty and Surety Company of America
(Surety)  (Seal)

(Title) Belinda M. Ferriot, Attorney-in-fact



Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Belinda M. Ferciot** of **MILLERSVILLE, Maryland**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this 21st day of April, 2021.



State of Connecticut

City of Hartford ss.

By: _____

Robert L. Raney
 Robert L. Raney, Senior Vice President

On this the 21st day of April, 2021, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2026



Anna P. Nowik
 Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 12th day of July, 2022.



Kevin E. Hughes
 Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.

June 6, 2022

Dear Paving Vendor:

The City of Lenoir will be receiving bids for **4,000 (+-) tons of S9.5B Asphalt Concrete each year delivered in place for a two-year period beginning July 1, 2022 and ending on June 30, 2024**. Please submit the unit price per ton that will continue through the paving season of July 1, 2022 until June 30, 2024.

A pre-bid meeting will be held on **Tuesday, July 6, 2022, at 2:00 P.M.** at the City of Lenoir Public Works Facility, 510-B Greer Circle, SW, Lenoir, NC 28645. Attendance at this meeting is NOT mandatory but is strongly encouraged.

This contract is subject to N. C. General Statutes 44A-26 and 143-129 and will require a Bid Deposit or Bond, Performance Bond, and Payment Bond.

The proposals are to be submitted by:

Tuesday, July 12, 2022, 2:00 P. M.

to **Mr. Ed Evans, Interim Director of Public Works & Engineering, 510-B Greer Circle, SW, Lenoir, NC 28645-0958**. No bids will be accepted after the date and time identified above. Mr. Evans' phone number is (828) 757-2183. Please contact Mr. Evans with any questions. Please use the attached proposal sheet found at the back of the bid packet.

The proposals will be opened promptly at the **City of Lenoir Public Works Facility, 510-B Greer Circle, SW, Lenoir, NC 28645** by **Mr. Ed Evans, Interim Director of Public Works & Engineering, on Tuesday, July 12, 2022 at 2:01 PM.** All bidders and the public are invited to attend the bid opening.

If the proposals are mailed please address your proposal to:

**City of Lenoir
Attention: Mr. Ed Evans
Interim Director of Public Works & Engineering
P. O. Box 958
Lenoir, NC 28645-0958**

Please mark on the outside of the sealed bid proposal: **"Asphalt Resurfacing Bid"**

If the bid is forwarded by UPS, FedEx, or hand carried, deliver to the **City of Lenoir, Public Works Facility, 510-B Greer Circle, SW, Lenoir, NC 28645**.

Respectfully,

Ed Evans
Interim Director of Public Works & Engineering

INSTRUCTIONS TO BIDDERS, 2022 - 2024

City of Lenoir, North Carolina

S9.5B Asphalt Concrete Proposal, July 1, 2022 to June 30, 2024

Description

This project generally consists of the placement of four thousand (4,000) tons (+/-) of asphalt concrete in locations identified by the City of Lenoir each calendar for the 2022-2023 and 2023-2024 fiscal years beginning July 01, 2022 and running through June 30, 2024.

Bid Security Requirements:

Each bid submitted must be accompanied by *Bid Security* made payable to the City of Lenoir in the amount of 5% of the bidder's maximum price. Acceptable forms of bid security include certified check, bank money order, or *Bid Bond* issued by a surety company authorized to issue bonds or insurance policies in the jurisdiction of the project.

Performance and Payment Bond Requirements:

Following awarding of the contract to the successful bidder and prior to the Notice to Proceed date, *Performance* and *Payment Bonds* in the amounts equal to 100% of the total bid will be required. Performance and Payment Bonds shall be issued by a surety company authorized to issue bonds or insurance policies in the jurisdiction of the project, and shall be delivered to the City of Lenoir with the executed Agreement.

Taxes: Federal, State, County and City:

Bidders shall show all applicable taxes (Federal, State, County, and City) as separate items on invoices. Payments will be made during the two-year period as asphalt pavement is installed and accepted by the City of Lenoir.

Progress Payments

Invoices for work completed and accepted by the City of Lenoir are to be submitted monthly. The cutoff date for each billing period will be the last day of each calendar month when work has been performed. Following review by City staff, each Progress Payment invoice will be processed and payment will be made by check within thirty (30) days.

Final Payment

Final Payment will be made by check within thirty (30) days, after in the judgment of the City of Lenoir the contractor has completely delivered all items and/or performed all the services in accordance with requirements of the specifications.

Proposal Forms:

Proposals must be on standard forms furnished by the City of Lenoir.

Date of Bid Opening:

Proposals will be opened promptly and read at the hour on the date set forth in the advertisement at the City of Lenoir Public Works Facility, 510-B Greer Circle, SW, Lenoir, North Carolina. Bidders, or their authorized representatives, are invited to be present.

Right to Accept or Reject Bids:

The City of Lenoir reserves the right to accept or reject any or all bids.

Right to Award Contract to Lowest Responsible Bidder or Bidders:

The City of Lenoir reserves the right to award the contract to the lowest, responsive, responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposal for the performance of the contract.

Flag Persons / OSHA Compliance:

Flag Persons shall meet all safety requirements as found in the latest edition of the Manual on Uniform Traffic Control Devices. The Contractor shall be responsible for compliance with all Federal and State Occupational Safety and Health Act regulations applicable to the contractor's employees, and shall indemnify and hold harmless the City of Lenoir, its agents, and/or assigns.

Asphalt Specifications

All S9.5B Asphalt Concrete shall meet the State of North Carolina Department of Transportation's Asphalt QMS Manual, 2020, specifications (latest edition).

Escalator Clause:

Bidders shall include an "Escalator Clause" to cover the fluctuating cost of liquid asphalt over the life of the contract. Bidders shall provide detailed information describing when adjustments to the unit price would be reflected in the delivered product.

City of Lenoir – Bituminous Concrete Specifications, 2022-2024

The City of Lenoir will accept bids for resurfacing of streets in the City of Lenoir.

Paving using bituminous concrete type S9.5B. These bids shall be for a cost per ton basis as per delivery, application(s) and compaction of said product. Bidders should submit the unit price per

ton that will be carried through the paving seasons of July 1, 2022 until June 30, 2024.

1. The contractor shall meet specifications as illustrated in the North Carolina Department of Transportation (NCDOT) Standard Specifications for Roads and Structures.
2. Bituminous surface cover shall be type S9.5B from an approved NCDOT job mix formula which complies with NCDOT Asphalt QMS Manual, 2020 (latest version).
3. Production spreading and finishing of the resurfacing material shall be in accordance with the NCDOT Standard Specifications for Roads and Structures.

All work shall be tested at random by a testing firm of the City of Lenoir's choice. If the first test fails, contractor shall be responsible for cost of retesting the entire project. Contractor shall be responsible for resurfacing due to non-compliance of above said specifications. All resurfacing shall be performed within a reasonable amount of time, not to exceed ten (10) working days from notice by the City to the Contractor, unless there exists a verifiable hardship.

The sealed bids must be addressed to the **Mr. Ed Evans, Interim Director of Public Works & Engineering, City of Lenoir, P. O. Box 958, Lenoir, NC 28645-0958** and shall be marked "**Asphalt Resurfacing Bid**" on the face of the envelope. The bid must contain an offer in accordance with specifications.

All bids must be received and ready for opening by the City of Lenoir no later than Tuesday, July 12, 2022, at the Public Works Facility by 2:00 PM.

The bids will be publicly opened and read on:

Tuesday, July 12, 2022 at 2:01 P. M local time.

in the City of Lenoir Public Works Facility, 510-B Greer Circle, SW, Lenoir, North Carolina, 28645. All bidders and the public are invited to attend the bid opening.

The City of Lenoir shall reserve the right to reject any and all proposals.

PROPOSAL

To the Mayor, City Council, and City Manager, City of Lenoir, North Carolina:

The undersigned hereby agrees to furnish **4,000 (+/-) tons of S9.5B Asphalt Concrete Delivered, Installed and Compacted during Fiscal Years beginning July 1, 2022 and ending June 30, 2024** for resurfacing.

DELIVERED, INSTALLED, and COMPACTED UNIT PRICE per TON:
\$ _____. (Note: Applicable federal, state, county, and city taxes are not included in the Unit Price per Ton.)

Escalator Clause to cover the fluctuating cost of liquid asphalt. Describe conditions in detail concerning when unit pricing will be adjusted – At a minimum, monthly adjustments (increases or decreases to unit price) based on the NCDOT pricing index should be reflected during any month when resurfacing for this contract has occurred.

It is understood and agreed that the proposal submitted herein shall meet all specifications as adopted by the North Carolina Department of Transportation Specifications (N. C. Standard Specifications for Roads and Structures and Asphalt QMS Manual, 2020).

Submitted _____, 2022

By: _____

Company: _____ (SEAL)

Title: _____

Address: _____

Telephone: (_____) _____

Fax: (_____) _____

ASPHALT RESURFACING BID

Bid Package Recipients 2022-2024 Asphalt Resurfacing Contract City of Lenoir

☒	Name	Company	Address	Telephone	Email
	Wiley Roark	Maymead, Inc	1995 Roan Creek Rd Mountain City, TN 37683	423-727-2000	wbr@maymead.com
	Jimmy Abernethy	Mid-State Contractors	PO Box 1238 Hickory, NC 28603	828-322-9497	office@midstatecontractors.net
	Lucian Jordon	Tri-County Paving, Inc	613 W Main St Jefferson, NC 28640	336-246-7244	tricopaving@skybest.com
	Jim Moretz	Moretz Paving	PO Box 270 Zionville, NC 28698	828-297-5048	moretzpaving@skybest.com
	Mike Shatley	Shatley Paving	515 Clarence Lyall Rd West Jefferson, NC 28694	336-877-8824	info@shatleyconstruction.com
	DA Stamey	JT Russell & Sons, Inc	201 Herman Sipe Rd Conover, NC 28613	828-464-0328	dastamey@jtrussellandsons.com
	Tim Looper	M&K Enterprises, LLC	626 Nuway Circle Lenoir, NC 28645	828-572-7524	mkentllc@gmail.com

Monthly Liquid Asphalt Pricing History per Liquid Ton

Year	2020	2021	2022
Month			
January	\$505	\$440	\$550
February	\$505	\$460	\$550
March	\$505	\$465	\$600
April	\$445	\$475	\$675
May	\$430	\$495	\$715
June	\$430	\$505	\$765
July	\$430	\$520	\$790
August	\$430	\$520	
September	\$430	\$510	
October	\$430	\$510	
November	\$430	\$510	
December	\$430	\$525	

