



AGENDA
CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, JUNE 20, 2023
6:00 P.M.



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Oath of Office: Mayor Gibbons will administer the Oath of Office to Norman S. Staines, Fire Chief.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. Ordinance Amendment; Second Reading: City Council authorized a public hearing at their June 6, 2023 meeting to be held on Tuesday, June 20, 2023 for the second reading of an Ordinance amending Chapters 1, 3, 5, 10, 12, 13, and 18 of the Lenoir Code of Ordinances, to address updates prompted by recent legislative changes to the General Statutes. Staff recommends approval of the submitted Ordinance.
- B. Contiguous Annexation Petition; 2702 Ellerwood Road: City Council authorized a public hearing at their June 6, 2023 meeting to be held on Tuesday, June 20, 2023 to consider a Contiguous Annexation Petition for property located at 2702 Ellerwood Road, NCPIN#2768447626. Note: The front portion of this parcel is already in the City limits while the back part of the parcel is not in the City limits but is in the ETJ.
- C. Rezoning; 2702 Ellerwood Road: A public hearing will be held to consider a rezoning request as submitted by Norman and Kim Staines to rezone a portion of the subject property from Caldwell County's Industrial District to R-20 (Single Family) for property located at 2702 Ellerwood Road. City Staff and the Planning Board recommends approval based on the following consistency statement:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it allows one zoning jurisdiction to provide development standards to the property, bringing straightforward zoning standards and predictability to a low-density area. The proposed amendment is reasonable and in the public interest because it brings development consistency to the parcel.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, June 6, 2023 as submitted.
- B. 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 4, 2023 beginning at 9:30 p.m. at Optimist Park and will be conducted by Pyro Shows, Inc. for the City of Lenoir Recreation Department. A certificate of liability insurance has also been submitted by Pyro Shows, Inc.

- C. Closeout; Capital Project Budget Ordinance; Biosolids Project: Approval of Capital Project Budget Ordinance #2023-3 to closeout the Biosolids Facility Improvements Project. Note: City Council adopted the budget ordinance on June 6, 2017 with a total project budget of \$7,134,900.00. The project is now complete and was under budget by \$213,068.61.
- D. Public Hearing; Water System Shortage Plan Update: Staff recommends Council call for a public hearing to be held on Tuesday, July 18, 2023 to receive an update regarding the Water System Shortage Plan for the City of Lenoir.
- E. Resolution; ARP Funding: The North Carolina Department of Environmental Quality (NCDEQ), Division of Water Infrastructure, has offered American Rescue Plan (ARP) grant funding in the amount of \$6,300,000 to perform work detailed in the submitted application for the Finley Avenue Water System Improvement Project. Staff recommends City Council approve the acceptance of the American Rescue Plan Grant offer of \$6,300,000 by Resolution as submitted and as recommended.
- F. Contract; Blue Ridge Memorial Park Cemetery Master Plan: Requests for Qualifications (RFQ) were sent out on Friday, May 26 with a closing date of Friday, June 9 for the Blue Ridge Memorial Park Cemetery Master Plan. Staff recommends City Council award the contract in the amount of \$45,000 to McGill Associates as submitted. Note: Additional background information about the project is available on the submitted Council Action Form.
- G. Budget Amendments: FY2022-23: Staff request approval of the amendments to the annual Budget Ordinance for the fiscal year ending June 30, 2023 as follows:
 - Budget Amendment #2023-3:
 - o Approve the utilization of additional general fund revenues to make purchases and building upgrades.
 - o Approve the allocation of general fund expenditures to purchase a brush truck and building upgrades.
 - o Approve the allocation of enterprise fund expenditures.
 - o Approve the allocation of funding for the Main Street.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

1. The band “Soul Watt” will perform on the downtown stage on Friday, June 23 from 7:00 p.m. – 10:00 p.m. as part of the Summer Music Madness event.
2. The Committee of the Whole will meet on Tuesday, June 27 at 8:30 a.m. at City Hall, Third Floor.
3. The Foothills Regional Airport Authority will meet on Wednesday, June 28 at noon at the airport facility.
4. The movie “Sonic, the Hedgehog 2” will be shown on Friday, June 30 at 8:30 p.m. – 10:00 p.m. on the downtown stage.
5. City offices will be closed on Tuesday, July 4 in observance of Independence Day.
6. The “Groove Masters Band” will perform on the downtown stage on Friday, July 7 from 7:00 p.m. – 10:00 p.m.

7. A joint meeting with the Caldwell County Commission and the Lenoir City Council will be held on Tuesday, July 11 from noon until 2:00 p.m. at the J.E. Broyhill Civic Center, Room 215, to discuss economic development. No action will be taken by City Council.
8. The Economic Advisory Committee (EAC) will meet on Tuesday, July 11 at 8:15 a.m.
9. The ABC Board will meet on Thursday, July 13 at 2:00 p.m.
10. The Lenoir Business Advisory Board will meet on Thursday, July 13 at 6:00 p.m., City Hall, Third Floor.
11. The NC Blackberry Festival will be held on Friday, July 14 & Saturday, July 15 from noon – 9:30 p.m. in downtown Lenoir. This is the 20th Anniversary of the festival.
12. City Council will conduct one meeting in July on Tuesday, July 18 at 6:00 p.m. in the City/County Chambers, 905 West Avenue, Lower Level. Note: The Committee of the Whole will not meet in July.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Board Appointments: Mayor Gibbons will recommend the individuals listed below for re-appointment to the following Authorities/Board/Commissions. These re-appointments were announced at the June 6 City Council meeting.

ABC BOARD (3-year term)

John Tye	2026
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FOOTHILLS REGIONAL AIRPORT AUTHORITY (2-year term)

Joe Gibbons	2025
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LENOIR HOUSING AUTHORITY (5-year term)

Linda Ferguson (resident member)	2028
Vacant Expires	2026

BUSINESS ADVISORY BOARD (3-year term)

Dana Clark	2026
Jennifer Indicott	2026
Tyler Reece	2026
Glenda Wilson	2026

Planning Board/Historic Preservation Commission (3-year term)

Michael Careccia	2026
Kyle Case	2026

BOARD OF ADJUSTMENT (3-year term)

Lucy McCarl	2026
Vacant – unexpired	2025

RECREATION ADVISORY BOARD (2-year term)

Scott Barnett	2025
Michael Dineen	2025
Rick Pierce	2025
Tim Poarch	2025
James Robertson	2025

Lenoir Tourism Development Authority (4-year term)

Brenda Floyd	2027
Vacant	2027
Vacant	2027

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

CITY OF LENOIR, NORTH CAROLINA

OATH OF FIRE CHIEF

❧ *NORMAN S. STAINES* ❧

I, *NORMAN SCOTT STAINES*, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States of America, the laws of the state of North Carolina and the policies and procedures of the City of Lenoir and the City of Lenoir Fire Department. With this oath, I fully accept the role of Fire Chief and the responsibilities required to fulfill this position to the best of my ability. I will honor and respect the mission, goals and purpose set forth by the department and the administration. I will at all times, respect the property and rights of all citizens when called upon to help those in need. The uniform and badge I wear and the members I serve with will be cherished as family. I recognize the badge of my position is a symbol of public faith and trust. I will conduct myself in a manner as not to bring shame or discord to my department, its members, or its citizenry. I have all of the required qualifications to begin and willingly accept this position with the understanding that I must stay true to the ethics of the fire service. I accept this self-imposed and self-enforced obligation as my responsibility and make these promises solemnly, and upon the honor of my name. So help me God.

Norman S. Staines

Sworn to and subscribed before me this 20TH day of June, 2023.



Joseph L. Gibbons, Mayor

CITY OF LENOIR
COUNCIL ACTION FORM
June 20, 2023

I. Agenda Item:

Public Hearing and second/final reading of an Ordinance amending Chapters 1, 3, 5, 10, 12, 13, and 18 of the Lenoir Code of Ordinances, to address updates prompted by recent legislative changes to the General Statutes.

II. Background Information:

The attached ordinance makes necessary amendments to Lenoir's Code of Ordinances to address general good housekeeping/statutory compliance, and more specifically as follows:

Changes prompted by SB 300, the Criminal Justice Reform Bill:

SB300 placed restrictions on local governments' previous broad authority to enforce local ordinances with criminal (misdemeanor) penalties under G.S. 14-4. Specifically, local governments may no longer impose criminal penalties on certain types of ordinances (see amended language in 160A-175(b1), attached), and cannot impose any criminal penalties unless the local ordinance specifically states the provision is subject to criminal penalties.

SB300 places an additional requirement that no ordinances that introduce "new" criminal penalties may be adopted on first reading.

Other Changes:

Chapters 3 and 12 of the Lenoir Code of Ordinances contain regulations that pertain to nuisance cause by noise and roaming of dogs, which needed clarification for enforcement action.

Chapter 13 of the Lenoir Code of Ordinances, "Offenses and Miscellaneous Provisions" contains prohibitions related to the discharge of firearms within the City Limits (Sec.13-6), Firebombs (Sec. 13-7) and Consumption of Alcoholic Beverages on City Property (Sec. 13-9), but does not specifically declare violations to constitute misdemeanors under G.S. 14-4 as is now required by the amendments to 160A-175(b) contained in SB 300.

III. Staff Recommendation:

Adoption of the attached Ordinance.

IV. Reviewed by: City Attorney: TJ Rohr

Police Chief: Brent Phelps

Planning Director: Hannah Williams

Excerpt from SB300, as adopted:

"§ 160A-175. Enforcement of ordinances.

...
 (b) ~~Unless the Council shall otherwise provide,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a city ordinance ~~is~~ may be a misdemeanor or infraction as provided by ~~G.S. 14-4.~~ G.S. 14-4 only if the city specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by ~~G.S. 14-4.~~ Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

- (1) Any ordinance adopted under Article 19 of this Chapter, Planning and Regulation of Development, or its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings.
- (2) Any ordinance adopted pursuant to G.S. 160A-193.1, Stream-clearing programs.
- (3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing businesses, trades, etc.
- (4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising.
- (5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors.
- (6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on regulating cisterns and rain barrels.
- (7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis.
- (8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines.
- (9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations.
- (10) Any ordinance regulating trees.

...."

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH
CAROLINA, AMENDING CHAPTERS 1, 3, 5, 10, 12, 13, AND 18
OF THE LENOIR CITY CODE RELATED TO ANIMALS,
NUISANCES, OFFENSES AND MISC PROVISIONS, STREETS
AND SIDEWALKS, PROVIDING FOR SEVERABILITY,
CODIFICATION, AND AN EFFECTIVE DATE.**

Whereas, the state legislature recently adopted SB300, the Criminal Justice Reform bill, which went into effect on December 1, 2021 and decriminalizes certain local ordinances related to the regulation of animals, nuisances, and offenses related to loitering, soliciting, and firearms; and

Whereas, SB 300 also removed the presumption in 160A-175(b) that any violation of a local ordinance is a misdemeanor under G.S. 14-4, requiring instead that cities must specify by ordinance if a violation is punishable as a misdemeanor or infraction under G.S. 14-4; and

Whereas, Chapters 1, 3, 5, 10, 12, 13, and 18 of the Lenoir Code of Ordinances contain regulations that have been decriminalized under SB300, prompting the necessity to amend the ordinances to remove language related to criminal penalties; and

Whereas, Chapters 3 and 12 of the Lenoir Code of Ordinances contain regulations that pertain to nuisance cause by noise and roaming of dogs, which needed clarification for enforcement action; and

Whereas, Chapter 13 of the Lenoir Code of Ordinances, “Offenses and Miscellaneous Provisions” contains prohibitions related to the discharge of firearms within the City Limits (Sec.13-6), Firebombs (Sec. 13-7) and Consumption of Alcoholic Beverages on City Property (Sec. 13-9), but does not specifically declare violations to constitute misdemeanors under G.S. 14-4 as is now required by the amendments to 160A-175(b) contained in SB 300; and

Whereas, the Lenoir Police Department has historically enforced the aforementioned local prohibitions through charging violators under G.S. 14-4, and although such charges are rare, the City Council finds it to be necessary to retain the ability to charge violators when warranted to ensure the public

health, safety, and general welfare and to protect the resident's rights to quiet enjoyment of their homes; and

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

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

SECTION 1. Chapter 1 of the Code of Ordinances, City of Lenoir, North Carolina, "General Provisions" is hereby amended to read as follows:

Sec. 1-15. - Civil ~~and criminal~~ penalties.

(g) ~~Failure to abate a violation in the specified time period for abatement given pursuant to subsection (a) shall constitute a misdemeanor infraction pursuant to G.S. 14-4, except that no criminal penalties may be imposed under this subsection for violations of Chapter 9 'Flood Damage Prevention,' Chapter 18, Article V 'Driveways,' Chapter 19, 'Subdivisions,' Appendix A: 'Zoning,' Appendix C: 'Phase II Stormwater Ordinance,' or any other ordinance specified in G.S. 160A-175(b1). This section is adopted pursuant to G.S. 160A-175(b).~~

~~(h)~~ Penalties imposed under this section may be recovered by the city in a civil action in the nature of debt.

SECTION 2 Chapter 3 of the Code of Ordinances, City of Lenoir, North Carolina, "Animals" is hereby amended to read as follows:

ARTICLE II. - DOGS

Sec. 3-27. - Running at large.

(a) No dog owner or person who otherwise is exercising responsibility or control over the dog in question, ~~shall~~ may permit ~~his~~ their dog to ~~run at large~~ be on the streets or sidewalks of the city, or upon the private

property of another unless under the control of the owner or ~~a member of his immediate family either by leash, collar, chain or otherwise~~ their responsible person either by leash, collar, chain or otherwise.

(b) The county dog warden shall order the owner of any dog found running at large to place the dog under proper control or confinement.

(c) Any person owning, harboring, walking, in possession of or in charge of a dog which defecates on public property, public park property, public right-of-way or any private property without the permission of the private property owner, ~~shall~~ must remove all feces immediately after it is deposited by the dog. All feces removed in accordance with this section shall be placed in a suitable bag or other container that closes and disposed of in a lawful manner. ~~Violation of subsection (c) may be punishable by a civil citation of \$50.00 per occurrence.~~

(d) A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

Sec. 3-28. - ~~Penalty.~~Reserved

~~The owner of any dog who shall knowingly suffer or permit his dog to run at large on the streets, sidewalks, or upon private property or to occupy unsafe or unsanitary conditions shall be in violation of this article and shall be guilty of a misdemeanor, punishable upon conviction by a fine or imprisonment as provided by G.S. 14-4.~~

ARTICLE IV. – DEER

Sec. 3-50. – Urban archery deer hunting.

The purpose of this article is to reduce urban deer populations through voluntary participation in the North Carolina Urban Archery Deer Hunting Program, which is regulated by the North Carolina Wildlife Resources Commission. For the purposes of this section, deer hunting related to this program is permitted within the corporate limits of the City of Lenoir only in accordance with the following provisions:

~~(l) A violation of any of the provisions of this section shall constitute a misdemeanor offense pursuant to G.S. 14-4.~~ A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

SECTION 3. Chapter 5, Article I of the Code of Ordinances, City of Lenoir, North Carolina, “Business Regulation, Licensing, and Taxation” is hereby amended to read as follows:

Sec. 5-5. – Regulations.

(e) ~~Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

SECTION 4. Chapter 10, Article I of the Code of Ordinances, City of Lenoir, North Carolina, “Housing” is hereby amended to read as follows:

Sec. 10-5. – Violations; penalty.

- (a) No owner of any dwelling or dwelling unit shall fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the inspector duly made and served as provided in this chapter, within the time specified in the order, and each day that the failure, neglect, or refusal to comply with the order continues shall constitute a separate and distinct offense. No owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 10-32 to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- ~~(b) The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

SECTION 5. Chapter 12, Article I of the Code of Ordinances, City of Lenoir, North Carolina, “Nuisances” is hereby amended to read as follows:

Sec. 12-1. – Designation of nuisances.

~~(c) Any person violating, failing, refusing or neglecting to comply with any of the provisions of this section shall be subject to a civil penalty. This provision is adopted pursuant to and in accordance with G.S. 160A-175(c). Failure to abate a violation may also constitute a misdemeanor or infraction pursuant to G.S. 14-4, as provided in section 1-15(h) of the Lenoir City Code. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

~~(d) Any nuisance violation that constitutes an immediate and substantial risk of harm shall constitute a misdemeanor offense pursuant to G.S. 14-4.~~

Sec. 12-2. – Noise.

(b) Without limiting the generality of subsection (a) of this section, the following acts within the city shall be unlawful:

- (4) The owning, keeping, or maintenance of any animal which, ~~by causing frequent, loud or long continued noise, shall disturb the comfort or repose of persons dwelling in the vicinity of the~~

place where the animal is kept habitually or repeatedly barks, howls, whines, yelps, or otherwise produces any sounds which cause serious annoyance to neighboring residents, or which interfere with the reasonable use and enjoyment of premises occupied by such residents, or which interfere with the reasonable use and enjoyment of public streets, sidewalks or other public areas, is a violation of this section.

~~(c) Any person creating unlawful noise as described in this section shall be guilty of a misdemeanor, punishable upon conviction by a fine or imprisonment as provided by G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

Sec. 12-11. - ~~Procedures in article not exclusive.~~Reserved.

~~The procedures set forth in this article shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this article shall not prevent the city from proceeding in a criminal action against any person violating the provisions of this article as provided in G.S. 14-4.~~

SECTION 6. Chapter 13 “Offenses and Miscellaneous Provisions,” Article VI of the Code of Ordinances, City of Lenoir, North Carolina, “In General” is hereby amended to read as follows:

ARTICLE VI. – IN GENERAL

Sec. 13-6. Firearms.

~~(d) Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

Sec. 13-7. ~~Firebombs.~~ Reserved.

~~(a) No person shall manufacture, possess, transport or use any molotov cocktail or other firebomb.~~

~~(b) No person or group of persons shall possess all the items or materials needed to manufacture molotov cocktails or other firebombs, with intent to manufacture such, other than on his or their premises.~~

~~(c) The provisions of this section shall be cumulative to any other ordinance or general statute of the state on this subject.~~

~~(d) Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4.~~

Sec. 13-9. Consumption of alcoholic beverages on city property.

~~No consumption of alcohol on city property.~~ No person ~~shall~~may consume alcoholic beverages, fortified or unfortified wine, or malt beverages, as defined in state statutes, or offer the same for consumption by

another person, on the premises of any property owned or occupied by the city except pursuant to a valid North Carolina alcoholic beverage control permit and upon approval of the city. ~~Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4.~~ A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

Sec. 13-16. Loitering for purpose of engaging in drug-related activities.

(d) No arrest or charge is permitted hereunder unless the circumstances established probable cause to believe that the person intended to violate one or more of the provisions of the North Carolina Controlled Substances Act. ~~A violation of this section shall subject the offender to the penalties set forth in G.S. 14-4A.~~

(e) A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

Sec. 13-17. Solicitation and begging prohibited.

(d) Penalty. ~~A violation of this section is a misdemeanor as set forth in G.S. 14-4.~~ A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

Sec. 13-19. Weapons prohibited on city property.

(f) ~~Any person in violation of the prohibitions of this section 13-19 shall be guilty of a misdemeanor pursuant to N.C.G.S. 14-4.~~ A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4. Any firearm, handgun or other weapon possession in violation of the provisions of this section is and are declared to be contraband, to be disposed of in accordance with applicable North Carolina law.

SECTION 7. Chapter 18 “Streets and Sidewalks,” Article I of the Code of Ordinances, City of Lenoir, North Carolina, “In General” is hereby amended to read as follows:

ARTICLE I. – IN GENERAL

Sec. 18-2. Trespassing on or under bridges.

(a) *Prohibited actions.* ~~It shall be~~ is unlawful for any person to loiter upon or under any bridge within the city.

(b) *Enforcement.* ~~Enforcement of this section is authorized for any law enforcement officer with jurisdiction to arrest in the city. The offense is a misdemeanor offense of second degree trespassing, G.S.~~

~~14-159.13. *Signage.* Each bridge will be posted at both entrances notifying potential violators by sign "No Trespassing. Police Authorized to Arrest under G.S. 14-159.13 and 14-4."~~

~~(c) *Signage.* Each bridge will be posted at either entrance notifying potential violators by sign "No Trespassing. Police Authorized to Arrest" under G.S. 14-159.13. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

SECTION 8. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 9. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 10. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 6th day of June, 2023.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this _____ day of _____ and this _____ day of _____, 2023.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2023.

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

Mayor/Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA:

City Clerk

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CITY OF LENOIR**COUNCIL ACTION FORM: June 14, 2023****I. Agenda Item:**

Annexation 1-23

Contiguous Annexation Petition; 2702 Ellerwood Road

II. Background Information:

City Council authorized a public hearing at their June 6, 2023 meeting to be held on Tuesday, June 20, 2023 to consider a Contiguous Annexation Petition for property located at 2702 Ellerwood Road, NCPIN#2768447626. Note: The front portion of this parcel is already in the City limits while the back part of the parcel is not in the City limits but is in the ETJ.

III. Staff Recommendation:

Approval of the annexation ordinance

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director: Hannah Williams

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF LENOIR, NORTH CAROLINA TO INCLUDE THE ENTIRE NORMAN & KIMBERLY STAINES PROPERTY LOCATED AT 2702 ELLERWOOD ROAD, AS RECORDED IN DEED BOOK 1325, PAGE 1171 IN THE CALDWELL COUNTY REGISTRY.

WHEREAS, the Lenoir City Council has been petitioned under NCGS 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Lenoir City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition, **A#1-23**; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held on the **20th day of June, 2023** after due notice by publication on **June 8 and June 15, 2023**; and

WHEREAS, the Lenoir City Council further finds that the area described therein meets the standards for contiguous annexation of NCGS 160A-31; and

WHEREAS, the Lenoir City Council does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Lenoir City Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City of Lenoir and the area proposed for annexation will be best served by annexing the area described herein;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lenoir, North Carolina:

Section 1. By virtue of the authority granted by NCGS 160A-31, the contiguous territory described in "Schedule A" is hereby annexed and made part of the City of Lenoir as of the **30th day of June, 2023**.

Section 2. Upon and after the **30th day of June, 2023** the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Lenoir and shall be entitled to the same privileges and benefits as other parts of the City of Lenoir. Said territory shall be subject to municipal taxes according to NCGS 160A-31(e).

Section 3. The Mayor of the City of Lenoir shall cause to be recorded in the office of the Register of Deeds of Caldwell County, and in the office of the Secretary of State of Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance.

Adopted this the 20th day of June, 2023. Effective the 30th day of June, 2023.

ATTEST:

APPROVED AS TO FORM:

Shirley M. Cannon
City Clerk

Timothy J. Rohr
City Attorney

Notice of Public Hearing

The public will hereby take notice that the Lenoir City Council will conduct a public hearings to consider a petition of annexation A 1-23 and re-zoning case R1-23 for 2702 Ellerwood Road on Tuesday, June 20, 2023, at 6:00 p.m. in the City-County Meeting Room, located at 905 West Avenue, Lenoir. Interested parties are invited to attend. Copies of the proposed changes are available for review in the Lenoir Planning Department, Monday-Friday, 8:30am - 12:30pm and 1:30pm -5:00pm, and at cityoflenoir.com/publichearings

Lauren Hartley,

Lenoir Planning Department

June 8, 15, 2023

CITY OF LENOIR**COUNCIL ACTION FORM: June 14, 2023****I. Agenda Item:**

R1/23: Rezoning the parcel at 2702 Ellerwood Rd

II. Background Information:

The applicant is requesting to re-zone a portion of the subject property from Caldwell County's Industrial District to R-20 (Single Family). This request is in conjunction with an annexation petition.

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 allows one zoning jurisdiction to provide development standards to the property, bringing straightforward zoning standards and predictability to a low-density area. The proposed amendment is reasonable and in the public interest because it brings development consistency to the parcel.

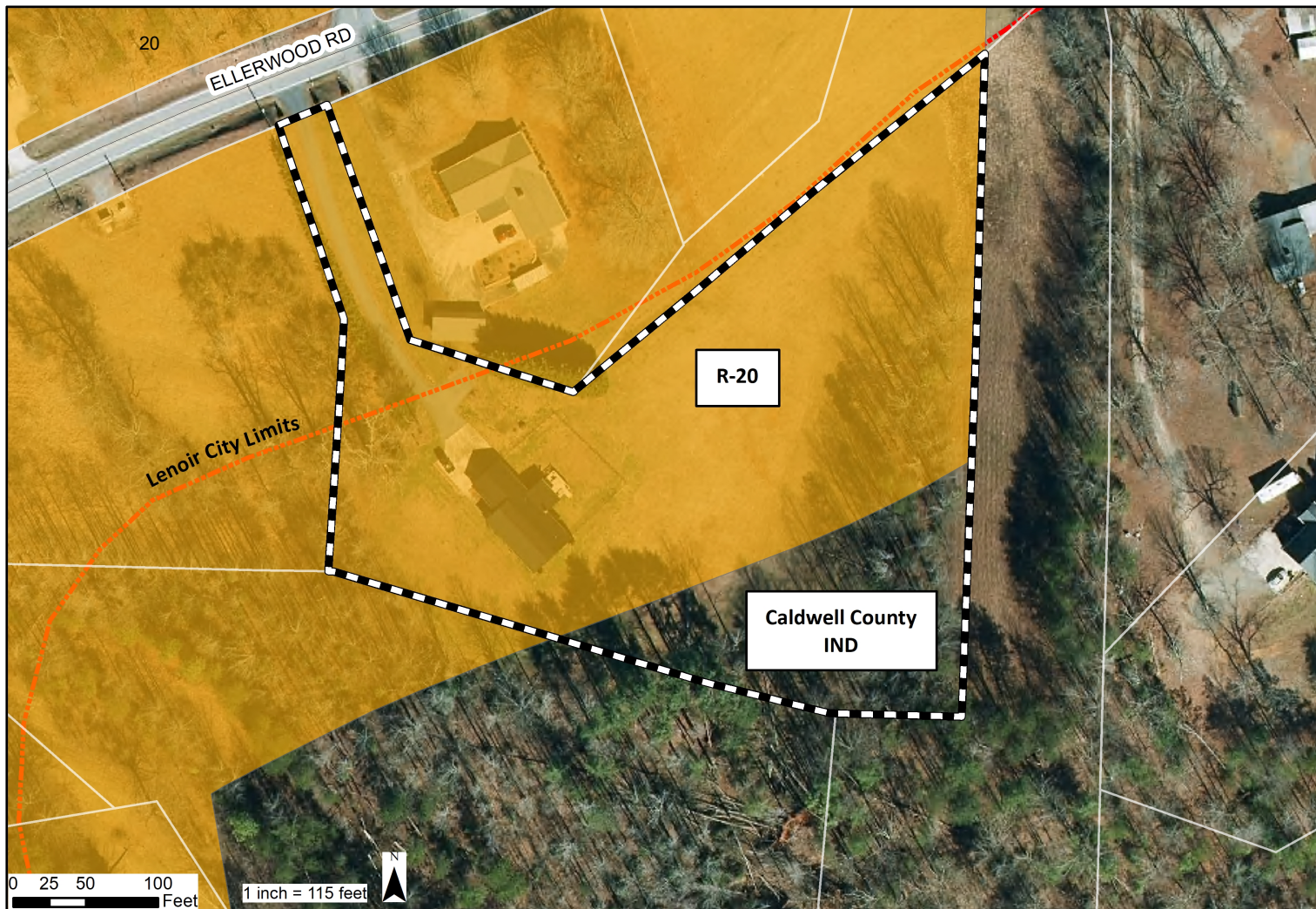
IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director: _____

Hannah Williams



SCHEDULE A

1173

TRACT #2

(Being a part of that property as described at Deed Book 144, at Page 302.)

BEGINNING on a new 3/4 inch iron pipe, a new corner for the Roberts property, said BEGINNING POINT being located South 27 degrees 22 minutes 48 seconds East 581.85 feet from a P.K. Nail in the center of SR 1715, at the intersection of the center line of SR 1712, being also located South 64 degrees 55 minutes 30 seconds East 832.04 feet from a P.K. Nail set in a power pole; thence from the POINT OF BEGINNING and with 4 new lines for the Roberts property: North 85 degrees 51 minutes 47 seconds West 91.11 feet to a new 3/4 inch iron pipe; North 76 degrees 05 minutes 04 seconds West 356.79 feet to a new 3/4 inch iron pipe; North 07 degrees 31 minutes 56 seconds East 170.12 feet to a new 3/4 inch iron pipe; North 19 degrees 58 minutes 07 seconds West, passing a new 3/4 inch iron pipe on line at 157.88 feet and continuing on the same bearing 30.00 feet, for a total distance along this bearing of 187.88 feet to a point in the center of SR 1715; thence with the center of SR 1715 North 68 degrees 21 minutes 07 seconds East 45.02 feet to a point in the center of the road, a corner with that property belonging to Herbert Eller (Deed Book 488, Page 478 and Deed Book 509, Page 457); thence leaving the road and with the Herbert Eller property for 3 calls: South 19 degrees 58 minutes 07 seconds East, passing a new 3/4 inch iron pipe on line at 35.81 feet and continuing on the same bearing 164.40 feet, for a total distance along this bearing of 200.21 feet to a new 3/4 inch iron pipe; South 72 degrees 52 minutes 26 seconds East 118.81 feet to an existing 3/8 inch iron pipe; North 49 degrees 46 minutes 52 seconds East 349.82 feet to a new 3/4 inch iron pipe; thence leaving the Eller property and with a new line for the Roberts property South 01 degrees 28 minutes 54 seconds West, passing a new 3/4 inch iron pipe on line at 449.91 feet and continuing on the same bearing 7.19 feet, for a total distance along this bearing of 457.10 feet to the POINT OF BEGINNING, containing 2.865 ACRES gross, by coordinates.

Subject to a part of a 45 foot wide right of way crossing the above described property, being more particularly described as follows:

BEGINNING on a new 3/4 inch iron pipe which is the same as the POINT OF BEGINNING of the above described 2.865 ACRES tract; thence from the POINT OF BEGINNING and with 4 new lines for the Roberts property; North 85 degrees 51 minutes 47 seconds West 91.11 feet to a new 3/4 inch iron pipe; North 76 degrees 05 minutes 04 seconds West 356.79 feet to a new 3/4 inch iron pipe; North 07 degrees 31 minutes 56 seconds East 170.12 feet to a new 3/4 inch iron pipe; North 19 degrees 58 minutes 07 seconds West, passing a new 3/4 inch iron pipe on line at 157.88 feet and continuing on the same bearing 30.00 feet, for a total distance along this bearing of 187.88 feet to a point in the center of SR 1715; thence with the center of SR 1715 North 68 degrees 21 minutes 07 seconds East 45.02 feet to a point in the center of the road, a corner with that property belonging to

1174

Herbert Eller (Deed Book 488, Page 478 and Deed Book 509, Page 457); thence with the Herbert Eller property South 19 degrees 58 minutes 07 seconds East, passing a new 3/4 inch iron pipe on line at 35.81 feet and continuing on the same bearing 164.40 feet, for a total distance along this bearing of 200.21 feet to a new 3/4 inch iron pipe, a corner with the Herbert Eller property; thence leaving the Eller property and with 3 new lines for the Roberts property: South 07 degrees 31 minutes 56 seconds West 163.53 feet to a new 3/4 inch iron pipe; South 76 degrees 05 minutes 04 seconds East 402.26 feet to a new 3/4 inch iron pipe; South 01 degrees 28 minutes 54 seconds West 7.19 feet to the POINT OF BEGINNING.

Being the same property as conveyed by Helen Roberts Watson et al to Inez Roberts Morrison by deed dated December 29, 1993 and recorded in Book 1101 Page 1164 Caldwell County Registry.

DRAFTSMAN DID NOT ABSTRACT
TITLE OR PERFORM A CLOSING
ON THIS PROPERTY AND MAKES
NO WARRANTIES AS TO TITLE.

**LENOIR CITY COUNCIL
TUESDAY, JUNE 6, 2023
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Mayor Pro-Tem Crissy Thomas, Jonathan Beal, Kent Greer, Ike Perkins, Ralph Prestwood, City Manager Scott Hildebran, City Clerk Shirley Cannon and City Attorney Timothy J. Rohr.

CITY STAFF: In attendance was Finance Director Donna Bean, Interim Fire Chief Kenny Nelson, Police Chief Brent Phelps, Economic Development Director Kaylynn Horn, Planning Director Hannah Williams, Parks & Recreation Director Phillip Harper, Public Utilities Operations Manager Jeff Church, Public Works Operations Manager Jon Hogan, City Consultant Ed Evans, and Communications Director Joshua Harris.

ABSENT: Councilmembers Todd Perdue and David Stevens.

I. CALL TO ORDER

- A. The meeting was opened by a moment of silence and the pledge of allegiance as led by Mayor Gibbons.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

FY2023-2024 ANNUAL

BUDGET:

- A. A public hearing was held to receive public comments regarding the Annual Budget for the fiscal year beginning July 1, 2023 through June 30, 2024 for the City of Lenoir. Upon conclusion of the public hearing, City Council may take action on adoption of the enclosed FY2023-2024 Budget Ordinance.

A copy of the FY2023-2024 Budget Ordinance is incorporated into these minutes by reference. (Refer to pages 145-148.)

Mayor Gibbons opened the public hearing to receive public comments regarding the FY2023-2024 Annual Budget.

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

Councilmember Beal commended City Manager Hildebran and Staff for the great job they did on the recommended budget and for managing the City's finances efficiently. He expressed his appreciation to everyone and moved to approve the FY2023-2024 Budget Ordinance as submitted.

Mayor Gibbons also thanked City Manager Hildebran along with Department Directors for all of their hard work regarding the budget.

Mayor Pro-Tem Thomas also thanked all City Staff and Department Directors for the good job everyone is doing. She remarked Council could better understand how the funding is being expended due to everyone's hard work.

City Manager Hildebran said it takes a team and thanked Finance Director Donna Bean, City Council and the Department Directors. He stated that everyone works together for the greater good.

Upon the motion by Councilmember Beal, City Council voted 5 to 0 to adopt the FY2023-2024 Annual Budget as presented and as recommended by City Manager Hildebran.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, May 16, 2023 as submitted.
- B. Minutes: Approval of the minutes of the City Council Budget Work Session of Thursday, May 18, 2023 as submitted.
- C. Minutes: Approval of the closed session minutes of the city Council Budget Work Session of Thursday, May 18, 2023 as reviewed by City Council.
- D. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, May 23, 2023 as submitted.
- E. Amendment; American recovery Plan Capital Project Ordinance: Request approval for an amendment to be made to the American Recovery Plan Capital Project Budget Ordinance in the amount of \$3,834,691 to revise the American Recovery Plan Capital Project Budget Ordinance to allocate funding for capital purchases. (A copy of the amendment is here incorporated into these minutes by reference. (Refer to page 149.)
- F. Budget Amendments: FY2022-2023: Staff request approval of the amendments to the annual Budget Ordinance for the fiscal year ending June 30, 2023 as follows:
 - Approve the utilization of additional general fund revenues to make upgrades and repairs.
 - Approve the allocation of general fund expenditures for upgrades and repairs such as a new garbage truck, HV AC unit, and replacing equipment that became obsolete during the fiscal year.
 - Approve the allocation of enterprise fund expenditures.
 - Approve the allocation of funding for the LTDA.
 - Approve the funding for the Rural Center Building Re-use Grant.
 - Approve the allocation of funding to utilize additional forfeiture revenue to purchase weapons for the police. (Copies of the budget amendments for FY2022-23 are hereby incorporated into these minutes by reference. Refer to pages 150-151.)
- G. Capital Project Budget Ordinances; WPCOG: City Staff and the Western Piedmont Council of Government Plan Administrator Rick Oxford recommend approval of the three (3) Capital Project Budget Ordinances as follows:
 1. The Capital Project Budget Ordinance for the FY2023 Unifour Consortium HOME Program in the amount of \$1,500,690 as submitted.
 2. The Capital Project Budget Ordinance for the FY2023 Community Development Block Grant (CDBG) Program in the amount of \$142,691 as submitted.
 3. The Capital Project Budget Ordinance for the FY2021 HOME-ARP Program in the amount of \$4,182,773 as submitted. (Copies of the Capital Project Budget Amendments (1-3) are hereby incorporated into these minutes by reference. Refer to pages 152-157.)

Upon a motion by Councilmember Perkins, City Council voted 5 to 0 to adopt the above listed items on the Consent Agenda as submitted and as presented by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OFCITIZENS

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 8 at 2:00 p.m. via Zoom.

LENOIR BUSINESS ADVISORY

BOARD: 2. The Lenoir Business Advisory Board (LBAB) will meet on Thursday, June 8 at 6:00 p.m., City Hall, Third Floor.

SUMMER MUSIC

MADNESS: 3. The band FraxXured will perform on the downtown stage on Friday, June 9 from 7:00 p.m. – 10:00 p.m.

CITY/COUNTY SERVICES

COMMITTEE: 4. The City/County Services Committee will meet on Monday, June 12 at noon at CCC&TI.

ECONOMIC ADVISORY

COMMITTEE: 5. The Economic Advisory Committee (EAC) will meet on Tuesday, June 13 at 8:15 a.m.

SUMMER MOVIE

MADNESS: 6. The movie “Sonic the Hedgehog” will be shown on the downtown Stage on Friday, June 16 from 8:30 p.m. – 11:00 p.m.

B. Items for Council Action

ORDINANCE AMENDMENT;

FIRST READING:

1. Ordinance Amendment; First Reading: First reading of an Ordinance amending Chapters 1, 3, 5, 10, 12, 13 and 18 of the Lenoir Code of Ordinances, to address updates prompted by recent legislative changes to the General Statutes and authorizes a public hearing to be held on Tuesday, June 20, 2023 for the second reading of the Ordinance.

A copy of the ordinance is hereby incorporated into these minutes by reference. (Refer to pages 158-164.)

City Attorney Rohr requested the sentence (A violation of this ordinance is a misdemeanor under N.C. General Statute §14-4) on page 4 of 7, section 10-5.-Violations; penalty and section 12-1.-Designation of nuisances be underlined in the ordinance. Attorney Rohr commended Planning Director Hannah Williams, Police Chief Brent Phelps and Consultant Ed Evans for all of their time and hard work in compiling the ordinance.

Upon a motion by Mayor Pro-Tem Thomas, City Council voted 5 to 0 to schedule a public hearing on Tuesday, June 20, 2023 for the second reading of the Ordinance and approved Attorney Rohr’s recommendation to underline the sentence (A violation of this ordinance is a misdemeanor under N.C. General Statute §14-4) in Section 10-5. – Violations; penalty and Section 12-1 - Designation of nuisances as recommended by City Attorney Rohr.

Glenda Wilson Term Expires June 30, 2023

Planning Board/Historic Preservation Commission

Michael Careccia	Term Expires June 30, 2023
Kyle Case (vice-chair)	Term Expires June 30, 2023

Board of Adjustment

Lucy McCarl	Term Expires June 30, 2023
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Recreation Advisory Board

Scott Barnett	Term Expires June 30, 2023
Michael Dineen	Term Expires June 30, 2023
Rick Pierce	Term Expires June 30, 2023
Tim Poarch	Term Expires June 30, 2023
James Robertson	Term Expires June 30, 2023

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 6:23 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2023– June 30, 2024**

BE IT ORDAINED by the Lenoir City Council in regular session assembled on June 6th, 2023.

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, 2023, and ending June 30, 2024.

<u>Fund</u>	<u>Estimated Revenues</u>	<u>Fund Balance Appropriated</u>	<u>Total Budget</u>	<u>Appropriated</u>
General	\$ 22,066,505	\$ -	\$ 22,066,505	\$ 22,066,505
Water & Wastewater	\$ 10,726,980	\$ -	\$ 10,726,980	\$ 10,726,980
Total	\$ 32,793,485	\$ -	\$ 32,793,485	\$ 32,793,485

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

Legislative	\$ 394,941
Administrative	\$ 724,112
Finance	\$ 900,036
Planning	\$ 621,923
Police	\$ 7,182,620
Fire	\$ 5,027,269
Recreation	\$ 2,060,047
Public Works	
Administrative	\$ 315,506
Cemetery & Grounds	\$ 727,497
Building Maintenance	\$ 397,669
Sanitation	\$ 1,174,271
Streets	\$ 2,160,637
Vehicle Services	\$ 379,977
Total	\$ 22,066,505

**City of Lenoir
 Budget Ordinance
 Fiscal Year July 1, 2023– June 30, 2024**

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	\$ 655,510
Utilities Maintenance	\$ 496,892
Rhodhiss Water Treatment Plant	\$ 2,542,385
Water Distribution	\$ 2,575,508
Wastewater Collection	\$ 1,333,258
Wastewater Pretreatment	\$ 202,468
Gunpowder Wastewater Plant	\$ 1,031,034
Lower Creek Wastewater Plant	\$ 1,889,925
Total	<u>\$ 10,726,980</u>

Section 4. There is hereby levied for the fiscal year ending June 30, 2024, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2023, 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 \$2,440,656,474 with an assessment ratio of one hundred percent (100%) of appraised value and estimated collection rate of 97.17%. Said collection rates are based on the actual 2021-2022 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.

Fund	<u>Estimated Revenues</u>	<u>Fund Balance Appropriated</u>	<u>Total Budget</u>	<u>Appropriated</u>
Special Downtown District	\$ 236,900	\$ -	\$ 236,900	\$ 236,900
Tourism Development	\$ 90,000	\$ -	\$ 90,000	\$ 90,000
TOTAL	<u>\$ 326,900</u>	<u>\$ -</u>	<u>\$ 326,900</u>	<u>\$ 326,900</u>

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2023– June 30, 2024**

Section 6. There is hereby levied for the fiscal year ending June 30, 2024, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2023, 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 \$ 16,980,550 with an assessment ratio of one hundred percent (100%) of appraised and registered real and personal property value. The estimated collection rate is 97.17%.

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, 2023 and ending June 30, 2024.

Section 8. Water & Sewer rates are established to be effective July 1, 2023 according to the following schedule:

Water Inside Corporate Limits	
0 -1,000 gallons	\$11.74
Over 1,000 gallons	\$3.71 per 1,000 gallons
Sewer Inside Corporate Rates	
1 - 1,000 gallons	\$10.29
Over 1,000 gallons	\$4.36 per 1,000 gallons
Water Outside Corporate Limits	
0 - 1,000 gallons	\$23.48
Over 1,000 gallons	\$7.43 per 1,000 gallons
Sewer Outside Corporate Limits	
0 -1,000 gallons	\$20.59
Over 1,000 gallons	\$8.73 per 1,000 gallons
Resale Water	
\$2.48 per 1,000 gallons	
Resale Sewer	
\$4.31 per 1,000 gallons	

City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2023– June 30, 2024

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

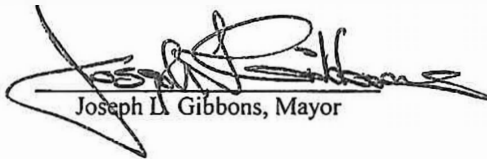
Section 10. The City Manager and Finance Director shall notify the City Council of any items of over-expenditure or shortfalls in revenue on a timely basis throughout the fiscal year. Request for appropriations not contained in the Budget Ordinance will be presented to Council after a review of the necessary 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 6th day of June, 2023.

SEAL


Joseph D. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

Capital Project Ordinance for the City of Lenoir

American Recovery Plan Capital Project – Revised 6-6-23

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

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

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

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

Item	Amount
Capital Improvements/Equipment	2,680,268.15
Premium Pay	647,422.85
Sanitation Truck	285,000.00
Master Planning	160,000.00
Culvert Repair for Greenway	<u>62,000.00</u>
	3,834,691.00

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

Federal Funding	3,834,691.00
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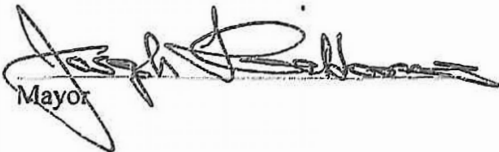
Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Project Ordinance.

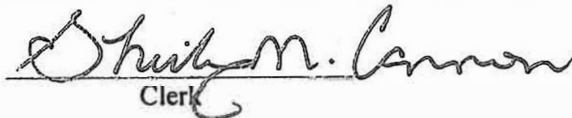
Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

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 6th day of June, 2023.


Mayor


Clerk

**2022-2023 Fiscal Year
Budget Amendment 23-2
Tuesday, June 6, 2023**

ITEM 1: ALLOCATE FUNDING TO THE GENERAL FUND FOR REVENUES EXCEEDING BUDGETED AMOUNTS.

Account Number	Department	Increase	Decrease
3200	MV TAX	160,000.00	
3837	ABC REVENUE	128,000.00	
3231	SALES TAX ART 39	249,625.00	
3232	SALES TAX ART 40	181,532.00	
3233	SALES TAX ART 42	117,237.00	
3235	SALES TAX HOLD HARMLESS	192,106.00	
3236	SALES TAX SEC 32.19	42,500.00	
3316	POWELL BILL	63,000.00	
3430	FED FORT	29,740.00	
3831	INTEREST EARNED	370,000.00	
	TOTAL REVENUE INCREASE	1,533,740.00	

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

Account Number	Department	Increase	Decrease
4110	LEGISLATIVE	85,000.00	
3839	INSURANCE REIM	27,000.00	
4120	ADMINISTRATION	80,000.00	
4130	FINANCE	55,000.00	
4260	BUILDING MAINTENANCE	48,000.00	
4270	ENGINEERING	250,000.00	
4310	POLICE SUPPORT	370,000.00	
4311	POLICE DETECTIVE		40,000.00
4312	POLICE PATROL		100,000.00
4340	FIRE SUPPORT	12,740.00	
4341	FIRE SUPPRESSION	48,000.00	
4342	FIRE PREVENTION/TRAINING	12,000.00	
4510	STREET ADMIN	10,000.00	
4511	STREET MAINTENANCE		10,000.00
4512	STREETS TRAFFIC CONTROL	100,000.00	
4710	SANITATION	363,000.00	
4740	CEMETERIES	35,000.00	
4910	PLANNING	28,000.00	
6120	RECREATION ADMIN	25,000.00	
6122	MULBERRY	25,000.00	
6123	MLK CENTER	20,000.00	
6130	GROUNDS	20,000.00	
4920	MAIN STREET	70,000.00	
		1,683,740.00	150,000.00
	TOTAL EXPENDITURE CHANGES	1,533,740.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	-	

**2022-2023 Fiscal Year
Budget Amendment 23-2
Tuesday, June 6, 2023**

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

Account Number	Department	Increase	Decrease
7130	RHODHISS PLANT		75,000.00
7131	WATER DISTRIBUTION		125,000.00
7132	WATER RESOURCES	15,000.00	
7133	ADMINISTRATION	225,000.00	
7140	WASTEWATER COLLECTIONS		50,000.00
7141	WASTEWATER PRETREATMENT	10,000.00	
7142	GUNPOWDER PLANT	460,000.00	
7143	LOWER CREEK PLANT		460,000.00
	TOTAL EXPENDITURE CHANGES	710,000.00	710,000.00
	NET EFFECT ON THE WATER FUND BUDGET	-	

ITEM 4: ALLOCATE ARP FUNDING FOR REVENUE REPLACEMENT.

Account Number	Department	Increase	Decrease
3457	ARP REVENUE REPLACEMENT		399,575.00
4710	SANITATION (GARBAGE TRUCK)	285,000.00	
6130	GROUPS (CULVERT)	62,000.00	
3833	DOWNTOWN MASTER PLAN	52,575.00	
	TOTAL EXPENDITURE CHANGES	399,575.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	399,575.00	

ITEM 5 : ALLOCATE FUNDING FOR LTDA.

Account Number	Department	Increase	Decrease
4990	OCC TAX REV	75,000.00	
4940	LTDA EXP.	75,000.00	
	TOTAL EXPENDITURE CHANGES	75,000.00	
	NET EFFECT ON THE LTDA BUDGET	75,000.00	

ITEM 6: ALLOCATE FUNDING TO THE GENERAL FUND FOR EXPENDITURES FOR RURAL CENTER BUILDING REUSE GRANT.

Account Number	Department	Increase	Decrease
3326	RURAL CENTER GRANT	555,000.00	
4110	LEGISLATIVE	555,000.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	555,000.00	

ITEM 7: ALLOCATE FUNDING TO THE POLICE FOR REVENUES EXCEEDING BUDGETED AMOUNTS.

Account Number	Department	Increase	Decrease
	REVENUE		
3430	FORFEITURE	7,400.00	
3430	ABATEMENT CHARGES	62,000.00	
3430	NUISANCE CHARGES	14,000.00	
	EXPENDITURE		
4310	FORFEITURE EXP.	83,400.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	83,400.00	

CITY OF LENOIR
2023 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 (#M23-DC370208) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY 2023 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	\$1,200,690
Anticipated Program Income	<u>300,000</u>
Total Revenues	\$1,500,690

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

Downpayment Assistance (HOME Funds)	\$ 91,121
Multi-Family(From Program Income Funds)	270,000
Program Income Administration	30,000
HOME CHDO (From HOME Grant HOME Funds Allocation)	420,000
Multi-Family Housing	569,500
General Program Administration	<u>120,069</u>
Total Expenditures	\$1,500,690

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 6th day of June, 2023.



Joseph L. Gibbons, Mayor



Shirley M. Cannon, City Clerk

CITY OF LENOIR
2023 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-23-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-2023 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	\$142,691
Total Revenues	\$142,691

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

Expenditures

Public Facilities (Lenoir High School)	\$114,152
Program Administration	28,538
Total Expenditures	\$142,691

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.

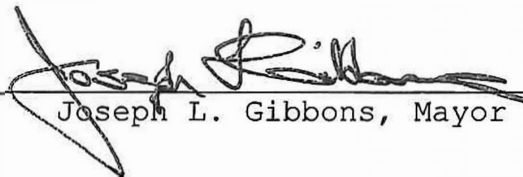
Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

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 6th day of June, 2023.



Joseph L. Gibbons, Mayor



Shirley M. Cannon, City Clerk

CITY OF LENOIR
2021 HOME-ARP
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 (#M21-DP370208) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY-2021 HOME-ARP 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

HOME-ARP Grant	\$4,182,773.00
Total Revenues	<u>\$4,182,773.00</u>

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

Expenditures

Supportive Services	\$2,927,953.10
Tenant Based Rental Assistances	627,409.95
Administration and Planning	<u>627,409.95</u>
Total Expenditures	\$4,182,773.00

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

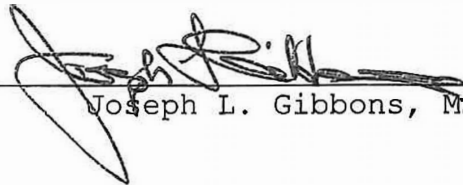
Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

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

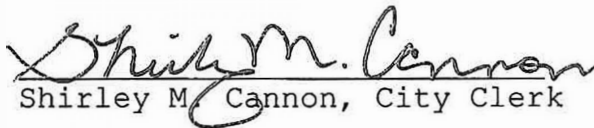
Section 8. The Budget Officer is directed to include a detailed analysis of past and future cost and revenues on this grant project in every budget submission made to this Board.

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

Adopted this the 1st day of July, 2022.



Joseph L. Gibbons, Mayor


Shirley M. Cannon, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING CHAPTERS 1, 3, 5, 10, 12, 13, AND 18 OF THE LENOIR CITY CODE RELATED TO ANIMALS, NUISANCES, OFFENSES AND MISC PROVISIONS, STREETS AND SIDEWALKS, PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, the state legislature recently adopted SB300, the Criminal Justice Reform bill, which went into effect on December 1, 2021 and decriminalizes certain local ordinances related to the regulation of animals, nuisances, and offenses related to loitering, soliciting, and firearms; and

Whereas, SB 300 also removed the presumption in 160A-175(b) that any violation of a local ordinance is a misdemeanor under G.S. 14-4, requiring instead that cities must specify by ordinance if a violation is punishable as a misdemeanor or infraction under G.S. 14-4; and

Whereas, Chapters 1, 3, 5, 10, 12, 13, and 18 of the Lenoir Code of Ordinances contain regulations that have been decriminalized under SB300, prompting the necessity to amend the ordinances to remove language related to criminal penalties; and

Whereas, Chapters 3 and 12 of the Lenoir Code of Ordinances contain regulations that pertain to nuisance cause by noise and roaming of dogs, which needed clarification for enforcement action; and

Whereas, Chapter 13 of the Lenoir Code of Ordinances, "Offenses and Miscellaneous Provisions" contains prohibitions related to the discharge of firearms within the City Limits (Sec.13-6), Firebombs (Sec. 13-7) and Consumption of Alcoholic Beverages on City Property (Sec. 13-9), but does not specifically declare violations to constitute misdemeanors under G.S. 14-4 as is now required by the amendments to 160A-175(b) contained in SB 300; and

Whereas, the Lenoir Police Department has historically enforced the aforementioned local prohibitions through charging violators under G.S. 14-4, and although such charges are rare, the City Council finds it to be necessary to retain the ability to charge violators when warranted to ensure the public

health, safety, and general welfare and to protect the resident's rights to quiet enjoyment of their homes; and

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

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

SECTION 1. Chapter 1 of the Code of Ordinances, City of Lenoir, North Carolina, "General Provisions" is hereby amended to read as follows:

Sec. 1-15. - Civil and criminal penalties.

~~(g) Failure to abate a violation in the specified time period for abatement given pursuant to subsection (a) shall constitute a misdemeanor infraction pursuant to G.S. 14-4, except that no criminal penalties may be imposed under this subsection for violations of Chapter 9 'Flood Damage Prevention,' Chapter 18, Article V 'Driveways,' Chapter 19, 'Subdivisions,' Appendix A: 'Zoning,' Appendix C: 'Phase II Stormwater Ordinance,' or any other ordinance specified in G.S. 160A-175(b1). This section is adopted pursuant to G.S. 160A-175(b).~~

~~(h) Penalties imposed under this section may be recovered by the city in a civil action in the nature of debt.~~

SECTION 2 Chapter 3 of the Code of Ordinances, City of Lenoir, North Carolina, "Animals" is hereby amended to read as follows:

ARTICLE II. - DOGS

Sec. 3-27. - Running at large.

(a) No dog owner or person who otherwise is exercising responsibility or control over the dog in question, shall may permit his their dog to ~~run at large~~ be on the streets or sidewalks of the city, or upon the private

property ~~of another~~ unless under the control of the owner or ~~a member of his immediate family either by leash, collar, chain or otherwise~~ their responsible person either by leash, collar, chain or otherwise.

(b) The county dog warden shall order the owner of any dog found running at large to place the dog under proper control or confinement.

(c) Any person owning, harboring, walking, in possession of or in charge of a dog which defecates on public property, public park property, public right-of-way or any private property without the permission of the private property owner, ~~shall~~ must remove all feces immediately after it is deposited by the dog. All feces removed in accordance with this section shall be placed in a suitable bag or other container that closes and disposed of in a lawful manner. ~~Violation of subsection (c) may be punishable by a civil citation of \$50.00 per occurrence.~~

(d) A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

Sec. 3-28. - ~~Penalty Reserved~~

~~The owner of any dog who shall knowingly suffer or permit his dog to run at large on the streets, sidewalks, or upon private property or to occupy unsafe or unsanitary conditions shall be in violation of this article and shall be guilty of a misdemeanor, punishable upon conviction by a fine or imprisonment as provided by G.S. 14-4.~~

ARTICLE IV. – DEER

Sec. 3-50. – Urban archery deer hunting.

The purpose of this article is to reduce urban deer populations through voluntary participation in the North Carolina Urban Archery Deer Hunting Program, which is regulated by the North Carolina Wildlife Resources Commission. For the purposes of this section, deer hunting related to this program is permitted within the corporate limits of the City of Lenoir only in accordance with the following provisions:

~~(l) A violation of any of the provisions of this section shall constitute a misdemeanor offense pursuant to G.S. 14-4.~~ A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

SECTION 3. Chapter 5, Article I of the Code of Ordinances, City of Lenoir, North Carolina, “Business Regulation, Licensing, and Taxation” is hereby amended to read as follows:

Sec. 5-5. – Regulations.

(e) ~~Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

SECTION 4. Chapter 10, Article I of the Code of Ordinances, City of Lenoir, North Carolina, "Housing" is hereby amended to read as follows:

Sec. 10-5. – Violations; penalty.

- (a) No owner of any dwelling or dwelling unit shall fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the inspector duly made and served as provided in this chapter, within the time specified in the order, and each day that the failure, neglect, or refusal to comply with the order continues shall constitute a separate and distinct offense. No owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 10-32 to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (b) ~~The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. 14-4.~~ (b) A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

SECTION 5. Chapter 12, Article I of the Code of Ordinances, City of Lenoir, North Carolina, "Nuisances" is hereby amended to read as follows:

Sec. 12-1. – Designation of nuisances.

(c) ~~Any person violating, failing, refusing or neglecting to comply with any of the provisions of this section shall be subject to a civil penalty. This provision is adopted pursuant to and in accordance with G.S. 160A-175(e). Failure to abate a violation may also constitute a misdemeanor or infraction pursuant to G.S. 14-4, as provided in section 1-15(h) of the Lenoir City Code. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

(d) ~~Any nuisance violation that constitutes an immediate and substantial risk of harm shall constitute a misdemeanor offense pursuant to G.S. 14-4.~~

Sec. 12-2. – Noise.

(b) Without limiting the generality of subsection (a) of this section, the following acts within the city shall be unlawful:

- (4) The owning, keeping, or maintenance of any animal which, ~~by causing frequent, loud or long continued noise,~~ shall disturb the comfort or repose of persons dwelling in the vicinity of the

place where the animal is kept habitually or repeatedly barks, howls, whines, yelps, or otherwise produces any sounds which cause serious annoyance to neighboring residents, or which interfere with the reasonable use and enjoyment of premises occupied by such residents, or which interfere with the reasonable use and enjoyment of public streets, sidewalks or other public areas, is a violation of this section.

(c) Any person creating unlawful noise as described in this section shall be guilty of a misdemeanor, ~~punishable upon conviction by a fine or imprisonment as provided by G.S. 14-4.~~ A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

Sec. 12-11. - ~~Procedures in article not exclusive.~~Reserved.

~~The procedures set forth in this article shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this article shall not prevent the city from proceeding in a criminal action against any person violating the provisions of this article as provided in G.S. 14-4.~~

SECTION 6. Chapter 13 “Offenses and Miscellaneous Provisions,” Article VI of the Code of Ordinances, City of Lenoir, North Carolina, “In General” is hereby amended to read as follows:

ARTICLE VI. – IN GENERAL

Sec. 13-6. Firearms.

~~(d) Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4.~~ A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

Sec. 13-7. Firebombs. Reserved.

~~(a) No person shall manufacture, possess, transport or use any molotov cocktail or other firebomb.~~

~~(b) No person or group of persons shall possess all the items or materials needed to manufacture molotov cocktails or other firebombs, with intent to manufacture such, other than on his or their premises.~~

~~(c) The provisions of this section shall be cumulative to any other ordinance or general statute of the state on this subject.~~

~~(d) Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4.~~

Sec. 13-9. Consumption of alcoholic beverages on city property.

~~No consumption of alcohol on city property.~~ No person ~~shall~~may consume alcoholic beverages, fortified or unfortified wine, or malt beverages, as defined in state statutes, or offer the same for consumption by

another person, on the premises of any property owned or occupied by the city except pursuant to a valid North Carolina alcoholic beverage control permit and upon approval of the city. ~~Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

Sec. 13-16. Loitering for purpose of engaging in drug-related activities.

(d) No arrest or charge is permitted hereunder unless the circumstances established probable cause to believe that the person intended to violate one or more of the provisions of the North Carolina Controlled Substances Act. ~~A violation of this section shall subject the offender to the penalties set forth in G.S. 14-4A.~~

(e) A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

Sec. 13-17. Solicitation and begging prohibited.

(d) Penalty. ~~A violation of this section is a misdemeanor as set forth in G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

Sec. 13-19. Weapons prohibited on city property.

(f) ~~Any person in violation of the prohibitions of this section 13-19 shall be guilty of a misdemeanor pursuant to N.C.G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~ Any firearm, handgun or other weapon possession in violation of the provisions of this section is and are declared to be contraband, to be disposed of in accordance with applicable North Carolina law.

SECTION 7. Chapter 18 "Streets and Sidewalks," Article I of the Code of Ordinances, City of Lenoir, North Carolina, "In General" is hereby amended to read as follows:

ARTICLE I. – IN GENERAL

Sec. 18-2. Trespassing on or under bridges.

(a) *Prohibited actions.* It ~~shall be~~ is unlawful for any person to loiter upon or under any bridge within the city.

(b) *Enforcement.* ~~Enforcement of this section is authorized for any law enforcement officer with jurisdiction to arrest in the city. The offense is a misdemeanor offense of second degree trespassing, G.S.~~

14-159.13-*Signage*. Each bridge will be posted at both entrances notifying potential violators by sign "No Trespassing. Police Authorized to Arrest under G.S. 14-159.13 and 14-4."

~~(c) *Signage*. Each bridge will be posted at either entrance notifying potential violators by sign "No Trespassing. Police Authorized to Arrest" under G.S. 14-159.13. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

SECTION 8. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 9. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 10. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 6th day of June, 2023.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this _____ day of _____ and this _____ day of _____, 2023.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2023.

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

Mayor/Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA:

City Clerk

****[Remainder of page intentionally left blank.]****



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 DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition was received on May 16, 2023 by the City of Lenoir City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Lenoir deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lenoir that:

The City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of his/her investigation.

This the 6th day of June, 2023.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk





CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

CERTIFICATE OF SUFFICIENCY

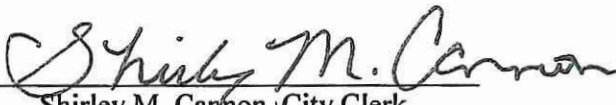
To the City Council of the City of Lenoir, North Carolina:

I, Shirley Cannon, City Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the City primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Lenoir, this the 6th day of June, 2023.

SEAL


Shirley M. Cannon, City Clerk

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL





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 FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the area described herein has been received;
and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the
sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lenoir, North
Carolina that:

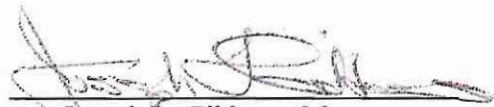
Section 1. A public hearing on the question of annexation of the area described herein will be
held at the City/County Chambers, 905 West Avenue, Lower Level, Lenoir, NC on Tuesday,
June 6, 2023 at 6:00 p.m.

Section 2. The area proposed for annexation is described in Attachment #1.

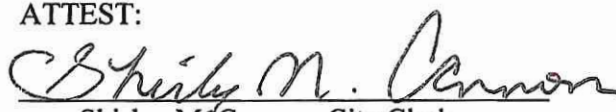
Section 3. Notice of the public hearing shall be published in the Lenoir News Topic, a
newspaper having general circulation in the City of Lenoir, at least ten (10) days prior to the date
of the public hearing.

This the 6th day of June, 2023.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk


SCHEDULE A

1173

TRACT #2

(Being a part of that property as described at Deed Book 144, at Page 302.)

BEGINNING on a new 3/4 inch iron pipe, a new corner for the Roberts property, said BEGINNING POINT being located South 27 degrees 22 minutes 48 seconds East 581.85 feet from a P.K. Nail in the center of SR 1715, at the intersection of the center line of SR 1712, being also located South 64 degrees 55 minutes 30 seconds East 832.04 feet from a P.K. Nail set in a power pole; thence from the POINT OF BEGINNING and with 4 new lines for the Roberts property: North 85 degrees 51 minutes 47 seconds West 91.11 feet to a new 3/4 inch iron pipe; North 76 degrees 05 minutes 04 seconds West 356.79 feet to a new 3/4 inch iron pipe; North 07 degrees 31 minutes 56 seconds East 170.12 feet to a new 3/4 inch iron pipe; North 19 degrees 58 minutes 07 seconds West, passing a new 3/4 inch iron pipe on line at 157.88 feet and continuing on the same bearing 30.00 feet, for a total distance along this bearing of 187.88 feet to a point in the center of SR 1715; thence with the center of SR 1715 North 68 degrees 21 minutes 07 seconds East 45.02 feet to a point in the center of the road, a corner with that property belonging to Herbert Eller (Deed Book 488, Page 478 and Deed Book 509, Page 457); thence leaving the road and with the Herbert Eller property for 3 calls: South 19 degrees 58 minutes 07 seconds East, passing a new 3/4 inch iron pipe on line at 35.81 feet and continuing on the same bearing 164.40 feet, for a total distance along this bearing of 200.21 feet to a new 3/4 inch iron pipe; South 72 degrees 52 minutes 26 seconds East 118.81 feet to an existing 3/8 inch iron pipe; North 49 degrees 46 minutes 52 seconds East 349.82 feet to a new 3/4 inch iron pipe; thence leaving the Eller property and with a new line for the Roberts property South 01 degrees 28 minutes 54 seconds West, passing a new 3/4 inch iron pipe on line at 449.91 feet and continuing on the same bearing 7.19 feet, for a total distance along this bearing of 457.10 feet to the POINT OF BEGINNING, containing 2.865 ACRES gross, by coordinates.

Subject to a part of a 45 foot wide right of way crossing the above described property, being more particularly described as follows:

BEGINNING on a new 3/4 inch iron pipe which is the same as the POINT OF BEGINNING of the above described 2.865 ACRES tract; thence from the POINT OF BEGINNING and with 4 new lines for the Roberts property; North 85 degrees 51 minutes 47 seconds West 91.11 feet to a new 3/4 inch iron pipe; North 76 degrees 05 minutes 04 seconds West 356.79 feet to a new 3/4 inch iron pipe; North 07 degrees 31 minutes 56 seconds East 170.12 feet to a new 3/4 inch iron pipe; North 19 degrees 58 minutes 07 seconds West, passing a new 3/4 inch iron pipe on line at 157.88 feet and continuing on the same bearing 30.00 feet, for a total distance along this bearing of 187.88 feet to a point in the center of SR 1715; thence with the center of SR 1715 North 68 degrees 21 minutes 07 seconds East 45.02 feet to a point in the center of the road, a corner with that property belonging to

1174

Herbert Eller (Deed Book 488, Page 478 and Deed Book 509, Page 457); thence with the Herbert Eller property South 19 degrees 58 minutes 07 seconds East, passing a new 3/4 inch iron pipe on line at 35.81 feet and continuing on the same bearing 164.40 feet, for a total distance along this bearing of 200.21 feet to a new 3/4 inch iron pipe, a corner with the Herbert Eller property; thence leaving the Eller property and with 3 new lines for the Roberts property: South 07 degrees 31 minutes 56 seconds West 163.53 feet to a new 3/4 inch iron pipe; South 76 degrees 05 minutes 04 seconds East 402.26 feet to a new 3/4 inch iron pipe; South 01 degrees 28 minutes 54 seconds West 7.19 feet to the POINT OF BEGINNING.

Being the same property as conveyed by Helen Roberts Watson et al to Inez Roberts Morrison by deed dated December 29, 1993 and recorded in Book 1101 Page 1164 Caldwell County Registry.

DRAFTSMAN DID NOT ABSTRACT
TITLE OR PERFORM A CLOSING
ON THIS PROPERTY AND MAKES
NO WARRANTIES AS TO TITLE.



Lenoir Fire Department

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



Lenoir Fire Department
(828) 757-2190

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

Ref: Fireworks Display for July 4th, 2023

Date: April 13, 2023

North Carolina law states that fireworks displays are now required to be approved by the County Board of Commissioners and/or City Council. This change came in effect February 1, 2010, and the approval must be granted prior to a permit being issued by the Fire Marshal's Office. I have attached a copy of General Statute 14-413. I am acquiring copies of one (1) application packet for fireworks display inside the City of Lenoir. The date of the display is July 4th, 2023 and conducted by Pyro Shows, Inc. for City of Lenoir Parks & Recreation. The display is located at Lenoir Optimist Park located at 701 Mulberry St SW, Lenoir NC, 28645. The General Statute requires that the County/City ensures proof of insurance prior to providing approval. A copy of the insurance certificate is provided in the packet provided by Pyro Shows. I have required that the information be submitted by each applicant that is required by the North Carolina Fire Code and this office will conduct the necessary inspections of these sites prior to the display. I would respectfully request that this fireworks display be placed on the next agenda for consideration by the City Council. It is my understanding that most Counties/Cities are placing these items on the consent agenda once the insurance certificate has been verified (it has). As always, if I can be of any further assistance in this matter, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "Chris Jacobs", followed by a long horizontal line.

Chris Jacobs
City of Lenoir Fire Marshal
Phone# 828-757-2193
Email: cjacobs@ci.lenoir.nc.us



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/28/2023

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
One Cleveland Center, Floor 30
1375 East 9th Street
Cleveland OH 44114

CONTACT
NAME:
PHONE
(A/C, No, Ext): 213-658-7100
E-MAIL:
ADDRESS:

FAX
(A/C, No):

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A : Everest Indemnity Insurance Co.

10851

INSURER B : Everest Denali Insurance Company

INSURER C : Arch Speciality Ins Co

21199

INSURER D :

INSURER E :

INSURER F :

INSURED
Pyro Shows, Inc.
PO Box 1776
115 North 1st Street
La Follette TN 37766

COVERAGES

CERTIFICATE NUMBER: 1471895927

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	ADD'L SUBR INSR	Y	Y	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	Y	Y		SI9ML01929-221	11/1/2022	11/1/2023	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 ↓
	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR							
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY ☒ PRO-JECT ☐ LOC ☐							
B	AUTOMOBILE LIABILITY	Y	Y		SI9CA00004-221	11/1/2022	11/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☒ ANY AUTO ☒ ALL OWNED AUTOS ☒ HIRED AUTOS							
	☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS							
C	UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE	Y	Y		UXP1034375-03	11/1/2022	11/1/2023	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 DED RETENTION \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In Nil) If yes, describe under DESCRIPTION OF OPERATIONS below			Y/N ☐ N/A				WC STATUS TOBY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	Excess Liability #2	Y	Y		SI9EX01602-221	11/1/2022	11/1/2023	Each Occ/Aggregate Total Limits 5,000,000 10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured extension of coverage is provided by above referenced policies where required by written agreement.

Excess policies are excess of both the general liability and automobile policies for total limits of \$10 million each.
Fireworks Display: July 04, 2023 (Independence Day Celebration)
Additional Insured: City of Lenoir Parks & Recreation

CERTIFICATE HOLDER

CANCELLATION

City of Lenoir Parks & Recreation
P.O. Box 958
Lenoir NC 28645

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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CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Background:

The City of Lenoir periodically establishes capital project ordinances for endeavors that involve construction/infrastructure activities or grant funding for a particular purpose covering more than one year. In most cases, the duration of a project will extend from one fiscal year into another. Consequently, the adoption of a capital project ordinance allows the governmental entity to appropriate funds for the life of the project without the governing board having to reallocate funding on a fiscal year basis.

The City adopted the Capital Project Budget Ordinance for the Biosolids Facility Improvement on the 6th day of June, 2017 with a total project budget of \$7,134,900. The total original loan amount (at 1.53% interest) was for \$6,995,000, which included the dryer purchase, construction cost, all engineering and professional services and a 4.5% contingency. The project is now complete at a total cost of \$6,921,831.39. The City paid closing cost of \$139,900. The breakdown of the expenditures is as follows:

Description	Original Budget	Change Order	Recommended	Actual Costs	Difference
Administration Costs	52,725.00		52,725.00	52,725.00	-
Engineering Costs	780,000.00		780,000.00	765,659.09	14,340.91
Construction Cost	5,970,275.00	6,689.19	5,976,964.19	5,963,547.30	13,416.89
Closing Fees	139,900.00		139,900.00	139,900.00	-
Contingency	192,000.00	(6,689.19)	185,310.81		185,310.81
Total	7,134,900.00	-	7,134,900.00	6,921,831.39	213,068.61

The project was under budget by \$213,068.61. The total loan amount was \$6,781,932.00. There is a 61¢ rounding difference.

Staff requests approval to close out the capital project noted above. A Capital Project Budget Ordinance to Close Capital Project has been prepared and is attached for your review and approval.

II. Staff Recommendation:

Approve as requested

III. Reviewed by:

City Attorney:

Finance Director: *Donna Bean*

Public Works/Public Utilities Director:

ORDINANCE #2023-3**CAPITAL PROJECT BUDGET ORDINANCE TO CLOSE CAPITAL
PROJECT FOR THE CITY OF LENOIR**

WHEREAS, the City Council of the City of Lenoir has adopted a Capital Budget Ordinance on June 6th, 2017, in accordance with the General Statutes of the State of North Carolina, and

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

WHEREAS, The City adopted the Capital Project Budget Ordinance for the Biosolids Facility Improvement on the 6th day of June, 2017 with a total project budget of \$7,134,900.00. The project is now complete and was under budget by \$213,068.61.

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

The Capital Project Budget Ordinance for the Biosolids Facility Improvement be closed.

Adopted this 20th day of June, 2023.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk

CITY OF LENOIR
COUNCIL ACTION FORM

- I. Agenda Item:** Call for Public Hearing - Consideration of a Resolution to Adopt the Lenoir Water Shortage Response Plan (WSRP) (Revised)
- II. Background Information:** The City of Lenoir is required by NCGS 143-355(l) to develop and implement water conservation measures to respond to drought and other water shortage conditions. These measures are set out in a Water Shortage Response Plan adopted by the City Council. The revised plan has recently been reviewed by the NCDEQ Division of Water Resources and it has determined that the plan meets the minimum criteria established in the statute. The Water Shortage Response Plan is required to be updated every five years and adopted by the City Council. The plan cannot be considered compliant until a new adopted resolution is received by the DWR. This plan reflects the responses and protocols established by the Catawba Wateree Water Management Group and the Drought Management Advisory Group that the City participates in with 19 other jurisdiction along the Catawba River. No material changes to the WSRP have been made regarding the response procedures that are currently in place.
- III. Staff Recommendation:** Staff recommends City Council call for a **Public Hearing to be held at the July 18, 2023 Council Meeting** to receive public comment on the WSRP. The WSRP will be posted on the City website and made available at City Hall for public review during regular business hours. Council will be asked to consider adoption of the Resolution to approve the Water Shortage Response Plan for the City of Lenoir (as revised) at the July 18, 2023 meeting.
- IV. Reviewed by:**
- City Attorney:** _____
- Finance Director:** _____
- Public Works/Public Utilities Director:** _____

City of Lenoir, North Carolina

Water Shortage Response Plan

I. Definitions

(a.) Water Shortage

The term "water shortage" shall be defined as any condition or situation which threatens the safety or supply of either treated or potable water within the water supply, treatment or distribution systems of the city or within the systems of the municipal, commercial or industrial customers. The City Manager or his/her designee shall determine whether specific situations are considered to be water shortages, after consultation with the Director of Public Services or his/her designee. Water shortage situations shall include, but are not limited to, drought, or periods of insufficient raw water supply, and fires of a magnitude, such that system integrity is threatened.

(b.) Drought Management Advisory Group (DMAG) / Low Inflow Protocol (LIP)

The Drought Management Advisory Group (DMAG) is a team of owners of large water intakes in the Catawba River Basin, state agencies, and Duke Energy, tasked with formulating a basin wide response to low flow conditions, as defined in the Low Inflow Protocol (LIP). Low Inflow Protocol (LIP) means prescribed levels of escalating response to drought conditions based on trigger points for use during periods of low inflow to the reservoirs on the Catawba River.

II. Authorization

The Lenoir City Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in section IV are met. In his or her absence, the Public Services Director or Utilities Operations Manager will assume this role.

Mr. Scott Hildebran, Lenoir City Manager – Phone: (828) 757-2200 – E-mail: shildebran@ci.lenoir.nc.us

Mr. Radford L. Thomas, Lenoir Public Services Director- Phone: (828) 757-2219 –E-mail: rlthomas@ci.lenoir.nc.us

Dr. Jeff Church, Utilities Operations Manager – Phone (828) 757-4459 – Email: jeff.church@ci.lenoir.nc.us

III. Notification

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills and on the City of Lenoir website (<http://www.cityoflenoir.com>). Required water shortage response measures will be communicated through *The Lenoir News Topic*, PSA announcements on local radio and cable stations and on the City of Lenoir website. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone through use of reverse 911 (Code Red).

IV. Levels of Response

Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary reductions, mandatory reductions I and II, emergency reductions and water rationing. A detailed description of each response level and corresponding water reduction measures follow below.

Stage	Response	Description
1	Voluntary Reductions	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Mandatory Reductions I	Water users must abide by required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to
3	Mandatory Reductions II	Same as in Stage 2
4	Emergency Reductions	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water Rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

In Stage 1, Voluntary Reductions, all water users will be asked to reduce their normal water use by five (5%). Customer education and outreach programs will encourage water conservation and efficiency measures including: irrigating landscapes a maximum of one inch per week; preventing water waste, runoff and watering impervious surfaces; watering plants deeply to encourage root growth; washing only full loads in clothes and dishwashers; using spring-loaded nozzles on garden hoses; and identifying and repairing all water leaks.

In Stage 2, Mandatory Reductions I, all customers are expected to reduce their water use by ten (10%) in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions apply: irrigation is limited to a half inch per week between 8PM and 8AM; outdoor use of drinking water for washing impervious surfaces is prohibited; and all testing and training purposes requiring drinking water (e.g. fire protection) will be limited.

In Stage 3, Mandatory Reductions II, customers must continue actions from all previous stages and further reduce water use by twenty (20%) compared to their previous month's water bill. All non-essential uses of drinking water are banned and garden and landscape irrigation must be reduced to the minimum amount necessary for survival. Additionally, in Stage 3, a drought surcharge of one and one half (1.5) times the normal water rate applies.

In Stage 4, Emergency Reductions, customers must continue all actions from previous stages and further reduce their water use by twenty-five (25%) compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to two (2) times the normal water rate.

The goal of Stage 5, Water Rationing, is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to Lenoir's Emergency Response Plan. Drought surcharges increase to five (5) times the normal water rate.

V. Triggers

Lenoir's source of water is Lake Rhodhiss. Lenoir will abide by the triggers identified by Duke Power in accordance with the drought stage triggers incorporated into the Low Inflow Protocol.

Return to Normal

When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

VI. Enforcement

The provisions of the water shortage response plan will be enforced by City of Lenoir utilities department and police personnel. Violators may be reported on the City's phone line or the e-mail contact listed on the City's website. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	First Violation	Second Violation	Third Violation
Voluntary Reductions	N/A	N/A	N/A
Mandatory Reductions (Stages 2 and 3)	Warning	\$250	Discontinuation of Service
Emergency Reductions	\$250	Discontinuation of Service	Discontinuation of Service
Water Rationing	\$500	Discontinuation of Service	Discontinuation of Service

Drought surcharge rates are effective in Stages 3, 4 and 5.

VII. Public Comment

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at City Hall for customers to view. A notice will be included in customer water bill notifying them of such. A draft plan will be published on the City of Lenoir website. A public hearing will be scheduled with notice printed in all customer water bills to collect comments on the draft. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by the Lenoir City Council.

VIII. Variance Protocols

Applications for water use variance requests are available from the City of Lenoir website and City Public Utilities Office. All applications must be submitted to the Public Utilities Office for review by the Public Utilities Operations Manager or his or her designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

IX. Effectiveness

The effectiveness of the Lenoir water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

X. Revision

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to the Lenoir City Council. The City of Lenoir Utilities Operations Manager is responsible for initiating all subsequent revisions.

CITY OF LENOIR COUNCIL ACTION FORM

- I. **Agenda Item:** Resolution by Lenoir City Council to accept an offer of funding.

Background Information: The City of Lenoir has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 2022-74 to assist eligible units of government with meeting their water/wastewater infrastructure needs. The North Carolina Department of Environmental Quality Division of Water Infrastructure has offered American Rescue Plan (ARP) funding in the amount of **\$6,300,000** to perform work detailed in the submitted application for the Finley Avenue Water System Improvement Project.

- II. **Staff Recommendation:** Staff Recommends City Council approving the acceptance of the American Rescue Plan Grant offer of \$6,300,000 for the Finley Avenue Water System Improvement Project.

- III. **Reviewed by:**

City Attorney: _____

Finance Director: *Donna Bean*

Public Works/Public Utilities Director: _____



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 BY LENOIR CITY COUNCIL TO ACCEPT AN OFFER OF FUNDING

- WHEREAS,** the City of Lenoir has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 2022-74 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and
- WHEREAS,** the North Carolina Department of Environmental Quality Division of Water Infrastructure has offered American Rescue Plan (ARP) funding in the amount of \$6,300,000 to perform work detailed in the submitted application, and
- WHEREAS,** the City of Lenoir intends to perform said project in accordance with the agreed scope of work.

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

That City of Lenoir does hereby accept the American Rescue Plan Grant offer of \$6,300,000.

That the City of Lenoir does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Scott Hildebran, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the _____ day of June, 2023 at Lenoir, North Carolina.

SEAL

ATTEST:

Joseph L. Gibbons, Mayor

Shirley M. Cannon, City Clerk



CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

RFQ Blue Ridge Memorial Park: Cemetery Master Plan

II. Background Information:

The City of Lenoir owns and operates Blue Ridge Memorial Park located at 2017 Wilkesboro Blvd, Lenoir, NC (NCPIN#2860460904). This cemetery space is overall roughly 44.15 acres. Of the 44.15 acres 11.3 acres is undeveloped for burial. Currently this cemetery is nearing burial capacity. The goal of this project will be to design and develop new burial spaces and service roads within this 11.3 acre parcel with the key outcome being to provide burial plots for the foreseeable future. This project will include survey preparation of engineering report, design Engineering / plans and specifications, permitting, prequalification of bidders, bidding and award, construction oversight and administration and construction close-out and provision of As-Constructed Drawings. Requests for Qualifications (RFQ) were sent out on Friday May 26th with a closing date of Friday June 9th at 3pm. Three firms (Mattern & Craig, McGill Associates and Attriix Group) were responsive to the RFQ's for this project. A selection committee was formed and staff scored each responsive firms submittal prior to selection.

III. Staff Recommendation:

Based on the selection committee responses and RFQ's submitted, staff recommends approval to award the contract for the Blue Ridge Memorial Park: Cemetery Master Plan to McGill Associates for **Preliminary Engineering services lump sum of \$20,200, Environmental Survey lump sum of \$8,000 and Masterplan Development lump sum of \$16,800**. McGill Associates has a successful background in these type of cemetery masterplans and expansions as well as a good history of projects completed within the City of Lenoir. With their background and knowledge of this community, we feel that they are the logical fit for this project.

IV. Reviewed By:

City Attorney:

Public Works/Public Utilities Director: JH

City Manager:

June 15, 2023

Mr. Jonathan Hogan, Public Works Operations Manager
City of Lenoir
Post Office Box 958
Lenoir, North Carolina 28645

RE: Proposal for Engineering Services Blue Ridge Memorial Park Cemetery Masterplan
Lenoir, North Carolina

Dear Mr. Hogan:

McGill Associates is pleased to submit this proposal to the City of Lenoir (Client) to prepare the Blue Ridge Memorial Park Cemetery Masterplan. It is our understanding that this is an approximate 12-acre portion of an existing parcel owned by the City of Lenoir that lies between Wilkesboro Boulevard and Wildwood Road (NCPIN 2860460904) in Caldwell County, North Carolina, and the Client intends to develop a masterplan of the property in order to prepare for a future cemetery expansion.

Based on this understanding, McGill Associates proposes the following scope of services requested by the Client under this proposal:

SCOPE OF SERVICES

Preliminary Engineering Assistance

1. Attend one (1) initial project coordination meeting with the Client.
2. Attend one (1) site visit to walk the property, where accessible, to the greatest extent possible
3. Review current local parcel zoning requirements and lease/occupancy records for incorporation into planning documents.
4. Perform aerial photography with UAV and prepare one (1) conceptual site layout based on aerial photography incorporating available LIDAR topographic contours and property lines to represent existing conditions.
5. Attend one (1) coordination meeting with local planning official to review specific zoning requirements.
6. Verify street connectivity to Wildwood Road (SR 1548) with NCDOT
7. Determine future utility (water, sewer, electricity, telecommunication) needs and potential connection locations.

Environmental Survey

1. Perform a jurisdictional determination of the project area for streams and wetlands. The jurisdictional determination will include a delineation of the project area by McGill Associates, P.A. Environmental Specialists performed in accordance with the guidelines and standards of the US Army Corps of Engineers - Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0), and the NC Division of Water Resources (NCDWR) – Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11. Any jurisdictional areas found on the property will be flagged and located with Global Positioning System (GPS) accuracy in the field. This determination is for internal use only and does not include the request of a Jurisdictional Determination (JD) or any other consultation with the US Army Corps of Engineers. JD services can be provided in a separate scope of services if necessary.
2. Perform a Federally listed Threatened and Endangered Species survey in accordance with the Endangered Species Act of 1973. Any listed species occurrence or critical habitat areas found on the property will be flagged and located with Global Positioning System (GPS) accuracy in the field. This survey is for internal use only and does not include consultation with the US Fish and Wildlife Service. Consultation services can be provided under a separate scope of services if necessary.
3. Field visits for the jurisdictional wetland and stream determination, and the Threatened and Endangered Species survey will occur concurrently as part of the same field visit.
4. Jurisdictional wetlands and waters and T&E species or potential habitat will be located within sub-meter accuracy utilizing an Arrow 100 submeter Global Navigation Satellite System (GNSS) receiver GPS and the subsequent differential correction of that data. GPS points may demonstrate uncorrectable errors due to topography, vegetative cover, and/or multipath signal error. The provided digital map will be intended for informational purposes only and should not be used to determine precise boundaries, roadways, property boundary lines, nor legal descriptions. The map shall not be construed to be an official survey of any data depicted.
5. A preliminary jurisdictional determination and T&E map and report of findings, including potential regulatory requirements, will be completed and made available to the client upon request.

Master Plan Development

1. Attend one (1) meeting with Client to review conceptual site layout, identify and finalize use types for designated areas, open space landscaping, and park amenities.
2. Finalize site layout incorporating review comments.
3. Provide one (1) cost estimate for civil-site construction items including grading, paving, drainage, and water/sewer utility service. Estimate of construction quantities will be based on the conceptual site plan.
4. Deliver electronic and paper copies of final documents to Client, including final conceptual rendering and estimated number(s) of new grave and columbarium niche spaces.

BASIS OF COMPENSATION

We anticipate providing the above efforts for the following lump sum fees:

Preliminary Engineering Assistance	\$20,200 (Lump Sum)
Environmental Survey	\$ 8,000 (Lump Sum)
Masterplan Development	\$16,800 (Lump Sum)

ASSUMPTIONS

This proposal is based on the following assumptions:

1. All information provided to McGill Associates from Client shall be deemed reliable as provided.
2. Documents prepared under this proposal are for the Client's planning purposes only. Final engineering plans for construction, permitting, or local jurisdiction review are not included under this proposal.
3. Drawings will be prepared in 24-inches by 36-inches size on McGill Associates title block, unless otherwise requested. For other formats, title block and appropriate fonts will be provided in AutoCAD (2014 or newer) format to our office.
4. Additional revisions to the preliminary plans, requested after the Client review meeting comments have been addressed, will be billed on an hourly basis, as additional services, in accordance with the attached Basic Fee Schedule.
5. Unless otherwise stated, available aerial photography, GIS property lines, and LIDAR contours will be used to represent existing site conditions for development of conceptual site plans. This proposal does not include land surveying, but these services could be provided as additional services at the Client's direction.
6. Detailed civil design (grading, erosion control, stormwater, zoning, water line extensions, sewer line extensions, DOT encroachments/driveway permits, etc.) for permitting with authorities having jurisdiction are not included in the above scope of services.
7. Geotechnical exploration is not included in the above scope of services. McGill Associates can coordinate these services if requested by Client.
8. Stream and wetland permitting is not included in the above fee. McGill Associates can provide these services as additional services in accordance with the attached Standard Fee Schedule.
9. Services for tasks other than those specifically detailed above are not included in the above fee.

ADDITIONAL SERVICES

The following services are not included in under this proposal. If any of the following services are required or desired, they may be provided as Additional Services and paid by the Client as hereinafter provided, or provided under a separate agreement.

1. Preparation of engineered drawings for permitting and/or construction.
2. Providing land surveying services for the purposes of developing engineered drawings for permitting and/or construction
3. Preparing estimates of probable costs of recommended improvements beyond those included in the scope of services.
4. Attendance at meetings beyond those identified in the Scope of Services above.
5. Providing geotechnical investigation/engineering and/or performing soil/pavement borings.
6. Providing any other services not otherwise included in this Agreement or not customarily furnished in accordance with the generally accepted Civil Engineering practice.

CLIENT'S RESPONSIBILITIES

1. The Client shall provide full information regarding the project site and related requirements for the Project.
2. The Client shall provide McGill Associates personnel full access to the project site.
3. The Client shall designate a representative authorized to act in his behalf with respect to the Project. The Client or Client's representative shall examine documents submitted by McGill Associates and shall render decisions pertaining thereto promptly, to avoid unreasonable delay in the progress of McGill's work.

Thank you for the opportunity to work with you on this project. If you have any questions concerning this proposal or any element of our work, please do not hesitate to contact me or Doug Chapman, our Hickory Office Manager at 828-328-2024. If the above is acceptable to you, please sign and return the attached Consulting Services Agreement to our office.

Sincerely,
McGILL ASSOCIATES, P.A.

DOUGLAS CHAPMAN, PE
 Hickory Office Manager

JARED WRIGHT
 Project Manager

Enclosures: Consulting Services Agreement

CONSULTING SERVICES AGREEMENT

This contract entered into this _____ day of _____, 20__ by and between the City of Lenoir hereinafter called the Client, and McGill Associates, P.A.;

Witnesseth that:

Whereas, the Client desires to engage McGill Associates to provide consulting services; and,

Whereas, the Client finds that the attached Scope of Services and terms of this agreement are acceptable; and,

Whereas, McGill Associates desires to provide said services and agrees to do so for the compensation and upon the terms and conditions as hereinafter set forth,

Now, therefore, the parties hereto do mutually agree as follows:

1. Scope of Services: McGill Associates shall provide the services attached hereto in the Exhibit "Scope of Services" to this Agreement, hereinafter called services. Additional services will be invoiced in accordance with the attached rate and fee schedule.

2. Standard of Care: McGill Associates will perform its services using that degree of skill and diligence normally employed by professional engineers or consultants performing the same services at the time these services are rendered.

3. Authorization to Proceed: Execution of this Consulting Services Agreement will be considered authorization for McGill Associates to proceed unless otherwise provided for in this Agreement.

4. Changes in Scope: The Client may request changes in the Scope of Services provided in this Agreement. If such changes affect McGill Associates cost of or time required for performance of the services, an equitable adjustment will be made through an amendment to this Agreement.

5. Compensation: The Client shall pay the compensation to McGill Associates set forth in the Exhibit "Basis for Compensation" attached hereto. Unless otherwise provided in the Basis for Compensation, McGill Associates shall submit invoices to the Client monthly for work accomplished under this agreement and the Client agrees to make payment to McGill Associates within thirty (30) days of receipt of the invoices. Client further agrees to pay interest on all accounts invoiced and not paid or objected to for a valid cause in writing within said thirty (30) days at a rate of 1-1/2 percent per month (18 percent per annum), until paid. Client agrees to pay McGill Associates' cost of collection of the amounts due and unpaid after sixty (60) days, including but not limited to, court costs and attorney's fees. McGill Associates shall not be bound by any provision such as contained in a purchase order or wherein McGill Associates waives any rights to a mechanic's lien or any provision conditioning McGill Associates' right to receive payment for its work upon payment to the Client by any third party. These general conditions are notice, where required, that McGill Associates shall file a lien whenever necessary to collect past due amounts. The Client agrees that failure to make payment in full within thirty (30) days of receipt of the invoice shall constitute a release of McGill Associates from any and all claims of negligence which Client may have. It is also mutually agreed that should the Client fail to make prompt payments as described herein, McGill Associates reserves the right to immediately stop all work under this agreement until disputed amounts are resolved.

6. Personnel: McGill Associates represents that it has, or will secure at their own expense, all personnel required to perform the services under this agreement and that such personnel will be fully qualified and adequately supervised to perform such services. It is mutually understood that should the scope of services require outside subcontracted services, McGill Associates may do so at their discretion.

7. Opinions or Estimates of Cost: Any costs estimates provided by McGill Associates shall be considered opinions of probable costs. These along with project economic evaluations provided by McGill Associates will be on a basis of experience and judgment, but, since McGill Associates has no control over market conditions or bidding procedures, McGill Associates cannot warrant that bids, ultimate construction cost, or project economics will not vary from these opinions.

8. Termination: This Agreement may be terminated for convenience by either the Client or McGill Associates with 15 days written notice or if either party fails substantially to perform through no fault of the other and does not commence correction of such non performance within 5 days of written notice and diligently complete the correction thereafter. On termination, McGill

Associates will be paid for all authorized work performed up to the termination date plus reasonable project closeout costs.

9. Limitation of Liability: McGill Associates liability for Client's damages will, in aggregate, not exceed \$50,000. This provision takes precedence over any conflicting provision of this Agreement or any documents incorporated into it or referenced by it. This limitation of liability will apply whether McGill Associates liability arises under breach of contract or warranty; tort, including negligence; strict liability; statutory liability; or any other cause of action, and shall include McGill Associates' directors, officers, employees and subcontractors. At additional cost, Client may obtain a higher limit prior to commencement of services.

10. Assignability: This agreement shall not be assigned or otherwise transferred by either McGill Associates or the Client without the prior written consent of the other.

11. Severability: The provisions of this Consulting Services Agreement shall be deemed severable, and the invalidity or enforceability of any provision shall not affect the validity or enforceability of the other provisions hereof. If any provision of this consulting services agreement is deemed unenforceable for any reason whatsoever, such provision shall be appropriately limited, and given effect to the extent that it may be enforceable.

12. Ownership of Documents: All documents, calculations, drawings, maps and other items generated during the performance of services shall be considered intellectual property and remain the property of McGill Associates. Client agrees that the deliverables are intended for the exclusive use and benefit of, and may be relied upon for this project only by the Client and will not be used otherwise. Client agrees that any prospective lender, buyer, seller or third party who wishes to rely on any deliverable must first sign McGill Associates' Secondary Client Agreement.

13. Excusable Delay: If performance of service is affected by causes beyond McGill Associates control, project schedule and compensation shall be equitably adjusted.

14. Indemnification: Client agrees to indemnify, defend and hold McGill Associates, its agents, employees, officers, directors and subcontractors harmless from any and all claims, and costs brought against McGill Associates which arise in whole or in part out of the failure by the Client to promptly and completely perform its obligations under this agreement, and as assigned in the Exhibit "Scope of Services" or from the inaccuracy or incompleteness of information supplied by the Client and reasonably relied upon by McGill Associates in performing its duties or for unauthorized use of the deliverables generated by McGill Associates.

15. Choice of Law: This Agreement shall be governed by the internal laws of the State of North Carolina.

16. Entire Agreement: This Agreement contains all of the agreements, representations and understandings of the parties hereto and supersedes any previous understandings, commitments, proposals, or agreements, whether oral or written, and may only be modified or amended as herein provided; and as mutually agreed.

17. Attachments to this document:

1. Proposal including Scope of Services and Basis of Compensation
2. Fee Schedule

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Budget Amendments - Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2023.

II. Background Information:

Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2023 as follows:

- **Budget Amendment 2023-3:**
 - **Approve the utilization of additional general fund revenues to make purchases and building upgrades.**
 - **Approve the allocation of general fund expenditures to purchase a brush truck and building upgrades.**
 - **Approve the allocation of enterprise fund expenditures.**
 - **Approved the allocation of funding for the Main Street.**

Staff Recommendation:

Approve as requested

III. Reviewed by:

City Attorney:

Finance Director: *Danna Bean*

Public Works/Public Utilities Director:

Planning Director:

**2022-2023 Fiscal Year
Budget Amendment 23-3
Tuesday, June 20, 2023**

ITEM 1: APPROVE THE UTILIZATION OF ADDITIONAL GENERAL FUND REVENUES TO MAKE BUILDING UPGRADES AND PURCHASES.

Account Number	Department	Increase	Decrease
3319	FRANCHISE TAX DIST	85,000.00	
3471	ROLL OUT CONTAINER SALES	25,000.00	
3480	CEMETERY LOTS	10,000.00	
3839	FIRE LINE CHARGES	10,000.00	
3122	AD VALOREM TAXES	110,000.00	
	TOTAL REVENUE INCREASE	240,000.00	

ITEM 2: APPROVE THE ALLOCATION OF GENERAL FUND EXPENDITURES FOR BUILDING UPGRADES AND THE PURCHASE OF A BRUSH TRUCK.

Account Number	Department	Increase	Decrease
4110	LEGISLATIVE	70,000.00	
4110	LEGISLATIVE	25,000.00	
4120	ADMIN	25,000.00	
4511	STREETS	101,000.00	
4512	STREET TRAFFIC CONTROL	19,000.00	
4710	SANITATION	40,000.00	
6122	MULBERRY	15,000.00	
6123	MLK	15,000.00	
4920	MAIN STREET		70,000.00
	SUBTOTAL	310,000.00	70,000.00
	TOTAL EXPENDITURE CHANGES	240,000.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	-	

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

Account Number	Department	Increase	Decrease
7131	WATER DISTRIBUTION		118,000.00
7132	WATER RESOURCES	20,000.00	
7133	ADMINISTRATION	98,000.00	
7141	WASTEWATER PRETREATMENT	25,000.00	
7142	GUNPOWDER PLANT		25,000.00
	TOTAL EXPENDITURE CHANGES	143,000.00	143,000.00
	NET EFFECT ON THE WATER FUND BUDGET	-	

ITEM 4 : ALLOCATE FUNDING FOR MAIN STREET.

	Account Number	Increase	Decrease
	3981	TRANSFER FROM GENERAL FUND	95,000.00
	4920	MAIN STREET	95,000.00
	TOTAL EXPENDITURE CHANGES	95,000.00	
	NET EFFECT ON THE MAIN STREET BUDGET	95,000.00	

ABC BOARD (3-YEAR TERM)

John Tye	2026
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FOOTHILLS REGIONAL AIRPORT AUTHORITY (2-YEAR TERM)

Joe Gibbons	2025
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LENOIR HOUSING AUTHORITY (5-YEAR TERM)

Linda Ferguson (resident member)	2028
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Vacant - unexpired	2026
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BUSINESS ADVISORY BOARD (3-YEAR TERM)

Dana Clark	2026
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Jennifer Indicott	2026
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Tyler Reece	2026
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Glenda Wilson	2026
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PLANNING BOARD/HISTORIC PRESERVATION COMMISSION (3-YEAR TERM)

Michael Careccia	2026
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Kyle Case	2026
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BOARD OF ADJUSTMENT (3-YEAR TERM)

Lucy McCarl	2026
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Vacant - unexpired	2025
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RECREATION ADVISORY BOARD (2-YEAR TERM)

Scott Barnett	2025
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Michael Dineen	2025
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Rick Pierce	2025
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Tim Poarch	2025
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James Robertson	2025
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LENOIR TOURISM DEVELOPMENT AUTHORITY (4-YEAR TERM)

Brenda Floyd	2027
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Vacant	2027
Vacant	2027