



AGENDA

**CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, JANUARY 2, 2024
6:00 P.M.**



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. A public hearing will be held to consider a Conditional Zoning District (CZ-10) as requested by Edward Earl Booker for property located at 2035 Walt Arney Road, NCPIN#2758204978 subject to the following special conditions (1-7) as listed below and as based on the consistency statement also listed below. Staff recommends City Council adopt the proposed ordinance.

Special Conditions

1. Concept Plan. Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the concept plan attached to this ordinance as Exhibit "B" (hereinafter the "Concept Plan"). In the event of a conflict between the text of this ordinance and the Concept Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Concept Plan.
2. Variances. Zoning variances to the standards of the default zoning district not modified by this ordinance may be approved pursuant to the procedures set forth in Appendix A, Article XIII, Section 1312.1 of the Lenoir City Code.
3. Modification. The special conditions specific to the CZ-10 zoning district may only be modified by application for a zoning map amendment following the procedures outlined in Appendix A, Article VIII, Section 820 of the Lenoir City Code.
4. Permitted/Special Uses. All uses permitted within the R-9 zoning district, as well as offices, and manufacturing (boutique/artisan and light). Heavy manufacturing is not permitted by this ordinance.
5. Design. Design standards laid out for industrial districts shall apply, as well as the following conditions:
 - a. All commercial and industrial activity shall take place within the buildings.
 - b. Outdoor storage, truck parking, garbage collection, and loading/unloading shall not be visible from abutting streets. All of the following in addition to HVAC/utility equipment and other similar functions shall be incorporated into the overall design of the building. Non-enclosed areas shall be permanently defined and screened, as well as conform to materials and colors on the building.
 - c. All lighting shall be fully cut-off and shielded so as to eliminate light spill-over onto adjacent residential properties.
 - d. Six parking spaces are required, located to the side and rear of the buildings as shown on the concept plan.

6. Buffer. The tree line along the rear property boundary shall remain and landscaping must be replaced if damaged. The buffer in front of the proposed secondary building shall consist of evergreen trees screening away from the adjacent single-family home (known as 2025 Walt Arney Rd). The buffer must meet the following specification: Trees and shrubs used in a buffer strip shall be species which reach a height of six feet within two years. A combination of two or more species may be permitted, provided that at least 50% of the trees will reach six feet within two years and such trees will be evenly distributed along the buffer strip. Any change of ownership or occupancy does not negate the requirements of this section.
7. Signage. This site is permitted the following signs with an approved zoning permit.
 - a. One monument sign not to exceed 32 SF copy area and 6 feet in height.
 - b. Building mounted wall signage up to 8 SF.
 - c. Electronic message boards are prohibited.

Consistency Statement:

The proposed Conditional Zoning District is consistent with the land use policy concepts in the Comprehensive Plan that call for industrial development in appropriate areas and increased requirements for landscaping in new developments. Generally, requiring landscaping incentivizes both the desire for a property to look more aesthetically appealing, but also ensuring that the character of the property does not interrupt the pre-existing residential and cultural contexts previously developed in the area. On the City of Lenoir Future Land Use Map, this area calls for high-density residential wherein there are several single-family neighborhoods as well as a few mobile home parks. This use, in the grand scheme of all properties in this area of Lenoir, does not hardly affect the intended uses that were bound for this parcel and surrounding parcels. It would be challenging to put multi-family/high-density homes on this property given its size, but additionally it is surrounded by uses that are consistent with the future land use map including a park to the east of the property.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, December 5, 2023 as submitted.
- B. Minutes: Approval of the closed session minutes from the City Council meeting of Tuesday, December 5, 2023 as reviewed by the City Attorney, City Council and the City Manager.
- C. Resolution; Division of Water Infrastructure: Staff recommends approval of the proposed resolution accepting the Stormwater planning grant offer from the Division of Water Infrastructure in the amount of \$248,640.00 and making the applicable assurances contained therein as submitted.
- D. Resolution & Symbol; Public Works & Engineering: Staff recommends City Council adopt the Resolution to designate Public Works and Engineering as First Responders as well as the symbol created and approved by the American Public Works Association in 2017. The symbol will be used by City of Lenoir Public Works Professionals to mark vehicles, equipment (tags and decals) and facilities (PWFR) identifying them as Public Works First Responders as submitted.

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 calendar for the month of January will be provided to City Council listing various meetings and events.
2. Curbside Christmas tree pickup begins Tuesday, January 2 through Friday, January 5.
3. The Lenoir Tourism Development Authority will meet on Thursday, January 4 at 4:00 p.m.
4. The City/County Services Committee will meet on Monday, January 8 at noon at J.E. Broyhill Civic Center.
5. The Economic Development Advisory Committee will meet on Tuesday, January 9 at 8:15 a.m.
6. The ABC Board will meet on Thursday, January 11 at 2:00 p.m.
7. The Lenoir Business Advisory Board will meet on Thursday, January 11 at 6:00 p.m.
8. City offices will be closed on Monday, January 15 in observance of the Martin Luther King, Jr. Holiday.

B. Items for Council Action

1. Bid Award; Lenoir Vehicular Wayfinding Project: Staff recommends approval to award the contract for the Lenoir Vehicular Wayfinding Project to Rite Lite Signs, Inc. for \$416,960.00 (Unit Price: Maj. \$7,619.00, Min. \$7,404.00) as they are the lowest responsive and responsible bidder. Rite Lite Signs, Inc. is a national sign and architectural features company based out of Concord, NC. They are a North Carolina Licensed Contractor with a portfolio of similar wayfinding projects in cities such as the City of Monroe, NC, Town of Strasburg, Virginia and City of Murray, Kentucky as referenced in their bid package.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

CITY OF LENOIR**COUNCIL ACTION FORM: January 2, 2024****I. Agenda Item:**

Applicant Edward Earl Booker is requesting to re-zone 2035 Walt Arney Road to a Conditional Zoning District (CZ-10), to allow for a second building for storage and repair of CNC machinery for local and regional businesses.

II. Background Information:

The subject property is currently zoned R-9 and was approved as a Special Use District (SUD 5-97) in July 1997, for a cabinet-making business in the building that stands on the property today. CZ-10 would permit the building expansion and the following uses: light manufacturing, boutique/artisan manufacturing, and office with other conditions detailed in the CZ-10 zoning ordinance and staff report.

III. Staff and Planning Board Recommendation:

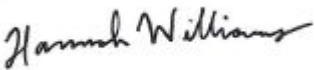
Approval of the CZ-10 conditional zoning ordinance based on the following consistency statement:

The proposed Conditional Zoning District is consistent with the land use policy concepts in the Comprehensive Plan that call for industrial development in appropriate areas and increased requirements for landscaping in new developments. Generally, requiring landscaping incentivizes both the desire for a property to look more aesthetically appealing, but also ensuring that the character of the property does not interrupt the pre-existing residential and cultural contexts previously developed in the area. On the City of Lenoir Future Land Use Map, this area calls for high-density residential wherein there are several single-family neighborhoods as well as a few mobile home parks. This use, in the grand scheme of all properties in this area of Lenoir, does not hardly affect the intended uses that were bound for this parcel and surrounding parcels. It would be challenging to put multi-family/high-density homes on this property given its size, but additionally it is surrounded by uses that are consistent with the future land use map including a park to the east of the property.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, DESIGNATING CERTAIN LAND
GENERALLY LOCATED OFF WALT ARNEY ROAD, SOUTH
OF SOUTHWEST BLVD, NORTH OF SWANSON ROAD, AND
COMPRISED OF 1.23 ACRES, MORE OR LESS, AS
CONDITIONAL ZONING DISTRICT #10 (CZ-10) ON THE
CITY’S OFFICIAL ZONING MAPS; DIRECTING AMENDMENT
OF THE OFFICIAL ZONING MAP; PROVIDING FOR
SEVERABILITY, AND AN EFFECTIVE DATE.**

Whereas, at its regularly scheduled meetings of November 27, 2023, the Lenoir Planning Board considered zoning application case number CZ-10, requesting the Conditional Zoning district designation, for approximately 1.23 acres of land, described by the legal description attached to this ordinance as **Exhibit “A”** (hereinafter the “Property”); and

Whereas, the property was approved as a Special Use District (SUD) in 1997 (SUD 5-97), and under S.L.2019-111(2)(b), any SUD that was valid and in effect on January 1, 2021 was automatically deemed to now be a Conditional Zoning district; and

Whereas, the SUD 5-97 approved the property to be used as a cabinet shop within a masonry building, and has been used for other light manufacturing uses in the years since, despite its base R-9 residential zone, and

Whereas, the current owner’s business is successful and growing, necessitating an additional storage building, and

Whereas, based upon the evidence presented to the Lenoir Planning Board, including the information and analysis contained in the staff report for application case number R 2-23 and subject to certain conditions, the Lenoir Planning Board recommended that the Lenoir City Council approve said conditional zoning application and adopt an ordinance in accordance therewith; and

Whereas, the Lenoir Planning Board has found that approval of the application is consistent with the City’s adopted Comprehensive Plan; and

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

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

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

SECTION 1. ZONING. After due notice and public hearing, and pursuant to Appendix A, Article XIV of the Lenoir City Code, and other relevant portions of the Lenoir City Code, the zoning designation for the Property is hereby changed from the R-9/CZ-L district to Conditional Zoning district on the City's Official Zoning Map (to be denoted as "CZ-10"), as depicted in Exhibit "B" to this ordinance.

SECTION 2. OTHER DEVELOPMENT LAWS. Except as expressly provided otherwise by this ordinance, the CZ-10 zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the R-9 Multi Family zoning district.

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

1. **Concept Plan.** Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the concept plan attached to this ordinance as Exhibit "B" (hereinafter the "Concept Plan"). In the event of a conflict between the text of this ordinance and the Concept Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Concept Plan.
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 - a. All commercial and industrial activity shall take place within the buildings.
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 - c. All lighting shall be fully cut-off and shielded so as to eliminate light spill-over onto adjacent residential properties.

- d. Six parking spaces are required, located to the side and rear of the buildings as shown on the concept plan.
- 6. Buffer.** The tree line along the rear property boundary shall remain and landscaping must be replaced if damaged. The buffer in front of the proposed secondary building shall consist of evergreen trees screening away from the adjacent single-family home (known as 2025 Walt Arney Rd). The buffer must meet the following specification:
- Trees and shrubs used in a buffer strip shall be species which reach a height of six feet within two years. A combination of two or more species may be permitted, provided that at least 50% of the trees will reach six feet within two years and such trees will be evenly distributed along the buffer strip. Any change of ownership or occupancy does not negate the requirements of this section.
- 7. Signage.** This site is permitted the following signs with an approved zoning permit.
- a. One monument sign not to exceed 32 SF copy area and 6 feet in height.
 - b. Building mounted wall signage up to 8 SF.
 - c. Electronic message boards are prohibited.

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

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

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, the 21st and 28th days of December, 2023.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 2nd day of January, 2024.

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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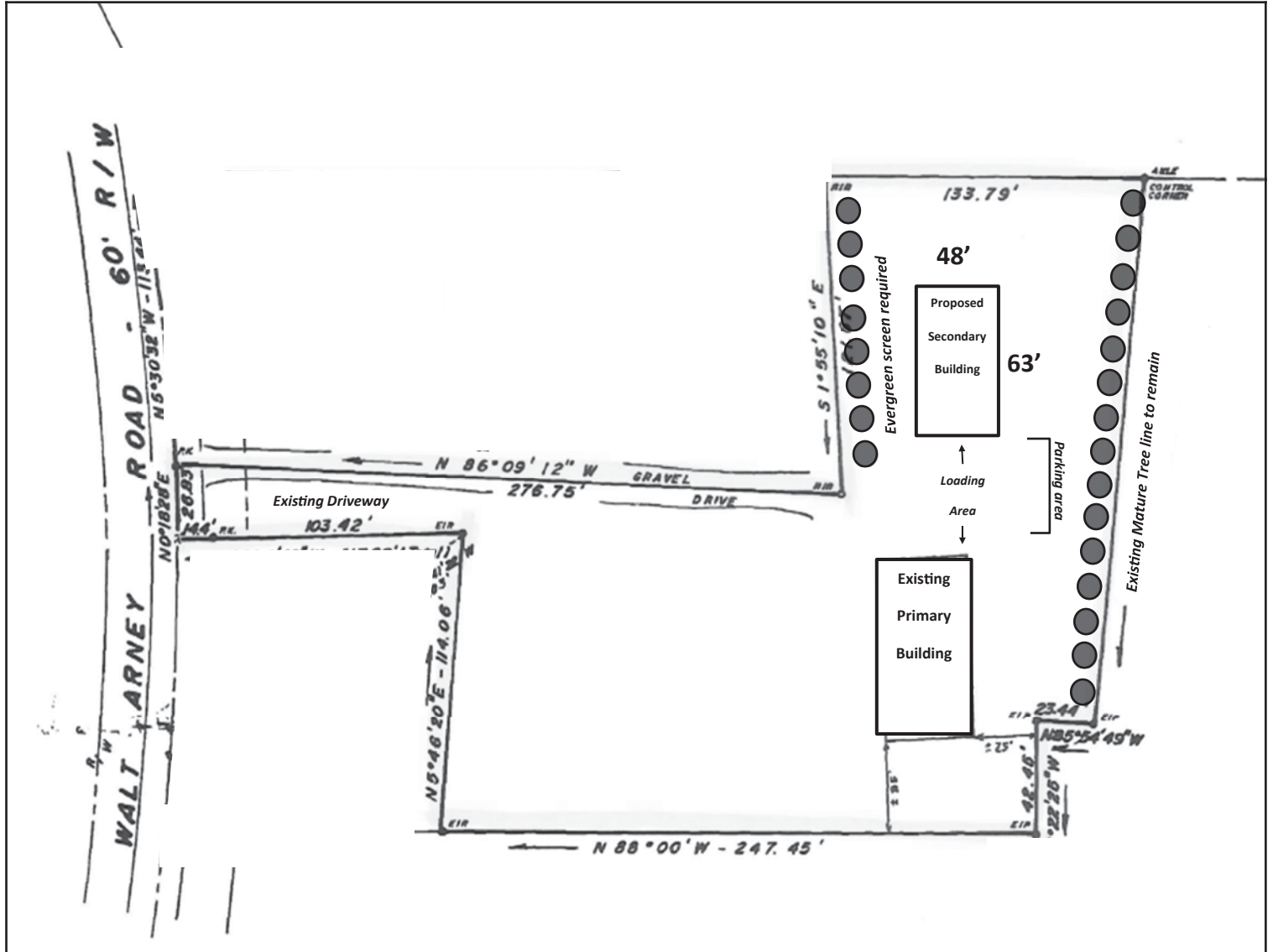
Exhibit "A"

BEGINNING at a PK nail in the middle of the right-of-way of Walt Arney Road, said PK nail being South 5° 30' 32" East 113.44 feet from the northwest corner of the Jimmy Bush and wife, Irene Bush property; thence running North 86° 09' 12" West 276.75 feet to a new iron rod; thence running North 1° 55' 10" West 121.67 feet to a new iron rod located in the southern margin of the M.L. Knight property; thence running with the southern margin of the M.L. Knight property South 88° 00' 00" East 133.79 feet to an axle; thence running South 07° 24' 36" West 210.33 feet to an existing iron pin; thence running North 85° 54' 49" West 23.44 feet to an existing iron pin; thence running South 2° 22' 25" West 42.45 feet to an existing iron pin; thence running with the northern margin of the Grant M. Spicer and Mary M. Spicer property North 88° 00' 00" West 247.45 feet to an existing iron rod, said rod being located in the southeastern corner of Paul E. Dishman property; thence running North 5° 46' 20" East 114.06 feet to an existing iron rod, said rod being located in the northeastern corner of the property owned by Paul E. Dishman; thence running with the northern margin of the Paul E. Dishman property North 89° 01' 40" West 117.82 feet to a point located in the middle of the right-of-way of Walt Arney Road; thence running with the center margin of the right-of-way of Walt Arney Road North 0° 18' 28" East 26.83 feet to the POINT OF BEGINNING.

BEING and containing 1.199 acres, more or less, of which 0.18 acres is in the right-of-way of Walt Arney Road, according to a survey by Clark Surveying, dated January 28, 1998, entitled "Jimmy and Irene Bush, City of Lenoir, Caldwell County, North Carolina". Also being all of Lot B as shown on the above referenced survey.

Deed Reference: Book 1895, Page 198; Book 1768, Page 189; Book 1214, Page 958; Book 604, Page 60; Book 470, Page 49; Book 228, Page 386.

THIS CONVEYANCE IS MADE SUBJECT TO THAT CERTAIN DEED OF TRUST RECORDED IN BOOK 2046, PAGE 488, CALDWELL COUNTY REGISTRY.



Staff Report

CONDITIONAL ZONING REQUEST

CASE NUMBER R #2/23



LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property:

CAM Sales & Services
LLC

Abutting properties outlined in green were mailed notices.

SUMMARY

Owner

CAM SALES & SERVICES LLC

Applicant

Edward Earl Booker
CAM Sales & Services LLC

Location

2035 Walt Arney Road

NC PIN

2758204978

Project Planner

Hannah Williams, AICP, CZO

Matt Duchan

Updated December 21, 2023

Applicant's Request:

The applicant is requesting to re-zone the subject property to a Conditional Zoning district (CZ-10), to allow for a second metal building for storage and repair of CNC machinery for local and regional businesses.

This property was SUD #5-97, approved in July 1997 to replace a burned down cabinet-making business.

Staff Recommendation:

Approval, with the conditions outlined in the staff report.

Planning Board Recommendation:

Unanimous approval with conditions outlined in this report.

Public Comment:

No public comment was received.

Planning Board Meeting:

Held on November 27, 2023. Notices were mailed to adjacent property owners on November 17, 2023.

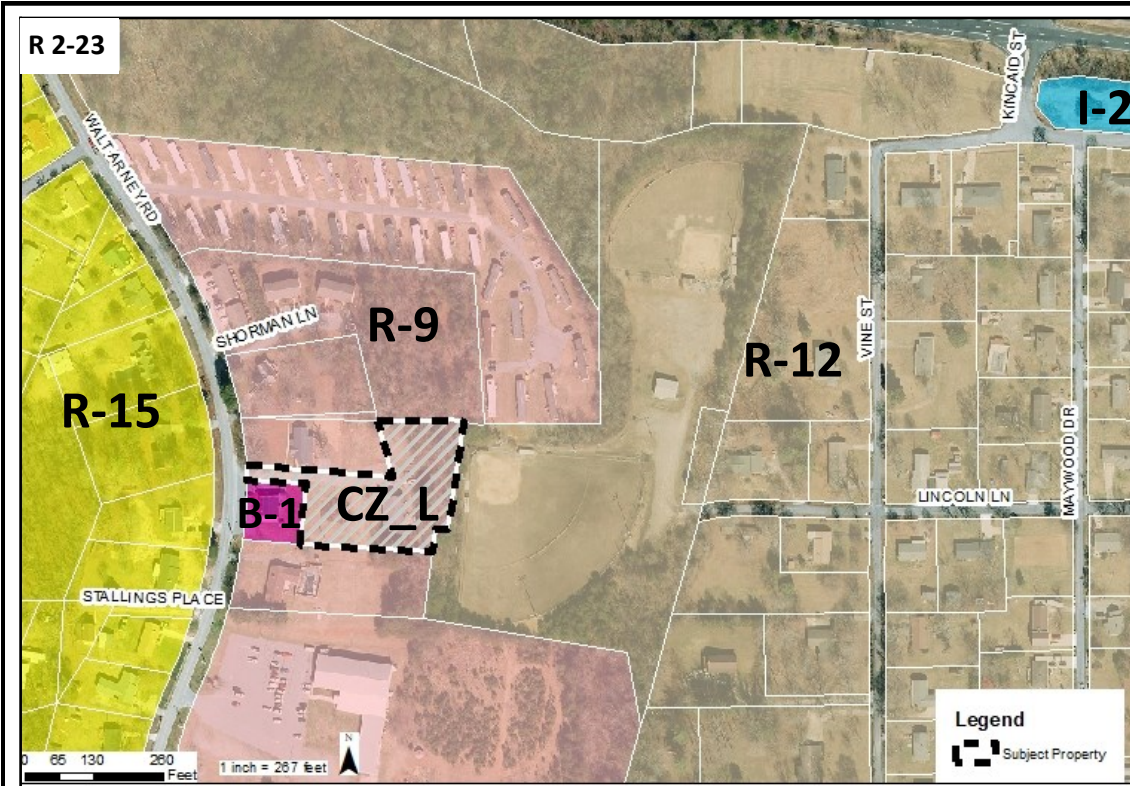
City Council (Public Hearing):

Scheduled for January 2nd, 2024. Noticed were mailed to adjacent property owners on Dec 22, 2023.

ABUTTING PROPERTY OWNERS



EXISTING ZONING

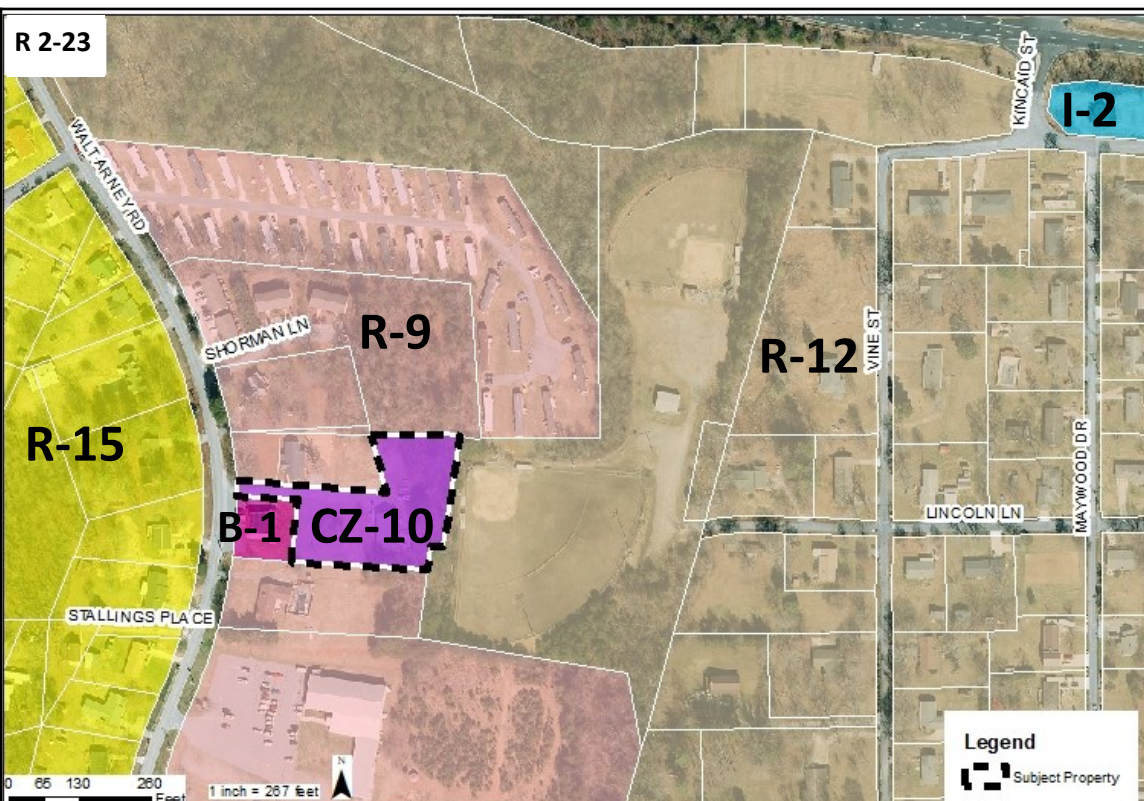


Subject Property:

Zoned CZ_L, R-9

Note: CZ_L are legacy conditional zoning districts that were approved as Special Use Districts (now-defunct).

PROPOSED ZONING



Subject Property:

Proposed CZ-10

BACKGROUND AND ANALYSIS

Intent of Conditional Zoning

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

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

Subject and Surrounding Properties

The 1.23-acre subject property is located in the R-9 zoning district at 2035 Walt Arney Road SW on the east side of Walt Arney Road. The property is developed with a 2,520 SF split-faced masonry commercial building. The north-eastern side of the parcel has been graded and graveled. Currently, the building is used to repair and restore CNC machinery for regional businesses. This property was approved for a commercial building in 1997, to be used as a cabinet shop, through SUD 5-97. The building sits more than 250 feet off of Walt Arney Road, and is not visible due to the house and grocery store that front Walt Arney Road.

The property abuts single-family homes both to the north and south, as well as the closed business Walt Arney Superette to the immediate west. Whitnel Optimist baseball field is to the east, and further south is New Life Baptist Church of Caldwell County. A driveway runs through the middle of the property splitting the single-family home to the north of the driveway and Walt Arney Superette to the south. The tract is currently zoned R-9, as are most properties on the east side of Walt Arney, while the Superette is zoned B-1. B-1 zoning districts typically serve to identify long-standing neighborhood scale businesses. To the west of the subject property, properties inside city limits are zoned R-15. The area surrounding the subject property is predominantly residential, other than the aforementioned abutting uses. About a quarter-mile to the south is Cahah's Mountain town limits.

Proposed Development

The applicant already operates this business at the current site, and is proposing to expand into a second building for additional storage. The proposed building is pre-engineered metal building measuring about 3,000 SF. While the specific use that is being proposed is different from the cabinet shop approved through SUD 5-97, the CNC machinery use at this scale falls under a similar classification (light or boutique/artisan manufacturing). The applicant owns the business and is the sole employee. The applicant proposed that this operation would be private and open by appointment only. Because this is a non-residential property among predominantly residential uses, this property will require a landscape buffer abutting the residential property just west of the subject property.

The Concept Plan (page 9) illustrates ingress and egress for the property as well as parking and landscaping specifications that meet the current standards. Due to the topography and lack of public access via the driveway, the site has limited parking opportunities which additionally renders larger-scale developments impossible. Design must conform to public safety standards (NC Building/Fire Code) and performance standards required in industrial districts.

The applicant's proposed development is appropriate for residential zoning primarily because it is an entirely indoor use far enough off a main road to where the surrounding context will be unaffected. There will be little to no public access and no outdoor storage that will need to be screened from view. The new building will be out of public visibility because of the slope of the land and the buildings that front Walt Arney Rd. It is a small scale business in comparison to most manufacturing developments in industrial areas of Lenoir. There will be limited noise generated from operations and it is a single employee operation with little to no expansion.

BACKGROUND AND ANALYSIS (CONT.)

sion planned beyond what is laid out here. This is a very small change from what was proposed and approved as a SUD in July 1997, and is compatible with a mix of uses in the area including mixed-density housing, grocery stores, landscaping/pool services, religious/cultural institutions, and parks.

The larger consideration for this (and all) conditional zoning cases is what can and cannot occur should this business cease to exist in its proposed form. Planning staff has also deemed it appropriate for a daycare, church, or boutique and light industrial to operate at this location should the intended use cease to exist in its proposed form. Business and personal services would be considered for a special use at this site.

SUD 5-97 and the History of Special Use Districts

In July 1997, the City of Lenoir approved a Special Use District (SUD 5-97) for a burned-down cabinet shop to be rebuilt near where the existing building is standing today. The cabinet shop had been in business for 40 years prior to approval of SUD 5-97.

In 2015, the City of Lenoir amended the Zoning Ordinance to retire Special Use Districts (SUDs) and add the legislative zoning tool Conditional Zoning (CZ) instead. Under the old ordinance, Special Use Districts were applied as overlay districts, and all uses within an SUD overlay were “Special Uses.” As soon as the legislative SUD overlay was approved (usually within the same meeting), a quasi-judicial “special use permit” could be approved for whatever use the applicant was requesting that wasn't allowed under the conventional zone. Since N.C.G.S Chapter 160D came into effect statewide, in favor of conditional zoning. In North Carolina, all SUDs continue to be valid but new SUDs are not allowed. The use of SUDs is suspended. Staff has also since designated all SUDs as “legacy” CZs in the Official Zoning Map.

With Conditional Zoning, all aspects of a proposed development are addressed within a single legislative action, and modifications to development standards and permitted uses are memorialized with a recorded ordinance — it's flexible, transparent, and much simpler for staff, the Planning Board, the City Council, the applicant, and the public to understand.

Buffers

Given that this development proposes expanding a non-residential use in a residential zoning district, buffers will play a pivotal role in ensuring consistency with the surrounding properties. The primary purpose of buffers is to ensure negative impacts caused by unsuitable or conflicting land use practices are adequately reduced. Article 712.1 requires non-residential uses abutting single-family residences to establish a 15-foot wide planted buffer strip if no mature tree-line exists. The proposed evergreen buffer on the front side of the proposed secondary building would serve as an adequate buffer to the home just up the driveway from the subject property. The buffer must meet all requirements and specifications found in Sec. 712.8 of the Zoning Ordinance.

Proposed Conditional Zoning District: CZ-10 Specific Standards

1. **Base Zoning.** Base zoning district is R-9. Any development standards not specifically addressed in the Conditional Zoning Ordinance will default to the R-9 zoning district.
2. **Permitted Uses.** The following will be permitted beyond what R-9 allows:
 - Offices
 - Manufacturing & Processing: Boutique/Artisan and Light
3. **Design.** Design standards as laid out for industrial districts shall apply as well as the following guidance receiving special attention:
 - **Visibility—** At the intersection of a driveway and a street, there shall be no obstruction to vision by structures, signs, grade or foliage from three to ten feet above the surface elevation in the public right of way.
 - **Side and Rear Appearance—** Where the façade faces residential uses, an evergreen berm of no less than 6 feet in height shall

BACKGROUND AND ANALYSIS (CONT.)

be spaced no more than 10 feet on center within rows.

- **Outdoor Storage, Garbage Collection, and Loading Areas**—All commercial activity shall take place within the buildings. Outdoor storage, truck parking, garbage collection, and loading/unloading shall not be visible from abutting streets. All of the following in addition to HVAC/utility equipment and other similar functions shall be incorporated into the overall design of the building. Non-enclosed areas shall be permanently defined and screened, as well as conform to materials and colors on the building.

4. **Buffer.** The tree line along the rear property boundary shall remain, and landscaping must be replaced if damaged. The buffer in front of the proposed secondary building shall be comprised of evergreen trees screening away from the adjacent single-family home (known as 2025 Walt Arney Rd). The buffer must meet the following specification:

- Trees and shrubs used in a buffer strip shall be species which reach a height of six feet within two years. A combination of two or more species may be permitted, provided that at least 50% of the trees will reach six feet within two years and such trees will be evenly distributed along the buffer strip. Any change of ownership or occupancy does not negate the requirements of this section.

5. **Lighting.** All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.

6. **Signage.** This site is permitted the following signs with an approved zoning permit:

- Monument sign: one monument sign not to exceed 32 sq. ft. in area and 6 ft. in height
- Building Mounted: wall signage up to 8 sq. ft.

Electronic message boards are strictly prohibited.

7. **Access and Parking.**

- Customers will access the site via the existing driveway off Walt Arney Road.
- Six parking spaces are required located to the rear and sides of buildings as shown on the concept plan.

8. **Setbacks:** The setbacks shall be what is required in R-9, which are:

Front: 35 ft.; Side: 12 ft.; Rear: 25 ft.

BACKGROUND AND ANALYSIS (CONT.)

Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and special uses for each zoning district. The R-9 zoning district allows for special uses that serve the immediately surrounding neighborhood. The CZ-10 zoning district would allow for the

Comparison of Zoning Districts

	R-9	CZ-10
Development Standards	Min Lot Size— 9,000 SF Setbacks Front: 35' Side Yard: 12' Abutting side Street: 25' Minimum Rear Yard: 35'	Min Lot Size - 9,000 SF Setbacks SAME as R-9
Summary of Permitted Uses	— Accessory Apt/Accessory Cottage — Attached Dwellings (Townhomes) — Bungalow Court — Dwelling, single family detached — Dwelling, 2 Family (Duplex) — Manufactured Homes — Multi-family, low-density (garden apts., 4.8 du/ ac) — Zero-Lot Line (1-Family) — Family/Group-Care Facilities (1-6 non-related residents)	SAME AS R-9, and in addition: — Manufacturing and Processing: Boutique/Artisan — Manufacturing and Processing: Light — Office (includes Medical and Dental)
	SPECIAL USES — Bed & Breakfast — Manufactured Home Parks (existing) — Multi-Family, medium/high density — Planned Residential Development — Family/Group-Care Facilities (7+ non-related residents) — Group Housing (1-6 non-related residents, no care) — Day Care Centers — Communication Towers — Cultural and Community Facilities — Public Service Facilities	SPECIAL USES SAME as R-9

SURROUNDING CONTEXT MAP



CONSISTENCY STATEMENT/STAFF RECOMMENDATIONS

Consistency with the Comprehensive Plan/Reasonableness of Amendment

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

The proposed Conditional Zoning District is consistent with the land use policy concepts in the Comprehensive Plan that call for industrial development in appropriate areas and increased requirements for landscaping in new developments. Generally, requiring landscaping incentivizes both the desire for a property to look more aesthetically appealing, but also ensuring that the character of the property does not interrupt the pre-existing residential and cultural contexts previously developed in the area.

On the City of Lenoir Future Land Use Map, this area calls for high-density residential wherein there are several single-family neighborhoods as well as a few mobile home parks. This use, in the grand scheme of all properties in this area of Lenoir, does not hardly affect the intended uses that were bound for this parcel and surrounding parcels. It would be challenging to put multi-family/high-density homes on this property given its size, but additionally it is surrounded by uses that are consistent with the future land use map including a park to the east of the property.

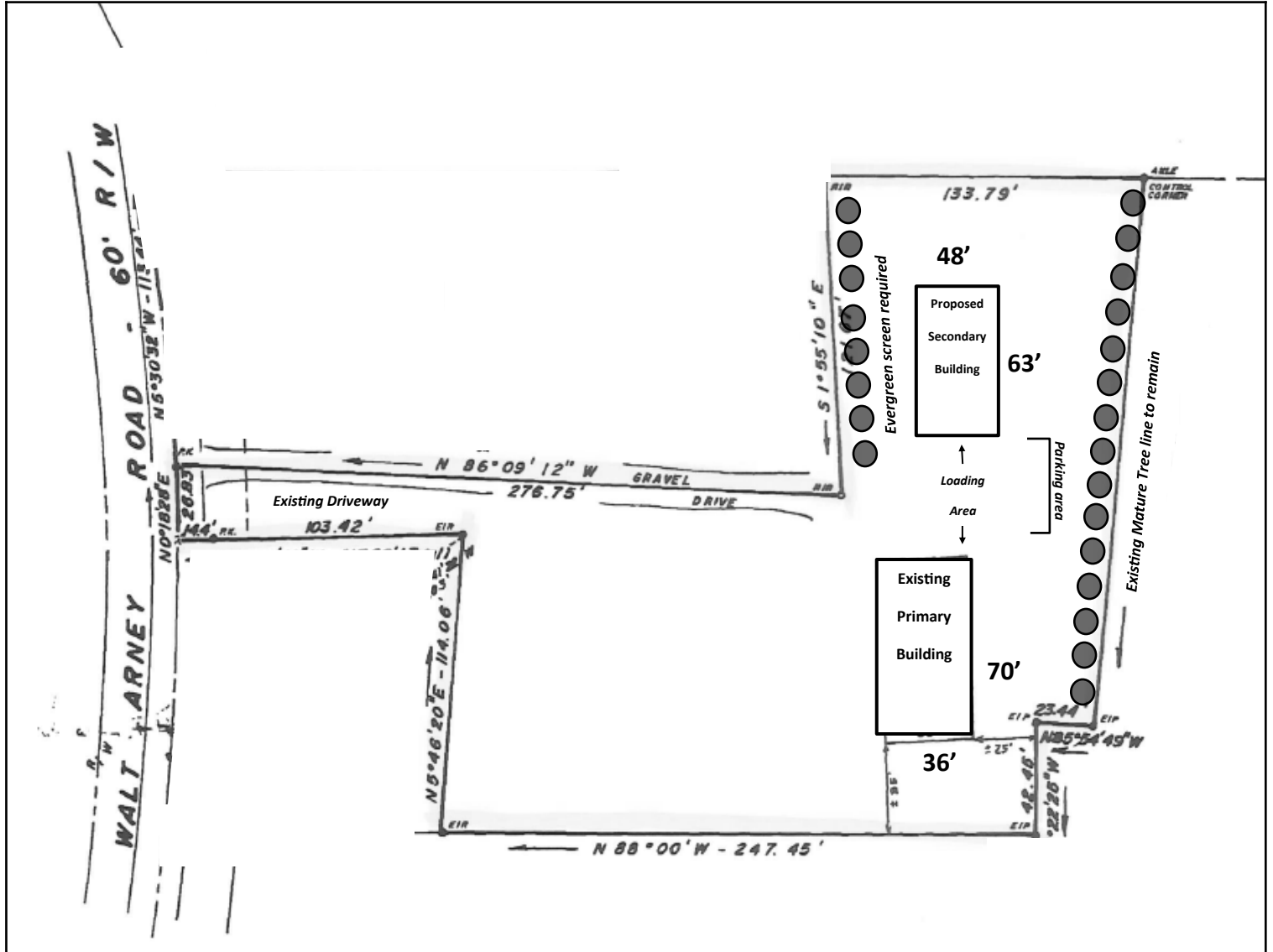
PLANNING BOARD RECOMMENDATIONS

Approval of the request.

DETAILED CONCEPT PLAN



CONCEPT PLAN (B&W)



SITE PHOTOS — 11/2/2023

Below: Rear of site identifying mature landscaping and parking opportunities



Below: Front of site identifying driveway and location of future landscaping buffer from residence



Above: Garage entrance on side of primary building with limited parking opportunities



Above: South side of property facing New Life Baptist Church

SITE PHOTOS — 11/2/2023

Below: Walt Arney Superette (closed) fronts the subject property



Below: Driveway fronting Walt Arney Road, facing north



Above: Single-family home south of property



Above: Front of primary building facing Walt Arney Road

**LENOIR CITY COUNCIL
TUESDAY, DECEMBER 5, 2023
6:00 P.M.**

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

CITY STAFF: In attendance was Finance Director Donna Bean, Fire Chief Norman Staines, Deputy Fire Chief Kenny Nelson, Police Chief Brent Phelps, Planning Director Hannah Williams, Public Services Director Radford Thomas, Public Utilities Operations Manager Jeff Church, Public Works Operations Manager Jon Hogan, Downtown Event Coordinator Matthew Anthony and Communications Director Joshua Harris.

ABSENT: Councilmember Todd Perdue.

I. CALL TO ORDER

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

SPECIAL RECOGNITION;

KENT GREER: B. On behalf of City Council, Mayor Gibbons presented Councilmember Kent Greer with a framed City flag and coins in honor and recognition of his tenure on City Council. Mayor Gibbons thanked Councilmember Greer for stepping up to serve when Council previously had a vacancy on Council and also thanked him for his representation on the Lenoir Planning Board and City Council. He further expressed appreciation to Mr. Greer and remarked it was an honor to have him serve.

Mr. Greer stated it has been a pleasure to serve on City Council for the past 22 months. He thanked City Council, City Manager Hildebran along with the Department Directors and City Staff. In addition, Mr. Greer thanked his wife Susan for all of her support over the past 38 years. Mr. Greer also thanked everyone for the cards, calls and kind words during the passing of his and Susan's mothers this year. He wished everyone a Merry Christmas and remarked he appreciated everything.

**OATH OF OFFICE; GIBBONS, PRESTWOOD
& ROGERS:**

- B. The Honorable District Court Judge Richard S. Holloway administered the Oath of Office to Joseph L. Gibbons, Mayor. Next, Judge Holloway administered the Oath of Office to Ralph S. Prestwood, Councilmember and Kimmie R. Rogers, Councilmember.

Mayor Gibbons reported that Councilmember Todd Perdue was previously sworn in with an effective date of Tuesday, December 5, 2023. (A copy of Mr. Perdue's signed oath is hereby incorporated into these minutes by reference. Refer to page 307.)

Mayor Gibbons congratulated and welcomed Councilmember Kimmie Rogers and stated Council looks forward to working with her in the New Year. Mayor Gibbons also congratulated Councilmember Ralph Prestwood upon his re-election and expressed appreciation to all of the family members and friends who were present for the swearing in ceremony.

Mayor Gibbons also thanked Judge Holloway for his service in administering the oaths of office.

Copies of the signed oaths of office are hereby incorporated into these minutes by reference. (Refer to pages 308-310.)

ELECTION OF MAYOR

PRO-TEM: C. Mayor Gibbons stated City Council will elect a Councilmember to serve a two-year term as Mayor Pro-Tem. He explained City Council will nominate a Councilmember for this position to be voted on by Council. The Mayor Pro-Tem leads the monthly Committee of the Whole meeting plus fills in for the Mayor as needed.

On behalf of City Council, Mayor Gibbons thanked Councilmember Crissy Thomas for her service as Mayor Pro-Tem. Ms. Thomas served two terms as Mayor Pro-Tem for a total of four (4) years.

Mayor Gibbons then opened the nominations for Mayor Pro-Tem.

Councilmember Crissy Thomas thanked City Council for the opportunity to serve and learn about the aspect of City government. Ms. Thomas nominated David Stevens for consideration of approval for the Mayor Pro-Tem position. Councilmember Thomas remarked that Councilmember Stevens has a tremendous amount of experience and stated he is the longest serving member on City Council.

First Motion

Due to no additional nominations being submitted by City Council and upon a motion by Councilmember Prestwood to close the nominations which carried unanimously, Mayor Gibbons closed the nominations and asked Council for action.

Second Motion

Upon a motion by Councilmember Thomas, City Council voted 6 to 0 to elect Councilmember David Stevens to serve a two-year term as Mayor Pro-Tem for the Lenoir City Council.

Mayor Gibbons thanked Mayor Pro-Tem Stevens for his willingness to serve and stated the position was well deserved.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

AMENDMENTS; FATS, OIL & GREASE ORDINANCE:

A. A public hearing was held to receive public comments regarding amendments to the City's Fats, Oil and Grease Ordinance as recommended by City Staff.

Mayor Gibbons opened the public hearing to receive public comments pertaining to the Fats, Oil and Grease Ordinance and asked Public Services Director Radford Thomas to explain the purpose of the proposed amendments.

A copy of the Fats, Oil and Grease Ordinance is hereby incorporated into these minutes by reference. (Refer to pages 311-314.)

Director Thomas reported the Division of Water Resources recently inspected the City's collection systems which include manholes, pipes, along with grease traps and how these are processed through our utility system. As information, the inspection was conducted to verify the facility is operating in compliance with the conditions and limitations specified in the Collection System Permit No. WQCS00035. The Division of Water Resources also reviewed the City's current policies and informed Staff the language in the City's policies is not strong enough. The inspection summary states the current grease control program needs to include more details such as how frequently grease traps need to be pumped and to define the enforceable policy.

Director Thomas also thanked Public Utilities Operations Manager Jeff Church for his great work on getting the new policy finalized.

Operations Manager Jeff Church reiterated the Division of Water Resources inspected the City's system on September 11, 2023 and said they also included a sample ordinance as a guiding document. The City's policy currently in effect was adopted in 2004 and is approximately 19 years old.

The proposed ordinance contains the following:

- a) specific definitions related to terms in the ordinance.
- b) more detailed information in the requirements of the installation, maintenance, record keeping and the removal of grease traps and interceptors than the existing policy.
- c) ordinance states the City shall enforce this division pursuant to the provisions of this division and the existing wastewater discharge division of the City's Code of Ordinances.
- d) existing wastewater discharge enforcement division ordinance is for all wastewater violations, not just grease traps or interceptors, and includes administrative remedies, civil penalties, or other available remedies including criminal violations, injunctive relief, water supply severance, and public nuisances.

Mr. Church stated City staff foresee few, if any, changes in the grease trap or interceptor inspections of current establishments. Staff currently have very few, if any, enforcement concerns with existing establishments that have a grease trap or interceptor. He shared they linked the new policy to our current adopted enforcement policy and amended the policy as requested by the state. He emphasized the City has not experienced any issues and he also thanked City Attorney Rohr for his assistance in amending the policy.

In addition, Mr. Church clarified that businesses already have grease traps in place at their restaurants thereby these amendments would not be a financial burden to the business owners.

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

Upon a motion by Councilmember Perkins, Council voted 6 to 0 to adopt the amended Fats, Oil and Grease Ordinance as submitted and as recommended by City Staff.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, November 7, 2023 as submitted.
- B. Engineering Services Contract; McGill Associates: Staff recommends City Council approval to negotiate a contact with McGill Associates of Hickory, NC for the engineering services required for the execution and administration of the Lenoir-Valdese Interconnection Project as submitted.

Councilmember Beal asked if the Town of Valdese would also be contracting with McGill Associates with City Manager Hildebran responding that they would be.

Upon a motion by Mayor Pro-Tem Stevens, City Council voted 6 to 0 to adopt items A & B on the Consent Agenda as described above and as recommended by City Staff.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

**DECEMBER
CALENDAR:**

- 1. The calendar for the month of December was provided to City Council listing various meetings and events.

**CHRISTMAS LIGHT
SHOW:**

- 2. The annual Christmas Light Show will continue nightly on the downtown square from 6:00 p.m. – 10:00 p.m. through January 1st.

**LUMINARY
DISPLAY:**

- 3. The annual Luminary Display will be held at Blue Ridge Memorial Park on Friday, December 8 from 6:00 p.m. – 10:00 p.m.

ABC BOARD:

- 4. The ABC Board will meet on Tuesday, December 12 at 2:00 p.m.

**MEETING
SCHEDULE:**

- 5. The City Council will not meet on Tuesday, December 19 due to the Christmas holidays. The next meeting will be held on Tuesday, January 2.

HOLIDAY CLOSING:

- 6. City offices will be closed on Monday, December 25 through Wednesday, December 27 in observance of Christmas, Monday, January 1 in observance of New Year's Day and Monday, January 15 in observance of the Martin Luther King, Jr. holiday.

CURBSIDE CHRISTMAS

TREE PICKUP: 7. Curbside Christmas tree pickup will be held the week of January 2nd through the 5th.

CHRISTMAS TOY GIVEAWAY:

MLK CENTER: 8. Santa will host a Toy Giveaway event at the Martin Luther King, Jr. Center on Thursday, December 21 at 5:00 p.m. The first 100 children ages 5-12 will receive a toy.

B. Items for Council Action

ORDER OF ABATEMENT;

1487 OVERLOOK DRIVE:

1. City Staff request that City Council adopt an Order of Abatement directing Staff to abate the minimum housing violations by demolishing the structure on the property of 1487 Overlook Drive, NC PIN#2748867734 as submitted.

A copy of the executed Order of Abatement is hereby incorporated into these minutes by reference. Refer to pages 315-316.)

City Manager Hildebran referred to the photos of the property's violations submitted in the packet and reported Staff's attempts to reach the owner and achieve owner abatement have been unsuccessful.

Upon a motion by Councilmember Thomas, Council voted 6 to 0 to adopt the Order of Abatement for property located at 1487 Overlook Drive, NC PIN#2748867734 as recommended by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

APPRECIATION; CITY

STAFF: A. On behalf of City Council, Mayor Gibbons expressed appreciation to Matthew Anthony for a great job in choosing the new Christmas decorations for downtown Lenoir and also to staff for getting everything installed and ready for the holidays. Mayor Gibbons shared he has received numerous compliments from citizens about how great the City looks for the holidays.

In addition, Mayor Gibbons expressed thanks to Matthew for overseeing this year's Christmas parade and to Madison Bumgarner and family for being the Grand Marshall in the parade.

Public Communications Director Joshua Harris also thanked the staff at Caldwell County for filming the City's Christmas parade which will be shown on the local Government Channel and other events.

THANK YOU; VOLUNTEERS

& STAFF (TURKEY TUESDAY EVENT):

- B. Councilmember Crissy Thomas along with Councilmember Ike Perkins reported 450 turkeys were given out at the ninth annual Turkey Tuesday held on November 21. Ms. Thomas stated this year was their largest turnout yet and she along with Councilmember Perkins thanked all of the sponsors, volunteers and staff of the Martin Luther King, Jr. Center for all of their support in making this event a huge success. They also thanked the Police Department for providing traffic control and the Fire Department Staff for all of their assistance during the giveaway.

CLOSED

SESSION: C. Pursuant to N.C.G.S. §143-318.11(a),(3), and upon a motion by Councilmember Perkins, which unanimously carried, City Council entered into closed session to discuss pending class-action litigation and a proposed settlement. The parties in each existing lawsuit concerning which City Council expects to receive advice during the closed session are: Camden, South Carolina, E.I. DuPont de Nemours and Company, 3M Company, and others. City Council may take action following the closed session.

Upon a motion by Councilmember Perkins, City Council voted unanimously to re-enter into open session. The following action was taken by City Council.

OPEN SESSION:

D. City Attorney Rohr asked Council to consider passing a resolution to opt out of the litigation due to the City of Lenoir not finding any significant levels of polyfluoroalkyl substance (PFAS) chemicals in its public water supplies. He advised the City would be entitled to very little or no compensation under the proposed settlement agreements with DuPont or 3M. Attorney Rohr also clarified for Council, if they choose to opt out of litigation now, they could pursue litigation in the future should the City have any issues with (PFAS), but the City loses that option if they pursue litigation now.

A copy of the resolution is hereby incorporated into these minutes by reference. (Refer to page 317.)

Upon a motion by Councilmember Beal, City Council voted 6 to 0 to adopt the resolution directing City Manager Hildebran to file exclusion agreements on behalf of the City of Lenoir for the following lawsuits: *City of Camden, et. al. v. E.I. DuPont De Nemours & Co., et al.*, Civil Action No. 2:23-cv-3230-RMG and *City of Camden, et al. v. 3M Company*, City Manager and Staff to carry out the provisions of this resolution as submitted.

IX. REPORT AND RECOMMENDATIONS OF THE MAYOR

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 5:45 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

❧ **TODD H. PERDUE** ❧

I, **TODD H. PERDUE**, solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, **TODD H. PERDUE**, further swear that I will execute the duties of the office of **COUNCIL MEMBER** for the City of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.



TODD H. PERDUE

Sworn to and subscribed before me this 28th day of November, 2023.

Effective date of oath is the 5th day of December, 2023.



Joseph L. Gibbons,
Mayor, City of Lenoir, NC

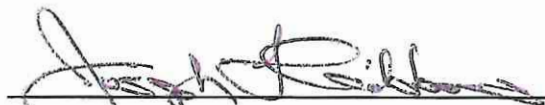
CITY OF LENOIR, NORTH CAROLINA

OATH OF MAYOR

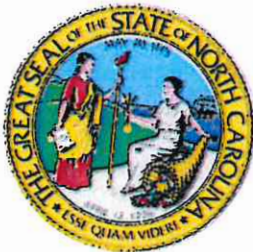
❧ **JOSEPH L. GIBBONS** ❧

I, **JOSEPH L. GIBBONS** solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, **JOSEPH L. GIBBONS** further swear that I will execute the duties of the office of MAYOR for the City of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.


JOSEPH L. GIBBONS

Sworn to and subscribed before me this 5TH day of December, 2023.

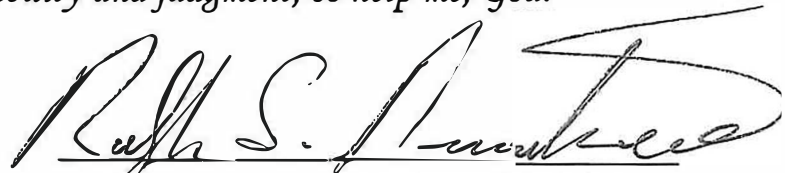



Honorable Richard S. Holloway
NC District Court Judge

CITY OF LENOIR, NORTH CAROLINA**OATH OF COUNCIL MEMBER****❧ RALPH S. PRESTWOOD ❧**

I, **RALPH S. PRESTWOOD**, solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, **RALPH S. PRESTWOOD** further swear that I will execute the duties of the office of **COUNCIL MEMBER** for the City of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.


RALPH S. PRESTWOOD

Sworn to and subscribed before me this 5TH day of December, 2023.




Honorable Richard S. Holloway
NC District Court Judge

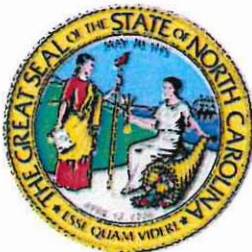
CITY OF LENOIR, NORTH CAROLINA**OATH OF COUNCIL MEMBER****❧ KIMMIE R. ROGERS ❧**

I, **KIMMIE R. ROGERS** solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, **KIMMIE R. ROGERS** further swear that I will execute the duties of the office of **COUNCIL MEMBER** for the City of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.

**KIMMIE R. ROGERS**

Sworn to and subscribed before me this 5TH day of December, 2023.

**Honorable Richard S. Holloway**
NC District Court Judge

Secs. 21-374—21-380. - Reserved

DIVISION 9. - FATS, OIL, AND GREASE

Sec. 21-381. - Purpose.

This subchapter is intended to aid in the prevention of sanitary sewer blockages and obstructions caused by the introduction, discharge and contribution of fats, oils, greases, grease complexes, scum, sludge, and other organic polar compounds into the City's wastewater collection system or publicly owned treatment works by commercial, industrial, institutional, and other non-residential activities.

Sec. 21-382. - Definitions.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) *Commercial establishment and industrial establishment.* Any user that has the potential to use, contribute to or otherwise impact the City's wastewater collection system or POTW. Such establishments include, but are not limited to, maintenance facilities, repair facilities and equipment cleaning facilities.
- (b) *Cooking establishment.* Any person primarily engaged in the activities of cooking, preparing, serving or otherwise making available for human consumption any form of foodstuff, and which uses one or more of the following cooking or preparation methods in connection with such activities: cooking or preparation by frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, or any type of cooking or preparation that produces a hot non-potable product in or on a receptacle that requires washing, rinsing, or other form of cleaning. Such establishments include, but are not limited to, restaurants, cafeterias, extended care facilities, school cafeterias (public and private), and day care facilities where meals for more than six children are prepared, served, or otherwise made available for human consumption.
- (c) *Fats, oils, and grease (FOG).* All greases, grease complexes, fats, oils, scum, sludges, and all other organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Such substances are detectable and measurable using analytical procedures established in 40 CFR136.
- (d) *Grease trap or grease interceptor.* A device that separates and retains waterborne greases before the wastewater, which contains such grease, exits the grease trap or interceptor into the City's wastewater collection system or publicly owned treatment works (POTW). The grease trap or interceptor also collects settleable solids generated by or incidental to commercial, industrial and food preparation activities.
- (e) *Non-cooking establishment.* Any person primarily engaged in the rendering or preparation of pre-cooked foodstuffs that do not require or involve any form of cooking. Such establishments include, but are not limited to, establishments that are primarily engaged in the rendering preparation of cold dairy and frozen foodstuffs.

- (f) *Person*. Any actual person, corporation, partnership, unincorporated association, and any governmental entity or political subdivision and departments and agencies thereof.
- (g) *City*. City of Lenoir, North Carolina, and its utility service area.
- (h) *User*. Any person primarily engaged in any commercial, industrial, institutional or other non-residential activity who has the potential to introduce, contribute, or discharge FOG (or causes or permits the introduction, contribution or discharge of FOG) into the wastewater of the City's wastewater collection system or POTW, including but not limited to any person who introduces, contributes or discharges wastewater into the wastewater collection system or POTW through any mobile source.
- (i) *Wastewater*. Any substance introduced, contributed to, or discharged into the City's wastewater collection system or POTW.
- (j) *Polar Compounds*. Polar compounds are chemical compounds that are held together by polar covalent bonds. The term 'polar compound' can be defined as a chemical species which consists of two or more atoms that are held together by covalent bonds that are polar in nature due to the unequal sharing of electrons.
- (k) *Settleable solids*. Solids which are capable of settling when placed in a period of inactivity or dormancy.

Sec. 21-383. Grease Trap and Interceptor Installation; Maintenance; Record Keeping and Removal.

(A) No later than one year after adoption of this chapter, all users shall install grease traps or interceptors designed to limit the introduction, contribution and discharge of fats, oils, and greases into the City's wastewater collection system or POTW. Grease traps and interceptors with appropriate sampling or inspection points shall be installed at the user's expense whenever any user operates a commercial establishment, industrial establishment, or a cooking establishment grease traps and interceptors must have a minimum capacity of 1,000 gallons or more as required to effect a fats, oils, and grease concentration maximum of 100 mg/l.

(B) Alternative methods of compliance may be approved by the City if the user demonstrates that compliance with this chapter is impossible or impractical at the time of adoption of this chapter as a result of limited space. However, any such proposed alternative method of compliance will be required to meet the performance criteria specified in division (A) of this section, and the user must adequately demonstrate to the satisfaction of the City that the proposed alternative method will satisfy those performance criteria. In addition, any such alternative method must be cleaned at a more frequent interval than is required of grease traps and interceptors under division (E) of this section and in compliance with the proposed method's actual performance criteria. Prior to approval of any such proposed alternative method of compliance, documentation of the proposed method's actual performance criteria must be submitted to the City's Utility Code

Coordinator or Public Services Director or their duly appointed representative for review and approval.

(C) Grease traps and interceptors may also be required in other facilities, as deemed reasonably necessary by the City's designated Utility Code Coordinator or Public Services Director or their duly appointed representative.

(D) Upon the prior written approval of the Public Services Director or their duly appointed representative, non-cooking establishments may be exempted from the requirements of this subchapter after an inspection of the subject premises and submission of adequate supporting documentation, as deemed necessary in the sole and absolute discretion of the Public Services Director or their duly appointed representative. At a minimum, such supporting documentation shall include: a full and detailed description of the operations and activities at the subject premises, and a full and detailed list of all potential sources of fats, oil, and grease at the subject premises.

(E) Users shall empty and service grease traps and interceptors as often as necessary to comply with the performance criteria in division (A) of this section. The default maximum period of time allowed between servicing of grease traps shall be 60 days; however, individual customers may prepare and submit an alternative schedule for review and approval by the Public Services Director or their duly appointed representative. Alternative schedules may be approved based on evaluation of the flow volume, character of the wastewater, and capacity of the grease trap. Once approved, the user must adhere to the alternative schedule. Under-the-counter types of grease traps and interceptors shall be cleaned at least daily, and shall comply with the performance criteria in division (A) of this section. There shall be no reintroduction of wastewater back into the grease trap or interceptor unless and until said wastewater has been proven to contain 100 mg/l or less of fats, oils, and grease. Under no circumstances shall the sludge or scum layer be reintroduced or discharged into the City's wastewater collection system or POTW.

(F) Users shall supply (1) an adequate sampling point downstream of the grease trap or interceptor, prior to mixing with other sanitary flows, and (2) an accessible entry into each chamber of the grease trap or interceptor. The minimum requirement for the sampling point shall be a four-inch vertical clean-out.

(G) Users shall retain detailed records on-site for a minimum of three years reflecting all maintenance carried out pursuant to this ordinance. At a minimum, such records shall contain the following information: date of service, name of the employee involved, and a receipt reflecting all services rendered by the waste hauler.

(H) Users are required to keep the grease trap or interceptor free of inorganic solids such as grit, towels, gloves, cigarettes, eating utensils, and the like, which could clog or settle in the trap or interceptor, thereby reducing the effective volume or capacity of the trap or interceptor.

(I) Users are required to ensure that all waste material removed from grease traps and interceptors is disposed of in a manner that complies with all federal, state and local statutes, rules, regulations, policies and ordinances.

(J) Except as provided herein, for a period of one year following the adoption of this subchapter, no enforcement actions will be taken under this section for failure to achieve the performance criteria specified in division (A) of this section. If, during such period, (1) an obstruction of any of the City's sanitary sewer main(s) occurs and causes a sewer overflow, spill, leak or other event with any environmental impact, and (2) such overflow, spill, leak or other event may be attributed in part or in whole to a particular user, then the City will seek enforcement action under Chapter 21, Article IV. – Wastewater Discharge For purposes of this section, an overflow, spill, leak or other event shall be deemed to have an environmental impact when (1) such overflow or other event involves an amount of wastewater equal to or in excess of 1,000 gallons, or (2) any amount of wastewater reaches any body of surface water.

Sec. 21-384. - Enforcement.

The City shall enforce this division pursuant to the provisions of this division and Article IV. – Wastewater Discharge of the Code of Ordinances City of Lenoir, North Carolina.

(A) When any user is found not to be in compliance with this subchapter, the consumer shall be notified, in writing, the corrective action required through administrative remedies, as provided in subsection 21-351.

(B) Any user which remains in noncompliance after notice is given and the time prescribed, will be considered in violation of this chapter and may face disconnection of water services until compliance is achieved. In addition, any person who shall continue any violation beyond the time limit provided for in the aforementioned notice of violation (NOV) may be assessed civil penalties as provided in subsection 21-352, and/or other available remedies as provided in subsection 21-353.

(C) Enforcement of this program shall be administered by the City of Lenoir Public Services Director or their duly appointed representative.

(D) The City of Lenoir Public Services Director or their duly appointed representative is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this chapter. All such rules and policies shall be consistent with the provisions of this chapter and shall be effective upon the date of adoption by the City Council.

Secs. 21-385—21-390. - Reserved

BK 2098 PG 1150 - 1151 (2)

This document presented and filed:
12/07/2023 01:32:37 PM

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10090962

Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

AN ORDINANCE DIRECTING THE MINIMUM HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, the City Council of the City of Lenoir finds that the dwelling described herein is unfit for human habitation under the City Housing Standards, and that all of the procedures of the Minimum Housing Standards have been complied with; and

WHEREAS, this dwelling should be removed or demolished, as directed by the Minimum Housing Inspector, and should be placard thereon the notice prohibiting use for human habitation; and

WHEREAS, the owners of this dwelling, **HALL BETTY ERVIN HALL EDDIE**, have been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Standards accordance with G.S. 160A-443 (5) pursuant to an order issued by the Minimum Housing Inspector on July 14, 2023 and the owner has failed to comply with the order;

NOW THEREFORE BE IT ORDAINED BY the City Council of the City of Lenoir that:

Section 1. The Minimum Housing Inspector is hereby authorized and directed to place a placard containing the following:

"This building is unfit for human habitation: the use or occupation of this building for human habitation is prohibited and unlawful."

on the building located at the following address: **1487 Overlook DR SW**
Lenoir, North Carolina
Parcel-ID 06172 1 9
NCPIN 2748867734

Section 2. The Minimum Housing Inspector is hereby authorized and directed to proceed to remove or demolish the described above dwelling in accordance with this Order, and in accordance with the City of Lenoir Minimum Housing Code, and NCGS 160D-1203.

Section 3. The cost of demolition and improvement of the lot shall be a tax lien on the real property as provided by G.S. 160D-1203 (7).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall be likewise unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Tuesday, December 5, 2023

Minutes-City of Lenoir Council Meeting

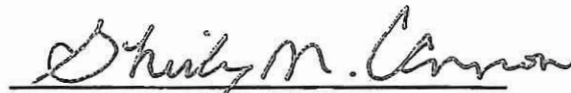
316

Section 5. A copy of this ordinance shall be recorded in the Register of Deeds of Caldwell County, North Carolina, and indexed in the name of the property owner or owners in the grantor index.

Adopted this the 5th day of December, 2023.


JOSEPH L. GIBBONS
MAYOR

ATTEST:


SHIRLEY M. GANNON
CITY CLERK

APPROVED AS TO FORM:


TIMOTHY J. ROHR
CITY ATTORNEY

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

**A RESOLUTION BY THE CITY OF LENOIR ALLOWING FOR FILING
EXCLUSION AGREEMENTS IN PER- AND POLYFLUOROALKYL
SUBSTANCE (PFAS) CHEMICAL ACTION LAWSUITS AGAINST
DUPONT AND 3M**

WHEREAS, the City of Lenoir owns and operates a drinking water treatment plant; and

WHEREAS, the City of Lenoir is eligible to file in class-action lawsuit against E.I. DuPont de Nemours and Company and 3M Company over the release of per- and polyfluoroalkyl substance (PFAS) chemicals into public water supplies; and

WHEREAS, the City of Lenoir has been notified of two possible settlements of the suits against DuPont and 3M; and

WHEREAS, the City of Lenoir has tested for PFAS chemicals and has shown no significant levels; and;

WHEREAS, it appears that under these circumstances, the City of Lenoir would be entitled to very little or no compensation under the proposed settlement agreements with DuPont or 3M; and

WHEREAS, the City of Lenoir chooses to be excluded from the class action lawsuits filed against the defendants of 3M and Dupont.

NOW, THEREFORE BE IT RESOLVED, the Lenoir City Council hereby directs City Manager Scott Hildebran to file exclusion agreements on behalf of the City of Lenoir for the following lawsuits: *City of Camden, et al. v. E.I. Dupont De Nemours & Co., et al.*, Civil Action No. 2:23-cv-3230-RMG and *City of Camden, et al. v. 3M Company*, Civil Action No. 2:23-cv-3147-RMG.

Furthermore, the Lenoir City Council ratifies any and all actions previously taken by the city manager and staff to carry out the provisions of this resolution.

Adopted this 5th day of December, 2023.




Joseph Gibbons, Mayor
Lenoir City Council

SEAL
ATTEST:


Shirley M. Cannon
City Clerk

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item: Stormwater Planning Grant Project - Grant Offer and Acceptance Resolution

Background Information: The NC Department of Environmental Quality, Division of Water Infrastructure made available a Stormwater Planning Grant program funded through the American Rescue Plan Act to make funding available to eligible units of local government that have a need to develop a comprehensive Stormwater Management program. The City of Lenoir was successful with its grant application and was awarded a Stormwater Planning grant in the amount of \$248,640.00 to assist the City of Lenoir in undertaking this beneficial analysis of the City stormwater system.

This grant opportunity will be very beneficial to the City to facilitate the gathering of data that will provide a clearer understanding of our needs within our stormwater system. As future Capital Improvement Plans are developed, this information will be valuable to the decision making process.

II. Staff Recommendation: Staff recommends approval of the proposed resolution accepting the grant offer from the Division of Water Infrastructure in the amount of \$248,640.00 and making the applicable assurances contained therein.

III. Reviewed by:

City Attorney: _____

Finance Director: _____

Public Works/Public Utilities Director: _____



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

RESOLUTION BY CITY COUNCIL OF THE CITY OF LENOIR NORTH CAROLINA

WHEREAS, the American Rescue Plan Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or stormwater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered LASII ARPA funding in the amount of **\$248,640.00** to perform the 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 CITY COUNCIL OF THE CITY OF LENOIR:

That the City of Lenoir does hereby accept the ARPA grant offer of **248,640.00**; and

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 *Funding Offer and Acceptance* (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and

That Scott Hildebran – City Manager and Donna Bean – Finance Director, and successors so titled, are 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 North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted this the **2nd Day of January 2024** at the City County Chambers in Lenoir, North Carolina.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk



CITY OF LENOIR

COUNCIL ACTION FORM

I. Agenda Item:

Adopt resolution and symbol to designate Public Works and Engineering as First Responders

II. Background Information:

While police, fire, and EMS are often the three most recognized first responders, Public Works is also often silently there—providing vital support to emergency response partners, helping protect essential services, and restoring those services following an emergency. In alignment with the APWA strategic initiative to be the voice of public works, APWA is proud about the creation of a national “Public Works First Responder” symbol as well as using it to support and promote public works first responders.

- In 2003, President George W. Bush issued Presidential Policy Directive 8 (PPD-8) officially recognizing public works as first responders.
- In 2010, Mississippi, under House Bill (HB) 664, recognized public works professionals as first responders.
- In 2017, the APWA Board of Directors approved the adoption of a national “Public Works First Responder” symbol for use throughout North America to identify public works personnel and acknowledge their federally mandated role as first responders.
- In 2019, the US Senate passed Senate Concurrent Resolution 15 (S.Con.Res.15), “Expressing support for the designation of October 28, 2019, as honoring the Nation’s First Responders Day.” Public works is specifically included.
- In 2022 New Hampshire Governor Chris Sununu signed into law SB325, formally recognizing public works employees as first responders.
- In 2022, New Hampshire passed HB 536, “An Act relative to death benefits for public works employees killed in the line of duty, and relative to workers’ compensation offsets for certain retirement system benefits.”
- Public works is often considered “the silent arm of public safety” ... usually without fanfare. Public works professionals are often the first on scene and the last to leave the scenes of disasters—no matter the peril.
- The National Incident Management System (NIMS) lists public works alongside police, fire, and public.

III. Staff Recommendation:

Staff recommends adopting the resolution to designate Public Works and Engineering as First Responders as well as the symbol created and approved by the American Public Works Association in 2017. The symbol will be used by City of Lenoir Public Works Professionals to mark vehicles, equipment (tags and decals) and facilities (PWFR Flag) identifying them as Public Works First Responders.

IV. Reviewed By: City Attorney:

Public Works/Public Utilities Director: JH
City Manager:



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

Resolution

A RESOLUTION TO DESIGNATE PUBLIC WORKS AND ENGINEERING AS FIRST RESPONDERS AS FEDERALLY MANDATED BY THE PRESIDENT OF THE UNITED STATES

WHEREAS, the American Public Works Association is a not-for-profit, international organization of more than 30,000 members involved in the field of public works. APWA serves its members by promoting professional excellence and public awareness through education, advocacy, and the exchange of knowledge; and

WHEREAS, on May 7, 2018, the American Public Works Association announced the Association's adoption of a national Public Works First Responder symbol. The symbol is to be used throughout North America to recognize public works professionals' federally mandated role as first responders; and

WHEREAS, President George W. Bush issued Homeland Security Presidential Directive 5 (HSPD-5), Management of Domestic Incidents, in 2003, in which a public works response to emergencies and disasters is recognized as an absolute necessity, and the federal government is directed to include public works in all planning and response effort; and

WHEREAS, the Public Works First Responder symbol uses familiar colors – orange, black, and white – and a design reminiscent of road construction, signs, safety cones, and orange construction barrels. The Public Works First Responder symbol is expected to increase recognition of public works as first responders throughout North America; and

WHEREAS, Lenoir City Council believes to best provide for the health, safety, and welfare of its citizens, it is appropriate to recognize our employees that put the citizens of the City of Lenoir before themselves in time of emergency; and

WHEREAS, City of Lenoir Employees in multiple departments involved in Disaster Response and Recovery have demonstrated their skills and commitment throughout the years and most recently during the snow events of 2022, the storms of 2019, micro-bursts of 2018 and assisting the Town of Granite Falls with cleanup and recovery after the tornado of 2017, as well as numerous emergency road closures and fire suppression assistance in coordination with the Police Department and Fire Department.



NOW, THERFORE, BE IT ORDAINED BY LENOIR CITY COUNCIL, that the employees of the divisions of Public Works, Streets and Traffic, Sanitation, Engineering, Vehicle Services, Building Maintenance and Cemeteries and Grounds are recognized as First Responders and encourage businesses, organizations, community groups, and citizens to extend the many gratuitous offers and benefits provided to First Responders of our community.

This Resolution will become effective upon approval by City Council.

Adopted this ____ day of _____, 2024.

SEAL

CITY COUNCIL OF CITY OF LENOIR

By: _____

Joseph L. Gibbons, Mayor

APPROVED AS TO FORM:

Timothy J. Rohr, City Attorney

ATTEST:

Shirley M. Cannon, City Clerk



Vehicle Tag



Decal for Hard Hats/ Vehicle Windshields



January 2024



Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 New Year's Day! City Offices Closed!	2 6:00 p.m. City Council Curbside Christmas Tree Pickup Begins	3 9:00 a.m. Staff Meeting	4 4:00 p.m. Lenoir Tourism Dev. Authority	5 Curbside Christmas Tree Pickup Ends	6
7	8 Noon - City/County Services Committee	9 8:15 a.m. Economic Development Adv. Committee	10	11 2:00 p.m. ABC Board 6:00 p.m. Lenoir Bus. Advisory Board	12	13
14	15 City Offices Closed! Martin Luther King, Jr. Holiday	16 6:00 p.m. City Council	17 9:00 a.m. Staff Meeting	18	19	20
21	22 5:30 p.m. Planning Board	23 8:30 a.m. Committee of the Whole (City Hall, 3rd Floor)	24	25	26	27
28	29	30	31 Noon - Foothills Regional Airport Authority			
February						
City Council will hold their FY2024-25 Annual Budget Retreat on Friday, February 23 at the J. E. Broyhill Civic Center.						

City of Lenoir
P.O. Box 958
Lenoir, N.C. 28645
www.cityoflenoir.com
757-2200 / 757-2162 fax

Joseph L. Gibbons, Mayor
Scott E. Hildebran, City Manager
Shirley M. Cannon, City Clerk

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Project Bid Award: Lenoir Vehicular Wayfinding Project

II. Background Information:

The City of Lenoir contracted with Destination by Design a multi-disciplinary economic development firm located in Boone, North Carolina to provide design, bid administration and construction oversight for the Lenoir Vehicular Wayfinding (Sign) Project. The Wayfinding project consists of the manufacturing and installation of fifty five total wayfinding signs (36 Major and 19 Minor) at specified waypoints along public streets and corridors to assist motorists with locating City of Lenoir amenities. In July of 2022 the City of Lenoir applied for and was awarded a grant from the Appalachian Regional Commission (ARC) for \$250,000 (46% of total cost) with a local contribution of \$292,500 (54% of total cost) for an overall project cost of \$514,500. Funds provided by the Lenoir Tourism and Development Association (TDA-\$50,000) and ARPA funds will be utilized to provide the local funding match. The project was advertised for public bid on October 24, 2023 with a public bid opening scheduled for December 6, 2023 at 2pm. Unfortunately there were only 2 bids procured on December 6th. The project was rebid on December 12th with a public bid opening scheduled for Tuesday December 19th at 2pm. Two bids were procured and opened. Rite Lite Signs Inc. submitted a bid of \$414,960.00 (Unit Price: Maj. \$7,619.00 Min. \$7,404.00). Signs Etc. submitted a bid of \$569,420.00 (Unit Price: Maj. \$10,645.00 Min. \$9,310.00).

III. Staff Recommendation:

Staff recommends approval to award the contract for the Lenoir Vehicular Wayfinding Project to Rite Lite Signs Inc. for \$414,960.00 (Unit Price: Maj. \$7,619.00 Min. \$7,404.00) as they are the lowest responsive and responsible bidder. Rite Lite Signs Inc. is a national sign and architectural features company based out of Concord, North Carolina. They are a North Carolina Licensed Contractor with a portfolio of similar wayfinding projects in cities such as the City of Monroe, NC, Town of Strasburg, Virginia and City of Murray, Kentucky as referenced in their bid package.

IV. Reviewed By:

City Attorney:

Public Works/Public Utilities Director: JH

City Manager:



Destination by Design Studios, PLLC
136 Furman Road, Suite 6
Boone NC 28607

Dec 20, 2023

Jon Hogan
Public Works Operations Manager
510-B Greer Circle
Lenoir, NC 28645

Re: Lenoir Wayfinding

Dear Mr. Hogan,

We have reviewed the bids submitted for the above-referenced project on December 19, 2023. Following the Bid Opening, the apparent Bidder was Rite Lite Signs, Inc.

Having not receive a sufficient number of bidders during the first bidding period and receiving two bids during the second bid release we recommend the project be awarded to the lowest responsive and responsible Bidder as follows:

Rite Lite Signs, Inc. \$414,960.00

Please find attached a copy of the bid tabulation sheets for this Project.

If you have any questions or comments, please contact us at your earliest convenience.

Thank you,

Casey Neal, PLA
Destination by Design Studios, PLLC

BID TABULATION**Date:**

12/19/2023

**Owner:**

City of Lenoir, NC

Project Title:

Lenoir Wayfinding Signage

BIDDERS (Name GC):	Rite Lite	Signs Etc *		
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Rank:	1	2		
BID ITEMS:				
Base Bid	\$414,960.00	\$560,110.00		

Add Alternates:				
Alternate Sub-total:				

(Base Bid + Alternates)

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Unit Prices				Qtys used to calculate base bids
Major Wayfinding Sign	\$7,619.00	\$10,645.00		36
Minor Wayfinding Sign	\$7,404.00	\$9,310.00		19

Explanation of Rejected Bidder(s):

* Signs Etc. shows a total of \$569,420 on their bid form using a total of 36 major & 20 minor signs. The bid totals above account for 19 minor signs per the drawings.

I certify that this is a true tabulation of bids received.

Case Neal

Destination by Design Studios, PLLC

SECTION 00 40 00**BID FORM
LENOIR WAYFINDING
Lenoir, NC**

Bid of: Rite Lite Signs, Inc.
(Name of Bidder)

Address 1000 Biscayne Dr

City State Concord, NC 28027

Phone 704-788-7097

Date 12/4/2023

The undersigned, having carefully examined the Site, the conditions affecting the Work, the Bidding Documents dated June 16, 2022, entitled "Lenoir Wayfinding" prepared by Destination by Design Studios PLLC, Boone, North Carolina, do hereby offer to furnish all labor, materials, tools, equipment, plant transportation, machinery, supplies, taxes and services necessary to complete the Work in compliance with the Contract Documents, including Addenda Nos. 1 issued prior to the Bid Date, which is/are hereby acknowledged, for the following considerations:

Unit Price: Major Wayfinding Sign

(Written) \$ 7,619.00 (includes sales tax)

(Dollars) Seven thousand six hundred nineteen dollars

Unit Price: Minor Wayfinding Sign

(Written) \$ 7,404.00 (includes sales tax)

(Dollars) Seven thousand four hundred four dollars

Note: While the City of Lenoir anticipates completing all signs in one phase the City reserves the right to select only priority signage locations in order to complete a Phase 1 project within available funds. Contractor shall assume a minimum of 25 signs for bidding purposes.

TIME FOR COMPLETION OF THE WORK

The undersigned agrees to commence work within thirty (30) days of acceptance of the bid and complete the project within 240 calendar days of commencing work.

SUPPLEMENTS TO THE BID FORM

The following items shall be supplied with this Bid Form and must be included for the Bid to be considered complete.

1. Bid Security.
2. Bid Envelope (attached).
3. List of at least three projects similar in scope to this project successfully completed by the Bidder including the name of the project, location, scope of work, cost of construction, and owner's name and contact with phone number.
4. Bidder's Statement of Disputes, Litigation, Arbitration, and Surety Completion
5. DBE Identification of Hub Certified/ Minority Business Participation, Affidavit A, Affidavit B.

ACCEPTANCE OF PROPOSAL

If written notice of the acceptance of this bid is mailed, telegraphed or delivered to the undersigned within thirty days after the date of the opening of the Bids, the Owner and Bidder will execute an Agreement in accordance with the Bid as accepted.

BID FORM

The Bidder will furnish a Performance Bond and Labor and Material Payment Bond with such surety or sureties as the Owner may approve. It is understood that the costs for the bonds are included in the Base Bid amount.

By submitting a Bid, the Bidder agrees that from his/her own investigation he/she has satisfied himself/herself as to the nature and location of the Work, the general and local conditions, and all matters which may, in any way, affect the Work or its performance. As a result of such examination and investigation, Bidder fully understands the intent and purpose of the Documents and conditions of bidding. Claims for additional compensation and/or extensions of time because of the Contractor's failure to follow the foregoing procedure and to familiarize himself/herself with the Documents and all conditions that might affect the Work will not be allowed.

The Bidder further agrees that this Bid is based upon the materials, equipment and systems required by the Documents without exception and that no substitutions have been made.

SIGNATURE OF BIDDER

Bidder Rite Lite Signs, Inc.

(Firm Name)

(seal if a corporation)

By

David R. Catchpole, Jr.

Title

Vice President

State of Incorporation

North Carolina

Names of Officers:

President

Tasha Catchpole

Secretary

David R. Catchpole, Jr.

Treasurer

Tasha Catchpole

Names of Key Members of the Firm: (unincorporated organizations)

END OF SECTION

BID BOND

Travelers Casualty and Surety Company of America
Hartford, CT 06183

CONTRACTOR:

(Name, legal status and address)

Rite Lite Signs, Inc.
 1000 Biscayne Drive
 Concord, NC 28027

OWNER:

(Name, legal status and address)

City of Lenoir
 510-B Greer Circle
 Lenoir, NC 28645

SURETY:

(Name, legal status and principal place of business)

Travelers Casualty and Surety Company of America

BOND AMOUNT: -----5% of bid amount-----

PROJECT:

(Name, location or address, and Project number, if any)

Lenoir Wayfinding: manufacture & install various types of vehicular wayfinding signs throughout the city

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

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

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

Signed and sealed this 21st day of November, 2023.

Rena Halsee
(Witness)

Rite-Lite Signs, Inc.

David R. Catchpole, Jr. (Seal)
(Principal)

Vice-President
(Title)

Travelers Casualty and Surety Company of America

Melissa W. Slaughter (Seal)
(Surety) Melissa W. Slaughter

Attorney-In-Fact
(Title)

Shley Lisk
(Witness)



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

POWER OF ATTORNEY

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

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this 17th day of January, 2019.



State of Connecticut

City of Hartford ss.

By: _____

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

On this the 17th day of January, 2019, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

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

My Commission expires the 30th day of June, 2021



Anna P. Nowik
Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

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

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

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

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

I, Kevin E. Hughes, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 21st day of November, 2023.



Kevin E. Hughes
Kevin E. Hughes, Assistant Secretary

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

Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid
BIDDER'S STATEMENT OF DISPUTES, LITIGATION, ARBITRATION, AND SURETY

COMPLETION (LAST 3 YEARS)

NONE

Project	Name and Address of Owner or Engineer	Name and Phone Number of Owner or Engineer Representative	Contract Date	Amount	Status
Lenoir Wayfinding	City of Lenoir	Jon Hogan	TBD	TBD	TBD

I, Rite Lite Signs, Inc. (Name of Bidder)
do hereby certify that on this project, we will use the following HUB Certified/ minority business as construction subcontractors, vendors, suppliers or providers of professional services.

*Minority categories: Black, African American (B), Hispanic (H), Asian American (A) American Indian (I), Female (F) Socially and Economically Disadvantaged (D)

The total value of minority business contracting will be (\$) TBD - Based on total
contract amount

Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid

State of North Carolina AFFIDAVIT A – Listing of Good Faith EffortsCounty of CabarrusRite Lite Signs, Inc. is NC HUB Certified
and we will self-perform

(Name of Bidder)

Affidavit of Rite Lite Signs, Inc.

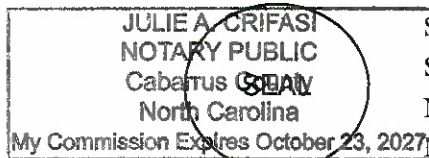
I have made a good faith effort to comply under the following areas checked:

Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive. (1 NC Administrative Code 30 I.0101)

- ☐ 1 – (10 pts) Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- ☐ 2 – (10 pts) Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.
- ☐ 3 – (15 pts) Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- ☐ 4 – (10 pts) Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- ☐ 5 – (10 pts) Attended prebid meetings scheduled by the public owner.
- ☐ 6 – (20 pts) Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- ☐ 7 – (15 pts) Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- ☐ 8 – (25 pts) Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- ☐ 9 – (20 pts) Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- ☐ 10 – (20 pts) Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: 12/4/2023 Name of Authorized Officer: David R. Catchpole, Jr.Signature: [Signature]Title: Vice President

State of North Carolina County of Cabarrus
 Subscribed and sworn to before me this 4 day of December 2023
 Notary Public Julie A. Crifasi
 My commission expires 10/23/27

Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid

**State of North Carolina --AFFIDAVIT B-- Intent to Perform Contract
with Own Workforce.**

County of Cabarrus

Affidavit of Rite Lite Signs, Inc.
(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the _____

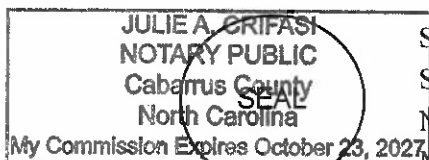
City of Lenoir Wayfinding contract.
(Name of Project)

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and

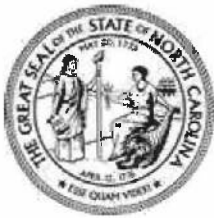
The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement. The Bidder agrees to make a Good Faith Effort to utilize minority suppliers where possible.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

Date: 12/4/2023 Name of Authorized Officer: David R. Catchpole, Jr.
Signature: _____
Title: Vice President



State of North Carolina, County of Cabarrus
Subscribed and sworn to before me this 4 day of December 2023
Notary Public Julie A. Crifasi
My commission expires 10/23/27



North Carolina
Department of Administration
Office for Historically Underutilized Businesses

Pamela B. Cashwell
Secretary

Tammie Hall
Director

September 14, 2022

Tasha Catchpole
Rite Lite Signs, Inc. (Woman Owned)
1000 Biscayne Drive
Concord, NC 28027

Dear Tasha Catchpole:

The Office for Historically Underutilized Businesses (HUB Office) is pleased to inform you that your company is now certified as a Historically Underutilized Business. Your firm is listed in the Statewide Uniform Certification (SWUC) Program database. This certification will remain in effect for four (4) years from the date of this letter.

You must notify the HUB Office in writing within 30 days of any changes affecting your compliance with SWUC Program eligibility requirements, including changes in ownership, day-to-day management and operational control. Failure to notify the HUB Office of these changes or reapply for certification in a timely manner may cause your HUB Certification to be revoked. In addition, please be advised your status may be changed if there is a 3rd party challenge granted against your firm. The link to the HUB Office 3rd party challenge form can be located at <https://files.nc.gov/ncdoa/documents/ThirdpartyEligibilityChallengerev080811.pdf>. All information submitted to the Office for Historically Underutilized Business is subject to audit and review.

The HUB Office collaborates with local Minority/Women/Small Business (M/W/SBE) Offices who offer assistance to certified HUB firms with identifying contract opportunities with state and local government. Many of these offices also offer assistance with business development. Please visit our website at <http://www.doa.nc.gov/hub/programs.aspx?pid=swuc> to locate the local office near you. Another great resource is the Small Business and Technology Development Center at www.sbtcd.org for free personalized business assistance and counseling.

It is important to note that although your status as a certified HUB firm greatly improves your access to state and local government contracts, this certification does not guarantee contract awards. Your ability to research opportunities and bid competitively will be important to your success in this program. We are committed to assisting you through the process with the completion of the Preliminary Business Development and Supportive Services Assessment Survey, located on the HUB Office website under the Certification Tab. The information will provide an overview of your company which will assist us in appropriately aligning contract opportunities that you are ready, willing and able to pursue.

Thank you for your interest and participation in the SWUC Program as a Historically Underutilized Business firm with the State of North Carolina.

Sincerely,
Tammie Hall

Tammie Hall
Director

REQUEST FOR REFERENCES

References for: Rite Lite Signs, Inc.

1. Company Town of Strasburg, VA
 Street Address 174 East King Street
 City, State & Zip Strasburg, VA 22657
 Contact Person Name Olivia Hilton Phone 540-465-9197
 Email address ohilton@strasburgva.com
 Describe specific job performed and date: Manufacture and install various types of wayfinding signage Project completed: 10/28/22 Total amount: \$294,069.00
2. Company City of Murray, KY
 Street Address 500 Main St
 City, State & Zip Murray, KY 42071
 Contact Person Name Marisa Stewart Phone 270-762-0350 x1134
 Email address Marisa.Stewart@murrayky.gov
 Describe specific job performed and date: Manufacture and install various types of wayfinding signage Project completed: 7/27/2022 Total amount: \$311,967.00
3. Company City of Monroe, NC
 Street Address 300 W Crowell St
 City, State & Zip Monroe, NC 28112
 Contact Person Name Matthew Black Phone 704-292-1705
 Email address mblack@monroenc.org
 Describe specific job performed and date: Manufacture and install various types of wayfinding signage Project completed: 5/23/22 Total amount: \$280,985.29

RITE LITE SIGNS, INC.

Experience:

Town of Strasburg, VA

Description: Various Wayfinding Signs: Gateway/Vehicular Directional/Pedestrian Kiosks/Parking

Client contact: Olivia Hilton 540-465-9197 ohilton@strasburgva.com

Contract: \$ 294,069.00

Project Completed: 10/28/2022

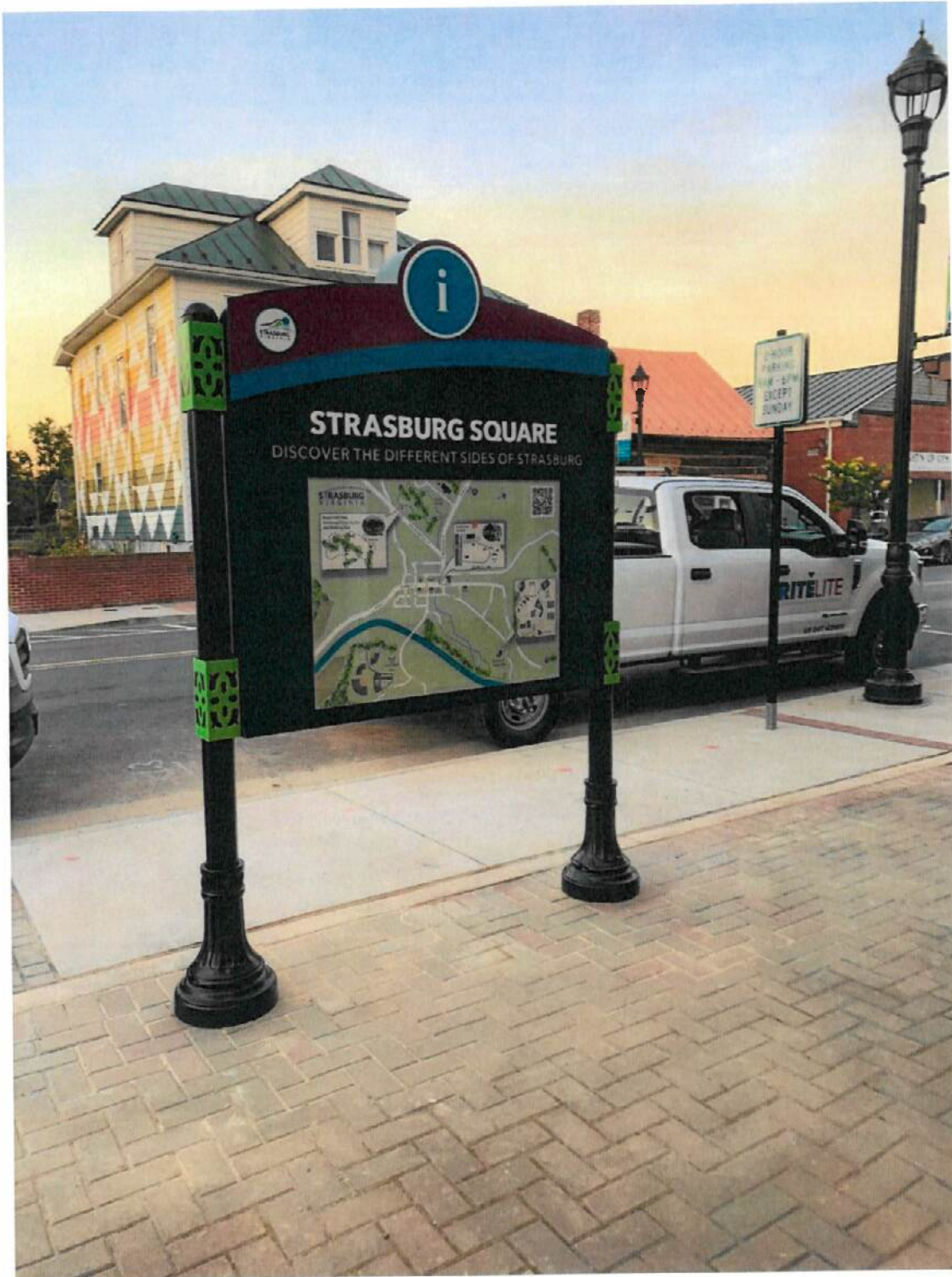
Project Executive: John Sullivan (still employed)

Project Manager: Amy Martin (still employed)

Superintendent: Jessie Love (still employed)







RITE LITE SIGNS, INC.

Experience:

City of Murray, KY

Description: Qty (46) Gateway/Vehicular Directional/Pedestrian Kiosks/Parking

Client contact: Marisa Stewart 270-762-0350 x1134 marisa.stewart@murrayky.gov

Contract: \$ 311,967.00

Project Completed: 7/27/2022

Project Executive: Renae Hartsell (still employed)

Project Manager: Amy Martin (still employed)

Superintendent: Jessie Love (still employed)

Estimator: John Sullivan (still employed)





RITE LITE SIGNS, INC.

Project: City of Monroe, NC

Location: 300 W Crowell St, Monroe, NC 28112

Completion date: 5/23/22

Project Amount: \$280,985.29

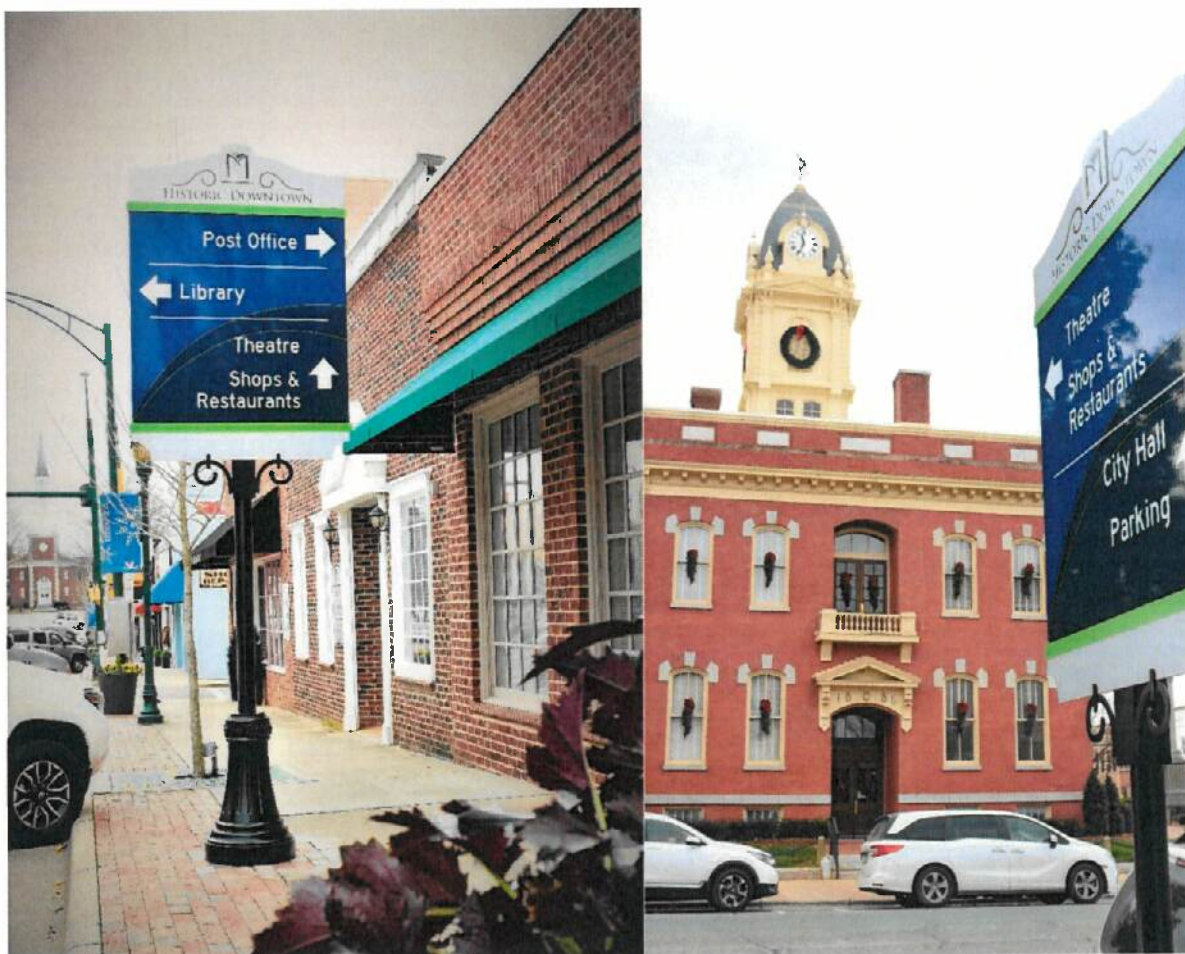
Scope: Manufacture and install various types of wayfinding signage

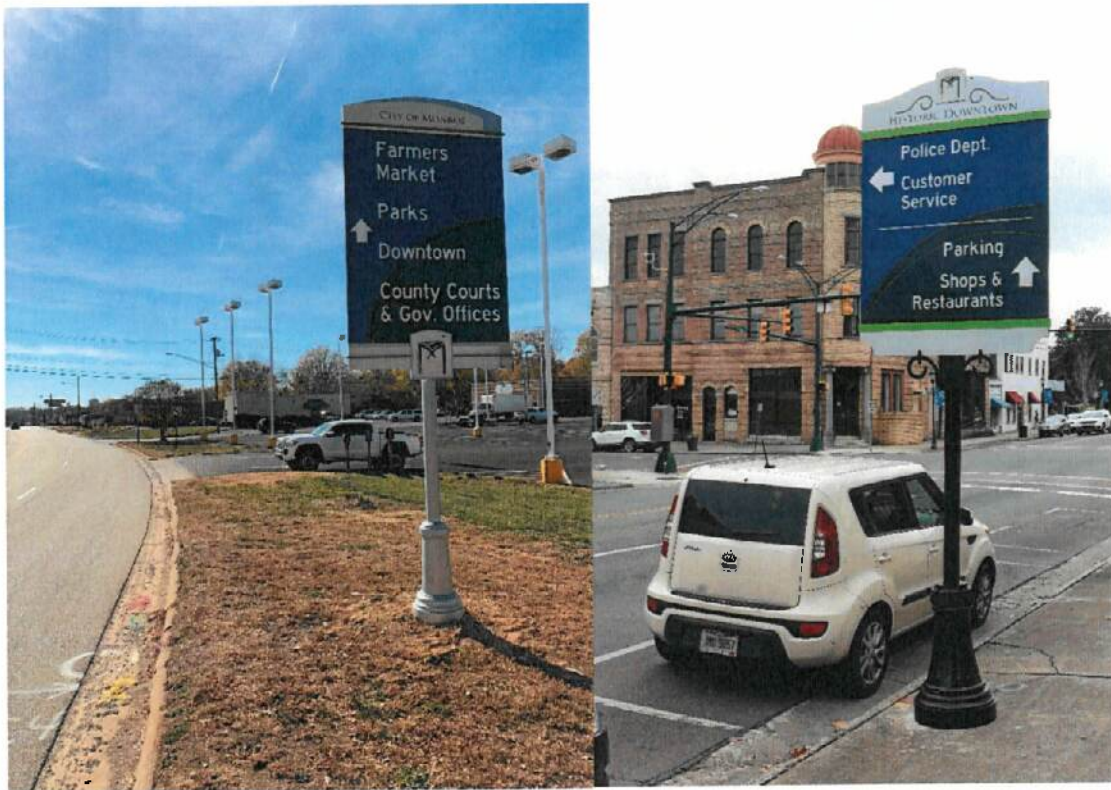
Client Representative: Matthew Black

704-292-1705

mblack@monroenc.org

Services: Manufacture and install wayfinding sign system





70 Expiration Date

12/31/2023

License No.

79741

North Carolina

Licensing Board for General Contractors

This is to Certify That:

Rite Lite Signs, Inc.

Concord, NC

is duly registered and entitled to practice

General Contracting

Limitation: Unlimited

Classification: Building

until

December 31, 2023

when this Certificate expires.

Witness our hands and seal of the Board.

Dated, Raleigh, N.C.

01/01/2023

This certificate may not be altered.



Lisa Piercy
Chairman

C. Frank Wiesner
Secretary-Treasurer

LICENSE NUMBER

SP.ES.34784

STATE OF NORTH CAROLINA
BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

EXPIRATION DATE

09/27/2024

THIS IS TO CERTIFY THAT:

Rite Lite Signs Inc.

David Ralph Catchpole III, David Ralph Catchpole Jr., Haley
Catchpole Linker, John Lennon Sullivan

is duly registered and entitled to practice Electrical Contracting in the

Special Restricted Electric Sign Classification License

Limitation: Limited to electrical work directly related to an electric sign installation as prescribed
in 21, NCAC 18B .0809

Witness our hands and seal of the Board

Rite Lite Signs Inc.
1000 Biscayne Drive
Concord, NC 28027

Don P.
Chairman
John Lennon Sullivan
Secretary - Treasurer

Wayfinding Conceptual Design

