

**LENOIR CITY COUNCIL
TUESDAY, MAY 21, 2024
6:00 P.M.**

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

ABSENT: Councilmembers Todd Perdue and Crissy Thomas.

CITY STAFF: In attendance was Finance Director Donna Bean, Fire Chief Norman Staines, Assistant Fire Chief Kenny Nelson, Main Street & Economic Development Director Brenda Floyd, Police Chief Brent Phelps, Planning Director Hannah Williams, Parks & Recreation Director Phil Harper, Director of Special Projects & Grants Jared Wright, Public Services & Public Utilities Director Jeff Church, Public Services & Public Works Director Jon Hogan, Communication Director Joshua Harris and Intern Kate Starr.

Also in attendance was News-Topic Reporter Shelby Powell.

I. CALL TO ORDER

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

CONDOLENCES; SCOTT

HILDEBRAN: B. On behalf of City Council, Mayor Gibbons extended condolences to City Manager Scott Hildebran and his family on the passing of his mother, Dorothy R. Hildebran on Monday. Mayor Gibbons asked everyone to keep the family in their thoughts and prayers during this difficult time.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**CONTIGUOUS ANNEXATION
PETITION; PROVIDENCE LANE
& HOPEDALE DRIVE:**

- A. A public hearing was held to consider a Contiguous Annexation Petition requested by Carl & Sylvia Wilson for property located at the intersection of Providence Lane and Hopedale Drive, NCPIN#2757372828. This parcel is within the City of Lenoir's Extra Territorial Jurisdiction (ETJ), zoned R-15 and is contiguous with the Lenoir City limits. Staff recommends approval of the Annexation Ordinance.

A copy of the recorded Annexation Ordinance is attached to these minutes as information.

Mayor Gibbons opened the public hearing to receive public comments regarding the annexation petition.

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Hannah Williams, Planning Director, addressed City Council and stated the parcel owned by Carl and Sylvia Wilson is located just south of Shephard Court. She shared that drivers have to travel around Swanson Drive and Walt Arney Road in order to reach the subdivision. Director Williams reiterated this area is already zoned as R-15 and already has city services available such as water, sewer and garbage pickup.

In addition, Director Williams stated the applicants plan to build a single-family home and reported the Planning Department can administer the pending zoning permit. Director Williams also shared that Mr. and Mrs. Wilson are present if Council has any questions.

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

Upon a motion by Councilmember Prestwood, City Council voted 5 to 0 adopt the Annexation Ordinance for property owned by Carl and Sylvia Wilson and located at the intersection of Providence Lane and Hopedale Drive, NCPIN#2757372828 as described above and as recommended by City Staff.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, May 7, 2024 as submitted.
- B. Resolution; Interbasin Transfer Request: Approval of a resolution requesting the NC Environmental Management Commission to reject the City of Charlotte's interbasin transfer request to modify their certificate increase from their current transfer of 33 million gallons per day to transfer 63 million gallons of water per day from the Catawba River Basin to the Rocky River Basin as submitted. (A copy of the resolution is hereby attached to these minutes as information.)
- C. Fireworks Authorization Permit: Approval of an application for a Fireworks Display Permit as submitted by Chris Jacobs, Fire Marshall, City of Lenoir. The date of the display is July 4, 2024 beginning at 9:30 p.m. at Lenoir Optimist Park and will be conducted by Pyro Shows, Inc. for the City of Lenoir Recreation Department. A certificate of liability insurance has been submitted by Pyro Shows, Inc. and has also been verified. (A copy of the permit is attached to these minutes as information.)
- D. Bid Award; Zacks Fork Splash Pad: Staff recommends awarding the construction contract for the Zacks Fork Splash Pad to Barrs Recreation with a total contract amount of \$313,845.00. Barrs Recreation met the design requirements and is the lowest, responsive, responsible bidder. (A copy of the bid award is hereby attached to these minutes as information.)
- E. Construction Engineering Inspection Services: Based on the Letters of Interest (LOI) submitted and NCDOT approval, Staff recommends approval to award the contract for the EB-5806 Hospital Avenue Sidewalks Project for Construction Engineering Inspection services (CEI) to Mattern & Craig at an anticipated ceiling of \$354,625.00 based on 15% of the engineers estimated construction cost. The purpose of this sidewalk project is to provide a safe route along Hospital Avenue from Harper Avenue to US Hwy 321. Mattern & Craig has a successful background with NCDOT to provide these services. Mattern & Craig also has a good history of projects completed within the City of Lenoir. (A copy of the contract is attached to these minutes as information.)
- F. Retirement Resolution; Sherry Long Griffin: Approval of a retirement resolution for Sherry Long Griffin, Assistant Executive Director & Community Development, Western Piedmont

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Council of Governments (WPCOG) in honor and recognition of her thirty-eight years of dedicated and outstanding service to the citizens and community. (A copy of the resolution is attached to these minutes as information.)

Upon a motion by Mayor Pro-Tem Stevens, City Council 5 voted to 0 to adopt items A through F 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

BUDGET WORK SESSION:

1. City Council will conduct an FY2024-25 Budget Work Session on Thursday, May 23 at 6:00 p.m. at City Hall, Third Floor Conference Room. An additional Budget Work Session will be held on Thursday, May 30 if necessary.

MEMORIAL DAY SERVICE:

2. The American Legion Post 29 will host a Memorial Day Service on Sunday, May 26 beginning at 6:00 p.m. on the square in downtown Lenoir.

HOLIDAY CLOSING:

3. City offices will be closed on Monday, May 27 in observance of Memorial Day.

COMMITTEE OF THE WHOLE:

4. The Committee of the Whole will meet on Tuesday, May 28 at 8:30 a.m. at City Hall, Third Floor Conference Room.

I HEART MAIN STREET DINNER:

5. The I Heart Main Street Dinner will be held on Thursday, May 30 at The Harper Room beginning at 6:30 p.m.

NEON BIKE RIDE:

6. The Neon Bike Ride will be held on Friday, May 31 beginning at 8:30 p.m. at the Lenoir Rotary Soccer Complex.

B. Items for Council Action

FY2024-2025 PROPOSED

BUDGET:

1. City Manager Scott Hildebran presented the recommended FY2024-2025 Annual Budget for the City of Lenoir to City Council and further requested that City Council call for a public hearing to be held on Tuesday, June 4, 2024 at 6:00 p.m. to consider approval of the recommended budget. Mr. Hildebran reminded Council the budget is based on City Council's priorities that were established at the annual Budget Retreat in February and as listed below.

2024 Priorities

1. Continue efforts to offer competitive compensation and benefits for employees to improve recruitment and retention.
2. Develop options to increase code enforcement and improve beautification in three primary areas:
 - Abandoned/neglected housing
 - Dilapidated commercial properties
 - Appearance of downtown buildings
3. Continue to develop strategies to support affordable, workforce, and market-rate housing.
4. Continue to fund and support the Water/Sewer Capital Improvements Plan.
5. Continue to evaluate organizational staffing needs, and encourage succession planning and professional development.

A copy of the budget is on file in the City Clerk's office and available for review on the City's website at www.cityoflenoir.com/budget.

City Manager Hildebran stated the recommended budget is comprised of General Fund, \$23,751,580, Downtown Municipal Service District Fund, \$264,700, and Water & Wastewater Fund, \$11,770,028. Mr. Hildebran also reviewed a pie chart of departmental expenditures for Legislative, Administrative/Engineering, Finance, Planning Police, Fire, Recreation and Public Works. He pointed out that Fire and Police Departments have the largest budgets.

Mr. Hildebran reported the budget is balanced according to the Local Government Budget and Fiscal Control Act and funds all debt obligations. He further mentioned the state Powell Bill funding is expected to remain stable in the coming year. In addition, Mr. Hildebran stated the budget allocates funds from the federal Community Development Block Grant (CDBG) Capital Project Fund to continue improvements to The Campus. Several grants have recently been awarded to help fund additional improvements to The Campus as well.

In addition, Mr. Hildebran pointed out the City has received substantial funding for multi-year capital projects that take an extended period of time to complete. The funding has been received from a variety of sources – the American Rescue Plan, State-directed appropriations, Community Development Block Grant (CDBG), numerous other grants and private donations.

The property tax rate of 0.57 per \$100 remains unchanged and the Rescue Readiness Tax remains at 0.85 per \$100 for a total tax rate of 57.85 per \$100. The budget includes a \$1.00 monthly increase in the Solid Waste Fee, bringing the total fee to \$13.00. All other general fund fees remain unchanged.

The proposed Water/Sewer Fund budget totals \$11,770,028 and includes a 3.2% increase in water and sewer rates effective July 1, 2024. The average increase for a customer with 5,000 gallons of usage per month would be \$1.75 per month. All other Water/Sewer Fund charges/fees are unchanged. Mr. Hildebran stated the City has traditionally used the annual Consumer Price Index (CPI-South Region) for All Urban Consumers over the past 12-month period as a benchmark in determining the City's utility rates. The CPI was 3.2% as of February 2024.

Next, Mr. Hildebran reviewed General Fund revenues as follows: Property Taxes \$9,204,689, Sales Tax, \$6,100,000, and Utilities Franchise Tax \$2,410,000, and Other Revenue \$6,036,891.

In addition, Mr. Hildebran stated the current property tax rate of 0.20 per \$100 of assessed Downtown Municipal Service District (MSD) property value remains unchanged as well. The MSD is projected to generate \$35,000.

Mr. Hildebran also shared the City's group health insurance premiums will increase by 9%, while maintaining the current plan benefits. The cost of the City's property and liability insurance will increase by 18.4% while the workers' compensation insurance will decrease by 11.7%.

In addition, the budget includes an increase in employee tuition reimbursement funding from \$1,200 to \$2,000 annually and an increase in the employee safety shoe allowance from \$125 to \$150 annually.

Mr. Hildebran further shared the City is experiencing workforce challenges in the recruitment and retention of employees. The budget includes a Cost of Living Adjustment (COLA) of 4% for all employees and a market-based pay plan step adjustment of one grade for non-exempt sworn police and fire personnel to aid with recruitment and retention. The budget funds the NC Local Governmental Employees' Retirement System (LGERS) employer contribution rate increase, effective July 1, 2024. The law enforcement rate will increase from 14.10% to 15.10%, while the non-law enforcement rate will move from 12.85% to 13.60%.

Budget Highlights

Street Resurfacing: The budget includes \$420,000 for resurfacing-(an increase of \$10,000). The budget also includes \$141,000 in funding for strategic paving for various Council priorities.

Street Lighting: The budget includes an increase of \$141,590 for the street lighting utilities.

Downtown: Funding is included to begin implementation of our recently adopted Downtown Master Plan and to expand downtown decorations.

Code Enforcement: The budget includes more than \$100,000 for building demolitions and an additional \$33,000 in new funding for contracted Western Piedmont Council of Governments (WPCOG) Code Enforcement Services (two days per week/four hours per day) to assist with nuisance and code enforcement in response to the City Council's priorities.

Technology: Funding is available for computer and information technology upgrades throughout the organization to enhance and improve operations and security.

Environmental: The outsourcing of management and oversight of our Federal Phase II Stormwater Program to the WPCOG Stormwater Partnership continues and the budget funds a comprehensive mapping of our stormwater system.

Organizational Restructuring: The budget moves the reporting structure of the Safety Coordinator position to the Risk Manager due to similar and overlapping responsibilities. Further, the budget establishes a new Public Works – Grounds & Public Properties Division that incorporates the Parks & Recreation Grounds Division, as well as several staff of the Cemeteries Division to increase efficiency and resource sharing.

Next, Mr. Hildebran briefly reviewed the General Fund Capital for FY2024-25 in the amount of \$1,724,250 which is an increase of \$545,450 from last year. This funding includes such items as,

- *Renovations to the Public Services Building & Police Department Headquarters
- *Trucks & Utility Terrain Vehicles (UTV) for various departments
- * Creating a Master Plan for the Cemetery Division
- * Equipment upgrades & vehicle replacements (Fire & Police Departments)
- * Renovations to basketball court & shelter at West End Park
- * Four additional Pickleball Courts & new gym floor at Mulberry Recreation Center

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Water & Sewer Fund Capital in the amount of \$1,922,150 which is an increase of \$693,150 from the previous year and will be expended for the following items.

- * Repairs & building renovations at the Water Treatment Plant
- * Renovations at the Public Services Building
- * Replacement pick-up trucks
- * Repair & replacement of pumps & other equipment at the Water Treatment Plant
- * East Harper Avenue sewer replacement
- * Push camera & an easement machine
- * UTV & equipment at the Gunpowder Sewer Treatment Plant

Downtown Main Street Development Capital in the amount of \$40,000 which is an increase of \$10,000 from the previous budget and includes funding for additional downtown decorations.

Mr. Hildebran restated the budget funds all debt obligations and that core services continue with revenue projections estimated in a realistic, conservative manner. The projections include consideration for continued uncertainties of the future economic environment. Mr. Hildebran further reiterated that City and private sector employers are experiencing workforce challenges in recruitment and retention of employees. City Council and Management continue to recognize that our employees are vital to the delivery of quality municipal services and represent our most valuable asset.

In conclusion, Mr. Hildebran recapped the Recommended FY2024-2025 Budget is balanced and addresses Council's goals and priorities. He stated the budget does not fund all of the requested operating and capital needs but represents a level of funding, which will allow the City to maintain and enhance current service levels while making organizational changes to be cost effective and more efficient. Mr. Hildebran remarked that Staff continues to display a culture that encourages cost savings to maximize resources to accomplish budget initiatives.

Mr. Hildebran thanked Donna Bean, Finance Director, Department Directors, Joshua Harris, Communication Director, Team Lenoir and City Council for all of their hard work and support in compiling the budget. He emphasized the City's primary goal, each and every day, via our employee-led customer service initiative, remains to provide "*Service Beyond Measure.*"

Mayor Gibbons and City Council expressed their appreciation to Mr. Hildebran for his outstanding leadership, hard work and all that he does for the City of Lenoir. Mayor Gibbons further stated he appreciates City Council and Staff's efforts in how well they work together.

Motion

Upon a motion by Councilmember Prestwood, Council voted 5 to 0 to schedule a public hearing on Tuesday, June 4 at 6:00 p.m. to consider adoption of the recommended FY2024-2025 Annual Budget as presented and as recommended by City Manager Hildebran.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

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BK 2110 PG 321 - 324 (4)

This document presented and filed:
05/29/2024 10:53:00 AM

Fee \$26.00



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

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF LENOIR,
NORTH CAROLINA TO INCLUDE THE ENTIRE CARL & SYLVIA WILSON PROPERTY
LOCATED AT PROVIDENCE LANE, AS RECORDED IN DEED BOOK 2099, PAGE 1332 IN
THE CALDWELL COUNTY REGISTRY.**

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

WHEREAS, the Lenoir City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition, A#1-24; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held on the **21st day of May, 2024** after due notice by publication on **May 9 and 16th, 2024**; and

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

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

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

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

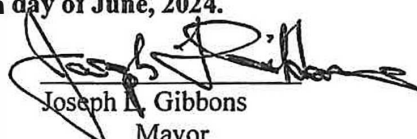
Section 1. By virtue of the authority granted by NCGS 160A-31, the contiguous territory described in "Exhibit A" and shown on map in "Exhibit B" is hereby annexed and made part of the City of Lenoir as of the **30th day of June, 2024**.

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Section 2. Upon and after the **30th day of June, 2024** the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Lenoir and shall be entitled to the same privileges and benefits as other parts of the City of Lenoir. Said territory shall be subject to municipal taxes according to NCGS 160A-31(e).

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

Adopted this the 21st day of May, 2024. Effective the 30th day of June, 2024.



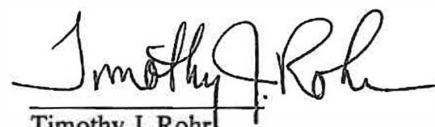
Joseph A. Gibbons
Mayor

ATTEST:

APPROVED AS TO FORM:



Shirley M. Cannon
City Clerk



Timothy J. Rohr
City Attorney

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

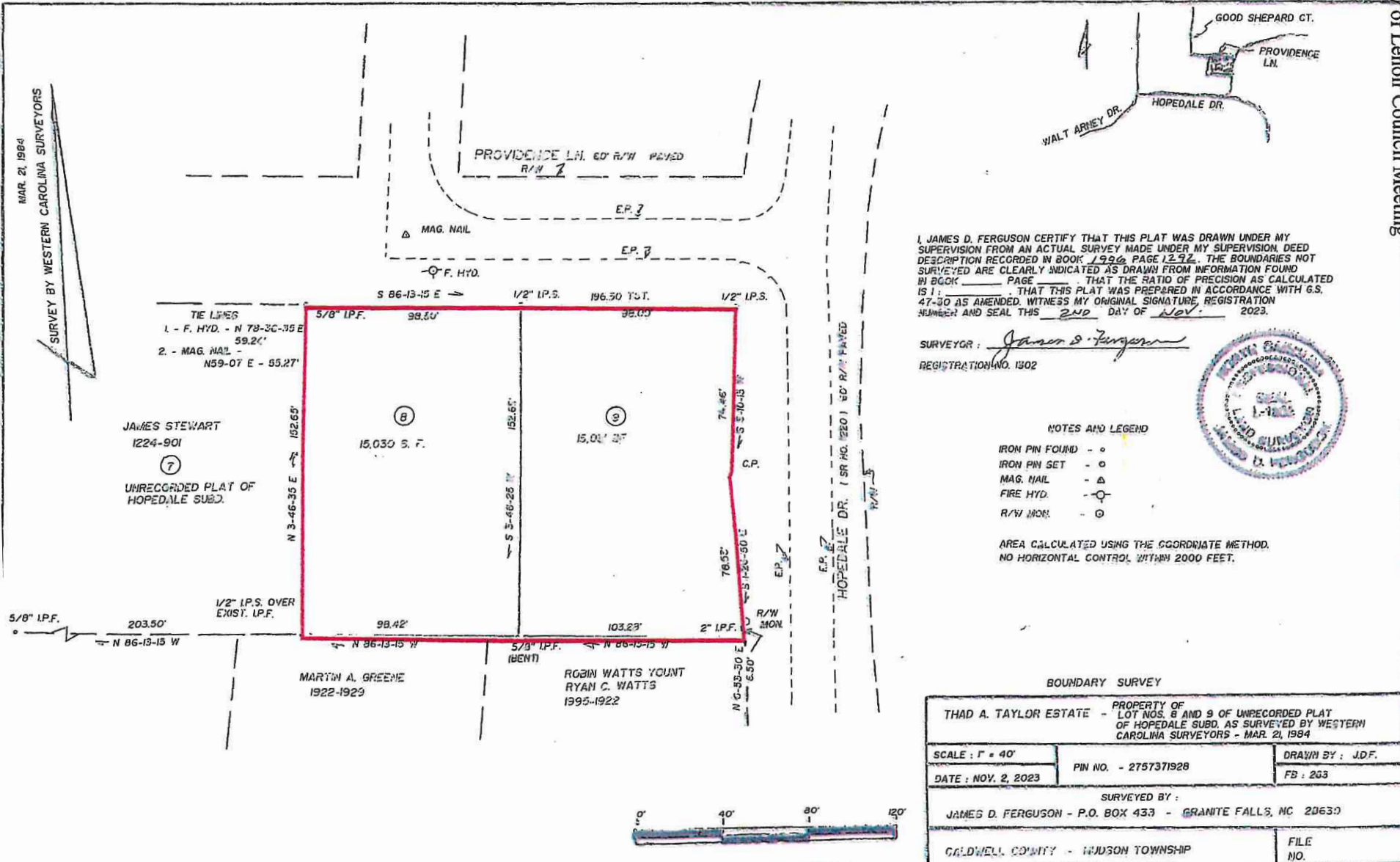
Exhibit "A"

Beginning at an iron pin located in the southern margin of Providence Lane said iron pin also being a corner of James Stewart (Deed Book 1224 Page 901) and running thence with the southern margin of Providence Lane S 86°-13'-15" E 196.50 feet to an iron pin in the western margin of Hopedale Drive and running thence with the western margin of Hopedale Drive S 5°-10'-13" W 74.46 feet to a point and thence S 1°-20'-50" E 78.53 feet to an iron pin located in the western margin of Hopedale Drive and running thence with the property of Robin Watts Yount (Deed Book 1995 Page 1922) and Martin A. Greene (Deed Book 1922 Page 1929) N 86°-13'-15" W 201.70 feet to an iron pin, a corner of James Stewart (Deed Book 1224 Page 901) and running thence with said Stewart property N 3°-46'-35" E 152.65 feet to the point of beginning. The above description contains 30,061 square feet as surveyed by James D. Ferguson, Land Surveyor dated Nov. 2, 2023.

The above description being all of Lot Nos. 8 & 9 of an unrecorded plat of Hopedale Subdivision as surveyed by Western Carolina Surveyors dated March 21, 1984.

Exhibit B - Annexation A1-24

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CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

RESOLUTION

TO OPPOSE THE CITY OF CHARLOTTE INTERBASIN TRANSFER REQUEST

WHEREAS, North Carolina Environmental Management officials are currently reviewing a request from the City of Charlotte to modify their certificate increase from their current transfer of 33 million gallons per day to 63 million gallons of water per day from the Catawba River Basin to the Rocky River Basin; and

WHEREAS, this latest request is a trend of additional interbasin transfer water usage from the Catawba River as evidenced by the following:

Charlotte/Mecklenburg's previously approved certificate of 33 million gallons per day interbasin transfer to the Rocky River in 2002; and

Concord and Kannapolis's previously approved certificate of 10 million gallons per day interbasin transfer to the Rocky River in 2007; and

WHEREAS, the net effect of the aforementioned actions will result in a total increased usage of 73 million gallons per day from the Catawba River Basin to the Rocky River Basin; and

WHEREAS, the Catawba River and its tributaries are not an unlimited supply of water as evidenced by previous years of drought conditions experienced most notably by the Upper Catawba Basin and the entire State of North Carolina; and

WHEREAS, the City of Lenoir and the Western Piedmont Region is considered a growth area for the North Carolina with additional water needs in the future; and that there's a valid concern that interbasin transfers of this magnitude may effectively subsidize growth in receiving areas using the limited water resources of the Catawba River Basin; and

WHEREAS, issues of equity and sustainability are in question, as it involves one region bearing the environmental and infrastructural costs of supporting growth in another region, and it is essential to consider the long-term implications and fairness of such resource allocations; and

WHEREAS, reducing the flow of the Catawba River by transferring water could lead to greater concentrations of pollutants in the river, a reduced flow rate diminishing the river's natural ability to dilute and transport pollutants, and have detrimental effects on aquatic ecosystems, recreational activities, and public health within the Catawba River Basin; and



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WHEREAS, the Lenoir City Council is concerned the proposed interbasin transfer will limit the amount of water available for withdrawal to support growth in our area due to regulation limits under state and federal laws; and

WHEREAS, the Lenoir City Council does hereby express its concern about the long-term availability of water within the Catawba River Basin and believes transferring water from the Catawba River Basin to the Rocky River Basin could indeed limit future growth opportunities for local communities in the Catawba River Basin; and

WHEREAS, the Catawba Wateree Water Resource Management Group is actively working to update its water supply master plan for the entire river basin and Charlotte should wait until that process is complete; and

WHEREAS, previous studies for the Catawba River called for the elimination of interbasin transfers as a strategy to protect the river and water supplies during drought conditions and an IBT should be a temporary measure to accommodate growth and not a permanent solution; and

WHEREAS, the 2015 Water Supply Master Plan for the Catawba River projected Charlotte's current IBT would be sufficient through 2065 and that Charlotte should not increase its IBT for its growth needs over the next 30 years; and

WHEREAS, Charlotte should instead use that time to implement water infrastructure and policies to eliminate its current IBT certificate issued in 2002; and

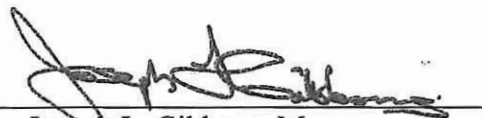
WHEREAS, water availability is crucial for sustaining economic development, agriculture, and quality of life in growing communities and if water is diverted elsewhere, it may constrain the ability of communities within the Catawba River Basin to support their own development and population growth; and

WHEREAS, our region should not be forced to give up its potential growth opportunities to subsidize Charlotte's growth with our water resources.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lenoir City Council requests that the North Carolina Environmental Management Commission deny the City of Charlotte's interbasin transfer request to modify their certificate to transfer 63 million gallons of water per day from the Catawba River Basin to the Rocky River Basin.

Adopted this the 21st day of May, 2024.

SEAL



Joseph L. Gibbons, Mayor
City of Lenoir City Council

ATTEST:



Shirley M. Cannon, City Clerk

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Lenoir Fire Department

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

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

Lenoir Fire Department
(828) 757-2190

Ref: Fireworks Display for July 4th, 2024

Date: May 6th, 2024

In the North Carolina law, fireworks displays are required to be approved by the County Board of Commissioners and/or City Council. This change came in effect February 1, 2010, and the approval must be granted prior to a permit being issued by the Fire Marshal's Office. I have attached a copy of General Statute 14-413. I am acquiring copies of one (1) application packet for fireworks display inside the City of Lenoir. The date of the display is July 4th, 2024 and conducted by Pyro Shows, Inc. for City of Lenoir Parks & Recreation. The display is located at Lenoir Optimist Park located at 701 Mulberry St SW, Lenoir NC, 28645. The General Statute requires that the County/City ensures proof of insurance prior to providing approval. A copy of the insurance certificate is provided in the packet provided by Pyro Shows. I have required that the information be submitted by each applicant that is required by the North Carolina Fire Code and this office will conduct the necessary inspections of these sites prior to the display. I would respectfully request that this fireworks display be placed on the next agenda for consideration by the City Council. It is my understanding that most Counties/Cities are placing these items on the consent agenda once the insurance certificate has been verified (it has). As always, if I can be of any further assistance in this matter, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "Chris Jacobs", with a long horizontal line extending to the right.

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

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§ 14-413. Permits for use at public exhibitions.

(a) For the purpose of enforcing the provisions of this Article, the board of county commissioners of any county, or the governing board of a city authorized pursuant to subsection (a1) of this section, may issue permits for use in connection with the conduct of concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, but only after satisfactory evidence is produced to the effect that said pyrotechnics will be used for the aforementioned purposes and none other. Provided that no such permit shall be required for a public exhibition under any of the following circumstances:

- (1) The exhibition is authorized by The University of North Carolina or the University of North Carolina at Chapel Hill and conducted on lands or in buildings in Orange County owned by The University of North Carolina or the University of North Carolina at Chapel Hill.
- (2) The exhibition is authorized by the University of North Carolina School of the Arts and conducted on lands or in buildings owned by the State and used by the University of North Carolina School of the Arts.
- (3) The exhibition is authorized by The University of North Carolina or North Carolina State University and conducted on lands or in buildings in Wake County owned by The University of North Carolina or North Carolina State University.

(a1) For the purpose of enforcing the provisions of this Article, a board of county commissioners may authorize the governing body of any city in the county to issue permits pursuant to the provisions of this Article for pyrotechnics to be exhibited, used, or discharged within the corporate limits of the city for use in connection with the conduct of concerts or public exhibitions. The board of county commissioners shall adopt a resolution granting the authority to the city, and it shall remain in effect until withdrawn by the board of county commissioners adopting a subsequent resolution withdrawing the authority. If a city lies in more than one county, the board of county commissioners of each county in which the city lies must adopt an authorizing resolution. If any county in which the city lies withdraws the authority of the city to issue permits for the use of pyrotechnics, the authority of the city to issue permits for the use of pyrotechnics will end, and all counties within which the city lies must resume their authority to issue the permits.

(b) For any indoor use of pyrotechnics at a concert or public exhibition, the board of commissioners or the governing body of an authorized city may not issue any permit unless the local fire marshal or the State Fire Marshal (or in the case of The University of North Carolina, the University of North Carolina at Chapel Hill, or North Carolina State University it may not authorize such concert or public exhibition unless the State Fire Marshal) has certified that:

- (1) Adequate fire suppression will be used at the site.
- (2) The structure is safe for the use of such pyrotechnics with the type of fire suppression to be used.
- (3) Adequate egress from the building is available based on the size of the expected crowd.

(c) The requirements of subsection (b) of this section also apply to any city authorized to grant pyrotechnic permits by local act and to the officer delegated the power to grant such permits by local act.

(d) A board of county commissioners or the governing board of a city shall not issue a permit under this section unless the display operator provides proof of insurance in the amount of at least five hundred thousand dollars (\$500,000) or the minimum amount required under the North Carolina State Building Code pursuant to G.S. 143-138(e), whichever is greater. A board of county commissioners or the governing board of a city may require proof of insurance that exceeds these minimum requirements. (1947, c. 210, s. 4; 1993 (Reg. Sess., 1994), c. 660, s.

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3.1; 1995, c. 509, s. 11; 2003-298, s. 1; 2007-38, s. 2; 2009-507, s. 2; 2013-275, s. 2; 2015-124, s. 2.)

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/2/2024

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

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

PRODUCER
Acrisure, LLC dba Britton Gallagher & Associates
One Cleveland Center, Floor 30
1375 East 9th Street
Cleveland OH 44114

CONTACT

NAME:

PHONE (A/C, No, Ext): 216-658-7100

FAX

(A/C, No):

E-MAIL

ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A : Everest Indemnity Insurance Co.

10851

INSURER B : Everest Denali Insurance Company

INSURER C : Arch Specialty Ins Co

21199

INSURER D :

INSURER E :

INSURER F :

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

COVERAGES**CERTIFICATE NUMBER:** 198716938**REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR INSR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	Y	Y	SI8ML01929-231	11/1/2023	11/1/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 2,000,000 \$
	☒ COMMERCIAL GENERAL LIABILITY						
	☐ CLAIMS-MADE ☒ OCCUR						
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	☐ POLICY ☒ PRO-JECT ☐ LOC						
B	AUTOMOBILE LIABILITY	Y	Y	SI8CA00004-231	11/1/2023	11/1/2024	COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☒ ANY AUTO						
	☐ ALL OWNED AUTOS						
	☒ HIRED AUTOS						
	☐ SCHEDULED AUTOS						
	☒ NON-OWNED AUTOS						
C	UMBRELLA LIAB	Y	Y	UXP1034375-04	11/1/2023	11/1/2024	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
	☒ EXCESS LIAB						
	☐ DED ☐ RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N	N/A				WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						
	If yes, describe under DESCRIPTION OF OPERATIONS below						
A	Excess Liability #2	Y	Y	SI8EX01662-231	11/1/2023	11/1/2024	Each Occ Aggregate 5,000,000 Total Limits 10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Additional Insured extension of coverage is provided by above referenced policies where required by written agreement.

Excess policies are excess of both the general liability and automobile policies for total limits of \$10 million each.
Fireworks Display: July 04, 2024 (Independence Day Celebration)
Additional Insured: City of Lenoir Parks & Recreation, City of Lenoir, NC

CERTIFICATE HOLDER**CANCELLATION**

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

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



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Tuesday, May 21, 2024
Minutes-City of Lenoir Council Meeting



May 07, 2024

Mr. Scott Hildebran, City Manager
City of Lenoir
801 West Avenue
Lenoir, North Carolina 28645

RE: Recommendation of Award
Zacks Fork Splash Pad Construction Contract
City of Lenoir, North Carolina

Dear Mr. Hildebran:

The Zacks Fork Splash Pad project for the Parks and Recreation Department was re-advertised for bids on March 27, 2024. Bids were informally solicited by emailed invitation in accordance with G.S. 143-131 (a).

Bidders were instructed to clearly indicate design parameters, including but not limited to total square feet of the splash pad area and total number of ground-type spray features. A total of three (3) bids were received, and each bidding contractor provided the required design elements in their proposal.

Following review of bids, we recommend awarding the Zacks Fork Splash Pad construction contract to Barrs Recreation, 36 Diane Street, Pittsboro, North Carolina 27312. Barrs Recreation proposes turn-key project delivery, including required grading and excavation, splash pad construction, potable water, sanitary sewer, and electrical connections, and final restoration. Additionally, Barrs Recreation is also the lowest, responsive, responsible bidder, with a total bid amount of **\$313,845.00**.

A bid tabulation is also included for your review. Please do not hesitate to contact us with questions or concerns regarding received bids or this recommendation of award.

Sincerely,
CITY OF LENOIR

Jared Wright
Director of Special Projects and Grants
City of Lenoir

cc: Mr. Phil Harper, Parks and Recreation Director
Ms. Donna Bean, Finance Director

Enclosures



**City of Lenoir
Zacks Fork Splash Pad**



Bid Tabulation

Bidder	Splash Pad Surface Area	Spray Features	Total Base Bid
Barrs Recreation	1,648 sq. ft.	55	\$313,845.00
Carolina Parks and Play	1,621 sq. ft.	59	\$396,427.87
Southeast Aquatics	1,600 sq. ft.	58	\$367,800.00

**Bidders were instructed to clearly indicate the proposed splash pad surface area and number of spray features for consideration.

Tuesday, May 21, 2024
Minutes-City of Lenoir Council Meeting

Ramity W. Beckner
Bradley C. Craig
Wm. Thomas Austin
James B. Voso
Chad M. Thomas
Jason A. Gorder
Briton R. Newman
D. Jason Strapp
Ryan P. Kinzer



Edwin K. Mattern, Jr. (1949-1982)
Gene R. Cress (1935-2014)
Sam H. McGhee, III (1940-2018)
Stewart W. Hubbell (Retired)
J. Weyne Craig (Retired)
Michael S. Ayres (Retired)
Steven A. Campbell (Retired)
Randy L. Dodson (Retired)

April 25, 2024

Mr. Jon Hogan, ISA
Public Works Director
City of Lenoir
510-B Greer Circle
Lenoir, NC 28645

RE: Construction Engineering and Inspection Services – Hospital Avenue
Sidewalks – EB 5806

Mr. Hogan,

Mattern & Craig (M&C) is respectfully submitting our Letter of Interest and looks forward to a potential new opportunity to continue our longstanding relationship with the City of Lenoir.

Our LOI demonstrates our ability to deliver the quality of services you require in a timely, cost-effective manner and that our team will remain an asset to the City. The core team members proposed to work with you are the same experienced individuals who have performed the engineering design services on several recent City on-call projects. I will serve as Principal & Senior Project Manager and Ed Evans is included on the team for project coordination & public liaison so M&C can provide you continuity of services and multiple contacts to ensure direct line of communication and quick responsiveness throughout the project contract.

Thank you for considering Mattern & Craig for this role. We value this opportunity to continue to serve the City as a top priority under this contract. We remain committed to providing our firm's resources to complete your project skillfully, economically, and on time.

Sincerely,


Brian Newman, PE
Principal & Senior Project Manager
828.855.2233 (o) 828.838.4139 (c)
bnnewman@matternandcraig.com

Addendum Acknowledgement

Mattern & Craig acknowledges receipt of Addendum No. 1 dated April 12, 2024

Expression of Interest:

M&C is pleased to express our interest in providing the City of Lenoir with construction engineering services for the Hospital Avenue Sidewalks project.

Statement of Firm Registration:

M&C is registered under License No. C-1154 with the Office of the Secretary of State and the NC Board of Registration for Professional Engineers and Land Surveyors.

Firm Qualification:

M&C is prequalified with NCDOT to provide services for the required work codes within this contract:

00195 Roadway CEI
00233 Structures CEI

Our most recent letter of prequalification approval is dated May 16, 2023.

Conflict of Interest:

We have a current Private Consulting Firm Questionnaire for our Conflict of Interest Assessment on file with NCDOT. There would be no conflict of interest for Mattern & Craig, or Michael Baker to provide the City with these services.

Summation of Information:

Our Letter of Interest includes the following information demonstrating our capacity, qualifications, experience, and resources to perform the required services for this contract:

- **Introduction:** Overall qualifications to fulfill the requirements of the scope of work.
- **Team Qualifications:** M&C's team credentials & experience to undertake this contract by identifying recent similar project experience.
- **Team Experience:** Identifies M&C and Michael Baker personnel, resources and qualifications, including resumes documenting specific CEI expertise, organizational and capacity charts, & SPSF status.
- **Technical Approach:** M&C's understanding of the latest Program guidance and our technical approach to accomplish this project.
- **Appendices:** RS-2 Forms



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 Honoring Sherry Griffin

WHEREAS, Sherry Griffin has served the City of Lenoir and other local government members of the Western Piedmont Council of Governments (WPCOG) for more than three decades; and

WHEREAS, since starting her career with WPCOG in 1986, Sherry rose from Community Development Administrator to Community Development Specialist in 1988, Community and Economic Development Director in 1997, and Assistant Executive Director in 2015; and

WHEREAS, Sherry has made significant contributions to help transform the region in positive ways by working on many notable projects in the region such as business parks in Caldwell, Burke, Catawba, and Alexander counties, the Manufacturing Solutions Center, Target Distribution Center, Trivium Corporate Center, and the Google Data Center here in Lenoir; and

WHEREAS, she helped develop the Unifour Consortium with the City of Lenoir serving as the lead entity, and the consortium, which is funded by the U.S. Department of Housing and Urban Development, has helped increase regional housing options for low-to moderate-income individuals and has provided down-payment assistance funds to more than 3,000 first-time homebuyers during the past 27 years; and

WHEREAS, Sherry has made transformative contributions in our communities by securing and administering 750 grants, improving housing accessibility, and fostering economic growth by drawing in more than \$2 billion in investments to move essential projects forward.

NOW THEREFORE BE IT RESOLVED, I, Joseph L. Gibbons, Mayor, on behalf of the City of Lenoir Council and all the citizens, do hereby congratulate Mrs. Sherry Griffin on her 37-year career with the WPCOG and her well-deserved retirement, and I commend Sherry for her visionary leadership, collaborative approach, and desire to improve the lives of our residents. Her work has had a profound, beneficial, and lasting impact on Lenoir and the Unifour region.

This the 21st day of May 2024.

SEAL


Joseph L. Gibbons, Mayor

