



AGENDA
CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, OCTOBER 15, 2024
6:00 P.M.



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Special Recognition: “The City of Lenoir Customer Service Team will recognize Master Patrol Officer Chris Smith and the 2023 Annual Golden Ticket Award Winner. Golden Tickets are a way for City employees to recognize their coworkers for going above and beyond their normal responsibilities to provide “Service Beyond Measure” to fellow staff and the public.”

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. Rezoning; 134 Ideal Drive SE: A public hearing will be held to consider a request to rezone 134 Ideal Drive SE, NCPIN2758560560 from R-12 (Medium Density, Single Family) to R-6 (Multi-family). The Planning Board approved the request and Staff recommends adoption of the proposed rezoning based on the following consistency statement:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it establishes zoning that is more consistent with the adopted future land use map designating the area to remain “medium density residential,” and better matches the existing development pattern. This will ensure fair and efficient growth, reduce non-conformities, and establish sensible, straightforward zoning standards. The proposed amendment is reasonable and in the public interest because it promotes infill development at appropriate densities, making more efficient use of the City’s existing infrastructure investments while creating opportunities for affordable housing for people in all stages of life.

- B. Rezoning; NE Corner of Hickory Boulevard (Hwy 321 & Victoria Court Intersection): A public hearing will be held to consider rezoning the property located on the NE Corner of Hickory Boulevard at the intersection of Hwy 321 and Victoria Court intersection, NCPIN 2758732805 as the applicant Southwood Realty Company, is requesting to rezone the property, split zoned B-2 and R-15, to be exclusively zoned as B-2 (General Business) to allow for a proposed multi-family development. The Planning Board approved this request and Staff recommends approval based on the following consistency statement:

The future land use map identifies the subject properties as existing non-residential zones, but is surrounded by existing medium-density residential and existing high-density residential. The plan states that “predominantly single-family zoning districts should be more flexible to allow multi-family development as a permitted use with certain conditions.” Additionally, the comprehensive plan calls for development of quality multi-family buildings as a growth destination for both professionals and retirees alike. By

changing the zoning designation from R-15 to B-2, this area would have greater flexibility to achieve these policy concepts. Staff finds the proposed re-zoning to be consistent with the goals of the Comprehensive Plan. The change is reasonable and in the public interest because it accommodates future residential development in a convenient and centralized location, which can be better served by city infrastructure when expanded.

- C. Ordinance; Electronic Message Boards Signage: A public hearing will be held to consider amending Appendix A of the Lenoir City Code by Ordinance as related to Sign Regulations regarding Electronic Message Signs and Eliminating Duplicative Code Sections, Providing for Severability, Codification, and an Effective Date. The applicant Doug Perkins of Mt. Pilgrim Baptist Church has proposed that the sign code allow for Electronic Message Boards (EMB) in residential districts. The Planning Board also analyzed and made recommendations in other zoning districts.
- D. Ordinance Amendment; Light Pole Banners: A public hearing will be held to consider amending Appendix A of the Lenoir City Code as related to Sign Regulations regarding Light Pole Banners by Ordinance and Eliminating Duplicative Code Sections, Providing for Severability, Codification, and an Effective Date. The applicant Emma Shell of UNC Health Caldwell (the hospital) proposed that the sign code allow for light pole banners on private poles for certain land uses. While the Planning Board did not recommend adoption of the ordinance as presented at the September meeting, Staff drafted an ordinance of narrower scope for City Council's consideration.

Refer to the Planning Department's Memorandum included in the agenda packet for additional background information.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the Committee of the Whole minutes of Tuesday, September 24, 2024 as submitted.
- B. Minutes: Approval of the City Council minutes of Tuesday, October 1, 2024 as submitted.
- C. Closed Session Minutes: Approval of the closed session minutes of the Tuesday, October 1, 2024 meeting as reviewed by the City Council, City Attorney and City Manager.
- D. NCDOT Disaster Relief Debris Removal (DRDR) Agreement: Approval of the North Carolina Department of Transportation (NCDOT) Disaster Relief Debris Removal Agreement as recommended.
- E. Design-Build Method of Project Delivery: Staff recommends consideration and acceptance of the Design-Build method of project delivery for interior modifications and improvements at the Lenoir Aquatics and Fitness Center as part of the current 2022 Parks and Recreation Trust Fund (PARTF) project. If accepted, a Request for Qualifications (RFQ) for Design-Build services will be published to begin the selection process.
- F. Fireworks Authorization Permit; Hibriten High School: Approval of a Fireworks Authorization Permit as submitted by Hibriten High School to have a fireworks display on the requested dates of October 18, 25, and November 1, 8, 15, 22 and 29 with the ability to move dates due to weather. The school has contracted with Team PyroStar to do the displays.

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. One stop voting begins on Thursday, October 17 from 8:00 a.m. – 7:30 p.m. Monday through Friday, November 1 at the Caldwell County Resource Center located at 120 Hospital Avenue (former library) and on Saturday, November 2 from 8:00 a.m. – 3:00 p.m. Election Day is Tuesday, November 5.
2. The annual Wood, Fire, Smoke Festival will be held on Saturday, October 19 from 10:00 a.m. – 7:00 p.m. in downtown Lenoir.
3. The Board of Adjustment will meet on Monday, October 21 at 5:30 p.m. at the City/County Chambers.
4. The Parks & Recreation Advisory Board will meet on Monday, October 21 at 6:00 p.m. at the Aquatic & Fitness Center.
5. The Committee of the Whole will meet on Tuesday, October 22 at 8:30 a.m. at City Hall, Third Floor.
6. The Lenoir City Council and the Caldwell County Commission will hold a joint meeting on Tuesday, October 22 at 5:00 p.m. at the City Council Chambers to discuss economic development.
7. The annual Mad Hatters Pumpkin Patch Parade and the Trick or Treat event will be held on Friday, October 25 from 3:00 p.m. – 6:00 p.m. in downtown Lenoir.
8. A Halloween Cruise-In Event will be held on Saturday, October 26 beginning at 3:00 p.m. in downtown Lenoir.
9. The Planning Board will meet on Monday, October 28 at 5:30 p.m. at the City/County Chambers.
10. The Foothills Regional Airport Authority will meet on Wednesday, October 30 at noon at the airport facility.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT



Lenoir Police Department

Council Action Form



I. Agenda Item:

We have been informed that Master Patrol Officer Chris Smith will be recognized by the City of Lenoir Customer Service Team at the 10/1/2024 City Council Meeting for receiving the 2023 Golden Ticket Award. This CAF is a follow-up for placement on the agenda.

II. Background Information:

See attached write-up from a citizen praising Officer Smith for his efforts and assistance with her and her autistic child that has been included with this CAF.

III. Staff Recommendation:

I, Chief Brent Phelps, commend Officer Smith for his dedication and service to the community and fully support recognizing him at the next council meeting.

IV. Reviewed by:

City Attorney: _____ Date: _____

City Manager: _____ Date: _____

Police Chief: Brent Phelps Date: 9/20/2024



Customer Service Keys

Personable

Proactive

**Effective
Communication**

Professionalism

Timely & Efficient

Teamwork

Equitable Service

**Successful Service
Recovery**

Customer Service Team Members

Autumn Moffett, Co-Chair

Joshua Harris, Co-Chair

Jeff Church

Josh Hollar

Rhonda Hollowell

Gary Leonhardt

Scott Lingle

Crystal McCurry

Robert Swanson

Juliana Tripician

Garrett Williams



July 18, 2024

Chris,

Enclosed with this letter is a certificate for an additional four (4) hours off with pay and a second certificate for an additional eight (8) hours off with pay.

You are receiving these certificates because the Customer Service Team voted and selected your Dec. 20, 2023, Golden Ticket nomination as the most deserving nomination for the fourth quarter last year. CST also selected your nomination as the most deserving for all of 2023.

In December, the Police Department nominated you for a Golden Ticket for helping a mother with her autistic son in January 2021. The mother sent a letter to the department in November 2023.

In a letter, the mother wrote, "We live a peaceful life, and his future looks as bright as any child who doesn't have autism. Who do we have to thank for this? You! You saved his life, and saved our family!"

The nomination said you exhibited Key 2 – Proactive and Key 7 - Equitable Service.

Be sure to keep the certificates and present them with the timesheet for the period when you use the extra hours off.

The extra time off must be used within one year of the date shown on the certificate. The time is not payable upon separation from the City of Lenoir.

Thank you for providing Service Beyond Measure to the residents of Lenoir!

Joshua Harris

Co-Chair, Customer Service Team

CONGRATULATIONS!

4 Hours Off with Pay

Chris Smith

July 18, 2024

Your Golden Ticket nomination was determined to be the most deserving of the 2023 fourth quarter submissions by the Customer Service Team. Therefore, you have received an additional four (4) hours off with pay. Thank you for providing Service Beyond Measure!

KEEP AND SUBMIT THIS CERTIFICATE WITH THE TIMESHEET THAT THE EXTRA FOUR (4) HOURS OFF WITH PAY IS USED.

*Must be used within one (1) year of the date issued shown above.
Is not payable upon separation from the City of Lenoir.*



A blue ink handwritten signature, likely belonging to Joshua Harris.

Joshua Harris, Customer Service Team Co-Chair

7

CONGRATULATIONS!

8 Hours Off with Pay

Chris Smith

July 18, 2024

Your Golden Ticket nomination was determined to be the most deserving of the calendar year 2023 submissions by the Customer Service Team. Therefore, you have received an additional eight (8) hours off with pay. Thank you for providing Service Beyond Measure!

KEEP AND SUBMIT THIS CERTIFICATE WITH THE TIMESHEET THAT THE EXTRA EIGHT (8) HOURS OFF WITH PAY IS USED.

*Must be used within one (1) year of the date issued shown above.
Is not payable upon separation from the City of Lenoir.*



Joshua Harris

Joshua Harris, Customer Service Team Co-Chair

November 29, 2023

Dear Officer Smith,

It's almost been three years since you assisted me with a situation involving my artistic son. Please pardon me for not writing you sooner. We think often about how helpful you were, and how you saved my son's life. Every time I finally have a chance to sit down to compose a letter, I get interrupted. Life with two teenagers is busier than I could have ever imagined.

Back in January of 2021, when you were called to help me, because my son was trying to throw things at me, out of some fit of rage, you were the first responsible adult to bring to my attention that his actions were not based on his personality, but on the fact the medicine was causing the anger and aggression. I remember thinking he looked like a bull in a china shop, but I was giving him the

ADHD medication, just as the doctor had prescribed. You had the keen insight to tell me to look at his eyes, and you recommended I talk with ~~his~~^{his doctor} about changing his medication. That was life changing for our family! That night, you not only saved our family from a future of more of the same, but you also changed the direction of my son's life. I had him seeing a child psychiatrist, and it had been recommended to me that he may need to be sent to a facility for middle school age boys with behavior issues. He was heading down a sad, hopeless path, but your suggestion alone changed everything! I took him off the ADHD medicine, and within weeks, he was a totally different kid.

The medicine was ruining our lives, and we couldn't even see it.

I thank God, on a regular basis, that He gave you the knowledge to be aware of such things in our

children and community.

You'll be happy to know [REDACTED] is in high school, is taking Honors English, and currently has all As and one B. Without being asked, he cleans his room each day, along with helping with other chores.

His teachers describe him as being helpful and kind. We live a peaceful life, and his future looks as bright as any child who doesn't have autism. Who do we have to thank for this? You!

You saved his life, and saved our family!

We all think you, from the bottom of our hearts. We will always remember what you have done for us, and will continue to pray for your health and safety on the job.

May God bless you all the days of your life.

Sincerely,
[REDACTED]

Golden Ticket

Complete and submit this form to recognize Service Beyond Measure from a member of Team Lenoir!

Date: *

MM DD YYYY

12 / 20 / 2023

Employee receiving the Golden Ticket: *

MPO Chris Smith

Nominator: *

Name of the employee GIVING the Golden Ticket award.

Lenoir Police Department

Nominator's email: *

sandra@ci.lenoir.nc.us

When did you observe the recipient employee providing Service Beyond Measure? *

MM DD YYYY

11 / 29 / 2023

Describe how the employee provided Service Beyond Measure. *

Assistance to a mother with her autistic son (see letter from mother sent w/ follow-up email)

What Department does the recipient work in? *

Community Svc Platoon - School Resource

Which Customer Service Key(s) did the employee exhibit in this particular situation? *

You can select more than one Key.

- ☐ Key 1 - Personable
- ☒ Key 2 - Proactive
- ☐ Key 3 - Effective Communication
- ☐ Key 4 - Professionalism
- ☐ Key 5 - Timely & Efficient
- ☐ Key 6 - Team Work
- ☒ Key 7 - Equitable Service
- ☐ Key 8 - Successful Service Recovery

Are you a Design Team member entering a paper ticket? *

If so, check YES. If not, skip this question and submit.

- ☒ Yes, I'm entering a paper copy.
- ☐ No, I'm not entering a paper copy.

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Google Forms

CITY OF LENOIR**COUNCIL ACTION FORM: October 15, 2024****I. Agenda Item:**

R 4-24: Consideration of a request that the City re-zone 134 Ideal Dr. SE from R-12 (Medium-Density, Single Family to R-6 (Multi-family).

II. Background Information:

The applicant is requesting to rezone the subject property from R-12 (Medium-Density, Single Family to R-6 (Multi-family), to divide the parcel into two in order to separate the workshop building from the residence. Each resulting lot will be lower than R-12 required lot size.

III. Staff and Planning Board Recommendation:

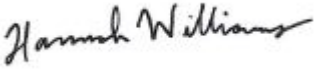
Adoption of the proposed rezoning based on the following consistency statement:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it establishes zoning that is more consistent with the adopted future land use map designating the area to remain “medium density residential,” and better matches the existing development pattern. This will ensure fair and efficient growth, reduce non-conformities, and establish sensible, straightforward zoning standards. The proposed amendment is reasonable and in the public interest because it promotes infill development at appropriate densities, making more efficient use of the City’s existing infrastructure investments while creating opportunities for affordable housing for people in all stages of life.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____



Staff Report

Zoning Amendment

CASE NUMBER R #4/24

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property

134 Ideal Dr

SUMMARY

Owner

Edward J Lutz & Carolyn W Lutz
Revocable Living Trust

Applicant

Joseph Lutz

Location

134/134B Ideal Drive

NCPIN

2758560560

Project Planners

Hannah Williams, AICP, CZO

Matt Duchan

Updated October 1, 2024

Description of Request:

The applicant requests that the City re-zone 134 Ideal Drive SE from R-12 (Medium Density, Single Family) to R-6 (Multi-family), as the applicant would like to divide the parcel into two in order to separate the workshop building from the residence. Each resulting lot will be lower than R-12 required lot size.

Staff Recommendation:

Approval of the request, based on the consistency statement on page 9.

Planning Board Recommendation:

Approval of the request.

Public Comment:

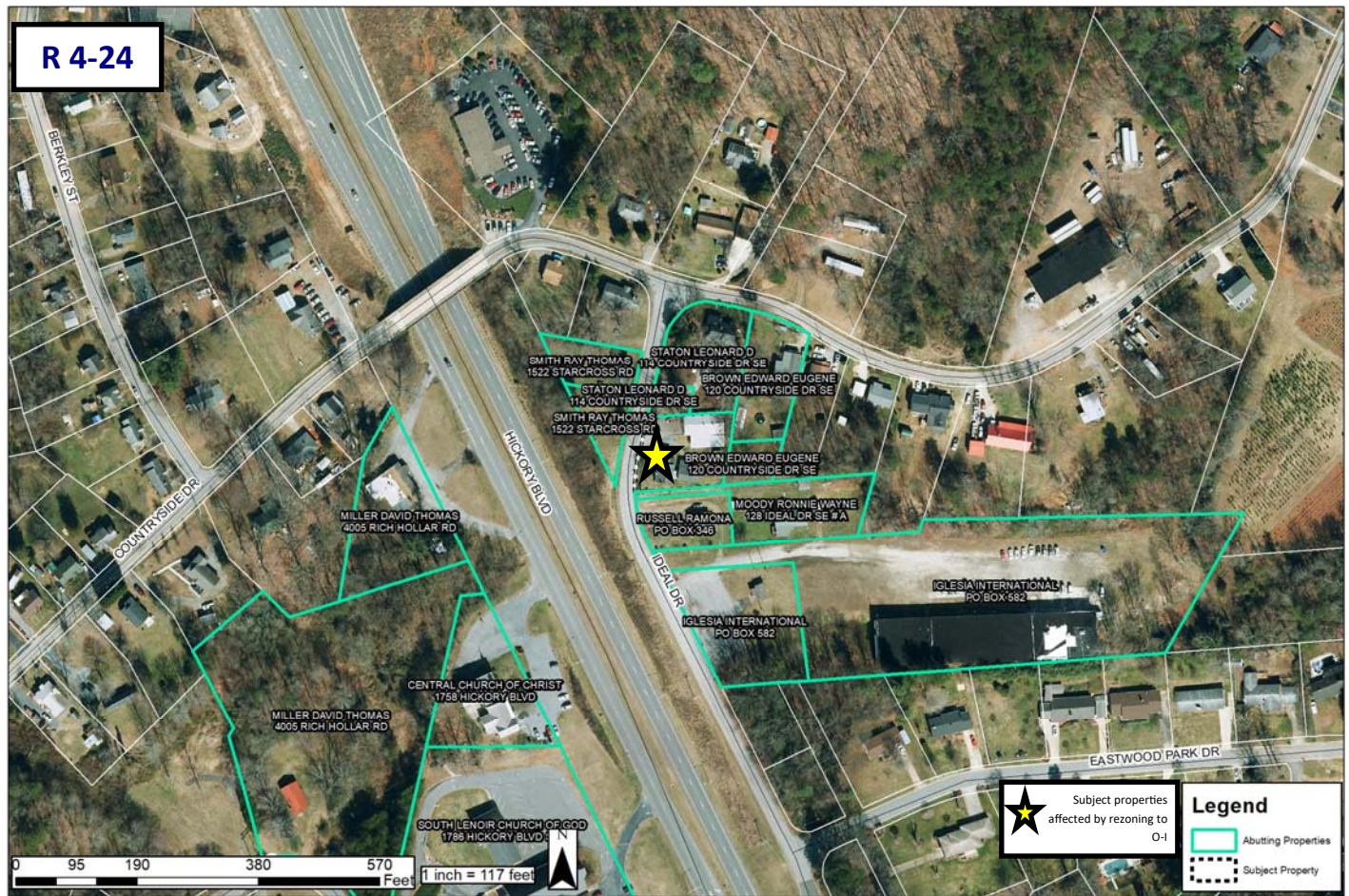
None.

Planning Board Meeting: September 23, 2024.

Notices were mailed to adjacent property owners on or before September 13, 2024.

City Council (Public Hearing): Scheduled for October 15, 2024. Notices were mailed to adjacent property owners on October 4, 2024. Notice of the meeting was published in the News-Topic on October 3, 2024 and October 10, 2024. Notice has been posted on the property at least ten days in advance of the public hearing.

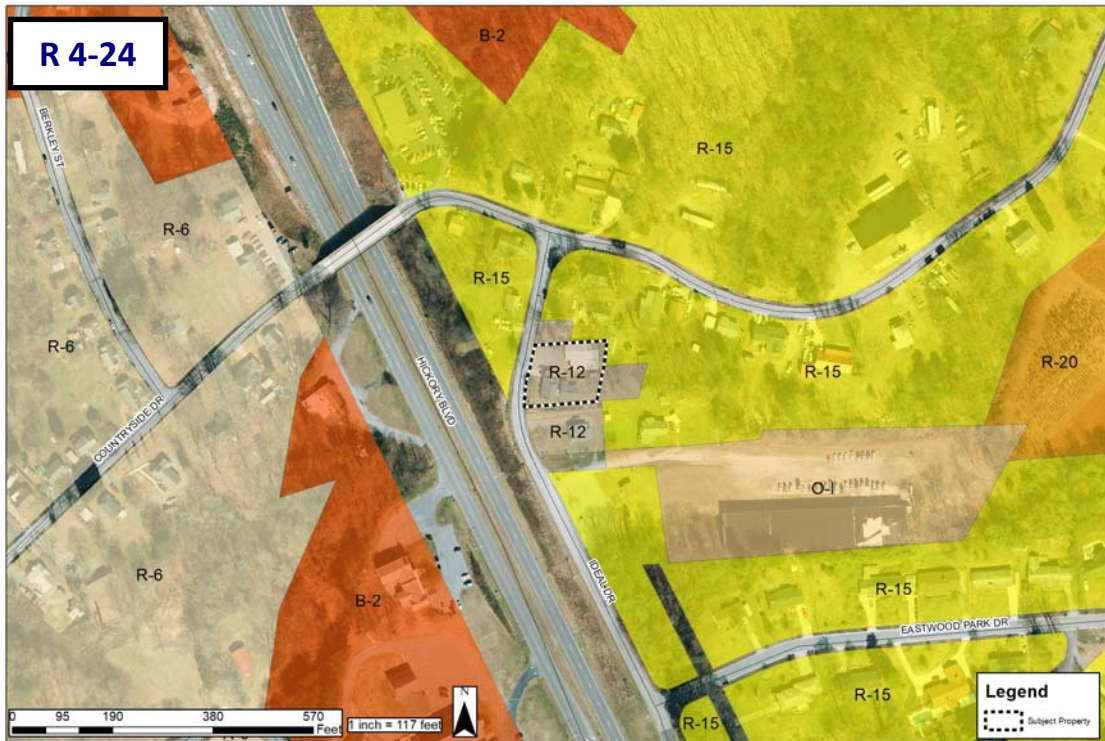
ABUTTING PROPERTY OWNERS



NCPIN	Name	Address	City	State	Zip Code
2758560518	Leonard & Mavis Station	114 COUNTRYSIDE DR SE	LENOIR	NC	28645
2758561651	Edward Eugene Brown	120 COUNTRYSIDE DR SE	LENOIR	NC	28645
2758561213	Iglesia International Cristo Vive Inc.	PO BOX 582	LENOIR	NC	28645
2758468684	Ray Thomas Smith & Sylvia Smith	1522 STARCROSS RD	LENOIR	NC	28645
2758453998	David Thomas Miller	4005 RICH HOLLAR RD	Lenoir	NC	28645
2758457854	South Lenoir Church of God	1786 HICKORY BLVD SW	LENOIR	NC	28645
2758560349	Ramona Russell	PO BOX 346	LENOIR	NC	28645
2758467123	Central Church of Christ	1758 HICKORY BLVD	LENOIR	NC	28645
2758562401	Ronnie Wayne Moody	128 IDEAL DR SE # A	LENOIR	NC	28645

EXISTING AND PROPOSED ZONING MAPS

Existing Zoning: R-12



Proposed Zoning: R-6



BACKGROUND AND STAFF ANALYSIS

Zoning Map Amendments

The City of Lenoir Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. The zoning map cannot be changed until the Planning Board reviews the request and makes a report to City Council on the proposed change and the City Council holds a public hearing to consider the request.

Intent of the Zoning Districts

R - 12 Residential (Single-family) District is intended to establish and preserve land within the city for medium density single-family residences and compatible land uses. Regulations are designed to allow predominately single-family residences at medium densities, with duplex, townhome, low-rise apartments, and planned residential developments allowed at compatible densities as special uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

R - 6 Residential (Multi-family) District is intended to establish and preserve areas of land within the city for medium and high density residences, including single family, doublewide manufactured homes, duplexes, townhomes, multi-family developments, and other compatible uses at appropriate densities. Higher density multi-family developments are allowed as special uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

Applicant's Request

The applicant is seeking to subdivide the subject property (134 Ideal Drive SE) into two lots so that the house can stand alone on one lot and a workshop can stand on the second lot. The subject property cannot be subdivided in its current zone, R-12 district (Medium Density Single Family), where lot size is 12,000 square feet. The resultant lots would each be 7,200 to 8,500 SF. Rezoning this lot to R-6 would enable the applicant to continue to own his 3000 SF workshop while selling the rental house on the property.

Subject and Surrounding Properties

The subject property is addressed as 134 Ideal Drive, located off of Hickory Boulevard (US-321) just north of the Civic Center. The property features the aforementioned workshop (~3000 sq. ft.) addressed as 134-B Ideal Dr, as well as a carport in addition to a single-family home and an accessory structure at the rear, which total around 2000 sq. ft.

Some of the properties immediately surrounding 134 Ideal Drive are zoned R-12. On Countryside Drive, the vast majority of properties on the east side of 321 are zoned R-15, while the west side of 321 is zoned B-2 along the highway frontage. The R-6 (multi-family) zoning district comprises the western neighborhoods beyond 321 (Ideal Drive, Berkley Street, Locust Place).

Whitnel Towing and the former (condemned) Kingdom Hall are nearby on Countryside Drive. Iglesia Internacional Cristo Vive, south of the subject property is currently zoned O-I. The church's building was used as a truck rental company up until the church bought the property in 2013. This property as well as the subject property border single-family neighborhoods to the north and south. The neighborhood to the south of the church is Eastwood Park which is bounded by the Civic Center campus to the south.

Zoning Analysis

The applicant's request to rezone the subject property to R-6 is considered a "spot zone" by definition. Spot zones are not illegal in NC, but good zoning practice dictates that such requests be scrutinized for their overall compatibility with the surrounding districts, and not be arbitrarily applied. Staff reviewed the area and found the development standards of proposed R-6 zone to be somewhat consistent with the development pattern in the area.

The subject property is in a transitional area between a major highway corridor and an established neighborhood. This section of Ideal Drive serves as a ramp between US-321 and a low density residential area. Zoning districts are rarely flawless in these transitional zones—which is why non-residential uses, such as impound lots, truck rentals, and churches exist in the area that has residential zoning.

The R-6 zoning district has shallower setbacks than R-12. The existing home at 134 Ideal Dr will be more conforming to the zoning district. The R-12 district requires a 40' front yard and 12' side yard where the R-6 district requires a 35' front yard and 10' side

BACKGROUND AND STAFF ANALYSIS CONTINUED

yard. The house sits 25' back from front property line, and 10' from the side. While it doesn't meet the development standards exactly, the site is more suited to the R-6 standards.

No zoning analysis is complete without considering the permitted uses in each zone (see Page 6) - however, no land use change is proposed at this time and is unlikely to happen on this .37 acre lot (without introducing nearby properties, which would require their own zoning process). The R-6 zoning district does introduce a mix of housing types into a single family zone. R-12 allows single family homes by right. Duplexes, townhomes, and garden apartments are allowed with a Special Use Permit. R-6 allows those uses by right, along with doublewides, zero lot line dwellings, and bungalow courts. As stated, this property is built out, and it is unlikely any land use change will occur on the property without a larger scale zoning change than what is being proposed today.



Subject property and surrounding area in 2010 (according to Caldwell County GIS).

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The subject neighborhood is already identified as “existing medium residential” and “existing non-residential” on the future land use map of the comprehensive plan. Rezoning the subject property would bring the lot further into conformity with the zoning standards, making future development requests in the neighborhood more straightforward. Staff finds the proposed re-zoning to be consistent with the goals and policy concepts of the Comprehensive Plan.

BACKGROUND AND STAFF ANALYSIS CONTINUED

Comparison of Zoning Districts

	R-12	R-9
Development Standards	Minimum Lot Size — 12,000 ft ² Minimum Lot Width—60 ft. Setbacks Front - 40' Side Yard—12' Street Side Yard: 25' Rear Yard - 30'	Minimum Lot Size — 9,000 ft ² Minimum Lot Width—50 ft. Setbacks Front - 35' Side Yard—12' Street Side Yard: 25' Rear Yard - 25'
Summary of Permitted Uses*	Accessory Cottage or Apartment Family/Group Care Facilities (1-6) Dwelling, Single-Family Detached	Accessory Cottage or Apartment Attached Dwellings (Townhomes) Bungalow Court
-----	-----	Duplexes
Summary of Special Uses (R-12)*	Attached Dwellings (Townhomes) Bed & Breakfast Duplexes Manufactured Home Parks (Existing) Multi-Family, low-density (Garden Apartments) Planned Residential Development Group Housing (1-6, no care provided)	Dwelling, Single-Family Detached Manufactured Home (Class A Doublewide) Multi-Family, low-density (Garden Apartments—4.8 units/ac) Family/Group Care Facilities (1-6) Zero Lot Line Dwelling

		Bed and Breakfast Cultural and Community Facilities (Church) Multi-family high density (9 units/ac) Group Housing (non-care, 1-6 residents) Family/Group Care Facilities (7+ residents) Public Service Facilities

*See Section 600 Tables A and B for a complete list of permitted and special uses in each district.

PROPERTY PHOTOS



View of property facing south on Ideal Dr.



View of middle of property separating house on right, workshop on left.



View of property facing north on Ideal Dr.



View of subject property from the south. On the right is 128 Ideal Dr.

PROPERTY PHOTOS



Iglesia Internacional Cristo Vive, already zoned O-I



Property owned by IICV, currently zoned R-15

STAFF RECOMMENDATION AND CONSISTENCY STATEMENT

Staff recommends that the Planning Board recommend approval of the request, based on the following consistency statement, and call for a Public Hearing for City Council to consider the request on October 15, 2024:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it establishes zoning that is more consistent with the adopted future land use map designated the area to remain “medium density residential,” and better matches the existing development pattern. This will ensure fair and efficient growth, reduce non-conformities, and establish sensible, straightforward zoning standards. The proposed amendment is reasonable and in the public interest because it promotes infill development at appropriate densities, making more efficient use of the City’s existing infrastructure investments while creating opportunities for affordable housing for people in all stages of life.

PLANNING BOARD RECOMMENDATION

Planning board recommends approval of the request based on the consistency statement and staff recommendations.

CITY OF LENOIR**COUNCIL ACTION FORM: October 15, 2024****I. Agenda Item:**

R 5-24: Consideration of a request that the City re-zone NCPIN 2758732805 from split-zoned B-2 (General Business) and R-15 (Single Family) to exclusively zoned B-2.

II. Background Information:

The applicant is requesting to rezone the property, split-zoned B-2 and R-15, to be exclusively zoned as B-2 (General Business) to allow for a proposed multi-family development.

III. Staff and Planning Board Recommendation:

Adoption of the proposed rezoning based on the following consistency statement:

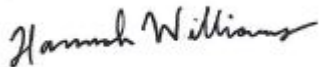
The future land use map identifies the subject properties as existing non-residential zones, but is surrounded by existing medium-density residential and existing high-density residential. The plan states that “predominantly single-family zoning districts should be more flexible to allow multi-family development as a permitted use with certain conditions.” Additionally, the comprehensive plan calls for development of quality multi-family buildings as a growth destination for both professionals and retirees alike. By changing the zoning designation from R-15 to B-2, this area would have greater flexibility to achieve these policy concepts. Staff finds the proposed re-zoning to be consistent with the goals of the Comprehensive Plan. The change is reasonable and in the public interest because it accommodates future residential development in a convenient and centralized location, which can be better served by city infrastructure when expanded.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director: _____





Staff Report

Zoning Amendment

CASE NUMBER R #5-24

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property
Hickory Blvd
(US-321)

SUMMARY

Owner

William H. Stewart Jr. & Mark Alexander

Applicant

Southwood Realty Company

Location

Hickory Blvd. (321 and Victoria Ct. intersection)

NCPIN

2758732805

Project Planners

Hannah Williams, AICP, CZO

Matt Duchan

Updated October 9, 2024

Proposed Amendment:

The applicant is requesting to rezone the property, split-zoned B-2 and R-15, to be exclusively zoned as B-2 (General Business) to allow for a proposed multi-family development.

Staff Recommendation:

Approval, based on the consistency statement on page 7.

Planning Board Recommendation:

Approval of the request.

Public Comment:

The owner of Southwood Realty and Tom Jones, engineer on the project, provided public comment.

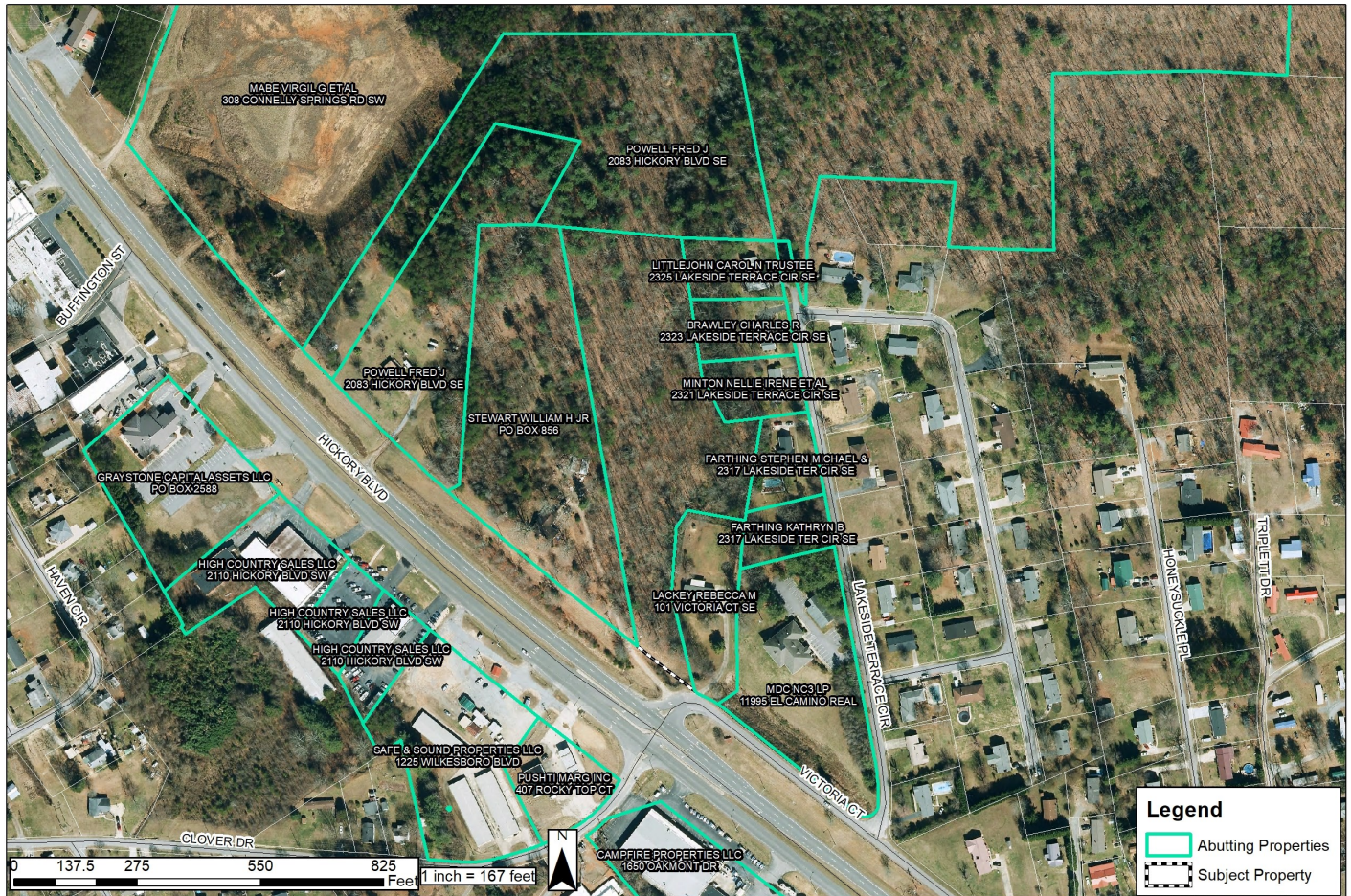
Planning Board Meeting:

Scheduled for September 23, 2024. Notices were mailed to adjacent property owners on or before September 13, 2024.

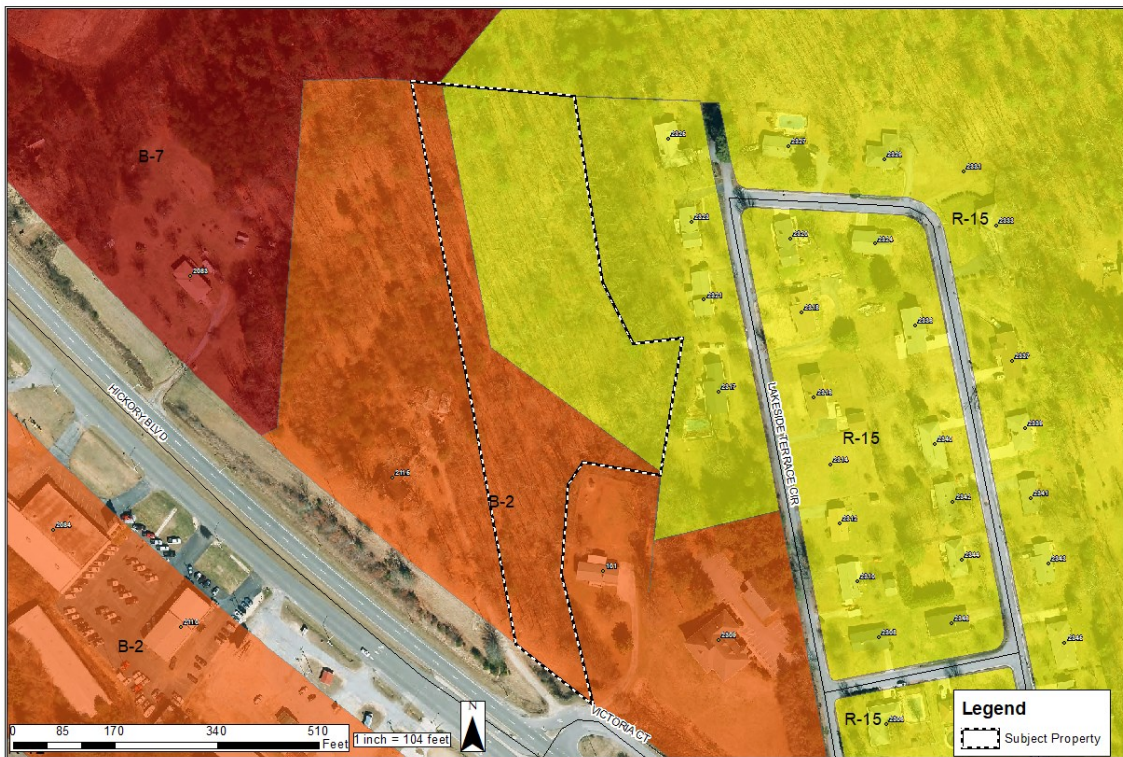
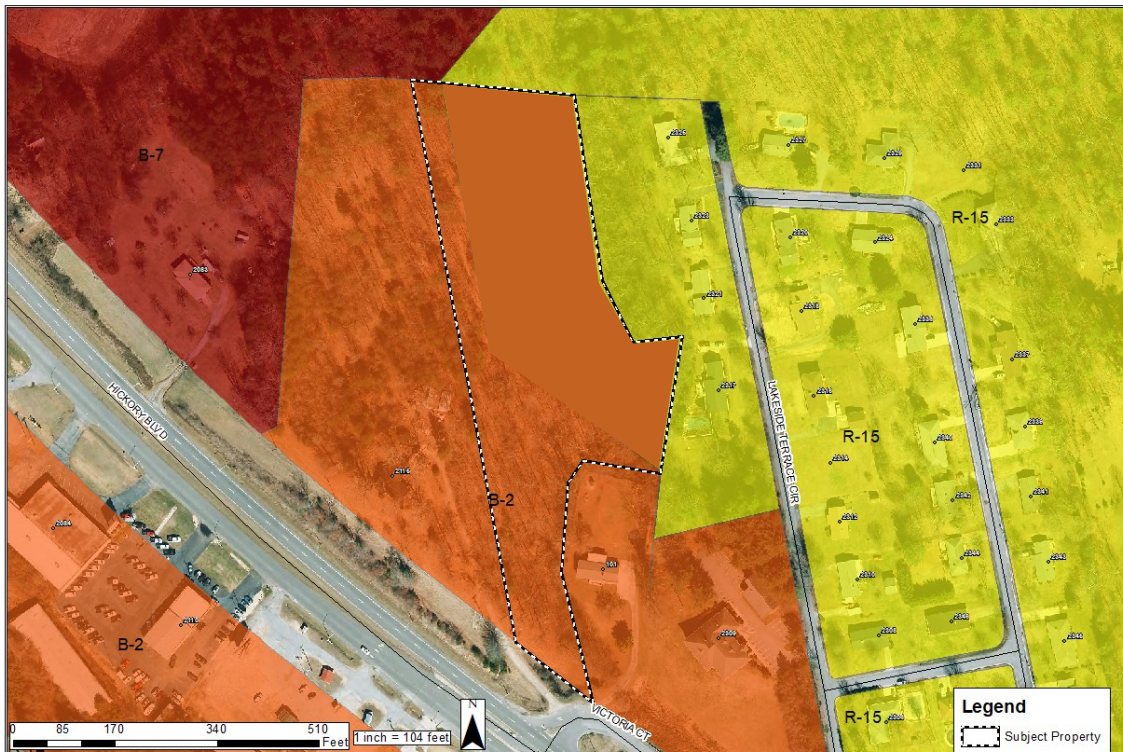
City Council (Public Hearing):

Scheduled for October 15, 2024. Notices were mailed to adjacent property owners on October 4, 2024. Notice of the meeting was published in the News-Topic on October 3, 2024 and October 10, 2024. Notice has been posted on the property at least ten days in advance of the public hearing.

ABUTTING PROPERTY OWNERS



NCPIN	Name	Address	City	State	Zip Code
2758635382	High Country Sales LLC	2110 HICKORY BLVD SW	LENOIR	NC	28645
2758637151	Safe & Sound Properties LLC	1225 WILKESBORO BLVD	LENOIR	NC	28645
2758646611	Virgil Mabe et al	308 CONNELLY SPRINGS RD SW	LENOIR	NC	28645
2758735360	MDC NC3 LP	11995 EL CAMINO REAL	SAN DIEGO	CA	92130
2758639073	Pushti Marg Inc.	407 ROCKY TOP CT	LENOIR	NC	28645
2758647113	Fred & Margaret Powell	2083 HICKORY BLVD SE	LENOIR	NC	28645
2758743094	Charles & Megan Brawley	2323 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645
2758735630	Kathryn & Stephen Farthing	2317 LAKESIDE TER CIR SE	LENOIR	NC	28645
2758733415	Rebecca Lackey	101 VICTORIA CT SE	LENOIR	NC	28645
2758631712	Graystone Capital Assets LLC	PO BOX 2588	HICKORY	NC	28603
2758639922	William Stewart Jr. & Mark Alexander	PO BOX 856	CORNELIUS	NC	28031
2758722797	Campfire Properties LLC	1650 OAKMONT DR	LENOIR	NC	28645
2758734911	Nellie Minton et al	2321 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645
2758743178	Carol Littlejohn & Trustees	2325 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645

Existing Zoning: R-15/B-2**Proposed Zoning: B-2**

BACKGROUND AND ANALYSIS

Zoning Map Amendments

The City of Lenoir Zoning Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. The zoning map cannot be changed until the Planning Board reviews the request and makes a report to City Council on the proposed change and the City Council holds a public hearing to consider the request.

Intent of the Zoning Districts

The R-15 Residential (Single-family) District is intended to accommodate low density single-family residences and compatible land uses. R-15 is normally serviced by public water and sewer facilities. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

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

Subject and Surrounding Properties

The subject property is located along Hickory Blvd (US-321) at the Victoria Court intersection and is split zoned B-2 and R-15. The property is a little over five (5) acres and is currently vacant. This property is generally hilly as you go north and features a creek on the eastern side of the property. While this property abuts a neighborhood, it is generally buffered with mature trees so as to provide adequate separation from adjacent homes. The three homes that run along the northeast side of the parcel are all over 100' from their rear property lines.

The property to the west is zoned entirely B-2, contains a single home, and is also owned by the subject property's owner. East of the property, all properties are zoned R-15. The Lakeside Terrace neighborhood is just east of the subject property and comprises the majority of adjacent property owners to the south and east. Bumgarner Camping Center is located southeast of the property and Autoworld of Lenoir is southwest of the property, both across 321. The Caldwell County Fairgrounds is around a half-mile south of the site, while the J.E. Broyhill Civic Center is about a half-mile northwest of the subject property.

Reason for Request

The subject property is split-zoned B-2 (General Business) and R-15 (Single-family Residential). The applicant, Southwood Realty has the property under contract to purchase from the owner to develop a proposed 136-unit multi-family apartment complex. In order to utilize the adjacent property to the west, as well as the subject property, B-2 zoning is required to allow for multi-family housing across the entire development. R-15 only permits single-family homes and accessory dwellings/apartments, while permitted uses in B-2 run the gamut from single-family to high-density residential uses as well as functioning as Lenoir's most flexible commercial district.

Location, Location, Location

The subject property is located in a peripheral area of town south, close to city limits where Lenoir and Hudson meet, and would contribute to an ever-pressing need for greater housing stock. In a sense, this area is centralized to both cities and would function well as a commuter community for local industry professionals and App State (Boone and Hickory campuses) and Caldwell Commu-

BACKGROUND AND ANALYSIS (CONT.)

nity College students.

The R-15 portion of the property precludes any form of multi-family housing or commercial development from being built. The current split-zoning would only serve low-density residential and commercial opportunities in an inconsistent fashion. R-15, unlike B-2, is not flexible or highly permissible beyond single-family housing opportunities, whereas B-2 is considered the city's most flexible zoning district.

The Lakeside Terrace neighborhood adjacent to the property will have little to no impacts from this rezoning, since 60% of the tract is already zoned B-2. There is a mature tree line on the subject property that provides a natural buffer between the two properties. That, along with hilly topography and the bank of the creek also provide adequate separation between future development on this tract and the neighborhood, so there are few if any possibilities of interaction.

The proposed development would address the need for greater, denser housing stock in Lenoir, especially to serve growing industry in Lenoir, Caldwell County, and the greater Unifour area. Southwood Realty has carried out several developments in western North Carolina with the vast majority of their developments breaking ground in Gastonia where their headquarters is located.

BACKGROUND AND ANALYSIS

Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and special uses for each zoning district. The current zoning district is intended essentially only for single-family housing, while the proposed zoning district permits a variety of housing types as well as commercial uses. The R-15 zoning district allows for single-family, while The B-2 zoning district allows for a mix of residential uses at all density levels, as well as a variety of commercial uses.

Comparison of Zoning Districts

	R-15	B-2
Development Standards	Min Lot Size– 15,000 SF	Min Lot Size - N/A
	Setbacks	Setbacks
	Front: 40'	Front: 10'
	Side Yard: 15'	Side Yard: 0'
	Street Side Yard: 25'	Street Side Yard: 0'
	Minimum Rear Yard: 35'	Minimum Rear Yard: 20'
Summary of Permitted Uses	Accessory Cottage or Apartment	Accessory Cottage or Apartment
	Dwelling, single family detached	Attached Dwellings (townhomes)
	For special uses see Section 600, Table A in Lenoir Zoning Ordinance	Bed & Breakfast
		Dwelling, Single/Two-Family/Multi-family (medium and high density)/Group
		Billiards and Pool Halls
		Day Care Centers
		Cultural and Community Facilities
		Commercial Kennels
		Eating and Drinking (w/ & w/o drive-thru)
		Greenhouses
		Hospitals/Clinics
		Hotels/Motels
		Manufacturing & Processing: Boutique/Artisan/Light
		Night Clubs
		Office (medical/dental)
		Recreation (outdoor/indoor)
		Retailing (light/intensive)
		Services (automotive/business and personal)
		Shooting Range
		Studios and Specialty Schools
		Veterinarians
		Warehousing
		For special uses see Section 600, Table A in Lenoir Zoning Ordinance

STAFF RECOMMENDATION AND CONSISTENCY STATEMENT

Consistency with the Comprehensive Plan

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 statement on the consistency and reasonableness of the request.

The future land use map identifies the subject properties as existing non-residential zones, but is surrounded by existing medium-density residential and existing high-density residential. The plan states that "predominantly single-family zoning districts should be more flexible to allow multi-family development as a permitted use with certain conditions." Additionally, the comprehensive plan calls for development of quality multi-family buildings as a growth destination for both professionals and retirees alike. By changing the zoning designation from R-15 to B-2, this area would have greater flexibility to achieve these policy concepts. Staff finds the proposed re-zoning to be consistent with the goals of the Comprehensive Plan. The change is reasonable and in the public interest because it accommodates future residential development in a convenient and centralized location, which can be better served by city infrastructure when expanded.

PLANNING BOARD RECOMMENDATION

Planning board recommends approval of the request based on the consistency statement and staff recommendations.

SITE PHOTO



STREET VIEW



Site can be accessed via driveway off of Victoria Ct.



Lakeside Terrace & Victoria Ct. Intersection

CITY OF LENOIR
COUNCIL ACTION FORM
October 15, 2024

I. Agenda Item:

ZOA 1-24: Ordinance Amendment regarding Electronic Message Board signage

II. Background Information:

Applicant Doug Perkins of Mt. Pilgrim Baptist Church has proposed that the sign code allow for Electronic Message Boards (EMB) in residential districts. Planning Board also analyzed and made recommendations for EMBs in other zoning districts.

Staff memo, resources shared with Planning Board, and drafted ordinance are attached.

III. Staff & Planning Board Recommendation:

Adoption of the attached ordinance.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Hannah Williams

Planning Director: _____

PLANNING DEPARTMENT MEMORANDUM

CITY OF LENOIR, 801 WEST AVENUE, LENOIR, NC 28645

TO: Lenoir Planning Board
FROM: Hannah Williams, AICP, Planning Director
DATE: October 8, 2024
SUBJECT: ZOAs 1-24 for Electronic Message Boards
CC: Scott Hildebran, City Manager
 TJ Rohr, City Attorney

Application for Text Amendment

In August of this year, Doug Perkins of Mt. Pilgrim Baptist Church proposed that the sign code allow for Electronic Message Boards (EMB) in residential districts. The proposed sign code text amendments have been analyzed and edited by staff and the Lenoir Planning Board. This memo aims to summarize the text amendments and explain its application prior to the Public Hearing scheduled for October 15, 2024.

Background

Currently, EMB signs are prohibited in residential districts as ground-mounted and building-mounted signs. They are also prohibited in O&I, B-1, B-5, and B-6. They are prohibited as building-mounted signage within the National Register Historic District in Downtown Lenoir, but allowed outside of the historic district within B-3 (the downtown zoning district). The ordinance conflicts on EMBs as ground-mounted signage in B-3. Since the applicant was approaching the Planning Board about allowing EMBs in residential, staff took the opportunity to discuss EMBs in these other commercial districts and request clarification on conflicts.

The EMB text amendment application was first discussed by Planning Board in August. It was tabled, as board members requested more information on brightness intensity. Staff provided several resources to the Planning Board regarding intensity, electronic sign ordinances from nearby municipalities (see enclosures).

Proposed Ordinance Amendment

At the September Planning Board meeting, Planning Board recommended the following changes:

1. EMB Design and Operating Standards (See Section 1107.6 of the proposed ordinance).
 - a. Change display changes from three seconds to eight seconds with a two second transition time.
 - b. Add a maximum brightness of 5,000 nits during the day and 500 at nighttime.
 - c. Require a dimmer control and photocell sensor to automatically adjust a display's intensity to ambient conditions, as well as a certification from the EMB manufacturer pre-setting the display to a maximum of 5,000 nits.
2. EMB regulations in Residential Districts and O&I, B-1, B-5, and B-6. (See Section 1108 and Figure 1110 of the proposed ordinance).
 - a. Allow for religious institutions and public service facilities located in residential districts to have EMB signs for up to 50% of the sign copy area (generally 16 SF).
 - b. Require the EMB to shut off between the hours of 9PM and 7AM.
3. EMB regulations in Downtown and Historic Properties (See Sec 1107.6c-1 and Figure 1112.1)
 - a. Prohibit EMBs as ground-mounted signs in B-3. (Building Mounted EMB are still allowed in B-3 outside of the National Historic Register District.)

- b. Prohibit any property designated on the National Register of Historic Places within Lenoir's zoning jurisdiction from displaying EMBs.

Consistency Statement

Planning Board adopted the following consistency statement when recommending these EMB amendments:

While the proposed zoning ordinance amendment is not considered in the policy concepts found within the Lenoir Comprehensive Plan, the review of existing development ordinances and identification of regulations needing updating or removal is appropriate. The plan also encourages community collaboration in development decisions. Therefore, the proposed ordinance is consistent with the strategies discussed in the Comprehensive Plan. The amendment is reasonable and in the public interest because it promotes equitable sign regulations in all zoning districts.

Enclosures

ZOA 1-24 Ordinance

EMB Resources provided to Planning Board for September's Meeting

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING APPENDIX A OF THE LENOIR CITY CODE RELATED TO SIGN REGULATIONS REGARDING ELECTRONIC SIGNS AND ELIMINATING DUPLICATIVE CODE SECTIONS, PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, a representative of a residentially-zoned church requests to install an EMB sign, prompting staff to review the current ordinances and recommend approval of the proposed amendments; and

Whereas, the Lenoir Zoning Ordinance currently allows for Electronic Message Boards (EMBs) in certain commercial and industrial districts and prohibits EMB signs in residential districts and O&I, B-1, B-5, and B-6 zoning districts, and conflicts on ground-mounted EMB signs in B-3 and the Downtown Lenoir National Register Historic District; and

Whereas, high-quality EMB signs that come equipped with dimmer controls and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions reduce nuisances caused by light spill-over, making them appropriate for day-time use in residential districts; and

Whereas, the Lenoir Planning Board and City Council find that this ordinance is consistent with the City's Comprehensive Plan, which calls for the review of existing development ordinances and identification of regulations needing updating or removal,

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

SECTION 1. Appendix A, Article VIII of the Code of Ordinances, City of Lenoir, North Carolina, "Zoning District Regulations and Development Standards" is hereby amended to read as follows:

816 B-5 (Neighborhood Mixed Use) Design and Performance Standards

816.7 ~~Signs~~ Reserved

Type of signs permitted:	Wall signs and freestanding monument style signs
Maximum size:	16 square feet per side
Maximum height:	4 feet above adjacent grade
Illumination:	External spot lighting only; maximum 150 watts per side
Number of signs:	1 wall sign and 1 freestanding sign per lot
Setback distance:	10 feet from any property line or right of way

817 B-6 (Transitional Business District) Design Standards

817.13 Signs Reserved

Type of signs permitted:	Wall signs with a maximum size of 50 square feet;
-	Monument signs with a maximum size of 50 square feet and a maximum height of 6 feet.
Illumination:	Internal and external illumination may be permitted.
Number of signs:	One monument sign per lot;
-	One wall sign per business.
Setback distances:	10 feet from any right of way or property line.

SECTION 2. Appendix A, Article XI of the Code of Ordinances, City of Lenoir, North Carolina, “Sign Regulations” is hereby amended to read as follows:

1107 General Requirements For All Districts

Sec. 1107.6 Illumination and Electronic Signs - Illuminated and electronic signs, where otherwise permitted by this Article, shall conform to the following:

(c) *Electronic Message Boards.* Electronic message boards are limited to light emitting diode (LED) or liquid crystal display (LCD) boards. The following regulations shall apply to all electronic message boards: and shall not contain any scrolling, moving, or animated display. The minimum time between display changes shall be three seconds for on-site commercial signs and eight seconds for billboard signs.

1. Electronic Message Boards are prohibited on any property designated on the National Register of Historic Places.
2. Signs shall not contain any scrolling, moving, or animated display. The minimum time between display changes shall be ~~three seconds~~ eight seconds with a two second transition for on-site commercial signs and ~~eight seconds~~ for billboard signs.
3. No sign shall be brighter than is necessary for clear and adequate visibility and shall not exceed a maximum of 5,000 nits during the day and 500 nits during nighttime hours.
4. All signs must be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions.
5. Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 5,000 nits.

Sec. 1108 Signs In Residential Districts - In residential zoning districts (R-R, R-20, R-15, R-12, R-9, and R-6), signs must conform to the following:

(b) Major subdivisions, planned unit developments, multi-family developments, and non-residential special uses with an approved special use permit located within residential zoning districts are permitted one monument sign not to exceed 32 sq. ft. in area and 6 ft. in height for each separate street entrance (for major subdivisions) or street frontage (for single development sites). Individual principal buildings are also allowed 8 sq. ft. of wall signage. All signs permitted by this subsection require approval of a uniform sign plan and a zoning permit.

(c) ~~Electronic Message Boards and internal illumination of signs are prohibited in residential districts.~~ shall be allowed for religious institutions and public service facilities located in residential districts. No more than 50% of the sign copy area of the proposed sign shall be devoted to electronic message boards.

- (i) EMBs must be oriented to face away from any adjacent residential property.
- (ii) EMBs must be programmed to shut off between the hours of 9PM and 7AM.

Sec. 1110 Ground-Mounted Signs - Non-Residential Districts - Figure 1110 details the permitted ground-mounted sign types, illumination, and maximum copy area for non-residential zoning districts within the City and the City's ETJ, except for signs in the B-3 district, which are regulated by the Central Business District Sign Overlay (Sec. 1112.1). A maximum of one ground-mounted sign is allowed per street frontage, per parcel or development site. The maximum size of the sign shall be determined based on the characteristics of each street frontage and each permitted sign must be located on and oriented towards the applicable street frontage. Parcels or development sites with more than one driveway entrance, when such entrances are separated by a distance of at least 400 linear ft., are permitted one additional ground-mounted sign. The signs must be separated by at least 350 ft.

Figure 1110: Ground-Mounted Sign Regulations by District

X = Permitted Blank = Prohibited	Maximum Sign Copy Area (per street frontage, per sign)	Illumination Allowed (see Sec. 1107.6)	Pylon Signs (max height 15 ft.)	Monument Signs (max. height 8 ft.)	Arm Signs (max. height 6 ft.)	Post and Panel Signs (max. height 6 ft.)	Incidental Signs (max. height 3 ft.)
O&I (Office/ Institutional District)	32 sq. ft.	Internal and External <u>Electronic Message Boards</u> ^{2 & 3}		X	X	X	X
B-1 (Neighborhood Business)	32 sq. ft.	Internal and External <u>Electronic Message Boards</u> ^{2 & 3}		X	X	X	X
R-C, B-2 & B-7 (Residential-Commercials, General/ Highway Business Districts)	Arterial frontage - 50 sq. ft. ¹ All other road frontage - 32 sq. ft.	Internal and External Electronic Message Boards ²	X	X			X
B-5 (Neighborhood Mixed-Use District)	16 sq. ft.	Internal and External <u>Electronic Message Boards</u> ^{2 & 3}		X	X	X	X
B-6 (Transitional Business District)	Arterial frontage - 50 sq. ft. ¹ All other road frontage - 32 sq. ft.	Internal and External <u>Electronic Message Boards</u> ^{2 & 3}		X	X	X	X
I-1 and I-2 (Industrial Districts)	Arterial frontage - 50 sq. ft. ¹ All other road frontage - 32 sq. ft.	Internal and External Electronic Message Boards ²	X	X		X	X

1. Parcels or development sites with arterial frontage with at least 50,000 sq. ft. gross floor area are allowed one sq. ft. of sign area for each linear foot of lot frontage, with a maximum of 200 sq. ft.

2. Electronic Message Boards must be oriented to face away from any adjacent residential property.

3. Electronic Message Boards in these districts are only allowed for religious institutions or public service facilities

1112 Special Sign Overlay Districts

1112.1 Central Business District Sign Overlay - Within the Central Business District (B-3 Zoning District), only the following sign types are permitted, in accordance with the specified locational and dimensional regulations:

Figure 1112.1 Permitted Sign Types and Regulations in the B-3 zoning district

Figure 1112.1: Permitted Sign Types and Regulations in the B-3 zoning district

Sign Type	Permitted Locations	Maximum Number	Maximum Area	Maximum Height	Permitted Illumination (see Sec. 1107.6)
Wall signs and Projecting Signs ¹ (other than blade or shingle signs, which are described below)	Facades facing a public street	2 per wall	10 percent of wall area not to exceed 50 sq. ft. (total area of all signs)	Not above parapet wall	Internal and external. Electronic Message Boards are only allowed outside of the National Register District.
	Facades facing an alley or parking lot	2 per wall	16 sq. ft. (total area of all signs)		
Signs hung under awnings, canopies, and marquees	Signs must be perpendicular to the building and the lower edge of the sign must be at least 7 ft. above the surface of the sidewalk.	1 per storefront (where a tenant occupies more than one storefront or has a second entrance, a second sign is allowed)	3 sq. ft. (per sign)	N/A	External
Awning Signs	Awning signs cannot project out from or above an awning	1 per awning	10 sq. ft.	N/A	External
Blade Signs or Projecting Shingle Signs	Street-level only; when sign projects over public sidewalk, a minimum distance of 7 ft. from the sidewalk to the lowest part of the sign must be maintained. Maximum projection from façade is 3 ft.	1 per storefront, per facade	6 sq. ft.	Top of sign may not exceed 15 ft. tall, measured from the adjacent grade of the sidewalk.	External
Canopy Signs	Attached to the face of the canopy.	1 per canopy	10 sq. ft.		Internal and external
Marquee Signs	Attached to the face of the marquee, but may project above the roof of the marquee.	1 per side of the marquee	Total combined area of all marquee signs: 20 sq. ft.	N/A	Internal and external light sources
Window Signs	First Floor Windows	1 per window	20% of total window area	N/A	Internal and external light sources
	Upper floor windows	1 per window	50% of window	N/A	Internal and External light sources

Figure 1112.1: Permitted Sign Types and Regulations in the B-3 zoning district

Sign Type	Permitted Locations	Maximum Number	Maximum Area	Maximum Height	Permitted Illumination (see Sec. 1107.6)
Ground-Mounted Signs	Same permitted sign types, locations, and sizes as the B-6 Exclusive Business District. ²				
Freestanding A-frame Signs	Public sidewalks immediately in front of the business advertised, provided the placement does not impede pedestrian traffic or interfere with pedestrian/vehicle sight triangles.	1 per street frontage	8 sq. ft. per sign face	4 ft.	None
Temporary Banners (building mounted only) ^{2b}	Facades facing a public street, alley, or parking lot	1 per street frontage	32 sq. ft.	Not above the parapet wall	None
Temporary Advertising Devices	Prohibited in the B-3 district, except on public property as a part of an approved Special Event permit.				None
Other Temporary Signs	(a) Properties that are for sale, for lease, under construction, or hiring new employees are permitted two additional temporary window signs per building façade, for a maximum total additional temporary sign area of 32 sq. ft. (b) A maximum of 8 sq. ft. of temporary signage shall be allowed per parcel for non-commercial messages.				None
1. Permanent building-mounted banners, when oriented vertically (either flush mounted or projecting), may be used in lieu of other wall and projecting signs, when the total number of signs and area does not exceed the allowances prescribed above.					
2. Temporary banners may be displayed no more than twice per calendar year, for a maximum duration of 30 days each time and must have an approved permit. Electronic Message Boards are prohibited as a ground-mounted sign in B-3.					
3. Temporary banners may be displayed no more than twice per calendar year, for a maximum duration of 30 days each time and must have an approved permit.					

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

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

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 3rd day of October and this 10th day of October, 2024.

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 _____ day of _____, 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

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

CITY OF LENOIR
COUNCIL ACTION FORM
October 15, 2024

I. Agenda Item:

ZOA 2-24: Ordinance Amendment regarding Light Pole Banners

II. Background Information:

Applicant Emma Shell of UNC Health Caldwell (the hospital) proposed that the sign code allow for light pole banners on private poles for certain land uses. Staff memo and drafted ordinance are attached.

III. Staff & Planning Board Recommendation:

Planning Board voted to deny adoption of the ordinance as presented at the September meeting by a vote of 6 to 4.

Staff drafted an ordinance of narrower scope for City Council. See attached staff memo for further details.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Hannah Williams

Planning Director: _____

PLANNING DEPARTMENT MEMORANDUM

CITY OF LENOIR, 801 WEST AVENUE, LENOIR, NC 28645

TO: Lenoir Planning Board
FROM: Hannah Williams, AICP, Planning Director
DATE: October 8, 2024
SUBJECT: ZOA 2-24 for Light Pole Banners
CC: Scott Hildebran, City Manager
TJ Rohr, City Attorney

Application for Ordinance Amendment

In September of this year, Emma Shell of UNC Health Caldwell (the hospital) proposed that the sign code allow for light pole banners on private poles owned by charitable, military, religious, or service organizations. The text amendments have been analyzed and edited by staff and the Lenoir Planning Board. This memo aims to summarize the text amendment and explain their applications prior to the Public Hearing scheduled for October 15, 2024.

Background

Today, utility and light poles are considered a “prohibited location” for sign placement (See Sec. 1107.4 of the sign ordinance). Only government entities (“duly-constituted government bodies”) are exempt from sign regulations – which allows government entities to place various signs, including vertically oriented banners on light poles in public rights-of-way, without permitting from the Planning Department. This is usually meant for public safety, like traffic signs, but also exempts wayfinding signs and decorative signs, like the ones in downtown Lenoir.

The hospital is seeking to change the sign code to allow for the light pole banners currently displayed on their private light poles. The applicant proposed that charitable, military, religious, or service organizations be allowed to display banners on private poles. Staff added several design standards regarding placement and upkeep. However, Planning Board did not recommend these amendments as proposed by a vote of 6 to 4.

Proposed Amendment

Following a discussion at Committee of the Whole and with the applicant, staff is proposing a much narrower scope for light pole banners since that which was presented to Planning Board. Staff recommends that only public service facilities be allowed to display light pole banners in commercial and industrial districts. Public service facilities are defined in the Lenoir zoning ordinance as

“A facility that is owned, operated, or financed, in whole or in part, by any public or governmental entity, and is dedicated to the provision of services to the general public. This includes public safety facilities (EMS, police, and fire protection), schools and education, hospitals and health care, and the public provision of social services.”

Other changes suggested by staff since Committee of the Whole include:

1. Only light poles that are owned by and located entirely on the property of the public service facility can have banners.
2. Light pole banners can only be on public service facilities in the following districts: O&I, B-2, B-6, B-7, I-1, and I-2.
3. Light pole banners must be for on-premise advertising.
4. Only two banners are allowed per pole, and up to 12 poles can have banners.

5. The banner size was scaled down from 15 square feet to 12 square feet.
6. Banners must maintain a vertical clearance of 12 feet from the grade to the banner.
7. Banners must be mounted perpendicularly from the pole.

Enclosure

ZOA 2-24 Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING APPENDIX A OF THE LENOIR CITY CODE RELATED TO SIGN REGULATIONS REGARDING LIGHT POLE BANNERS, PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, a public service facility representative requests to install light pole banners, prompting staff to review the current ordinances and recommend approval of the proposed amendments; and

Whereas, the Lenoir Zoning Ordinance does not allow for vertically-oriented banners to be attached to privately owned light poles; and

Whereas, light pole banners on private property, owned by and located entirely on public service facility property, can enhance placemaking for such facilities, and

Whereas, the City Council find that this ordinance is consistent with the City's Comprehensive Plan, which calls for the review of existing development ordinances and identification of regulations needing updating or removal,

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

SECTION 1. Appendix A, Article XI of the Code of Ordinances, City of Lenoir, North Carolina, "Sign Regulations" is hereby amended to read as follows:

1105 Sign Definitions - If questions arise related to the interpretation of any of the following definitions, or the classification of a proposed sign in accordance with the following definitions, the City of Lenoir Illustrated Sign Type Design Manual, as may be amended from time to time, is hereby incorporated by reference and shall be used to clarify the intent of the definitions.

Light Pole Banners. Banners mounted on and with arms installed perpendicular to a light pole in a vertically-oriented manner.

1107 General Requirements For All Districts

Sec. 1107.7 ~~Penalties for Violation—Violations of this ordinance will be subject to the penalties established in Chapter 1, Section 1-15 of the Lenoir Code of Ordinances.~~ Light Pole Banners – Public Service Facilities, as defined in the Lenoir Zoning Ordinance, shall be permitted to install banners on light poles that are owned by and located entirely on the property of the public service facility in the following districts: O&I, B-2, B-6, B-7, I-1, and I-2. Light pole banners shall conform to the following:

- (a) Light pole banners shall not be used as a temporary, off-premise advertising sign.
- (b) A maximum of two (2) banners shall be displayed on up to twelve (12) poles on any given site.
- (c) Light pole banners are limited to a maximum area of 12 square feet.
- (d) Light pole banners shall maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.
- (e) Light pole banners shall be mounted to project perpendicular from light poles.

1107.8 Penalties for Violation - Violations of this ordinance will be subject to the penalties established in Chapter 1, Section 1-15 of the Lenoir Code of Ordinances.

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

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

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 3rd day of October and this 10th day of October, 2024.

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

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

**LENOIR CITY COUNCIL
TUESDAY, OCTOBER 1, 2024
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Jonathan Beal, Todd Perdue, Ike Perkins, Ralph Prestwood, Kimmie Rogers, David Stevens, Crissy Thomas, 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, Police Major Andy Wilson, Planning Director Hannah Williams, Parks & Recreation Director Phil Harper, Public Services & Public Works Director Jon Hogan, Director of Special Projects & Grants Jared Wright and Public Information/Communication Director, Joshua Harris.

ABSENT: Brenda Floyd, Economic Development and Main Street Director was absent from the meeting.

I. CALL TO ORDER

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

**HURRICANE
HELENE:**

B. On behalf of City Council, Mayor Gibbons asked everyone to continue to keep the City of Lenoir and all of the surrounding communities in their thought and prayers due to all of the damage and destruction caused by Hurricane Helene. Mayor Gibbons also thanked the staff of the Fire Department, Police Department, Public Utilities, Public Works, Emergency Management Services and all other City Departments for all of their dedication and hard work during this storm.

City Manager Hildebran also gave an update on the storm and pointed out the City will work with Caldwell County on debris removal.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, September 17, 2024 as submitted.
- B. Construction Contract; Mulberry Recreation Center Pickleball Court Conversion Project: Staff recommends awarding the construction contract for the Mulberry Recreation Center Pickleball Court Conversion Project to North State Resurfacing for a contract price of \$87,445.00. North State Resurfacing is the lowest responsive, responsible bidder, is appropriately licensed to perform the work, and specializes in sports court construction and renovation. (A copy of the bid tab is attached to these minutes as reference.)

- C. Capital Project Budget Ordinance; Close-out of Smith Crossroads Sewer Project: Staff recommends approval of a Capital Project Budget Ordinance to close-out the Smith Crossroads Sewer Project. The project is now complete at a total cost of \$2,259,923. The project was under budget by \$320,677 and the total loan amount was \$2,209,323. (A copy of the Capital Project Budget Ordinance is attached to these minutes as reference.)
- D. Authorizing Resolution; Lenoir-Valdese Water Interconnect Project: Staff recommends City Council approve the acceptance of the Drinking Water/Wastewater State Reserve offer of \$16,745,000 for the Lenoir - Valdese Water Interconnect Project by Resolution and authorize the City Manager and successors so titled to execute such documents as may be required by the Division of Water Infrastructure.

(A copy of the resolution is attached to these minutes by reference.)

Councilmember Stevens shared the offer by the State Reserve is at zero percent interest.

- D. 2025 City Council Meeting Schedule: Approval of the 2025 City Council Meeting Schedule as submitted. (A copy of the meeting schedule is attached to these minutes as reference.)

Upon a motion by Councilmember Perdue, City Council voted 7 to 0 to adopt items A through D 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

Items of Information

CANCELLED; NATIONAL

NIGHT OUT: 1. The Police Department's annual National Night Out event scheduled for Tuesday, October 1 from 6:00 p.m. – 9:00 p.m. in downtown Lenoir was cancelled due to issues caused by Hurricane Helene.

2025 HOLIDAY

SCHEDULE: 2. The 2025 Holiday Schedule was provided to City Council and Staff as information. (A copy of the schedule is attached to these minutes as reference.)

ECONOMIC DEVELOPMENT

ADVISORY BOARD:

- 3. The Economic Development Advisory Board will meet on Tuesday, October 8 at 8:15 a.m. at the J. E. Broyhill Civic Center.

ABC

BOARD: 4. The ABC Advisory Board will meet on Thursday, October 10 at 1:30 p.m.

LENOIR BUSINESS

ADVISORY BOARD:

- 5. The Lenoir Business Advisory Board will meet on Thursday, October 10 at 6:00 p.m. at City Hall, Third Floor.

CITY/COUNTY**SERVICES COMMITTEE:**

6. The City/County Services Committee will meet on Monday, October 14 at noon at the J.E. Broyhill Civic Center.

EARLY

- VOTING:** 7. Early voting will be held at the Caldwell Resource Center (former Library) beginning on Thursday, October 17 from 8:00 a.m. – 7:30 p.m. Monday through Friday and on Saturday, October 19 from 8:00 a.m. – 3:00 p.m. Early voting will continue through Saturday, November 2 at the Caldwell Resource Center. Election Day is Tuesday, November 5.

- B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY**VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR****IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS****CLOSED**

- SESSION:** A. Pursuant to N.C.G.S. §143-318.11.4, and upon a motion by Councilmember Stevens which carried unanimously, City Council entered into closed session to discuss economic development.

OPEN

- SESSION:** B. Upon a motion by Councilmember Perkins, City Council voted unanimously to re-enter into open session.

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 6:35 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

ORDINANCE #2024-CR**CAPITAL PROJECT BUDGET ORDINANCE TO CLOSE CAPITAL PROJECT FOR THE
CITY OF LENOIR**

WHEREAS, the City Council of the City of Lenoir has adopted a Capital Budget Ordinance on January 8th, 2020, in accordance with the General Statutes of the State of North Carolina, and

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

WHEREAS, The City adopted the Capital Project Budget Ordinance for the Crossroads Sewer Replacement Project on the 8th day of January, 2020 with a total project budget of \$2,830,500.00. The project was amended on 18th day of August, 2022 to a total cost of \$2,580,600. The project is now complete at a total cost of \$2,259,923. The City paid closing cost of \$50,600.

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

The Capital Project Budget Ordinance for the Crossroads Sewer Replacement Project be closed.

Adopted this 1st day of October, 2024

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk

CITY MANAGER
SCOTT E. HILDEBRAN



CITY OF LENOIR
NORTH CAROLINA

MAYOR
Joseph L. Gibbons

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

**RESOLUTION BY LENOIR CITY COUNCIL TO ACCEPT AN
OFFER OF FUNDING**

WHEREAS, the City of Lenoir has received an earmark for the Drinking Water/Wastewater State Reserve as established in Session Law (S.L.) 2023-134 and amended in S.L. 2024-1 (hereinafter referred to simply as S.L. 2023-134). To assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, The City of Lenoir has received funding in the amount of \$16,745,000, after administration fees, from the Drinking Water/Wastewater State Reserve. The funding will be used to fund the Lenoir – Valdese Interconnect to provide a back-up water source for the City of Lenoir.

WHEREAS, the City of Lenoir intends to perform said project in accordance with the agreed scope of work.

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

That City of Lenoir does hereby accept the Drinking Water/Wastewater State Reserve offer of **\$16,745,000** for the Lenoir – Valdese Interconnect. That the City of Lenoir does hereby give assurance to the North Carolina Division of Water Infrastructure that any Conditions or Assurances contained in the Award Offer will be adhered to.

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

Adopted this the 1st day of October, 2024 at Lenoir, North Carolina.

SEAL

A handwritten signature of Joseph L. Gibbons in black ink, written over a horizontal line.

Joseph L. Gibbons, Mayor

ATTEST:

A handwritten signature of Shirley M. Cannon in black ink, written over a horizontal line.

Shirley M. Cannon, City Clerk

ORDINANCE #2024-CR

**CAPITAL PROJECT BUDGET ORDINANCE TO CLOSE CAPITAL PROJECT FOR THE
CITY OF LENOIR**

WHEREAS, the City Council of the City of Lenoir has adopted a Capital Budget Ordinance on January 8th, 2020, in accordance with the General Statutes of the State of North Carolina, and

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

The Capital Project Budget Ordinance for the Crossroads Sewer Replacement Project be closed.

Adopted this 1st day of October, 2024

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk

CITY OF LENOIR
LISTING OF
CITY COUNCIL MEETINGS FOR 2025

JANUARY

City Council	Tuesday, January 7	6:00 p.m.
City Council	Tuesday, January 21	6:00 p.m.
Committee of the Whole	Tuesday, January 28	8:30 a.m.

FEBRUARY

City Council	Tuesday, February 4	6:00 p.m.
City Council	Tuesday, February 18	6:00 p.m.
Committee of the Whole	Tuesday, February 25	8:30 a.m.

MARCH

City Council	Tuesday, March 4	6:00 p.m.
City Council	Tuesday, March 18	6:00 p.m.
Committee of the Whole	Tuesday, March 25	8:30 a.m.

APRIL

City Council	Tuesday, April 1	6:00 p.m.
City Council	Tuesday, April 15	6:00 p.m.
Committee of the Whole	Tuesday, April 22	8:30 a.m.

MAY

City Council	Tuesday, May 6	6:00 p.m.
City Council	Tuesday, May 20	6:00 p.m.
Committee of the Whole	Tuesday, May 27	8:30 a.m.

JUNE

City Council	Tuesday, June 3	6:00 p.m.
City Council	Tuesday, June 17	6:00 p.m.
Committee of the Whole	Tuesday, June 24	8:30 a.m.

JULY

City Council	Tuesday, July 15	6:00 p.m.
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**Only one meeting in July.*

AUGUST

City Council	Tuesday, August 5	6:00 p.m.
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City Council	Tuesday, August 19	6:00 p.m.
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Committee of the Whole	Tuesday, August 26	8:30 a.m.
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SEPTEMBER

City Council	Tuesday, September 2	6:00 p.m.
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City Council	Tuesday, September 16	6:00 p.m.
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Committee of the Whole	Tuesday, September 23	8:30 a.m.
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OCTOBER

City Council	Tuesday, October 7	6:00 p.m.
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City Council	Tuesday, October 21	6:00 p.m.
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Committee of the Whole	Tuesday, October 28	8:30 a.m.
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NOVEMBER

City Council	Tuesday, November 4	6:00 p.m.
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**Only one meeting in November*

DECEMBER

City Council	Tuesday, December 2	6:00 p.m.
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City Council	Tuesday, December 16	6:00 p.m.
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2025 SCHEDULE OF EVENTS

NCLM MEETINGSEvent

TBA

Town & State Dinner

April 29- May 1

Annual City Vision Conference
(Greenville, North Carolina)

NLC MEETINGSEvent

March 10 - 12

Congressional City Conference
(Washington, DC)

November 19 - 22

City Summit
Salt Lake City, Utah

CITY OF LENOIR

2025 HOLIDAY SCHEDULE

Wednesday, January 1

New Year's Day

Monday, January 20

Martin Luther King, Jr. Day

Friday, April 18

Good Friday

Monday, May 26

Memorial Day

Friday, July 4

Independence Day

Monday, September 1

Labor Day

Tuesday, November 11

Veterans Day

Thursday, November 27

Thanksgiving Holiday

Friday, November 28

Wednesday, Thursday, Friday
December 24, 25, & 26

Christmas Holiday

**COMMITTEE OF THE WHOLE
TUESDAY, SEPTEMBER 24, 2024**

8:30 A.M.

Present: Mayor Pro-Tem David Stevens, Mayor Joe Gibbons, Jonathan Beal, Councilmember Crissy Thomas, Ike Perkins, Ralph Prestwood, and Kimmie Rogers.

Staff Present: City Clerk Shirley Cannon, Finance Director Donna Bean, Public Services Public Works Director Jon Hogan, Public Services Public Utilities Director Jeff Church, Main Street & Downtown Economic Development Director, Brenda Floyd, Planning Director Hannah Williams, Parks & Recreation Director Phil Harper, Fire Chief Norman Staines, Police Chief Brent Phelps, Director of Special Projects & Grants Jared Wright, and Communications Director Joshua Harris.

Absent: Councilmember Todd Perdue and City Manager Scott Hildebran.

I. Mayor Pro-Tem David Stevens welcomed everyone and called the meeting to order.

II. CITIZEN COMMENTS

III. COMMITTEE ITEMS

A. Public Services Public Works: Public Services Public Works Director Jon Hogan presented the following report:

1. Veterans Pavers-Conceptual Design: Director Hogan presented several slides showing how the Veterans Memorial pavers currently look and all the items contained within the plaza. He reported the current pavers are made of concrete and granite and having them cleaned caused them to begin deteriorating. He explained the pavers were not sealed thereby causing water damage. There are currently 1,021 pavers and it was noted the City sells between 10 to 20 new pavers a year. Director Hogan explained that new pavers will eventually deteriorate and the City needs a long-term solution regarding this issue.

Director Hogan showed slides of how the proposed new design will consist of three larger black matte monuments with bronze placards similar to the current one and estimated they would be around 9-foot long. He stated the center monument will have the military branch logos placed on them while the left and right monuments will each contain three bronze plaques with all the names currently listed in the memorial. Once complete, he shared that no new names will be added.

Tuesday, September 24, 2024
Minutes-Committee of the Whole

Director Hogan reviewed the next steps which include contacting memorial companies to get estimates, ensure that all names will fit on 6 larger plaques and finalize the concept of the proposed plan.

Next, Director Hogan presented an update on current projects as follows:

- a) Park Gates: He reported the gates are operational and new signage will be added on Wednesday or Thursday.
- c) Clock Tower: Work continues on the design phase for the new clock tower.
- d) Tree Replacement: The crepe myrtles on East Harper Avenue, Main Street and Creekway Drive will be removed and replaced along with landscaping being done around the new trees on the square.
- e) Wayfinding Signs/Gateway: Reported Staff continues to work with NCDOT regarding guidelines for signage. Director Hogan stated NCDOT has asked for a copy of the City's plans for their review. Director Hogan shared the District Engineer plans to work with us and may be able to assist the City with its timeline.

B. Public Services Public Utilities: Public Services Public Utilities Director Jeff Church presented the following report:

1. Annual Notice of Lead Status Report: Director Church reviewed a draft Annual Notice of Lead Status Galvanized Requiring Replacement Water Service Line report. He reported that the Environmental Protection Agency (EPA) and the NC Department of Environmental Quality (NCDEQ) updated the Lead and Copper Rule Revisions (LCRR). This rule aims to protect communities from lead in drinking water, especially from lead pipes. Its main goal is to keep U.S. drinking water safe and free of contaminants. Additionally, the rule requires that water utilities work to remove all lead water pipes.

The LCRR mandates that the City of Lenoir create a Lead Service Line Inventory. It also requires annual updates for customers with galvanized or unknown lines. Lenoir staff have no records or knowledge of any known lead service lines. Director Church further included detailed information for customers about what a service line is, service line material, how to determine service line material, what are the health effects of lead along with answers/steps on how to reduce exposure to lead in drinking water. Individuals may contact the City at (828) 757-2175 or visit our website at www.cityoflenoir.com/636/LCRR-Compliance.

Director Church also included a draft Public Accessibility of Lead Service Line Inventory of Lead and Galvanized Requiring Replacement Service Lines. (A copy of the reports are attached to these minutes as reference.)

2. Finley Avenue Tank: The project and specs are under review at the Public Water Supply. Billing for the design of the new Finley Avenue Water Tank and the permitting phase is 98% complete.
3. Harper Avenue Sewer Replacement: The surveying work is complete and the Design Team is reviewing the report.
4. The Rhodhiss Flashmix Basin Project is going well.

IV. COMMUNITY DEVELOPMENT

- A. Lenoir Business Advisory Board: The Lenoir Business Advisory Board met on Thursday, August 8. The June minutes were submitted as information. Brenda Floyd, Economic Development & Main Street Director presented the following report: Director Floyd stated Amy Adams, owner of Southern Roots Salon was appointed to serve a term on the Lenoir Business Advisory Board effective July 1.

In addition, Director Floyd stated they reviewed several applications for funding and a brief discussion was held regarding facade grants. Debbie Burns, 128 Main Street submitted an application but the BUILD Grant funding for 2023-2024 was already expended. Ms. Burns is now requesting \$5,000 from the 2024-2025 budget for façade improvements. Also, Director Floyd reported individuals are working towards eliminating stock at Marvin's One Stop Records on West Avenue.

- B. Planning Board: The Planning Board met on Monday, September 23. Hannah Williams, Planning Director presented the following report:

1. Update: Vision and Guiding Principles (Comprehensive Plan): Director Williams reviewed the draft vision statement and the draft guiding principles which are as follows:
 - a. Build and Promote Community Pride
 - b. Enhance Livability
 - c. Expand Housing Options
 - d. Support Commercial Opportunities
 - e. Improve Mobility and Connectivity

A copy of the handout is attached to these minutes as information.

Director Williams stated a public meeting will be held at Mulberry Recreation Center on November 6 & 7. In addition, she mentioned the Parks & Recreation Master Plan is moving forward. UNC Healthcare will start Phase II of their expansion which includes a cardiac care unit and an exterior patio/plaza.

2. Virginia Street Closing: A Street Closing Order is currently being published in the News-Topic for four (4) consecutive weeks as per N.C.G.S. §160A-299 for the closing of Virginia Street. Also, property owners were notified by mail and signage for the closing has been posted on Virginia Street.
3. Rezoning Applications: Director Williams stated a rezoning request for Ideal Drive and a rezoning request for Hickory Boulevard will be placed on the October 15 Agenda for Council's consideration of approval.
4. Text Amendments: Director Williams shared that Doug Perkins of Mt. Pilgrim Baptist Church proposed that the sign code allow for Electronic Message Boards (EMB) in residential districts. Currently, they are prohibited.

In addition, Director Williams said there are two other churches that are also in violation. Councilmember Beal asked if Mt. Pilgrim and the other churches could be grandfathered in. Director Williams stated she would check on this matter.

Director Williams reported that Emma Shell of UNC Health Care proposed that the sign code allow for light pole banners on private poles owned by charitable, military, religious,

Tuesday, September 24, 2024
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or service organizations. Director Williams stated she informed the hospital that they are in violation of the City's code. She stated that both sign code text amendments have been analyzed and edited by staff and the Lenoir Planning Board. This memo aims to summarize the text amendments and explain their applications prior to the public hearing scheduled for October 15, 2024.

A copy of the Planning Department Memorandum is attached to these minutes as reference.

5. Board of Adjustment Meeting: Director Williams shared the Board of Adjustment will meet on Monday, October 21 at 5:30 p.m. to discuss an appeal requested by Beach Bingo located at 312 Morganton Boulevard. She stated their current site doesn't meet the standards for this type of business and they are appealing the decision.
- C. Parks and Recreation Advisory Board: The Parks & Recreation Advisory Board met on Monday, September 16. Phil Harper, Parks & Recreation Director presented a report of the meeting as follows:
1. The outdoor pool is closed for the season.
 2. Youth soccer for ages 6 through 13 is currently ongoing. There are a total of 17 teams and 4 travel teams.
 3. Flag football is available for ages K-8 and they have a total of 4 teams;
 4. The Sculpture Festival was held on Saturday, September 9 with 2,590 attending and 41 artists participating in the event.
 5. Youth Softball & Baseball programs began on September 23.
 6. The NC Cycle One event has several hundred participants with the youngest being 10 years old and the oldest was 87. The average age was 61 years. The participants represent 42 states along with Canada and the United Kingdom.
- D. Director of Special Projects and Grants Jared Wright gave the following report:
1. **PARTF Zacks Fork Splash Pad:** The slab will be poured and completed over a two week period and it will be approximately three weeks until completion. The schedule is heavily dependent on weather for the remainder of this week as 6-8 inches of rain is expected.
 2. **PARTF Rotary Soccer Complex Picnic Shelter:** The contractor has an opening in his schedule and could begin construction within the week. The project should take approximately three weeks to complete.
 3. **PARTF Remaining Elements:** A meeting with the architect will be held on-site on Wednesday, September 25, 2024 to review remaining work items and discuss PARTF requirements vs other needed improvements.
 4. **MRC Rooftop drainage and façade repairs:** The metal was delivered to the site last week and work is ongoing.
 5. **MRC Gym Floor Replacement:** Contracts are currently being executed for the Mulberry gym floor replacement project. The contractor estimates beginning work immediately after roof repairs are complete and delivering in October which is well before the winter basketball season. There is no change in status.
 6. **MRC Pickleball Court Renovation:** Only one (1) bid was received by September 10, 2024 for the Mulberry Recreation Center Pickleball court renovation. The project was re-advertised after changing the scope to exclude contractor repair of existing expansion joints. A new bid date is scheduled for September 25, 2024.

7. **UPCG Teaching and Learning Pavilion:** Construction is scheduled to begin this week.
8. **MLK Improvements:** A Pre-Construction meeting was held on August 22, 2024. A notice to proceed will be established once material delivery dates are set (doors and floor). Doors and floor covering will be completed first with the remainder of work to follow. Staff is considering the HVAC replacement project that will be self-performed.
9. **TH Broyhill Walking Park Retaining Wall Replacement:** Discussion continues with the contractor regarding the new construction design. Staff may consider alternatives for wall replacement due to price increases from the engineered plan. The new proposed design will feature boulder walls and a native plants ("naturalized" approach).
10. **Campus Improvements Project:** Site visit(s) with structural engineer and MEP consultants occurred on September 5, September 9, and September 12, 2024. The design is ongoing, with JM Cope to develop preliminary scope(s) of work and budgets for each location within the next 3-weeks.

FUNDING APPS

ARC Funding Application: A \$500,000 funding application was submitted to the Appalachian Regional Commission (ARC) on July 26, 2024 for the Overmountain Victory Trail (OVT) Pavilion. ARC submitted several questions and Staff will sent their responses this week.

Great Trails Funding Application: A \$497,994 funding application for Overmountain Victory Trail (OVT) Connector will be submitted to the Great Trails State Grant Program on November 12, 2024.

NC Amateur Sports Funding Application: An application for funding was submitted on September 6, 2024 for the NC Amateur Sports funding.

- V. Finance and Administration: Finance Director Donna Bean presented the August Financial Summary as of August 31, 2024.

The over/under balance in the General Fund is \$8,470,762.50, Downtown District (\$22,198.50) and Water & Sewer Fund \$498,884.65.

A copy of the August Financial Summary is attached to these minutes as information.

Director Bean stated all of the financials are on target and are where she anticipated them to be in the budget at this time.

- A. Update; Public Communications: Joshua Harris, Public Information Director presented the August Communication Report as information. There were 5 new releases, 114 social posts, 21 photos, 3 videos, and 183 web updates. The website had a total of 42,248 views and video views were 744. Social followers total 56,402 and the City had 440 new followers this month. Director Harris asked Staff to send him any news/stories they want published.

In addition, Director Harris shared the Customer Service Team will recognize Master Patrol Officer Chris Smith and the 2023 Annual Golden Ticket Award Winner at the October 15 City Council meeting. The City of Lenoir Customer Service Team Golden Tickets are a way for city employees to recognize their coworkers for going above and beyond their normal responsibilities to provide "Service Beyond Measure" to fellow staff and the public.

VI. Public Safety

- A. Update; Police Department: Brent Phelps, Police Chief presented the following report: Chief Phelps shared the Department's annual National Night Out is scheduled for Tuesday, October 1 from 6:00 p.m. – 9:00 p.m. in downtown Lenoir. He stated the Department has made one conditional offer of employment and the officer will begin his duties in December. Also, three new trainees are currently completing the Basic Law Enforcement Training (BLET) course at CCC& TI.

Chief Phelps presented the following resolution for consideration of approval by City Council.

1. Surplus Resolution for Police K-9 Major/Request Letter: Approval of a resolution to declare Police K-9 Major as surplus property and to transfer ownership to Corporal Mitchell Foust as requested and as submitted. Chief Phelps reported a notarized request letter was submitted by Corporal Foust on September 18, 2024 that has been inserted into the agenda packet and noted that Corporal Foust agrees to release the City of Lenoir, the Lenoir Police Department the Chief of Police, and any official of the City of Lenoir from any and all liability associated with the care, use and upkeep of the K-9 Major. Corporal Foust understands that K-9 Major is not to be used in any way in the official performance of his police duties and that Major is not to be involved in any further police activities effective Tuesday, September 24, 2024.

A copy of the Surplus Resolution and a copy of the notarized Request Letter from Corporal Foust are attached to these minutes as reference.

Motion

Upon a motion by Councilmember Prestwood, City Council voted 6 to 0 to adopt the Surplus Resolution and accept the copy of the notarized Request Letter to be included in the minutes as submitted by Corporal Foust and as recommended.

- B. Update; Fire Department: Norman Staines, Fire Chief presented the following report: Chief Staines reported the fire hydrant checks are finished and mentioned October is Fire Prevention Month. He stated the Department is currently fully staffed and there is one upcoming retirement and another firefighter possibly transferring to another fire department.

VII. OTHER

- A. October Calendar: The calendar for the month of October was provided in the packet as information listing committee meetings and upcoming events.

VIII. ADJOURN

- A. There being no further business, the meeting was adjourned at 10:20 a.m.

Attachments

Vision & Guiding Principles – Comprehensive Plan
Memorandum – Electronic Message Boards & Light Pole
Banners August Financial Summary
Surplus Resolution
Request to Surplus Spreadsheet (Police Department)
Request to Surplus Letter (Foust)

Draft

ANNUAL NOTICE OF LEAD STATUS GALVANIZED REQUIRING REPLACEMENT WATER SERVICE LINE

September 17, 2024

Insert Address Block



Dear Water Customer,

In 2021, the Environmental Protection Agency (EPA) and the North Carolina Department of Environmental Quality (NC DEQ) updated the Lead and Copper Rule Revisions (LCRR). This rule aims to protect communities from lead in drinking water, especially from lead pipes. Its main goal is to keep U.S. drinking water safe and free of contaminants. Additionally, the rule requires that water utilities work to remove all lead water pipes.

The LCRR mandates that the City of Lenoir create a Lead Service Line Inventory. It also requires annual updates for customers with galvanized or unknown lines. **Lenoir staff have no records or knowledge of any known lead service lines.** The City of Lenoir has monitored its water system for lead and copper through sampling sites for over 30 years and has never received a cause of concern. As a proactive measure, the City treats its drinking water by adjusting the pH to a neutral level and adding other chemicals to create a protective barrier between pipes and water. This treatment process effectively reduces corrosion in water lines and household plumbing. The City of Lenoir's water quality consistently surpasses EPA standards, as detailed in the City of Lenoir's Water Quality Report. A copy of the report can be accessed at the following location: <https://www.cityoflenoir.com/Archive.aspx?AMID=43>.

Your Service Line Material

Your service line is flagged as **Galvanized Requiring Replacement (GRR)**. Your service line contains galvanized piping that could have been downstream from a lead source. Lead can build up in such pipes and contaminate water. This risk persists even after the lead source is removed. City staff do not have any documents or any knowledge that your current service line is connected to a lead line. However, we lack full historical records. Our team is still searching. We'll update you if needed. For more details, visit our inventory online at www.cityoflenoir.com/636/LCRR-Compliance.

What is a Service Line?

A service line is the piping that runs from the water main to the building. In Lenoir, the City owns the part of the service line from the water main to the water meter or curb stop. The customer owns the line from the water meter or curb stop to the building. See the diagram below.

How Can I Replace My Service Line?

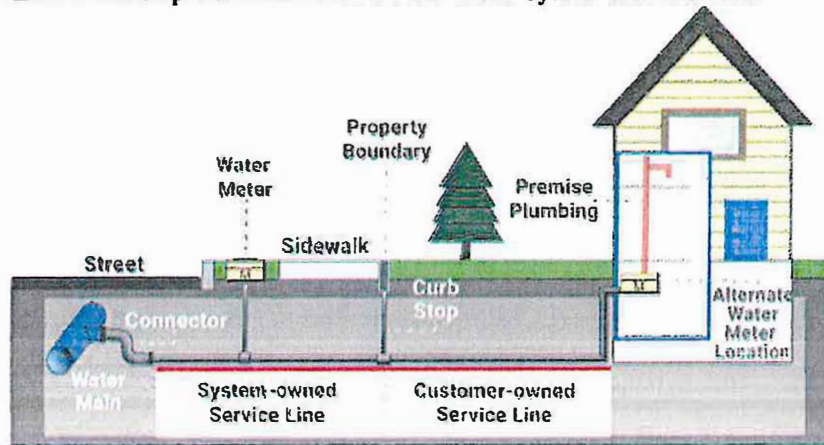
The cost for replacing a private side service line is the responsibility of the customer. To replace the private side of your service line, contact a private plumber. If you choose to replace your service line, the City of Lenoir must evaluate if it has its part of the service line. Please call the Public Utilities Department at 828-728-2175 so we can coordinate efforts.

What are the Health Effects of Lead?

Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney, or nervous system problems.

Draft

Example of Service Line Ownership distinction between the Water System and Customer



Source: United States Environmental Protection Agency. Guidance for Developing and Maintaining a Service Line Inventory. August 2022.

What Can I do to Reduce Exposure to Lead in Drinking Water?

- **Run your water to flush out lead.** If the water hasn't been used for several hours, run the water for 15-30 seconds to flush lead from interior plumbing or run it until it becomes cold or reaches a steady temperature before using it for drinking or cooking.
- **Use cold water for cooking and preparing baby formula.**
- **Do NOT boil water to attempt to remove lead.**
- **Look for alternative sources or treatment of water (such as bottled water or water filters).**
- **Re-test your water for lead periodically.**
- **Identify and replace plumbing fixtures containing lead.**
- **If you are concerned about exposure,** contact your local healthcare provider to find out how you can get your child's blood tested.

For more information, call 828-757-2175. You can also visit the City's website at www.cityoflenoir.com/636/LCRR-Compliance. For more information on reducing lead exposure around your home or building, visit EPA's website at <http://www.epa.gov/lead>. The EPA site also has information about the health effects of lead. You can also contact your health care provider.

Sincerely,

Jeff Church

Jeff Church, EdD, UMC
Public Utilities Director

City of Lenoir
801 West Avenue NW
Lenoir, NC 28645

LENOIR
PUBLIC UTILITIES 

Draft

ANNUAL NOTICE OF LEAD STATUS UNKNOWN WATER SERVICE LINE

Insert Date

Insert address block

Dear Water Customer,



In 2021, the Environmental Protection Agency (EPA) and the North Carolina Department of Environmental Quality (NC DEQ) updated the Lead and Copper Rule Revisions (LCRR). This rule aims to protect communities from lead in drinking water, especially from lead pipes. Its main goal is to keep U.S. drinking water safe and free of contaminants. Additionally, the rule requires that water utilities work to remove all lead water pipes.

The LCRR mandates that the City of Lenoir create a Lead Service Line Inventory. It also requires annual updates for customers with galvanized or unknown lines. **Lenoir staff have no records or knowledge of any known lead service lines.** The City of Lenoir has monitored its water system for lead and copper through sampling sites for over 30 years and has never received a cause of concern. As a proactive measure, The City treats its drinking water by adjusting the pH to a neutral level and adding other chemicals to create a protective barrier between pipes and water. This treatment process effectively reduces corrosion in water lines and household plumbing. The City of Lenoir's water quality consistently surpasses EPA standards, as detailed in the City of Lenoir's Water Quality Report. A copy of the report can be accessed at the following location: <https://www.cityoflenoir.com/Archive.aspx?AMID=43>.

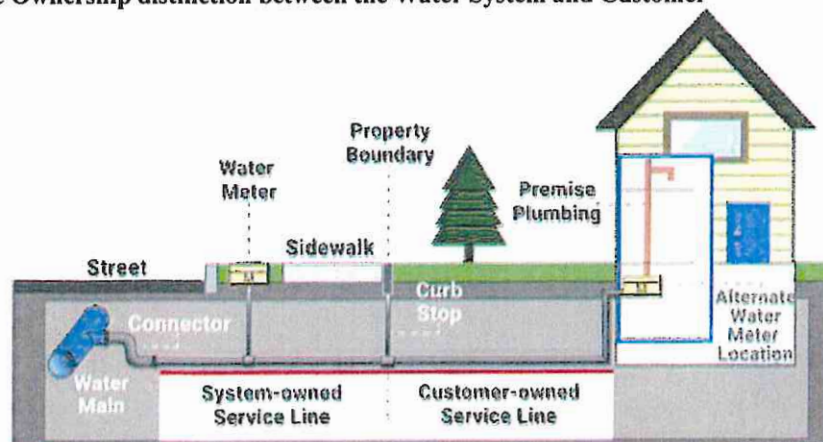
Your Service Line Material

Your service line has been classified as **Lead Status Unknown**. That means that all or a part of the service line may be made of lead or galvanized piping requiring replacement. Water from a service line of unknown material may increase your lead exposure risk. The City of Lenoir will continue to identify service lines in the system. We will notify you if we find that your service line is lead or galvanized piping requiring replacement. Our service line inventory is online at www.cityoflenoir.com/636/LCRR-Compliance.

What is a Service Line?

A service line is the piping that runs from the water main to the building. In Lenoir, the City owns the part of the service line from the water main to the water meter or curb stop. The customer owns the line from the water meter or curb stop to the building. See the diagram below.

Example of Service Line Ownership distinction between the Water System and Customer



Source: United States Environmental Protection Agency. Guidance for Developing and Maintaining a Service Line Inventory. August 2022.

Draft

How Can I Determine My Service Line Material?

You can help identify your service line by completing the Self-Assessment survey. That survey is on Lenoir's website at www.cityoflenoir.com/636/LCRR-Compliance. To learn how to ID your service line, visit www.epa.gov/protectyourtap. Again, the City of Lenoir will continue to identify service lines in the system. We will notify you if we find that your service line is lead or galvanized piping requiring replacement. We will also let you know of any financing opportunities are available.

What are the Health Effects of Lead?

Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney, or nervous system problems.

What Can I do to Reduce Exposure to Lead in Drinking Water?

- **Run your water to flush out lead.** If the water hasn't been used for several hours, run the water for 15-30 seconds to flush lead from interior plumbing or run it until it becomes cold or reaches a steady temperature before using it for drinking or cooking.
- **Use cold water for cooking and preparing baby formula.**
- **Do NOT boil water to attempt to remove lead.**
- **Look for alternative sources or treatment of water (such as bottled water or water filters).**
- **Re-test your water for lead periodically.**
- **Identify and replace plumbing fixtures containing lead.**
- **If you are concerned about exposure,** contact your local healthcare provider to find out how you can get your child's blood tested.

For more information, call 828-757-2175. You can also visit the City's website at www.cityoflenoir.com/636/LCRR-Compliance. For more information on reducing lead exposure around your home or building, visit EPA's website at <http://www.epa.gov/lead>. The EPA site also has information about the health effects of lead. You can also contact your health care provider.

Sincerely,

Jeff Church

Jeff Church, Ed.D UMC
Public Utilities Director

City of Lenoir
801 West Avenue NW
Lenoir, NC 28645



**Draft Public Accessibility of Lead Service Line Inventory of
Lead and Galvanized Requiring Replacement Service Lines**

Draft**City of Lenoir**

Updated: September 19, 2024

Public Accessible Inventory**Galvanized Requiring Replacement and Unknown Service Lines**

Street	City	State	Zip Code	Entire Service Line Classification
1 JOYCETON CHURCH,	Lenoir	NC	28645	Unknown
100 COOPERATIVE WAY,	Lenoir	NC	28645	Unknown
100 COOPERATIVE WAY,	Lenoir	NC	28645	Unknown
100 COOPERATIVE WAY,	Lenoir	NC	28645	Unknown
100 GREENHAVEN DR NW,	Lenoir	NC	28645	Unknown
100 SHADY LANE,	Lenoir	NC	28645	Unknown
1000 CEDAR HILLS CT SE,	Lenoir	NC	28645	Unknown
1000 HAWTHORNE DR NE,	Lenoir	NC	28645	Unknown
1001 ASHE AVE NW,	Lenoir	NC	28645	Galvanized Requiring Replacement
1001 FALCON CT SW,	Lenoir	NC	28645	Unknown
1001 FROSTY LANE NE,	Lenoir	NC	28645	Unknown
1001 HAWTHORNE DR NE,	Lenoir	NC	28645	Unknown
1001 NUWAY CIR,	Lenoir	NC	28645	Unknown
1001 PENNELL ST NE,	Lenoir	NC	28645	Unknown
1001 RIDGEWOOD DR NE,	Lenoir	NC	28645	Unknown
1001 VIRGINIA SW,	Lenoir	NC	28645	Unknown
1002 CONNELLY SRRINGS RD,	Lenoir	NC	28645	Unknown
1002 CONNELLY SRRINGS RD,	Lenoir	NC	28645	Unknown
1002 MAIN ST NW,	Lenoir	NC	28645	Unknown
1002 MILLBROOK PL SE,	Lenoir	NC	28645	Unknown
1002 NORWOOD ST SW,	Lenoir	NC	28645	Unknown
1002 RIDGEWOOD DR NE,	Lenoir	NC	28645	Unknown
1002 WEST AVE NW,	Lenoir	NC	28645	Galvanized Requiring Replacement
1002 WOODBINE PL NE,	Lenoir	NC	28645	Unknown
1002B NORWOOD ST SW,	Lenoir	NC	28645	Galvanized Requiring Replacement
1003 CAMBRIDGE CT NE,	Lenoir	NC	28645	Unknown
1003 CONNELLY SPRINGS RD SW,	Lenoir	NC	28645	Unknown
1003 FALCON CT SW,	Lenoir	NC	28645	Unknown
1003 OLD NORTH RD NW,	Lenoir	NC	28645	Unknown
1003 WOODBINE PL NE,	Lenoir	NC	28645	Unknown
1004 BRAMBLEWOOD CT NE,	Lenoir	NC	28645	Unknown
1004 CONNELLY SPRINGS RD SW,	Lenoir	NC	28645	Unknown
1004 OLD NORTH RD NW,	Lenoir	NC	28645	Unknown
1004 WARREN PL NW,	Lenoir	NC	28645	Unknown

Draft

Street	City	State	Zip Code	Entire Service Line Classification
1005 CEDAR HILLS CT SE,	Lenoir	NC	28645	Unknown
1005 FALCON CT SW,	Lenoir	NC	28645	Unknown
1005 HARRISBURG DR SW,	Lenoir	NC	28645	Unknown
1005 HAWTHORNE DR NE,	Lenoir	NC	28645	Unknown
1005 LOWER CREEK DR NE,	Lenoir	NC	28645	Galvanized Requiring Replacement
1005 WILKESBORO BLVD,	Lenoir	NC	28645	Unknown
100-5 WINTERHILL CT,	Hudson	NC	28638	Unknown
1006 GARDEN ST SE,	Lenoir	NC	28645	Unknown
1006 HIBRITEN DR SE,	Lenoir	NC	28645	Unknown
1006 RIDGEWOOD DR NE,	Lenoir	NC	28645	Unknown
100-6 WINTERHILL CT,	Hudson	NC	28638	Unknown
1007 ASHE AVE NW,	Lenoir	NC	28645	Galvanized Requiring Replacement
1007 FROSTY LANE NE,	Lenoir	NC	28645	Unknown
1007 GARDEN ST SE,	Lenoir	NC	28645	Unknown
1007 MORGANTON BLVD SW,	Lenoir	NC	28645	Unknown
1007 OLD NORTH RD NW,	Lenoir	NC	28645	Unknown
1007 PERKINS PL NW,	Lenoir	NC	28645	Unknown
1007 WARREN PL NW,	Lenoir	NC	28645	Unknown
100-7 WINTERHILL CT,	Hudson	NC	28638	Unknown
1008 CONNELLY SPRINGS RD SW,	Lenoir	NC	28645	Unknown
1008 PERKINS PL NW,	Lenoir	NC	28645	Unknown
1008 WINDAMEER ST SE,	Lenoir	NC	28645	Unknown
1009 BROADWAY ST NW,	Lenoir	NC	28645	Unknown
1009 FROSTY LANE NE,	Lenoir	NC	28645	Unknown
1009 PENNELL ST NE,	Lenoir	NC	28645	Unknown
1009 PERKINS PL NW,	Lenoir	NC	28645	Unknown
1009 RANDOLPH CIR SE,	Lenoir	NC	28645	Unknown
1009 WILLIAMSBURG DR NE,	Lenoir	NC	28645	Unknown
100-B WILKESBORO BLVD NE,	Lenoir	NC	28645	Unknown
101 AMHURST PK SE,	Lenoir	NC	28645	Unknown
101 COUNTRYSIDE DR SE,	Lenoir	NC	28645	Unknown
101 FAIRWAY SHOP CENTER,	Hudson	NC	28638	Unknown
101 FOOTHILL DR,	Lenoir	NC	28645	Unknown
101 GEORGETOWN ESTATES,	Lenoir	NC	28645	Unknown
101 SHADY LANE,	Lenoir	NC	28645	Unknown
101 SOLAR DRIVE,	Hudson	NC	28638	Unknown
101 TIMBERLANE PL SE,	Lenoir	NC	28645	Unknown
101 VICTORIA CT SE,	Lenoir	NC	28645	Unknown
1010 FROSTY LANE NE,	Lenoir	NC	28645	Unknown
1010 NUWAY CIR,	Lenoir	NC	28645	Unknown
1010 WINDAMEER ST SE,	Lenoir	NC	28645	Unknown

Link to Diamond Maps Service Line Inventory Site
(The blue dots are left to identify)

<https://diamondmaps.com/map.ashx?mid=26929>

DRAFT Vision and Guiding Principles

Vision Statement

The vision statement is a high-level, long-range goal that should succinctly and vividly describe the community as it ideally will exist in the future. Essentially, this statement describes what it looks and feels like in the next 10-20 years and is intended to guide both the comprehensive planning process, as well as the City's future more broadly. The following draft vision statement is based on the feedback received from the public to date and is further supported by the guiding principles.

Draft Vision Statement Text

Our City is a vibrant, inclusive community where residents take pride in Lenoir's historic past and actively contribute to a thriving, family-friendly environment. We celebrate our artisan roots, fostering creativity and craftsmanship that enrich our cultural fabric. Our neighborhoods are dynamic and flourishing, offering safe and welcoming spaces for all.

We embrace the natural beauty that surrounds us, integrating green spaces and sustainable practices into our urban landscape. As we grow and innovate, we remain committed to diversifying our economic base, ensuring resilience and prosperity for future generations. Together, we build a city that honors its past, cherishes its present, and confidently strides into the future.

Guiding Principles

Guiding Principles are individual elements that support the overall vision. While the vision statement describes the overarching desire for the future, the guiding principles represent the priorities for the community and provide further guidance for growth, development, and decision-making. The guiding principles are influenced by the key themes from the public input. Through this process, the following five guiding principles have been drafted. Each guiding principle is further supported by a number of bullet points to clarify what is encompassed within the statement.

Draft Guiding Principles Without Supporting Text

1. Build and Promote Community Pride
2. Enhance Livability
3. Expand Housing Options
4. Support Commercial Opportunities
5. Improve Mobility and Connectivity

Draft Guiding Principles With Supporting Text

1. Build and Promote Community Pride
 - Promote diversity and create a sense of inclusivity for all members of the community.
 - Build on the artistic roots of the community to build an identity as a cultural center through museums, local businesses, and festivals.
 - Beautify the City and establish the community identity through the expansion of City branding, historic preservation, supporting local art installations, and providing additional streetscaping.
 - Support high-quality development by enforcing property maintenance and encouraging the redevelopment of underutilized properties.
 - Preserve the small-town charm and friendly feeling that is core to the community, while encouraging growth.
2. Enhance Livability
 - Improve safety in the community related to both crime and the sense of safety for those walking through the community.
 - Support sustainable growth and protect existing neighborhoods by ensuring adequate infrastructure exists and is maintained that allows for an appropriate mix of new commercial and residential development.
 - Provide more entertainment options for all ages such as playgrounds, splash pads, the theater Downtown, local dining, and other indoor and outdoor recreational facilities to attract and retain young families, as well as support older populations.
 - Encourage historic preservation, especially in Downtown and in study-listed neighborhoods.
3. Expand Housing Options
 - Support rehabilitation of existing housing and a greater variety of housing types with an emphasis on affordable housing, as well as housing for seniors.
 - Encourage a variety of new housing options including multi-family, attached residential, and single-family homes.
 - Facilitate infill development and redevelopment of housing to revitalize existing neighborhoods.
4. Support Commercial Opportunities
 - Capitalize on tourism opportunities within Lenoir and from visitors traveling to surrounding areas.
 - Improve and diversify the local industry and support training opportunities for higher paying jobs.
 - Diversify and enhance the retail and commercial offerings along the primary commercial corridors.
 - Foster redevelopment of underutilized commercial properties.
 - Promote commercial growth, while supporting local business.
5. Improve Mobility and Connectivity
 - Maintain existing streets and expand the street network to create better connectivity.
 - Expand the availability of public transportation, particularly to provide access to medical and daily needs.
 - Improve walkability and bikeability by expanding the sidewalk and greenway network and provide safe roadway crossings.

Key Themes

The following key themes are summary statements that reflect the general sentiments from all the public input received to date including the steering committee meeting, neighborhood workshops, technical staff meeting, online survey, community events, and open house. These statements give a sense of the community priorities and were used to create the vision statement and guiding principles. Actual comments from the public engagement are available in the meeting and event summaries documenting all of the feedback received from each engagement source.

- **Redevelopment** — Find opportunities to redevelop vacant or underutilized commercial properties for a higher and better use and reduce deterioration leading to dilapidation of existing properties.
- **Housing** — Support rehabilitation of existing housing and a greater variety of housing types with an emphasis on affordable housing, as well as housing for seniors.
- **Commercial Development** — Diversify and enhance the retail and commercial offerings along primary commercial corridors.
- **Sense of Place** — Maintain the love that people have for Lenoir including the arts community, proximity to the mountains, access to parks and greenspaces, and the small-town vibe.
- **Connectivity** — Improve walkability/bikeability and provide safe connections throughout the City by completing broken connections along sidewalks, crosswalks, and greenway trails.
- **Transportation** — Maintain existing streets, expand the street network, and improve availability of public transportation for a comprehensive street network.
- **Location** — Capitalize on Lenoir's location in the foothills of the Blue Ridge Mountains and access to outdoor amenities.
- **Industry** — Improve and diversify the local industry and support training opportunities for higher paying jobs.
- **Tourism** — Capitalize on tourism opportunities such as the Blackberry Festival, Wood, Fire, Smoke Festival, the local art culture, and recreation activities within Lenoir and from visitors traveling to the mountains and surrounding areas.
- **Beautification** — Beautify the City and strengthen the community identity through the expansion of city branding, focusing on preservation of study-listed neighborhoods, continuing local festivals, supporting local art installations, providing more streetscaping, ensuring high quality development, enforcing property maintenance, and redeveloping vacant properties.
- **Arts and Culture** — Build on the artistic roots of the community to build an identity as a cultural center through museums, local businesses, festivals, and public art.
- **Diversity and Inclusivity** — Promote diversity and create a sense of inclusivity for all members of the community.
- **Family-Friendly Entertainment** — Provide more entertainment options for all ages to attract and retain young families such as playgrounds, splash pads, the theater Downtown, cafeterias, and other indoor and outdoor recreational facilities.
- **Overall Livability** - Support continued livability and high quality of life by encouraging new revenue sources, supporting local jobs, encouraging new economic opportunities, and maintaining a high-level of City services.

- **Safety** — Improve safety in the community related to crime and the sense of safety for those walking through the community.
- **Growth and Infrastructure** — Support sustainable growth and protect existing neighborhoods by ensuring adequate infrastructure exists and is maintained that allows for an appropriate mix of new commercial and residential development.
- **Action and Implementation** - Continue implementing action steps from adopted plans and policies to enhance the community and meet the needs of the residents and business owners.

PLANNING DEPARTMENT MEMORANDUM

CITY OF LENOIR, 801 WEST AVENUE, LENOIR, NC 28645

TO: Lenoir Planning Board
FROM: Hannah Williams, AICP, Planning Director
DATE: October 8, 2024
SUBJECT: ZOAs 1-24 for Electronic Message Boards
CC: Scott Hildebran, City Manager
 TJ Rohr, City Attorney

Application for Text Amendment

In August of this year, Doug Perkins of Mt. Pilgrim Baptist Church proposed that the sign code allow for Electronic Message Boards (EMB) in residential districts. The proposed sign code text amendments have been analyzed and edited by staff and the Lenoir Planning Board. This memo aims to summarize the text amendments and explain its application prior to the Public Hearing scheduled for October 15, 2024.

Background

Currently, EMB signs are prohibited in residential districts as ground-mounted and building-mounted signs. They are also prohibited in O&I, B-1, B-5, and B-6. They are prohibited as building-mounted signage within the National Register Historic District in Downtown Lenoir, but allowed outside of the historic district within B-3 (the downtown zoning district). The ordinance conflicts on EMBs as ground-mounted signage in B-3. Since the applicant was approaching the Planning Board about allowing EMBs in residential, staff took the opportunity to discuss EMBs in these other commercial districts and request clarification on conflicts.

The EMB text amendment application was first discussed by Planning Board in August. It was tabled, as board members requested more information on brightness intensity. Staff provided several resources to the Planning Board regarding intensity, electronic sign ordinances from nearby municipalities (see enclosures).

Proposed Ordinance Amendment

At the September Planning Board meeting, Planning Board recommended the following changes:

1. EMB Design and Operating Standards (See Section 1107.6 of the proposed ordinance).
 - a. Change display changes from three seconds to eight seconds with a two second transition time.
 - b. Add a maximum brightness of 5,000 nits during the day and 500 at nighttime.
 - c. Require a dimmer control and photocell sensor to automatically adjust a display's intensity to ambient conditions, as well as a certification from the EMB manufacturer pre-setting the display to a maximum of 5,000 nits.
2. EMB regulations in Residential Districts and O&I, B-1, B-5, and B-6. (See Section 1108 and Figure 1110 of the proposed ordinance).
 - a. Allow for religious institutions and public service facilities located in residential districts to have EMB signs for up to 50% of the sign copy area (generally 16 SF).
 - b. Require the EMB to shut off between the hours of 9PM and 7AM.
3. EMB regulations in Downtown and Historic Properties (See Sec 1107.6c-1 and Figure 1112.1)
 - a. Prohibit EMBs as ground-mounted signs in B-3. (Building Mounted EMB are still allowed in B-3 outside of the National Historic Register District.)

- b. Prohibit any property designated on the National Register of Historic Places within Lenoir's zoning jurisdiction from displaying EMBs.

Consistency Statement

Planning Board adopted the following consistency statement when recommending these EMB amendments:

While the proposed zoning ordinance amendment is not considered in the policy concepts found within the Lenoir Comprehensive Plan, the review of existing development ordinances and identification of regulations needing updating or removal is appropriate. The plan also encourages community collaboration in development decisions. Therefore, the proposed ordinance is consistent with the strategies discussed in the Comprehensive Plan. The amendment is reasonable and in the public interest because it promotes equitable sign regulations in all zoning districts.

Enclosures

ZOA 1-24 Ordinance

EMB Resources provided to Planning Board for September's Meeting

PLANNING DEPARTMENT MEMORANDUM

CITY OF LENOIR, 801 WEST AVENUE, LENOIR, NC 28645

TO: Lenoir Planning Board
FROM: Hannah Williams, AICP, Planning Director
DATE: October 4, 2024
SUBJECT: ZOAs 1-24 and 2-24 for Electronic Message Boards and Pole Banners
CC: Scott Hildebran, City Manager
 TJ Rohr, City Attorney

In August and September of this year, two local organizations proposed two sign code amendments. Doug Perkins of Mt. Pilgrim Baptist Church proposed that the sign code allow for Electronic Message Boards (EMB) in residential districts. Emma Shell of UNC Health Caldwell (the hospital) proposed that the sign code allow for light pole banners on private poles owned by charitable, military, religious, or service organizations. Both sign code text amendments have been analyzed and edited by staff and the Lenoir Planning Board. This memo aims to summarize the text amendments and explain their applications prior to the Public Hearing scheduled for October 15, 2024.

Electronic Message Boards

Currently, EMB signs are prohibited in residential districts as ground-mounted and building-mounted signs. They are also prohibited in O&I, B-1, B-5, and B-6. They are prohibited as building-mounted signage within the National Register Historic District in Downtown Lenoir – but allowed outside of the historic district within B-3 (the downtown zoning district). The ordinance conflicts on EMB as ground-mounted signage in B-3. Since the applicant was approaching the Planning Board about allowing EMB in residential, staff took the opportunity to discuss EMB in these other commercial districts and request clarification on conflicts.

The EMB text amendment application was first discussed by Planning Board in August. It was tabled, as board members requested more information on brightness intensity. Staff provided several resources to the Planning Board regarding intensity, and electronic sign ordinances from nearby municipalities (see enclosures). At the September Planning Board meeting, Planning Board recommended the following changes:

1. EMB Design and Operating Standards (See Section 1107.6 of the proposed ordinance).
 - a. Change display changes from three seconds to eight seconds with a two second transition time.
 - b. Add a maximum brightness to 5,000 nits during the day and 500 at nighttime.
 - c. Require a dimmer control and photo cell to automatically adjust display's intensity to ambient conditions, as well as a certification from the EMB manufacturer pre-setting the display to a maximum of 5,000 nits.
2. EMB regulations in Residential Districts and O&I, B-1, B-5, and B-6. (See Section 1108 and Figure 1110 of the proposed ordinance).
 - a. Allow for religious institutions and public service facilities located in residential districts to have EMB signs for up to 50% of the sign copy area (generally 16 SF for ground-mounted signs).
 - b. Require the EMB to shut off between the hours of 9PM and 7AM.
3. EMB regulations in Downtown and Historic Properties (See Sec 1107.6c-1 and Figure 1112.1)

- a. Prohibit EMB as ground-mounted signs in B-3. (Building Mounted EMB are still allowed in B-3 outside of the National Historic Register District.)
- b. Prohibit any property designated on the National Register of Historic Places within Lenoir's zoning jurisdiction.

Consistency Statement

Planning Board adopted the following consistency statement when recommending these EMB amendments

While the proposed zoning ordinance amendment is not considered in the policy concepts found within the Lenoir Comprehensive Plan, the review of existing development ordinances and identification of regulations needing updating or removal is appropriate. The plan also encourages community collaboration in development decisions. Therefore, the proposed ordinance is consistent with the strategies discussed in the Comprehensive Plan. The amendment is reasonable and in the public interest because it promotes equitable sign regulations in all zoning districts.

Light Pole Banners

Today, utility and light poles are considered a "prohibited location" for sign placement (See Sec. 1107.4 of the sign ordinance). Only government entities ("duly constituted government bodies") are exempt from sign regulations – which allows government entities to place various signs, including vertically oriented banners on light poles in public rights-of-way, without permitting from the Planning Department. This is usually meant for public safety, like traffic signs, but also exempts wayfinding signs and decorative signs, like the ones in downtown Lenoir.

The hospital is seeking to change the sign code to allow for the light pole banners currently displayed on their private light poles. The applicant proposed that charitable, military, religious, or service organizations be allowed to display banners on private poles. Staff added several design standards regarding placement and upkeep. However, Planning Board did not recommend these amendments as proposed.

Following a discussion at Committee of the Whole and with the applicant, staff is proposing a much narrower scope for light pole banners since that which was presented to Planning Board. Staff recommends that only public service facilities be allowed to display light pole banners in commercial and industrial districts. Public service facilities are defined in the Lenoir zoning ordinance as

"a facility that is owned, operated, or financed, in whole or in part, by any public or governmental entity, and is dedicated to the provision of services to the general public. This includes public safety facilities (EMS, police, and fire protection), schools and education, hospitals and health care, and the public provision of social services."

Other changes suggested by staff since Committee of the Whole include:

1. Only light poles that are owned by and located entirely on the property of the public service facility can have banners.
2. Light pole banners can only be on public service facilities in the following districts: O&I, B-2, B-6, B-7, I-1, and I-2.
3. Light pole banners must be for on-premise advertising
4. Only two banners are allowed per pole, and up to 12 poles can have banners.
5. The banner size was scaled down from 15 SF to 12 SF.
6. Banners must maintain a vertical clearance of 12 feet from the grade to the banner
7. Banners must be mounted perpendicularly from the pole.

Enclosures

		City of Lenoir Financial Summary As of 8/31/2024					
General Fund							
	2024-2025 Budget	8/31/2024	% of Budget	Change from Previous Year	8/31/2023		
Total Revenue	\$ 23,751,580.00	\$ 12,918,880.63	54%	\$ (1,187,966.18)	\$ 14,106,846.81		
Expenditures	\$ 23,751,580.00	\$ 4,448,118.13	19%	\$ 664,263.19	\$ 3,783,854.94		
Over/Under	\$ -	\$ 8,470,762.50		\$ (1,852,229.37)	\$ 10,322,991.87		
Downtown District							
	2024-2025 Budget	8/31/2024	% of Budget	Change from Previous Year	8/31/2023		
Revenues	\$ 264,700.00	\$ 16,322.96	6%	\$ (2,948.22)	\$ 19,271.18		
Expenditures	\$ 264,700.00	\$ 38,521.46	15%	\$ 4,174.74	\$ 34,346.72		
Over/Under	\$ -	\$ (22,198.50)		\$ (7,122.96)	\$ (15,075.54)		
Water/Sewer Fund							
	2024-2025 Budget	8/31/2024	% of Budget	Change from Previous Year	8/31/2023		
Revenues	\$ 11,770,028.00	\$ 2,114,292.50	18%	\$ 212,999.60	\$ 1,901,292.90		
Expenditures	\$ 11,770,028.00	\$ 1,615,407.85	14%	\$ 151,058.70	\$ 1,464,349.15		
Over/Under	\$ -	\$ 498,884.65		\$ 61,940.90	\$ 436,943.75		

Department Requesting Disposal of Surplus Property	
Date of Request	9/24/2024
Department Name	Police Department
Contact Name	Chief Brent Phelps
Phone	828-757-2100



REQUEST TO SURPLUS CITY PROPERTY



ITEM	QTY	CODE*	SERIAL/VIN #	MAKE	MODEL YEAR	MILEAGE/ MACHINE HOURS	REASON FOR REQUEST	CURRENT LOCATION OF THE ITEM	ORIGINAL PURCHASE PRICE	DATE OF PURCHASE	ESTIMATED SALVAGE VALUE	ITEM IN WORKING ORDER Y/N	APPROVED TO LIST ON GOVDEALS
Police K9 Major	1	S2	N/A	German Shepard	2018	N/A	inadequate ability to adapt to inexperienced handler	Lenoir PD	\$7,500.00	11/1/2021	\$1.00	N	☐
													☐
													☐
													☐
													☐
													☐

* Please enter one CODE per item: (S1) Obsolete (S2) Too Costly to Maintain (S3) Beyond Repair (S4) Cannibalized

APPROVED BY	DATE

ITEM	DATE OF SALE	SELLING PRICE	DATE OF DEPOSIT	BUDGET CODE FOR DEPOSIT	DATE ITEM REMOVED FROM INVENTORY		BY WHOM - SIGNATURE	DATE ITEM REMOVED FROM INSURANCE	BY WHOM - SIGNATURE	DATE TAG CANCELLED OR TRANSFERRED	BY WHOM - SIGNATURE
Police K9 German Shepard	9/24/2024	\$1									

ALL SURPLUS ITEMS ARE LISTED ON GOVDEALS IN ACCORDANCE WITH CITY OF LENOIR RESOLUTION NO. 6-2007, NC GENERAL STATUTES 160A-270 AND NCGS 160A-270 (c)



Brent Phelps
Chief

CITY OF LENOIR POLICE

1035 West Avenue NW
Lenoir, NC 28645
828-757-2100



Scott Hildebran
City Manager

September 18, 2024

Dear Sir:

I, Corporal Mitchell Foust, do hereby request that I be granted to take ownership of the Police K-9 Major from the City of Lenoir. My understanding is K-9 Major has been purchased on my behalf by a member of the police department.

Upon the completion of the sale, I, Corporal Mitchell Foust, agree to release the City of Lenoir, the Lenoir Police Department, the Chief of Police, and any official of the City of Lenoir from any and all liability associated with my purchase of the K-9 Major from the City of Lenoir. The City of Lenoir, the Lenoir Police Department, the Chief of Police and all other City Officials are hereby released from any and all liability associated with the care, use and upkeep of the K-9 Major. I understand that the K-9 Major is not to be used in any way in the official performance of my Police Duties and that Major is not to be involved in any further police activities effective Tuesday September 24, 2024.

I further agree and understand that the K-9 Major is no longer associated with the City of Lenoir, the Lenoir Police Department, the Chief of Police or any other City Official as to any ownership or liability associated with the K-9 Major upon the signing of this document by myself. Any and all equipment purchased for the use of K9 Major by the Lenoir Police Department will be returned to the Logistics Lieutenant John Howard, upon completion of this transfer.

Signed this the 20 day of September 2024

M Foust
Signature of Purchaser, Mitchell Foust

9/20/24
Date

John Howard
Witnessed by:

Capt. J. Hammer
Witnessed by:
Felts





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

WHEREAS, the City of Lenoir, North Carolina City Council, in accordance with N.C.G.S. § 20-187.4, desires to dispose of a retired service animal, Police K-9 Major of the City of Lenoir and award the service animal to Corporal Mitchell Foust for the purchase price of one dollar (\$1.00) from the City of Lenoir.

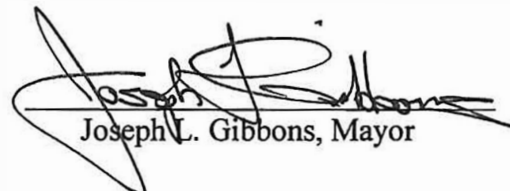
NOW THEREFORE BE IT RESOLVED,

- 1) the Mayor and City Council of the City of Lenoir acknowledges Police K-9 Major's loyal and dedicated service to the citizens of Lenoir, and
- 2) the Mayor and City Council declare the badge of Police K-9 Major, upon retirement, as surplus and no longer has any additional use to the City of Lenoir.
- 3) the Mayor and City Council authorize the City Manager to proceed with the procedures as outlined in N.C.G.S. § 20-187.4 regarding the disposition of retired service animals.

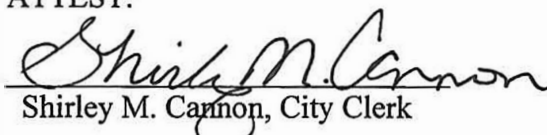
NOW THEREFORE BE IT FURTHER RESOLVED that, I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council and all the citizens, do hereby wish the very best for Police K-9 Major in his retirement and commend him for his service.

Adopted this the 24th day of September 2024.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

CITY OF LENOIR
COUNCIL ACTION FORM

- I. Agenda Item:** Consideration of a North Carolina Department of Transportation (NCDOT) Disaster Relief Debris Removal (DRDR) Agreement.
- II. Background Information:** The North Carolina Department of Transportation (NCDOT) requires Local Government Agencies who request to enter into an agreement with the NCDOT for debris pickup on state maintained roads under a Federal Declaration fill out the following three (3) attachments:
- NCDOT Local Agreement for Debris Removal Request Form
 - DRDR Agreement
 - Appendix A, Form SSR-01, Request Release of State Systems Roads

Once executed, this agreement shall remain in effect for five years.

As you are aware, Caldwell County has agreed to coordinate all debris removal in the county, including areas inside of municipalities. In order to participate, each municipality is required to enter into a Memorandum of Agreement with NCDOT for the emergency removal of disaster related debris during a State of Disaster.

- III. Staff Recommendation:** Approve the attached NCDOT Disaster Relief Debris Removal Agreement as recommended.
- IV. Reviewed by:**
- City Attorney:**
- Finance Director: Donna Bean**
- Public Works/Public Utilities Director:**
- Planning Director:**
- Recreation Director:**

ROY COOPER
GOVERNOR

Location:
4809 BERYL ROAD
RALEIGH, NC 27606



NCDOT Local Agreement for Debris Removal Request Form

Local Government Agencies requesting to enter into an agreement with the North Carolina Department of Transportation (NCDOT) for debris pickup on state-maintained roads under a federal declaration should fill out the following information:

Date: _____

AGENCY INFORMATION

Agency: _____

Federal Tax Identification Number: _____

Mailing Address: _____

CITY/TOWN/VILLAGE/COUNTY MANAGER CONTACT INFORMATION:

Name: _____ Email: _____

Phone: _____ Fax: _____

CITY/TOWN/VILLAGE/COUNTY FINANCE OFFICER CONTACT INFORMATION:

Name: _____ Email: _____

Phone: _____ Fax: _____

Please Note:

NCDOT Local Agreement must be approved by the Board of Transportation. If an agency wishes to enter into an agreement with The Department, please allow 6-9 weeks to process the initial agreement. Once the agreement is on file, it will be valid for five years from date of last signature. To activate the agreement, contact The Department's Division Office in the requesting agency's area by submitting the Request Release of State System Roads, Form SSR-01.

Submit completed forms to Email: NCDOTDisasterRecovery@ncdot.gov

NO FUNDING
DISASTER RELATED DEBRIS REMOVAL AGREEMENT
AGREEMENT ID # _____

AGREEMENT OVERVIEW

NORTH CAROLINA
 _____ COUNTY

DATE: _____

PARTIES TO THE AGREEMENT:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

AND

 OTHER PARTY NAME

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF PROJECT ("Project"): Removal and disposal of disaster related debris on all released State Routes.

EFFECTIVE DATES OF AGREEMENT:

START: Upon full execution of this agreement

END: Five (5) years from the date of execution

This special **Agreement** is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **Department** and the _____, hereinafter referred to as the **Local Government**; and collectively referred to as the **Parties**.

The **Parties** to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the **Parties** with respect to its subject matter and supersedes any previous communication or agreements that may exist.

NO FUNDING
DISASTER RELATED DEBRIS REMOVAL AGREEMENT
AGREEMENT ID # _____

WHEREAS, this Agreement is made between the **Department** and the **Local Government** for the emergency removal of disaster related debris during a State of Disaster or Imminent Threat of Disaster and/or a State of Emergency declared pursuant to the North Carolina General Statutes, Chapter 14, and Chapter 166A; and,

WHEREAS, during a declared State of Disaster or Imminent Threat of Disaster which implements the North Carolina Emergency Operations Plan, hereinafter referred to as “the NCEOP”, the **Department** may be called upon to perform certain functions, including the removal of debris from the right of way of public roads and streets, pursuant to the NCEOP; and the Robert T. Stafford Disaster Relief and Emergency Assistance Act, herein referred to as the “Stafford Act”, as it relates to this Agreement; and,

WHEREAS, in certain instances, the Moving Ahead for Progress in the 21st Century Act, hereinafter referred to as “MAP-21,” allows the Federal Emergency Management Agency, hereinafter referred to as “FEMA,” to reimburse for debris removal on Federal Highway Administration, hereinafter referred to as “FHWA,” routes; and,

WHEREAS, the **Local Government** has requested and the **Department** is in agreement that it be allowed the opportunity and responsibility to perform certain **Department** functions as set forth in the NCEOP, in order to assure that its citizens are served and protected; and,

WHEREAS, the **Parties** have conferred as to the best methods and practices to allow the **Local Government** to assume these responsibilities.

NOW, THEREFORE, the **Parties** hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant, and agree, each with the other, as follows:

I. DEFINITIONS

For purposes of this Agreement, the following definitions shall apply:

A. STATE ROUTES

“State Routes” shall mean those roads maintained by the Department on the National Highway System, including US and NC Routes and Secondary Routes that are identified by a four-digit State Route (SR) number.

B. DISASTER RELATED DEBRIS

“Disaster related debris” shall be such debris for which removal costs are considered eligible for reimbursement by FEMA during a particular State of Disaster, Imminent Threat of Disaster or State of Emergency.

II. DESCRIPTION OF WORK

NO FUNDING
DISASTER RELATED DEBRIS REMOVAL AGREEMENT
AGREEMENT ID # _____

A. REMOVAL OF DEBRIS

The **Local Government** shall remove and dispose of disaster related debris on all released State Routes. In so doing, the **Local Government** shall comply with all State and Federal policies, guidance, and requirements regarding procurement, storm debris removal, monitoring and disposal including landfill quantity calculations and site disposal costs.

B. EXECUTION OF WORK

The **Local Government** shall remove all disaster related debris even if such removal requires multiple passes on a particular route and shall continue until the mutually agreed upon completion date. All work pursuant to this Agreement shall be completed to the satisfaction of the **Department's** Division Engineer of the Transportation Division in which **Local Government** is located. The Division Engineer's decision as to the completeness of the work shall be final.

III. TIME FRAME

A. DURATION OF AGREEMENT

This Agreement shall remain in effect for five (5) years from the date of execution included herein. This Agreement may be extended for two (2) additional years, contingent upon the availability of funds, if mutually agreed upon in writing by the **Parties**. On behalf of the **Local Government**, extensions may be authorized and executed by the official as designated without further resolution of the **Local Government**.

B. COMPLETION DATE

All work pursuant to this Agreement shall be completed by a date mutually agreed to by the Division of Emergency Management (DEM), FEMA, the **Department** and **Local Government**.

IV. REIMBURSEMENT FOR ELIGIBLE COSTS

The **Local Government** shall apply directly to FEMA for reimbursement of eligible debris removal costs in accordance with the rules, regulations and procedures of those agencies for such debris removal at that time. Any reimbursement must be governed by the current rules, regulations, and procedures of those agencies for the specific State of Disaster, Imminent Threat of Disaster or State of Emergency, and the **Department** shall not be responsible for any portion of reimbursement costs whatsoever to **Local Government**.

NO FUNDING
DISASTER RELATED DEBRIS REMOVAL AGREEMENT
AGREEMENT ID # _____

V. PROCEDURES FOR REMOVAL OF DISASTER RELATED DEBRIS

A. REQUEST RELEASE OF STATE SYSTEM ROADS

During a State of Disaster or Imminent Threat of Disaster and/or a State of Emergency declared pursuant to Chapters 14 and 166A of the North Carolina General Statutes and upon a determination by the **Parties** that is desirable that **Local Government** be responsible for removal of debris from the right of way of State Routes, the **Local Government** shall submit a completed Request Release of State System Roads, Form SSR-01, (see Appendix A) to the **Department's** Division Engineer. This request, if approved, will release the identified State Routes to the **Local Government** for disaster related debris removal.

B. DEPARTMENT APPROVAL

The **Department** will review the **Local Government's** Request Release of State System Roads, Form SSR-01 (attached as Appendix A) and respond in writing indicating whether the **Department** has approved or denied the request from the **Local Government** for removal of disaster related debris under the terms of this Agreement. If approved, this action will be considered the **Local Government's** "Notice to Proceed" with the work.

C. COMPLIANCE WITH DEPARTMENT RULES

When the **Local Government** is approved for the removal of disaster related debris on State Routes under the terms of this Agreement, the **Local Government** will be responsible for complying with all **Department** rules, regulations and procedures including, but not limited to, safety, insurance, and traffic control in accordance with the Manual on Uniform Traffic Control Devices when undertaking the work.

D. WRITTEN REPORT

The **Local Government** shall provide a written report to the **Department's** Division Engineer that includes a detailed description and quantities of the work accomplished for each Notice to Proceed issued by the **Department** within sixty (60) days of the completion of the work.

E. RESPONSIBILITY FOR DAMAGES

The **Local Government** shall be responsible for repair of any damages to the state-maintained rights of way, which may be caused by debris removal operations undertaken pursuant to this Agreement. All repairs shall be completed to the satisfaction of the **Department's** Division Engineer of the Transportation Division in which the **Local Government** is located. The Division Engineer's decision as to the completeness of the work shall be final.

NO FUNDING
DISASTER RELATED DEBRIS REMOVAL AGREEMENT
AGREEMENT ID # _____

VI. STANDARD PROVISIONS

A. TERMINATION OF AGREEMENT

This Agreement may be terminated by either **Party** upon submission of a thirty (30) day advance written notice of termination to the other **Party**, except in instances where there is active debris removal. In these instances where active debris removal is ongoing, the termination will be effective no sooner than thirty (30) days after the completion of all active debris removal already underway.

B. CERTIFICATION OF COMPLIANCE

The **Local Government** shall certify to the **Department** compliance with all State laws and regulations and ordinances that are applicable to the **Local Government** in connection with the work included in this Agreement and shall indemnify the **Department** against any fines, assessments or other penalties resulting from noncompliance by the Agency or any **Local Government** performing work included in this Agreement under contract with the **Local Government**.

C. CONFLICT OF INTEREST POLICY

In compliance with state policy, the **Local Government** shall have a Conflict of Interest Policy for its employees, in addition to the statutory conflict of interest restrictions applicable to its directors.

D. COMPLIANCE WITH EXISTING LAW

In no way shall it be construed or implied that either the **Department** or the **Local Government** is by this Agreement intending to abrogate its obligation and duty to comply with the regulations promulgated under Federal and state law.

E. AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all **Parties** by means of a written Supplemental Agreement.

F. ASSIGNMENT OF RESPONSIBILITIES

The **Department** must approve any assignment or transfer of the responsibilities of the **Local Government** set forth in this Agreement to other parties or entities.

G. AGREEMENT FOR IDENTIFIED PARTIES ONLY

This Agreement is solely for the benefit of the identified **Parties** to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

NO FUNDING
DISASTER RELATED DEBRIS REMOVAL AGREEMENT
AGREEMENT ID # _____

H. OTHER AGREEMENTS

The **Local Government** is solely responsible for all agreements, contracts, and work orders entered into or issued by the **Local Government** to meet the terms of this Agreement. The **Department** is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the **Department** under the terms of this Agreement.

I. TITLE VI

The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

J. FACSIMILE

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the **Parties** agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

K. AUTHORIZATION TO EXECUTE

The **Parties** hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective **Parties** to the terms contained herein.

L. DEBARMENT POLICY

It is the policy of the **Department** not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the **Local Government** certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or **Department** and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

M. INDEMNIFICATION

To the extent authorized by state and federal claims statutes, the **Local Government** shall be responsible for its actions under the terms of this agreement and save harmless the FHWA (if applicable), the **Department**, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns to the extent allowed by law, from and against any and all claim for payment, damages and/or liabilities of any nature, asserted against the **Department** in connection with this Agreement. The **Department** shall

NO FUNDING

DISASTER RELATED DEBRIS REMOVAL AGREEMENT
AGREEMENT ID # _____

not be liable and shall be held harmless from any and all third-party claims that might arise on account of the **Local Government's** negligence and/or responsibilities under the terms of this agreement.

N. AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

O. DOCUSIGN

The **Department** and **Local Government** acknowledge and agree that the electronic signature application DocuSign may be used, at the sole election of the **Department** or **Local Government**, to execute this Agreement. By selecting "I Agree", "I Accept", or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the DocuSign application, the **Department** and **Local Government** consent to be legally bound by the terms and conditions of Agreement and that such act constitutes the **Department's** signature as if actually signed by the **Department** in writing or **Local Government's** signature as if actually signed by **Local Government** in writing. The **Department** and **Local Government** also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of its electronic signature. The **Department** and **Local Government** acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby through the DocuSign application, will have the same effect as physical delivery of the paper document bearing an original written signature.

P. GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Adult Corrections, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

NO FUNDING

DISASTER RELATED DEBRIS REMOVAL AGREEMENT
AGREEMENT ID # _____

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Local Government** by authority duly given.

(DOCUSIGN ONLY)

Authorized Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

[OTHER PARTY NAME]

FED TAX ID NO: _____

Finance Officer: _____

REMITTANCE ADDRESS:

Print Name: _____

Date Signed: _____

DEPARTMENT OF TRANSPORTATION

BY: _____

TITLE: _____

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

NO FUNDING

DISASTER RELATED DEBRIS REMOVAL AGREEMENT
AGREEMENT ID # _____

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Local Government** by authority duly given.

(INK SIGNATURES ONLY)

ATTEST:	Authorized Signer: _____
BY: _____	Print Name: _____
TITLE: _____	Title: _____
	Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

[OTHER PARTY NAME]

FED TAX ID NO: _____	Finance Officer: _____
REMITTANCE ADDRESS:	Print Name: _____
_____	Date Signed: _____

DEPARTMENT OF TRANSPORTATION (DocuSign)

BY: _____

TITLE: _____

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

APPENDIX A, FORM SSR-01

Request Release of State System Roads

FEMA - 4827 - DR - NC

Requesting Applicant: _____

In accordance with the Agreement on file between the NCDOT and the Requesting Applicant listed above; the local government is hereby requesting the NCDOT to release its authority for FEMA reimbursement for emergency services to the local government authority for the State System Roads listed below.

Choose one:

- I. Release of all State System Roads in local government jurisdiction;
or
- II. Selected State System Roads in local government jurisdiction as follows:

This image shows a blank sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook or worksheet page.

Local Government Designated Agent: _____
Date _____

North Carolina Department of Transportation	
Release by:	_____
Title:	_____
Date:	_____

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Acceptance of Staff recommendation to use the Design-Build method of project delivery to complete interior renovations at the Lenoir Aquatics and Fitness Center as part of the ongoing 2022 PARTF project.

II. Background Information:

The City of Lenoir received grant funding in the amount of \$500,000 through the Parks and Recreation Trust Fund (PARTF), and in addition to the City's utilization of \$590,375 of ARPA funds, a total project budget of \$1,090,375 has been established to complete improvements at the Lenoir Aquatic and Fitness Center (LAFC) and the Rotary Soccer Complex. After a thorough review of the planned interior improvements at LAFC, the proposed scope of work and potential impacts to structural, architectural, and MEP systems during construction, staff has considered use of the "Design-Build" method of project delivery for the remaining work. This method will allow the City to enter into a contract with a single firm to provide design and construction of the improvements, thus expediting project delivery. The 2022 PARTF contract is set to expire in October 2025, leaving approximately one year to complete the remaining work. Selection of a Design-Build firm must include a qualification-based process in lieu of a cost-based process (much like the recent selection of a Construction Manager at Risk), and additional statutory requirements must be followed. The attached memorandum includes further explanation and justification for our preference to use the Design-Build delivery method for the interior improvements at LAFC.

III. Staff Recommendation:

Staff recommends consideration and acceptance of the Design-Build method of project delivery for interior modifications and improvements at the Lenoir Aquatics and Fitness Center as part of the current 2022 PARTF project. If accepted, a Request for Qualifications (RFQ) for Design-Build services will be published to begin the selection process.

IV. Reviewed by:**City Attorney:** _____**Finance Director:** _____**Director of Special Projects and Grants:** _____**Parks and Recreation Director:** _____**Attachments:**

- **Department Memorandum**
- **General Statute 143-128.1.A Design-build contracts**
- **2022 PARTF Application Excerpt – Facility Map with mark-up**
- **2022 PARTF Financial Summary**

DEPARTMENT MEMORANDUM

October 3, 2024

City of Lenoir - Administration
Special Projects and Grants
801 West Avenue
Lenoir, North Carolina 28645

RE: Project Delivery Methods – Design-Build and Design-Bid-Build
Lenoir Aquatics and Fitness Center
2022 PARTF Project

The City of Lenoir received a North Carolina Division of Parks and Recreation – Parks and Recreation Trust Fund (PARTF) grant in the amount of \$500,000 in 2022. With grants of this nature, the application process requires certain recreational elements and facility improvements to be enumerated. Full compliance with funding agency guidelines is necessary to receive grant dollars, and the project scope can only be changed through proper justification and written, expressed approval by the funding agency.

Our 2022 application featured a project scope with construction of new recreational and support elements. These included a splash pad (currently under construction), a picnic shelter (currently under contract), an accessible connector path/greenway trail extension at the Rotary Soccer Complex (currently in final design), and installation of smaller elements, including new concrete cornhole boards and a ping pong table, at the Lenoir Aquatics and Fitness Center (LAFC).

The 2022 application also included a host of interior facility renovations and improvements at LAFC intended to improve accessibility, provide adequate space(s) to meet current visitor needs, and offer renovation, repairs, and up-fitting to interior areas in desperate need of improvement. The LAFC improvement scope included the whirlpool, locker rooms and restrooms, and racquetball courts.

After consulting with staff and touring the facility, it was determined that guidance from a design professional with public aquatic facility experience was necessary to adequately assess the facility's condition, determine how best to satisfy the requirements of our PARTF funding contract, and best leverage our budget by developing a project scope to address immediate needs and identify future programmed improvement projects.

Given that, PARTF grant contracts include a standard three (3) year timeframe, we realize that time is of the essence to develop the LAFC interior renovation project and complete construction. The City of Lenoir's funding agreement with PARTF (contract time) is scheduled to end in October 2025. With this aggressive schedule in mind, we are considering the "Design-Build" method of project delivery to expedite completion of the work. This delivery method includes contracting with a single entity to provide both design and construction services, and each of these efforts can occur simultaneously once plans are developed to a point where necessary permits can be obtained.

The Design-Build (DB) delivery method differs from the traditional “Design-Bid-Build” (DBB) delivery method in that it allows an owner to hire, through a qualification-based selection process, one firm to provide design and construction services as opposed to an owner hiring a design consultant, allowing the designer to complete project plans and specifications, advertising the project for bids, and awarding the construction contract to a separate firm. With the DBB delivery method, each step in the project development process relies on completion of the preceding step, thus requiring more time for projects to move through design to construction and completion.

While each project delivery method is proven, effective, and allowable for public projects per North Carolina general statutes, there are pros and cons for each method to be considered prior to committing to either delivery method. For DB projects, having design and construction services under the responsible charge of a single firm or entity allows for schedule compression, potential cost savings through avoidance of change orders, a higher quality project since designers and constructors are on the same team, and the transfer of risk from the owner to the DB team (Procure, Six, Frisa, 2024). Conversely, DB projects offer challenges to project development including schedule conflict management that the builders must address, cost uncertainties when budgets and scopes are not clearly defined, and communication gaps should the designer and constructor not practice frequent, regular, and effective communication.

DBB projects also have similar pros and cons that may influence an owner to select this method of delivery. In the traditional DBB scenario, the owner maintains control over each project participant through separate contracts. This role separation allows participants to focus on their respective specialties. Cost certainty achieved through a vetted design process, and administration of competitive bidding, are also positive attributes of the DBB method. As with DB, however, DBB project may also pose challenges to owners. Through lengthy design development and construction processes, the potential for aggressive scheduling may not be possible, and the owner carries more risk for cost escalation through change orders and delays (Procure, Six, Frisa, 2024).

With approximately one (1) year remaining in our current PARTF contract time, a limited budget for completion of significant interior renovations, and design challenges involving interior space and MEP system reconfiguration, we support acceptance of the Design-Build method of project delivery for completion of the remaining work at the Lenoir Aquatics and Fitness Center. This method will allow aggressive scheduling to complete the work within the remaining contract time, offer value through designer and constructor coordination for space improvements, and minimize risk to the City by having a single entity responsible for completion of the work.

Respectfully Submitted,
CITY OF LENOIR



Jared Wright
Director of Special Projects and Grants
City of Lenoir

References

1. Six, Alex; Frisa, Kristen. "Design-Build vs Design-Bid-Build: Which Is Right for Your Project?" *Procore*, August 13, 2024, www.procore.com/library/design-build-vs-design-bid-build. Accessed October 3, 2024.

§ 143-128.1A. Design-build contracts.

- (a) Definitions for purposes of this section [are as follows]:
 - (1) Design-builder. – As defined in G.S. 143-128.1B.
 - (1g) Design professional. – As defined in G.S. 143-128.1B.
 - (1p) First-tier subcontractor. – As defined in G.S. 143-128.1B.
 - (2) Governmental entity. – As defined in G.S. 143-128.1B.
 - (3) Licensed contractor. – As defined in G.S. 143-128.1B.
 - (4) Licensed subcontractor. – A person or entity, not including design professionals or employees of the design-builder, that will be performing work under the design-builder and whose scope of work proposed for the project requires that it be licensed in accordance with Article 2 or Article 4 of Chapter 87 of the General Statutes.
 - (5) Unlicensed subcontractor. – A person or entity, not including design professionals or employees of the design-builder, that will be performing work under the design-builder and whose scope of work proposed for the project does not require that it be licensed in accordance with Article 2 or Article 4 of Chapter 87 of the General Statutes.
- (b) A governmental entity shall establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project, and such criteria shall, at a minimum, address all of the following:
 - (1) The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.
 - (2) The time constraints for the delivery of the project.
 - (3) The ability to ensure that a quality project can be delivered.
 - (4) The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.
 - (5) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work defined by the public notice issued under subsection (c) of this section.
 - (6) The criteria utilized by the governmental entity, including a comparison of the advantages and disadvantages of using the design-build delivery method for a given project in lieu of the delivery methods identified in subdivisions (1), (2), and (4) of G.S. 143-128(a1).
- (c) A governmental entity shall issue a public notice of the request for qualifications that includes, at a minimum, general information on each of the following:
 - (1) The project site.
 - (2) The project scope.
 - (3) The anticipated project budget.
 - (4) The project schedule.
 - (5) The criteria to be considered for selection and the weighting of the qualifications criteria.
 - (6) Notice of any rules, ordinances, or goals established by the governmental entity, including goals for minority- and women-owned business participation and small business participation.

- (7) Other information provided by the owner to potential design-builders in submitting qualifications for the project.
- (8) A statement directing each design-builder to submit in its response to the request for qualifications an explanation of its project team selection. The governmental entity may specify which one of the following project team selection options shall be used or, if not specified, the response shall consist of either of the following project team selection options:
 - a. A list of the licensed contractors, licensed subcontractors, and design professionals whom the design-builder proposes to use for the project's design and construction. If this project team selection option is used, the design-builder may self-perform some or all of the work with employees of the design-builder and, without bidding, also enter into negotiated subcontracts to perform some or all of the work with subcontractors, including, but not exclusively with, those identified in the list. In submitting its list, the design-builder may, but is not required to, include one or more unlicensed subcontractors the design-builder proposes to use. If this project team selection option is used, the design-builder may, at its election and with or without the use of negotiated subcontracts, accept bids for the selection of one or more of its first-tier subcontractors.
 - b. A list of the licensed contractors and design professionals whom the design-builder proposes to use for the project's design and construction and an outline of the strategy the design-builder plans to use for open subcontractor selection based upon the provisions of Article 8 of Chapter 143 of the General Statutes. If this project team selection option is used, the design-builder may also self-perform some of the work with employees of the design-builder, but shall not enter into negotiated contracts with first-tier subcontractors.

(d) Following evaluation of the qualifications of the design-builders, the three most highly qualified design-builders shall be ranked. If after the solicitation for design-builders not as many as three responses have been received from qualified design-builders, the governmental entity shall again solicit for design-builders. If as a result of such second solicitation not as many as three responses are received, the governmental entity may then begin negotiations with the highest-ranked design-builder under G.S. 143-64.31 even though fewer than three responses were received. If the governmental entity deems it appropriate, the governmental entity may invite some or all responders to interview with the governmental entity.

(e) The design-builder shall be selected in accordance with Article 3D of this Chapter. Each design-builder shall certify, in the response to the request for qualifications in subsection (c) of this section, to the governmental entity that each design professional who is a member of the design-build team, including subconsultants, was selected based upon demonstrated competence and qualifications in the manner provided by G.S. 143-64.31.

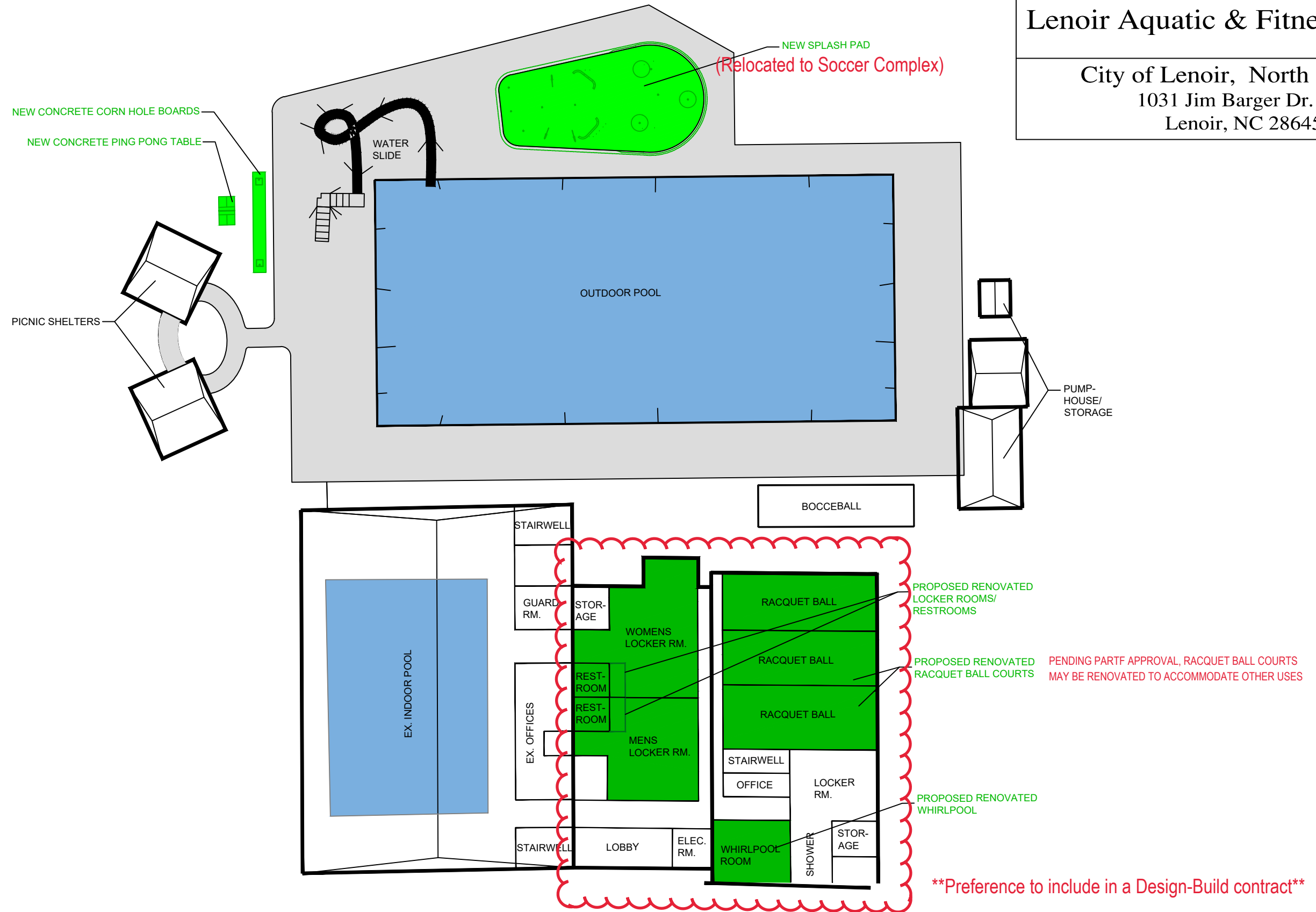
(f) The design-builder shall provide a performance and payment bond to the governmental entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes. The design-builder shall obtain written approval from the governmental entity prior to changing key personnel as listed in sub-subdivision (c)(8)a. or (c)(8)b. of this section after the contract has been awarded. For purposes of this subsection, "key personnel" shall mean either of the following:

- (1) For the project team selection option under sub-subdivision (c)(8)a. of this section, the licensed contractors, licensed subcontractors, and design professionals identified in the response to the request for qualifications.

- (2) For the project team selection option under sub-subdivision (c)(8)b. of this section, the licensed contractors and design professionals identified in the response to the request for qualifications. (2013-401, s. 4; 2014-42, s. 7; 2022-1, s. 2(a).)

PARTF FLOOR PLAN Lenoir Aquatic & Fitness Center

City of Lenoir, North Carolina
1031 Jim Barger Dr. NE
Lenoir, NC 28645



Legend

Park Boundary

Total Parcel Area = 117 Acres

Existing Park Facility

PARTF Requested

Future Phase

Easement

City of Lenoir
Parks and Recreation Department
2022 PARTF Project
Summary of Elements and Budget



Item	Description	Estimate	Actual	Variance
1	Racquetball Court Renovation (3)	\$ 60,000.00		\$ (60,000.00)
2	Whirlpool Renovation	\$ 120,000.00		\$ (120,000.00)
3	Locker Room and Restroom Renovation (2)	\$ 300,000.00		\$ (300,000.00)
4	Splash Pad	\$ 300,000.00	\$ 313,685.00	\$ 13,685.00
5	Concrete Ping Pong Table	\$ 3,000.00		\$ (3,000.00)
6	Concrete Corn Hole Boards	\$ 1,000.00		\$ (1,000.00)
7	Picnic Shelter	\$ 80,000.00	\$ 48,000.00	\$ (32,000.00)
8	ADA Connector Path	\$ 8,300.00		\$ (8,300.00)
Construction Subtotal		\$ 872,300.00	\$ 361,685.00	\$ (510,615.00)
Contingency		\$ 43,615.00		\$ (43,615.00)
Legal and Administrative		\$ 174,460.00		\$ (174,460.00)
TOTAL		\$ 1,090,375.00	\$ 361,685.00	\$ (728,690.00)

****\$728,690.00** remaining in project budget to complete interior renovations and procurement/construction of other small recreational elements**

CITY OF LENOIR
COUNCIL ACTION FORM

- I. Agenda Item:** We are requesting approval of a Fireworks Authorization Permit for a Fireworks Display at Hibriten High School during their home football games.

- II. Background Information:** Hibriten High School has requested to have a fireworks display during each of their home varsity football games. The current home schedule is October 18th, 25th, November 1st, 8th, 15th, 22nd and 29th. Rain dates may change these to Thursday or Saturday of a game week. (Fireworks will not be displayed on all of the requested dates, but they requested all potential Friday nights to ensure the week is approved.) They have contracted with Team PyroStar to do the display.

NCGS 14-410 Manufacture, sale and use of pyrotechnics prohibited; exceptions; license required; sale to persons under the age of 16 prohibited and 14-413 Permits for use at public exhibitions; Effective, February 1, 2010 County Board of Commissioners and/or City County must approve each fireworks display prior to a permit being issued by the Fire Marshal's Office.

Prior to the actual fireworks display all required paperwork, including application, show description with site plan, size of fireworks, licenses and certificate of liability insurance will be reviewed and verified by the City of Lenoir Fire Marshal Chris Jacobs prior to each show.

A Level III Fire Inspector or Probationary Level III Fire Inspector and an Engine company must be on site during each Fireworks Display.

- III. Staff Recommendation:** Approve the fireworks display on the requested dates with the ability to move dates due to weather.

- IV. Reviewed By:**

City Attorney: _____

City Manager: _____

Fire Chief: Norman S. Staines

Article 54.

Sale, etc., of Pyrotechnics.

§ 14-410. Manufacture, sale and use of pyrotechnics prohibited; exceptions; license required; sale to persons under the age of 16 prohibited.

(a) Except as otherwise provided in this section, it shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use, handle, exhibit, or discharge any pyrotechnics of any description whatsoever within the State of North Carolina.

(a1) It shall be permissible for pyrotechnics to be exhibited, used, handled, manufactured, or discharged within the State, provided all of the following apply:

- (1) The exhibition, use, or discharge is at a concert or public exhibition.
- (2) All individuals who exhibit, use, handle, or discharge pyrotechnics in connection with a concert or public exhibition have completed the training and licensing required under Article 82A of Chapter 58 of the General Statutes. The display operator or proximate audience display operator, as required under Article 82A of Chapter 58 of the General Statutes, must be present at the concert or public exhibition and must personally direct all aspects of exhibiting, using, handling, or discharging the pyrotechnics. Notwithstanding this subdivision, the display operator for the University of North Carolina School of the Arts may appoint an on-site representative to supervise any performances that include a proximate audience display subsequent to the opening performance, provided that the representative (i) is a minimum of 21 years of age and (ii) is properly trained in the safe discharge of proximate audience displays.
- (3) The display operator has secured written authority under G.S. 14-413 from the board of county commissioners of the county, or the city if authorized under G.S. 14-413(a1), in which the pyrotechnics are to be exhibited, used or discharged. Written authority from the board of commissioners or city is not required under this subdivision for a concert or public exhibition provided the display operator has secured written authority from (i) The University of North Carolina or the University of North Carolina at Chapel Hill under G.S. 14-413, and pyrotechnics are exhibited on lands or buildings in Orange County owned by The University of North Carolina or the University of North Carolina at Chapel Hill, (ii) the University of North Carolina School of the Arts and pyrotechnics are exhibited on lands or in buildings owned by the State and used by the University of North Carolina School of the Arts, or (iii) The University of North Carolina or North Carolina State University under G.S. 14-413, and pyrotechnics are exhibited on lands or buildings in Wake County owned by The University of North Carolina or North Carolina State University.

(a2) Notwithstanding any provision of this section, it shall not be unlawful for a common carrier to receive, transport, and deliver pyrotechnics in the regular course of its business.

(a3) The requirements of this section apply to G.S. 14-413(b) and G.S. 14-413(c).

(a4) It shall be permissible for pyrotechnics to be exhibited, used, handled, manufactured, or discharged within the State as a special effect by a production company, as defined in G.S. 105-164.30(185), for a motion picture production, if the motion picture set is closed to the public or is separated from the public by a minimum distance of 500 feet.

(a5) It shall be permissible for pyrotechnics to be exhibited, used, handled, manufactured, or discharged within the State for pyrotechnic or proximate audience display instruction consisting of classroom and practical skills training approved by the Office of State Fire Marshal.

(b) Notwithstanding the provisions of G.S. 14-414, it shall be unlawful for any individual, firm, partnership, or corporation to sell pyrotechnics as defined in G.S. 14-414(2), (3), (4)c., (5), or (6) to persons under the age of 16.

(c) The following definitions apply in this Article:

- (1) Concert or public exhibition. – A fair, carnival, show of any description, or public celebration.
- (2) Display operator. – An individual issued a display operator license under G.S. 58-82A-3.
- (3) State Fire Marshal. – Defined in G.S. 58-80-1. (1947, c. 210, s. 1; 1993 (Reg. Sess., 1994), c. 660, s. 3; 1995, c. 475, s. 1; 2003-298, s. 2; 2007-38, s. 1; 2009-507, s. 1; 2010-22, s. 8; 2013-275, s. 1; 2015-124, s. 1.)

§ 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.

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.)