

AGENDA



CITY OF LENOIR
CITY COUNCIL MEETING
CITY/COUNTY CHAMBERS
905 WEST AVENUE
TUESDAY, JANUARY 19, 2016
6:00 P.M.



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Special Recognition; 175th Anniversary of Caldwell County: In honor of Caldwell County's 175th Anniversary, Mayor Gibbons will present a resolution to Mr. Ralph Prestwood who will be accepting the resolution on behalf of Caldwell County.
- C. Special Recognition: Mayor Gibbons will recognize Mr. Don Weiller, part-time employee of the City of Lenoir Recycle Center, for his two years of dedicated service to the City of Lenoir.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes from the City Council Meeting of Tuesday, January 5, 2016 as submitted.
- B. Resolution; Caldwell County's 175th Anniversary: Approval of a resolution honoring Caldwell County's 175th Anniversary.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

- A. Items of Information
 - 1. The Planning Board will meet on Monday, January 25 at 5:30 p.m.
 - 2. The Committee of the Whole will meet on Tuesday, January 26 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.
 - 3. The Foothills Regional Airport Authority will meet on Wednesday, January 27 at noon.
 - 4. City Council will conduct a Strategic Planning Retreat on Friday, January 29 beginning at 8:00 a.m. at the Caldwell County Library, Room 7.

B. Items for Council Action

1. Bid Award; Smith Crossroads Expansion Project, Phase 2: Staff recommends Council award the low bid of \$285,462.00 to Mountain Crest, LLC, for the Smith Crossroads Expansion Project, Phase 2, contingent upon approval by the North Carolina Department of Transportation (NCDOT.) Note: The City received a federal highway grant in the amount of \$150,000.00 to extend the retaining wall and landscaping from its current termination to the entry drive at the Broyhill House. CCC&TI also granted the City an easement to extend the project.
2. Bid Award; Powell Road Re-Alignment Project: Staff recommends Council award the low bid of \$154,400.00 which includes Alternate Bid 1 to Mountain Crest, LLC, for the Powell Road & Lower Creek Drive Improvements Project. (Caldwell County will reimburse the City in the amount of \$18,300.00 for this project.) Staff further recommends approval of the establishment of a Construction Budget in the amount of \$180,428.00 which includes a 12% contingency in the amount of \$18,528.00 and construction administration in the amount of \$7,500.00.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

A. Board Appointments: Mayor Gibbons will recommend the following individuals for re-appointment to serve terms on various City of Lenoir Authorities/Boards/Commissions.

- Lenoir Housing Authority – Debbie Smith
- Planning Board – Mac Martin and Mattie Patterson
- Parks & Recreation Advisory Board – Leah Beth Hubbard
- Sister Cities – Susan Strawn
- Lenoir Tourism Development Authority – Angela Johnson and Rosa Noakes

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

**LENOIR CITY COUNCIL
TUESDAY, JANUARY 5, 2016
6:00 P.M.**

PRESENT: Mayor Gibbons presiding. Councilmembers present were Perdue, Perkins, Rohr, Stevens, Thomas and Willis. Also in attendance were Assistant City Manager Gilbert, City Clerk Cannon and City Attorney Blair.

ABSENT: Councilmember Kim Edmisten and City Manager Hildebran.

I. CALL TO ORDER

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**POSTPONED; NUISANCE DECLARATION ORDINANCE;
1201 STEEL STREET:**

- A. A public hearing was held to consider adoption of an ordinance declaring the former Bost Lumber Building located at 1201 Steel Street, NC PIN#274-965-0842, as a danger to the public health, safety morals, and general welfare of inhabitants of the City and a nuisance by the City Council, in accordance with Section 12-12 (15) of the Lenoir City Code.

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

Planning Director Wheelock explained the proposed ordinance is enforced differently from a minimum housing ordinance because it pertains to a commercial site. Director Wheelock noted that Staff was previously not successful in contacting the property owners and thereby recommended Council call for a public hearing to consider the proposed ordinance. Following the publication of the legal notice in the newspaper, the property owners contacted the Planning Department and requested an extension in order to allow them additional time to address issues with the front part of the building which has collapsed.

Director Wheelock pointed out the owners would only address the front part of the building and clarified that Staff is not seeking demolition of the entire facility since it is an historic building. Ms. Wheelock further mentioned the site is also close to the proposed Rails to Trails project the City is currently working on.

Mr. Jim Sullivan, property owner, addressed City Council and stated they have not been successful in finding a contractor to fix the roof on

the front part of the building at a reasonable cost. He stated a leak caused the roof to collapse and commented the family would like to see the building restored or possibly sell it if they are financially unable to fund the cost of bringing the property into compliance. Mr. Sullivan respectfully asked Council for any suggestions and related the family wants to cooperate with the City in getting the situation resolved.

City Attorney Blair advised Council they could reserve the right to receive additional evidence by continuing the public hearing until a later date.

Following a brief discussion, City Council was in consensus to grant the property owners a sixty day extension and to resume the public hearing at the City Council Meeting scheduled for Tuesday, March 1.

Upon a motion by Councilmember Perdue, Council voted 6 to 0 to resume the public hearing on Tuesday, March 1 for further consideration of the proposed nuisance declaration ordinance and to receive updates from Mr. Sullivan and Planning Staff regarding the current status of the property.

III. CONSENT AGENDA ITEMS

A. Upon a recommendation by Assistant City Manager Gilbert, the following Consent Agenda items were submitted for approval:

1. Minutes: Approval of minutes from the City Council Meeting of Tuesday, December 1, 2015 as submitted.
2. Minutes: Approval of minutes from the Committee of the Whole Meeting of Tuesday, November 24, 2015 as submitted.
3. FY2015-2016 Annual Audit Contract: Approval of the FY2015-2016 Annual Audit Contract in the amount of \$29,300 as submitted by S. Eric Bowman, P.A. (A copy of the audit contract is hereby incorporated into these minutes by reference. Refer to pages 6-10.)
4. Bid Award; Equipment Financing Package: City Staff recommends that Council award the low bid of a 1.47% interest rate and a four-year interest cost of \$43,020.48 to First Citizens bank for the City of Lenoir's FY2015-2016 Equipment Financing Package. (A copy of the bid tab is hereby incorporated into these minutes by reference. Refer to page 11.)

Upon a motion by Councilmember Stevens, Council voted 6 to 0 to approve the above listed items on the Consent Agenda as recommended by Assistant City Manager Gilbert.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

JANUARY

CALENDAR: 1. By consensus of the Council, the calendar for the month of January was approved with various meetings and events.

LENOIR TOURISM DEVELOPMENT

AUTHORITY: 2. The Lenoir Tourism Development Authority will meet on Thursday, January 7 at 3:00 p.m. at City Hall, Third Floor, former Council Chambers.

CURBSIDE CHRISTMAS

TREE PICKUP: 3. Curbside Christmas Tree pickup ends on Friday, January 8.

CANCELLED; CITY/COUNTY SERVICES

COMMITTEE: 4. The City/County Services Committee Meeting scheduled for Monday, January 11 has been cancelled.

CALDWELL COUNTY EDC

COMMISSION: 5. The Caldwell County Economic Development Commission will meet on Tuesday, January 12 at 8:00 a.m.

LENOIR BUSINESS ADVISORY

BOARD: 6. The Lenoir Business Advisory Board will meet on Tuesday, January 12 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.

SISTER CITIES

COMMITTEE: 7. The Sister Cities Committee will meet on Thursday, January 14 at 1:15 p.m.

HOLIDAY CLOSING; MARTIN LUTHER

KING, JR., HOLIDAY:

8. City offices will be closed on Monday, January 18 in observance of the Martin Luther King, Jr., Holiday.

EVENTS; MARTIN LUTHER KING, JR.,

HOLIDAY:

9. Councilmember Crissy Thomas stated the following events were scheduled in honor of the Martin Luther King, Jr., Holiday:
- Annual Breakfast is scheduled for Saturday, January 16 at 9:00 a.m. at the Martin Luther King, Jr., Center.
 - Annual March will be held on Monday, January 18 beginning at 1:30 p.m. The march will begin at the J.E. Broyhill Park and end at the square downtown.
 - Additional events are scheduled from 11:00 a.m. – 5:00 p.m. in downtown

Lenoir. In case of inclement weather, these events will be held at the Martin Luther King, Jr., Center from 2:30 p.m. – 4:30 p.m. It was noted this year's theme is *One Love, One Community, United We Stand*.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

BOARD APPOINTMENT: FIRE DEPARTMENT

RELIEF FUND BOARD:

- A. Mayor Gibbons recommends that Danny Gilbert, Assistant City Manager/Finance Director, be re-appointed to serve a term on the Fire Department Relief Fund Board.

It was noted the purpose of this Board is to manage a small supplemental pension fund that is funded entirely by Fire Department personnel.

Upon a motion by Councilmember Rohr, Council voted 6 to 0 to re-appoint Danny Gilbert to serve a term on the Fire Department Relief Fund Board as recommended by Mayor Gibbons.

BOARD APPOINTMENT; BROWNFIELDS

ADVISORY BOARD:

- B. Mayor Gibbons recommends that Kristie Howard be appointed to serve on the newly formed Brownfields Advisory Committee. Mayor Gibbons stated that Ms. Howard is employed with Google and would be a good fit on the Committee.

Upon a motion by Councilmember Thomas, Council voted 6 to 0 to appoint Kristie Howard to serve on the newly formed Brownfields Advisory Committee as recommended by Mayor Gibbons.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

CLOSED

SESSION: A. Pursuant to N.C.G.S. §143-318.11(a), (3), (4), (5), and upon a motion by Councilmember Stevens which carried unanimously, Council entered into closed session to discuss economic development, potential litigation and property negotiations.

OPEN

SESSION: B. Upon a motion by Councilmember Perkins, Council voted 6 to 0 to return to open session.

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 7:28 p.m.

Joseph L. Gibbons, Mayor

Shirley M. Cannon, City Clerk

Of _____ CITY OF LENOIR _____
Primary Governmental Unit

Discretely Presented Component Unit (DPCU) if applicable

On this 9TH day of DECEMBER, 2015,

Auditor: S. ERIC BOWMAN, PA Auditor Mailing Address: PO BOX 1476
MORGANTON, NC 28680 Hereinafter referred to as The Auditor

and CITY COUNCIL (Governing Board(s)) of CITY OF LENOIR
(Primary Government)

and _____ : hereinafter referred to as the Governmental Unit(s), agree as follows:
(Discretely Presented Component Unit)

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning JULY 1, 2015, and ending JUNE 30, 2016. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Circular A-133 Audits of States, Local Governments, and Non-Profit Organizations and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated workpapers may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and/or workpapers are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC CPA Board).

County and Multi-County Health Departments: The Office of State Auditor will designate certain programs that have eligibility requirements to be considered major programs in accordance with OMB Circular A-133 for the State of North Carolina. The LGC will notify the auditor and the County and Multi-Health Department of these programs. A County or a Multi-County Health Department may be selected to audit any of these programs as major.

3. If an entity is determined to be a component of another government as defined by the group audit standards - the entity's auditor will make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government*

Discretely Presented Component Units (DPCU) if applicable

Auditing Standards. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract (See Item 22). **If the audit firm received a peer review rating other than pass**, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment..

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the State and Local Government Finance Division (SLGFD) within four months of fiscal year end. Audit report is due on: OCTOBER 31, 2016. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the secretary of the LGC for approval.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. **Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC.** (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work must be submitted by email in PDF format to the Secretary of the LGC for approval. The invoices must be sent via upload through the current portal address: <http://nctreasurer.slgfd.leapfile.net> Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date will be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this contract, the Primary Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. (Note: **Fees listed on signature pages.**)
10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall include documentation either in the notes to the audited financial statements or as a separate report submitted to the SLGFD along with the audit report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor should be aware that any other bond compliance statements or additional reports required in the authorizing bond documents need to be submitted to the SLGFD simultaneously with the Governmental Unit's audited financial statements unless otherwise specified in the bond documents.

Discretely Presented Component Units (DPCU) if applicable

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the client or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.
12. If the audit firm is required by the NC CPA Board or the Secretary of the LGC to have a pre-issuance review of their audit work, there must be a statement added to the engagement letter specifying the pre-issuance review including a statement that the Governmental Unit will not be billed for the pre-issuance review. The pre-issuance review must be performed **prior** to the completed audit being submitted to the LGC. The pre-issuance report must accompany the audit report upon submission to the LGC.
13. The Auditor shall electronically submit the report of audit to the LGC as a text-based PDF file when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings, by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and other lawful purposes of the Governmental Unit without subsequent consent of the Auditor. If it is determined by the LGC that corrections need to be made to the Governmental Unit's financial statements, they should be provided within three days of notification unless another time frame is agreed to by the LGC.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, agreed-upon procedures report, a turnaround document and a representation letter addressed to the OSA shall be submitted to the LGC.

The LGC's process for submitting contracts, audit reports and invoices is subject to change. Auditors should use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor
15. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee. This amended contract needs to be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract, and then must be submitted through the audit contract portal to the Secretary of the LGC for approval. The portal address to upload your amended contract is <http://nctreasurer.slgfd.leapfile.net>. No change shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.
16. Whenever the Auditor uses an engagement letter with the Governmental Unit, Item #17 is to be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of

Discretely Presented Component Units (DPCU) if applicable
this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #22 of this contract. Engagement letters containing indemnification clauses will not be approved by the LGC.

17. Special provisions should be limited. Please list any special provisions in an attachment.

ENGAGEMENT LETTER ATTACHED

18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU must be named along with the parent government on this audit contract. Signatures from the DPCU Board chairman and finance officer also must be included on this contract.
19. The contract must be executed, pre-audited, physically signed by all parties including Governmental Unit and Auditor signatures and submitted in PDF format to the Secretary of the LGC. The current portal address to upload your contractual documents is <http://nctreasurer.slgfd.leapfile.net> Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of October 2015. These instructions are subject to change. Please check the NC Treasurer's web site at www.nctreasurer.com for the most recent instructions.
20. The contract is not valid until it is approved by the LGC Secretary. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. **The audit should not be started before the contract is approved.**
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. **E-Verify.** Auditor **shall comply** with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor **shall require** such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
23. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16 for clarification).

SIGNATURE PAGES FOLLOW

Discretely Presented Component Units (DPCU) if applicable

CITY OF LENOIR

- FEES

Year-end bookkeeping assistance – [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards] _____ N/A

Audit _____ \$ 29,300

Preparation of the annual financial Statements _____ N/A

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$ _____ 21,975

** NA if there is to be no interim billing

Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature:

S. ERIC BOWMAN, PA

Name of Audit Firm

By S. ERIC BOWMAN

Authorized Audit firm representative name: Type or print

Signature of authorized audit firm representative

Date

sericbowmanpa@bellsouth.net

Email Address of Audit Firm

Governmental Unit Signatures:

CITY OF LENOIR

Name of Primary Government

By JOE L. GIBBONS - MAYOR

Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Date 1-5-2016

By N/A

Chair of Audit Committee - Type or print name

**

Signature of Audit Committee Chairperson

Date

** If Governmental Unit has no audit committee, mark this section "N/A"

CITY OF LENOIR

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28

(a)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By DANNY GILBERT

Primary Governmental Unit Finance Officer:

Type or print name

Primary Government Finance Officer Signature

Date 1-5-2016

(Pre-audit Certificate must be dated.)

dgilbert@ci.lenoir.nc.us

Email Address of Finance Officer

Date Primary Government Governing Body

Approved Audit Contract - G.S. 159-34(a)

1-5-2016

CITY OF LENOIR
2015-2016 EQUIPMENT FINANCING PROPOSALS

<u>BANK (INTEREST RATES)</u>	<u>FOUR-YEAR INTEREST \$1,372,000</u>	<u>BANK FEES</u>	<u>TOTAL COST</u>
First Citizens (1.47%)	\$43,020.48	\$0.00	\$43,020.48
BB&T (1.53%)	\$45,032.80	\$0.00	\$45,032.80
Regions Bank (1.75555%)	\$51,741.89	\$1.00	\$51,742.89
Wells Fargo (1.798%)	\$55,136.83	\$1.00	\$55,137.83
Suntrust (2.43%)	\$71,919.21	\$350.00	\$72,269.21



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

RESOLUTION
HONORING THE 175TH ANNIVERSARY OF
CALDWELL COUNTY, NORTH CAROLINA

CITY COUNCIL
K. P. EDMISTEN
T. H. PERDUE
J. I. PERKINS
T. J. ROHR
D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

WHEREAS, Caldwell County, North Carolina was created by the state legislature on January 11, 1841 from parts of Burke and Wilkes counties; and

WHEREAS, Caldwell County was named after Dr. Joseph Caldwell, former president of the University of North Carolina, who was an advocate for creating a state-wide public school system; and

WHEREAS, Caldwell County provides much needed and desired services to its residents concentrating on funding for public education, public health, and the safety and the general well-being of all county residents; and

WHEREAS, the quality of the services provided by Caldwell County makes the county a great place to live, work, play and to conduct business by establishing excellent standards of living and high quality of life standards for county residents; and

WHEREAS, the City of Lenoir is proud and honored to serve as the County seat in Caldwell County since the town was incorporated on January 28, 1851 by the General Assembly of North Carolina; and

WHEREAS, the City of Lenoir wishes to commend and recognize all past and current Caldwell County elected officials and employees for their many years of dedicated service to the citizens of Caldwell County and the City of Lenoir; and

WHEREAS, this year marks the 175th anniversary of Caldwell County, North Carolina.

NOW, THEREFORE, BE IT RESOLVED, that I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, hereby officially issue this resolution honoring Caldwell County, North Carolina upon its 175th Anniversary.

This the 19th day of January, 2016.

Joseph L. Gibbons, Mayor

POST OFFICE BOX 958 • LENOIR, NORTH CAROLINA 28645-0958 • (828) 757-2200



CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Smith Crossroads Expansion Project

II. Background Information:

The City received a \$150,000 federal highway grant to extend the retaining wall and landscaping from its current termination to the entry drive for Broyhill House. CCC&TI granted the City an easement to extend the project. The City accepted bids for the project on Tuesday, January 5, 2016. (A bid tab is attached) Mountain Crest, LLC was the low bidder with a total base bid of \$285,462.00.

III. Staff Recommendation:

City Council award the project to Mountain Crest, LLC with a bid in the amount of \$285,462.00.

1. IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Public Works Director: _____



January 13, 2016

Mr. Charles Beck
Public Works Director
City of Lenoir
Post Office Box 958
Lenoir, North Carolina 28645

RE: Award Recommendation
Smith Crossroads Improvements, Phase 2
City of Lenoir, North Carolina

Dear Mr. Beck:

A total of three (3) bids were received on Tuesday, January 5, 2016 for the subject project. Mountain Crest, LLC was the lowest responsive, responsible bidder with a total base bid amount of \$285,462.00.

Mountain Crest, LLC is appropriately licensed with the NC Licensing Board for General Contractors and has successfully completed other similar projects. Therefore, we recommend that the City award the project to Mountain Crest, LLC in the amount of \$285,462.00. **The award should be made contingent upon approval by the North Carolina Department of Transportation (NCDOT).**

Enclosed for your use and review is the Certified Bid Tabulation. If you have any questions, please do not hesitate to contact us.

Sincerely,
McGILL ASSOCIATES, P.A.

A handwritten signature in black ink, appearing to read "Michael J. Norris".

MICHAEL J. NORRIS, ASLA
Project Manager

Enclosure

MN:je

E n g i n e e r i n g • P l a n n i n g • F i n a n c e

McGill Associates, P.A. • 1240 19th Street, Lane NW, Hickory, NC 28601
Office: 828.328.2024 • Fax: 828.328.3870 • www.mcgillengineers.com

CERTIFIED BID TABULATION with UNIT PRICES
City of Lenoir - Smith Crossroads Improvements, Phase 2

BIDDERS:				MOUNTAIN CREST, LLC Lenoir, NC		COUNTRY BOY LANDSCAPE Harmony, NC		M&M CONSTRUCTION Banner Elk, NC	
NO	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Mobilization (maximum 3%)	1	LS	\$8,200.00	\$8,200.00	\$20,000.00	\$20,000.00	\$10,000.00	\$10,000.00
2	Construction Surveying	1	LS	\$5,000.00	\$5,000.00	\$3,500.00	\$3,500.00	\$8,000.00	\$8,000.00
3	Sign & Monument Relocation/Adjustment	1	LS	\$2,000.00	\$2,000.00	\$297.00	\$297.00	\$2,000.00	\$2,000.00
4	Clearing and Grubbing	1	LS	\$26,000.00	\$26,000.00	\$30,000.00	\$30,000.00	\$20,000.00	\$20,000.00
5	Misc items not listed but needed for Construction	1	LS	\$500.00	\$500.00	\$1.00	\$1.00	\$42,000.00	\$42,000.00
6	Modular Block Retaining Wall (back fill, site prep., drainage, tie into existing structure, sealed structural design etc.)	2,100	SF Exposed Face	\$28.00	\$58,800.00	\$70.00	\$147,000.00	\$45.65	\$95,865.00
7	12" HDPE	10	LF	\$100.00	\$1,000.00	\$45.00	\$450.00	\$40.00	\$400.00
8	Drop Inlet & Grate	1	EA	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$2,500.00	\$2,500.00
9	Silt Fence	600	LF	\$2.00	\$1,200.00	\$6.00	\$3,600.00	\$10.00	\$6,000.00
10	Grading	1	LS	\$97,250.00	\$97,250.00	\$108,408.00	\$108,408.00	\$165,000.00	\$165,000.00
11	Erosion Control Stone	1	LS	\$1,000.00	\$1,000.00	\$800.00	\$800.00	\$2,500.00	\$2,500.00
12	Erosion Control Mat	3,628	SY	\$4.00	\$14,512.00	\$4.00	\$14,512.00	\$2.50	\$9,070.00
13	Thuja occidentalis 'Smaragd' – Arborvitae	98	EA	\$200.00	\$19,600.00	\$300.00	\$29,400.00	\$250.00	\$24,500.00
14	Seeding	1	LS	\$4,000.00	\$4,000.00	\$520.00	\$520.00	\$4,000.00	\$4,000.00
15	Hardwood Mulch	28	CY	\$50.00	\$1,400.00	\$50.00	\$1,400.00	\$44.00	\$1,232.00
16	Traffic Control During Construction	1	LS	\$42,000.00	\$42,000.00	\$50,000.00	\$50,000.00	\$30,000.00	\$30,000.00
TOTAL BID AMOUNT:				\$285,462.00		\$412,888.00		\$423,067.00	

This is to certify that the bids tabulated herein were accompanied by a 5% bid bond or certified check and publicly opened and read aloud at 2:00 pm local time on the 5th day of January, 2016, in the former City Council Chambers - 3rd Floor of City Hall - 801 West Avenue, Lenoir, North Carolina 28645.

MICHAEL J. NORRIS, ASLA



1240 19th Street Lane, NW, Hickory, North Carolina 28601
 License No. C-0459



CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Powell Road Re-Alignment Project

II. Background Information:

City staff worked with Lower Creek Baptist Church and the Caldwell County Schools (in conjunction with McGill Associates) to develop plans and receive bids for the re-alignment of Powell Road with the driveway at Lower Creek School. Lower Creek Baptist Church has begun work to accommodate the project and extend the sidewalk along Lower Creek Drive. Attached you will find the engineer recommendation letter and the informal bid tab.

III. Staff Recommendation:

City Council award the project including Alternate 1 to low bidder Mountain Crest, LLC in the amount of \$154,400. (Caldwell County Schools would reimburse the City in the amount of \$18,300). In addition establish a construction budget in the amount of \$180,428 (includes 12% contingency in the amount of \$18,528 and construction administration in the amount of \$7,500).

1. IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Public Works Director: _____



January 12, 2016

Mr. Charles Beck
Director of Public Works
Post Office Box 958
Lenoir, North Carolina 28645

RE: Award Recommendation
Powell Road – Lower Creek Drive Intersection

Dear Mr. Beck:

A total of two (2) bids were received on January 8, 2016 for the Powell Road – Lower Creek Drive Intersection project. As this project is a joint effort between the City of Lenoir and Caldwell County Schools, the base bids include the following two (2) bid items.

Base Bid Item 1: Powell Road and Lower Creek Drive Roadway and Sidewalk Improvements
Base Bid Item 2: Lower Creek Elementary Driveway Widening

Upon ranking bids according to base bid amount, Mountain Crest, LLC of Lenoir, North Carolina, was the lowest responsive, responsible bidder with a base bid amount of \$141,100.00. Mountain Crest, LLC is appropriately licensed with the North Carolina General Contractor Board to perform this project, and has successfully completed projects of this nature in the past. Therefore, we recommend award of the Powell Road – Lower Creek Drive Intersection Improvement project to Mountain Crest, LLC.

As part of the bidding process, Caldwell County Schools requested bidders to also provide an alternate price for completely removing and replacing the Lower Creek Elementary school driveway. This option is labeled as Alternate 1 in the bid documents. If Caldwell County Schools elects to proceed with this option, Alternate 1 will replace Base Bid Item 2.

As Caldwell County Schools has expressed interest in proceeding with Alternate 1, we recommend that the City establish a construction budget for this project in the amount of \$180,428.00. This budget includes the Base Bid Item 1 amount of \$136,100.00 and the Alternate 1 amount of \$18,300.00 (which replaces Bid Item 2), together with a 12-percent Contingency in the amount of \$18,528.00 and a Construction Administration, On-Site Observation and Post Construction Services allowance in the amount of \$7,500.00.

Enclosed is the certified bid tabulation for your use. If you have any questions or comments, please do not hesitate to contact our office.

Sincerely,
McGILL ASSOCIATES, P.A.

A handwritten signature in blue ink, appearing to read "Matthew D. Oetting".

MATTHEW D. OETTING, PE
Project Manager

Enclosure

E n g i n e e r i n g • P l a n n i n g • F i n a n c e

McGill Associates, P.A. • 1240 19th Street, Lane NW, Hickory, NC 28601
Office: 828.328.2024 • Fax: 828.328.3870 • www.mcgillengineers.com

POWELL ROAD - LOWER CREEK DRIVE INTERSECTION IMPROVEMENTS

CITY OF LENOIR NORTH CAROLINA

Friday, January 8, 2016; 2:00 pm

Former City Council Chambers - City Hall 3rd Floor, 801 West Avenue NW, Lenoir, North Carolina 28645

BID RESULTS				BIDDERS			
				MOUNTAIN CREST, LLC		MIDSTATE CONTRACTORS, INC.	
No.	Bid Items	Qty.	Unit	Unit Price	Extension	Unit Price	Extension
1	Powell Road & Lower Creek Drive Roadway and Sidewalk Improvements	1	Lump Sum	\$136,100.00	\$136,100.00	\$142,950.00	\$142,950.00
2	Lower Creek Drive Exit Modification	1	Lump Sum	\$5,000.00	\$5,000.00	\$5,950.00	\$5,950.00
TOTAL BASE BID (Add Bid Items 1 thru 2):				\$141,100.00		\$148,900.00	
ALT 1	Lower Creek Drive Exit Modification	1	Lump Sum	\$18,300.00	\$18,300.00	\$20,050.00	\$20,050.00

This is to certify that the bids tabulated herein were accompanied by a 5% bid bond or certified check and publicly opened and read aloud at 2:00 pm local time on the 8th day of January, 2016, at the Lenoir Former City Council Chambers, City Hall 3rd Floor, 801 West Avenue NW, Lenoir, North Carolina 28645.

MATTHEW D. OETTING, PE



1240 19th Street Lane NW
Hickory, North Carolina 28603
License No. C-0459



City of Lenoir
List of recommendations for re-appointments to the City's
Authorities/Boards/Commissions.

Lenoir Housing Authority

Debbie Smith 3-year term

Planning Board

Mac Martin 4-year term

Mattie Patterson 4-year term

Parks and Recreation Advisory Board

Leah Beth Hubbard 2-year term

Sister Cities

Susan Strawn 3-year term

Lenoir Tourism Development Authority

Angela Johnson 4-year term

Rosa Noakes 4-year term

***Note:** Ralph Prestwood will replace Deborah Ashley-Smith as the Ex-Officio Member of the Lenoir Tourism Development Authority due to Mrs. Ashley-Smith taking another position.