

# AGENDA



**CITY OF LENOIR  
CITY COUNCIL MEETING  
CITY/COUNTY CHAMBERS  
905 WEST AVENUE  
TUESDAY, MAY 17, 2016  
6:00 P.M.**



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## **I. CALL TO ORDER**

- A. Moment of Silence & Pledge of Allegiance

## **II. MATTERS SCHEDULED FOR PUBLIC HEARINGS**

## **III. CONSENT AGENDA ITEMS**

- A. Minutes: Approval of minutes from the City Council Meeting of Tuesday, May 3, 2016 as submitted.
- B. Minutes: Approval of minutes from the Committee of the Whole Meeting of Tuesday, April 26, 2016.
- C. FY2015-2016 Budget Amendment; Smith Crossroads & Powell Road Projects: Approval of a budget amendment for the Smith Crossroads Improvements Project in the amount of \$329,000 and a budget amendment for the Powell Road Re-Alignment Project in the amount of \$200,000 for a total budget amendment of \$529,000.00.
- D. Amendment; Annual Audit Contract; S. Eric Bowman, PA: Approval of an amendment of the City's annual audit contract with S. Eric Bowman, PA, to add an hourly rate for the work the auditors will be performing on the City of Lenoir's year-end report for FY2015-2016.
- E. Capital Project Budget Ordinance; Steele Street/College Avenue Sewer Line Replacement Project: Approval of a Capital Project Budget Ordinance in the amount of \$390,000 for the Steele Street/College Avenue Sewer Line Replacement Project.

## **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. In celebration of Public Works Week, a breakfast to honor Public Works employees is scheduled for Wednesday, May 18 at 7:30 a.m. at 1841 Café.
- 2. An Officer Down Memorial Service will be held on Thursday, May 19 beginning at 7:00 p.m. at First Baptist Church in honor of Peace Officers' Memorial Week.
- 3. The Planning Board will meet on Monday, May 23 at 5:30 p.m.
- 4. The Committee of the Whole will meet on Tuesday, May 24 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.
- 5. The Foothills Regional Airport Authority will meet on Wednesday, May 25 at noon.
- 6. City Council will conduct a Budget Work Session on Thursday, May 26

7. The outdoor pool at the Aquatic & Fitness Center will open to the public on Saturday, May 28.
8. City offices will be closed on Monday, May 30 in observance of Memorial Day.
9. A Cruise-In Event will be held on Saturday, June 4 from 4:00 p.m. – 9:00 p.m. in downtown Lenoir.

B. Items for Council Action

1. Authorizing Resolution; Communities in Schools of Caldwell County/City of Lenoir Land Exchange Request: If City Council wishes to proceed with the land exchange as described; City Staff recommends approval of a resolution authorizing the exchange of properties between Communities in Schools (CIS) and the City of Lenoir to facilitate the relocation of the Rankin House. **Note:** In accordance with NCGS 160A-271, a public notice outlining the terms of the exchange was published for a minimum of 10 days.
2. Parking Lot Lease Extension; City of Lenoir and Ann Koebberling: City Staff recommends approval of an extension of the lease agreement between the City of Lenoir and Ann Koebberling for property located between South Main Street and Mulberry Street which is owned by Ms. Koebberling. The lease agreement will become effective June 1, 2016 through May 2021.
3. FY2016 Capital Project Budget Ordinance; Community Development Block Grant Program: City Staff recommends approval of the FY2016 Capital Project Budget Ordinance in the amount of \$140,272.00 for the Community Development Block Grant Program as requested by Rick Oxford, Plan Administrator, Western Piedmont Council of Governments.
4. FY2016 Capital Project Budget Ordinance; Unifour Consortium HOME Program Capital Project Budget Ordinance: City Staff recommends approval of the FY2016 Capital Project Budget Ordinance in the amount of \$1,019,577.00 for the Unifour Consortium HOME Program as requested by Rick Oxford, Plan Administrator, Western Piedmont Council of Governments.
5. Resolution of Support for Lease Agreement between the Caldwell Rail Commission and Caldwell County Pathways: City Staff recommends approval of a Resolution of Support for a Lease Agreement between the Caldwell Rail Commission and Caldwell County Pathways in order to allow trail construction on the discontinued section of rail right-of-way with the City limits of Lenoir. **Note:** The Lease Agreement is for a minimum initial lease of thirty (30) years with a minimum of one (1) thirty (30) year renewal option.
6. FY2016-2017 Recommended Annual Budget: City Manager Scott Hildebran will present the recommended FY2016-2017 Annual Budget to City Council and also recommends that Council call for a public hearing to be held on Tuesday, June 7 for consideration of adoption of the proposed Annual Budget.

**VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY**

**VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR**

**IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS**

- A. Closed Session: Pursuant to N.C.G.S. §143-318.11(a), (3), City Council will enter into closed session to discuss attorney-client privilege.

**X. ADJOURNMENT**

**LENOIR CITY COUNCIL  
TUESDAY, MAY 3, 2016  
6:00 P.M.**

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

**I. CALL TO ORDER**

A. The meeting was opened by a moment of silence followed by the Pledge of Allegiance led by Mayor Gibbons.

**SPECIAL RECOGNITION; PUBLIC WORKS WEEK:**

B. On behalf of City Council, Mayor Gibbons presented a proclamation to Charles Beck, proclaiming the week of May 15 – 21 as “National Public Works Week” throughout the City of Lenoir and Caldwell County.

Mayor Gibbons commended all of the Public Works employees for the many great projects they have completed for the City.

Director Beck pointed out they are a great group of talented individuals and an integral part of Team Lenoir. He reported an Employee Appreciation Breakfast is scheduled for Wednesday, May 18 and commented the Employee of the Year will be announced at this time.

**SPECIAL RECOGNITION; CELEBRATE DRINKING WATER WEEK:**

C. On behalf of City Council, Mayor Gibbons presented a proclamation to Radford Thomas, Public Utilities Director, proclaiming the week of May 1 – 7 as “Celebrate Drinking Water Week” throughout the City of Lenoir and Caldwell County.

On behalf of City Council, Mayor Gibbons commended all Public Utilities employees for the wonderful job they do in providing safe drinking water to the citizens of Lenoir and Caldwell County.

Director Thomas reported the American Water Works Association and its members have celebrated Drinking Water Week for over thirty years and explained it is a unique opportunity for both water professionals and the communities they serve to join together in

recognizing the vital role water plays in our daily lives. Mr. Thomas stated he appreciated the recognition and commented they strive to provide the best quality drinking water for everyone.

**COMMENDED; POLICE DETECTIVE  
JESSICA WESSON:**

D. On behalf of City Council, Mayor Gibbons commended Jessica Wesson, Detective for the Lenoir Police Department, for her community work with the Robins Nest Child Advocacy Center and for receiving a certificate from the Caldwell Communities Helping Families organization. Ms. Wesson also recently received the Employee of the Year Award by her peers.

**COMMENDED; CITY**

**STAFF:** E. On behalf of City Council, Mayor Gibbons commended all City Departments for providing assistance during the recent NC Google Gravity Games and the Bootlegger 100 Bike Race held in Lenoir. Both events were a huge success and well attended by the general public.

**II. MATTERS SCHEDULED FOR PUBLIC HEARINGS**

**III. CONSENT AGENDA ITEMS**

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

1. Minutes: Approval of minutes from the City Council Meeting of Tuesday, April 19, 2016 as submitted.
2. Proclamation; National Public Works Week: Approval of a proclamation proclaiming the week of May 15 – 21 as “National Public Works Week” throughout the City of Lenoir and Caldwell County. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 114.)
3. Proclamation; Celebrate Drinking Water Week: Approval of a proclamation proclaiming the week of May 1 – 7 as “Celebrate Drinking Water Week throughout the City of Lenoir and Caldwell Council. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 115.)

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to approve the above listed items on the Consent Agenda as submitted and as recommended by City Manager Hildebran.

**IV. REQUESTS AND PETITIONS OF CITIZENS**

**V. REPORTS OF BOARDS AND COMMISSIONS**

**VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER**

A. Items of Information

**MAYOR'S PRAYER**

**BREAKFAST:** 1. The annual Mayor's Prayer Breakfast held in conjunction with the National Day of Prayer is scheduled for Thursday, May 5 at 8:00 a.m. at First United Methodist Church located at 309 Church Street NW. The guest speaker is Mr. Brian Tracy, Senior Associate Athletics Director/Development, Appalachian State University.

**CRUISE-IN:** 2. A Cruise-In will be held on Saturday, May 7 from 4-9:00 p.m. in downtown Lenoir.

**CITY/COUNTY SERVICES**

**COMMITTEE:** 3. The City/County Services Committee will meet on Monday, May 9 at 11:45 a.m.

**CALDWELL COUNTY EDC**

**BOARD:** 4. The Caldwell County Economic Development Commission will meet on Tuesday, May 10 at 8:00 a.m.

**ABC BOARD:** 5. The ABC Board will meet on Tuesday, May 10 at 5:30 p.m. at Lenoir Store #1 located at 123 ABC Court.

**SISTER CITIES**

**COMMITTEE:** 6. The Sister Cities Committee will meet on Thursday, May 12 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.

**LENOIR BUSINESS**

**ADV. BOARD:** 7. The Lenoir Business Advisory Board will meet on Thursday, May 12 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.

**ANNUAL BLOOM**

**BLAST:** 8. The annual Bloom Blast Event is scheduled for Saturday, May 14 at 8:00 a.m. in downtown Lenoir.

**PEACE OFFICERS' MEMORIAL**

**WEEK:** 9. Peace Officers' Memorial Week will be observed during the week of May 15 – 21. An "Officer Down Memorial Service" has also been scheduled for Thursday, May 19 at 7:00 p.m. at First Baptist Church.

**NATIONAL PUBLIC WORKS**

**WEEK:** 10. National Public Works Week will be observed during the week of May 15 – 21. A breakfast is scheduled on Wednesday, May 18 at the 1841 Café beginning at 7:30 a.m. to honor all Public Works employees.

**CITY/COUNTY COORDINATING**

**COMMITTEE:** 11. The City/County Coordinating Committee will meet on Monday, May 16 at 11:30 a.m. at the City/County Chambers.

**FAIRFIELD SOUTH COMMUNITY  
TRANSFORMATION MEETING:**

12. A Community Visioning meeting for the proposed Fairfield South Transformation Project is scheduled for Monday, May 16 at 6:00 p.m. at Carolina Custom Cabinets located at 439 Virginia Street. The public is encouraged to attend. Tours will be available of the vacant buildings and the upcoming residential unit at Carolina Custom Cabinets. Additional information is available on the City's website at [www.cityoflenoir.com/planning](http://www.cityoflenoir.com/planning) and [www.facebook.com/FairfieldSouthLNR](http://www.facebook.com/FairfieldSouthLNR).

B. Items for Council Action

**COMMUNITIES IN SCHOOLS OF  
CALDWELL COUNTY/CITY OF LENOIR  
LAND EXCHANGE REQUEST:**

1. The City of Lenoir has received a request from Communities in Schools (CIS) to exchange property to facilitate the relocation of the Rankin House. If City Council wishes to proceed with the land exchange as described in the background information on the Council Action Form, City Staff requests approval to advertise the submitted public notice for a minimum of ten (10 days). Note: City Council can then authorize the exchange of properties described in the background information at its regular City Council Meeting on Tuesday, May 17, 2016 by adopting the submitted resolution.

A copy of the public notice and map of the properties is hereby incorporated into these minutes by reference. (Refer to pages 116-120.)

City Manager Hildebran reported that CIS is currently located behind First Baptist Church. He referred to the outlined areas on the map and pointed out that CIS will acquire lots A and B from Rankin Ridge, Inc., and will trade lot B located along Ridge Street to the City of Lenoir. Following approval, CIS will relocate the Rankin House from Lot A to Lot C.

Mr. Hildebran further acknowledged CIS will provide the City with a right of first refusal on the parcel in the event they should elect to sell the property to an unaffiliated entity at some point in the future. He noted the City of Lenoir will convey approximately 0.4305 acres of land with an estimated tax value of \$42,900 to CIS in exchange for CIS conveying approximately 0.2310 acres of land with an estimated tax value of \$16,900 to the City. With the reservation of public parking rights and the right of first refusal, both parties consider the exchange of property to be of equal value.

Mayor Gibbons recognized Mr. Jason Hensley, CIS Representative, who was in the audience and commented that CIS is a wonderful resource in

the community. He related this request has been discussed by church officials, CIS and the City of Lenoir over a period of several months.

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to authorize City Staff to publish the proposed ten (10) day notice for the land exchange request as requested by Communities in Schools.

**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(a), (4), and upon a motion by Mayor Pro-Tem Willis, which carried unanimously, City Council entered into closed session to discuss economic development.

**OPEN**

**SESSION:** B. Upon a motion by Councilmember Rohr, Council voted unanimously to return to open session. Upon returning to open session, City Council took the following action:

**AUTHORIZING RESOLUTION FOR NC DEPARTMENT OF COMMERCE BUILDING REUSE & RESTORATION GRANT; BELLA TORTE BISTRO**

**& BAKERY:** 1. Mayor Pro-Tem Willis moved to adopt a resolution authorizing the City of Lenoir to apply to the North Carolina Department of Commerce for a Building Reuse and Restoration Grant for Bella Torte Bistro and Bakery's Economic Development Expansion Project. The grant requires a 5% City match.

A copy of the resolution is hereby incorporated into these minutes by reference. (Refer to page 121.)

Councilmember Rohr expressed his good wishes for Bella Torte, but stated he is opposed to state grants. Mr. Rohr also commented the proposal was not submitted to Council in a timely manner.

Mayor Gibbons clarified that the owners of Bella Torte have discussed this proposed expansion project with Deborah Murray, Executive Director of the Caldwell County Economic Development Commission.

Upon the motion by Mayor Pro-Tem Willis, Council voted 6 to 1 to approve the authorizing resolution for the North Carolina Department of Commerce for a Building Reuse and Restoration Grant for Bella Torte Bistro and Bakery's Economic Development Expansion Project. Councilmember Rohr voted against this motion.

**X. ADJOURNMENT**

A. There being no further business, the meeting was adjourned at 6:52 p.m.

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Joseph L. Gibbons, Mayor

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Shirley M. Cannon, City Clerk



CITY MANAGER  
SCOTT E. HILDEBRAN

CITY OF LENOIR  
NORTH CAROLINA

MAYOR  
JOSEPH L. GIBBONS

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

**PROCLAMATION  
NATIONAL PUBLIC WORKS WEEK**

**WHEREAS,** Public Works infrastructure, facilities and services are of vital importance to the health, safety and well-being of the people of this nation; and

**WHEREAS,** Such facilities and service could not be provided without the dedicated efforts of public works professionals, engineers and administrators, representing federal, state, and local units of government, who are responsible for and must design, build, operate, and maintain the transportation, and refuse disposal systems, public buildings, and other structures and facilities essential to serve our citizens; and

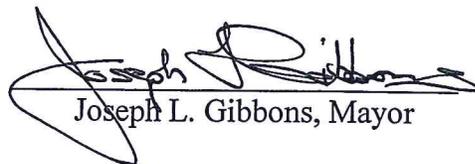
**WHEREAS,** Public Works professionals provide critical response capabilities, experience and support to all levels of government in times of natural and man-made disasters; and

**WHEREAS,** It is in the public interest for the citizens and civic leaders of this country to gain knowledge of and to maintain a progressive interest in the public works needs and programs of the respective communities;

**NOW, THEREFORE,** I Joseph L. Gibbons, Mayor, and on behalf of the Lenoir City Council urge all our citizens to join with representatives of governmental agencies and the American Public Works Association in proclaiming the week of May 15 through May 21 as "**National Public Works Week**" in activities and ceremonies designed to pay tribute to our public works professionals, engineers and administrators and to recognize the substantial contributions they have made to our national health and welfare.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 3<sup>rd</sup> day of May, 2016.

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

PROCLAMATION  
IN CELEBRATION OF  
DRINKING WATER WEEK

**WHEREAS**, water is our most valuable natural resource; and

**WHEREAS**, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

**WHEREAS**, any measure of a successful society - low mortality rates, economic growth and diversity, productivity, and public safety are in some way related to access to safe water; and

**WHEREAS**, we are all stewards of the water infrastructure upon which future generations depend; and

**WHEREAS**, each citizen of the City of Lenoir and Caldwell County is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues by getting to know their water;

**NOW, THEREFORE**, be it resolved that by virtue of the authority vested in me as Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, I do hereby proclaim the week of May 1 – 7, 2016 as “*Celebrate Drinking Water Week*” throughout the City of Lenoir and Caldwell County.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 3<sup>rd</sup> day of May, 2016.

SEAL

  
Joseph L. Gibbons, Mayor

ATTEST:

  
Shirley Cannon, City Clerk



**CITY OF LENOIR**  
**COUNCIL ACTION FORM**

- I. **Agenda Item:** D.1. Communities in Schools of Caldwell County/City of Lenoir Land Exchange Request
- II. **Background Information:** The City received a request from Communities in Schools to exchange property to facilitate the relocation of the Rankin House. The proposed exchange would convey approximately 0.2310 acres of land (a portion of NCPIN 2749881547) that would be owned by CIS pursuant to the option with Rankin Ridge, Inc. to the City of Lenoir in exchange for approximately 0.4305 acres of city-owned land (NCPIN 2749882314) both located on Ridge Street NW. Both tracts are similar in location and value, and would further a public purpose in providing a prominent downtown location for siting a restored historic community treasure (Rankin House) and the opportunity to expand a downtown public park space, fostering tourism and historic preservation in the City. Consistent with the spirit of this transaction, CIS is willing to allow public parking to continue on the parking lot surface that remains after relocation of the Rankin House, and to provide the City with a right of first refusal on the parcel in the event that CIS should elect to sell the property to an unaffiliated entity at some point in the future.
- III. **Staff Recommendation:** If Council wishes to proceed with the land exchange as described, please direct staff to advertise the attached public notice for a minimum of 10 days.

City Council can then authorize the exchange of properties described above at your regular meeting on May 17, 2016 by adopting the enclosed resolution.

IV. **Reviewed by:**

**City Attorney**

**City Manager:**



**Communities  
In Schools**  
Caldwell County

P.O. Box 959  
616 Ashe Ave., NW  
Lenoir, NC 28645  
828-759-2852  
828-759-2853 fax  
[www.ciscaldwell.org](http://www.ciscaldwell.org)

April 20, 2016

Honorable Mayor and City Council  
City of Lenoir  
P.O. Box 958  
Lenoir, NC 28645-0958

**RE: Communities in Schools of Caldwell County/City Land Exchange**

Mayor and City Council,

The purpose of this letter is to respectfully request a land exchange between Communities in Schools of Caldwell County (CIS) and the City of Lenoir.

As you are aware, the CIS Administrative Office is currently located in the Rankin House located behind the First Baptist Church of Lenoir and adjacent to Koinonia Apartments, at 616 Ashe Avenue NW in Lenoir. The Rankin House is believed to be one of the oldest remaining houses in the City of Lenoir and one of the oldest in Caldwell County. Over the past year, CIS has worked to acquire full ownership of the Rankin House, with the desire to restore the building and relocate it to a more prominent location in downtown Lenoir. The restoration project has received generous community contributions of over \$200,000, donated by businesses, foundations, individuals, our Board of Directors, and the City.

Recently, CIS received from Rankin Ridge, Inc., an option to purchase the Rankin House (Parcel A on the enclosed Exhibit 1) and a 0.231 acre tract of land (Parcel B on Exhibit 1) located in the 400 block of Ridge Street which is adjacent to the city-owned JE Broyhill Park. A copy of the recorded Memorandum of Option to Purchase Real Estate between Rankin Ridge, Inc. and CIS is enclosed as Exhibit 2. The City of Lenoir is the owner of a 0.4305 acre tract of land (Parcel C on Exhibit 1) currently used as a parking lot located in 300 block of Ridge Street, which has been identified as an ideal site for the relocation of the Rankin House.

Visit Communities In Schools of Caldwell County at: [www.ciscaldwell.org](http://www.ciscaldwell.org)  
Email CIS at: [ciscaldwell@bellsouth.net](mailto:ciscaldwell@bellsouth.net)



This proposed exchange would convey approximately 0.231 acres of land that would be owned by CIS pursuant to the option with Rankin Ridge, Inc. (Parcel B) to the City of Lenoir in exchange for approximately 0.4305 acres of city-owned land (Parcel C) both located on Ridge Street NW. Parcel B was purchased by Koinonia, Inc. in 1986 for \$35,000 and was later conveyed to Rankin Ridge, Inc.

Both tracts are similar in location and value, and would further a public purpose in providing a prominent downtown location for siting a restored historic community treasure and the opportunity to expand a downtown public park space, fostering tourism and historic preservation in the City. Consistent with the spirit of this transaction, CIS is willing to allow public parking to continue on the parking lot surface that remains on Parcel C after relocation of the Rankin House, and to provide the City with a right of first refusal on Parcel C in the event that CIS should elect to sell the property to an unaffiliated entity at some point in the future.

On behalf of Communities in Schools of Caldwell County, thank you for your consideration of our request. We look forward to discussing this potential land exchange and the mutual benefits with the City Council at your earliest convenience.

Sincerely,



Lee Layton

President, Communities in Schools of Caldwell County

- Exhibits:
- #1 – Aerial Map Outlining Parcels and Current Location of Rankin House
  - #2 – Memorandum of Option to Purchase Real Estate between Rankin Ridge, Inc. and CIS
  - #3 – Parcel B: legal description/plat (optioned by CIS)
  - #4 – Parcel C: legal description/plat (owned by City)



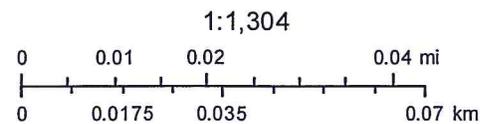


March 29, 2016

**Legend**

- A - Current Location of Rankin House
- B - Current Rankin Ridge Parcel adjoining JE Broyhill Park
- C - Current City of Lenoir Parcel

**Transaction Synopsis** - CIS will acquire lots A and B from Rankin Ridge; CIS will trade Lot B to the City of Lenoir for Lot C; and CIS will relocate the Rankin House from Lot A to Lot C.



**PUBLIC NOTICE  
EXCHANGE OF REAL ESTATE**

Pursuant to North Carolina General Statute §160A-271, the Lenoir City Council states its intention to authorize the exchange of certain city-owned property for certain property currently owned (or will be owned) by Communities in Schools of Caldwell County (CIS).

The exchange involves the following:

The proposed exchange would convey approximately 0.2310 acres of land with an estimated tax value of \$16,900 (a portion of NCPIN 2749881547) that would be owned by CIS pursuant to the option with Rankin Ridge, Inc., to the City of Lenoir in exchange for approximately 0.4305 acres of city-owned land with an estimated tax value of \$42,900 (NCPIN 2749882314) both located on Ridge Street NW. Both tracts are similar in location and value, and would further a public purpose in providing a prominent downtown location for siting a restored historic community treasure (Rankin House) and the opportunity to expand a downtown public park space, fostering tourism and historic preservation in the City. Consistent with the spirit of this transaction, CIS is willing to allow public parking to continue on the parking lot surface that remains after relocation of the Rankin House, and to provide the City with a right of first refusal on the parcel in the event that CIS should elect to sell the property to an unaffiliated entity at some point in the future. With the reservation of public parking rights and the right of first refusal, both parties consider the exchange of property to be of equal value. The Lenoir City Council intends to authorize the exchange of properties described above at their regular meeting on Tuesday, May 17, 2016.

Individuals may contact the City Clerk's office at (828) 757-2205 for additional information.

**City of Lenoir**  
**Shirley M. Cannon, MMC, NCCMC**  
**City Clerk**

Please publish on Friday, May 6.



CITY MANAGER  
SCOTT E. HILDEBRAN

CITY OF LENOIR  
NORTH CAROLINA

MAYOR  
JOSEPH L. GIBBONS

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

**City of Lenoir Resolution  
Authority to Apply to the  
North Carolina Department of Commerce  
Building Reuse and Restoration Grants Program  
Bella Torte Bistro & Bakery Economic Development Expansion Project**

**WHEREAS,** the City of Lenoir desires to assist through grant funding the relocation and expansion of an existing company within downtown Lenoir, NC, and

**WHEREAS,** the City of Lenoir intends to request from the North Carolina Department of Commerce grant assistance for this expansion.

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

That the City of Lenoir will provide the required local government match of 5% for the Building Reuse grant requested.

That Scott E. Hildebran, City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Lenoir with the North Carolina Department of Commerce for a grant to assist in the development of the project described above.

That Scott E. Hildebran, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the North Carolina Commerce Department may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Lenoir has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 3rd day of May 2016, at Lenoir, North Carolina.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk



**COMMITTEE OF THE WHOLE  
CITY HALL, THIRD FLOOR  
TUESDAY, APRIL 26, 2016  
8:30 A.M.**

PRESENT: Mayor Pro-Tem Willis presiding. Committee members Gibbons, Perdue, Rohr, and Stevens.

Staff present was City Manager Hildebran, Assistant City Manager Gilbert, City Clerk Cannon, Communications/ Resource Director Reynolds, Police Chief Brown, Recreation Director Winkler, Planning Director Wheelock, Public Utilities Director Thomas, Public Works Director Beck, Fire Chief Briscoe, and Economic Development Director Horn.

OTHERS: John Braiser, *News-Topic*, Robbie Wilkie and Ted Alexander, NC Preservation, Western Office.

ABSENT: Councilmembers Edmisten, Perkins and Thomas.

I. CALL TO ORDER

A. Mayor Pro-Tem Willis welcomed everyone and called the meeting to order.

B. Robbie Wilkie, one of the winners of the 2016 Republican Primary for the Caldwell County Commissioner race, addressed City Council and stated he was ready and excited to serve the citizens of Caldwell County. Mr. Wilkie reported he previously worked for the Lenoir Fire Department for sixteen years and later became Director of Caldwell County Emergency Services. Currently he is employed with the North Carolina Department of Motor Vehicles.

Mr. Wilkie related he has a good background in local government and it is a privilege to serve. He remarked City and County officials have a great working relationship and expressed his desire to work with the City and continue to see Caldwell County grow. Mr. Wilkie thanked City Council for the invitation to speak and emphasized working together is a good thing.

On behalf of City Council, Mayor Gibbons congratulated him for winning the primary and stated that City Council and City Staff are looking forward to continuing their great partnership with the Caldwell County Commission.

C. Ted Alexander, Regional Director, NC Preservation, Western Office, presented a power point presentation regarding how Preservation North Carolina programs work. He stated their mission is to protect and promote buildings, landscapes, and sites important to the diverse heritage of North Carolina. Mr. Alexander shared that Preservation NC was founded in 1939 and is North Carolina's only private, non-profit statewide historic preservation organization. In addition, he reported they were

nationally known for their award-winning endangered historic properties program and currently have nearly 5,000 members.

A copy of the power point presentation is on file in the Planning Department.

Mr. Alexander remarked that Preservation NC can provide assistance with historic preservation, downtown revitalization and bring new life into historic buildings. He stated they obtain properties by either a donation from the owner, are given an option to purchase or make an outright purchase.

The Preservation NC (PNC) Programs include the following; a) Endangered Properties Program; b) Stewardship Properties; c) Education & Technical Assistance Program; d) Advocacy Program; and e) Resource Development. Mr. Alexander further cited how the Endangered Properties Program works by explaining the process as outlined below:

- a) PNC prepares to close the sale
- b) PNC closes the sale
- c) PNC replenishes the properties fund
- d) PNC acquires legal interest in the property
- e) PNC markets the property
- f) PNC finds a buyer negotiates a contract to purchase

Mr. Alexander noted their goal is to make a house livable while preserving the historic characteristics of the home. He stated the owner of an historic home also enters into a protected covenant with PNC that they will discuss any proposed renovations with PNC Staff before moving forward with a renovation project.

Mr. Alexander further pointed out the state provides a 15% historic tax credit while the federal government allows 20%. He noted these tax credits are a great economic development tool and stated that Lenoir has several historic properties. He mentioned the owner of property located at 122 South Broadway Street has donated their property to them in order for them to sale the property. Mr. Alexander mentioned additional incentives were also available and encouraged the City to put its heritage to work for the City.

On behalf of City Council, Mayor Gibbons thanked Mr. Alexander for the great presentation.

- D. Taylor Gupton, Design Team Chairperson, read the list of recipients for the first quarter of 2016 and encouraged everyone to thank these individuals for their outstanding customer service. (A copy of the list is attached to these minutes as information.)

## II. CITIZEN COMMENT PERIOD

## III. COMMITTEE ITEMS

A. Public Utilities/Public Works

1. Update: Public Utilities Director Thomas presented a report on the following items:
  - a) Utility Bill Insert –distributed copies of an educational insert providing customers with information regarding what items cause sewer clogs along with contact information for the Utility Department. He also reported they are required to test for lead and copper levels every three years and will be conducting these tests from July 1 through the end of September. All water customers will be notified by mail in advance to these tests being conducted.
  - b) Meadowood Sewer Replacement Project & Gunpowder Improvements Project – final inspections will be conducted of both of these plants in June.
  - c) Water & Sewer Assessment Studies – the City submitted a request for grant funding in the amount of \$150,000 for each study which requires a 10% city match for both. The state’s goal is to identify infrastructure needs across the state.
  - d) Appalachian Regional Commission Grant –project is moving forward and will be bid out during the latter part of the summer. This funding request is for the Bost Lumber Sewer Project.
  - e) Bio-Solids Study – the study is complete and the next step is to test how the technology functions at each of the facilities. He reported this study will assist Staff with the decision making process in regards to needs at the plants.
  - f) Round-a-Bout; new William Lenoir Middle School – reported that NCDOT is looking at placing a round-a-bout at the intersection to the entrance at the new William Lenoir Middle School, and should this project be approved, the City will have to relocate some of its utility lines.
2. Update; Public Works: Public Works Director Beck reported on the following items:
  - a) Sidewalk Repair Project/Failed Curb– reported that Mountain Crest was the low bidder for two sidewalk replacement projects which include the replacement of the sidewalk in front of Loe’s Brewery on Harper Avenue and the replacement of a failed curb located in front of Anything Office on Main Street.
  - b) Paving Contract- The City’s current paving contractor has sub-contracted the City’s paving to Lail Paving Company. The City’s current cost of \$88.00 per ton for asphalt has been reduced to \$81.25 per ton which allows the City to pave two additional streets. Director Beck expressed his appreciation to City Council for their support of this budget item.
  - c) Sculpture Placement in NCDOT’s Right-of-Way – reported that he and representatives of the Caldwell Arts Council met with NCDOT officials regarding NCDOT allowing the City to place a sculpture in their right-of-way at the Smith Crossroads intersection. He stated NCDOT declined the request, but noted there was a possibility of placing a sculpture on the bank near the intersection. Director Beck commented that he and Staff from the Arts Council will review other areas near Smith Crossroads and submit another request to NCDOT. He explained a lot of criteria has to be met before receiving NCDOT’s approval of this type of project and related the Arts Council may hold a fundraiser to help cover the cost of purchasing a commissioned sculpture piece.

- d) Duke Energy – reported Duke Energy employees are currently completing work in the City’s right-of-ways and their policy is to leave any larger items on the property that their contract employees cannot grind up.

## V. COMMUNITY DEVELOPMENT

- A. Lenoir Tourism Development Authority: The Lenoir Tourism Development Authority met on Thursday, April 7, 2016. Minutes of the meeting were presented as information.

Communication Director Reynolds reviewed the minutes and reported the Board will be reviewing a number of funding requests at their next meeting.

Director Reynolds mentioned that Lenoir was well represented in the film “Earthcaster” and commented the film can be further used as a great promotional tool for the City.

- B. Lenoir Business Advisory Board: The Lenoir Business Advisory Board met on Thursday, April 14. Minutes of the meeting from March 10 are presented as as information.

Economic Development Director Horn reported the recent NC Google Gravity games were a huge success and well attended by the general public.

- C. Sister Cities Committee: The Sister Cities Committee met on Thursday, April 14. Minutes of the will be submitted.

Director Horn reported that a meeting of the Sister Cities International Board is scheduled for June in Asheville and she will report back to City Council.

- D. Parks & Recreation Advisory Board: The Parks & Recreation Advisory Board met on Monday, April 11. Minutes of the March 21 meeting were presented as information. Recreation Director Winkler reported on the following items:
  - 1) Saturday, April 30 is Opening Day for Youth Baseball at the Optimist Park Field.
  - 2) Staff will be submitting the Parks & Recreation Trust Fund (PARTF) grant application this week for the Optimist Park Improvements Project. The City will be notified in November whether the grant has been approved.
  - 3) The outdoor pool at the Aquatic & Fitness Center will be opened to the public on Saturday, May 28.
  - 4) Two garden beds are available at the City’s Community Gardens.
  - 5) The schedules for the annual Fabulous Film Night and Friday after Five music events will be made available soon.
  - 6) Staff is currently reviewing starting an Adult Kick Ball League and a Flag Football League. Additional information will be submitted.

- E. Planning Board: The Planning Board did not meet on Monday, April 25 due to not having a quorum. Director Wheelock presented information on the following

items.

- Sign Code – Director Wheelock reported the Board is continuing to review the City’s Sign Code in order to make it more understandable while clarifying some legal points. A recommendation will be submitted to Council in the near future.
- Strategic Foreclosures – will also be submitting a recommendation in the near future regarding the City’s process for strategic foreclosures.
- Fairfield South Transformation Project – a Community Meeting is scheduled for Monday, May 16 at 6:00 p.m. The location will be announced.

#### F. Finance & Administration

1. FY2015-16 Financial Update: Assistant City Manager/Finance Director Gilbert presented a financial summary as of March 31, 2016. He reported the General Fund has a balance of \$2,436,831 with 103% of the budgeted tax collection being collected. The sales tax revenue has a balance of \$2,249,613, Water & Sewer Fund \$977,338 and the Downtown District Revenues/Expenditures Over (Under) are (\$73,688.)
2. Communities in School: Caldwell County/City of Lenoir Land Exchange Request: City Manager Hildebran reviewed a request and a map as submitted by Communities in Schools (CIS) for the purpose of relocating the Rankin House currently located behind First Baptist Church. The offices of Communities in Schools are located in the Rankin House which is considered to be one of the oldest historic homes in Lenoir.

Mr. Hildebran explained the City owns a 0.4305 acre tract of land (Parcel C) located in the 300 block of Ridge Street which is currently used as a parking lot and has been identified as an ideal site for the relocation of the Rankin House. CIS proposes to exchange a 0.231 acre tract of land (Parcel B) located in the 400 block of Ridge Street to the City. He pointed out the City will not have to seek bids for this property exchange request and noted the City will also retain first right of refusal should the property ever be sold. City Council will consider Staff’s recommendation to publish a ten (10) day legal advertisement in the *News-Topic* at its regular City Council Meeting of Tuesday, May 3. Following the ten-day public notice, City Council will consider formally approving this land exchange request at its meeting of Tuesday, May 17.

#### G. Public Safety

1. Update; Police Department: Police Chief Scott Brown reported on the following items:
  - a) Chief Brown reported that all the officers involved in the recent civilian shooting incident are back to work and stated he was very proud of how all of the officers handled this crisis situation. Chief Brown further stated that IT personnel are currently working with the staff of Blackboard Connect to

determine whether a glitch in the City's phone system caused the recent call out which reached a large number of citizens instead of just Police personnel.

- b) Chief Brown informed Council the Tsunami Security Camera System has been installed on the square. He mentioned that Staff and IT personnel are looking at ways to also make the system accessible through the City's network, but due to security reasons, the Police Department will determine how much of an access will be allowed.
3. Update; Fire Department: Chief Briscoe reported the new fire station project is moving forward and architects are continuing to work on the design of the station. He noted the site is an ideal location for students enrolled at the Fire Academy at Hibriten High School because it will allow them the opportunity to visit the station in order to gain additional knowledge regarding firefighting. Chief Briscoe commented the new station will be "youth friendly."

#### VI. OTHER

- A. May Calendar: By consensus of the Council, the calendar for the month of May was approved by Council with various meetings and events.

#### VII. Adjourn:

There being no further business, the meeting was adjourned at 10:45 a.m.

#### Attachments

- 1) Golden Ticket Recipients

1. **Tracy Huffman (Public Works) & Brandon Goble (Public Utilities).** *Tracy & Brandon's co-worker was unresponsive after suffering a heart related incident on the job. Tracy Huffman handled the situation professionally and with knowledge. Brandon Goble followed Tracy Huffman's instruction and they performed CPR. Their performance and quick actions undoubtedly saved their co-worker's life.*
  - **Keys: Personable, Equitable Service, Effective Communication, Teamwork, Proactive, Professionalism, Timely & Efficient**
2. **Caleb Triplett (Fire).** *Caleb was involved in helping at a working house fire at Cloninger Way off of 321 South in Sawmills. He and his family were returning from Hickory when he saw smoke. He arrived at the house finding a working house fire. He called 911. He noticed a vehicle sitting in the yard and was concerned that someone was inside the house. He knocked on the doors and windows to find no one. He made entry into the house and performed a quick search without protection of firefighting gear. He did not find any people but was able to rescue two dogs that were inside and safely got them out. When Sawmills Fire Department arrived he advised them of everything that he had seen and done.*
  - **Keys: Equitable Service, Effective Communication, Teamwork, Proactive, Professionalism, Timely & Efficient**
3. **Glenn Clark (Public Works).** *Glenn had all trucks and loaders started so they would be warm for the drivers to start working snow & ice.*
  - **Keys: Teamwork, Timely & Efficient**
4. **Donald Coffey.** *Donald worked very hard to prepare breakfast for public works and utilities.*
  - **Keys: Teamwork**
5. **Crystal Smith & Elizabeth Church (Human Resources).** *Crystal and Elizabeth provided wonderful internal customer service to city employees through the Employee Recognition Banquet. They spent several hours in organizing and planning this banquet. Their hard work was proof in the how successful the banquet was.*
  - **Keys: Personable, Equitable Service, Effective Communication, Teamwork, Professionalism**

**CITY OF LENOIR**  
**COUNCIL ACTION FORM**

**I. Agenda Item:**

**Approve 2015-2016 fiscal year budget amendment**

**II. Background Information:**

**Budget amendment for Smith Crossroads project in the amount of \$329,000 and budget amendment for the Powell Road Alignment project in the amount of \$200,000. The total budget amendment equals \$529,000.**

**III. Staff Recommendation:**

**Approve as requested.**

**IV. Reviewed By:**

**City Attorney:**

**Finance Director:**



**Public Works/Public Utilities Director:**

5/17/2016

**BUDGET AMENDMENTS**

**GENERAL FUND**

**REVENUES**

NCDOT Beautification Grant	120,000
Miscellaneous Revenue -School Board	18,000
Property Taxes - 2015	391,000
<b>TOTAL</b>	<b><u><u>\$529,000</u></u></b>

**EXPENDITURES**

Street Maintenance	
Smith Crossroads	329,000
Powell Road Alignment	200,000
<b>TOTAL</b>	<b><u><u>\$529,000</u></u></b>

**CITY OF LENOIR**  
**COUNCIL ACTION FORM**

**I. Agenda Item:**

**Approve amended Audit contract**

**II. Background Information:**

**Audit contract was amended to add an hourly rate for the work the Auditors will be performing on the year-end report.**

**III. Staff Recommendation:**

**Approve as requested.**

**IV. Reviewed By:**

**City Attorney:**

**City Manager:** 

**Public Works/Public Utilities Director:**

Amended

LGC-205 (Rev. 2016)

CONTRACT TO AUDIT ACCOUNTS

Of CITY OF LENOIR  
Primary Governmental Unit

Discretely Presented Component Unit (DPCU) if applicable

On this 4TH day of MAY, 2016,

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*

## Governmental Unit

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.

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Governmental Unit

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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

Governmental Unit

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](http://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***

Contract to Audit Accounts (cont.)

CITY OF LENOIR

Governmental Unit

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 \$90 PER HOUR PER PERSON

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 5-4-16

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

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

(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)

**CITY OF LENOIR**  
**COUNCIL ACTION FORM**

**I. Agenda Item:**

**Approve Capital Project Budget Ordinance for the Steele St/College Ave.  
Sewer replacement**

**II. Background Information:**

**Steele St/College Ave Sewer project with total costs of \$390,000.**

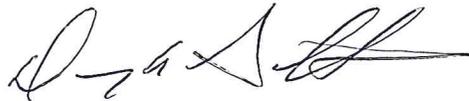
**III. Staff Recommendation:**

**Approve as requested.**

**IV. Reviewed By:**

**City Attorney:**

**Finance Director:**



**Public Works/Public Utilities Director:**

CITY OF LENOIR  
2015 APPALACHIAN REGIONAL COMMISSION GRANT  
CAPITAL PROJECT BUDGET ORDINANCE

Be it ordained by the City Council of the City of Lenoir that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the Appalachian Regional Commission Project described in the work statement contained in the Grant Agreement (ARC NC-18021) between this unit and the North Carolina Department of Commerce. This project is more familiarly known as the City of Lenoir's FY-2015 ARC Program.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the DHUD and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete the project:

Revenues

Local Funds(City of Lenoir)	\$117,000
ARC Grant	<u>273,000</u>
Total Revenues	\$390,000

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

Expenditures

Public Sewer Improvements	<u>\$390,000</u>
Total Expenditures	\$390,000

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

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

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

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

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

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Mayor

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Clerk

**CITY OF LENOIR**  
**COUNCIL ACTION FORM**

- I. **Agenda Item:** D.1. Communities in Schools of Caldwell County/City of Lenoir Land Exchange Request
- II. **Background Information:** The City received a request from Communities in Schools to exchange property to facilitate the relocation of the Rankin House. The proposed exchange would convey approximately 0.2310 acres of land (a portion of NCPIN 2749881547) that would be owned by CIS pursuant to the option with Rankin Ridge, Inc. to the City of Lenoir in exchange for approximately 0.4305 acres of city-owned land (NCPIN 2749882314) both located on Ridge Street NW. Both tracts are similar in location and value, and would further a public purpose in providing a prominent downtown location for siting a restored historic community treasure (Rankin House) and the opportunity to expand a downtown public park space, fostering tourism and historic preservation in the City. Consistent with the spirit of this transaction, CIS is allowing public parking to continue on the parking lot surface that remains after relocation of the Rankin House, and providing the City with a right of first refusal on the parcel in the event that CIS should elect to sell the property to an unaffiliated entity at some point in the future.
- III. **Staff Recommendation:** If Council wishes to proceed with the land exchange as described, a Resolution Authorizing Exchange of Property is enclosed for your consideration.

In accordance with NCGS 160A-271, a public notice outlining the terms of the exchange was published for a minimum of 10 days.

IV. **Reviewed by:**

**City Attorney:**

**City Manager:**



**CITY OF LENOIR**

**RESOLUTION AUTHORIZING EXCHANGE OF PROPERTY**

**WHEREAS**, the City of Lenoir owns approximately 0.4305 acres of land in the County of Caldwell, North Carolina, (NCPIN 2749882314), located in the 300 block of Ridge Street, with an estimated tax value of \$42,900.00; and

**WHEREAS**, Communities in Schools of Caldwell County (CIS) are under contract to purchase from Rankin Ridge, Inc. approximately 0.2310 acres of land in the County of Caldwell, North Carolina, (a portion of NCPIN 2749881547), located in the 400 block of Ridge Street, with an estimated tax value of \$16,900.00; and

**WHEREAS**, the City of Lenoir and CIS wish to make an exchange of the above-described properties subject to the following negotiated terms and conditions:

- (1) The City of Lenoir will convey approximately 0.4305 acres of land to CIS in fee simple.
- (2) Communities in Schools of Caldwell County (CIS) will convey approximately 0.2310 acres of land to the City of Lenoir in fee simple.
- (3) CIS will allow public parking to continue on the parking lot surface that remains after relocation of the Rankin House.
- (4) CIS will provide the City with a right of first refusal on the parcel in the event that CIS should elect to sell the property to an unaffiliated entity at some point in the future.

**WHEREAS**, with the reservation of public parking rights and the right of first refusal, both parties consider the exchange of property to be of equal value; and

**WHEREAS**, the exchange is considered to provide a full and fair compensation to the City as both tracts are similar in location and value, and will continue to permit public parking on a portion of city-conveyed tract and would further a public purpose in providing a prominent downtown location for siting a restored historic community treasure and the opportunity to expand a downtown public park space, fostering tourism and historic preservation in the City;

**WHEREAS**, North Carolina General Statute 160A-271 authorizes the City of Lenoir to make such an exchange if authorized by the City Council by a resolution adopted at a regular meeting of the City Council upon at least 10 days' public notice; and

**WHEREAS**, the City of Lenoir has given the required public notice, and the City Council is convened in a regular meeting.

**THEREFORE, THE CITY COUNCIL OF THE CITY OF LENOIR RESOLVES THAT:**

1. The exchange of properties is authorized subject to the approved negotiated terms and conditions as stated above.
2. The appropriate City officials are directed to execute the instruments necessary to carry out the exchange.

Adopted this the 17<sup>th</sup> day of May, 2016.

SEAL

\_\_\_\_\_  
Joseph L. Gibbons, Mayor

ATTEST:

\_\_\_\_\_  
Shirley M. Cannon, City Clerk



March 29, 2016

1:1,304

**Legend**

- A - Current Location of Rankin House
- B - Current Rankin Ridge Parcel adjoining JE Broyhill Park
- C - Current City of Lenoir Parcel

**Transaction Synopsis** - CIS will acquire lots A and B from Rankin Ridge; CIS will trade Lot B to the City of Lenoir for Lot C; and CIS will relocate the Rankin House from Lot A to Lot C.

**PUBLIC NOTICE  
EXCHANGE OF REAL ESTATE**

Pursuant to North Carolina General Statute §160A-271, the Lenoir City Council states its intention to authorize the exchange of certain city-owned property for certain property currently owned (or will be owned) by Communities in Schools of Caldwell County (CIS).

The exchange involves the following:

The proposed exchange would convey approximately 0.2310 acres of land with an estimated tax value of \$16,900 (a portion of NCPIN 2749881547) that would be owned by CIS pursuant to the option with Rankin Ridge, Inc., to the City of Lenoir in exchange for approximately 0.4305 acres of city-owned land with an estimated tax value of \$42,900 (NCPIN 2749882314) both located on Ridge Street NW. Both tracts are similar in location and value, and would further a public purpose in providing a prominent downtown location for siting a restored historic community treasure (Rankin House) and the opportunity to expand a downtown public park space, fostering tourism and historic preservation in the City. Consistent with the spirit of this transaction, CIS is willing to allow public parking to continue on the parking lot surface that remains after relocation of the Rankin House, and to provide the City with a right of first refusal on the parcel in the event that CIS should elect to sell the property to an unaffiliated entity at some point in the future. With the reservation of public parking rights and the right of first refusal, both parties consider the exchange of property to be of equal value. The Lenoir City Council intends to authorize the exchange of properties described above at their regular meeting on Tuesday, May 17, 2016.

Individuals may contact the City Clerk's office at (828) 757-2205 for additional information.

**City of Lenoir  
Shirley M. Cannon, MMC, NCCMC  
City Clerk**

Please publish on Friday, May 6.

**CITY OF LENOIR**  
**COUNCIL ACTION FORM**

**I. Agenda Item:**

**Approve parking lot lease extension for Koebberling property**

**II. Background Information:**

**Parking lot lease for property between South Main Street and Mulberry Street owned by Ann Koebberling**

**III. Staff Recommendation:**

**Approve as requested.**

**IV. Reviewed By:**

**City Attorney:**

**Finance Director:**



**Public Works/Public Utilities Director:**

City of Lenoir

North Carolina

Caldwell County

Lease

This contract of lease made and entered into this 1<sup>st</sup> day of June, 2016 by and between Ann Koebberling, Lenoir, North Carolina 28645, party of the first part, and the City of Lenoir, a North Carolina municipal corporation, party of the second part; both of Caldwell County, North Carolina.

W I T N E S S E T H:

That subject to the terms and conditions herein set out, said party of the first part doth hereby let and lease unto said party of the second part, and said party of the second part doth hereby accept as tenant of said party of the first part, a certain lot in Lenoir, Caldwell County, North Carolina, located at the following address: from South Main Street to Mulberry Street, Lenoir, Caldwell County, North Carolina, and more specifically described as the Second Tract of the October 21, 1988, deed from Dickson Whisnant, Trustee to the party of the first part, recorded in the Caldwell County Registry at Book 978 at pages 296-298.

The terms and conditions of this lease being as follows:

The lease shall begin as of first day of June, 2016, and, unless sooner terminated as herein provided, shall exist and continue until and including last day of May, 2021.

The rental to be paid by said party of the second part for said premises shall be an annual amount equal to the share of the annual ad valorem taxes due the City of Lenoir and Caldwell County which shall accrue upon and be attributable to the leased portion of the premises of the Party of the First Part, taking into account the relative tax value of the property attributable to the leased portion and the non-leased portion. Such rental payment shall be applied by the Party of

the Second Part for direct payment to the tax collector of such proportionate share of the municipal and county ad valorem taxes as the same shall become due each year during the term of the lease. In the event of a re-valuation of the premises for ad valorem tax purposes such that the tax value of the un-leased portion of the property of the Party of the First Part shall increase relative to the leased portion, the payment of the Party of the Second Part shall be adjusted in order to maintain the appropriate share of the total municipal and county ad valorem tax to be paid by the Party of the Second Part for rental.

Party of the second part agrees to accept said premises in their present condition. The Party of the Second Part intends to use the leased premises as a municipal parking lot. The Party of the Second Part shall have exclusive use and control of the leased premises, except that the Party of the Second Part shall designate three (3) parking space(s) to be marked reserved for the use of the Party of the First Part or its customers as specified by the Party of the First Part. The Party of the First Part agrees that during the period of this lease the municipal parking lot shall be operated as a 2-hour maximum parking limit facility. If said premises shall be destroyed or so damaged by calamity so that the premises cannot be rendered fit for use as a parking lot within thirty days, this lease shall in the discretion of the Party of this Second Part be thereby terminated upon written notification of the Party of the First Part by the Party of the Second Part. The Party of the Second Part may terminate this lease at any time by giving a thirty (30) days advance written notice to the Party of the First Part.

The Party of the Second Part agrees to indemnify and hold the Party of the First Part harmless from claims which may subsequently be asserted during the term of lease by the third parties pendency of this lease as a result of the operation of a parking lot by the Party of the Second Part.

In testimony whereof, said parties have hereunto set their hands and seals on this the 17<sup>th</sup> day of May, 2016.

\_\_\_\_\_(SEAL)  
Ann Koebberling

PARTY OF THE SECOND PART  
CITY OF LENOIR

\_\_\_\_\_(SEAL)  
Joseph L. Gibbons, Mayor

ATTEST:

\_\_\_\_\_  
Shirley M. Cannon, City Clerk

NORTH CAROLINA  
CALDWELL COUNTY

I, a Notary Public of the County and State aforesaid, certify that Ann Koeberling personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the \_\_\_\_ day of \_\_\_\_\_, 2016.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_

Notary Public

NORTH CAROLINA  
CALDWELL COUNTY

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that he/she is City Clerk for the City of Lenoir, a North Carolina municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by Joseph L. Gibbons as its Mayor, sealed with its corporate seal and attested by \_\_\_\_\_, as its City Clerk.

Witness my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 2016.

My commission expires:

\_\_\_\_\_

\_\_\_\_\_

Notary Public

The foregoing Certification(s) of \_\_\_\_\_ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY

By \_\_\_\_\_  
Deputy/Assistant-Register of Deeds

Koebberling Lot

Google Maps



Imagery ©2016 Burke County, U.S. Geological Survey, Map data ©2016 Google 20 ft

**CITY OF LENOIR**  
**COUNCIL ACTION FORM**

**I. Agenda Item:**

**Approve 2016 CDBG Capital Project Budget Ordinance**

**II. Background Information:**

**2016 Capital Project Budget Ordinance for the amount of \$140,272**

**III. Staff Recommendation:**

**Approve as requested.**

**IV. Reviewed By:**

**City Attorney:**

**Finance Director:**



**Public Works/Public Utilities Director:**

CITY OF LENOIR  
2016 COMMUNITY DEVELOPMENT BLOCK GRANT  
CAPITAL PROJECT BUDGET ORDINANCE

Be it ordained by the City Council of the City of Lenoir that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#B-16-MC-37-0022) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY 2016 CDBG Entitlement Program.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the DHUD and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete the project:

Revenues

Community Development Block Grant	\$140,272
Total Revenues	<u>\$140,272</u>

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

Expenditures

Public Facilities Improvements	\$112,218
Program Administration	<u>28,054</u>
Total Expenditures	<u>\$140,272</u>

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

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

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

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

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

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_

Mayor

\_\_\_\_\_

Clerk

**CITY OF LENOIR**  
**COUNCIL ACTION FORM**

**I. Agenda Item:**

**Approve 2016 Unifour Consortium Home Program Capital Project  
Budget Ordinance**

**II. Background Information:**

**2016 Capital Project Budget Ordinance for the amount of \$1,019,577**

**III. Staff Recommendation:**

**Approve as requested.**

**IV. Reviewed By:**

**City Attorney:**

**Finance Director:**



**Public Works/Public Utilities Director:**

CITY OF LENOIR  
 2016 UNIFOUR CONSORTIUM HOME PROGRAM  
 CAPITAL PROJECT BUDGET ORDINANCE

Be it ordained by the City Council of the City of Lenoir that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the HOME project described in the work statement contained in the Grant Agreement (#M-16-DC-370208) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY 2016 Unifour Consortium HOME Program.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the DHUD and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete the project:

Revenue from HOME Grant	\$789,577
Anticipated Program Income	<u>230,000</u>
Total Revenues	\$1,019,577

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

Downpayment Assistance (HOME Funds)	\$285,183
Program Income Expenditures (Downpayment Assistance)	230,000
HOME CHDO (HOME Funds)	118,437
Development of Multi-Family Housing	307,000
General Program Administration	<u>78,957</u>
Total Expenditures	\$1,019,577

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

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should

be made to the grantor agency in an orderly and timely manner.

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

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

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

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Mayor

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Clerk





CITY MANAGER  
SCOTT E. HILDEBRAN

CITY OF LENOIR  
NORTH CAROLINA

MAYOR  
JOSEPH L. GIBBONS

**RESOLUTION OF SUPPORT  
FOR A LEASE AGREEMENT BETWEEN  
CALDWELL COUNTY PATHWAYS AND CALDWELL RAIL COMMISSION**

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

**WHEREAS**, the City of Lenoir has been working in partnership with Caldwell County Pathways and the Caldwell Rail Commission to pursue rail-banking along the discontinued section of rail right-of-way within the City limits of Lenoir; and

**WHEREAS**, the discontinued section of rail right-of-way falls within the congressionally-designated corridor for the Overmountain Victory National Historic Trail (OVNHT) and is anticipated to be certified by the National Park Service as an official segment of the OVNHT if a multi-use trail is constructed; and

**WHEREAS**, the Surface Transportation Board issued a Notice of Interim Trail Use in late 2015; and

**WHEREAS**, Caldwell Rail Commission desires to lease the right-of-way to Caldwell County Pathways to allow trail construction pursuant to the Notice of Interim Trail Use; and

**WHEREAS**, the City of Lenoir anticipates partnering with Caldwell County Pathways to be the Trail Manager to construct and maintain a trail pursuant to the Notice of Interim Trail Use; and

**WHEREAS**, various funding sources may be pursued to fund construction of the trail, including highly competitive grants; and

**WHEREAS**, a lease term of at least thirty (30) years, with renewal options, is crucial to being eligible to receive many potential grants, as well as to present competitive applications;

**NOW, THEREFORE BE IT RESOLVED** that the Lenoir City Council supports a lease agreement between Caldwell County Pathways and the Caldwell Rail Commission with a minimum initial lease of thirty (30) years with a minimum of one (1) thirty (30) year renewal option, in order to facilitate the use of this discontinued corridor within the City limits as a multi-use trail.

Adopted this 17th day of May, 2016.

SEAL

\_\_\_\_\_  
Joseph L. Gibbons, Mayor

ATTEST:

\_\_\_\_\_  
Shirley M. Cannon, City Clerk

