

AGENDA



**CITY OF LENOIR
CITY COUNCIL MEETING
CITY/COUNTY CHAMBERS
905 WEST AVENUE
TUESDAY, AUGUST 2, 2016
6:00 P.M.**



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, July 19, 2016 as submitted.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

- A. Items of Information

1. August Calendar: The calendar for the month of August will be presented to Council listing various meetings and events.
2. Friday After Five is scheduled for Friday, August 5 with the Chad Triplett Band performing on the square from 7:00 p.m. – 10:00 p.m. The J.B. Swann Band will perform on Friday, August 12.
3. A Cruise-In Event will be held on Saturday, August 6 from 4:00 p.m. – 9:00 p.m. in downtown Lenoir.
4. The annual Harambee Festival ends on Friday, August 5 with an “Old School Dance” beginning at 8:00 p.m. at the Martin Luther King, Jr. Center.
5. The City/County Services Committee will meet on Monday, August 8 at 11:45 a.m.
6. The Parks & Recreation Advisory Board will meet on Monday, August 8 at 6:00 p.m. at the Mulberry Recreation Center.
7. The Caldwell County Economic Development Commission will meet on Tuesday, August 9 at 8:00 a.m.
8. A reception for Parks & Recreation Director Rob Winkler will be held on Tuesday, August 9 from 3:00 p.m. – 4:30 p.m. at the City/County Chambers located at 905 West Avenue. Mr. Winkler has accepted the position of Parks & Recreation Director for the City of Morganton.
9. The Lenoir ABC Board will meet on Tuesday, August 9 at 5:30 p.m. at Lenoir Store #1 located at 123 ABC Court.

10. The Lenoir Tourism Development Authority will host a Tourism Study Presentation by Dr. Carol Kline, Appalachian State University, on Wednesday, August 10 at 2:00 p.m. at the City/County Chambers located at 905 West Avenue.
11. The Sister Cities Committee will not meet in August. The next meeting will be held on Thursday, September 8 at 1:00 p.m. at City Hall, Third Floor, former Council Chambers.
12. The Lenoir Business Advisory Board will meet on Thursday, August 11 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.
13. The City of Lenoir will host an Employee Celebration Event on Thursday, August 11 at 7:00 p.m. at the Hickory Crawdads Stadium.
14. Fabulous Film Night is scheduled for Saturday, August 13 with the movie “The Good Dinosaur” being shown at 8:30 p.m. on the square.
15. The City/County Coordinating Committee will meet on Monday, August 15 at 11:30 a.m.
16. The Business Growth Committee and Brownfield Advisory Committee will meet on Thursday, August 18 at 2:00 p.m. at City Hall, Third Floor, former Council Chambers.

B. Items for Council Action

1. Endorsement; Northwest NC Mountain Bike Alliance Proposal: City Staff recommends that Council endorse the submitted proposal by the Northwest NC Mountain Bike Alliance and authorize City Staff to work with the Clean Water Management Trust Fund (CWMTF) to incorporate mountain biking in the Conservation Easement on the Lenoir Watershed.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Board Re-Appointments: Mayor Gibbons will recommend the following individuals for re-appointment to the City’s Authorities/Boards/Commissions. Notification of these re-appointments was listed on the July 19 City Council Agenda and announced to the general public.

ABC Board – Jerry Brooks
 Lenoir Housing Authority – Lowmack Stover
 Lenoir Planning Board – Richard Hedrick and Lucy McCarl
 Parks & Recreation Advisory Board – Joel Kincaid

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

**LENOIR CITY COUNCIL
TUESDAY, JULY 19, 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 Attorney Blair and City Clerk Cannon.

I. CALL TO ORDER

A. As a moment of silence was observed, Mayor Gibbons asked everyone in the audience to join hands and pray for our country, police officers and the families of victims across our nation. On behalf of City Council, Mayor Gibbons also expressed Council's appreciation and complete support of the Lenoir Police Department and all they do for the community and its citizens.

PRESENTATION; POLICE

CHIEF BROWN: B. On behalf of the honorable men and women of the Lenoir Police Department and officers across the country, Police Chief Scott Brown addressed City Council regarding the current situation in our country pertaining to the animosity being shown toward police officers and also to one another. Chief Brown stressed that public safety is a shared responsibility and thanked City Council and all the citizens of Lenoir and Caldwell County for their overwhelming support over the past couple of years, and more specifically, over the past couple of weeks.

Chief Brown stated the Department's goal is to "police the fear of crime as much as we police crime itself." He pointed out officers want citizens to feel safe and emphasized the Department's role is "not to punish, but to protect." He noted it was a quality of life issue and one that the officers take seriously because they want to protect what we have come to expect. Chief Brown referenced the hate and animosity currently being shown toward police and to one another, in general by stating, "our commitment to defense is a given no matter who you are, who you know, or how you feel about us."

Chief Brown also addressed his frustration of trying to retain good officers, the hatred being expressed towards police, low community turnout of only 5% of the population at events sponsored by the Department and dealing with citizens who do not try to understand what all a policeman's job entails. He emphasized the officers want to be "God's warriors, not worriers." To address these and other issues, Chief Brown reported he will be available at the Caldwell

County Library beginning Tuesday, July 26 and the fourth Tuesday following, from 5:30 p.m. – 6:30 p.m. to answer questions and hear suggestions from citizens regarding any changes and/or improvements they would like to see happen. He noted the Department would do its best to implement any suggestions or explain the reasons why they could not. Chief Brown concluded his message by restating that “public safety is a shared responsibility.”

On behalf of City Council, Mayor Gibbons reiterated Council’s continued support for the Police Department and stated that Council was very proud of the Department and its Staff. Councilmember Stevens remarked that Council was behind the Department 100%.

**RECOGNITION; CALDWELL
CHAMBER OF COMMERCE:**

B. Mr. Ralph Prestwood, Interim Executive Director, Caldwell Chamber of Commerce, thanked City Council for the recent recognition of Caldwell County’s 175th Anniversary. In appreciation, he presented each Councilmember with small tokens commemorating the occasion including a Caldwell County logo decal, key chain and lapel pin. Mr. Prestwood also commended all City Departments and Staff for all of their assistance with the Blackberry Festival held on Saturday, July 9 which had an estimated attendance of over 15,000.

On behalf of City Council, Mayor Gibbons thanked Mr. Prestwood for coming and invited everyone to visit the 175th Exhibit currently on display at the former downtown antique market located on Main Street in downtown Lenoir.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**REVISED SIGN
CODE:**

A. A public hearing was held to receive public comments regarding Staff’s recommendations to consider the repeal and replacement of the Lenoir Sign Code, Article XI of Appendix A of the Lenoir Code of Ordinances. City Staff along with the Planning Board recommend approval of the revised code as submitted.

Mayor Gibbons recognized the Planning Board members that were in attendance and thanked them for all of their hard work in revising the sign code. He then opened the public hearing to receive public comments regarding the proposed sign code revisions. (A copy of the revised Sign Code Ordinance and Addendum is available for public review in the City’s Planning Department.)

Planning Director Wheelock reported the revised sign code is the result of a year-long process and thanked the Planning Board members for all of their input during this process. Ms. Wheelock informed Council she has

also included an Addendum to the sign code for approval which consists of a few minor changes regarding sections 1101.2 Exempt Signs, 1107.4 Locational Sign Requirements and 1111.5 Windblown and Inflatable Advertising Devices following discussion with a citizen. Director Wheelock emphasized the new code does not contain any major material changes to what is already allowed, but pointed out the code is easier to understand and flows better. She noted that several business owners are looking forward its adoption. Ms. Wheelock also mentioned the code now includes a design code guide depicting different types of signage.

Director Wheelock pointed out the Board has held a number of workshops and noted the revised code is the result of a well-planned, well-researched document. She respectfully asked Council to consider adoption of the new code.

Mr. Patrick Logango, Tremont Park, addressed City Council in support of the revised code. Mr. Longango stated the code was a well thought out, well planned proposal and commended Planning Director Wheelock and Staff for all their hard work. He respectfully asked Council to approve the new sign code.

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

Councilmember Rohr remarked the revised sign code is a huge improvement, but stated that, in despite of all the amendments, some people will not be happy. He commended Director Wheelock, Planning Staff and Planning Board members for all of their hard work regarding this project, but stated he could not vote in favor of it because he is philosophically opposed to sign codes in general.

Mayor Pro-Tem Willis agreed with Mr. Rohr that the revised code is a well written document and moved to approve the revised sign code and addendum as submitted.

Councilmember Perdue concurred the revised code was a great document and mentioned the sign code has been a steady discussion by Council over the past thirteen years. Mr. Perdue stated that Director Wheelock answered several questions for him prior to the meeting, but pointed out additional discussion is still needed regarding allowing a particular sign in front of a business indicating whether they are opened or closed. Mr. Perdue stated he believes there are some solutions to alleviate some of these issues.

Councilmember Perkins spoke in favor of the revised sign code and noted the Board has his support, but mentioned he has a few concerns which can be addressed at a later date.

Councilmember Edmisten thanked Director Wheelock for the addition of the design code guide which helps make things clear for everyone.

Mayor Gibbons commended Staff for a great job and all their hard work, and reiterated they have made wonderful improvements to the sign code, but also agreed there were still several items that needed to be addressed within the document.

Upon the motion by Mayor Pro-Tem Willis, Council voted 6 to 1 to approve the request to repeal and replace the Lenoir Sign Code including an Addendum regarding 1101.2 Exempt Signs, 1107.4 Locational Sign Requirements and 1111.5 Windblown and Inflatable Advertising Devices as recommended by City Staff and the Planning Board. Councilmember Rohr voted against this request.

**EXTENDING POSTED SPEED LIMIT;
WEST HARPER AVENUE TO VIRGINIA**

STREET: B. A public hearing was held to receive public comments regarding Staff's recommendation to consider adoption of an amendment to the Charter Code of Ordinances, Appendix B, Traffic (1), Section 115, Twenty-five mile per hour speed limit on the following streets, to extend the posted speed limit of 25 MPH on West Harper Avenue from its current location near Beall Street west to Virginia Street and adding a series of rumble composite strips near the Fairfield Chair crosswalk, as determined by the Public Works Director. Note: This change will result in moving the posted speed limit sign of 25 mph west 390 feet in order to allow motorist more time to adjust their speed prior to approaching the current pedestrian crosswalk located in front of Fairfield Chair Company.

Mayor Gibbons opened the public hearing to receive public comments regarding the speed limit request.

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

Councilmember Perdue pointed out this request was submitted by Fairfield Chair out of concern for the safety of their employees. Mr. Perdue stated extending the posted speed limit and the addition of the composite rumble strips was the best option presented by the Police Department at the June 28 Committee of the Whole meeting along with the suggestion of educating the employees of Fairfield regarding crosswalk safety. Mr. Perdue moved to approve the request to extend the posted speed limit as submitted.

Chief Brown also verified the composite rumble strips will not be an additional expense to Fairfield Chair and further noted this option will not create problems for fire apparatus. Chief Brown also clarified the Department conducted a speed study, not a traffic count.

At the request of Councilmember Stevens, Chief Brown reminded everyone that vehicles only have to yield to pedestrians if they are already in the crosswalk. He stressed that if a pedestrian sees a vehicle approaching, they have to wait to enter the crosswalk as the vehicle has the right-of-way.

In addition, he explained for Council that rumble composite strips adhere to asphalt and can be removed if they do not work. He noted this will be the first time the Department has used them.

Upon the motion by Councilmember Perdue, Council voted to 7 to 0 to approve Staff's request to amend the Charter Code of Ordinances, Appendix B, Traffic (1), Section 115, Twenty-five mile per hour speed limit on the following streets, to extend the posted speed limit of 25 MPH on West Harper Avenue from its current location near Beall Street west to Virginia Street and adding a series of rumble composite strips near the Fairfield Chair crosswalk, as determined by the Public Works Director.

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, June 21, 2016 as submitted.
2. Minutes: Approval of minutes from the Committee of the Whole Meeting of Tuesday, June 28, 2016 as submitted.
3. Bids; FY2016-2018 Paving Contract: Bids were received on Wednesday, July 13 for the City's FY2016-2018 Paving Contract. Staff recommends Council award the low bid of \$82.50 per ton of asphalt put in place as submitted by Maymead, Inc. (A copy of the bid tab is hereby incorporated into these minutes by reference. Refer to page 178.)

Upon a motion by Mayor Pro-Tem Willis, 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

FRIDAY AFTER FIVE:

1. Friday after Five is scheduled for Friday, July 22 from 7:00 p.m. – 10:00

p.m. with the Deacon Black Band performing on the square. The band "Soul Watt" will perform on Friday, July 29.

FABULOUS FILM

NIGHT: 2. Fabulous Film Night is scheduled for Saturday, July 23 with the movie "Inside Out" being shown at 8:30 p.m. on the square.

PLANNING

BOARD: 3. The Planning Board will meet on Monday, July 25 at 5:30 p.m. at City Hall, Third Floor, former Council Chambers.

CANCELLED; COMMITTEE OF THE

WHOLE: 4. The Committee of the Whole meeting for Tuesday, July 26 has been cancelled. The next meeting will be held on Tuesday, August 23 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.

CANCELLED; FOOTHILLS REGIONAL

AUTHORITY: 5. The Foothills Regional Airport Authority meeting for Wednesday, July 27 has been cancelled. The next meeting will be held on Wednesday, August 24.

ANNUAL HARAMBEE

FESTIVAL: 6. The annual Harambee Festival begins on Saturday, July 30 through Friday, August 5 and will be held at the Martin Luther King, Jr. Center. A variety of activities are scheduled throughout the week. The public is invited to attend.

WESTERN CAROLINA CONFERENCE CHAMPS ANNUAL SWIM

MEET: 7. The Western Carolina Conference Champs will host their annual Swim Meet on Saturday, July 30 beginning at 7:00 a.m. at the Aquatic & Fitness Center.

VI. Items for Council Action

**RESOLUTION; NC CLEAN WATER MANAGEMENT TRUST FUND (NCCWMTF)
GRANT FOR CONSERVATION EASEMENT ON THE LENOIR WATERSHED:**

1. If Council wishes to approve the NCCWMTF Grant in the amount of \$755,993, City Staff recommends approval of the submitted Resolution Accepting the NC Clean Water Management Trust Fund Grant for a Conservation Easement on the Lenoir Watershed. **Note:** This item was tabled from the June 21 City Council Meeting in order to receive additional information.

A copy of the resolution is hereby incorporated into these minutes by reference. (Refer to page 179.)

City Manager Hildebran reminded Council this item was deferred from the June 7 & June 21 City Council meetings in order to address the request

submitted by the Mountain Bike Alliance Group to include a mountain bike trail on the Watershed property. Mr. Hildebran emphasized the City will continue to work with the NCCWMTF officials regarding a mountain bike trail on the property. Mr. Hildebran also reported the NCCWMTF is also willing to consider this request and commented the Mountain Bike Alliance Group will be submitting a proposal to City Council for consideration of approval in the near future.

Mr. Hildebran further noted the NCCWMTF recommends that Council proceed with the approval of the resolution in order to approve the grant contract.

Councilmember Perdue asked Police Chief Brown if five (5) acres plus additional land for a buffer was sufficient property for the Police Department's firing range. Chief Brown indicated that it was.

City Manager Hildebran introduced Alice Briggs, Martin McGill, who was also in attendance at the meeting and available for any questions.

At this time in the meeting, Bryan Gossage, Executive Director, North Carolina Clean Water Management Trust Fund, was not in attendance at the meeting.

Councilmember Rohr stated he was philosophically against state grants and could not vote in favor of the resolution.

Upon a motion by Councilmember Thomas, Council voted 6 to 1 to approve a Resolution Accepting the NC Clean Water Management Trust Fund Grant in the amount of \$755,993 for a Conservation Easement on the Lenoir Watershed as recommended by City Staff. Councilmember Rohr voted against this request.

Note: Mr. Bryan Gossage, Executive Director, North Carolina Clean Water Management Trust Fund, arrived at the meeting and was invited to address City Council. Mr. Gossage explained the City's request received a good score, was placed on the provisional list and then awarded funding as it became available. Mr. Gossage expressed appreciation to City Council for the City's match put forward on the value of the property which was more than a dollar for dollar match.

Mr. Gossage reported there were ways to accommodate other uses on the Watershed property as long as they were not too dramatic or extreme. He asked Council to consider the opportunity to work with the Mountain Bike Alliance Group regarding a mountain bike trail on the Watershed property. Mr. Gossage further stated they wanted to protect the conservation easement and all the resources going into the project, but reiterated there were ways to accommodate other uses on the property.

Mr. Gossage thanked City Council for the opportunity to speak about this project.

On behalf of City Council, Mayor Gibbons thanked Mr. Gossage for coming and for all the NCCWMTF does for municipalities all across the state.

**PROPOSAL; PROJECT ADMINISTRATION SERVICES
FOR NCCWMTF:**

2. City Staff recommends approval of a Grant Project Administration Services Proposal in the amount of \$10,000 as submitted by Martin-McGill for the NC Clean Water Management Trust Fund Grant.

A copy of the proposal is hereby incorporated into these minutes by reference. (Refer to pages 180-181.)

City Manager Hildebran clarified for Council the \$10,000 administration fee will be funded through the grant award.

Councilmember Rohr expressed his opposition to the proposal as submitted by Martin-McGill for Administration Services for the NCCWMTF grant by re-stating his opposition to state and federal grants.

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 to 1 to approve the Grant Project Administration Services Proposal in the amount of \$10,000 as submitted by Martin-McGill for the NC Clean Water Management Trust Fund Grant as recommended by City Staff. Councilmember Rohr voted against this request.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

**NOTIFICATION; BOARD
RE-APPOINTMENTS:**

- A. Mayor Gibbons notified the general public that the following individuals will be presented for re-appointment at the City Council Meeting of Tuesday, August 2.

ABC Board – Jerry Brooks
Lenoir Housing Authority – Lowmack Stover
Planning Board – Richard Hedrick and Lucy McCarl
Parks and Recreation Advisory Board – Joel Kincaid

COMMENDED; PLANNING

STAFF: B. Mayor Gibbons commended the Planning Department upon the following accomplishments:

- 1) Rail Banking Agreement/Lease-The Caldwell Rail Commission approved a lease and rail banking agreement with Caldwell County Pathways on Monday, July 18 to “rail bank” the discontinued portion of the rail line for use as a

Greenway trail. This project was completed after many weeks, months and years of working towards this goal.

- 2) The Planning Department will receive the 2016 North Carolina Marvin Collins Planning Award in the Special Theme/Multidisciplinary category from the American Planning Association on Thursday, September 15, 2016 at the Renaissance Hotel in Asheville for the Over Mountain Victory Trail Project.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

COMMENDED; MAYOR GIBBONS & CITY MANAGER HILDEBRAN:

- A. On behalf of City Council, Councilmember Perdue commended Mayor Gibbons and City Manager Hildebran along with our local representatives George Robinson and Senator Deanna Ballard for their success efforts in having legislation passed that resulted in savings of over \$500,000 for the City regarding the Whitnel Interchange Project.

Mayor Gibbons stated that former Representative Mitch Gillespie and the City's local NCDOT representative also assisted with getting the City's request approved.

NOTIFICATION; COMMUNITY MEETING; FREEDMAN CENTER:

- B. Councilmember Perkins thanked City Council and all the citizens for their support at a prayer vigil held on Wednesday, July 13 to show support for the Lenoir Police Department, Lenoir Fire Department and other Emergency Services organizations in the community. Mr. Perkins reported discussion and prayer will continue at a Community Dialogue scheduled for Thursday, July 21 beginning at 7:00 p.m. at the Freedman Culture Center (formerly William Lenoir Middle School) regarding the crisis situation happening across the country.

On behalf of all the Clergy, Councilmember Perkins thanked Fire and Police personnel for all they do for the community. He remarked that, "the more we pray together, the more we stay together."

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 6:59 p.m.

Joseph L. Gibbons

Shirley M. Cannon, City Clerk

FY 2016 – 2018 Paving Bid Tab

	Bid Amount
Maymead, Inc.	\$82.50/ton
PO Box 911	
Mountain City, TN 37683	
Carolina Paving	\$85.00/ton
3203 Highland Avenue NE	
Hickory NC 28601	
J.T. Russell & Sons	\$92.00/ton
201 Herman Sipe Road	
Conover NC 28613	
Midstate Contractors, Inc.	\$96.00/ton
PO Box 1238	
Hickory NC 28603	



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

**RESOLUTION OF THE LENOIR CITY COUNCIL ACCEPTING
THE CLEAN WATER MANAGEMENT TRUST FUND GRANT**

WHEREAS, the Clean Water Management Trust, a division of the NC Department of Natural and Cultural Resources, acting through its Board of Trustees, has authorized approval of the purchase of a conservation easement on approximately 568.36 acres (minus approximately 5.0 acres to be excluded and used as a law enforcement training facility) of land known as the "Lenoir Watershed"; and

WHEREAS, the Clean Water Management Trust Fund awarded the City of Lenoir up to \$755,993 for the acquisition of a conservation easement on the property via a bargain sale; and

WHEREAS, the Clean Water Management Trust Fund submitted a grant contract (CWMTF Project Number 2015-033) for consideration by the Lenoir City Council; and

WHEREAS, the grant will preserve, enhance, restore, and maintain the natural features of the property; provide habitat for native plants and animals; improve and maintain water quality, and control runoff of sediment and for recreational, scientific, educational, cultural and aesthetic purposes.

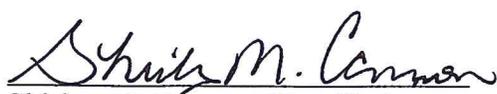
NOW, THEREFORE, BE IT RESOLVED THAT THE LENOIR CITY COUNCIL hereby accepts the grant from the NC Clean Water Management Trust Fund and agrees to perform the functions and obligations set out in the grant agreement.

Adopted this the 19th day of July, 2016.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk





May 26, 2016

Mr. Scott Hildebran
City Manager
City of Lenoir
801 West Avenue Northwest
Lenoir, NC 28645

Re: CWMTF # 2015-033 City of Lenoir Watershed Conservation Easement

Dear Mr. Hildebran,

Thank you for the opportunity to present this proposal for consideration for project administration services related to the above referenced acquisition project.

The CWMTF agrees to reimburse the City of Lenoir for project administration costs consisting only labor for administrative work conducted exclusively on this project up to \$10,000. The City's requests for such reimbursement shall be made under the project administration line item of Exhibit B from the contract document and shall conform to the following:

- Costs allowable under the project administration line item include only costs of labor needed to comply with the general conditions of the Grant Contract.

Under this scope of work, Martin-McGill proposes to complete these activities associated with meeting the City's obligations for this acquisition project:

1. Prepare progress reports
2. Prepare payment requests
3. Prepare project final report
4. Assist with finalizing/negotiating the grant contract
5. Facilitate activities outlined in contract Exhibit D: Pre-Closing Checklist:
 - a. Coordinating appraiser for the 2nd appraisal following the State Property Office instructions
 - b. Coordinate with City's attorney:
 - i. General Warranty Deed
 - ii. Title Commitment / Title Insurance (paid for by the City)
 - iii. Closing documents
 - c. Obtain survey of property meeting the required criteria provided in Exhibit D (paid for by the City)
 - i. Martin-McGill to pursue 2 quotes for this service for the City's consideration
 - d. Coordinate completion of the Baseline Documentation Report with Foothills Conservancy
6. Exhibit E: Post-Closing Checklist: ensure submittal of the following within 45 days of Closing:
 - a. Title policy
 - b. Recorded survey
 - c. Easement boundaries – created from survey data
 - d. Recorded conservation easement



- e. General Warranty Deed
- f. Signed Final Baseline Documentation Report
- g. Fully executed settlement statement
- h. Final project report

Under this contract agreement, Martin-McGill will ensure that all deliverables outlined in your CWMTF contract scope of work are completed on schedule, reports are submitted to CWMTF on a quarterly basis, and invoices are submitted for reimbursement.

We propose to complete the scope of work outlined in this proposal for a fee of \$10,000.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jessica B. Martin".

Jessica B. Martin
Martin-McGill, Inc.

Execution of this document in the space provided below acknowledges approval of the terms and provisions provided for herein.

A handwritten signature in black ink, appearing to read "Scott Hildebran".

Scott Hildebran, City Manager
City of Lenoir

7/20/2016
Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

A handwritten signature in black ink, appearing to read "Pre Audit Certification".

Pre Audit Certification
City Finance Officer

7/21/2016
Date



August 2016



Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 Annual Harambee Festival Week (MLk Center)	2 6:00 p.m. City Council	3 9:00 a.m. Staff Mtg.	4	5 Friday after Five 7-10:00 p.m. Chad Triplett Band (on square)	6 4-9:00 p.m. Cruise-In (Downtown) Harambee Festival Ends
7	8 11:45 a.m. City/County Services Committee 6:00 p.m. Parks & Rec. Adv. Brd. (Mulberry)	9 8:00 a.m. EDC 5:30 p.m. ABC Board	10 2:00 p.m. Tourism Study Presentation by Dr. Carol Kline (City/County Chambers)	11 6:00 LBAB (City Hall) 7:00 p.m. Employee Celebration Event (Hickory Crawdads)	12 Friday after Five 7-10 p.m. J.B. Swann Band (on square)	13 Fabulous Film Night "The Good Dinosaur" shown at 8:30 p.m. (on square)
14	15 11:30 a.m. City/County Coord. Committee	16 6:00 p.m. City Council	17 9:00 a.m. Staff Mtg.	18 2:00 p.m. Business Growth Committee & Brownfield Adv. Com. (City Hall, 3rd Floor)	19 Friday after Five 7-10:00 p.m. Nautical Wheelers (on square)	20
21	22 5:30 p.m. Planning Board	23 8:30 a.m. Committee of the Whole	24 Noon - Foothills Regional Airport Authority	25	26 6-10 p.m. End of Summer Blues Bash Matt Stratford & Other Bands Performing	27 Fabulous Film Night "Zootopia" shown at 8:30 p.m. (on square)
28	29	30	31			
Notes for September City offices will be closed on Monday, September 5 in observance of Labor Day.						

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

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

CITY OF LENOIR

COUNCIL ACTION FORM

I. **Agenda Item:** VI. B.1. Consideration of Mountain Biking Trail Proposal from Northwest NC Mountain Bike Alliance (NWNMTBA) for submission to the NC Clean Water Management Trust Fund (CWMTF) for incorporation into the Conservation Easement on the Lenoir Watershed. **Note:** City Council approved a grant contract with the NC Clean Water Management Trust Fund at their July 19 meeting.

II. **Background Information:** The NWNMTBA has drafted a proposal for City Council consideration to permit mountain biking on City of Lenoir Watershed property (approximately 568.36 acres).

The request is to use 1/3rd of the tract (approximately 190 out of 568 acres), with the trails to be built utilizing the best practices established by the International Mountain Bicycling Association. NWNMTBA also commits to work with ongoing management partner - Foothills Conservancy and the CWMTF.

The draft proposal has been submitted to the CWMTF for their review and comment.

III. **Staff Recommendation:** If Council wishes to permit mountain biking on the Lenoir Watershed Property, please endorse the NWNMTBA proposal and authorize city staff to work with the CWMTF to incorporate mountain biking in the Conservation Easement on the Lenoir Watershed.

IV. **Reviewed by:**

City Attorney:

City Manager:



Watershed Property Trail Proposal

After doing an initial ground survey and utilizing maps of the area provided by the City of Lenoir, we have identified several good areas for potential mountain bike trail development. These areas of the Watershed tract are not in the low-lying areas; they have good side-slope and would encompass an area of approximately 190 acres.

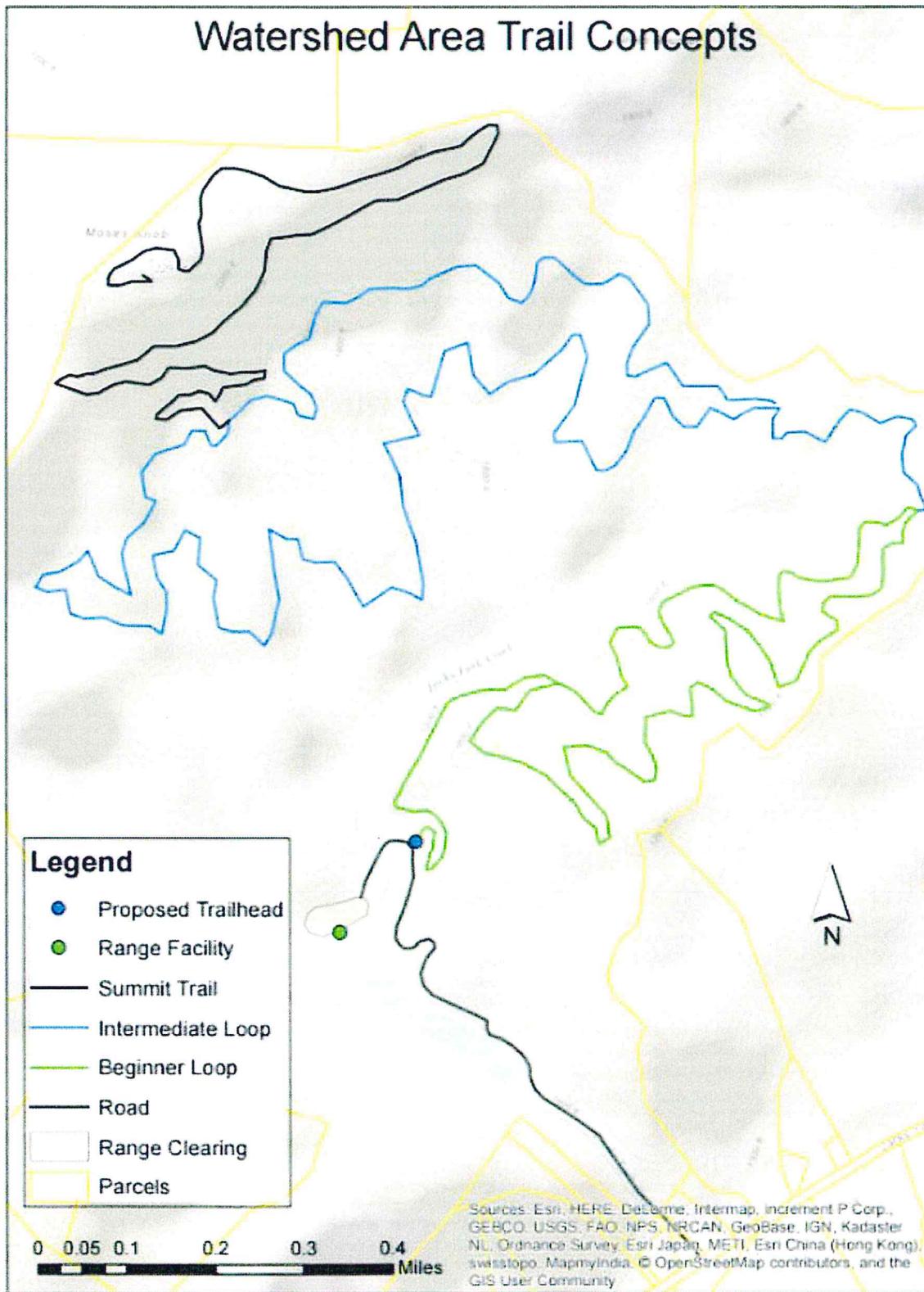
The initial concept is to build 3 distinct loops that are joined by connector trail and progress from easy to difficult as they move outward from the trailhead. Locations suggested for this are based on the field work we have done, and from contour information from aerial maps and locations of primary water courses. Every effort has been made to stay away from perennial streams. If necessary bridges would be built. A proposed trailhead and parking would be established at an area adjacent to the existing roadway, just south of the existing gun range. Please refer to the map (Appendix A) for details.

The trails will built and maintained under the auspices of the Northwest NC MTB Alliance, the local chapter of the International Mountain Bicycling Association. This non-profit group is dedicated to establishing and maintaining healthy, sustainable mountain bike trails in our region and has multiple projects already in existence that can serve as exemplars of their work. The Alliance will work with the Foothills Conservancy on this project in order to ensure that the trail is in order to ensure that the trail is in keeping with the guidelines of the conservation easement. The trail will be built utilizing the best practices established by the IMBA and outlined in Appendix B.

We would like this project to serve as a model for the NC Clean Water Management Trust Fund. In building this initial trail, we hope to establish a close working relationship with the Trust Fund and to be able to expand it in the future within whatever approval process the Trust Fund would like to establish.

Shawn Moore, member NWNCMTBA

Appendix A



Appendix B

Sample Specifications for the Development of Natural Surfaced Trails

Trail design:

Starting at the trailhead parking area, a meandering method of trail route layout shall be implemented to provide variety of experiences and encourage water to exit off the trail tread surface quickly and efficiently.

Control Points shall be established at a rate of 2-4 per mile of linear distance. The trail route shall have an average grade of no more than 10% and no section of the trail shall be more than 15% for a maximum distance of not more than 25 linear feet.

The trail shall "Flow" and not have sharp angular turns. Climbing turns shall be used when ascending or descending a slope. Switchbacks must be avoided and if absolutely necessary, shall have the advance written approval of the Owner and the Design Firm before any construction activity begins. The trail shall avoid low lying areas where water collects and side hill, bench cut trail is the preferred routing method.

Trail Corridor:

Clearing the corridor to construct a natural surface trail shall be done in a conservative, responsible and environmentally sensitive manner. Corridor clearing shall be made two feet wider than the finished tread on both sides of the trail. Use care and caution when cutting vegetation and discard cut pieces to the downhill side of the trail.

Trees over 5" DBH shall be considered part of the trail experience and routed around to prevent any impacts, preferably on the uphill side of the root system. All woody type vegetation shall be removed completely from the trail corridor including all roots and the stump to a depth of 12 inches. Refill hole created from the removal with soil and compact the soil to re-establish a firm surface. Trees and shrubs shall not be cut at ground level and left as stumps.

Branches on trees or shrubs that are in the trail corridor and need to be trimmed back shall be pruned at the branch collar, not flush against the trunk. Cut limbs cleanly with a sharp tool and do not allow branches to remain as a "hat rack".

Trail tread specifications:

Finished trail tread shall be not less than 24" in width and not greater than 36". Trail tread shall be natural surface (soil with no organic material or debris), single track and mechanically compacted. Total construction impact area should be 5-6 feet wide, depending on the degree of side slope of the location.

The trail shall have an average grade of no more than 10% and no section of the trail shall be more than 15% for a maximum distance of not more than 25 linear feet.

Out slope of constructed and compacted tread shall not be less than 3% and not greater than 6%. Fill materials that are created by bench cut trail shall be removed downhill and spread out so as to not create a berm condition on the outside edge of the trail tread. All back cuts will be blended into the back slope to encourage sheet flow of water and speed revegetation.

Grade reversals which are called rolling grade dips shall be constructed as needed to remove water off the trail tread. A meandering method of trail construction which uses the topography of the project area shall be implemented to encourage water to exit the trail tread surface quickly and efficiently.

Equipment to be used for trail construction:

Specific equipment for trail building shall be used to build and maintain natural surface, single track trail. Trail equipment shall be no wider than 48". All equipment to be used for trail equipment must be approved in advance by the Owner and the design firm. Acceptable types of trail building equipment are listed below:

Excavator – Bobcat 418 or similar machine from various manufacturers

Mini Skid Steer - Ditch Witch SK650/550 or equivalent

Dozer – Sweco 480, Sutter 460/480/500

Combo – Morrison Trail Blazer, Singletrack 240

Trail Contractor:

Trail contractor shall be hired at the sole discretion of the grantee. Trail contractor must have 3 years of prior experience in trail building and maintaining single track natural surface trail. References from at least 3 least prior projects shall be provided with a project description and all the contact information of the owner.

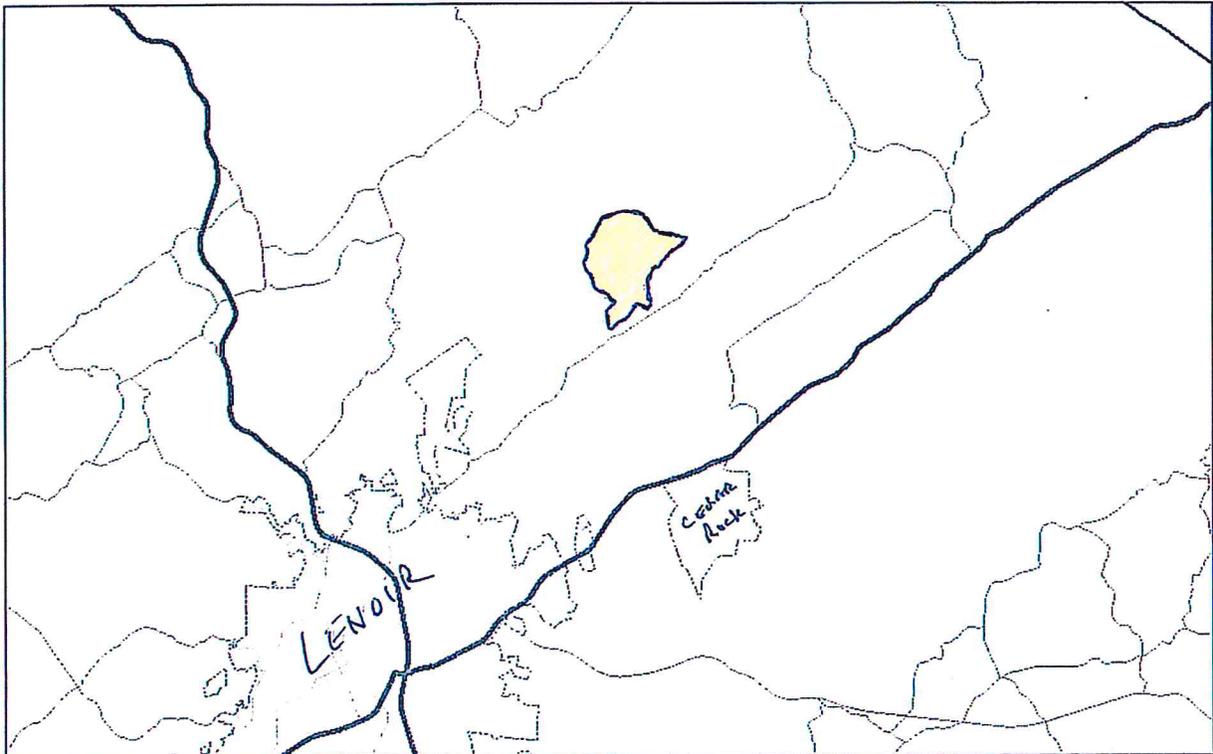
Web Resources:

American Trails, "*Trails, Greenway, and Outdoor Recreation Terms*" glossary of terms.

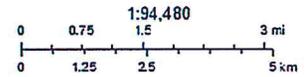
Print Resources:

International Mountain Bike Association (IMBA), "*Trail Solutions*" trail construction manual.

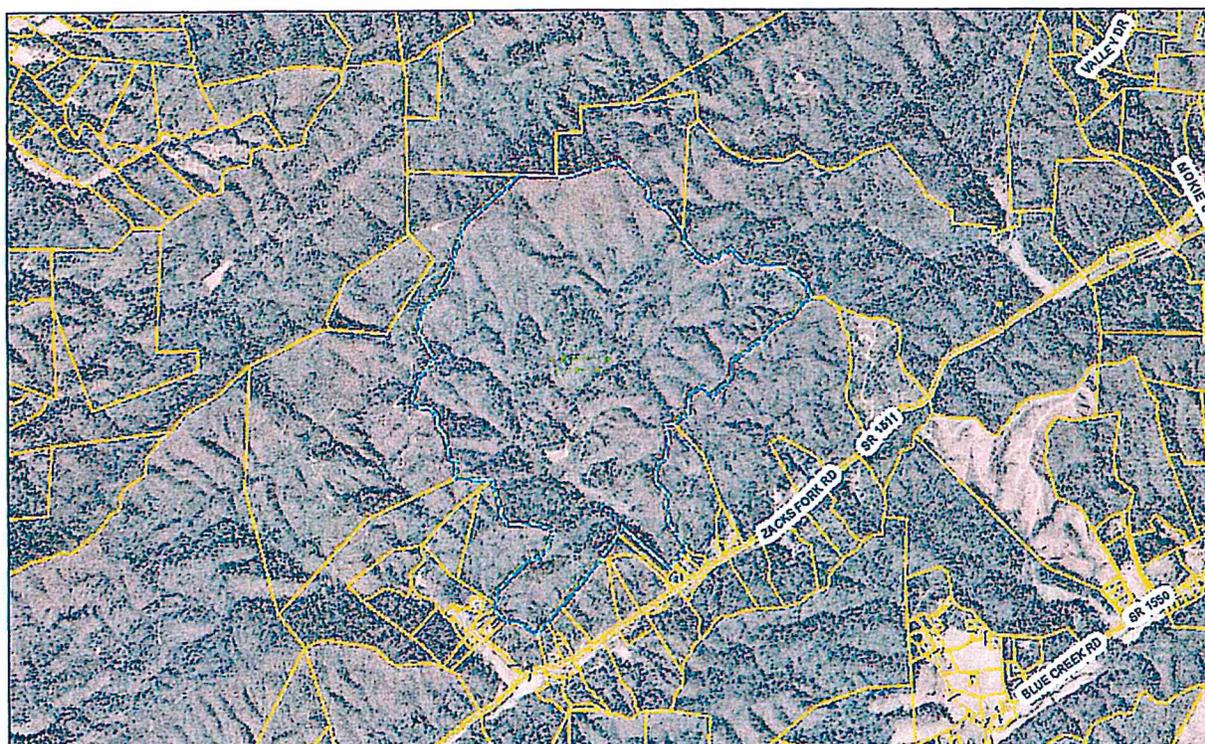
Caldwell County



June 2, 2016



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Owner CITY OF LENOIR
PO BOX 958
LENOIR, NC 28645
Acct Number 49402
ParcelID 09164 1 2
NCPIN 2862647176

Deferred Val 0
Assessed Val \$1,039,500
Calc Acreage 598.092094
Land Units 568.36 (AC)
Legal Desc 0102/0262
Plat Ref /
Property Addr ZACKS FORK RD

Caldwell County

