

AGENDA



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



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. Economic Development Incentive; Project A-Frame: A public hearing will be held to consider awarding Project A-Frame an Economic Development Incentive for their company's proposed expansion project. Following the public hearing, if Council wishes to proceed with the economic incentive for Project A-Frame, approval and authorization is recommended of a three-year City tax grant for 30% of the new tax base added to the company's current assessed tax.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of minutes from the City Council Meeting of Tuesday, August 16, 2016 as submitted.
- B. Minutes: Approval of minutes from the Committee of the Whole Meeting of Tuesday, August 23, 2016 as submitted.
- C. Resolution; 15th Anniversary of September 11th: Approval of a Resolution by the City of Lenoir, North Carolina recognizing the National Moment of Remembrance of the 15th Anniversary of September 11th and requests the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable, ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

1. The Sister Cities Committee will meet on Thursday, September 8 at 1:15 p.m. at City Hall, Third Floor, former Council Chambers.
2. The Lenoir Tourism Development Authority will meet on Thursday, September 8 at 3:30 p.m. at City Hall, Third Floor, former Council Chambers.
3. The Lenoir Business Advisory Board will meet on Thursday, September 8 at 6:00 p.m., City Hall, Third Floor, former Council Chambers.
4. The annual Sculpture Celebration will be held on Saturday, September 10 beginning at 9:00 a.m. at the T.H. Broyhill Walking Park.

5. The City/County Services Committee will meet on Monday, September 12 at 11:45 a.m.
6. The Parks & Recreation Advisory Board will meet on Monday, September 12 at 6:00 p.m. at the Mulberry Recreation Center.
7. The Caldwell County Economic Development Commission will meet on Tuesday, September 13 at 8:00 a.m.
8. The Lenoir ABC Board will meet on Tuesday, September 13 at 5:30 p.m.
9. The annual Caldwell is Hiring Event is scheduled for Thursday, September 15 from 8:30 a.m. until noon at the J.E. Broyhill Civic Center.
10. Fabulous Film Night is scheduled for Saturday, September 17 with the movie "Tomorrowland" being shown on the square at 8:30 p.m.
11. The North Carolina Department of Transportation's Annual Litter Sweep Campaign begins on Saturday, September 17 through Saturday, October 1. Citizens are encouraged to participate in this event.
12. The Sanitation Division's Annual Fall Trash Bash Week is scheduled for the week of September 19 through 23. Citizens are encouraged to participate in this event.
13. The City/County Coordinating Committee will meet on Monday, September 19 at 11:30 a.m.

B. Items for Council Action

1. Authorizing Resolution; Lower Creek WWTP Biosolids Facility: City Staff recommends approval of a resolution to authorize Staff to submit an application for state loan/grant assistance for the improvements to the Lower Creek WWTP Biosolids Facility. These funds will be sufficient to cover construction, related engineering, inspections, and administration of the project.
2. Resolution; Allow Special Equipment Bids for Water Treatment Plant Improvements Project: City Staff recommends approval of a resolution to allow special equipment bids for the Water Treatment Plant Improvements Project. Approval of the resolution is to afford the City the opportunity to continue to use the current technology already in place at the Water Treatment Plant while maintaining consistency in the operations of the treatment process.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Board Vacancy; Parks & Recreation Advisory Board: Mayor Gibbons will announce an upcoming vacancy on the City's Parks and Recreation Advisory Board. Interested individuals may obtain an application by contacting the City Clerk at (828) 757-2205.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

CITY OF LENOIR

COUNCIL ACTION FORM

I. **Agenda Item:** A.1. Economic Development Incentive; Project A-Frame: A public hearing will be held to consider awarding Project A-Frame an Economic Development Incentive for their company's proposed expansion project.

II. **Background Information:** Project A-Frame is a national manufacturer and international marketer, specializing in wood based products. The company has factories and offices in several parts of the country. The company plans to add a new product to its manufacturing capabilities which will require construction of a new building on one of its existing manufacturing campuses. The company has narrowed its options to one of two facilities, one of those is located in Lenoir and the other in another state.

The company is weighing the two options and has requested incentive proposals to assist in determining the better choice for the new facility within the next 30 days. The company's new investment for brick and mortar and minimal equipment will exceed \$4 million. The new production facility will employ up to 15 new workers and the remainder of the plant will continue to grow and expand with an additional 15 new jobs. Production is anticipated to be underway in the first quarter of 2017.

As the company is weighing this internal decision, it has requested its name be held in confidence until such time as it has made the location decision which can be shared with its employees and customers.

The company has made a written request for incentives from Caldwell County/City of Lenoir to assist them in choosing between their two locations. The EDC has approved a Local Jobs Incentive based upon creating up to 30 new, full-time jobs over a one year period at \$2000 per job for a possible total of \$60,000; and Caldwell County has approved a five year tax grant for 75% of only the new tax base added to the company's current assessed tax, based upon the proposed \$4 million investment in new construction and equipment.

Per the City Incentive Matrix, the following incentive is under consideration: a three year City tax grant for 30% of the new tax base added to the company's current assessed tax. (1% tax credit per new job, with a net of 30 new jobs). Tax Credits would start when the company elects.

III. **Staff Recommendation:** After the public hearing, if Council wishes to proceed with the economic incentive for Project A-Frame, authorize approval of a three year City tax grant for 30% of the new tax base added to the company's current assessed tax.

IV. **Reviewed by:**

City Attorney:

City Manager: 

**CITY OF LENOIR
NOTICE OF PUBLIC HEARING**

Notice is hereby given by the Lenoir City Council that a public hearing will be held on Tuesday, September 6 at 6:00 p.m. in the City/County Chambers, 905 West Avenue, NW, Lower Level, at which time City Council will consider awarding an economic development incentive to Project A-Frame.

All citizens are invited to attend the public hearing and submit oral or written comments regarding the economic development incentive.

Any person with a disability needing special accommodations should contact the City Clerk's office at (828) 757-2205 48 hours in advance of the meeting.

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

Please publish on Friday, August 26 & Friday, September 2.

**LENOIR CITY COUNCIL
TUESDAY, AUGUST 16, 2016
6:00 P.M.**

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

ABSENT: Councilmember Perdue.

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;
BENJAMIN MCRARY:**

B. Sergeant Chris Bumgarner, Lenoir Police Department, recognized Benjamin McRary, 2016 graduate of Hibriten High School, for placing tenth in the nation at the Skills USA Criminal Justice Competition recently held in Louisville, Kentucky. Benjamin also finished first in the region and first in the state level for this competition. He is employed part-time as a lifeguard at the City's Aquatic & Fitness Center.

Sergeant Bumgarner presented him with a plaque and stated it has been an honor and a privilege to train Benjamin for this competition.

On behalf of City Council, Mayor Gibbons congratulated him and stated the City was proud of all of his accomplishments

**SPECIAL RECOGNITION;
CHRIS BUMGARNER:**

C. On behalf of City Council, Mayor Gibbons congratulated Chris Bumgarner upon his recent promotion to Sergeant and upon his graduation from Gardner Webb University. Mayor Gibbons thanked him for all of his hard work.

**SPECIAL RECOGNITION; POLICE CHIEF
SCOTT BROWN:**

D. On behalf of City Council, Mayor Gibbons congratulated Scott Brown, Chief of Police, upon his graduation from the UNC School of Government's Public Executive Leadership Academy (PELA) on Friday, August 12.

Mayor Gibbons also commented the City appreciates all of its police officers and thanked each one for all they do every day to

protect the City of Lenoir and its citizens.

**SPECIAL RECOGNITION; STAFF
WATER TREATMENT PLANT:**

E. Mr. Randy Hintz, Asheville Regional Engineer, N.C. Department of Environmental Quality, Public Water Section, presented an award to Kevin Matheson, Water Treatment Plant Superintendent, for the City's participation in the North Carolina Area-Wide Optimization Program. Mr. Hintz commended Mr. Matheson, Jeff Hayes, Lisa Triplett and all of the Water Treatment Plant Staff for their continued efforts in achieving this award for six consecutive years.

Mr. Hintz stated the Environmental Protection Agency (EPA) created the North Carolina Area-Wide Optimization Program in 2002 to recognize plants that achieve an advanced level of water treatment regarding turbidity optimization resulting in improved public health protection. He reported that target turbidity levels are 0.1 NTU's and emphasized that plants that consistently achieve a low level of turbidity achieves significant water quality benefits.

Radford Thomas, Public Utilities Director, commended Mr. Matheson and all of the Public Utilities Staff for their dedication and hard work in keeping the City's water and sewer treatment plants operational 24 hours per day, 365 days a year.

**NOTIFICATION; ASSET & INVENTORY
GRANTS (AIA):**

F. Mayor Gibbons announced the City of Lenoir has received two Asset & Inventory Assessment (AIA) grants awarded by the State Water Infrastructure Authority. The City received a \$140,000 Sewer AIA grant along with an \$80,000 Water AIA grant and these funds will be used to conduct an assessment inventory of the City's water and sewer systems.

UPDATE; RETIRE NC:

G. Communications Director Kaye Reynolds presented an update to City Council regarding the status of the City's participation in the Retire NC Program. Director Reynolds stated this is a great opportunity for the City of Lenoir and reported the City is being promoted in *Ideal Living*, the *Caldwell County* publication and at visitor centers across the state. She reported the City partnered with five other communities to place an ad in *Ideal Living* and noted emphasis was placed on the City's recreational activities for all ages including events. Ms. Reynolds commented Lenoir has received very good results from this advertisement.

Director Reynolds stated the City's goal is to target individuals that are in their mid-fifties and planning to retire within five to seven years. She reported the City of Lenoir is only one of two cities

in the western part of North Carolina that are designated as Retire NC communities. In addition, Director Reynolds reported she has received fifteen firm leads from individuals who are considering Western North Carolina as a retirement destination and related the Chamber of Commerce, Caldwell County Economic Development Commission and the community are also helping to promote the City of Lenoir.

In addition, Director Reynolds reported that, along with developing promotional items to distribute, the City may choose to participate at an Expo event which is also a good way to publicize your City. She explained that attendees are provided with informational packets from participating municipalities and noted the City of Lenoir participates in sending informational packets for distribution.

Director Reynolds mentioned Lenoir has received 52 leads from Expo events in July 2015, 30 in August, 2015 and 17 in September, 2015. These individuals are contacted by the City and provided with additional information about our area as well as links on the City's website. In conclusion, Ms. Reynolds shared statistics from the state that indicate eight families have moved into the City during the past year. Ms. Reynolds further suggested that Council consider whether they would like the City to participate in an Expo event in the upcoming year.

UPDATE; MASS COMMUNICATION

SYSTEM:

H. Communications Director Kaye Reynolds reported the City has chosen the system Everbridge Technology as its mass communication notification system for the general public. Ms. Reynolds pointed out the program offers numerous new features the City and general public can utilize for communication methods and noted the system will be cost effective for the City. She stated Staff is currently in the process of creating databases and participating in training sessions. Ms. Reynolds reported the system will be fully implemented in the near future.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

CONDITIONAL USE PERMIT;

2421 MORGANTON BOULEVARD:

A. A public hearing was held to consider a Conditional Use Permit for property located at 2421 Morganton Boulevard. The applicant proposes a four bed 24-hour adolescent youth group care facility in the R-12 Single Family Zoning District. Staff recommends approval of the requested Conditional Use Permit for the proposed Group Home facility, known as "Focus Behavioral Health Services" and further recommends the following conditions as follows:

1) Approval of this Conditional Use Permit request is only valid for

- the development of a Child/Adolescent Residential Group Home.**
- 2) This Permit is valid for only a four bed group home.**
 - 3) Residents are not permitted to have cars; only Staff.**
 - 4) The use of the accessory cottage is only allowed by Staff.**
 - 5) All parking must be on private property outside of the right-of-way.**
 - 6) Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.**
 - 7) If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.**

Mayor Gibbons opened the public hearing to receive public comments regarding the Conditional Use Permit request.

Jenny Wheelock, Planning Director, was sworn in by the City Clerk. Director Wheelock stated all of the information included in the Staff Report is true and accurate and noted the Planning Board recommends approval. In addition, Director Wheelock reported the request doesn't require any new construction and related that, due to the facility being staffed twenty-four hours a day, a public hearing was required.

Mr. Sanford Pearson, Jr., 2403 Morganton Boulevard was sworn in by the City Clerk. Mr. Pearson asked about the type of security the facility would have and whether the proposed Group Home would affect property values.

Director Wheelock responded that Staff was not qualified to answer the question regarding property values.

Pamela Douglas, CEO, Focus Behavioral Health Services, was sworn in by the City Clerk. Ms. Douglas stated she also couldn't answer the property value question, but noted the facility would be staffed twenty-four hours per day by two employees with one Staff member awake during the night hours. Ms. Douglas also clarified it would not be a locked facility.

Ms. Douglas stated the students will either attend the public school system or attend day treatment sessions at a facility. She pointed out the students would always have a Staff person with them when traveling on the van or for any other event.

Mr. Pearson restated his question regarding the property values of the surrounding property.

Ms. Douglas reiterated she could not answer that question.

Director Wheelock stated a lot of different things were allowed in this zoning and this issue could not be addressed without an appraiser present to submit a report.

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

Upon a motion by Councilmember Rohr, Council voted to 6 to 0 to approve the Conditional Use Permit for property located at 2421 Morganton Boulevard for a proposed Group Home facility, known as "Focus Behavioral Health Services" and the recommended seven conditions as listed above and as recommended by City Staff and the Planning Board.

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, August 2, 2016 as submitted.
2. Municipal Speed Zone for SR1523 (Nuway Circle): Staff recommends Council reaffirm a Municipal Speed Zone Ordinance as submitted by NCDOT for SR1523 (Nuway Circle) to correct an error in the 25 mph ordinance on the north end of Nuway Circle 0.28 miles south of SR1529 and 0.13 miles north of sr1529. Note: SR1523 is already listed in the City's Code of Ordinances as a 25 mph street. A copy of the Municipal Speed Zone Ordinance is hereby incorporated into these minutes by reference. (Refer to page 203).

Councilmember Rohr requested that Item 3. Amended FY2016 Unifour Consortium HOME Program Capital Project Budget Ordinance be removed from the Consent Agenda for further discussion.

Upon a motion by Councilmember Stevens, Council voted 6 to 0 to approve items 1 and 2 on the Consent Agenda as listed above and as recommended by City Manager Hildebran.

3. **Amended FY2016 Unifour Consortium HOME Program Capital Project Budget Ordinance:** Staff recommends approval of the amended FY2016 Unifour Consortium HOME Program Capital Project Budget Ordinance in the amount of \$1,023,802. A copy of the amended Capital Project Budget Ordinance is hereby incorporated into these minutes by reference. (Refer to pages 204-205.)

Mayor Gibbons explained that Council approved this capital project budget ordinance in May for \$1,019,577 and the amended amount has changed to \$1,023,802.

Councilmember Rohr expressed his opposition to the Unifour Consortium HOME Program in general and remarked we should keep this money in taxpayers' pockets.

Upon a motion by Mayor Pro-Tem Willis, Council voted 5 to 1 to approve the amended FY2016 Unifour Consortium HOME Program Capital Project Budget Ordinance in the amount of \$1,023,802 as submitted and as recommended by City Manager Hildebran. Councilmember Rohr voted against this request.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

BUSINESS GROWTH COMMITTEE & BROWNFIELD ADVISORY COMMITTEE:

1. 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.

FRIDAY AFTER FIVE:

2. Friday after Five is scheduled for Friday, August 19 from 7:00 p.m. – 10:00 p.m. with the band "Nautical Wheelers" performing on the square.

CANCELLED; PLANNING BOARD:

3. The Lenoir Planning Board has cancelled their meeting of Monday, August 22. The next meeting will be held on Monday, September 26 at 5:30 p.m.

COMMITTEE OF THE WHOLE:

4. The Committee of the Whole will meet on Tuesday, August 23 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.

FOOTHILLS REGIONAL AIRPORT

- AUTHORITY:** 5. The Foothills Regional Airport Authority will meet on Wednesday, August 24 at noon.

END OF SUMMER BLUES

- BASH:** 6. An End of Summer Blues Bash is scheduled for Friday, August 26 from 6:00 p.m. – 10:00 a.m. Matt Stratford and other bands will be performing

on the square.

FABULOUS FILM

NIGHT: 7. Fabulous Film Night is scheduled on Saturday, August 27 with the movie "Zootopia" being shown on the square at 8:30 p.m.

CRUISE-IN

EVENT: 8. A Cruise-In Event will be held on Saturday, September 3 from 4:00 p.m. – 9:00 p.m. in downtown Lenoir.

HOLIDAY

CLOSING: 9. City offices will be closed on Monday, September 5 in observance of the Labor Day holiday.

VI. Items for Council Action

ORDER OF ABATEMENT; 330

CONNELLY SPRINGS ROAD:

- A. City Staff recommends that Council adopt an Order of Abatement directing Staff to proceed with the demolition and removal of the structure located at 330 Connelly Springs Road. Note: This property is listed as number one (1) on the City's Minimum Housing Priority List.

A copy of the Order of Abatement is hereby incorporated into these minutes by reference. (Refer to pages 206-207.)

Planning Director Wheelock commented this property was ranked higher due to the number of neighbors who signed a petition to have it demolished.

Upon a motion by Councilmember Edmisten, Council voted 6 to 0 approve the Order of Abatement directing Staff to proceed with the demolition and removal of the structure located at 330 Connelly Springs Roads as recommended by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

OPEN HOUSE; FREEDOM CULTURAL

CENTER: A. Councilmember Ike Perkins reported an Open House event (Celebration & Community Meeting) is scheduled on Sunday, September 4 from 3:00 p.m. – 5:00 p.m. at the Freedman Cultural Center, previously known as the (William Lenoir Middle School/Freedman High School). Mr. Perkins stated a tour of the facility would be given and he encouraged everyone to attend.

CLOSED SESSION:

- B. Pursuant to N.C.G.S. §143-318.11(a), (4), and upon a motion by Councilmember Stevens, which carried unanimously, City Council entered into closed session to discuss economic development.

OPEN SESSION

- C. Upon a motion by Councilmember Perkins which carried unanimously, City Council entered into open session and took the following action:

**ECONOMIC DEVELOPMENT INCENTIVE;
PROJECT A-FRAME:**

1. Councilmember Stevens moved to call for a public hearing to be held on Tuesday, September 6 at 6:00 p.m. to consider awarding an economic development incentive for Project A-Frame. This motion carried by a 5 to 1 vote with Councilmember Rohr voting against the motion.

Mr. Rohr stated for the record that he strongly opposes economic incentives and he is ready to dismiss the request to call for a public hearing to consider the incentive request for Project A-Frame.

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 7:25 p.m.

Joseph L. Gibbons, Mayor

Shirley M. Cannon, City Clerk

**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1061767

Division: 11 County: CALDWELL

Municipality: LENOIR

Type: Municipal Speed Zones

Road: SR 1523

Car: 25 MPH

Truck: 25 MPH

Description: Between 0.28 miles south of SR 1529 and 0.13 mile north of SR 1529.

Municipal Certification

I, Shirley M. Cannon, Clerk of City of Lenoir, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 16th day of August, 2016, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: 2016 Page: 194 Ordinance/Resolution Number: n/a

In witness whereof, I have hereunto set my hand and the municipal seal this 17th day of August, 2016.



Shirley M. Cannon
(signature)

SEAL
(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

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	\$793,802
Anticipated Program Income	<u>230,000</u>
Total Revenues	\$1,023,802

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

Downpayment Assistance (HOME Funds)	\$288,351
Program Income Expenditures (Downpayment Assistance)	230,000
HOME CHDO (HOME Funds)	119,071
Development of Multi-Family Housing	307,000
General Program Administration	<u>79,380</u>
Total Expenditures	\$1,023,802

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 16th day of August, 2016.



Mayor



Clerk

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

AN ORDINANCE DIRECTING THE MINIMUM HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, the City Council of the City of Lenoir finds that the dwelling described herein is unfit for human habitation under the City Housing Standards, and that all of the procedures of the Minimum Housing Standards have been complied with; and

WHEREAS, this dwelling should be removed or demolished, as directed by the Minimum Housing Inspector, and should be placard thereon the notice prohibiting use for human habitation; and

WHEREAS, the owner of this dwelling, **Helen Bradshaw**, has been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Standards accordance with G.S. 160A-443 (5) pursuant to an order issued by the Minimum Housing Inspector on August 11, 2015 and the owner has failed to comply with the order;

NOW THEREFORE BE IT ORDAINED BY the City Council of the City of Lenoir that:

Section 1. The Minimum Housing Inspector is hereby authorized and directed to place a placard containing the following:

"This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

on the building located at the following address:

330 Connelly Springs Rd
Lenoir, North Carolina.
Parcel-ID 06 63 5 1
NCPIN 2758177738

Section 2. The Minimum Housing Inspector is hereby authorized and directed to proceed to remove or demolish the described above dwelling in accordance with this Order, and in accordance with the City of Lenoir Minimum Housing Code, and NCGS Chapter 160A, Article 19, Part 6.

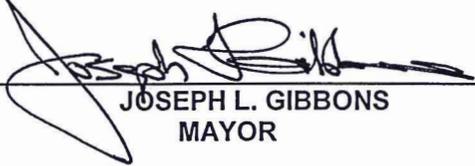
Section 3. The cost of demolition and improvement of the lot shall be a tax lien on the real property as provided by G.S. 160A-443 (6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall be likewise unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. A copy of this ordinance shall be recorded in the Register of Deeds of Caldwell County, North Carolina, and indexed in the name of the property owner or owners in the grantor index.

Section 6. This ordinance shall become effective upon its adoption. Demolition scheduled to begin on August 22, 2016.

Adopted this the 16th day of August, 2016.



JOSEPH L. GIBBONS
MAYOR

ATTEST:

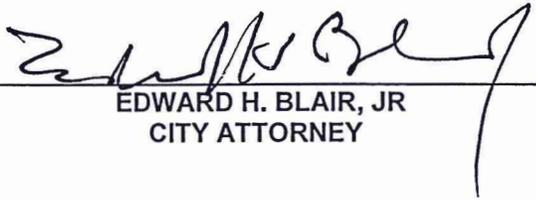


SHIRLEY M. CANNON
CITY CLERK

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

APPROVED AS TO FORM:



EDWARD H. BLAIR, JR
CITY ATTORNEY

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, AUGUST 23, 2016
8:30 A.M.**

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

City Manager Hildebran, City Clerk Cannon, Police Chief Brown, Fire Chief Briscoe, Communications/Resource Director Reynolds, Economic Development Director Horn, Interim Recreation Director Story, Planning Director Wheelock, Public Utilities Director Thomas, and Public Works Director Beck.

OTHERS: Briana Adhikusuma, *News-Topic*.

ABSENT: Councilmembers Perkins and Thomas.

I. CALL TO ORDER

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

II. CITIZEN COMMENT PERIOD

III. COMMITTEE ITEMS

A. Public Utilities/Public Works

1. FY2015-2016 Paving Report: Public Works Director Charles Beck presented the FY2015-2016 Paving Report that listed the name, length and width of the City streets that have been paved this year. One new street (Corley Place) was added to the list. The total cost of paving these streets was \$284,696.75. Mr. Beck further reported the two entrances at Blue Ridge Memorial Park were paved at a cost of \$48,750.00 which was taken out of the City's Perpetual Fund.

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

In addition, Director Beck clarified the City's annual Paving Contract was recently awarded to Maymead, Inc. on July 19, 2016. The agreement is for FY2016-2018 and the City's cost will be \$82.50 per ton of asphalt as put in place. Mr. Beck explained that half of the streets on the City's priority list would be paved in the fall and the remaining streets in the spring. He mentioned that some streets that were not on the current list are getting in worse shape and may have to be paved sooner rather than later.

Council also directed Mr. Beck to contact NCDOT officials regarding the removal of road signs that have been left around the area and in people's yards.

2. Grant/Rebate Application; Electric Vehicle Charging Station: Director Beck presented information regarding the City applying for a grant/rebate from Duke-Energy in order to construct a Brightfield T1 Charging Station at the corner of Harper Avenue and Boundary Street. It was noted the City's cost would be \$33,000 for a total turn-key job and Duke Energy would reimburse the City \$5,000 per unit up to \$20,000. Director Beck pointed out that several local industries are interested in this project and may be willing to partner with the City.

Director Beck reported the deadline to apply for a grant/rebate is September 1 if Council is interested in pursuing this request. He clarified that Duke-Energy would not recoup a lot of revenue from this project and mentioned the City could measure the use of the station through kilowatt usage or through Wi-Fi. Director Beck explained the T1 Brightfield stations are equipped with a 2.4 KW solar canopy and two EV chargers mounted onto the base.

Councilmembers Perdue and Rohr were in favor of charging individuals to use this service. Mayor Pro-Tem Willis commented he was in favor of this project because it gives people with electric cars another reason to visit our downtown area.

City Manager Hildebran suggested that Council authorize Staff to apply for the grant prior to the September 1 deadline and continue further discussion of this request at a later date.

Motion

Upon a motion by Councilmember Perdue, Council voted 5 to 0 to authorize Director Beck to apply for a grant/rebate from Duke-Energy for a Brightfield T1 Electric Charging Station as recommended by City Manager Hildebran.

3. Hayes Avenue Waterline Replacement Project: Public Utilities Director Radford Thomas informed Council that informal bids were received on Thursday, August 11 for the Hayes Avenue Waterline Replacement Project. Iron Mountain Construction submitted the low bid of \$92,760.00 and will begin construction to replace 800 feet of waterline around the middle of September. The project will take thirty days to complete.
4. Brownfields Advisory Committee: Director Thomas stated the City will receive a review from the Environmental Protection Agency (EPA) regarding its recent Brownfields Assessment application that was not successful in being funded. This review will assist the City in knowing which areas of the application need to be improved upon. It was noted these grants are awarded on a points system and the City will be submitting another application in the future.

IV. COMMUNITY DEVELOPMENT

- A. Lenoir Tourism Development Authority: The Lenoir Tourism Development Authority did not meet in June or July. A meeting was held on Wednesday,

August 10 at 2:00 p.m. at the City/County Chambers in which Dr. Carol Kline, Appalachian State University, presented the results of the year-long travel study she compiled at the request of the Lenoir Tourism Development Authority.

Communications/Resource Director Kaye Reynolds reported the Lenoir Tourism Development Authority will consider several grant requests at their September meeting.

- B. Lenoir Business Advisory Board: The Lenoir Business Advisory Board did not meet in August. The next meeting is scheduled for Thursday, September 22 at 6:00 p.m.

Economic Development Director Kaylynn Horn mentioned the open beer garden concept is going well and stated the Branding Design Team will hold a photo shoot at the Summer Blues Bash on Friday, August 26. In addition, Director Horn related several downtown businesses have applied for façade grants and further noted design work is currently being completed for Phase III of the “Move Lenoir to Second Floor” project.

Director Horn also mentioned participants of the Leadership Caldwell program conducted by the Chamber of Commerce will be touring the downtown area on Wednesday, September 7 and reported the City will host the Regional Main Street meeting on Wednesday, October 12.

- C. Sister Cities Committee: The Sister Cities Committee did not meet in August and a report was not presented at this time.

- D. Planning Board: The Planning Board did not meet in August. Director Jenny Wheelock reported on the following items:

1. Housing Update; Foreclosures & Vacant Homes: Director Wheelock reported that Attorney Carroll Tuttle is currently compiling this information for the City, and upon completion, she will forward the report to City Council. Ms. Wheelock commented that some of the homes are ready to advertise while others have title issues.

Councilmember Perdue led a discussion whether the City has the authority to take any action regarding the current condition of the former Williams Produce building located on Creekway Drive. He related this commercial building continues to deteriorate and is an eyesore in the community.

Director Wheelock clarified there has to be compelling issues with a property before the City can enforce declaring it as a nuisance. Following a brief discussion, Council was in consensus to direct Ms. Wheelock to look at the City’s standards and develop possible enforcement rules/guidelines pertaining to commercial buildings.

Mayor Pro-Tem Willis stated the City needs to be pro-active in addressing the City's minimum housing issues due to this issue becoming a problem in surrounding areas.

Director Wheelock stated the next step is to verify how many of these properties are City owned and how many are listed as tax delinquent properties. Ms. Wheelock further stated she is encouraging citizens to make an offer on any of these properties.

Police Chief Brown inquired whether a realtor could possibly compile this information for the City. As information, Public Works Director Beck also pointed out the City mows these properties which has become a time consuming job for Staff.

2. Update: Food Trucks: Planning Director Wheelock presented a proposed Food Truck Policy and a sample map that outlined on-street locations that would allow food vendors. Ms. Wheelock pointed out that food vendors would not be permitted in spaces that are within 75 feet of a restaurant and would not be allowed within the two block area surrounding City Hall.

(A copy of the proposed Food Truck Policy and map is attached to these minutes as information.)

Director Wheelock stated food vendors are regulated by the Caldwell County Health Department and owners are required to have all of their permits. She suggested the City consider establishing a fee should Council decide to move forward with this project.

A discussion was held pertaining to legal parking areas for these types of vendors along with organized events that already have vendors present which tends to create issues between the two businesses.

Director Wheelock mentioned the City could develop a "pilot policy" but would need an ordinance as well. It was the consensus of the Council to direct Staff to develop a "pilot policy" regarding food truck vendors and report back to City Council.

- E. Parks & Recreation Advisory Board: The Parks & Recreation Advisory Board met on Monday on August 8. Minutes of the meeting were submitted as information. Interim Recreation Director Kenny Story presented the following report on current activities:
 - Kaboom Grant – Interim Director Story reported the Board discussed combining with the Caldwell Arts Council who applied for a \$50,000 Kaboom Play Anywhere Grant for an interactive walk in the downtown area and to locate sculptures which will be placed in different areas to encourage individuals to visit downtown. It was noted the Arts Council is listed as a finalist for this grant on the Kaboom.org website and winners will be

announced in two weeks.

- Improvements; J.E. Broyhill Park – Reported the City is still waiting on HUD funding to be released before this improvements project can be completed. Planning Director Wheelock stated the City may receive the funds within the next few days upon which construction will begin immediately to complete the project.
- PARTF Grant – Reported the Parks and Recreation Trust Fund Grant division (PARTF) will be announcing the list of cities to be awarded PARTF grants on Thursday, August 25. Director Story stated he will attend this meeting on behalf of the City.
- Board Vacancy – Reported that Sandy Rossborough is retiring off of the Parks & Recreation Advisory Board due to moving out of state.

F. Finance & Administration

1. Update; Fair Standards Labor Act (FSLA) – City Manager Hildebran informed Council the City has twenty-two (22) positions that are affected by the new FSLA legislation that increases the amount an employer must pay for an employee to qualify for exempt status. The law to maintain FSLA exemption increases the annual salary of \$23,600 to \$47,476 effective December 1, 2016. All other duty tests remain the same. The estimated cost to the City is in the \$20,000 range.

Mr. Hildebran stated these positions will be reclassified and he will present an updated report in the near future.

2. Update; Financial Report: Mr. Hildebran stated the City's auditors are in the process of completing the City's FY2015-2016 year-end audit and will submit this information to City Council in the near future.
3. Commended; Fire Chief Ken Briscoe: Mr. Hildebran announced that Chief Ken Briscoe received notification that he has been re-appointed to serve a term on the North Carolina Fire and Rescue Commission effective September 30, 2016 and expiring September 30, 2019.

City Council and Mr. Hildebran congratulated Chief Briscoe upon this re-appointment.

G. Public Safety

1. Police Chief Brown thanked everyone for their prayers and support during the recent unfortunate shooting incident at the Wal-Mart Shopping Center. He stated the officers involved have completed a mandatory debriefing program, are doing well and are back to work. He also commended Fire Chief Ken Briscoe and his Staff for all of their support and assistance throughout the day by setting up a command post and providing food and water to the emergency personnel on site.

In addition, he stated that four new Police officers have been sworn in and noted he will conduct another "Chat with the Chief" meeting beginning at 5:30 p.m. today at

the Caldwell County Library.

2. Update; Body Cameras: Chief Brown distributed copies of House Bill 972 pertaining to law enforcement recordings. Chief Brown pointed out these recordings are not public records and clarified the individual involved can view a tape but cannot record or make a copy of it. He briefly named the individuals who may review a tape as outlined in the statute. In addition, he verified this statute also applies to dash cams.

Councilmember Rohr stated he understood the need for privacy, but noted he disagrees with this legislation.

3. Update; Fire Department: Fire Chief Ken Briscoe reported he hoped that local contractors will be used for the construction of Fire Station No. 3 and that Architect Jesse Plaster will submit a Request for Qualifications (RFQ) for this project.

In addition, Chief Briscoe related the Department has not heard back yet from ISO following their recent inspection of the Department which occurs every five years. The Department currently maintains a Class 4 insurance rating.

Next, Chief Briscoe reported he recently attended a meeting at Caldwell Community College where the Rescue Readiness Tax was a topic of discussion. He stated the City collects around \$181,000 in revenue annually for this tax, but only receives a \$61,000 distribution from Caldwell County each year. He stated that discussion centered on each district receiving the full amount of this tax revenue and he asked City Councilmembers to consider discussing this issue with the County Commissioners.

Councilmember Rohr asked Chief Briscoe to send Council additional information pertaining to this tax in order to prepare Council for their conversations with the Commissioners about this issue.

Note: Councilmember Perdue left the meeting at 9:45 a.m.

Chief Briscoe further explained it would benefit prospective business owners looking to locate in Caldwell County if Staff from the City or County Fire Marshall's office could attend initial meetings conducted by the Caldwell County Economic Development Commission to explain upfront the City/County fire code regulations. As an example, he noted that Google was not aware of the regulations prior to their moving to Lenoir in 2006, and as a result, they had to change the way they originally planned to sprinkle their facilities.

VI. OTHER

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

VII. Adjourn:

There being no further business, the meeting was adjourned at 10:00 a.m.

Attachments

FY2015-2016 Paving Report

Proposed Food Truck Policy/Map

FY 2015 -2016 PAVING REPORT

STREET	L	W
CORLEY PLACE (NEW)	400	16
PENNELL STREET (SEEHORN TO GREENWAY)	1200	22
SOUTHSIDE COURT	600	20
ROLLING HILLS COURT	588	20
SPRINGFIELD COURT (HIBRITEN TO APPELEGATE)	475	22
VILLAGE PLACE (RONQUIL PARK TO DEADEND)	445	18
JOYCETON CHURCH ROAD (US 321A TO US 321)	2400	25
SEVERT CIRCLE	2950	18
COLLEGE AVENUE (MULBERRY TO MAIN)	240	40
TODD STREET (HARPER TO WILDER)	410	26
CALDWELL PLACE (PLAZA TO DEADEND)	800	20
EDGEBROOK PLACE (HARPER TO DEADEND)	1120	17
FAIRLANE DRIVE	850	18
HAIGLERROAD (HIBRITEN TO FOOTHILLS)	2170	22
HEMLOCK STREET	1640	22
MULBERRY STREET (BRIDGE TO NORWOOD)	1592	30
SUBTOTAL COST	\$ 284,696.75	
BLUE RIDGE CEMETERY SUBTOTAL COST	\$ 48,750.00	
TOTAL COST	\$ 333,446.75	

Private Property:

If the following criteria are satisfied, the use will be considered a “permitted” use in B-2, B-3, I-1, and I-2 zoning districts (where “fast food” is permitted):

- Truck is parked on private property with permission of the property owner and is not blocking ingress, egress, or visibility from required sight triangles around driveways and intersections.
- Truck is free-standing and operable/movable (i.e. not attached permanently to the site or building in any way).
- All Health Department inspections/permits are current.

Public Property:

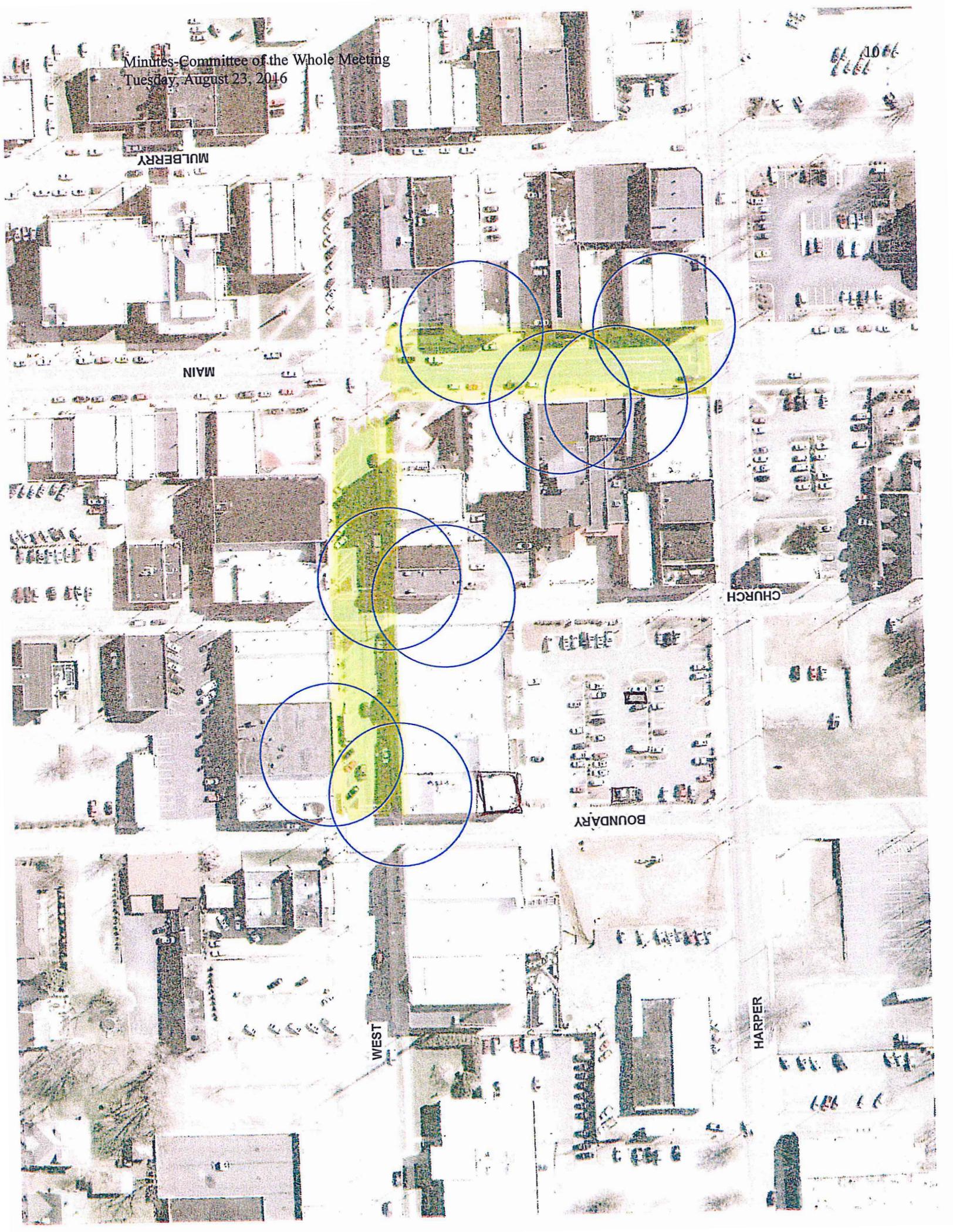
Outside Downtown:

Mobile food vendors may sell from any location where a vehicle is allowed to be legally parked on a City Street, provided that the mobile food vendor:

- has all required Health Department inspections and permits
- is parked for less than 30 minutes at any given location
- does not return to the same location more than twice per day.
- Example: ice cream trucks, lunch trucks (“roach coach”)

Downtown:

- Permit required for all vendors:
 - XXX/year (fee TBD)
 - Issued by Planning Department
 - Must show Health Department permits/inspection records
 - Permit could be revoked for failure to follow these rules
- Must operate out of a legal parking spot – no pulling up on curbs, sidewalks, etc.
- Must maintain area around truck in a clean and sanitary manner – no dumping oil, trash, etc. on the City street or sidewalk.
- Time limits apply to food vendors, too – during 2 hr parking hours, vendors must comply with 2 hour rules, except that the City may choose to designate specific spots and hours for “food truck pods” that could exceed the 2 hour limits through a special event permit.
- During Special Events (with an approved special event permit) the only vendors allowed downtown are those sanctioned by/participating in the special event. Vendors associated with special events do not need City of Lenoir permit to operate; only Health Department permit (when required).
- See map for on-street locations that allow food vendors. Food vendors are not permitted in spaces that are within 75 ft. of a restaurant.



MULBERRY

MAIN

CHURCH

BOUNDARY

WEST

HARPER



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

**RECOGNIZING
THE NATIONAL MOMENT OF REMEMBRANCE OF THE 15TH
ANNIVERSARY OF SEPTEMBER 11TH**

WHEREAS, the City Council of the City of Lenoir expresses their support of the citizens of the United States coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2016, in honor of the 15th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:03 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and



WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2016, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 15 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 15 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 15th anniversary of this tragic day, the thoughts of the people of the City of Lenoir are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that I, Joseph L. Gibbons, Mayor, and on behalf of the Lenoir City Council:

(1) recognizes September 11, 2016, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the City of Lenoir will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 15th anniversary of this tragic day in United States history the Lenoir City Council requests that citizens observe a moment of remembrance on September 11, 2016, and

BE IT FURTHER RESOLVED that the Lenoir City Council requests the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Adopted this 6th day of September, 2016.

SEAL

Joseph L. Gibbons, Mayor

Shirley M. Cannon, City Clerk

CITY OF LENOIR

COUNCIL ACTION FORM

- I. **Agenda Item:** Resolution to Authorize an Application for State Loan/Grant Assistance for Improvements to the Lower Creek WWTP Biosolids Facility

- II. **Background Information:** The City of Lenoir recently completed a study of the current biosolids facility and operations at the Lower Creek WWTP. The study was funded through a Technical Assistance Grant (TAG) received from the NC Department of Environmental Quality. The study was presented to the City Council at the June 28, 2016 Committee of The Whole meeting by Andy Lovingood with McGill Associates. Following the presentation, City Council voted to proceed with the proposed Biosolids Project and timeline as presented by Mr. Lovingood.

The next step in the process is to submit an application to the state for funding assistance for the project. The resolution authorizes the application for state loan/grant funds which will be sufficient to cover construction, related engineering, inspections, and administration of the project.

- III. **Staff Recommendation:** Staff recommends approval of the resolution to authorize an application for state loan/grant assistance for the improvements to the Lower Creek WWTP Biosolids Facility.

IV. **Reviewed by:**

City Attorney: _____

Finance Director: _____

Public Works/Public Utilities Director: _____



CITY MANAGER
SCOTT E. HILDEBRAN

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RESOLUTION BY GOVERNING BODY OF APPLICANT

- WHEREAS,** The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of a wastewater treatment works project, and
- WHEREAS,** The **City of Lenoir** has need for and intends to construct a wastewater treatment works project generally described as Biosolids Facility Improvements at the City of Lenoir's Lower Creek Wastewater Treatment Plant including but not limited to replacement of the sludge dewatering and biosolids treatment systems, and
- WHEREAS,** The **City of Lenoir** intends to request state loan or grant assistance for the project,

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

That **City of Lenoir**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the **City of Lenoir** to make scheduled repayment of the loan, to withhold from the **City of Lenoir** any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That **Scott Hildebran, City Manager**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency 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 **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 6th day of September, 2016 at Lenoir, North Carolina.

SEAL

Joseph L. Gibbons, Mayor

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



CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Lenoir does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of the City of Lenoir duly held on the 6th day of September, 2016; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of September, 2016.

Shirley M. Cannon, City Clerk

CITY OF LENOIR
COUNCIL ACTION FORM

- I. Agenda Item:** Resolution to Allow Special Equipment Bids For The Water Treatment Plant Improvements Project
- II. Background Information:** The City of Lenoir is undertaking a major renovation of the Bernhardt Water Treatment Plant that is scheduled to get underway in January 2017. The Water Treatment Plant has existing automated sludge removal equipment and chemical feed pumps in operation. The improvements project involves the replacement of certain components of the existing automated sludge removal equipment and also involves the replacement and addition of chemical feed pumps. After equipment research by City staff, a Special Equipment Bid option is requested. The purpose of the Resolution to Allow Special Equipment Bids is to afford the City the opportunity to continue to use the current technology already in place at the Water Treatment Plant while maintaining consistency in the operations of the treatment process.
- III. Staff Recommendation:** Staff recommends City Council approval of the Resolution to Allow Special Equipment Bids For The Water Treatment Plant Improvements.
- IV. Reviewed by:**
- City Attorney:** _____
- Finance Director:** _____
- Public Works/Public Utilities Director:** _____



CITY MANAGER
SCOTTE E. HILDEBRAN

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**RESOLUTION TO ALLOW SPECIAL EQUIPMENT BIDS FOR THE
WATER TREATMENT PLANT IMPROVEMENTS PROJECT**

WHEREAS, the City of Lenoir owns, operates, and maintains a Water Treatment Plant for the benefit of the citizens of the City of Lenoir, Caldwell County, and the surrounding communities; and

WHEREAS, the Lenoir City Council has accepted a State Revolving Funding loan offer of \$6,540,000 for the Water Treatment Plant Improvements project; and

WHEREAS, as part of the treatment process, the Water Treatment Plant has existing automated sludge removal equipment and chemical feed pumps in operation; and

WHEREAS, the Water Treatment Plant Improvements project involves the replacement of certain components of the existing automated sludge removal equipment; and

WHEREAS, the Water Treatment Plant Improvements project also involves the replacement and addition of chemical feed pumps, and that after equipment research by City staff, a preferred brand alternate bid item will include the following general performance standards to improve the function of the chemical feed systems:

Pumps shall have cased drives with no exposed shaft bearings to avoid potential contact with chemicals. Pumps shall have flexible tubing that is produced by the pump manufacturer to ensure product quality and equipment service life. Pumps shall have integrated float switch to shut down pump in case of tubing failure. Pumps shall have motor speed up to 220 revolutions per minute to provide a greater flow range to meet varying chemical feed requirements.

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

That the Lenoir City Council does hereby decide to (1) purchase replacement equipment components for the automated sludge removal system; and (2) receive preferred brand alternate bid prices for the chemical feed pumps and to select preferred alternate equipment if deemed in the best interest of the City of Lenoir.

Adopted this 6th day of September, 2016.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk

