

AGENDA



**CITY OF LENOIR
CITY COUNCIL MEETING
CITY HALL
801 WEST AVENUE, 3RD FLOOR
TUESDAY, NOVEMBER 1, 2016
6:00 P.M.**



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. Proposed City Ordinance; Unlawful Passing: A public hearing will be held to consider amending the City of Lenoir's Code of Ordinances, Appendix B, Traffic, to include a proposed ordinance prohibiting vehicles from passing in a no-passing zone so designated by markings installed or applied by the City of Lenoir. Upon approval, this ordinance will be included under Section 126, Unlawful Passing, in the City's code.
- B. Speed Limit Request/No Passing Zones; Corpening Place and Hillcrest Streets: A public hearing will be held to consider designating Corpening Place and Hillcrest Street as 20 MPH streets and no passing zones, in their entirety, and that appropriate signage be posted and striping painted, at the direction of the Public Works Director. **Note:** Upon approval, the City of Lenoir's Code of Ordinances, Appendix B, Traffic, Section 114, Twenty mile per hour speed limit on the following streets, will be amended to include Corpening Place and Hillcrest Street and these streets will also be included as no passing zones under Section 126 as described above.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of minutes from the City Council Meeting of Tuesday, October 18, 2016 as submitted.
- B. Minutes: Approval of minutes from the joint City Council/ABC Board Meeting of Thursday, October 20, 2016.
- C. Request for Qualifications; Design of New Fire Station: A copy of the Request for Qualifications for Architectural Services for the Design of a New Fire Station is included in the agenda packet. City Staff recommends approval of the Request for Proposals and Qualifications as submitted by J.B. Plaster Architect Company for the Design of the New Fire Station Project.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

1. November Calendar: The calendar for the month of November will be submitted to Council listing various meetings and events.
2. One Stop Voting ends on Saturday, November 5th. General Election Day is Tuesday, November 8.
3. The Caldwell County Economic Development Commission will meet on Tuesday, November 8 at 8:00 a.m.
4. The Lenoir ABC Board will meet on Tuesday, November 8 at 5:30 p.m. at Lenoir Store #1 located at 123 ABC Court.
5. The Sister Cities Committee will meet on Thursday, November 10 at 1:15 p.m.
6. The Lenoir Business Advisory Board will meet on Thursday, November 10 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.
7. City offices will be closed on Friday, November 11 in observance of Veterans Day.
8. The City/County Services Committee will meet on Monday, November 14 at 11:45 a.m.
9. The National League of Cities Annual Conference will be held on Wednesday, November 16 through Saturday, November 19. City Manager Hildebran will be representing the City of Lenoir at this event.
10. The annual Light-Up Lenoir event is scheduled for Thursday, November 17 from 3:00 p.m. – 6:00 p.m. in downtown Lenoir. Also, the annual Light Show begins daily on Thursday, November 17 through early January from 6:00 – 10:00 p.m.
11. Annual Fall Leaf Pickup will continue through January 15. Information is available on the City's website at www.cityoflenoir.com or citizens may contact the Public Works Department at (828) 757-2173.

A. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT



Lenoir Police Department

1035 West Avenue NW
Lenoir, North Carolina 28645
(828) 757-2121 • Fax (828) 757-2103



Council Action Form

I. Agenda Item:

This agenda item calls for the adoption of a City Ordinance prohibiting vehicles from passing in a designated no-passing zone.

II. Background Information:

As a result of a recent traffic study in which a no-passing zone was requested by a citizen, we discovered the need for a relative City Ordinance. North Carolina General Statute § 20-150 prohibits passing only in zones marked by the NC Department of Transportation, hence the need for a similar ordinance applicable to markings installed or applied by the City of Lenoir.

III. Staff Recommendation:

Staff recommends that City Council call for a Public Hearing to be held on November 1, 2016 and approve the attached ordinance as submitted.

IV. Reviewed by:

City Attorney: _____	Date: _____
Assistant City Manager: _____	Date: _____
Police Chief: <u></u>	Date: <u>10-12-2016</u>

Appendix B – Traffic*Proposed: 10-18-2016***Sec. 126. - Unlawful passing.**

- (a) The driver of a vehicle shall not overtake and pass another vehicle on any portion of a city street which is marked by signs, markers or markings placed by the City stating or clearly indicating that passing should not be attempted.
- (b) The city manager may install or cause to be installed appropriate traffic-control measures to indicate that no passing is allowed whenever and wherever passing would be unsafe.

State Law Reference – N.C.G.S. 20-150 and N.C.G.S. 160A-296.



Lenoir Police Department

1035 West Avenue NW
Lenoir, North Carolina 28645
(828) 757-2121 • Fax (828) 757-2103



Council Action Form

I. Agenda Item:

This agenda item calls for classifying speed limits and no passing zones on the city-maintained streets of Corpening Place and Hillcrest Street in the West End community.

II. Background Information:

At the request of West End resident, Reverend Jimmy Norwood, the police department's traffic section conducted a study for the purposes of determining appropriate speed limits and striping for Corpening Place (see attached). The street speed is currently not classified in ordinance, which defaults it to 35 MPH – much too fast for this short, narrow street. The street is not currently striped, yet its width of 22' is sufficient for two-way traffic and marked center lines. Although we did not find serious speeding issues, we feel that a 20 MPH speed limit and no passing zone throughout Corpening Place will improve the safety and quality of life for this neighborhood's residents.

Due to the close proximity and similar characteristics of Hillcrest Street, which is also defaulted to 35 MPH and not currently striped, we recommend Hillcrest Street be classified as a 20 MPH street and no passing zone, in its entirety.

III. Staff Recommendation:

Staff recommends that Corpening Place and Hillcrest Street be designated 20 MPH streets and no passing zones, in their entirety, and that appropriate signage be posted and striping painted, at the direction of the Public Works Director.

IV. Reviewed by:

City Attorney: _____ Date: _____
Assistant City Manager: _____ Date: _____
Police Chief: *[Signature]* Date: 10-10-2016



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 Lenoir, North Carolina 28645
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TRAFFIC ENFORCEMENT UNIT

TRAFFIC PROJECT

LOCATION	PURPOSE	ORIGIN	DATE COMPLETED
800 BLK of Corpening Place	Speeding and Stop Sign Violations	Rev. J. Norwood	10/07/2016



TRAFFIC PROJECT COMPLETED BY:

Sergeant James Moore
 Master Patrol Officer Nathaneal Blache

Lenoir Police Department
 Traffic Enforcement Unit
 828-757-211

INTRODUCTION

The Lenoir Police Department Traffic Enforcement Team conducted a study of traffic on the 800 block of Corpening Place. The study was requested to determine:

- Whether or not the street needed to be striped.
- Is the street wide enough to be striped?
- Are appropriate signs posted regarding the speed limit and stop sign?

The findings of this study are presented in this report.

The data presented was collected in April of 2016. As the information was collected within the past six (6) months and is considered “current and accurate” to date.

LOCATION / DESCRIPTION

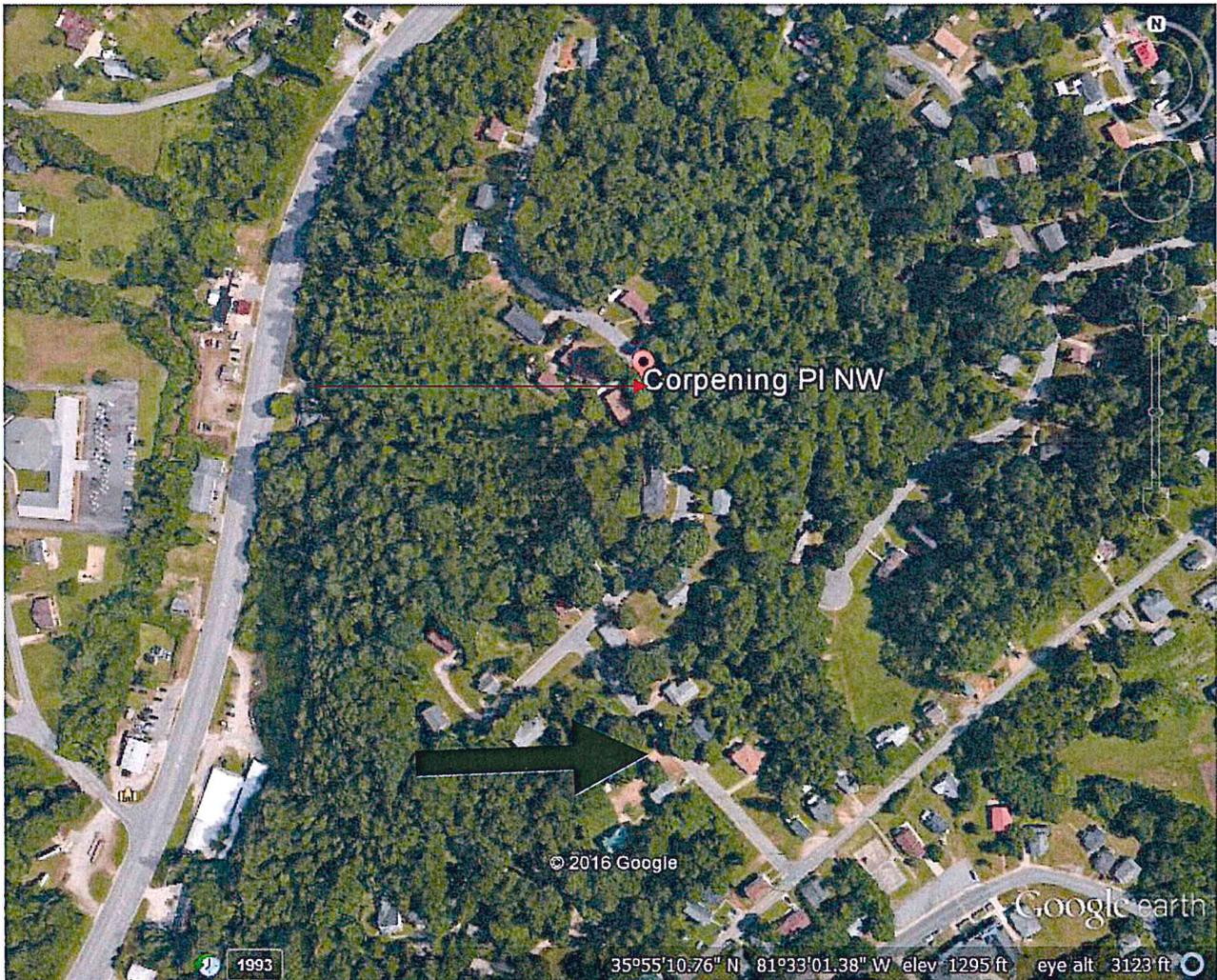


Illustration II

The red arrow indicates the roadway in question, the 800 block of Corpening Place. The black arrow indicates Hillcrest Street.

EVALUATION

To determine the number of vehicles and their speeds we deployed the *StealthStat*, which is an inconspicuous pole mounted traffic statistic device. Unlike the Smart Radar, which causes many drivers to slow down, the *StealthStat* is nearly unnoticeable and therefore renders truer speeds.

The *StealthStat* was deployed on Monday, April 18, 2016, with this date being the start of the speed evaluation process. This process was ended on Thursday, April 21, 2016. The data below describes, in detail, the results of this seventy-two hour study.

THERE IS NO POSTED SPEED LIMIT ON CORPENING PLACE

❖ *What is the average speed of vehicles traveling on Corpening Place?*

On average, vehicles travel **14.22mph** while traveling on Corpening Place.

Speed Study Results – Corpening Place	
MINIMUM SPEED	10 mph
MAXIMUM SPEED	30 mph
AVERAGE SPEED	14.22 mph
50TH PERCENTILE	13
85TH PERCENTILE	18

To determine the number of vehicles traveling along Corpening Pl. on an average per day, the traffic counter was deployed. This is a ground mounted traffic statistic device that mounts directly to the road surface and is secured to an immovable object by lock and key. This device is seen across the roadway and uses air pressure that is pushed through a hose, which in turn is sent to a counter box recording the numbers.

The Traffic Counter was also deployed on Monday, April 18, 2016, with this date being the start of the traffic evaluation process. This process was ended on Thursday, April 21, 2016. The data below describes, in detail, the results of this seventy-two hour study.

The Traffic Counter gathered:

286 vehicles passed through the area in three (3) days, resulting in a daily average of 95 vehicles per day.

When a marked patrol unit is in the area, motorists tend to obey the traffic sign (stop sign) and not speed. However in the past, when patrols were conducted, violations were observed as several vehicles did not stop for the sign and were also observed speeding.

*North Carolina DOT recommends a roadway be a minimum 20ft wide prior to striping as a two(2) lane roadway.

*The roadway measures twenty-two(22) feet on both ends of Corpening Place.

LPD TRAFFIC CALMING PROGRAM

At the discretion of the City Manager and Chief of Police any other street deemed necessary for evaluation but does not meet this criteria may be evaluated.

For a street to be considered for the Traffic Calming Program, it must meet the following:

1. Street must be classified as a local residential street.
2. Street must not be a Major or Minor Transportation Plan roadway.
3. Street must have an average annual daily traffic volume that is greater than 500 Vehicles Per Day (VPD) but less than 5,000 VPD to qualify for multi-way stops and speed humps or 0 to 5,000 VPD to qualify for speed reduction.
4. Speed of at least 25% of the traffic on the street exceeds the posted speed limit by at least 10 mph.
5. Street must not operate at 40 mph or greater to reduce speeds to 25 mph.
6. Application must not have been denied within last (12) months.

Based on the data gathered, Corpening Pl. does not meet the requirement for the Traffic Calming Program. Corpening Pl. is an unmarked, single lane road with two way travel. Sgt. Moore has checked with City Municode and there is no speed limit posted. There are also no speed limit signs posted on Corpening Place.

LINE OF SIGHT FROM HILLCREST ST. APPROACHING CORPENING PL.*Illustration III**Illustration IV*

As you can see from inside my patrol vehicle, while approaching Corpening Pl. on Hillcrest St., the stop sign is clearly visible.

ADDITIONAL ROADWAY PHOTOGRAPHS



Illustration V

The above photograph shows the stop sign at Corpening Pl. and Hillcrest Street.



Illustration VI

The above photograph shows Corpening Pl. has not been striped.

CONCLUSION / RECOMMENDATION

In regards to Corpening Place, the speed limit is 35mph in the city limits unless otherwise posted. Therefore, it is recommended that:

- The speed limit on the entirety of Corpening Place be classified as 20 MPH and appropriate signage posted, at the direction of the Public Works Director.
- A stop bar be painted on the roadway on Hillcrest St. at Corpening Place.
- The roadway on Corpening Place be striped with a double yellow line.
- Continued Law Enforcement presence to help educate motorist that travel along this particular roadway.

ADDITION: Due to the close proximity and both streets having similar uses and concerns, we also recommend that the entirety of Hillcrest Street be classified at 20 MPH, with appropriate signage posted, and striped with a double yellow line.

**LENOIR CITY COUNCIL
TUESDAY, OCTOBER 18, 2016
6:00 P.M.**

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

ABSENT: Councilmember Rohr.

I. CALL TO ORDER

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

FY2015-2016 ANNUAL

AUDIT REPORT: B. Mr. Eric Bowman, PA, presented the FY2015-2016 Annual Audit Report to City Council.

A copy of the audit report is available for public review in the office of the Finance Director.

Mr. Bowman reported the City's ending Fund Balance is \$6,788,632, with a net change of \$556,124 that was added to the Fund Balance and represents 25% of the City's expenditures in reserves. The Local Government Commission recommends that municipalities have 8% of expenditures in reserve and he noted the City's Fund Balance is very adequate. Mr. Bowman stated the City is in great financial shape and has experienced two excellent years of increasing its Fund Balance over \$1,000,000. In addition, he stated the Utility Fund has an ending balance of \$297,887 in revenues and expenditures and noted the Department continues to hold its own.

Mr. Bowman further reported the City's long-term debt is \$2,914,700, but pointed out that approximately 35% of the debt is 0% interest loans. He noted the City has \$5,985,301 in unrestricted funds and reiterated the City's finances are in great shape. Mr. Bowman commended former Assistant City Manager/Finance Director Danny Gilbert for the excellent job he has done in maintaining the City's financial records over the years.

City Manager Hildebran also thanked Danny Gilbert and City Staff and commented he appreciated all of their hard work in preparing the City's budget.

Councilmember Perdue also commended the City's Department

Directors for all of their efforts in maintaining their departmental budgets.

On behalf of City Council, Mayor Gibbons thanked Mr. Bowman for the good report.

**SPECIAL RECOGNITION; EXCHANGE STUDENTS;
GYMNASIUM ACHERN, GERMANY:**

- C. On behalf of City Council, Mayor Gibbons recognized a group of Exchange Students and Faculty from Gymnasium Achern, Germany, along with Mr. Saccha Sanderlin, German Instructor, Hibriten High School and Mr. James Propst, German Instructor, West Caldwell High School. Each student introduced themselves and expressed their appreciation for the opportunity visit America along with the experience of attending high school in Caldwell County during their visit.

Mayor Gibbons stated it was an honor to have the students and Mayor Pro-Tem Willis presented each one with a business card holder and City lapel pin. The students are visiting our area from October 11 – October 31.

Mr. Sanderlin stated the exchange program began in 2006 and commented his students were excited to learn about Germany. He related that he and Mr. Propst work hard to secure host families for this event. Both of the instructors from Germany also thanked City Council for their hospitality and the opportunity for the students to learn more about the American way of life.

**SPECIAL RECOGNITION;
TEACHING EXCELLENCE & ACHIEVEMENT
PROGRAM:**

- D. On behalf of City Council, Mayor Gibbons recognized Tatevik Hamlet from Armenia and Patrick Bopoto from Zimbabwe who are visiting Caldwell County through the Teaching Excellence and Achievement Program (TEA). The instructors are currently in Caldwell County for two weeks and are team teaching at Hibriten High School and Caldwell Community College & Technical Institute Early College.

COMMENDED; MAYOR PRO-TEM

BEN WILLIS:

- E. On behalf of City Council, Mayor Gibbons commended Mayor Pro-Tem Ben Willis upon achieving the level of *Mentor* in the Local Elected Leaders Academy (LELA). Mayor Gibbons stated the School of Government, in partnership with the North Carolina League of Municipalities and the North Carolina Association of County Commissioners, offers municipal and county elected

officials training through the Local Elected Leaders Academy.

The LELA recognition program is designed to encourage and recognize each participant's commitment to lifelong learning. The three levels of recognition are Practitioner, Master and Mentor.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

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

1. Minutes: Approval of minutes from the City Council Meeting of Tuesday, October 4, 2016 as submitted.
2. Amendments; Municipal Records Retention and Disposition Schedule: Approval of amendments to the Municipal Records Retention and Disposition Schedule pertaining to 911 Recordings, Law Enforcement Audio and Video recordings and Personnel Records including Accreditation Records, Family Medical Leave Act (FMLA) Records, Leave File and Leave without Pay as submitted. (Copies of the amendments are hereby incorporated into these minutes by reference. Refer to pages 263- 273.)
3. Resolution; PARTF Contract Agreement: Approval of a resolution between the City of Lenoir and the North Carolina Department of Natural and Cultural Resources (DNCR) formally accepting the North Carolina Parks and Recreation Trust Fund Grant (PARTF) in the amount of \$327,200 and approval of the NC PARTF Project Contract Agreement as submitted. (A copy of the resolution and contract agreement is hereby incorporated into these minutes by reference. Refer to pages 274-280.)
4. Resolution; Wastewater Asset Inventory and Assessment Grant: Approval of a resolution formally accepting the North Carolina Department of Environmental Quality (NCDENR) grant in the amount of \$140,000 for the Wastewater Asset Inventory and Assessment Project. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 281.)
5. Resolution; Water Asset Inventory and Assessment Grant: Approval of a resolution formally accepting the North Carolina Department of Environmental Quality (NCDENR) grant in the amount of \$80,000 for the Water Asset Inventory and Assessment Project. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 282.)

City Manager Hildebran pointed out the total amount of grant funding as referenced above and awarded to the City of Lenoir is \$547,200.00.

Motion

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 to 0 to approve items 1 through 5 on the Consent Agenda as listed above and as recommended by City Manager Hildebran.

Councilmember Perdue asked to remove Item No.6, Award Recommendation; Harper Avenue & Fairview Redevelopment Public Water & Sewer Extensions Project because his business represents Brushy Mountain Builders. He respectfully asked Council to recuse him from voting on this agenda item.

Motion

Upon a motion by Councilmember Thomas, Council voted 5 to 0 to recuse Councilmember Perdue from voting on this item.

6. **Award Recommendation; Harper Avenue & Fairview Redevelopment Public water & Sewer Extensions Project:** City Staff recommends approval of the contract between the City of Lenoir and Brushy Mountain Builders (as modified) and as recommended by McGill Associates in the amount of \$42,000 for the Harper Avenue & Fairview Redevelopment Public Water & Sewer Extensions Project. (A copy of the bid award is hereby incorporated into these minutes by reference. Refer to pages 283-284.)

Motion

Upon a motion by Mayor Pro-Tem Willis, Council voted 5 to 0 to approve Staff's recommendation to approve a contract between the City of Lenoir and Brushy Mountain Builders (as modified) and as recommended by McGill Associates in the amount of \$42,000 for the Harper Avenue and Fairview Redevelopment Public Water & Sewer Extensions Project as recommended by City Staff.

Councilmember Stevens asked to remove Item No. 7, Comprehensive Boundary Survey; Lenoir Watershed Property, because his business represents Western Carolina Surveyors. He respectfully asked Council to recuse him from voting on this agenda item.

Motion

Upon a motion by Councilmember Perdue, Council voted 5 to 0 to recuse Councilmember Stevens from voting on this item.

7. **Comprehensive Boundary Survey; Lenoir Watershed Property:** Approval of the Request for Proposals for a Comprehensive Boundary Survey for the Lenoir Watershed Conservation Easement as required by the Clean Water Management Trust Fund (CWMTF). Note: The City received two

surveying proposals from qualified firms both with similar experience and estimated project costs. Based on their local experience and their ability to complete the project in a timelier manner, City Staff recommends contracting with Western Carolina Surveyors, Inc. to complete the Comprehensive Boundary Survey for the Lenoir Watershed Conservation Easement Property. (A copy of the Request for Proposals and map is hereby incorporated into these minutes by reference. Refer to pages 285-295.)

Motion

Upon a motion by Councilmember Thomas, Council voted 5 to 0 to approve the Request for Proposals for a Comprehensive Boundary Survey for the Lenoir Watershed Conservation Easement Property as required by the Clean Water Management Trust Fund (CWMTF) and further approved the proposal as submitted by Western Carolina Surveyors to complete the Comprehensive Boundary Survey for the Lenoir Watershed Conservation Easement Property.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

FY2017 HOLIDAY

SCHEDULE: 1. The 2017 Holiday Schedule was submitted to Council as information. (A copy of the schedule is hereby incorporated into these minutes. Refer to page 296.)

2017 CITY COUNCIL

MEETING SCHEDULE: 2. The 2017 City Council Meeting Schedule was approved by Council as submitted. (A copy of the schedule is hereby incorporated into these these minutes. Refer to pages 297-298.)

JOINT CITY COUNCIL &

ABC BOARD: 3. The Lenoir ABC Board will host a joint meeting with the Lenoir City Council on Thursday, October 20 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.

NCLM CONFERENCE:

4. The annual North Carolina League of Municipalities Conference (NCLM) will be held in Raleigh on October 23 through October 25.

GOOGLEFEST

2016: 5. Googlefest 2016 will be held on Monday, October 24 & Tuesday, October

25 at the J.E. Broyhill Civic Center. Seminars will be held for educators on Monday and for small businesses and non-profit organizations on Tuesday.

**COMMUNITY MEETING;
FAIRVIEW SOUTH:**

6. A Community Meeting is scheduled on Monday, October 24 from 4:00 p.m. – 7:00 p.m. at the Unity Park Community Gardens to learn more about the Fairview South Project.

CANCELLED; COMMITTEE OF

THE WHOLE: 7. The Committee of the Whole Meeting of Tuesday, October 25 has been cancelled due to City Council attending the NCLM Conference.

FOOTHILLS REGIONAL AIRPORT

AUTHORITY: 8. The Foothills Regional Airport Authority will meet on Wednesday, October 26 at noon.

CHAMBER OF COMMERCE; BUSINESS

AFTER HOURS: 9. The Caldwell Chamber of Commerce has scheduled their next Business after Hours event on Thursday, October 27 from 5:00 p.m. – 7:00 p.m. at the Carolina House Distillery located at 1001 West Avenue NW. Entertainment will be provided by Patrick and Kay Crouch of *Strictly Clean and Decent*.

ANNUAL TRICK OR

TREAT: 10. The Mad Hatters Pumpkin Patch Parade along with the annual Downtown Trick or Treat will be held on Friday, October 28 from 3:00 p.m. – 6:00 p.m. Parks & Recreation's Annual Halloween Carnival will also be held from 5:30 p.m. – 8:00 p.m. at the Martin Luther King, Jr. Center.

ONE STOP

VOTING: 11. One Stop Voting begins on Thursday, October 20 through Saturday, November 5 in the City/County Chambers, located at 905 West Avenue, Lower Level.

MEETING LOCATION CHANGE;

CITY COUNCIL: 12. The City Council Meeting of Tuesday, November 1 will be held at City Hall, Third Floor, former Council Chambers due to early voting.

INFORMATION; ANNUAL "TURKEY TUESDAY"

EVENT: 13. Councilmember Crissy Thomas announced that plans are being made for the third annual "Turkey Tuesday" event which will be held on Tuesday, November 22 at the Martin Luther King, Jr., Center. Donations to purchase turkeys are currently being accepted. It was noted this is a community event where families or anyone in need can stop by and receive a free turkey for the Thanksgiving holiday.

VI. Items for Council Action

ORDINANCE; UNLAWFUL

PASSING: 1. City Staff recommends that Council call for a public hearing to be held on Tuesday, November 1 to consider amending the City of Lenoir's Code of Ordinances, Appendix B, Traffic, to include a proposed ordinance prohibiting vehicles in a no-passing zone so designated by markings installed or applied by the City of Lenoir. Upon approval, this ordinance would be included under Section 126, Unlawful Passing, in the City's Code.

A copy of the proposed ordinance is hereby incorporated into these minutes by reference. (Refer to pages 299.)

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 to 0 to schedule a public hearing on Tuesday, November 1 to consider amending the City of Lenoir's Code of Ordinances, Appendix B, Traffic, to include a proposed ordinance prohibiting vehicles from passing in a no-passing zone so designated by markings installed or applied by the City of Lenoir as recommended by City Staff.

SPEED LIMIT REQUEST;

CORPENING PLACE/HILLCREST STREET:

2. City Staff recommends that Council call for a public hearing to be held on Tuesday, November 1 to consider amending the City's Code of Ordinances, Traffic, Appendix B, Section 114, Traffic, 20 MPH Speed Limit on the following streets in order to designate Corpening Place and Hillcrest Street as 20 mph streets and also as no passing zones, in their entirety, and that appropriate signage be posted and striping painted, at the direction of the Public Works Director.

Upon a motion by Councilmember Edmisten, Council voted to 6 to 0 to schedule a public hearing to be held on Tuesday, November 1 to consider amending the City's Code of Ordinances, Traffic, Appendix B, Section 114, Traffic, 20 MPH Speed Limit on the following streets in order to designate Corpening Place and Hillcrest Street as 20 mph streets and also as no passing zones, in their entirety, and that appropriate signage be posted and striping painted, at the direction of the Public Works Director as recommended by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

BOARD RE-APPOINTMENT; PARKS & RECREATION

ADVISORY BOARD:

A. Mayor Gibbons recommends that Lemuel Patterson be considered for re-appointment to the City's Parks and Recreation Advisory Board for a two-year term.

Upon a motion by Councilmember Perdue, Council voted 6 to 0 to re-appoint Lemuel Patterson to serve a two-year term on the Parks and Recreation Advisory

Board as recommended by Mayor Gibbons.

COMMENDED; CITY

STAFF: B. On behalf of City Council, Mayor Gibbons commended Kaylynn Horn, Economic Development Director, along with all City Departments and Staff for all of their hard work and assistance during the recent Smoking in the Foothills Barbeque Festival held in downtown Lenoir October 7 and 8.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

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

Joseph L. Gibbons, Mayor

Shirley M. Cannon, City Clerk

Municipal Records Retention Schedule Amendment

Amending the Municipal Records Retention and Disposition Schedule published September 10, 2012.

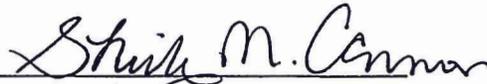
STANDARD 6. EMERGENCY SERVICES AND FIRE DEPARTMENT RECORDS

Amending Item 3, 911 Recordings as shown on substitute page 41 and Item 18 Emergency Notifications as shown on substitute page 43.

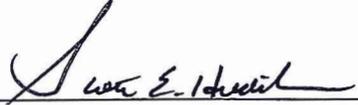
STANDARD 9. LAW ENFORCEMENT RECORDS

Amending Item 136, Law Enforcement Audio and Video Recordings, as shown on substitute page 90.

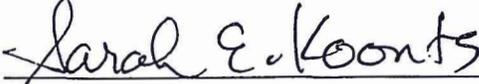
APPROVAL RECOMMENDED



City/Town Clerk



Chief Administrative Officer/
City Manager



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED



Mayor



Susan W. Kluttz, Secretary
Department of Natural and Cultural Resources

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

Municipality: City of Lenoir

October 1, 2016

SEAL

Municipal Records Retention Schedule Amendment

Amending the Municipal Records Retention and Disposition Schedule published September 10, 2012.

STANDARD 9. LAW ENFORCEMENT RECORDS

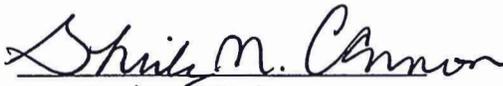
~~Adding Item 136, Law Enforcement Audio and Video Recordings, as shown on substitute page 90.~~

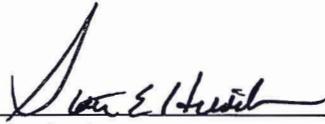
Superseded
October 1, 2016

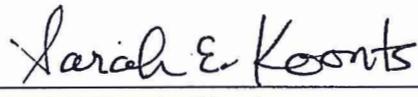
STANDARD 12. PERSONNEL RECORDS

Amending Item 19, Employee Eligibility Records, as shown on substitute page 105.

APPROVAL RECOMMENDED

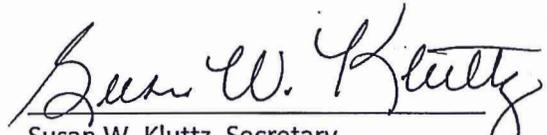

City/Town Clerk


Chief Administrative Officer/
City Manager


Sarah E. Koonts, Director
Division of Archives and Records

APPROVED


Mayor


Susan W. Kluttz, Secretary
Department of Cultural Resources

CITY OF LENOIR, NC
CHARTERED
January 5, 2015
JANUARY 28, 1851

SEAL

City of Lenoir

**Municipal
Records Retention Schedule Amendment**

Amending the Municipal Records Retention and Disposition Schedule published September 10, 2012.

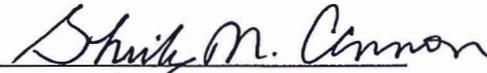
STANDARD 4. BUDGET, FISCAL AND PAYROLL RECORDS

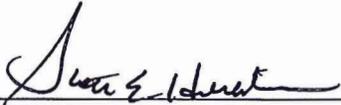
Amending item 32 Escheat and Unclaimed Property File as shown on substitute page 29.

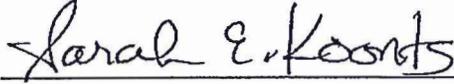
STANDARD 12. PERSONNEL RECORDS

Adding item 1-A Accreditation Records as shown on substitute page 101. Superseded
Amending ~~item 19 Employee Eligibility Records as shown on substitute page 105.~~ January 5, 2015
Amending items 36 Family Medical Leave Act (FMLA) Records, 42 Leave File, and 43 Leave Without Pay
File as shown on substitute pages 110-111.

APPROVAL RECOMMENDED

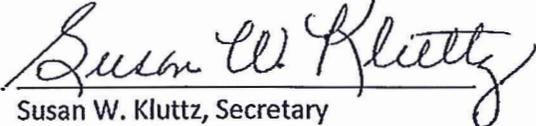

City/Town Clerk


Chief Administrative Officer/
City Manager

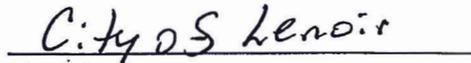

Sarah E. Koonts, Director
Division of Archives and Records

APPROVED


Mayor


Susan W. Kluttz, Secretary
Department of Cultural Resources

CITY OF LENOIR, NC
CHARTERED
August 29, 2013
JANUARY 28, 1851


Municipality

2-AL

STANDARD-6. EMERGENCY SERVICES AND FIRE DEPARTMENT RECORDS

Official records explaining the authority, operating philosophy, proposed methods, and primary functions of municipal emergency services and municipal fire departments.

ITEM #	STANDARD-6: EMERGENCY SERVICES AND FIRE DEPARTMENT RECORDS	
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS
1.	911 COMMUNICATION RECORDS Printouts of 911 calls received and computer-aided dispatch (CAD) reports. Reports may list time and date of call, contents of call, location of call, name of unit dispatched and other related information.	Destroy in office after 3 years, if not made part of a case file.
2.	911 FILE Information regarding the implementation, training, and operations of the 911 system.	Destroy in office after 5 years.
3.	911 RECORDINGS Tapes, digital recordings, and text messages generated by 911 calls	Destroy in office after 30 days, if not made part of a case file.
4.	ACCIDENT FILE Records concerning personnel and municipally owned property damage.	Destroy in office 3 years after resolution.*
5.	ACTIVITY REPORTS Reports on an individual, shift, project and other basis submitted on a daily, weekly, or other basis.	Destroy in office after 3 years.

*See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods. Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space provided for comments.

ITEM #	STANDARD-6: EMERGENCY SERVICES AND FIRE DEPARTMENT RECORDS	
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS
13.	CONSOLIDATED MONTHLY REPORTS	Destroy in office after 5 years.
14.	DAILY LOG Log, journal, blotter or similar record showing activities of a fire department or emergency services.	Destroy in office after 1 year.
15.	DISASTER AND EMERGENCY MANAGEMENT PLANS Records concerning preparedness, evacuations, and operations in the event of a disaster (natural, accidental, or malicious). Includes but not limited to official copy of comprehensive plan and all background surveys, studies, reports, and draft versions of plans. See also COMPREHENSIVE PLAN item 19, page 4.	a) If an element of the Comprehensive Plan, destroy in office when administrative value ends. † Agency Policy: Destroy in office after _____ b) If not an element of the Comprehensive Plan, destroy in office when superseded or obsolete. c) Destroy in office background surveys, studies, reports, and drafts 3 years after adoption of plan or when superseded or obsolete, whichever comes first.
16.	DISPATCH FILE Records relating to fire dispatch zones. May include maps of fire dispatch zones, census tract information, annexation research, street closings, and other related material.	Destroy in office when superseded or obsolete.
17.	DISPATCH RECORDINGS Recordings made of activities during an emergency services dispatch.	Destroy in office after 30 days, if not made part of a case file.
18.	EMERGENCY NOTIFICATIONS Records of emergency notifications. Includes automatic identification information, such as the name, address, and telephone numbers of telephone subscribers, or the e-mail addresses of subscribers to an electronic emergency notification or reverse 911 system.	Destroy in office when superseded or obsolete.

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.

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ITEM #	STANDARD-9: LAW ENFORCEMENT RECORDS	
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS
134.	WORK RELEASE EARNINGS REPORTS Inmates' work release earnings reports submitted either to the N.C. Department of Corrections or the Clerk of Superior Court.	Destroy in office after 3 years.*
135.	WRECKER SERVICE RECORDS Records concerning wrecker requests or calls. May include lists of wrecker company's towing and storage rates, rotation lists, notification records when vehicles are towed from private property, and other related records.	a) Destroy in office after 1 year if not made part of a case fi b) If record is made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES item 17, page 64; or CASE HISTORY FILE: MISDEMEANORS item 1 page 64.
136.	LAW ENFORCEMENT AUDIO AND VIDEO RECORDINGS Tapes and digital recordings generated by mobile and fixed audio and video recording devices. Does not include ELECTRONIC/VIDEO RECORDINGS OF INTERROGATIONS (HOMICIDE) item 44, page 71. See also MOBILE UNIT VIDEO TAPES item 81, page 80.	a) Destroy in office after 30 days if not made part of a case file.* b) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES item 17, page 64; or CASE HISTORY FILE: MISDEMEANORS item 1 page 64.

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods. Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space p

ITEM #	STANDARD-12. PERSONNEL RECORDS	
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS
18.	<p>EMPLOYEE EDUCATIONAL ASSISTANCE PROGRAM RECORDS Includes records requesting tuition assistance, repayments, and other related records.</p> <p>See also PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p>	<p>Destroy in office 3 years after completion, denial, repayment or removal from program.*</p>
19.	<p>EMPLOYEE ELIGIBILITY RECORDS Includes the United States Immigration and Naturalization Services, Employment Eligibility Verification (I-9) forms.</p>	<p>Mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later.</p>
20.	<p>EMPLOYEE EXIT INTERVIEW RECORDS</p> <p>See also PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p>	<p>Destroy in office after 1 year.</p>
21.	<p>EMPLOYEE HEALTH CERTIFICATES Includes health or physical examination reports, or certificates created in accordance with Title VII and the Americans with Disabilities Act (ADA).</p>	<p>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p> <p>b) Destroy in office all other records 2 years after resolution of all actions.</p>

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.

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ITEM #	STANDARD-4: BUDGET, FISCAL AND PAYROLL RECORDS	
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS
27.	DAILY DETAIL REPORTS	Destroy in office after 1 year.*
28.	DEPOSITS	a) Destroy in office official/audit copies after 3 years.* b) Destroy in office remaining records after 1 year.
29.	DETAIL REPORT FILE (FINANCIAL RECORDS FOR GENERAL FUND OR GENERAL LEDGER)	a) Destroy in office annual reports after 3 years.* b) Destroy in office all other reports after 1 year.
30.	DIRECT DEPOSIT APPLICATIONS/AUTHORIZATIONS Includes related records such as bank account numbers and routing numbers.	Destroy in office when superseded or obsolete.
31.	DISTRICT INVESTMENT RECORDS	Destroy in office after 3 years.*
32.	ESCHEAT AND UNCLAIMED PROPERTY FILE	a) Destroy in office after 10 years if report was filed prior to July 16, 2012.* b) Destroy in office after 5 years if report was filed after Jul 16, 2012.*
33.	EXPENDITURE REPORTS	Destroy in office after 3 years.*
34.	FACILITY SERVICE AND MAINTENANCE AGREEMENTS See also GRANTS: FINANCIAL item 36, page 30.	a) Destroy in office depreciation schedules 3 years after asset is fully depreciated or disposed. b) Destroy in office remaining records after 3 years.*

*See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS, page vi.

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ITEM #	STANDARD-12. PERSONNEL RECORDS	
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS
1.	ABOLISHED POSITION FILE	Destroy in office when administrative value ends.† Agency Policy: Destroy in office after _____
1-A.	ACCREDITATION RECORDS Records concerning compliance with those standards outlined by professional accreditation programs.	Destroy in office 1 year after accreditation is obtained, renewed, or no longer valid.*
2.	ADDRESS FILE	Destroy in office when superseded or obsolete.
3.	ADS AND NOTICES OF OVERTIME, PROMOTION, AND TRAINING OPPORTUNITIES	Destroy in office 1 year from date record was made.
4.	AFFIRMATIVE ACTION FILE	a) Destroy in office all reports, analyses, and statistical data after 5 years. b) Destroy in office affirmative action plans 5 years from date superseded.
5.	APPRENTICESHIP PROGRAM RECORDS	Destroy in office 5 years from the date of enrollment.
6.	APTITUDE AND SKILLS TESTING RECORDS Records concerning aptitude and skills tests required of job applicants or of current employees to qualify for promotion or transfer. May include civil service examinations. See also <u>EMPLOYMENT SELECTION RECORDS</u> item 32, page 109.	a) Destroy in office applicant and employee test papers 2 years from date record was created. b) Destroy in office validation studies and copies of tests 2 years after no longer in use. c) Destroy in office records relating to the planning and administration of tests in office after 2 years.

*See *AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS*, page vi.

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ITEM #	STANDARD-12. PERSONNEL RECORDS	
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS
35.	EQUAL PAY RECORDS Includes reports, studies, aggregated or summarized data, and similar documentation compiled to comply with the Equal Pay Act.	Destroy in office after 2 years.
36.	FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS Records concerning leave taken, premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over FMLA and other related records.	Item discontinued. See LEAVE FILE , item 42, page 111.
37.	FRINGE BENEFITS FILE	Destroy in office when administrative value ends.† Agency Policy: Destroy in office after _____
38.	GRIEVANCE FILE Includes initial complaint, investigations, actions, summary, and disposition. May include disciplinary correspondence, including email. See also DISCIPLINARY FILE item 11, page 102 and PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.	Destroy in office after 2 years.
39.	HEALTH INSURANCE FILE Completed claim forms and other records concerning employees covered by health plans.	Destroy in office after 2 years.*
40.	INCREMENTS FILE	Destroy in office when released from all audits.
41.	INTERNSHIP PROGRAM FILE Records concerning interns and students.	Destroy in office after 3 years.

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.

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ITEM #	STANDARD-12. PERSONNEL RECORDS	
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS
42.	LEAVE FILE Records concerning employee leave, including requests for and approval of sick, vacation, overtime, buy-back, shared, donated, military, etc. Includes premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over the Family Medical Leave Act (FMLA), and other related records.	Destroy in office 3 years after return of employee or termination of employment.*
43.	LEAVE WITHOUT PAY FILE	Item discontinued. See LEAVE FILE , item 42, page 111.
44.	LONGEVITY PAY REQUESTS	Destroy in office when released from all audits.
45.	MERIT AND SENIORITY SYSTEM RECORDS	a) Destroy in office employee-specific records after 3 years b) Destroy in office system and plan records 1 year after no longer in effect.
46.	PERSONNEL ACTION NOTICES Records used to create or change information in the personnel records of individual employees concerning such issues as hiring, termination, transfer, pay grade, position or job title, name change and leave.	a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112. b) Destroy in office all remaining records 2 years from date record was created, received, or the personnel action involved.

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods. Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space provided.



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
ACCEPTING A \$327,200 PARKS AND RECREATION TRUST FUND
GRANT FOR THE MULBERRY RECREATION CENTER/OPTIMIST PARK
EXPANSION PROJECT

WHEREAS, on January 26, 2016, the Lenoir City Council authorized the City’s Parks and Recreation Director to apply for a Parks and Recreation Trust Grant; and

WHEREAS, the City of Lenoir has received notification on August 26, 2016 that the Mulberry Recreation Center/Optimist Park Expansion Project has been awarded a \$327,200 Parks and Recreation Trust Fund Grant by the North Carolina Parks and Recreation Trust Fund Authority; and

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

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

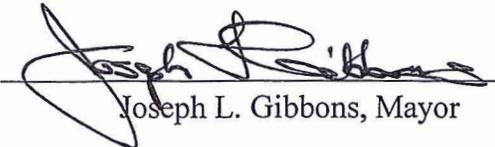
That the City of Lenoir does hereby accept the Parks and Recreation Trust Fund Grant in the amount of \$327,200.

That the City of Lenoir does hereby give assurance to the North Carolina Department of Cultural and Natural Resources that any Conditions or Assurances contained in the Award Offer Project Agreement will be adhered to.

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

Adopted this the 18th day of October, 2016 at Lenoir, North Carolina.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk



STATE OF NORTH CAROLINA
COUNTY OF WAKECONTRACTOR'S FEDERAL I.D.
XXXX 1265**N.C. Parks and Recreation Trust Fund Project Agreement****Grantee:** City of Lenoir**Project Number:** 837**Project Title:** Mulberry Optimist Park Expansion**Period Covered By This Agreement:** 11/1/2016 to 10/31/2019**Project Scope (Description of Project):** Acquire 12.15 acres. Development including cornhole courts, baseball field, picnic shelters, playground, trail, renovate tennis court, restroom, parking lot, and planning / incidental land costs.Project Costs: PARTF Amount \$ 327,200Local Government Match \$ 327,200**Conditions**

The North Carolina Department of Natural and Cultural Resources (hereinafter called the "Department") and the ___City of Lenoir___ (hereinafter referred to as "Grantee", and together "Parties" or "Party") agree to comply with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances described in the North Carolina Parks and Recreation Trust Fund (PARTF) Administrative Rules and Grant Application which are hereby by reference made a part of the PARTF Grant Contract, (hereinafter "Grant" or "Contract"), and which are on file with the Division of Parks and Recreation. In addition, the Department and the Grantee agree to comply with the State of North Carolina's Terms and Conditions as listed in "Attachment A" to this Contract.

Now, therefore, the Parties hereto do mutually agree as follows:

Upon execution of this grant agreement, the Department hereby promises, in consideration of the promises by the Grantee herein, to obligate to the Grantee the grant amount shown above. The Grantee hereby promises to efficiently and effectively manage the funds in accordance with the approved budget, to promptly complete grant assisted activities described above in a diligent and professional manner within the project period, and to monitor and report work performance.

The Parties to this Contract agree and understand that the payment of the sums specified in this Contract is dependent and contingent upon and subject to the appropriation, allocation and availability of funds for this purpose to the Department.

Section I. Eligible Project Costs and Fiscal Management

1. The PARTF grant amount must be matched on at least a dollar-for-dollar basis by the Grantee. To be eligible, project costs must be incurred during the Contract period, be documented in the grant application, described in the project scope of this agreement, and initiated and/or undertaken after execution of this agreement by the Grantee and the Department.
2. PARTF assistance for land acquisition will be based on the fair market value of real property or the sales price, whichever is less. Value must be based upon an independent appraisal by a licensed appraiser holding a general or residential certification from the North Carolina Appraisal Board. The Department shall review the appraisal as to content and valuation. Approval of appraised amounts rests with the Department. The Grantee agrees to begin development on PARTF acquired land within five (5) years of the date this Contract is signed by the Department and Grantee in order to allow general public access and use.
3. Payment shall be made in accordance with the Contract documents as described in the Scope of Work (Attachment B). Payment for work performed will be made upon receipt and approval of invoice(s) from the Grantee documenting the costs incurred in the performance of work under this Contract. Invoices may be submitted to the Contract Administrator

quarterly. Final invoices must be received by the Department within forty-five (45) days after the end of the Contract period or Contract completion, whichever occurs first. Accounting records should be based on generally accepted local government accounting standards and principles. Records shall be retained for a period of five (5) years following project completion, except that records shall be retained beyond a five (5) year period if audit findings have not been resolved. All accounting records and supporting documents will clearly show the number of the Contract and PARTF project to which they are applicable. The State Auditor and the Department's Internal Auditors shall have access to persons and records as a result of all Contracts and Grants entered into by state agencies and or political subdivisions in accordance with General Statute 147-64.7. The final payment will be made Net 30 days after inspection by the Department's Contract Administrator.

4. The Grantee agrees to refund to the Department, subsequent to audit of the project's financial records, any costs disallowed or required to be refunded to the Department on account of audit exceptions.

Section II. Project Execution

1. The Grantee may not deviate from the scope of the project without written approval of the Department. When one of the conditions in the Contract changes, including but not limited to the project scope, a revised estimate of costs, a deletion or additions of items, or need to extend the Contract period, the Grantee must submit in writing a request to the Department for approval. Thus Contract shall not be amended orally or by performance but only through a written amendment duly executed by the Parties.
2. The Grantee shall be considered to be an independent Contractor and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Grantee represents that it has, or will secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual Contractual relationship with the Department.
3. In the event the Grantee subcontracts for any or all of the services covered by the Contract:
 - a. The Grantee is not relieved of any of the duties and responsibilities provided in this Contract;
 - b. The contractor shall be responsible for all Subcontractor activities including adherence by Subcontractors for all requirements of this Contract;
 - c. The subcontractor agrees to abide by the standards contained herein or to provide such information as to allow the Grantee to comply with these standards, and;
 - d. The subcontractor agrees to allow state and federal authorized representatives access to any records pertinent to its role as a subcontractor.
4. In accordance with Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, the grantee agrees not to subcontract with any vendors debarred or suspended by the State of North Carolina and shall not knowingly enter into any lower tier covered transactions with a person or vendor who is debarred, suspended or declared ineligible.
5. The Grantee shall not substitute key personnel assigned to the performance of this Contract without prior approval by the Department's Contract Administrator. Rob Winkler is designated by the Grantee as key personnel for purposes of this Contract. The Department designates John Poole, PARTF Grant Program Manager as the Contract Administrator for the Contract. Either party may designate a different Contract Administrator upon written notice to the other party.

Department Contract Administrator	Grantee Contract Administrator
NC Department of Natural and Cultural Resources Division of Parks and Recreation Attention: Marcia Lieber, Contract Administrator 1615 Mail Service Center Raleigh, NC 27699-1615 Telephone: 919-707-9303 Email: marcia.lieber@ncparks.gov	City of Lenoir Attention: Mr. Rob Winkler Address: Post office Box 958 Lenoir, NC 28645 Telephone: 828-757-2165 Email: rwinkler@ci.lenoir.nc.us

6. The Grantee agrees to comply with all applicable federal, state and local statutory provisions governing purchasing, construction, land acquisition, fiscal management, equal employment opportunity and the environment including but not

limited to the following:

Local Government Budget and Fiscal Control Act (G.S. 159-7 to 159-42); Formal Contracts, Informal Contracts and Purchasing (including but not limited to G.S. 44A-26, G.S. 87-1 to 87.15.4, G.S. 133.1 to 133-40, G.S. 143-128 to G.S.143-135; Uniform Relocation Assistance Act (G.S. 133-5 to 133-18); Conflict of Interest (G.S. 14-234); Contractors must use E-Verify (G.S. 143-48.5); Americans With Disabilities Act of 1990 (P.L. 101-336) and ADA Accessibility Guidelines; N.C. State Building Code; and the North Carolina Environmental Policy Act (G.S. 113A-1 to G.S. 113A-12), and Sales Tax Refund (G.S. 105-164.14(c)).

7. The Grantee agrees it provides a drug-free workplace in accordance to the requirements of the Drug-Free Workplace Act of 1988 (43 CFR Part 12, Subpart D).
8. The Grantee agrees to permit periodic audits and site inspections by the Department to ensure work progress in accordance with the approved project, including a close-out inspection upon project completion. After project completion, the Grantee agrees to conduct grant Contract compliance inspections at least once every five (5) years and to submit a Department provided inspection report to the Department.
9. The Grantee agrees land acquired with PARTF assistance shall be dedicated in perpetuity as a recreation site for the use and benefit of the public, the dedication will be recorded in the deed of said property and the property may not be converted to other than public recreation use without approval of the Department. The Grantee agrees to maintain and manage PARTF assisted development/ renovation projects for public recreation use for a minimum period of twenty-five (25) years after project completion.
10. The Grantee agrees to operate and maintain the project site so as to appear attractive and inviting to the public, kept in reasonably safe repair and condition, and open for public use at reasonable hours and times of the year, according to the type of facility and area.
11. The Grantee shall agree to place utility lines developed with PARTF assistance underground.
12. If the project site is rendered unusable for any reason whatsoever, the Grantee agrees to immediately notify the Department of said conditions and to make repairs, at its own expense, in order to restore use and enjoyment of the project by the public.
13. The Grantee agrees not to discriminate against any person on the basis of race, sex, color, national origin, age, residency or ability in the use of any property or facility acquired or developed pursuant to this agreement.
14. The Grantee certifies that it:
 - (a) Has neither used nor will use any appropriated funds for payment to lobbyists;
 - (b) Will disclose the name, address, payment details, and purposes of any agreement with lobbyists whom Grantee or its sub-tier Contractor(s) or sub-grantee(s) will pay with profits or non-appropriated funds on or after December 22, 1989; and,
 - (c) Will file quarterly updates about the use of lobbyists if material changes occur in their use.

Section III. Project Termination and Applicant Eligibility

1. The Grantee may unilaterally rescind this agreement at any time prior to the expenditure of funds on the project described in this Contract.
2. If through any cause, the Grantee fails to fulfill in a timely and proper manner the obligations under this Contract, the Department shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the reasons thereof. In that event, the Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed in an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract.
3. Failure by the Grantee to comply with the provisions and conditions set forth in the formal application, PARTF administrative rules and this agreement shall result in the Department declaring the Grantee ineligible for further

participation in PARTF, in addition to any other remedies provided by law, until such time as compliance has been obtained to the satisfaction of the Department.

Section IV. Attestation and Execution

N.C.G.S. §133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a Contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you (Contractor) attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

In witness whereof, the Department and the Grantee have executed the Agreement in duplicate originals, one of which is retained by each of the Parties.

City of Lenoir_	
Name of Grantee (Local Government)	Signature of Grantee (Chief Elected Official)
Joseph L. Gibbons	Mayor
Typed or Printed Name of Official	Title of Official

(Notary Public Completes)

State of North Carolina

County of Caldwell

On this 19th day of October, 2016, Joseph L. Gibbons

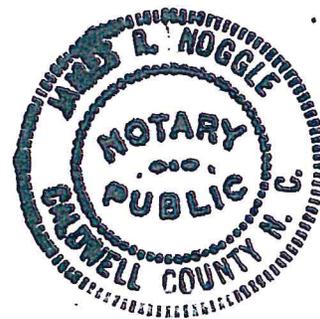
personally appeared before me the said named Joseph L. Gibbons, to me known and known to me to be the person described in and who executed the foregoing instrument, and he (or she) acknowledged that he (or she) executed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

My commission expires: May 25, 2017.


Signature of Notary Public

James R. Noggle

(Seal Here)



North Carolina Department of Natural and Cultural Resources
Susan Kluttz, Secretary

By:

Department Head or Authorized Agent
for Secretary Susan Kluttz

Title

Scope of Work**North Carolina Division of Parks and Recreation
Parks and Recreation Trust Fund – Grants Program for Local Governments****Grantee:** City of Lenoir**Title of Project:** Mulberry Optimist Park Expansion**Project Number:** 837**Contract Number:** 2017-837**Amount of Grant:** \$ 327,200**Amount of Match:** \$ 327,200**Contact Person for Project:** Rob Winkler**Title:** Director of Parks and Recreation
City of Lenoir**Address:**
Post office Box 958
Lenoir, NC 28645**Telephone:** 828-757-2165**Contact email address:** rwinkler@ci.lenoir.nc.us

Scope of Project: Acquire 12.15 acres. Development including cornhole courts, baseball field, picnic shelters, playground, trail, renovate tennis court, restroom, parking lot, and planning / incidental land costs.

Length of Project: 36 months (11/1/2016– 10/31/2019)

Schedule for Reimbursements: Grantee may submit bills quarterly after a significant portion of work has been completed on the project element(s). Not more than 90% of the grant will be reimbursed until the grantee completes the project elements specified in the grant (refer to detailed budget submitted with grant application).

The City of Lenoir grant application and support documentation are, by reference, part of the contract. The administrative rules of the N.C. Parks and Recreation Trust Fund are, by reference, a part of the contract.

Project Costs
Mulberry Optimist Park Expansion- City of Lenoir
April 2016

Project Elements (Include specific units - sizes, numbers, lengths, etc. -for each item.)	Unit	Unit Cost	Total Item Cost
Building and/or Renovating Costs			
(2)16 x 30 Picnic Shelters (8 tables, and 4 trash receptacles)	Lump Sum	\$30,000	\$30,000
Playground (play structure, with some accessible surfacing and play features)	Lump Sum	\$42,000	\$42,000
Tennis court resurfacing	Lump Sum	\$20,000	\$20,000
Little League Ballfield with grading, fencing, and lights, and finish lights at Mulberry ballfield #1	Lump Sum	\$190,200	\$190,200
¼ Mile Multi-Use Path/Track (ties to existing Lenoir Greenway)	1320 ft.	\$25/ linear foot	\$33,000
Parking Lot (50 spaces)	Lump Sum	\$69,000	\$69,000
Restroom building	Lump Sum	\$30,000	\$30,000
(2) Concrete Permanent Corn Hole Boards	Lump Sum	\$3,000	\$3,000
Costs to Develop the Project			
Contingency for the Cost of Building / Renovating			
Value of Land to be Purchased or Donated			
Land Acquisition (donated)	12.15	Appraised value	\$227,200
Planning and Incidental Land Acquisition Costs			
Site planning, preliminary design, survey and appraisals, or the cost of preparing the application (not to exceed 20% of the cost of the project)	%2.5	\$10,000	\$10,000
Total Project Cost			\$427,200
Total PARTF Grant Request			\$327,200
Total Local Match (donated land value + \$100,000.00)			\$327,200

CITY MANAGER
SCOTT E. HILDEBRANCITY OF LENOIR
NORTH CAROLINAMAYOR
JOSEPH L. GIBBONSCITY COUNCIL
K. P. EDMISTEN
T. H. PERDUE
J. I. PERKINS
T. J. ROHR
D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

RESOLUTION BY CITY OF LENOIR CITY COUNCIL

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist units of government with meeting their wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$140,000 to perform Wastewater Asset Inventory and Assessment Work, and

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

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

That the City of Lenoir does hereby accept the State Reserve Grant offer of \$140,000.

That the City of Lenoir does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

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

Adopted this the 18th day of October, 2016 at Lenoir, North Carolina.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk

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





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 BY CITY OF LENOIR CITY COUNCIL

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist units of government with meeting their water infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$80,000 to perform Water Asset Inventory and Assessment Work, and

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

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

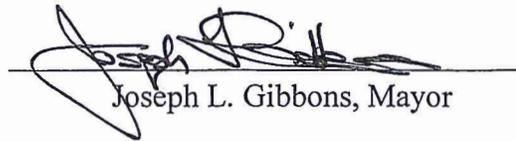
That the City of Lenoir does hereby accept the State Reserve Grant offer of \$80,000.

That the City of Lenoir does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

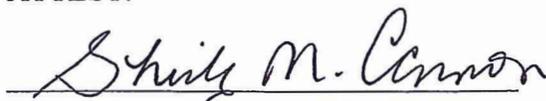
That Scott E. Hildebran, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents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

Adopted this the 18th day of October, 2016 at Lenoir, North Carolina.

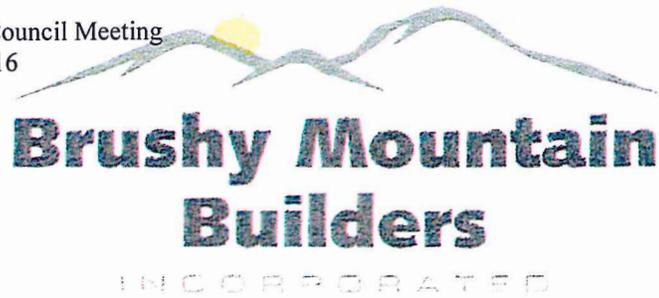
SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk





October 14, 2016

Matthew Oetting, PE

McGill Associates

1240 19th Street Lane NW

Hickory, N.C. 28601

Reference: Harper & Fairview Public Water & Sewer Extensions Project

Mr. Matthew Oetting,

Brushy Mountain Builders, Inc. proposes the following for the Harper & Fairview Public Water & Sewer Extensions Project:

Bid Item #1:

- Scope: Per bidding documents.
- Price: \$27,500.00 (No Change).

Bid Item #2:

- Scope: Purchase all materials identified in bidding documents, install all (approximately 330 lf) 2" water line and blow -off assembly, and perform all testing related to 2" water line.
- Price: \$14,500.00.
- Remaining scope, which includes tapping the existing water main, connecting the 2" water main to existing main, and installing ½" service lines, meter pits, and meter setters will be performed by City of Lenoir forces.

Bid Item #3:

- Will be removed from our contract and performed by City of Lenoir forces.

The time/schedule for this project as well as all other obligations of Contractor will remain as noted in Contract Documents.

Thank you,

John Moore

Brushy Mountain Builders, Inc.

3390 GAITHER WALKER CIRCLE • LENOIR, NC 28645 • PHONE: 828-758-5577 • FAX: 828-759-0099

HARPER & FAIRVIEW REDEVELOPMENT - PUBLIC WATER & SEWER EXTENSIONS

CITY OF LENOIR NORTH CAROLINA
 Tuesday, September 27, 2016; 2:00 pm
 Lenoir Public Works Conference Room - 510-B Greer Circle, Lenoir, North Carolina 28645

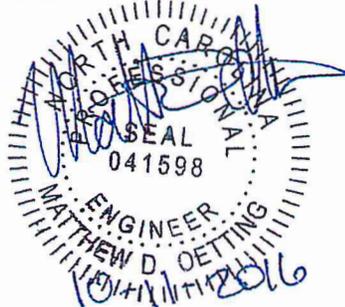
BID RESULTS				BIDDERS					
				BRUSHY MOUNTAIN BUILDERS, INC.		IRON MOUNTAIN BUILDERS, INC.		PRESTWOOD WATER & SEWER	
No.	Bid Items	Qty.	Unit	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Sanitary Sewer Extension	1	Lump Sum	\$27,500.00	\$27,500.00	---	---	---	---
2	Water System Extension	1	Lump Sum	\$21,200.00	\$21,200.00	---	---	---	---
3	Pavement Restoration	1	Lump Sum	\$11,300.00	\$11,300.00	---	---	---	---
TOTAL BASE BID (Add Bid Items 1 thru 3):				\$60,000.00		NO BID		NO BID	
ATTACHMENTS TO BID									
Bid Security				Yes (Bond)		---		---	
E-Verify Affidavit				Yes		---		---	
Non-Collusion Affidavit				Yes		---		---	
CDBG CI-CFC Bulletin 10-26 Debarment Certification				Yes		---		---	
CDBG Form 12 Certification of Eligibility				Yes		---		---	
CDBG Form 112 Certification of Wage Requirements				Yes		---		---	
CDBG Form 115 Certification of Payment Supervision				Yes		---		---	
CDBG HUD Section 3 EEO Affirmative Action Program Forms				Yes		---		---	
NC MBFORMS 2002-R MBE-WBE Compliance Statement				Yes		---		---	
NC MBFORMS 2002-R MBE-WBE Participation Affidavits A&B				Yes		---		---	
NC Memorandum 2016-10 Iran Divestment Act Certification				Yes		---		---	
Unit Cost Schedule				Yes		---		---	
Addendum 1 Acknowledgement				Yes		---		---	
Addendum 2 Acknowledgement				Yes		---		---	
Addendum 3 Acknowledgement				No		---		---	

This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 pm local time on the 27th day of September, 2016, at the Lenoir Public Works Conference Room, 510-B Greer Circle, Lenoir, North Carolina 28645.

MATTHEW D. OETTING, PE



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



PROPOSAL

WESTERN CAROLINA SURVEYORS, P.A. (Business License #: C-0338)
P.O. BOX 1826 (2121 HARPER AVENUE SW) LENOIR, NORTH CAROLINA 28645
E-mail: westerncarolina72@att.net Phone: 828-758-5353 Fax: 828-758-0062

PROPOSAL SUBMITTED TO: CITY OF LENOIR ATTN: SCOTT HILDEBRAN	PHONE: 828-757-2200	DATE: 10/18/2016
STREET: P.O. BOX 958	CELL:	
CITY, STATE AND ZIP CODE: LENOIR, NC 28645	EMAIL: shildebran@ci.lenoir.nc.us	

We hereby propose to furnish the materials and perform the labor specified as follows:

TO PREPARE A CONSERVATION EASEMENT SURVEY OF APPROXIMATELY 568.36 ACRES OF THE CITY OF LENOIR PROPERTY RECORDED AT DEED BOOK 125 AT PAGE 191, DEED BOOK 125 PAGE 182, DEED BOOK 125 PAGE 180, DEED BOOK 102 AT PAGE 267, DEED BOOK 102 AT PAGE 262 AND AT DEED BOOK 144 AT PAGE 558, ALL BEING RECORDED IN THE CALDWELL COUNTY REGISTRY OF DEEDS.

THIS SURVEY SHALL BE PREPARED IN ACCORDANCE WITH THE INSTRUCTIONS SET FORTH IN THE "REQUEST FOR PROPOSALS FOR COMPREHENSIVE BOUNDARY SURVEY FOR LENOIR WATERSHED CONSERVATION EASEMENT" (SEE ATTACHED EXHIBIT A).

THIS WORK WILL BE PERFORMED ON AN HOURLY BASIS (SEE RATES BELOW) FOR AN ESTIMATED PRICE OF \$54,200.00 (SEE ATTACHED EXHIBIT B – FORMAL ESTIMATE). A DEPOSIT IS NOT REQUIRED.

THIS WORK IS ESTIMATED TO BE COMPLETED BY APPROXIMATELY THE END OF DECEMBER 2016 TO MID JANUARY 2016, BARRING INCLEMENT WEATHER.

Please note our rainy day policy: If we schedule your job and the day of the scheduled surveying is questionable concerning rain, we will call to see if you want the crew to try to survey. If you agree to have them come out and they are unable to work due to rain, you will be charged for the entire time the crew was at your job site and for the travel time to and from the job, plus mileage.

All charges are to be in accordance with the following standard schedule of charges:
NOTE: HOURLY FIELD TIME INCLUDES TRAVEL TIME FROM THE OFFICE TO THE JOB AND BACK TO THE OFFICE.

Field Time:	\$ 70.00 / Hour -2 Man Crew	Mileage:	\$ 0.58/ Mile
	\$100.00 / Hour - 1 Man - GPS		
	\$130.00 / Hour - 2 Man Crew - GPS	Field Supplies:	
	\$100.00 / Hour - 3 Man Crew	Iron Stakes:	\$ 3.40 / Each
	\$160.00 / Hour - 3 Man Crew - GPS	Tall Stakes	\$ 1.45 / Each
	\$ 40.00 / Hour - Tech-Crew Leader	Feno Monuments:	\$22.00 / Each
	\$ 30.00 / Hour - Field Technician	Concrete Monuments:	\$20.00 / Each
Computing /Drafting Time:	\$ 70.00 / Hour-Survey Technician	Supplies:	10% Above Cost
	\$ 95.00 / Hour-P.L.S.-Head of Firm	WCS Plats 11 x 17	\$ 3.50 / Each
Researcher/Secretary:	\$ 40.00 / Hour	WCS Plats 24 x 36	\$ 8.75 / Each
Court Appearance:	\$750.00 / Diem	WCS Plats 36 x 42/48	\$10.50 / Each
		WCS Plats 36 x 60/72	\$12.50 / Each

NOTE: APPROXIMATIONS AS TO THE TOTAL COST OF THE MATERIALS AND LABOR ARE GIVEN ONLY FOR THE CONVENIENCE OF THE CUSTOMER AND ARE NOT BIDS OR ESTIMATES, ANY SUCH APPROXIMATIONS DO NOT REPRESENT THE MAXIMUM AMOUNT WESTERN CAROLINA SURVEYORS, P.A. CAN OR WILL CHARGE FOR MATERIALS OR LABOR PERFORMED.

ALL INVOICES ARE DUE NET 10 DAYS WITH INTEREST CHARGED AT 1 1/2% PER MONTH BASED ON AN ANNUAL PERCENTAGE RATE OF 18%. WE RESERVE THE RIGHT TO TAKE LEGAL ACTION FOR ALL AMOUNTS OVER DUE. THIS ACTION WOULD BE IN THE AMOUNT OF ALL MATERIAL, LABOR, INTEREST, REASONABLE ATTORNEYS FEES (Minimum of 15%, G.S. 6-21.2), AND ALL OTHER ACTUAL COSTS AND EXPENSES RELATIVE TO THE COLLECTION OF ALL OVERDUE CLAIMS, INCLUDING TIME EXPENDED BY PERSONNEL OF WESTERN CAROLINA SURVEYORS, P.A. IN COURT.

WESTERN CAROLINA SURVEYORS, P.A.

by: R. Curtis Gaines
R. Curtis Gaines, P.L.S.

10-18-16
Date

CGH
Client Initials

10/19/2016
Date

ACCEPTANCE OF PROPOSAL AND AFFIDAVIT OF OWNERSHIP

The proposal, together with all prices, specifications and conditions are satisfactory and are hereby accepted. The Proposal and this Acceptance together constitutes the contract between us. You are authorized to do the work as specified. Payment will be made as outlined.

We hereby further certify that we are the owner(s), agent(s) or the authorized individual(s) of/for the real property on which your materials are to be furnished and your labor is to be performed. The said real property is more fully described in that certain deed recorded in Book 125 at Page 191, Deed Book 125 at Page 182, Deed Book 125 at Page 180, Deed Book 102 at Page 267, Deed Book 102 at Page 262 and at Deed Book 144 at Page 558 in the Caldwell County Registry of Deeds.

We understand that a deposit of -0- is required. We further understand that if payment in full is not made on this account within 10 days from its due date, finance charges on the unpaid balance will be added to the account as follows:

A periodic rate of 1 1/2% per month, which is an annual percentage rate of 18%, applied to the previous balance without deducting current payments and/or credits appearing on the statement.

We also understand that the law allows Western Carolina Surveyors, P.A. to file a claim of lien against the above real property if payment in full is not made according to the terms of this contract. The claim of lien will be filed within 120 days after last furnishing labor or materials, and the lien will be effective as of the first date of furnishing labor or materials. We further understand that Western Carolina Surveyors, P.A. may seek legal recourse against us individually for sums past due on this account, for which we contract and agree and acknowledge our individual liability for same. It is further agreed that in the event the services of an attorney are required to collect payment under this contract, the cost of reasonable attorney's fees, in the minimum amount of 15%, will be added to the unpaid balance of principal pursuant to N.C.G.S. 6-21.2.

If the property is owned by a married couple and only one spouse signs this contract, the signing spouse represents and contracts that they are signing as agent for both spouses as owners of the property.

Other than as set forth in this document, there are no other terms or conditions, and we understand that Western Carolina Surveyors, P.A. has made no bids or estimates which will represent the maximum amount we will be charged for the materials and labor furnished.

NOTE: IF TIME PERMITS, W.C.S. WILL NOTIFY ADJOINING PROPERTY OWNERS BY MAIL THAT WE WILL BE SURVEYING.

Scott E. Wildebran (SEAL)
Print name of owner, agent or authorized individual

Scott E. Wildebran (SEAL)
Signature of owner, agent or authorized individual

10/19/2016
Date

Print name of owner, agent or authorized individual (SEAL)

Signature of owner, agent or authorized individual (SEAL)

Date

Exhibit A

Request for Proposals for Comprehensive Boundary Survey for Lenoir Watershed Conservation Easement

I. PROJECT CONTEXT

The NC Clean Water Management Trust Fund ("CWMTF"), a division of the Department of Natural and Cultural Resources, is under contract with the City of Lenoir to purchase a conservation easement on the Lenoir Watershed property to conserve these lands in perpetuity. The subject property is listed as PIN No. 09-164-1-2. The City of Lenoir is required to have a survey conducted of the property described as:

Legal Description of Property:

Being approximately 568.36 acres of land including 6 parcels, the City of Lenoir Watershed in Lenoir, North Carolina, is titled in the name of the City of Lenoir, and is recorded in:

- Deed Book 125 at Page 191 dated January 12, 1925 +/- 79.28 acres from T.H. and Mae Broyhill (Caldwell Furniture Company) to the City of Lenoir,
- Deed Book 125 at Page 182 dated December 10, 1924 +/- 206.49 acres from J.M. Bernhardt to the City of Lenoir,
- Deed Book 125 at Page 180 dated December 10, 1924 +/- 207.89 acres from J.M. and Ellen Bernhardt and George and Frances Harper to the City of Lenoir,
- Deed Book 102 at Page 267 dated August 14, 1923 +/- 43.9 acres from Andrew Morrow and Susan B. Absher to the City of Lenoir,
- Deed Book 102 at Page 262 dated August 14, 1923 +/- 13.8 acres from Andrew Morrow to the City of Lenoir, and
- Deed Book 144 at Page 558 dated March 21, 1930 +/- 18,265 ft² (approx. .42 acres) from Mary Mitchell to City of Lenoir, in the Office of the Register of Deeds for Caldwell County North Carolina.

II. PROJECT DESCRIPTION

The City of Lenoir is seeking qualifications for geodetic comprehensive boundary surveys for the Lenoir Watershed property described above.

CWMTF Guidance to follow on Surveys:

Any survey of the Property and/or the Conservation Easement obtained must meet the following criteria. Any deviation from these criteria must be approved by CWMTF staff in advance.

- Submit the survey to CWMTF for review prior to recordation.
- The configuration of any survey should simplify the project boundary and reduce the number of corners where new lines will be created. A strong preference for longer lines must prevail over shorter lines when considering the placement of lines and corners. Wetland delineations and measurements from the top of bank should serve as tools to help draw the conservation easement boundary, but should rarely be used as the boundary itself.

- All existing easements or rights-of-way that affect the project must be shown on the plat. When pre-existing easements and rights-of-way run parallel to the outer edge of the conservation easement, make the boundaries contiguous and exclusive.
- All surveys shall meet the Standards of practice for Land Surveying the North Carolina as described in Title 21, Chapter 56 of the North Carolina Administrative Code.
- The Provider shall show the existing property corners, easements, dwellings, roadways, and waterbodies on the survey plat.
- The Provider shall set 5/8" rebar 30" in length and 3-1/4" aluminum caps on all easement corners.
- All surveys shall be tied to the North Carolina State Plane Coordinate System NAD83 (NSRS2007) per the Standards of Practice for Land Surveying in North Carolina, Title 21 NCAC 56.1602(g) regardless of whether the property is or is not within 2,000 feet of a geodetic monument and with application of 21-56.1607 GLOBAL POSITIONING SYSTEM SURVEYS or 21-56.1603 CLASSIFICATION OF BOUNDARY SURVEYS.
- The title block shall contain Property Identification Number, as assigned by the county where the Property is located, the Grant Contract Number, the name of the landowner, location, date surveyed, scale of the drawing, name, address, registration number and seal of the surveyor. A table of coordinates (northing and easting) for all property corners must be included on the plat. All corners shall be numbered consecutively starting with number 1. If multiple parcels comprise a single project, assign a unique number to each property corner within the project.
- The text metes and bounds description for each tract of the surveyed areas shall be provided on standard letter sized paper and titled "Exhibit B".
- The survey must specify the length of any of the Property or Conservation Easement boundaries shared with surface waters and the total length of stream buffered, if applicable.
- If the Property has no public road frontage, show a right of access to the Property and Conservation Easement area.

Please note: there is a law enforcement shooting range on the property which will be excluded from the conservation easement. The area of the shooting range is approximately 5 acres.

III. SITE DESCRIPTION

A vicinity and property map are attached to this document.

IV. EXISTING STUDIES AND OTHER INFORMATION SOURCES

There are no existing surveys of this property. Lenoir Police Chief Scott Brown can assist in delineation of the law enforcement shooting range area.

V. SCOPE OF SERVICES

The City of Lenoir will contract with a firm with a registered Professional Land Surveyor to conduct a comprehensive survey on the subject property.

The Scope of work shall include but not be limited to:

1. Survey: Any survey of the Property and/or the Conservation Easement obtained must meet the following criteria:
 - One full-sized survey and one 8 ½ by 11-inch survey must be provided.
 - Submit the survey to CWMTF in hard copy for review prior to recordation.
 - The survey must be in recordable form, depict a metes and bounds description, and tie the beginning point of the Conservation Easement to a point on a property boundary line.
 - The survey must be in accordance with the latest version of N.C.A.C. Title 21, Chapter 56, Section.1600 – Standards of Practice for Land Surveying in North Carolina; in particular 21 N.C.A.C. 56.1602(g).
 - The survey must display the Property Identification Number (09-164-1-2), as assigned by the county where the Property is located, and show the Grant Contract number (2015-033) in the title block.
 - The survey must specify the length of any of the Property or Conservation Easement boundaries shared with surface waters and the total length of stream buffered, if applicable.
 - If the Property has no public road frontage, show a right of access to the Property and Conservation Easement area.

VI. PROJECT DELIVERABLES

1. One digital and 2 bound hardcopies of the comprehensive boundary survey report.
2. Digital files of any ACAD, GIS layers (shapefiles), maps, and photographs associated with the survey and report.
3. One full-sized survey and one 8 ½ by 11-inch survey must be provided.
4. The Provider shall show the existing property corners, easements, dwellings, roadways, and waterbodies on the survey plat.

5. The Provider shall set 5/8" rebar 30" in length and 3-1/4" aluminum caps on all easement corners.
6. The title block shall contain Property Identification Number, as assigned by the county where the Property is located, the Grant Contract Number, the name of the landowner, location, date surveyed, scale of the drawing, name, address, registration number and seal of the surveyor. A table of coordinates (northing and easting) for all property corners must be included on the plat. All corners shall be numbered consecutively starting with number 1. If multiple parcels comprise a single project, assign a unique number to each property corner within the project.
7. The text metes and bounds description for each tract of the surveyed areas shall be provided on standard letter sized paper and titled "Exhibit B".
8. The survey must specify the length of any of the Property or Conservation Easement boundaries shared with surface waters and the total length of stream buffered, if applicable.
9. If the Property has no public road frontage, show a right of access to the Property and Conservation Easement area.

VII. EXPECTED PROJECT SCHEDULE AND PROCESS

RFQ Posted	[October 6, 2016]
Deadline for RFQ submittals	[October 14, 2016]
Selection of top ranked consultant team	[October 18, 2016]
Project begins	[October 19, 2016]
Desired project completion	[November 21, 2016]

VIII. SUBMITTAL REQUIREMENTS

Please submit three (3) originals of your proposal. Each proposal should be submitted on 8½" x 11" sheets and bound, to include all photographs and drawings (except for the copies of other reports). The proposal shall include:

1. Cover letter.
2. Firm name, address, telephone number, and contact person.
3. Date firm established, its history, and any prior names.
4. Resumes of project team members
5. Certificate of Insurance

Not less than four references, including contact names and phone numbers, of clients that the City of Lenoir may contact.

IX. TERMS AND CONDITIONS OF THE CONTRACT

1. The firm hired must have a registered land surveyor on staff with experience in submitting comprehensive land survey reports.
2. The firm hired must comply with all Caldwell County and state ordinances.

3. Certificates of Insurance evidencing general and professional liability coverage of not less than \$1,000,000, auto insurance coverage, and Worker's Compensation coverage to statutory limits.

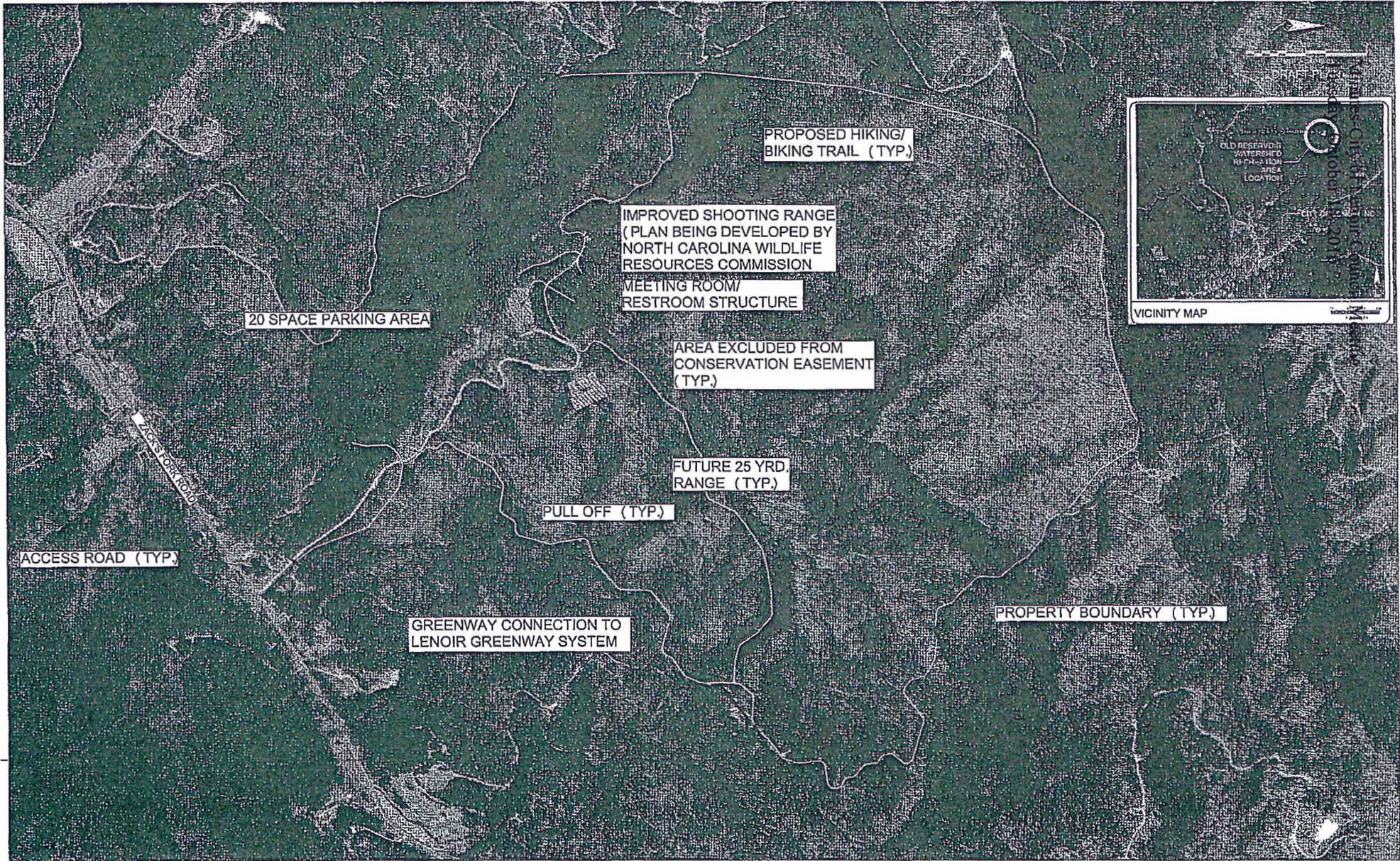
Qualifications must be submitted no later than 4 p.m. on October 14, 2016 to:

City Manager, Scott Hildebran
City of Lenoir
801 West Ave Northwest
Lenoir, NC 28645

or electronically to
shildebran@CI.LENOIR.NC.US

The City of Lenoir shall not pay any cost incurred in the submission of qualifications or for their preparation. The City of Lenoir reserves the right to reject any or all proposals received resulting from this solicitation.

Any questions concerning this Request for Proposals should be referred to:
Scott Hildebran, City Manager, shildebran@CI.LENOIR.NC.US or (828)757-2200.



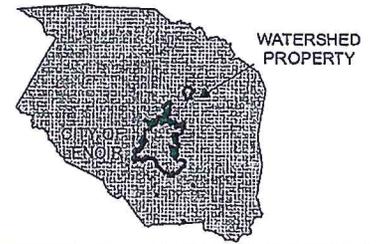
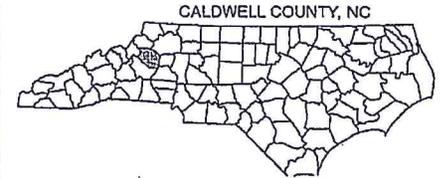
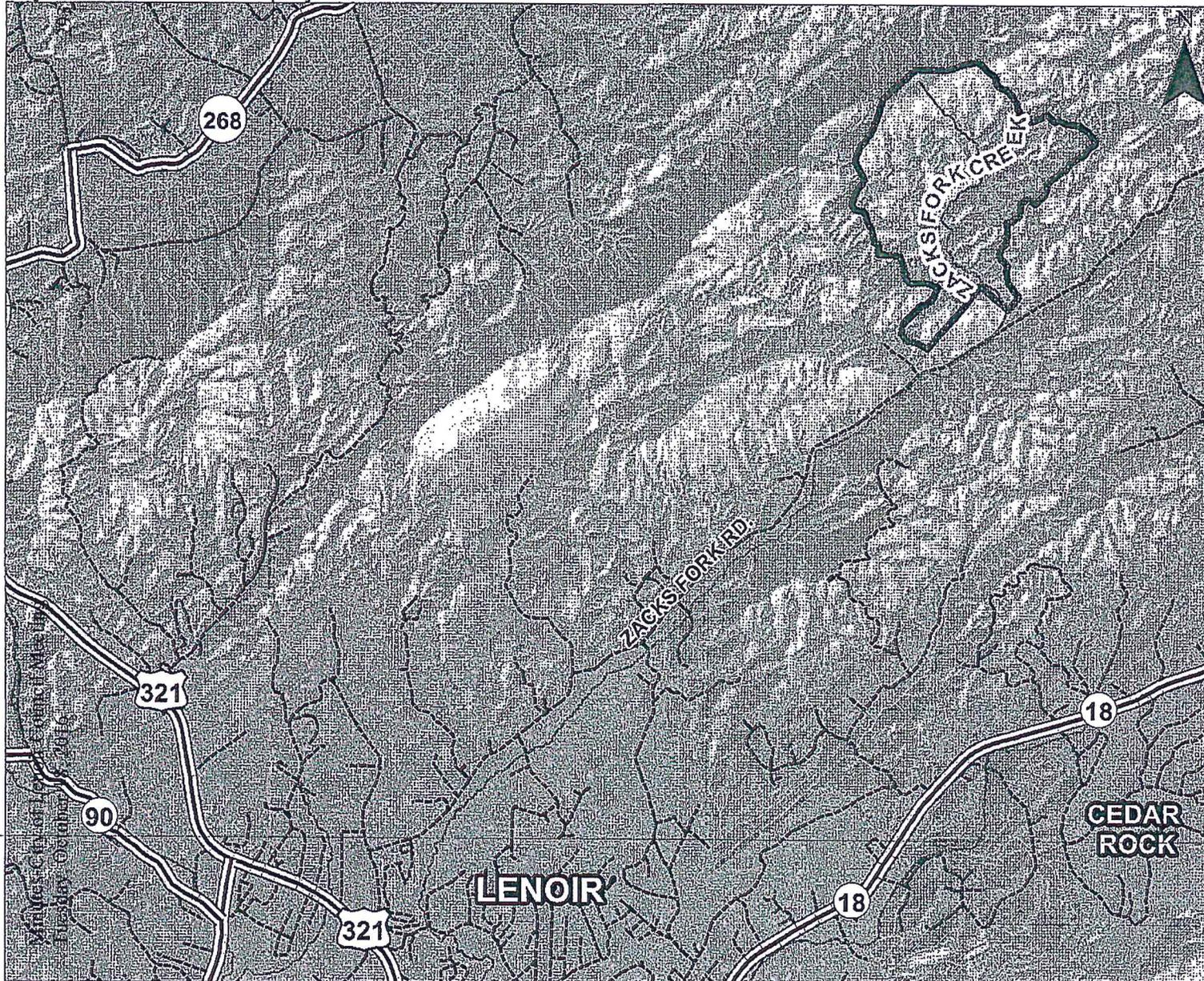
1/21/2015 - DRAFT

OLD RESERVOIR WATERSHED RECREATION AREA PLAN

for: CITY OF LENOIR, NORTH CAROLINA

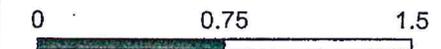
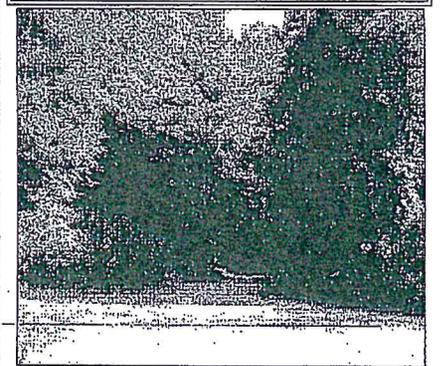


City of Lenoir - Watershed Property - 2015



Legend

- Major Highways
- Streets
- Streams
- Hydrography
- Lenoir Watershed Property



WESTERN CAROLINA SURVEYORS, P.A.

R. Curtis Gaines, P.L.S.

2121 Harper Avenue SW

P.O. Box 1826

Lenoir, NC 28645

Website: westerncarolinalandssurveyors.com

Phone: 828.758.5353

Fax: 828.758.0062

Business License #C-0338

Email: westerncarolina72@att.net

October 14, 2016

City of Lenoir

Attn: Scott Hildebran

801 West Avenue NW

Lenoir, NC 28645

Phone: 828-757-2200

Email: shildebran@ci.lenoir.nc.us

RE: Estimate - Lenoir Watershed Property – Approximately 568 Acres located in Caldwell County, North Carolina

Mr. Hildebran,

I have prepared a formal estimate with breakdown to perform the survey services of the Lenoir Watershed Property as set forth in the Clean Water Management Trust Fund instructions.

Research: Includes necessary research (tax maps, deeds, recorded plats, etc), notification letters to adjoining (approximately 19 adjoining)

- 40 hours x \$40 hour = \$1,600.00
- Materials = 400.00
- Total = \$2,000.00

Office Time (Initial): Includes review of research, deed plots, preparing information for field crew

- 32 hours x \$70 hour = \$2,240.00
- Materials = 260.00
- Total = \$2,500.00

GPS Control: Field time for GPS

- 18 hours x \$100 hour = \$1,800.00
- Mileage/Materials = 200.00
- Total = \$2,000.00

Boundary and Location: Field crew time

- 134 hours x \$100 hour = \$13,400.00
- Materials = 1,200.00
- Mileage = 400.00
- Total = \$15,000.00

Watercourse Location: Field crew time

- 90 hours x \$100 hour = \$9,000.00
- Mileage/Materials = 500.00
- Total = \$9,500.00

Boundary and Easement – Set corners and mark lines: Field crew time

- 80 hours x \$100 hour = \$8,000.00
- Mileage/Materials = 1,500.00
- Total = \$9,500.00

Preparation of Finalized Survey Map and Legal Descriptions: Office Time

- 120 hours x \$70 hour = \$8,400.00
- Legal Descriptions:
(PLS and Office) = 3,800.00
- Review = 1,500.00
- Total = \$13,700.00

Total Estimated Cost for Project = \$54,200.00

Estimated Completion Time (if project begins within the next week): End of December 2016 to mid January 2017

Please note that the estimated completion date is subject to change due to inclement weather (field crew cannot work during rain, snow, ice, etc).

If we are authorized to begin work on this project, a formal contract (proposal) will be prepared and submitted to you/authorized individual for signature before work commences.

Thank you for this opportunity to provide you with an estimate. Please feel free to contact me with any questions.

Sincerely,



R. Curtis Gaines, P.L.S.
President

CITY OF LENOIR

2017 HOLIDAY SCHEDULE

Monday, January 2	New Year's Day
Monday, January 16	Martin Luther King, Jr. Day
Friday, April 14	Good Friday
Monday, May 29	Memorial Day
Tuesday, July 4	Independence Day
Monday, September 4	Labor Day
Friday, November 10	Veterans Day
Thursday, November 23 Friday, November 24	Thanksgiving Holiday
Monday, Tuesday & Wednesday December 25, 26, & 27	Christmas Holiday

CITY OF LENOIR

LISTING OF CITY COUNCIL MEETINGS FOR 2017

JANUARY

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

FEBRUARY

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

MARCH

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

APRIL

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

MAY

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

JUNE

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

JULY

City Council	Tuesday, July 18	6:00 p.m.
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***Only one meeting will be held in July**

AUGUST

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

SEPTEMBER

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

OCTOBER

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

NOVEMBER

City Council	Tuesday, November 14	6:00 p.m.*
Committee of the Whole	Tuesday, November 28	8:30 a.m.

***Note date change for City Council Meeting**

DECEMBER

City Council	Tuesday, December 5	6:00 p.m.
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***Only one meeting will be held in December**

2017 SCHEDULE OF EVENTS

<u>NCLM Meetings</u>	<u>Event</u>
TBA	Town Hall Day
TBA	NCLM Conference
<u>NLC Meetings</u>	<u>Event</u>
March 11-15, 2017	Congressional City Conference (Washington, DC)
November 15-18, 2017	NLC City Summit (Charlotte, NC)

Appendix B – Traffic

Proposed: 10-18-2016

Sec. 126. - Unlawful passing.

- (a) The driver of a vehicle shall not overtake and pass another vehicle on any portion of a city street which is marked by signs, markers or markings placed by the City stating or clearly indicating that passing should not be attempted.
- (b) The city manager may install or cause to be installed appropriate traffic-control measures to indicate that no passing is allowed whenever and wherever passing would be unsafe.

State Law Reference – N.C.G.S. 20-150 and N.C.G.S. 160A-296.

MINUTES

ABC BOARD & CITY COUNCIL MEETING
THURSDAY, OCTOBER 20, 2016
6:00 PM.

PRESENT: ABC Board Members: Marvin Lovins, Jerry Brooks, ABC Staff: Mike Suddreth, Manager, Glenda Pennington, Finance Manager, and Steve Huntley, CPA.

Others present were City Manager Hildebran, City Clerk Cannon, Finance Director Bean, Mayor Gibbons, Mayor Pro-Tem Willis, Councilmembers Edmisten, Rohr, Stevens, and Willis.

ABSENT: Councilmembers Todd Perdue and Crissy Thomas. Also absent was Betsy Wilson, ABC Board Member.

I. CALL TO ORDER

A. ABC Board Chairman Lovins welcomed everyone and called the meeting to order. He stated the purpose of the joint meeting is to present the Board's annual Audit Report to City Council.

II. ABC Board Report

1. Chairman Lovins reported that total sales have been outstanding and increased 3.6% over FY2014-2015.

A copy of the audit report is on file in the City Clerk's office.

Mr. Huntley presented the following information:

- Net Sales \$3,300,204
- Gross Profit \$ 806,203
- Net Assets Ending \$ 826,857
- Net Position \$ 799,730

Mr. Huntley reported their income from operations was \$330,869.

Next, Mr. Huntley presented the distribution of income:

- City of Lenoir \$ 250,000
- Caldwell Schools \$ 30,793
- Law Enforcement/ \$ 11,803
- Alcoholic Education \$ 11,803

Mr. Huntley reiterated sales have increased and their total current assets are

\$602,571. In addition, Mr. Huntley noted the change in their net position is \$288,266.

Mr. Huntley also stated the Alcoholic Beverage Control Commission requires Boards to have a minimum working capital and reported, as of June 30, 2016, the Board had an available minimum amount of \$98,017, maximum amount of \$849,480 and an actual working capital of \$361,535.

Chairman Lovins reviewed a spreadsheet showing distribution amounts from 1978 forward. Over a thirty-nine year period, the City of Lenoir has received a total distribution amount of \$7,941,000. Mr. Lovins reported the Board does not have any debt and noted Staff utilizes software designed for ABC stores.

Mike Suddreth, Store Manager, commended Charles Beck, Public Works Director, and City Staff for all of their assistance in getting the parking lots at each location paved and striped. Mr. Suddreth further noted they have excellent security installed at each location and have done landscaping which has helped improved visibility.

In addition, Mr. Suddreth mentioned the Board received a good report following a performance review conducted by Staff from the state office. He stated they suggested additional training for Staff and recommended a few policy changes.

A brief discussion followed regarding the monitoring of theft. It was noted the security system monitors the parking lot and store at both locations and it was further noted the stores average a loss of around ten bottles of product per month due to breakage, etc.

Mr. Suddreth also noted they were already \$25,000 ahead in their sales totals for the first quarter and were on track to hold steady for the remainder of the fiscal year. He informed Council the Board has approved a \$50,000 distribution payment to the City for the first quarter.

On behalf of City Council, Mayor Gibbons thanked them for the good report.

III. ADJOURN

There being no further business, the meeting was adjourned at 6:32 p.m.

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Fire Department requests permission to accept the bid proposal provided by J. B. Plaster Architect regarding the Request for Proposal and Qualifications for the Design Services of the proposed Fire Station 3 Project to be located at 132 Tremont Park Drive Lenoir, NC 28645.

II. Background Information:

After the Lenoir City Council entertained the notion to allow the Fire Department to move forward with the Fire Station 3 Project, we requested bids from various companies on their respective Request for Proposals and Qualifications regarding Design Services for this project. The City of Lenoir also posted this request on their website. We have since allowed ample time for all bids to be returned and be reviewed by Fire Department personnel. Upon review, the Fire Department is assured that the bid from J. B. Plaster is the company that fully meets the specifications needed to address our needs and meet the requirements for the Design Services. Mr. Plaster is a local Architect that is currently working on Patterson Fire Department's Station 2 project. Mr. Plaster has the understanding of the special concerns when working with Fire Department projects, including timeliness, knowledge of our project, similar projects completed, and especially, personal and consistent availability. Other relevant experiences include the Bynum McCune Building in Lenoir and Kimbrell's Building in Lenoir.

III. Staff Recommendation:

Adopt as submitted.

IV. Reviewed By:

City Attorney:

City Manager:

Fire Chief:**Additional:**

We had correspondence with 4 different agencies about Request for Proposal and Qualifications, including, J. B. Plaster Architect, Dallas Abee Architect, Northwest Associates, and IMS. We believe Jesse Plaster would more thoroughly meet our needs and objectives for our project. He has worked on fire stations previously, has the knowledge and ability for our project, and with him being local, is available for immediate consultation for future expected plan changes. Also upon the review, his fees are at or below the Design Services standards.

REQUEST FOR PROPOSALS

The City of Lenoir

Architectural Services
for
The Design of a New Fire Station

Introduction: The City of Lenoir requests proposals from qualified Architectural Firms for the Design of a New Fire Station. Upon review of proposals received in response to this Request for Proposals (RFP), the City of Lenoir anticipates awarding a single contract for the services required.

Project Description: The job will include the design of a new satellite fire station at 132 Tremont Park Drive, in Lenoir, NC. The building shall include garage bays for 2 engines, 2 private offices, a meeting room, storage, 6 sleeping rooms, as well as kitchen, dining & lounge areas for on-duty firemen. Design services will include architectural, structural, plumbing, mechanical, and electrical engineering and the coordination of all disciplines. Design services will also include complete architectural specifications and contract documents for a competitively bid general contractor selection.

Project Schedule: The following is a preliminary milestone date list for this project:

Task	Date
Issue RFP	October 20, 2016
Response Deadline	October 26, 2016
Award Contract	October 28, 2016

Proposal Format: A written proposal must be submitted in the format outlined herein. Each proposal will be reviewed to determine if it is complete prior to actual evaluation. A total of three (3) copies of the proposal shall be submitted to the City of Lenoir. Proposal shall be on 8 ½ x 11 bond, portrait orientation.

Proposal Content: The written proposal should provide background information about the company, its employees, and its experience with related projects and related clients. It should cover the experience of the firm, as well as any consultants on the proposed team. For the purposes of the RFQ, the term “company” shall refer to the prime respondent of this RFQ, or in other words, the company with whom the City of Lenoir will contract.

The term “consultant” shall refer to any and all consultants with whom the prime respondent will be including on the project team. The proposal shall clearly delineate any experience, background, etc. between the prime “company” and “consultants”.

Specifically, the proposal should address the following information in order:

- 1: Company profile listing: name, address, year established, size of company and staff, and an organization chart. If company has multiple offices, please list where the work for this project will be performed.
- 2: Information about the overall makeup of the project team, including: the identity of all key personnel, a description of their respective responsibilities and duties, and each team members’ experience with Fire Station design projects.
- 3: Information about any consultants to be included on the team. Identify consultant company name, address, telephone number, contact person, and names and job descriptions of key personnel. Identify consultants experience with Fire Station design projects.
- 4: Summary of similar projects designed in the last ten years for which the designer was responsible. Each of the project summaries should include the following:
 - a: Description of the facility, including: size, functions, project budget, and year completed.
 - b: Degree of involvement (principals or consultant).
 - c: Consulting firms involved and their assigned responsibilities.
- 5: Please provide references of clients for whom company and consultants have provided similar services. Include name, title, company or agency, and telephone number for each reference.
- 6: Proposed design approach by company for this project.
- 7: Current company workload, and ability to perform work for this project given the schedule listed above.
- 8: Pricing for complete architectural and engineering services through Construction Documents and a fee schedule for professional services during Construction Administration. Full CA services are not requested.

Proposal Submission: Submit three (3) copies of the written proposal no later than October 26, 2016. No proposals will be accepted after this time. Submit proposals to:

Chief Ken Briscoe
 City of Lenoir
 602 Harper Avenue

Lenoir, NC 28645

All questions regarding this project should be directed to the Fire Chief at 828-757-2191. In order that the selection process is as objective as possible, do not contact any City of Lenoir official other than the Fire Chief.

General Comments:

- 1: Any cost incurred by respondents in preparing or submitting a proposal for the project shall be the respondents' sole responsibility.
- 2: All responses, inquiries, or correspondence relating to this RFP will become the property of the City of Lenoir when received.
- 3: The City of Lenoir reserves the right to refuse any or all packages received.



November 2016



Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 6:00 p.m. City Council (City Hall, 3rd Floor)	2 9:00 a.m. Staff Mtg.	3	4	5 8:00 a.m. Meleah Mikeal Half-Marathon (Aquatic Fitness Center) One Stop Voting Ends
6	7	8 8:00 a.m. EDC 5:30 p.m. ABC Board Election Day!	9	10 1:15 p.m. Sister Cities 6:00 p.m. Lenoir Business Adv. Board	11 City Offices Closed in Observance of Veterans Day	12
13	14 11:45 a.m. City/County Services Committee	15 6:00 p.m. City Council	16 National League of Cities Conference begins	17 2:00 p.m. LTDA Mtg. 2:00 p.m. Bus. Growth 3:00 p.m. Light Up Lenoir 6-10:00 p.m. Light Show	18	19 National League of Cities Conference ends
20	21 11:30 a.m. City/Couty Coordinating Com.	22 8:30 a.m. Committee of the Whole (City Hall, 3rd Floor)	23 Noon - Foothills Regional Airport Authority	24 City Offices Closed in observance of Thanksgiving	25 City Offices Closed in observance of Thanksgiving	26
27	28 5:30 p.m. Planning Board	29	30			
30	31	Notes for December The annual Luminary Display at Blue Ridge Memorial Park will be held on Friday, December 9th from 6-10:00 p.m. A rain date is scheduled for Friday, December 16. City offices will be closed on December 23, 26 & 27 in observance of the Christmas holidays.				

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