

AGENDA



CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, FEBRUARY 4, 2020
6:00 P.M.



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Special Recognition: On behalf of City Council, Mayor Gibbons will present a resolution to Larry Smith in honor of his dedicated service to the City of Lenoir and the Lenoir Police Department where he served as a Volunteer Chaplain.

On behalf of the Lenoir Police Department, Brent Phelps, Chief of Police, will present a plaque to Mr. Smith for his dedication and service to the citizens of Lenoir and employees of the Lenoir Police Department.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, January 7, 2020 as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, January 28, 2020 as submitted.
- C. Resolution; Hazard Mitigation Plan: Approval of a Resolution Adopting the Caldwell County Multi-Jurisdictional Hazard Mitigation Plan Update. **Note:** As information, a link to view the 1,300 page plan is listed on Staff's Council Action Form.
- D. Capital Project Budget Ordinances: (1) Approval of a Capital Project Budget Ordinance in the amount of \$30,000 to allocate funding for the purchase of one (1) used automated garbage truck and (2) Approval of a Capital Project Budget Ordinance in the amount of \$323,316.96 to allocate funding for the reimbursement of Caldwell UNC Healthcare for the Rural Hope Grant. **Note:** City Council approved the purchase of the garbage truck at the January 28 Committee of the Whole meeting and authorized the Caldwell UNC Healthcare project at the August 7, 2018 City Council meeting.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

- B. Items of Information

1. The movie “Harriet” will be shown on Saturday, February 8 at 4:00 p.m. at the Martin Luther King, Jr. Center in observance of Black History Month. Admission is free and light refreshments will be served. Children age 13 and under must be accompanied by parents.
2. The City/County Services Committee will meet on Monday, February 10 at 11:45 a.m.
3. The Caldwell County Economic Development Commission will meet on Tuesday, February 11 at 8:00 a.m.
4. The Caldwell County Chamber of Commerce will host its Centennial Dinner on Tuesday, February 11 at 6:00 p.m. at the J.E. Broyhill Civic Center.
5. The ABC Board will meet on Thursday, February 13 at 2:00 p.m. at Lenoir Store #1 located at 115 ABC Court.
6. The Lenoir Business Advisory Board will meet on Thursday, February 13 at 6:00 p.m. at City Hall, Third Floor.
7. The Parks and Recreation Advisory Board will meet on Monday, February 17 at 6:00 p.m. at the Optimist Clubhouse.
8. City Council will conduct its annual Strategic Planning Retreat on Friday, February 21 beginning at 8:30 a.m. in the meeting room at Blue Ridge Energies located at 100 Cooperative Way.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Announcements; Board Re-Appointments: Mayor Gibbons will announce the following individuals for consideration of re-appointment to the City’s Authorities/Boards/Commissions. These re-appointments will be considered by Council at the February 18 City Council Meeting.

Lenoir Tourism Development Authority (LTDA)

Angela Johnson
Rose Noakes

Planning Board

Mac Martin

Lenoir Business Advisory Board

Terese Almquist

Parks & Recreation Advisory Board

Erik Robinowitz

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

- A. Pursuant to N.C.G.S. §143-318.11(a), (3), City Council will enter into closed session on Tuesday, February 4 to discuss attorney/client privilege.

X. ADJOURNMENT



City of Lenoir Police

1035 West Avenue NW
Lenoir, North Carolina 28645
(828) 757-2100 • Fax (828) 757-2103



Council Action Form

I. Agenda Item:

II. Background Information:

III. Staff Recommendation:

IV. Reviewed by:

City Attorney: _____	Date: _____
City Manager: _____	Date: _____
Police Chief:  _____	Date: _____

LENOIR POLICE DEPARTMENT OPERATIONS MANUAL

POLICY NUMBER: 300-09
SECTION TITLE: CHAPLAINCY PROGRAM

EFFECTIVE DATE: JULY 1, 2007
LAST REVIEW DATE:

Department Policy

It is the policy of the Lenoir Police Department to support a Chaplaincy program within the agency.

I. Program Goals

The goal of the Lenoir Police Department Chaplaincy Program is to seek and bring comfort, consolation and counseling to members of the Department and their families when requested. Also, the Chaplaincy Program will seek to provide comfort to family members and individuals involved in traumatic incidents, such as, accidents, catastrophes, or confronted with death.

II. Duties and Responsibilities

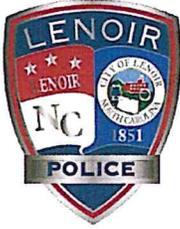
- A. The Chaplain may be a sworn law enforcement officer. The Chaplain will report directly to the Chief of Police. The Chaplain's duties and responsibilities include:
1. Maintaining high spiritual and moral standards, professional maturity, and emotional stability
 2. Showing Godly compassion and understanding when dealing with people
 3. Providing counseling and making proper referrals to individuals involved in traumatic situations
 4. Being available to respond to special, traumatic, and critical incidents, when requested
 5. Acting as Department liaison with other religious leaders in the community
 6. Having general knowledge of the role/responsibilities of a law enforcement officer
 7. Handling situations in strict confidence
- B. The Chaplain shall be a licensed or ordained member of the clergy and in good standing with a religious denomination. The Chaplain shall be involved in continuous spiritual training and be

familiar with community resources and referral services. The Chaplain will have the opportunity to ride with and converse with officers of the Department.

- C. No priest, rabbi, accredited Christian Science practitioner, or a clergyman or ordained minister of an established church shall be compelled to testify in any action, suit or proceeding concerning any information which was communicated to him or entrusted to him in his professional capacity.

III. Chaplain Uniform

The Chaplain will dress in a professional manner when involved in Departmental functions, and will carry Department issued identification.



RESOLUTION

In Recognition of Dedicated Service



WHEREAS, on the 6th day of July, in the year 1998, Larry Smith, was appointed as a Telecommunications Officer for the Lenoir Police Department by Chief Jack Warlick;

THAT, on June 12, 2002, he left Lenoir's employment as a Telecommunications Officer to embark on a career in the private sector;

THAT, on April 4, 2004, he applied with the Lenoir Police Department for a position as a Volunteer Chaplain, and was accepted for this role for the benefit of the citizens of Lenoir, as well as the employees of the department;

THAT, on June 10, 2010, he was re-hired as a Telecommunications Officer on a Part-Time basis, for which he worked a couple of months before resigning that assignment and continuing his role as Volunteer Chaplain.;

THAT, society and law enforcement as a whole has gone through many changes over the last 20 years, and he has stayed abreast through those changing trends to remain an effective and vital member of the Lenoir Police Department. He has made significant contributions throughout his career;

THAT, as of the date of this Resolution, he has admirably and with great distinction, served the Lenoir citizens and Police employees during the tenures of four Police Chiefs, and has formed close relations with the Lenoir citizens and Police employees through his genuine concern and professional dedication to duty. Since 2004, he has worked closely with the Lenoir Police Chaplain Team and contributed to the success of the department's Chaplaincy Program that was implemented in 1993;

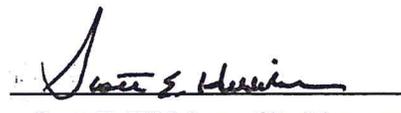
THAT, Chaplain Smith has served as Pastor and Associate Pastor for a number of local churches in the community, served with a number of spiritual affiliations and on local boards to include Communities in Schools, USMBC Leadership, NCD Leadership, and City of Lenoir Planning. He is also a member of the Caldwell Clergy Crisis Support Team and NC Sheriff's Chaplain Association;

THAT, Chaplain Smith has humbly served the City of Lenoir and Caldwell County for over two decades and will be moving out of the area sometime after February, 2020;

THEREFORE, BE IT RESOLVED, by authority of the Mayor and City Manager, and on behalf of the City Council, that Larry Smith has been an exemplary Police Chaplain and City of Lenoir employee, and is himself the epitome of the professional Clergyman and Telecommunications Officer. His contributions to the safety and well-being of the citizens of Lenoir and officers of the Lenoir Police Department will be held in high esteem and remembrance by this governing body, as well as persons impacted by his accomplishments;

THIS, the 4th day of February, 2020.


Joseph L. Gibbons, Mayor


Scott E. Hildebran, City Manager

**LENOIR CITY COUNCIL
TUESDAY, JANUARY 7, 2020
6:00 P.M.**

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

I. CALL TO ORDER

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

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**REZONING REQUEST;
413 VANCE STREET NW:**

- A. A public hearing was held to consider a rezoning request as submitted by Robert Triplett for property located at 413 Vance Street NW, NCPIN#2749687204, to be rezoned from I-1 (Light Industrial) to R-9 (Mixed Density Residential) based on the following Consistency Statement: The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it facilitates a residential conversion on an existing lot, consistent with the policy concepts found in the plan. The proposed amendment is reasonable and in the public interest because it will allow an active residential use in a high vacancy neighborhood. The owner is in process of converting a previously industrial building to a residence. A rezoning to a residential zone is required for the property to be used primarily as a residence. The Planning Board approved the rezoning request.

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

Planning Director Jenny Wheelock stated the Staff Report includes photos of the renovations that have already been completed. She clarified the City was not aware the property was being used as a residential property until the applicants were going through the inspection process. She stated the project has been on hold for several months and the applicants could move forward with their application upon approval of the rezoning request.

Director Wheelock further clarified the property has great rail access, but it is not suitable for industrial use. In addition, she stated the property has frontage on Vance Street that is not accessible, but a small private road goes through the block building located behind the property. In addition, Director Wheelock clarified the current application is for only one residential unit, but it may be possible to convert it in the future to include additional units either by right or with a Conditional Use Permit. She also

stated the existing day care is zoned light industrial, but pointed out this business can operate in either zone.

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

Following a brief discussion and upon a motion by Councilmember Willis, Council voted 7 to 0 to approve the rezoning request for property located at 413 Vance Street NW based on the Consistency Statement and as described above and recommended by the Planning Board.

III. CONSENT AGENDA ITEMS

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

1. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, November 26, 2019.
2. Minutes: Approval of the minutes of the City Council meeting of Tuesday, December 3, 2019 as submitted.
3. Closed Session Minutes: Approval of the closed session minutes of the City Council meeting of Tuesday, December 3, 2019 as submitted.
4. Capital Project Budget Ordinance; Fire Station No. 3: Approval of a Capital Project Budget Ordinance in the amount of \$1,575,615.00 to close out the capital project for Fire Station No. 3. (A copy of the Capital Project Budget Ordinance is hereby incorporated into these minutes by reference. Refer to pages 6-7).
5. Capital Project Budget Ordinance; Crossroads Sewer Project: Approval of a Capital Project Budget Ordinance for the Crossroads Sewer Project which involves the replacement and upsizing of approximately 3,800 linear feet of existing 12 inch diameter gravity sewer line to 20 inch diameter gravity sewer line on a positive grade. (A copy of the Capital Project Budget Ordinance is hereby incorporated into these minutes by reference. Refer to page 8).
6. Annual Audit Contract; S. Eric Bowman, PA: Approval of the Annual Audit Contract as submitted by S. Eric Bowman, PA. The agreed upon cost for the audit is \$98.00 per hour with a cap for interim invoice approval of \$35,268, which is 75% of the prior year's audit fee. (A copy of the audit contract is hereby incorporated into these minutes by reference. Refer to pages 9-15).

Councilmember Todd Perdue asked for clarification regarding the audit contract fees.

Councilmember David Stevens explained that the prior year's fees, before the current annual audit is done, can be billed up to 75% of this year's audit fee.

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

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

JANUARY CALENDAR:

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

ABC

- BOARD:** 2. The ABC Board will meet on Thursday, January 9 at 2:00 p.m. at Lenoir Store No. 1 located at 115 ABC Court.

LENOIR BUSINESS ADVISORY

- BOARD:** 3. The Lenoir Business Advisory Board will meet on Thursday, January 9 at 6:00 p.m. at City Hall, Third Floor.

CITY/COUNTY SERVICES

COMMITTEE:

4. The City/County Services Committee will meet on Monday, January 13 at 11:45 a.m.

CALDWELL COUNTY ECONOMIC

DEVELOPMENT COMMISSION LUNCHEON:

5. The Caldwell County Economic Development Celebration Luncheon will be held on Tuesday, January 14 beginning at noon at the J. E. Broyhill Civic Center.

LENOIR TOURISM DEVELOPMENT

AUTHORITY:

6. The Lenoir Tourism Development Authority will meet on Thursday, January 16 at 4:00 p.m. at City Hall, Third Floor.

HOLIDAY CLOSING:

7. City offices will be closed on Monday, January 20 in observance of the Martin Luther King, Jr. holiday.

ANNUAL MARTIN LUTHER KING, JR.

BREAKFAST; MLK CENTER:

8. The 6th Annual Martin Luther King, Jr. Breakfast will be held Saturday, January 18 at 9:00 a.m. at the Martin Luther King, Jr. Center. Tickets are \$10.00 and will not be available at the door. The keynote speaker is Mrs. Leslie McKesson from Morganton, NC.

ANNUAL MEMORY MARCH:

9. The Annual Memory March will be held on Monday, January 20 beginning at 1:30 p.m. The march will begin at J.E. Broyhill Park and end at the Martin Luther King, Jr. Center.

Also, an MLK Day Celebration is scheduled for 2:00 p.m. at the Center with the Reverend Kim E. Moss serving as the keynote speaker.

B. ITEMS FOR COUNCIL ACTION

AUTHORIZING RESOLUTION; “PROJECT BUCKEYE”:

1. If Council wishes to proceed with the grants submittal, City Council should adopt the enclosed Authorizing Resolution for a NC Department of Commerce One NC Fund Grant and Building Reuse Grant Submission for “Project Buckeye”.

A copy of the authorizing resolution is hereby incorporated into these minutes by reference. (Refer to page 16-17).

City Manager Hildebran explained that both the One North Carolina Incentive and Building Reuse Programs require a local government to serve as the official project applicant. He stated the Economic Development Commission is currently working with an existing company involving an expansion to their Lenoir operations, but pointed out they are competing for the expansion with sites in other states. The project entails approximately \$20 million in company funding for renovations, machinery, and equipment as well as the creation of up to 126 new jobs. In addition, Mr. Hildebran shared the Caldwell County Commission approved a Local Jobs Incentive for this project at their meeting on Monday, January 6.

On behalf of City Council, Mayor Gibbons thanked Deborah Murray for all of her hard work regarding economic development. In addition, he mentioned the recent passing of Herman Anderson who was the pioneer of economic development in Lenoir. The Herman Anderson Award and the Industry of the Year Award will be announced at the upcoming Economic Development Commission Luncheon on January 14.

Upon a motion by Mayor Pro-Tem Thomas, Council voted 7 to 0 to adopt the Authorizing Resolution for NC Department of Commerce One NC Fund Grant and Building Reuse Grant Submission for “Project Buckeye” as recommended by City Manager Hildebran.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

UPDATE; AUTHORITIES/BOARDS/COMMISSIONS:

- A. Mayor Gibbons announced there may be an upcoming vacancy on the Planning Board due to the resignation of Larry Smith who is moving out of the area. Also, he announced other upcoming board re-appointments on the Lenoir Tourism Development Authority (LTDA). Mayor Gibbons reminded everyone the LTDA was established by legislation and there are guidelines that have to be followed for appointees. These appointments will be formally announced at the January 21 City Council meeting.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 6:21 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

ORDINANCE #2020-1

**CAPITAL PROJECT BUDGET ORDINANCE TO CLOSE CAPITAL PROJECT
FOR THE CITY OF LENOIR**

WHEREAS, the City Council of the City of Lenoir has adopted a Budget Ordinance for fiscal year beginning July 1, 2019, and ending June 30, 2020, in accordance with the General Statutes of the State of North Carolina, and

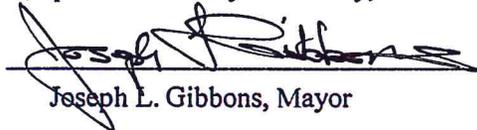
WHEREAS, the City Council desires to recognize the completion of the following Capital Project(s), and

WHEREAS, The City adopted the Revised Capital Project Budget Ordinance for the Fire Station III on the 19th day of June, 2019 with a total project budget of \$1,575,615. This project was complete as of December, 2019 with total expenditures of \$1,575,615. There were no excess funds and,

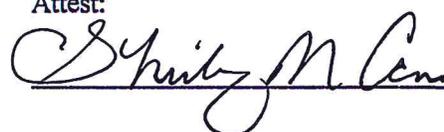
**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
LENOIR, NORTH CAROLINA, THAT:**

The Capital Project Budget Ordinance for the Fire Station III be closed.

Adopted this 7th day of January, 2020.



Joseph L. Gibbons, Mayor

Attest:


Shirley M. Cannon,
City Clerk

CROSSROADS SEWER CAPITAL PROJECT

BE IT ORDAINED by the City Council Members of the City of Lenoir, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project to authorize activities for Crossroads Sewer Capital Project to include the expenditure of loan funds and local funds for the design, construction, and project administration for the Crossroads Sewer Capital Project. The project is to be funded by a loan from the Clean Water State Revolving Fund at an interest rate of 2.16% and local funds for closing costs.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Engineering	\$ 371,000.00
Construction	\$ 2,186,000.00
Contingency	\$ 218,000.00
Closing Costs	<u>\$ 55,500.00</u>
Total Expenditures	\$ 2,830,500.00

Section 4: The following revenues are anticipated to be available to complete this project:

Clean Water State Revolving Fund (2.16% Interest)	\$ 2,775,000.00
Local funding	<u>\$ 55,500.00</u>
Total Revenue	\$ 2,830,500.00

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Project Ordinance.

Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

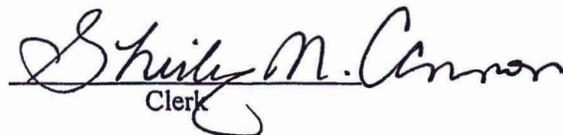
Section 7: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8: Copies of this capital project ordinance shall be furnished to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 7th day of January 2020.



Mayor



Clerk

Minutes-City of Lenoir Council Meeting

The	Governmental Unit (or charter holder) City Council	8
of	Primary Government Unit (or charter holder) City of Lenoir	
and	Discretely Presented Component Unit (DPCU) (if applicable) NA	

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name S. Eric Bowman, PA
	Auditor Address PO Box 1476 Morganton, NC 28680

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/20	Audit Report Due Date 10/31/20
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Must be within four months of FYE

hereby agree as follows:

- The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
- At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

Minutes-City of Lenoir Council Meeting

Tuesday, January 7, 2020

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3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools or hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 28 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

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

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools or hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

29. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

30. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>.

31. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

32. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name: Title and Unit / Company: Email Address:

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees below. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year billings. Should the 75% cap provided below conflict with the cap calculated by LGC staff based on the prior year billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC 3 .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	City of Lenoir
Audit Fee	\$ 98 per hour per person
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$ 98 per hour per person
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$ 35,268.00

DPCU FEES (if applicable)

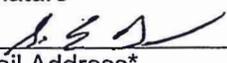
Discretely Presented Component Unit	
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$

Minutes-City of Lenoir Council Meeting
Tuesday, January 7, 2020

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SIGNATURE PAGE

AUDIT FIRM

Audit Firm* S. Eric Bowman, PA	
Authorized Firm Representative (typed or printed)* S. Eric Bowman	Signature* 
Date* 12/10/19	Email Address* sericbowmanpa@bellsouth.net

GOVERNMENTAL UNIT

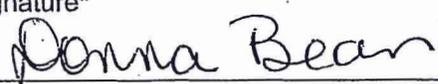
Governmental Unit* City of Lenoir	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)* Joe L. Gibbons - Mayor	Signature* 
Date 1-7-2020	Email Address josephlgibbons@yahoo.com

Chair of Audit Committee (typed or printed, or "NA") NA	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

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

Primary Governmental Unit Finance Officer* (typed or printed) Donna Bean	Signature* 
Date of Pre-Audit Certificate* 1-7-2020	Email Address* dbean@ci.lenoir.nc.us



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
T. H. PERDUE
J. I. PERKINS
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

Project Buckeye One North Carolina and Building Reuse Authorizing Resolution

Whereas, Deborah Murray, Executive Director of the Caldwell County Economic Development Commission, has been working with an existing local company involving an expansion to their Lenoir operations and;

Whereas, the Lenoir site is in competition for this expansion with sites in other states and;

Whereas, the Building Reuse grant requires a local government to serve as the formal applicant for these incentive grant dollars on behalf of the company, and

Whereas, the North Carolina Department of Commerce is assisting in the recruitment of this expansion in Lenoir which would entail approximately \$20 million in company funding for renovations, machinery, and equipment as well as the creation of up to 126 new jobs and;

Whereas, Both the One North Carolina Incentive and Building Reuse Programs require a local government to serve as the official project applicant and;

Whereas, The Lenoir City Council understands the project must maintain confidentiality until a formal announcement is made by the Governor and;

Whereas, The City Council of Lenoir wishes to assist in the recruitment of this expansion by serving as the local government applicant for a One North Carolina Fund Grant and a Rural Building Reuse Grant for the project

Now Therefore Be It Resolved, By The Lenoir City Council:

That the City Council of Lenoir supports the Project Buckeye expansion project in Lenoir.

That the City of Lenoir will serve as the official project applicant for the One North Carolina Fund Grant and the Building Reuse Grant requests.



Minutes - City of Lenoir Council Meeting
Tuesday, January 7, 2020

That Caldwell County has approved a Local Jobs Incentive for the project to provide the local matching funds as required by the respective programs.

16

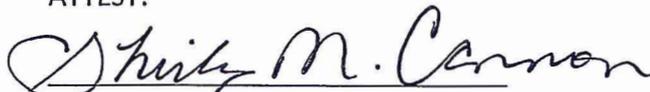
That Scott E. Hildebran, City Manager, and successors so titled, is hereby authorized to execute and file applications on behalf of the City of Lenoir with the North Carolina Department of Commerce for grant assistance in the development of the project described above.

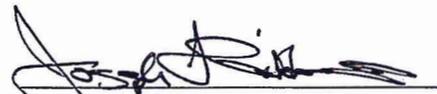
That the City of Lenoir has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining there to.

Adopted this the 7th day of January 2020, at Lenoir, North Carolina.

SEAL:

ATTEST:


Shirley M. Cannon, City Clerk


Joseph L. Gibbons, Mayor

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, JANUARY 28, 2020
8:30 A.M.**

PRESENT: Mayor Pro-Tem Thomas presiding. Committee members, Beal, Perdue, Perkins, Prestwood, Stevens and Willis.

City Manager Hildebran, City Clerk Cannon, Fire Chief Hair, Finance Director Bean, Police Chief Phelps, Recreation Director Story, Main Street Coordinator Case, Planning Director Wheelock, Public Utilities Director Thomas, Public Works Director Wright, and Public Information Officer Harris.

ABSENT: Mayor Gibbons and Economic Development Director Horn.

OTHERS: Garrett Stell, *News-Topic*.

I. CALL TO ORDER

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

II. CITIZEN COMMENT PERIOD

III. COMMITTEE ITEMS

A. Public Works

1. Public Utilities Director Radford Thomas presented a power point presentation on the Lower Creek Wastewater Treatment Plant Improvements as follows:
 - Reviewed photos of the new Gryphon Dryer and explained the improvement process. The dryer's dimensions are 40' x 10' and he pointed out they can be changed for future expansions. The dryer operates on a vacuum drying process and cools down within 30 minutes whereas the City's current system takes 4 hours to cool down. Director Thomas reported the dryer has safety features and mentioned Lenoir will be the first city in North Carolina to install this equipment.

Director Thomas stated the dryer will be beneficial to the City and Gryphon will provide technical support. Their representatives will be on hand when the equipment is installed. The dryer includes a warranty and additional equipment that is required can be purchased locally.

- Update; Sludge Agreement; Town of Blowing Rock: Director Thomas reported he is currently working on a standardized agreement between the City of Lenoir and the Town of Blowing Rock regarding how the City will continue to receive their sludge. Presently, the City receives three (3) loads of sludge weekly from Blowing Rock plus he noted the town has purchased a tanker for this purpose. The Town of Blowing

Rock is currently paying a rate of 3-cents per gallon which may increase to 4.5 cents per gallon depending on volume. He also mentioned the City may need to modify its permit. In addition, he reported the City has been able to eliminate the use of lime during the sludge removal process.

- Reported the City has recently received a request from a wholesale water purchaser for additional usage. Staff is currently evaluating the request to be sure the City can supply the increase. Staff will submit a recommendation to City Council within the next thirty days.
- The Water Treatment Plant improvement project continues to go well and is in its final stages. A commemorative plaque listing City Council, Staff and Contractors has been installed in the lobby of the plant.
- Staff has currently been responding to a number of water main breaks and other issues that are weather related.

2. Update; Public Works: Director Jared Wright presented the following item for consideration of approval by City Council:

- a) Purchase; MY2013 Mack Automated Refuse Truck: Staff recommends Council authorize the purchase of a MY2013 Mack Low-Entry Tandem Automated Refuse Truck in the amount of \$30,000.00 with an approximate mileage of 45,000 from the Town of Sawmills contingent upon a satisfactory vehicle inspection by City of Lenoir Public Works Staff. Director Wright stated the Town of Sawmills originally intended to retain the vehicle in the event they should need it, but agreed to accept the City's offer of purchase.

Director Wright reviewed the offer to purchase as submitted by the Town of Sawmills and reminded Council the City previously had the opportunity to purchase two (2) automated trucks from the Town of Sawmills during 2019.

Motion

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to authorize the purchase of a MY2013 Mack Low-Entry Automated Refuse Truck in the amount of \$30,000.00 from the Town of Sawmills as recommended by City Staff.

- b) Staff plans to implement the new pilot route in the Sanitation Study currently being compiled by the Western Piedmont Council of Governments in April. Director Wright stated the revised number of pickups will be around 1,000 and clarified the carts will all be one size plus have a code for identification purposes. He stated the City plans to purchase around 9,000 carts. Staff will submit a recommendation to Council on the cart purchase within the next few weeks for their consideration of approval.
- c) Director Wright reported the roof replacement projects are going well with work currently being done on the Police Department's facility. He stated the weather is currently affecting paving projects and noted the temperature has to be above 36 to 38 degrees before paving can be done. He shared that Greenhaven Street in front of the Martin Luther King, Jr. Center is on the list to be paved. As information, Director

Wright reported the asphalt recycler the City purchased last year has been used 187 times by Staff at a cost savings to the City.

- d) A brief discussion was held regarding the replacement of the wooden bridge located along the entrance to Hibriten High School off of Wilkesboro Boulevard. Also, Director Wright stated the Greenway project easement discussion with Waterlife Church at the former Lenoir Mall is going well.

- D. Planning Board: The Planning Board cancelled its meeting on Monday, January 27 due to no agenda items. Director Wheelock distributed the 2019 Development Activity Report along with the 2019 Enforcement Activity Report. (Copies of the reports are attached to these minutes as information).

Director Wheelock stated Staff's focus has been on floodplain violations and most have voluntarily complied. She further noted that sign violations were down. Also, Director Wheelock shared that 27 properties were owner abated with the City abating four properties. In addition, 29 properties were referred to an attorney for strategic foreclosures. It was noted that 17 mobile home parks passed inspection and there are a total of 242 mobile home spaces in Lenoir. She commended Zach Clark, Code Enforcement, for his success in working with the property owners to abate these properties and remarked the City has not received any complaints regarding the mobile home parks.

IV. COMMUNITY DEVELOPMENT

- A. The Lenoir Tourism Development Authority (LTDA) met on Thursday, January 16. Minutes of the November 18, 2019 meeting were submitted as information. Donna Bean, Finance Director, presented a report of the meeting.

Director Bean shared the Board approved requests for funding assistance which included the Downtown Cruisers, Bootlegger 100 Race, Patterson School Sculpture Festival and Downtown Lenoir billboards.

- B. The Lenoir Business Advisory Board (LBAB) met on Thursday, January 9. Minutes of the October 10, 2019 were submitted as information. Kyle Case, Main Street Coordinator, presented a report of current activities.

Mr. Case stated an open house was held at the residence of 818 Harper Avenue on Thursday, January 9. Mr. David Maurer, Architect, purchased the property and renovated the upstairs for an apartment and the street level as commercial property. In addition, he reported a small grant was awarded for Move Lenoir to Second Floor to Mr. Maurer.

C. Financial and Administration

- 1. Finance Director Donna Bean reviewed the Financial Summary as of December 31, 2019. The over/under balance in the General Fund is \$2,650,497.31, Downtown District (\$101,964.29), and Water & Sewer Fund \$1,912,005.19. (A copy of the December financial summary is attached to these minutes as information).

Director Bean stated sales tax revenue is trending and pointed out there has been an increase in expenditures due to the four roof replacement projects, the purchase of two sanitation trucks and a payment of a \$300,000 grant reimbursement to Caldwell UNC Healthcare. The Water/Sewer Fund expenditures are a result of changes in projects and chemical costs.

- A. Job Description/Reclassification; Utility Code Coordinator: Staff recommends approval to change the title and pay plan classification of the "Utility Code Coordinator" to Utility Code/Meter Coordinator".

Finance Director Bean explained a recent retiree's position was split into two (2) positions. Public Utilities Director Radford Thomas also explained that the City does grease trap inspections and coordinates backflow. In addition, he reported the new metering position will have to commission each of the new meters that are being installed. Currently, 250 meters have been installed in order to do testing of the new software which is working well. It was noted the software is not ready for customers to be utilizing it.

Motion

Upon a motion by Councilmember Willis, Council voted 7 to 0 to approve the above described Job Description and Reclassification of Utility Code Coordinator as recommended by City Staff.

- B. Update; Personnel Resolution, Conditions of Employment; Substance Use; Human Resources Staff recommends the City-wide policy be reset to the original: No alcohol consumption for **8 hours** prior to reporting to duty.

Motion

Upon a motion by Councilmember Beal, Council voted 7 to 0 to approve Staff's recommendation to the Personnel Resolution as submitted and as described above.

- D. Parks & Recreation Advisory Board: The Parks & Recreation Advisory Board did not meet in January. Recreation Director Kenny Story presented the following information:
1. Aquatic Center Trail: Director Story reported that Shawn Moore, NC Mountain Bikes, has approached him about building a 1.5 mile trail. There is currently a 3-mile trail available for public use. He stated this trail would be an asset to the City and reported that City Attorney T. J. Rohr would prepare an agreement between NC Mountain Bikes and the City of Lenoir should the City move forward with this project. Director Story stated that NC Mountain Bikes are currently maintaining the trails.

Director Story distributed a map and legend of the Zack's Fork trails. (A copy of the map and cost information is attached to these minutes as information). Director Story explained Horton Design Company has submitted cost information for rerouting and repairing berms, removing stumps, installing new berms along with a new Intermediate Trail below the Aquatic Center and a Downhill Trail. Director Story clarified the trails would be open to the general public. A brief discussion was also held regarding whether the City would be held liable for any incidents.

Director Story informed Council he would keep them updated about this matter and also remarked he was seeking Council's permission to begin fund raising efforts for this project. City Council concurred with this request.

2. General Updates: Director Story reported they currently have 23 basketball teams averaging around 250-275 participants. Youth softball tryouts will be held on February 2, 5 and 6. February is Black History Month and a Women of Gospel Singing is scheduled for Sunday, February 3 at 3:00 p.m. at the Martin Luther King, Jr. Center. Information about Black History Month is available online at www.cityoflenoir.com.

The paving at Optimist Park is almost complete except for the paving of the trails. Staff met with representatives of NC State University at J. E. Broyhill Park regarding Phase 2 of the Stormwater Project. They are currently working on a design to control stormwater.

- E. Update; Public Communications: Joshua Harris, Public Information Officer, stated that not much activity occurred over the holiday period, but stated he will send out a video soon announcing the new garbage routes and carts.

V. PUBLIC SAFETY

A. Police Department

1. Update: Police Chief Brent Phelps reported that effective December 1, 2019, the legal age to be charged as an adult for many crimes will be raised to age 18 years of age in North Carolina. The Juvenile Justice Reinvestment Act essentially treats most 16 and 17 year olds as juveniles for prosecution purposes, except for motor vehicle offenses.

Any juvenile with a previous criminal conviction, other than a misdemeanor or infraction motor vehicle offense not involving impaired driving, must be processed as an adult.

The expected benefits of the raise the age law are as follows:

- a) Cost Savings
- b) Reduce recidivism
- c) Encourage juvenile employment
- d) Involve parents in the process
- e) Consistency with laws across the country
- f) Provide delinquent juveniles with treatment
- g) Treat kids differently than adults

The Lenoir Police Department has been undergoing training on the new law and the needed process modifications required for implementing the law.

B. Fire Department

1. Update: Fire Chief Ken Hair reported there has been a 10% reduction of fires since

last quarter. He further mentioned that Staff has to obtain 20 hours of training through the National Fire Academy and they will utilize virtual classrooms for this purpose.

In addition, Chief Hair reported the Department has received a Smoke Detector Grant for up to 52 smoke detectors to make available to the general public. Next, he mentioned that Staff would be forwarding links to articles about the recent outbreak of the coronavirus in China to everyone.

VI. OTHER

A. February Calendar: By consensus of the Council, the calendar for the month of February was approved listing various meetings and events.

The City Council Strategic Planning Retreat will be held on Friday, February 21 beginning at 8:30 a.m. at Blue Ridge Energies Corporate Headquarters located at 100 Cooperative Way.

VII. Adjourn:

There being no further business; the meeting was adjourned at 9:30 a.m.

Attachments

December Financial Summary
Planning 2019 Development Report
Planning 2019 Enforcement Report
Map of Zacks Fork Area
Horton Design Cost Proposal



**City of Lenoir
Financial Summary
As of 12/31/2019**



Minutes-Committee of the Whole Meeting
Tuesday, January 28, 2020

General Fund					
	2019-2020 Budget	12/31/2019	% of Budget	Change from Previous Year	12/31/2018
Total Revenue	\$ 17,362,391.00	\$ 11,859,749.77	68%	\$ 602,072.32	\$ 11,257,677.45
Expenditures	\$ 17,362,391.00	\$ 9,209,252.46	53%	\$ 1,122,033.75	\$ 8,087,218.71
Over/Under	\$ -	\$ 2,650,497.31		\$ (519,961.43)	\$ 3,170,458.74

Downtown District					
	2019-2020 Budget	12/31/2019	% of Budget	Change from Previous Year	12/31/2018
Revenues	\$ 183,736.00	\$ 6,610.92	3.6%	\$ 4,120.67	\$ 2,490.25
Expenditures	\$ 183,736.00	\$ 108,575.21	59%	\$ 20,357.17	\$ 88,218.04
Over/Under	\$ -	\$ (101,964.29)		\$ (16,236.50)	\$ (85,727.79)

Water/Sewer Fund					
	2019-2020 Budget	12/31/2019	% of Budget	Change from Previous Year	12/31/2018
Revenues	\$ 8,941,688.00	\$ 4,803,031.73	54%	\$ 169,316.88	\$ 4,633,714.85
Expenditures	\$ 8,941,688.00	\$ 2,891,026.54	32%	\$ (339,087.88)	\$ 3,230,114.42
Over/Under	\$ -	\$ 1,912,005.19		\$ 508,404.76	\$ 1,403,600.43

2019

DEVELOPMENT ACTIVITY

ZONING PERMITS

(2018 = 113)

133

FLOODPLAIN DEVELOPMENT

(2018= 3)

13

DISCRETIONARY LAND USE

(2018 = 3) CUP = 2 Variance = 2

4

ZONING MAP AMENDMENTS

(2018 = 4)

7

TEXT AMENDMENTS

(2018 = 3)

4

ANNEXATIONS

(2018 = 0)

1

MAJOR SUBDIVISIONS

(2018 = 0)

0

TEMPORARY ADVERTISING

(banners & wind-blown devices)

(2018 = 11)

10

BACKYARD HEN PERMITS

(2018 = 2)

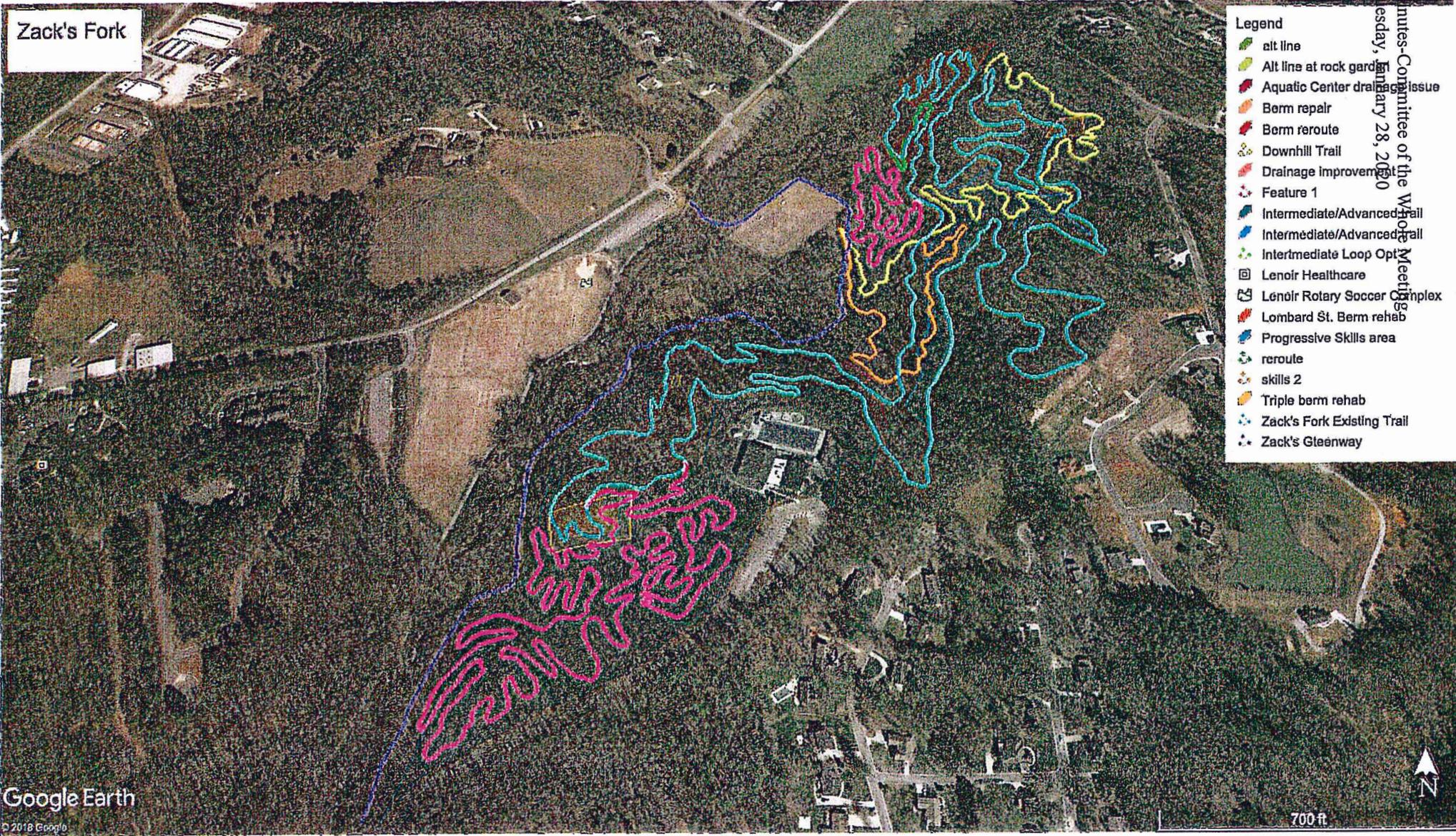
4

calendar year
2019
ENFORCEMENT ACTIVITY

SIGN VIOLATIONS	12
(2018= 23)	

MINIMUM HOUSING ABATEMENT	31
(2018 = 29) CITY ABATED: 4 OWNER ABATED: 27	
STRATEGIC FORECLOSURES REFERRED TO ATTORNEY	29
COMPLETED FORECLOSURES	3
SOLD TO PRIVATE OWNERS	2

MOBILE HOME PARK PERMITS	
PASSED INSPECTION	17
TOTAL SPACES	242
PARKS CLOSED	0



Zack's Fork

- Legend**
- alt line
 - Alt line at rock garden
 - Aquatic Center drainage issue
 - Berm repair
 - Berm reroute
 - Downhill Trail
 - Drainage improvement
 - Feature 1
 - Intermediate/Advanced trail
 - Intermediate/Advanced trail
 - Intertmediate Loop Opt
 - Lenoir Healthcare
 - Lenoir Rotary Soccer Complex
 - Lombard St. Berm rehab
 - Progressive Skills area
 - reroute
 - skills 2
 - Triple berm rehab
 - Zack's Fork Existing Trail
 - Zack's Gleenway

Google Earth
 © 2018 Google

700 ft.





These prices may fluctuate quite a bit if you just contract me to do small fixes one at a time. It's much easier to get things in at a good price if we're doing several things at once. It wouldn't be very cost affective, for example, to come and just fix a drain or one berm. Transporting and renting machinery is pretty costly and time consuming.

FIXES & SMALL ADDITIONS

Reroute to fix 2 sharp berms close to lombard
\$4,000

9 berms on lombard + add jumps/rollers
\$2,700

Spring Berm repair - clear out downslope. remove old root ball. Perhaps build wooden feature
\$400 to clear downslope
Additional funding for wood feature. \$1,500 material estimate. \$3,200 in labor.

Drainage improvement close to entrance - remove stump and adjust drainage
\$200

Improve Berm Stack - close to aquatic center
\$1,200

Additional berms and rollers - \$85 for roller, \$200 per jump, \$300 per berm repair, \$500 new berms

NEW TRAIL

Intermediate Trail below Aquatic Center. We can get more distance. The linear foot price would not change.
1.5 miles
\$29,700 (@ \$3.75 per linear foot)

Downhill Trail
.75 miles
\$15,840 (@ \$4.00 per linear foot)



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

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CITY OF LENOIR

**RESOLUTION ADOPTING THE
CALDWELL COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION
PLAN UPDATE**

WHEREAS, the citizens and property within Caldwell County are subject to the effects of natural hazards and man-made hazard events that pose threats to lives and cause damages to property, and with the knowledge and experience that certain areas, i.e., flood hazard areas, are particularly susceptible to flood hazard events; and

WHEREAS, the County desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 – Senate Bill 300 effective July 1, 2001), states in Item (a) (2) “For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act that is updated every five years”; and

WHEREAS, it is the intent of the Board of Commissioners of Caldwell County to fulfill this obligation in order that the county will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan and update it every five years in order to receive future Hazard Mitigation Grant Program Funds; and

WHEREAS, the City of Lenoir actively participated in the planning process of the multi-jurisdictional Caldwell County plan and has fulfilled all their part of the multi-jurisdictional planning elements required by FEMA;



NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lenoir hereby:

1. Adopts the Caldwell County Multi-Jurisdictional Hazard Mitigation Plan; and
2. Separately adopts the sections of the plan that are specific to the City of Lenoir; and
3. Vests the City Manager with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
4. Appoints the City Manager to assure that, in cooperation with Caldwell County, the Hazard Mitigation Plan is reviewed annually and in greater detail at least once every five years.
5. Agrees to take such other official action as may be reasonably necessary to carry out the strategies outlined within the 2019 Caldwell County Multi-Jurisdictional Hazard Mitigation Plan.

Adopted this _____ day of _____, 2020.

SEAL

Joseph L. Gibbons, Mayor, City of Lenoir

ATTEST:

Shirley M. Cannon, City Clerk

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Budget Amendments - Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

II. Background Information:

Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2020 as follows:

- **Budget Amendment 2020-2**

ACCOUNT	TYPE	AMOUNT OF INCREASE
Item 1: Allocate funding for the purchase of one (1) used automated garbage truck. Council approved purchasing the truck at the 1/28/2020 Committee of the Whole meeting.		
Fund Balance	Revenue	30,000.00
Sanitation	Expenditure	30,000.00
Item 2: Allocate funding for the reimbursement of CMH for the Rural Hope Grant. Council authorized this project at the 8/7/18 meeting.		
ACCOUNT	TYPE	AMOUNT OF INCREASE
Rural Center Grant	Revenue	328,316.96
Economic Development	Expenditure	328,316.96

Staff Recommendation:
Approve as requested

III. Reviewed by:

City Attorney:

Finance Director: *Donna Bean*

Public Works/Public Utilities Director:

Planning Director:

Recreation Director:

**2019-2020 Fiscal Year
Budget Amendment Ordinance 2020-02
4-Feb-20**

Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2020 as follows:

Section 1. To amend the General Fund - the appropriations are to be changed as follows:

Item 1: Allocate funding for the purchase of one (1) used automated garbage truck. Council approved purchasing the truck at the 1/28/2020 Committee of the Whole meeting.

ACCOUNT	TYPE	AMOUNT OF INCREASE
Fund Balance	Revenue	30,000.00
Sanitation	Expenditure	30,000.00

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