



# AMENDED AGENDA

CITY OF LENOIR  
CITY COUNCIL MEETING  
905 WEST AVENUE  
TUESDAY, FEBRUARY 18, 2020  
6:00 P.M.



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## I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance

## II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

## III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, February 4, 2020 as submitted.
- B. Minutes: Approval of the closed session minutes of the City Council meeting of Tuesday, February 4, 2020 **and approval of the closed session minutes of the City Council meeting of Tuesday, September 24, 2019 as reviewed by the City Attorney, City Council and City Manager.**
- C. Amendment No. 1; Engineering Services Contract: Staff recommends approval of Amendment No. 1 to the Engineering Services Contract with McGill Associates for the Crossroads Sewer Replacement Project. **Note:** The amendment to the scope of the agreement results in increases to the Planning, Surveying, Design line item by \$21,000 and the Construction Phase services for the Linkside Sewer by \$16,000.

## IV. REQUESTS AND PETITIONS OF CITIZENS

## V. REPORTS OF BOARDS AND COMMISSIONS

- A. Rick Oxford, Plan Administrator, Western Piedmont Council of Governments, will hold the first of two public meetings to receive public comments regarding the proposed FY2020 Action Plan of the City of Lenoir and the FY2020-2024 Unifour HOME Consortium as part of the five-year Consolidated Plan. This plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines goals and action plans of the City of Lenoir and the Unifour HOME Consortium and its use of Community Development Block Grant (CDBG) and HOME funds for fiscal year 2020, beginning July 1, 2020 and ending June 30, 2021. The City of Lenoir serves as the Lead Entity for the Unifour Consortium.

## VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

- A. Items of Information
  - 1. City Council will conduct its annual Strategic Planning Retreat on Friday, February 21 beginning at 8:30 a.m. at Blue Ridge Energies Corporate Headquarters located at 100 Cooperative Way.

2. The Planning Board will meet on Monday, February 24 at 5:30 p.m.
3. The Committee of the Whole will meet on Tuesday, February 25 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.
4. The Foothills Regional Airport Authority will meet on Wednesday, February 26 at noon.

B. Items for Council Action

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

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

- A. Board Re-Appointments: Mayor Gibbons will recommend the following individuals to City Council for consideration of re-appointment to the City's Authorities/Boards/Commissions. **Note:** These re-appointments were announced at the February 4 City Council meeting.

**Lenoir Business Advisory Board**

Terese Almquist

**Lenoir Tourism Development Authority (LTDA)**

Angela Johnson

**Parks & Recreation Advisory Board**

Erik Rabinowitz

**Planning Board**

Mac Martin

**IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS**

**X. ADJOURNMENT**

**LENOIR CITY COUNCIL  
TUESDAY, FEBRUARY 4, 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.

**SPECIAL RECOGNITION;  
LARRY SMITH:**

- B. On behalf of City Council, Mayor Gibbons presented a resolution to Larry Smith in honor of his dedicated service to both the City of Lenoir and the Lenoir Police Department where he served as a volunteer Chaplain. Mayor Gibbons also presented Mr. Smith with a key to the City.

A copy of the resolution is hereby incorporated into these minutes by reference. (Refer to page 21).

Mayor Gibbons further commended Reverend Smith for his tenure on the Lenoir Planning Board along with his service to the City and its citizens.

On behalf of the Police Department, Chief Phelps presented a plaque to Mr. Smith and expressed appreciation for his dedication and service to the citizens of Lenoir and employees of the Lenoir Police Department.

Chief Phelps stated Reverend Smith is the first African American Chaplain for the Department and remarked it was an honor to recognize him. He emphasized all of the Department's Chaplains volunteer their time and service to employees and noted he was proud that Reverend Smith was a part of the Lenoir Police Department.

Reverend Smith thanked City Council for the recognition and commented it has been a blessing to be a part of the Police Department. He expressed his love for law enforcement and stated he was grateful for the opportunity to serve. In addition, Reverend Smith thanked all of the law enforcement officers in attendance at the meeting.

**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 the minutes of the City Council meeting of Tuesday, January 7, 2020 as submitted.
2. Minutes: Approval of the minutes of the Committee of the Whole of Tuesday, January 28, 2020 as submitted.
3. Resolution; Hazard Mitigation Plan: Approval of a Resolution adopting the Caldwell County Multi-Jurisdictional Hazard Mitigation Plan Update. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to pages 22-23).
4. 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. (A copy of the Capital Project Budget Ordinance is hereby incorporated into these minutes by reference. Refer to page 24).

Upon a motion by Councilmember Thomas, 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**

#### **BLACK HISTORY**

- MONTH:**
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.

#### **CITY/COUNTY SERVICES**

##### **COMMITTEE:**

2. The City/County Services Committee will meet on Monday, February 10 at 11:45 a.m. at Caldwell Community College & Technical Institute.

#### **CALDWELL COUNTY ECONOMIC DEVELOPMENT COMMISSION:**

3. The Caldwell County Economic Development Commission will meet on Tuesday, February 11 at 8:00 a.m. at the J. E. Broyhill Civic Center.

#### **ANNUAL CENTENNIAL DINNER; CHAMBER OF COMMERCE:**

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.

**ABC BOARD:**

5. The ABC Board will meet on Thursday, February 13 at 2:00 p.m. at Lenoir Store #1 located at 115 ABC Court.

**LENOIR BUSINESS ADVISORY**

- BOARD:** 6. The Lenoir Business Advisory Board will meet on Thursday, February 13 at 6:00 p.m. at City Hall, Third Floor.

**PARKS AND RECREATION ADVISORY**

- BOARD:** 7. The Parks and Recreation Advisory Board will meet on Monday, February 17 at 6:00 p.m. at the Optimist Clubhouse.

**STRATEGIC PLANNING**

- RETREAT:** 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**

**ANNOUNCEMENTS; AUTHORITIES/BOARDS/COMMISSIONS:**

- A. Mayor Gibbons announced 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	Angela Johnson
Planning Board	Mac Martin
Lenoir Business Advisory Board	Terese Amquist
Parks & Recreation Advisory Board	Erik Rabinowitz

Mayor Gibbons announced that Ms. Rose Noakes, who currently serves on the Lenoir Tourism Development Authority (LTDA), is moving out of the area and he will begin seeking a replacement for her position in the near future. Due to the LTDA being established by legislation, board members have to work in the tourism industry in order to be eligible to serve. Also, Mayor Gibbons reported a vacancy exists on the Lenoir Planning Board due to the resignation of Larry Smith who is also moving out of the area to take another position.

**IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS**

**CLOSED SESSION:**

- A. Pursuant to N.C.G.S. §143-318.11(a),(3) and upon a motion by Councilmember Stevens which carried unanimously, City Council entered into closed session to discuss attorney/client privilege.

**OPEN SESSION:**

- B. Upon a motion by Councilmember Willis, Council voted 7 to 0 to re-enter into open session.

**X. ADJOURNMENT**

- A. There being no further business, the meeting was adjourned at 7:00 p.m.

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Shirley M. Cannon, City Clerk

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Joseph L. Gibbons, Mayor



# RESOLUTION

## *In Recognition of Dedicated Service*



*WHEREAS, on the 6<sup>th</sup> 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;*

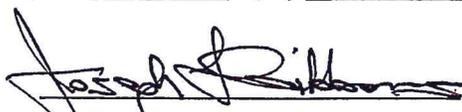
*THAT, as of the date of this Resolution, he has admirably and with great distinction, served the Lenoir citizens and Police employees during the tenures of four Police Chiefs, and has formed close relations with the Lenoir citizens and Police employees through his genuine concern and professional dedication 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 4<sup>th</sup> day of February 2020.*

  
Joseph L. Gibbons, Mayor

  
Scott E. Hildebran, City Manager



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

**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;

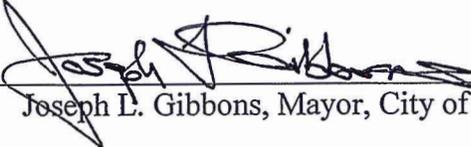


**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lenoir hereby:

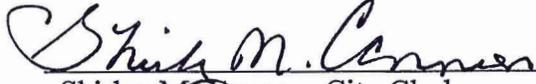
1. Adopts the Caldwell County Multi-Jurisdictional Hazard Mitigation Plan; and
2. Separately adopts the sections of the plan that are specific to the City of Lenoir; and
3. Vests the City Manager with the responsibility, authority, and the means to:
  - (a) Inform all concerned parties of this action.
  - (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 4<sup>th</sup> day of February, 2020.

SEAL

  
\_\_\_\_\_  
Joseph L. Gibbons, Mayor, City of Lenoir

ATTEST:

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

**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

**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

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

- I. Agenda Item:** Amendment to the Engineering Service Contract With McGill Associates – Crossroads Sewer Line Replacement Project
- II. Background Information:** The City of Lenoir is undertaking a major sewer line replacement project that begins behind Kimbrells (now Yoke Fellow) in the Crossroads Shopping Center and ends at the Lenoir Golf Course. The cost of the project is estimated to be \$2.77 million and will involve engineering design, state permitting, project construction and inspection services over the next 12 months. Funding for the project is through a SRF Loan at a rate of 2.16% with a 2% loan fee.

We requested a modification to the scope of the project from NCDWI to include the abandonment of an existing 8-inch gravity sewer line underneath US 321 that connects to the Crossroads Sewer. The change would re-route the sewer flow with 600 LF of proposed 8-inch gravity sewer along Wilkesboro Blvd. and Linkside Court to the existing 18-inch gravity sewer on the east side of US 321.

- III.** McGill Associates was selected after an RFQ process as the best qualified engineering firm for this project. McGill and Associates has provided a contract for services to provide the engineering services throughout this project.

The amendment reflects a change to Attachment A of the Agreement to reflect the change in scope to the project.

It also reflects an increase in the project fee due to the additional engineering work and construction inspection under section 6.1 of the agreement.

The original cost summary for the project services is as follows:

Engineering Report	\$18,000
Planning, Surveying, Design, and Permitting Phase	\$165,000
Easement Maps	\$6,000
Bidding and Award Phase	\$8,000
Funding Administration Assistance	\$9,000
Construction Phase	\$116,000
Post Construction Phase	<i>Hourly Basis</i>

The amendment to the scope of the agreement results in increases to the Planning, Surveying, Design line item by \$21,000 and the Construction Phase services for the Linkside Sewer by \$16,000.

**IV. Staff Recommendation:** Staff recommends City Council approval of Amendment No. 1 to the contract for engineering services with McGill Associates for the Crossroads Sewer Replacement Project.

**V. Reviewed by:**

**City Attorney:** \_\_\_\_\_

**Finance Director:** \_\_\_\_\_

**Public Works/Public Utilities Director:** \_\_\_\_\_

**AMENDMENT NO. 1**

to the

**AGREEMENT FOR ENGINEERING SERVICES – DATED JUNE 4, 2019**

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree to amend the Agreement for Engineering Services as follows:

***Attachment "A" – Project Understanding shall be amended to add the following project understanding description:***

The proposed project also includes the abandonment of an existing 8-inch gravity sewer underneath US 321 that connects to the Crossroads Sewer by re-routing the sewer flow with 600 LF of proposed 8-inch gravity sewer along Wilkesboro Blvd and Linkside Court to the existing 18-inch gravity sewer on the east side of US 321.

***Section 6 – Payment to the Engineer, Article 6.1.1 shall be amended to include the following additional lump sum fees:***

**6.1 PAYMENT FOR BASIC SERVICES**

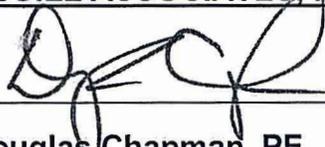
<b>Planning, Surveying, Design, and Permitting Phase (Linkside Sewer)</b>	<b>\$21,000</b>
<b>Construction Phase (Linkside Sewer)</b>	<b>\$16,000</b>

In accordance with the Agreement for Engineering Services, the Owner agrees to pay the ENGINEER the amounts noted above for the Additional Services rendered as outlined in this Amendment No. 1.

**CITY OF LENOIR**

**McGILL ASSOCIATES, P.A.**

\_\_\_\_\_  
**Scott Hildebran**  
City Manager

  
\_\_\_\_\_  
**Douglas Chapman, PE**  
Principal – Hickory Office Manager

Date: \_\_\_\_\_

Date: 2-5-2020

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

ATTEST: \_\_\_\_\_  
**Shirley M. Cannon City Clerk**

By: \_\_\_\_\_  
**Donna Bean, Finance Director**

**NOTICE OF PUBLIC MEETING  
CITY OF LENOIR**

Notice is hereby given that the City of Lenoir and the Unifour HOME Consortium will hold a public meeting to receive public input and comments for the FY 2020-2024 Consolidated Plan for the City of Lenoir and the Unifour HOME Consortium, and the FY 2020 Action Plan. This Consolidated Plan, as required by the U.S. Department of Housing and Urban Development (DHUD), identifies needs, outlines goals, develops action plans and prepares budgets for the City of Lenoir and the Unifour HOME Consortium, for the use of Community Development Block Grant (CDBG) funds and HOME funds for the next five years, beginning July 1, 2020 and ending June 30, 2024.

This public meeting will be held on Tuesday, February 18, 2020 at 6:00 pm before the Lenoir City Council in the City/Council Chambers on the bottom floor of the Caldwell County Office building located at 905 West Avenue, Lenoir, NC.

There will be a 30-day comment period beginning February 07, 2020 to obtain citizen input before the plan is adopted.

The meeting is open to the public. Any person with a disability needing special accommodations or non-English speaking persons needing translation services should contact the City of Lenoir at least 48 hours prior to the meeting. For more information contact Rick Oxford at the Western Piedmont Council of Governments at (828) 322-9191 Ext.245, or 1(800) 735-2962 TDD.

PUBLISH: February 07, 2020

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Please run this ad on February 07, 2020.

Please run one time only.

Use Small Block Ad

**Use HUD, Fair Housing, and EEO logos.**

Affidavit Required

**Send Bill & Affidavit to:**

Attention: **Rick Oxford**  
**Unifour Consortium/Lenoir CDBG**  
**1880 2<sup>nd</sup> Avenue NW**  
**Hickory, NC 28601**

If you need further information contact: Rick Oxford at (828) 485-4245.

**List of Board Re-appointments**

Lenoir Business Advisory Board	Terese Almquist
Lenoir Tourism Development Authority	Angela Johnson
Parks and Recreation Advisory Board	Erik Rabinowitz
Planning Board	Mac Martin