



AGENDA

CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, JULY 21, 2020
6:00 P.M.



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Courtney Wright, Principal, Hibriten High School, will address City Council and give an update about activities at the school.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. Charter Code Amendment; Traffic, Appendix B, Section 101.A, On-Street Parking Only in Designated Spaces: A public hearing will held to consider amending the City's Code of Ordinances, Traffic, Appendix B, to include the proposed Section 101.A On-Street Parking Only in Designated Spaces consistent with the attached memorandum. Upon approval, City Council will adopt the submitted Ordinance.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, June 16, 2020 as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, June 23, 2020 as submitted.
- C. Minutes: Approval of the closed session minutes of the special called City Council meeting of Wednesday, July 1, 2020 as reviewed by the City Attorney, City Council and City Manager.
- D. Agreement; WaterSmart Software: Staff recommends that City Council authorize the City Manager to execute the Software-as-a Solution Provisions with WaterSmart Software for the development of the customer portal as provided for in the service agreement with Mueller Systems, LLC for the Meter Replacement Project.

V. REQUESTS AND PETITIONS OF CITIZENS

VI. REPORTS OF BOARDS AND COMMISSIONS

VII. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

- 1. The Planning Board cancelled its meeting of Monday, July 27. The next meeting will be held on Monday, August 24, at 5:30 p.m.
- 2. The Committee of the Whole meeting for July has been cancelled. The next meeting will be held on Tuesday, August 25 at 8:30 a.m.

3. The annual Harambee Festival has been cancelled for this year along with the Summer Music Festival.

B. Items for Council Action

1. Bid Award; FY2020-FY2022 Asphalt Resurfacing Contract: Following review of the bids submitted for this contract, Staff recommends awarding the contract to Maymead, Inc. for a unit price of \$82.00/ton. **Note:** Maymead, Inc. is the lowest responsive, responsible bidder, is appropriately licensed in the state of North Carolina, and is adequately equipped to perform work of this nature. Maymead, Inc.'s bid included the required bid security (bond) and an escalator clause for unit price adjustment based on liquid asphalt price fluctuation.

VIII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

IV. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Board Appointment; LTDA: On behalf of City Council, Mayor Gibbons will recommend that Pam Pusteoska, General Manager, Hampton Inn & Suites, be appointed to serve a term on the City's Lenoir Tourism Development Authority (LTDA). **Note:** This appointment was announced at the June 16 City Council meeting.

X. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

XI. ADJOURNMENT

**CITY OF LENOIR
COUNCIL ACTION FORM**

I. Agenda Item:

Hold a *Public Hearing* to consider amending the City of Lenoir Charter Code of Ordinances, Appendix B – Traffic, to include a new Section, **101.A On-Street Parking Only In Designated Spaces.**

II. Background Information:

Following the presentation by City staff at the June 23, 2020, Committee of the Whole Meeting which described staff’s efforts to analyze the current condition of on-street parking on Norwood Street and make recommendations for improvements, it was decided upon that the option presented (designating on-street parking spaces from College Avenue southeast for a length of 1,000) should be considered for implementation. The attached Public Works Department memorandum (also included in the June 23 packet) describes staff efforts to identify suitable areas for designated parking spaces in the study area and includes map sketches showing the approximate location of marked spaces.

III. Staff Recommendation:

Staff recommends amending the City of Lenoir Charter Code of Ordinances Appendix B - Traffic to include the proposed *Section 101.A On-Street Parking Only In Designated Spaces*, consistent with the attached memorandum.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____



Public Works/Public Utilities Director: _____

City of Lenoir
Public Works Department



DEPARTMENT MEMORANDUM

DATE: June 12, 2020

Mr. Scott Hildebran, City Manager

Mr. Brent Phelps, Police Chief

RE: Norwood Street – On-street parking assessment

This memorandum outlines efforts of the Public Works Department to identify suitable areas to allow on-street parking on the one-way portion of Norwood Street, specifically in the blocks south of College Avenue to a point 1,000 feet south of the intersection of College Avenue and Norwood Street.

The study area was identified by City staff as the section of Norwood Street with higher housing density, driveways, and potential conflicts with vehicular traffic exiting driveways and vehicles parked on the street. In early 2020 the City of Lenoir Police Department conducted a traffic and parking study on Norwood Street, and this memorandum should be used as a supplement to those findings.

Background – Roadway and Parking Space Dimensions

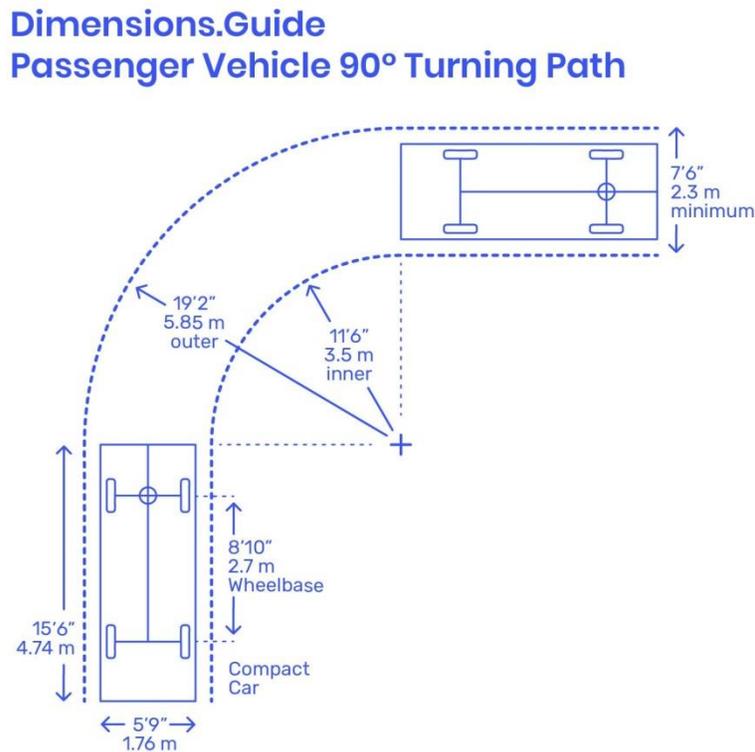
The section of Norwood Street within the study area features a paved street surface with curb and gutter on each side. The street right-of-way in this area is 50 feet, however the actual pavement width measures 19 feet. This measurement was taken from curb face to curb face since the gutter pan on each side of the street has been paved over and functions as part of the useful travel lane.



Parking space dimensions used for space identification in the study area were 9 feet x 18 feet. The 9 feet width requirement is a common dimension for on-street parallel spaces and off-street parking stalls. The 18 feet length may not fully accommodate larger trucks and SUV's, but is acceptable for most passenger vehicles. These dimensions were used to maximize possible spaces in the study area while still offering adequate width for passenger vehicles within the space.

Parking Space Identification

One of the concerns identified with current on-street parking conditions in the study area was conflicts between parked cars on the eastern side of the street (by ordinance, parking is only allowed on the eastern side), and backing movements from vehicles exiting driveways on the western side of the street. In an effort to minimize these conflicts, turning movements from all western-side driveways were modeled and measured on-site. The turning radius used for this modeling was 15 feet (assumed center of backing vehicle – 11+' near edge, 19+' far edge, see example below).



Staff also attempted to prevent conflicts with traffic exiting eastern side driveways by establishing a sight triangle between the nearest proposed parking space and the northern edge of each driveway. A 15 feet horizontal leg measured at the curb/driveway interface was used for this dimension (see graphic below).



Using each of the above criteria, 15 feet turning radii for driveways on the western side of the street, and 15' site triangles for driveways on the eastern side, staff identified non-encroachment zones for proposed parking spaces. These zones were avoided during parking space layout. The work resulted in identifying a potential for 17 marked spaces within the 1,000 feet study area. The general space locations are shown on the attached maps, however the maps are for illustrative purposes only and are not to scale. Additionally, please note that many of the areas shown with two spaces between non-encroachment zones do not use the entire available area, so marked spaces may be shifted north or south by several feet. These areas can easily accommodate two spaces but will not allow for a third marked space.

Public Works staff is prepared to work with the Police Department to initiate necessary ordinance revisions and complete space marking should City Council decide to perform these improvements.

Respectfully submitted,

City of Lenoir
Public Works Department

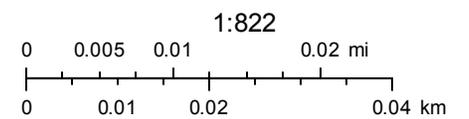
JARED WRIGHT
Public Works Director

Norwood 1



May 29, 2020

This map is NOT of land survey quality and is NOT suitable for such use.



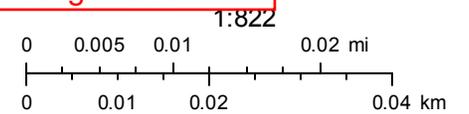
Norwood 2



May 29, 2020

This map is NOT of land survey quality and is NOT suitable for such use.

END - 1000' from College Ave.



**NOTICE OF PUBLIC HEARING
CITY OF LENOIR**

Notice is hereby given that a public hearing will be held on Tuesday, July 21, 2020 at 6:00 p.m., in the City-County Chambers, 905 West Avenue NW, Lower Level, at which time the Lenoir City Council will consider a request by City Staff to amend the City's Code of Ordinances, Appendix B, Traffic, to include requirements for on-street parking in designated spaces only. All citizens are invited to attend this public hearing and submit oral or written comments regarding this request. Any person with a disability needing special accommodations should contact the City Clerk's office at (828) 757-2205 48 hours prior to the scheduled meeting time.

Shirley M. Cannon
City Clerk, MMC, NCCMC

Please publish on Thursday, July 9 & Thursday, July 16.

**LENOIR CITY COUNCIL
TUESDAY, JUNE 16, 2020
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Todd Perdue, Ike Perkins, Jonathan Beal, Ben Willis and City Manager Scott Hildebran.

Staff present was Communications Director Joshua Harris.

ABSENT: Councilmember David Stevens.

OTHERS PRESENT: Brent Phelps, Police Chief and Kara Fohner, News-Topic.

VIA TELECONFERENCE: Participating via teleconference were Mayor Pro-Tem Crissy Thomas, Councilmember Ralph Prestwood, City Attorney T.J. Rohr and City Clerk Shirley Cannon.

Department Directors participating via teleconference were Donna Bean, Finance Director, Fire Chief Ken Hair, Recreation Director Kenny Story, Planning Director Jenny Wheelock, Economic Development Director Kaylynn Horn, Public Utilities Director Radford Thomas and Public Works Director Jared Wright.

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.

EXPRESSION OF APPRECIATION:

- B. On behalf of City Council, Mayor Gibbons thanked all Emergency Services Personnel (EMS), Fire and Police Department Staff along with the Sheriff's Department for all their hard work in keeping our community safe during this pandemic. Mayor Gibbons further expressed appreciation to all the doctors, nurses, health care workers, agencies, firefighters, police officers and City Staff who are working on the front lines during this crisis and asked everyone to keep them in their thoughts and prayers. Mayor Gibbons also reminded everyone to continue following the protocols of wearing masks, hand washing, and social distancing in order to be as safe as possible.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

DEFERRED; RESOLUTION; BLUE RIDGE HEALTHCARE

- SYSTEM, INC.:** A. A public hearing was held to receive public comments regarding Blue Ridge Healthcare System, Inc.'s proposal by Resolution of tax exempt bonds (the "Bonds") that will be issued by the Public Finance Authority of the State of Wisconsin (the "Authority") for the benefit of Blue Ridge Healthcare System,

Inc. in order to refinance its existing debt (the 2010A Bonds and the 2016A Bonds) and finance improvements to its hospital facilities.

While all of the new improvements being financed are located in Burke County, as are most of the facilities to be refinanced, there is one counseling office location in Lenoir at 212 Mulberry Street that the acquisition of was financed by bonds that are now proposed to be refinanced. The proposed Bonds to be issued will not constitute a debt of the City of Lenoir nor will the City of Lenoir have any obligation to repay the debt. The City Council's consideration of this item is only required due to Federal Tax law as described in the submitted documentation.

Mayor Gibbons opened the public hearing to receive public comments regarding the proposed resolution by Blue Ridge Healthcare, Inc.

Mr. Allen K. Robertson, Attorney, Robinson Bradshaw, participated via teleconference and restated the purpose of this request is required in order to comply with the Federal Tax law. Mr. Robertson also shared the location in Lenoir was purchased around twenty years ago.

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

City Manager Hildebran recommended that Council defer taking action until the Committee of the Whole meeting scheduled for Tuesday, June 23 in order to comply with the new state statute allowing citizens the opportunity to submit any written comments for 24 hours after the close of the public hearing.

Upon a motion by Councilmember Perdue, Council voted 6 to 0 to defer action for the proposal by Blue Ridge Healthcare System until the June 23 Committee of the Whole in order to comply with the new state guidelines for remote meetings as described above and as recommended by City Manager Hildebran. **Note:** Mayor Gibbons took a roll call of the votes due to Mayor Pro-Tem Crissy Thomas and Councilmember Ralph Prestwood participating via teleconference.

III. CURRENT EVENTS UPDATE

PRESENTATION; POLICE CHIEF

PHELPS: A. Brent Phelps, Police Chief, presented a power point presentation on departmental policies in response to the ongoing "Eight Can't Wait" national campaign for police reform. Chief Phelps stated a meeting is scheduled with members of the local NAACP Executive Board on Thursday, June 18 at 6:00 p.m. at the Community Center to discuss the following information:

Chief Phelps explained the Department's following policies for City Council and the general public:

-Current Use of Force policy

- Current body cam policy
- Chokeholds and strongholds
- De-escalation
- Duty to intervene
- Warnings before shooting
- Alternatives before shooting
- Shooting at moving vehicles
- Use of force continuum
- Comprehensive Reports

(A copy of the power point presentation regarding Policy Discussion and a copy of the handout regarding the Department's response to the local NAACP and national concerns is hereby incorporated into these minutes by reference. Refer to pages 102-122).

Chief Phelps reported the Department's policy to ban chokeholds and strangleholds states "The use of vascular neck restraints by properly trained officers shall be considered a viable option when other methods of control and/or defense have failed or are diminished. A vascular neck restraint in no way should affect the airway of the suspect." Chief Phelps stated officers should have this policy in place in order to be safe.

In addition, Chief Phelps further reported the North Carolina League of Municipalities Risk Assessment is reviewing the issue of chokeholds and the Department will comply with their findings. Also, Chief Phelps explained it is not always realistic or practical in some instances for an officer to give a warning before firing their weapon and cautioned Council to be careful should they do a blanket policy because it may result in setting the Department up for failure.

Chief Phelps further explained that other officers are mandated by the federal law to intervene in a situation if necessary and stated the City of Lenoir has had this included in its policy for years.

Councilmember Perkins stated the Department is taking an excellent step regarding transparency and commended Chief Phelps and the Police Department for all they do to keep the community safe.

Next, Chief Phelps reported the Department encourages by policy and practice the use of de-escalation in dealing with members of the public. We routinely have de-escalation training for officers and send some officers to specific training sessions for de-escalation. The Department is working on having all officers attend the 40-hour Critical Incident Training (CIT) class. He emphasized the Department's practice is to always attempt to de-escalate situations and use of force is a last resort if possible.

In addition, Chief Phelps related the purpose of this technique is to allow an officer to control a resisting suspect without having to strike them with fists or

batons. This is a method for officers to use to attempt to stop a suspect without injuring them. This is an area of debate for our profession and the current climate in our country.

In addition, Chief Phelps reviewed the list of changes the “Eight Can’t Wait” campaign is seeking:

- Ban chokeholds and strangleholds
- Require de-escalation
- Require Warning before shooting
- Requires exhausting all alternatives before shooting
- Duty to intervene
- Ban shooting at moving vehicles
- Require use of force continuum
- Require comprehensive reporting

Chief Phelps stated a group of individuals held a week long peaceful protest across from the Lenoir Police Department which ended on Saturday, June 20. Chief Phelps stated that Staff was in agreement for him to address the group of protestors as they decided it should only be one person. He emphasized the Department did not want any contention, but instead wanted to allow the protestors the opportunity to have their rights and voices heard. However, he reported five additional officers patrolled the downtown streets during the week due to the department’s concern of outside groups possibly coming and joining in the protests.

Chief Phelps also commented that Officer James Moore spoke with the protestors with positive results. In addition, Chief Phelps clarified for Council the Department was never asked to take down the American flag, but stated he didn’t think that was an appropriate step the City should take because it may possibly create issues with other organizations.

Chief Phelps stated the Lenoir Police Department and Command Staff are always willing to discuss policy and procedures with anyone in the public. We are willing to present to any community groups, discuss our operations, and explain why we do what we do. He commented the Department believes that communication can foster understanding and understanding can improve relationships.

Councilmember Willis stated he has received several calls and e-mails from citizens complimenting the Police Department for all they do. Several other Councilmembers extended praise to the Department as well.

On behalf of City Council, Mayor Gibbons commended Police Chief Brent Phelps and Staff for their assistance during the peaceful protests that were held recently in downtown Lenoir in response to the tragic and unnecessary death of George Floyd that occurred in Minneapolis, Minnesota. Chief Phelps expressed appreciation of the community and local pastors for all of their support. Chief Phelps further commended Reverend James Wilfong who communicated with

the participants during the protests and whose presence assisted with the event being peaceful.

IV. 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 Monday, June 2, 2020 as submitted.
 2. Minutes: Approval of the minutes of the City Council Budget Work Session of Thursday, May 21, 2020 as submitted.
 3. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, May 26, 2020 as submitted.

Upon a motion by Councilmember Willis, Council voted 6 to 0 to approve the above listed items on the Consent Agenda as recommended by City Manager Hildebran. **Note:** Mayor Gibbons took a roll call of the vote due to Mayor Pro-Tem Crissy Thomas and Councilmember Ralph Prestwood participating via teleconference.

V. REQUESTS AND PETITIONS OF CITIZENS

COMMENTS; CHARLES SENF; LENOIR RESIDENT:

- A. Mr. Charles Senf, Caldwell County resident, Hickory Hollow Lane, addressed City Council and read a statement listing his comments and thoughts on the recent death of George Floyd and how he believes police should respond to these types of action. Mr. Senf read a definition of manual strangulation from his statement along with a partial list of names of individuals who have lost their lives during police encounters.

COMMENTS; WAYNE DOUGLAS; LENOIR RESIDENT:

- B. Mr. Wayne Douglas, Ridge Street, addressed City Council regarding his belief that fireworks displays by the general public are illegal in North Carolina. Mr. Douglas referred to a letter he previously sent to City Council regarding why he believes selling fireworks to the public is illegal and how they should not be allowed to set them off in residential neighborhoods.

VI. REPORTS OF BOARDS AND COMMISSIONS

VII. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

- A. Items of Information

LENOIR TOURISM DEVELOPMENT

AUTHORITY: 1. The Lenoir Tourism Development Authority will conduct an electronic meeting on Thursday, June 18 at 4:00 p.m.

LENOIR BUSINESS ADVISORY

BOARD: 2. The Lenoir Business Advisory Board will conduct an electronic meeting on Thursday, June 18 at 6:00 p.m.

CANCELLED; PLANNING

BOARD: 3. The Planning Board cancelled its meeting of Monday, June 22. The next meeting is scheduled for Monday, July 27 at 5:30 p.m.

COMMITTEE OF THE

WHOLE: 4. The Committee of the Whole will conduct an electronic meeting on Tuesday, June 23 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.

FOOTHILLS REGIONAL AIRPORT

AUTHORITY: 5. The Foothills Regional Airport Authority will conduct an electronic meeting on Wednesday, June 24 at noon.

HOLIDAY CLOSING:

6. City offices will be closed on Friday, July 3 in observance of Independence Day. All City events are cancelled for July including the Fourth of July celebration and the fireworks events.

CITY COUNCIL JULY

SCHEDULE: 7. City Council will conduct one meeting in July on Tuesday, July 21 beginning at 6:00 p.m. at the City/County Chambers.

B. ITEMS FOR COUNCIL ACTION

VIII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

IX. REPORT AND RECOMMENDATIONS OF THE MAYOR

BOARD ANNOUNCEMENT; LENOIR TOURISM DEVELOPMENT

AUTHORITY:

A. Mayor Gibbons announced Pam Pusteoska, General Manager, Hampton Inn and Suites, to be considered for appointment to the Lenoir Tourism Development Authority (LTDA). This appointment will be presented to Council for consideration of approval at the July 21 City Council meeting.

As information, Mayor Gibbons explained that members of this board have to be associated with businesses related to tourism and the collection of occupancy taxes.

X. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

XI. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 7:13 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



POLICY DISCUSSION

CHIEF BRENT PHELPS

JUNE 16, 2020

17

RECENT PROTEST AT DEPARTMENT

PHOTOS BY THE NEWS-TOPIC



RECENT PROTEST AT DEPARTMENT

PHOTOS BY THE NEWS-TOPIC



RECENT PROTEST AT DEPARTMENT

PHOTOS BY THE NEWS-TOPIC



RECENT PROTEST AT DEPARTMENT

PHOTOS BY THE NEWS-TOPIC



#8CANTWAIT

Recent events have led to a nationwide call for police departments to implement policy changes. #8CANTWAIT calls for the following policies:

1. BAN CHOKEHOLDS & STRANGLEHOLDS
2. REQUIRE DE-ESCALATION
3. REQUIRE WARNING BEFORE SHOOTING
4. REQUIRES EXHAUST ALL ALTERNATIVES BEFORE SHOOTING

#8CANTWAIT

Continued ...

5. DUTY TO INTERVENE
 6. BAN SHOOTING AT MOVING VEHICLES
 7. REQUIRE USE OF FORCE CONTINUUM
 8. REQUIRE COMPREHENSIVE REPORTING
- 

BAN CHOKEHOLDS & STRANGLEHOLDS

OUR POLICY: “The use of vascular neck restraints by properly trained officers shall be considered a viable option when other methods of control and/or defense have failed or are diminished. A vascular neck restraint in no way should affect the airway of the suspect.”

- The purpose of this technique is to allow an officer to control a resisting suspect without having to strike them with fists or batons. This is a method for officers in to use to attempt to stop a suspect without injuring them. This is an area of debate for our profession and the current climate in our country.

REQUIRE DE-ESCALATION

- Our department encourages by policy and practice the use of de-escalation in dealing with members of the public. We routinely have de-escalation training for officers and send some officers to specific training sessions for de-escalation.
- We have been working to have all our officers attend the 40 hour training class “CIT, which is Critical Incident Training.” Our practice is to always attempt to de-escalate situations and force is a last resort if possible.

REQUIRE WARNING BEFORE SHOOTING

OUR POLICY :The force used by an Officer shall be the minimum degree reasonably necessary, under the circumstances at the time, to overcome the suspect's level of resistance. Officers shall never use more force than is reasonably necessary at the time to control a suspect.

- Our use of force policy does not mandate a warning before an officer fires a weapon. Officers are encouraged to de-escalate and use other methods of control if reasonably necessary before using deadly force.

REQUIRES EXHAUST ALL ALTERNATIVES BEFORE SHOOTING

- **Officers are trained to use other options first if reasonably necessary at the time. It is not practical or realistic to mandate that officers “exhaust all alternatives.”**
- **If we get to place where we do not allow Officers to protect themselves against acts of violence, we will have a hard time finding anyone to serve our communities as Law Enforcement Officers.**

DUTY TO INTERVENE

OUR POLICY: Officers of the Lenoir Police Department are required to intervene, if a reasonable opportunity exists, when they know that another Officer is using excessive force.

- For more than two decades the law in almost every federal circuit has been clearly established that officers have a duty to intervene when unreasonable force is being used as long as it is apparent to the officer that unreasonable force is being used and there is an opportunity to safely intervene.

BAN SHOOTING AT MOVING VEHICLES

OUR POLICY: Firing at a moving vehicle is prohibited except where the immediate probability of serious injury or death exists for a police officer and/or for an innocent third party if the Officer does not do so. Before discharging a firearm at a moving vehicle, Officers must reasonably believe that the only immediate means of protecting themselves and/or an innocent third party is the use of deadly force.

- If someone is using a moving vehicle as a weapon, officers may need to fire at the person and vehicle.

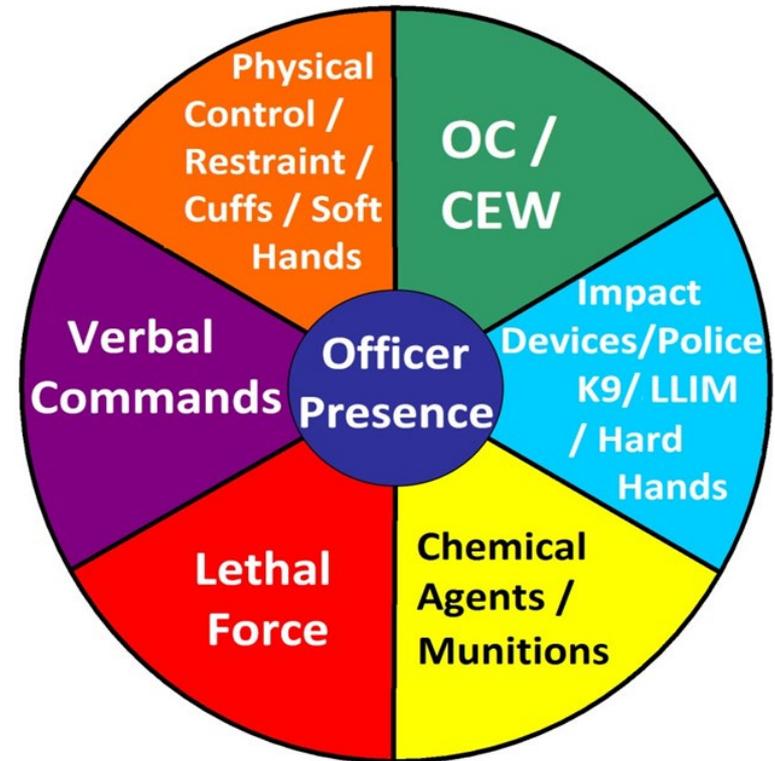
REQUIRE USE OF FORCE CONTINUUM

OUR POLICY: The Lenoir Police Department Use of Force Options Chart is a model to show the various use of force options available to trained Officers for the effective and reasonable control of suspect resistance, based upon suspects actions and the Officer's perception of threat."

- LPD refers to a continuum as a Control Options Chart.

CONTROL OPTIONS CHART

OUR POLICY: The force used by an Officer shall be the minimum degree reasonably necessary, under the circumstances at the time, to overcome the suspect's level of resistance. Officers shall never use more force than is reasonably necessary at the time to control a suspect.



REQUIRE COMPREHENSIVE REPORTING

OUR POLICY: When an Officer uses force, he/she will submit a Use of Force Report by the end of their next tour of duty.

- Our Officers are required to report and document all incidents in which force was used. Reviews are done for the purpose of ensuring compliance with department policy and coaching for best practices.
- Our department requires officers to report pointing a firearm at a citizen, even if they do not discharge the weapon. This has been in our policy my entire 25 years at the Lenoir Police Department.

QUESTIONS?

The Lenoir Police Department Command Staff are always willing to discuss policy and procedures within anyone in the public. We are willing to present to any community groups, discuss our operations, and explain why we do what we do.

We believe that communication can foster understanding, and understanding can improve relationships. 828-757-2100.



Brent Phelps
Chief

CITY OF LENOIR POLICE

1035 West Avenue NW
Lenoir, NC 28645
828-757-2100



Scott Hildebran
City Manager

To: City Manager Scott Hildebran
From: Chief Brent Phelps
Ref: Information for response to local NAACP and national concerns.

These are the items I will be discussing with our local NAACP executive board on Thursday June 18th, at the Community Center.

- **Current Use of Force policy** – Our use of force policy is always being evaluated for best practices and current legal rulings. The department’s last revision was March 1st, 2020. The policy is 21 pages in length and covers a multitude of areas to include deadly and non-deadly force, excess force, duty to intervene if officers are using excess force, and mandated reporting if force is used.
- **Current body cam policy** – Our Body-Worn Camera policy has been in place since March 5th, 2015. The policy is 8 pages in length and covers mandated use and defines special circumstances for non-use of this equipment. Since the implementation, BWC’s have become an invaluable tool for the members of our department. We do train and coach officers with the use of our captured footage. However, this tool has been priceless in capturing the specific events for court and dealing with complaints from the community. Overwhelmingly this tool has helped show that our officers are acting as professional law enforcement officers. I cannot imagine being a Chief without this tool.
- **Chokeholds and strongholds** – The department’s use of force policy does not approve of chokeholds as an approved practice. The department does allow for properly trained officers the use of vascular neck restraint. Our policy states, *“The use of vascular neck restraints by properly trained officers shall be considered a viable option when other methods of control and/or defense have failed or are diminished. A vascular neck restraint in no way should affect the airway of the suspect.”* The reasoning for this technique is to allow an officer to control an actively resisting suspect without having to use fist or batons in striking. This is a tool for officers in attempts to not injure a resisting suspect but stopping their actions.
- **De-escalation** – Our department encourages by policy and practice the use of de-escalation in dealing with members of the public. We routinely have de-escalation training for officers and send some officers to specific training sessions for de-escalation. We have been working to have all our officers attend the 40 hour training class “CIT, which is Critical Incident Training.” Our practice is to always attempt to de-escalate situations and force is a last resort if possible.
- **Duty to intervene** - Our use of force policy specifically states *“Officers of the Lenoir Police Department are required to intervene, if a reasonable opportunity exists, when they know that another Officer is using excessive force.”*

- **Warnings before shooting** - Our use of force policy does not mandate a warning before an officer fires a weapon. With that being said, throughout our policy and practices, officers are encouraged to de-escalate and use other methods of control if reasonably necessary before using deadly force. Our policy states, *“The force used by an Officer shall be the minimum degree reasonably necessary, under the circumstances at the time, to overcome the suspect’s level of resistance. Officers shall never use more force than is reasonably necessary at the time to control a suspect.”*
- **Shooting at moving vehicles** – Our policy specifically addresses shooting at moving vehicles. It states, *“Firing at a moving vehicle is prohibited except where the immediate probability of serious injury or death exists for a police officer and/or for an innocent third party if the Officer does not do so. Before discharging a firearm at a moving vehicle, Officers must reasonably believe that the only immediate means of protecting themselves and/or an innocent third party is the use of deadly force.”*
- **Use of force continuum / How many levels are in the continuum?** - Our policy does not refer to a use of force continuum. We refer to a continuum as a Control Options Chart. Our policy states, *“The Lenoir Police Department Use of Force Options Chart is a model to show the various use of force options available to trained Officers for the effective and reasonable control of suspect resistance, based upon suspects actions and the Officer’s perception of threat.”* It further states, *“The force used by an Officer shall be the minimum degree reasonably necessary, under the circumstances at the time, to overcome the suspect’s level of resistance. Officers shall never use more force than is reasonably necessary at the time to control a suspect.”* There are seven different categories in the Lenoir Police Department Control Options Chart to include: Officer Presence, Verbal Commands, Physical Control/Restraint/Cuffs/Soft Hands, OC/CEW, Impact Devices/Police K9/LLIM/Hard Hands, Chemical Agents/Munitions, and Lethal Force. I will provide a copy of this chart to view.

Are knee-holds acceptable in the use of force continuum? - Our policy does not specifically discuss knee-holds. Our defense tactics instructors teach officers the proper methods in controlling suspects, and at no point do or have our officers been taught to put a knee on a suspect’s neck area. In the basic law enforcement training lesson plans, it does go over using an officer’s knee in handcuffing a suspect in the prone position to control the arms and body of a suspect. Officers are shown how to place a knee across the torso of a suspect, but again; not the neck.

- **How officers report force** - Our Officers are required to report and document all incidents in which force was used. Our policy states, *“When an Officer uses force, he/she will submit a Use of Force Report by the end of their next tour of duty.”* The reviews are done for the purpose of ensuring compliance with department policy and coaching for best practices. Clarification questions may be asked and additional information/corrections documented on supplemental reports. However, supervisors are not to dictate documentation of use of force incidents to their subordinates. Our department requires officers to report pointing a firearm at a citizen, even if they do not discharge the weapon. This has been in our policy my entire 25 years at the Lenoir Police Department.

- **Officer Accountability: What structure does the Lenoir Police Department follow?** – Our department structure is set up from a Patrolman I to the Chief of Police. Officers are to address concerns and issues to their immediate supervisors in the command structure. Our department’s core principles are Courage, Character, and Accountability. We define Accountability in holding ourselves and our colleagues to an unimpeachable standard of professional behavior and service. These core principles are the fabric of our department and I contend our profession. We will make mistakes, mostly because we are human beings and due to the fact that our men and women are processing information and making split second life and death decisions. Our department can teach and coach each other when mistakes happen, however we will not accept or tolerate intentional acts of misconduct.
- **Does Lenoir use federal grant money to purchase military-grade equipment?** – We do receive some federal funds for ballistic vests for officers on an annual basis. The only “military-grade” pieces of equipment that our department uses on a normal basis are the two armored vehicles we have thru the NC LESS program. These vehicles provide a level of protection for our officers in certain situations which allow us to better serve our community. We typically use them on search warrants where there is known information that the individuals are armed. They also give us the ability approach locations during hostage type situations and provide a safer way to transport citizens that may be in harm’s way. They can also be used as a rescue vehicle during times of flooding.
- **Thoughts on militarization, no-knock raids** – Civilian police work should not be compared to the military. Where there are some similarities with rank structure, the practices in war time settings are not practices for professional civilian police work. No-Knock raids are predominantly prohibited by state and federal law. There are some exceptions in which extreme danger would exist to the officers if an announcement was made, however legal guidance and professional policing practices all strongly caution against the use of No-Knock raids. In my 25 years of experience in Law Enforcement, I have never participated in a planned No-Knock Raid. These should only be used in extreme situations.
- **Officers responding to mental health crisis** – Our officers have received training in dealing with special populations during annual in-service training. We also are attempting to get all of our officers CIT trained. The CIT certification course is a 40 hour training session which specifically helps officers to know community resources and gives them individual tools in dealing with individuals in a mental health incident. We currently have 50% of our officers that have attended training. This is one of the areas that Law Enforcement has been tasked to deal with that is not necessarily in our area of responsibility. This is a community problem that we have to help address. But at the end of the day, it is not a criminal matter most of the time.

A nationwide campaign attempting to bring change has been called “the 8 that can’t wait.” The areas this campaign is asking for change are the following:

- **Ban Chokeholds and Strangleholds** – I have addressed above what our policy states with this area. This is an area of debate for our profession and the current climate in

our country. The leadership team and I will be reviewing and researching to improve our wording of this practice in policy or potentially removing from policy depending on our information we gather. I will make the overall decision in what is the right call for our department and community at this present time.

- **Require De-Escalation** - This is addressed above.

- **Require Warning before Shooting** – This is addressed above.

- **Requires exhaust all alternatives before shooting** – As a part of training and professional police practices, officers are trained to use other options first if reasonably necessary at the time. It is not practical or realistic to mandate this for officers. If this was in place, it has the potential to cause citizens and officers to be severely injured up to death. If we as a society get to the place in which we do not allow Officers to protect themselves against the acts of violence they experience, we will have a hard time finding anyone to serve our communities as Law Enforcement Officers.

- **Duty to Intervene** – This is addressed above.

- **Ban Shooting at moving Vehicles** – This is addressed above with the specific wording in our policy. We do have to give officers the ability to evaluate the totality of the circumstances in the area.

- **Require Use of Force Continuum** – This is addressed above.

- **Require comprehensive reporting** – This is addressed above.

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, JUNE 23, 2020
8:30 A.M.**

PRESENT: Committee members, Jonathan Beal, Joe Gibbons, Ike Perkins, David Stevens and Ben Willis.

STAFF PRESENT: City Manager Scott Hildebran and City Clerk Shirley Cannon.

VIA TELECONFERENCE:

Mayor Pro-Tem Crissy Thomas presided over the meeting via teleconference. Others participating via teleconference were Councilmember Todd Perdue, Councilmember Ralph Prestwood, Fire Chief Ken Hair, Finance Director Donna Bean, Police Chief Brent Phelps, Recreation Director Kenny Story, Main Street Director Kaylynn Horn, Planning Director Jenny Wheelock, Public Utilities Director Radford Thomas, and Public Works Superintendent Tracy Huffman.

I. CALL TO ORDER

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

II. ITEMS OF DECISION

A. FY2020-21 Annual Budget: A public hearing was held on Tuesday, June 2, 2020 to receive public comments regarding the Annual Budget for the fiscal year beginning July 1, 2020 through June 30, 2021 for the City of Lenoir. Staff further recommends approval of an Amendment to the City's Personnel Policy allowing employees one day (8 hours) of Personal Leave per fiscal year to be used for any use they deem appropriate. The Personal Leave must be taken during the fiscal year and will not roll over into another fiscal year nor will employees be paid for the day should they leave employment with the City of Lenoir.

Note: City Council deferred taking action from the June 16, 2020 City Council meeting for the Budget Ordinance in order to comply with the new state statute which allows citizens the opportunity to submit any written comments for 24 hours after the close of a public hearing.

A copy of the Budget Ordinance and Personnel Policy Amendment is attached to these minutes as information. (Refer to pages).

As information, the proposed budget includes General Fund, \$17,830,516, Special District Fund, \$183,738, Tourism Development Fund, \$50,000, and Water/Sewer Fund, \$8,851,300 for a total budget of \$26,645,554. The current property tax rate of \$0.58 per \$100 valuation and the Rescue Readiness Tax of \$0.0085 per \$100 valuation remain unchanged. All other General Fund fees also remain unchanged. There will also not be an increase in the City's current water and sewer rates.

Mr. Hildebran recommended Council approval of an amendment to the City's Personnel Policy allowing employees one day (8 hours) of Personal Leave per fiscal year. Mr. Hildebran clarified employees could use this personal day however they choose.

Motion

Upon a motion by Councilmember Perdue, Council voted 6 to 0 to adopt the FY2020-2021 Annual Budget Ordinance as presented and further approved amending the City's Personnel Policy allowing employees one day (8 hours) of Personal Leave per fiscal year as described above and as presented by Manager Hildebran. **Note:** Mayor Gibbons took a roll call of the votes due to Mayor Pro-Tem Thomas and Councilmember Perdue participating via teleconference. *Councilmember Ralph Prestwood was not present during the vote.

- B. Public Hearing; Resolution; Blue Ridge HealthCare System: A public hearing was held on Tuesday, June 16 to consider approval of Blue Ridge HealthCare System, Inc.'s proposal by Resolution for tax exempt bonds (the "Bonds") that will be issued by the Public Finance Authority of the State of Wisconsin (the "Authority") for the benefit of Blue Ridge Healthcare System, Inc. in order to refinance its existing debt (the 2010A Bonds and the 2016A Bonds) and finance improvements to its hospital facilities.

While all of the new improvements being financed are located in Burke County, as are most of the facilities to be refinanced, there is one counseling office location in Lenoir at 212 Mulberry Street that the acquisition of was financed by bonds that are now proposed to be refinanced. The proposed Bonds to be issued will not constitute a debt of the City of Lenoir nor will the City of Lenoir have any obligation to repay the debt. The City Council's consideration of this item is only required due to Federal tax law as described in the submitted documentation. **Note:** A decision on this item was deferred from the June 16, 2020 City Council meeting per remote meeting statutes.

A copy of the resolution is attached to these minutes as information. (Refer to pages).

MOTION

Upon a motion by Councilmember Willis, Council voted 6 to 0 approve the Resolution for Blue Ridge HealthCare Systems, Inc.'s proposal as described above and as presented by City Manager Hildebran. **Note:** Mayor Gibbons took a roll call of the votes due to Mayor Pro-Tem Thomas and Councilmember Perdue participating via teleconference. *Councilmember Ralph Prestwood was not present during the vote.

II. CITIZEN COMMENT PERIOD

III. COMMITTEE ITEMS

A. Public Utilities/Public Works

1. Update; MeterSYS; Water Smart Presentation: Mr. Alex Zafra, Program Manager, Mueller Systems, and Ms. Lori Hammett, Water Smart, presented a presentation via teleconference regarding the City's timeline for its America Metering Infrastructure (AMI) software. (A copy of the presentation is attached to these minutes as information).

Ms. Hammett stated WaterSmart is a web enabled platform and gave an overview of how the technology works. She pointed out the company would perform a one-time historical data transfer for the City. Utility customers will have access to a customer portal which allows them to obtain data plus manage their own accounts. Ms. Hammett shared WaterSmart is state of the art technology and used by 33 states. Ms. Hammett explained the technology pulls data from the dashboard (both internal and external) in real time.

AMI allows for automated, two-way communication between a smart utility meter with an IP address and a utility company. Ms. Hammett reviewed the following:

- a) AMI Project Timeline
- b) How WaterSmart Works
- c) Key Benefits
- d) Customer Messaging
- e) WaterSmart Support and Resources
- f) Privacy and Security Protocols
- g) Portal Pricing Proposal
- h) Proposed Project Timeline
- i) Recommended Next Steps.

The key benefits include electronic payments, superior customer service, quick and painless integration, data analytics tools, targeted customer communications, household water use comparisons, customized savings recommendations, water-use disaggregation, consumption trends and real-time leak alerts.

Customers may receive automated alerting and notification, targeted timely message modules, social media announcements, personalized water-saving recommendations and easy access to information via mobile or desktop.

A brief discussion was held regarding using the WaterSmart technology to send other types of alerts to citizens with Ms. Hammett pointing out the technology may be used to send other alerts/information in addition to utility updates.

Mr. Zafra reviewed the portal pricing proposal as follows:

| | | |
|--------------------------------|----------------|-------------|
| WaterSmart Platform Setup Fee | 1 | \$8,500 |
| Harris Integration Fee | 1 | \$5,700 |
| Year 1: WaterSmart Support Fee | 9,612 @ \$1.75 | \$16,821 |
| Year 2: WaterSmart Support Fee | 9,612 @ \$2.20 | \$21,146.40 |
| Year 3: WaterSmart Support Fee | 9,612 @ \$2.25 | \$21,627.00 |

The proposed project timeline is twelve (12) weeks. Mr. Zafra shared the City's completed activities include:

- Received quote from Harris for development
- Staff completed WaterSmart data survey
- Received integration plan and initial test files
- Set up dash board and staff logins

In addition, Mr. Zafra stated the next steps include a legal review of an agreement (in progress); approve and authorize the agreement; plus schedule the project kickoff.

Director Thomas stated the Service Agreement with WaterSmart will be on the July 21 City Council Agenda, and following approval, the City can move forward with this project with a proposed launch date of September 1.

On behalf of City Council, Mayor Gibbons thanked WaterSmart, MeterSys, and Director Thomas for all of their hard work in implementing this project.

2. Updates; Public Utilities: Public Utilities Director Radford Thomas reported the Gryphon Dryer for the Biosolids project will be delivered over a three day period on July 7, 8 and 9. Director Thomas also mentioned ongoing projects include the Crossroads Sewer Line Replacement Project and the new metering project.
3. Update; Public Works: Street Superintendent Tracy Huffman reviewed the following information on behalf of Public Works Director Jared Wright:

Current Activities

- **Sanitation Division** – Continued with implementation of the automated collection conversion;
 - Cart deliveries for missed address points and new accounts completed during the week of June 8th – June 12th;
 - Standard forms for additional cart requests have been revised (required coordination with Finance Department for billing purposes – additional \$5.00/cart) and additional cart deliveries began during the week of June 15th;
 - New route design development for Thursday and Friday routes is ongoing, with full weekly route design expected to be complete and ready for review by July 17th (new route design includes dedicated daily automated routes, rear loader routes for downtown and surrounding areas, and Pak-Rat routes for special pick-ups);
 - Sanitation staff has completed a revised staffing plan for division of duties after fully transitioned to automated collection;
 - Public Works Admin. Staff and Finance Department staff have begun a city-wide audit of solid waste accounts to verify correct assessment of fees – this effort is ongoing.
- **Streets Division** – Prepared the bid package for the 2 year asphalt resurfacing contract (FY2020-FY2022) and advertised the contract for bidding;
- Important dates for contract letting are as follows: Advertisement – last week of June, Pre-Bid Meeting – July 7th, 2:00pm, Bid Opening – July 14th, 2:00pm, Contract Award at regular Council Meeting – July 21st;
- Assisted with Norwood Street parking space identification;
- Streets Admin. staff and Planning Department staff have begun updating and revising the City's Public right-of-way records book (last revision was 2008);

- Continued with standard operations – right-of-way mowing and tree trimming, brush collection, asphalt patching, and street sign maintenance and replacement.

- **Cemeteries Division** – Standard operations:
 - Performed maintenance and upkeep of Blue Ridge Memorial Park, Bellview Cemetery, Fairfield Cemetery, and Downtown areas;
 - Continued with grave sales in BRMP, gravesite identification in BRMP and Bellview;
 - Installed customer-purchased gravesite markers;
 - Provided Sanitation Division staff to assist with cart deliveries.

- **Vehicle Services Division** – Standard operations:
 - Performed maintenance services for City fleet;
 - Performed fabrication work for PU mini-excavator and PW Sanitation Division;
 - Administered the auction of surplus vehicles and equipment through GovDeals.

- **Building Maintenance Division** – Standard operations:
 - Guardrail repairs at Broyhill Walking Park;
 - Performed HVAC unit filter changes and general maintenance city-wide;
 - Completed significant gate operator repairs at PW;
 - Mitre-cut fence posts for Parks & Recreation;
 - Provided personnel to Sanitation Division to assist with cart deliveries.

- **Engineering Division** – Assisted with the following projects:
 - Automated Sanitation Conversion
 - Downtown Outdoor Dining Options
 - Norwood Street Parking Assessment
 - Bernhardt Garage Lease – PW/PU Facility
 - Linkside/Hotel Street
 - PW Facility and WWTP NPDES Stormwater Discharge Permitting
 - Lakeside Terrace Stormwater Issue (private)
 - FY2020-2022 Asphalt Resurfacing Contract
 - RTP Trails Grant Application

4. Norwood Street; On-Street Parking Assessment: Superintendent Huffman reported Public Works Staff worked to identify suitable areas to allow on-street parking on the one-way portion of Norwood Street, specifically in the blocks south of College Avenue to a point 1,000 feet south of the intersection of College Avenue and Norwood Street.

The study area was identified by City Staff as the section of Norwood Street with higher housing density, driveways, and potential conflicts with vehicular traffic exiting driveways and vehicles parked on the street. In early 2020, the Police Department conducted a traffic and parking study on Norward Street and the submitted memorandum should be used as a supplement to those

findings. (A copy of the Department Memorandum is attached to these minutes as information). The section of Norwood Street within the study area features a paved street surface with curb and gutter on each side. The street right-of-way in this area is 50 feet, however the actual pavement width measures 19 feet. This measurement was taken from curb face to curb face since the gutter pan on each side of the street has been paved over and functions as part of the useful travel lane. Superintendent Huffman explained the parking space dimensions use for space identification in the study area were 9 feet x 18 feet. It was noted the 9 feet width requirement is a common dimension for on-street parallel spaces and off-street parking spaces.

Superintendent Huffman further explained that one of the concerns identified with current on-street parking conditions in the study area was conflicts with parked cars on the eastern side of the street (by ordinance, parking is only allowed on the eastern side), and backing movements from vehicles exiting driveways on the western side of the street. In an effort to minimize these conflicts, turning movements from all western-side driveways were modeled and measured on-site. The turning radius used for this modeling was 15 feet (assumed center of backing vehicle – 11+’ near edge, 19+’ far edge). An example is listed on the attached documentation.

Staff also attempted to prevent conflicts with traffic exiting eastern side driveways by establishing a sight triangle between the nearest proposed parking space and the northern edge of each driveway. A 15 feet horizontal leg measured at the curb/driveway interface was used for this dimension.

Staff identified non-encroachment zones for proposed parking spaces which resulted in identifying a potential for 17 marked spaces within the 1,000 foot study area and these spaces are also identified on the submitted maps.

Chief Phelps stated the Police Department sent a notice to all of the residents in order to make them aware of the on-street parking issue. He reiterated a traffic study was done and pointed out another big issue is traffic congestion along College Avenue. Chief Phelps reported the Department was successful in having some of the vehicles removed on Norwood Street that did not display a proper tag, etc. In addition, Chief Phelps stated Norwood Street is dense and has small driveways. He mentioned City Council previously added additional parking, but residents own more vehicles now. Chief Phelps restated residents on the right side of the street have issues backing out whenever cars are parked on the left side of the street.

Also, Chief Phelps shared it is difficult for sanitation trucks and emergency vehicles to safely travel the narrow street. He stated Planning Director Wheelock, Public Utilities Director Wright and he discussed several options as follows:

1. Eliminate all on-street parking (which may create speeding issues)
2. Designate 17 spaces on the left side of the street

City Manager Hildebran stated this issue was complaint driven, and following a brief discussion, City Council was in consensus for Staff to submit a recommendation for amending the City's Code of Ordinances pertaining to on-street parking for consideration of approval at the July 21 City Council meeting.

IV. COMMUNITY DEVELOPMENT

- A. The Lenoir Tourism Development Authority (LTDA): The Lenoir Tourism Development Authority conducted a teleconference meeting on Thursday, June 18. Kaylynn Horn, Economic Development Director, reported that Pam Pusteoska, General Manager, Hampton Inn & Suites, will be considered for appointment to the LTDA Board by City Council at their July 21 City Council meeting.

Director Horn also mentioned LTDA has received several applications which will be reviewed by the Grant Committee and considered at their July meeting. In addition, she reported all summer events have been cancelled including the Barbeque Festival and reported LTDA is not accepting any new requests. The last virtual concert of the Summer Music Festival will be held on Friday, July 10 featuring the Chad Triplett Band. Next, Director Horn stated she has met with Bryan Moore, Chamber of Commerce, regarding how to operate the Blackberry Festival this year. She shared that Waterlife Church, located in the former Lenoir Mall, may allow vendors to sell blackberries in their parking lot along with Tuckers Gallery in the downtown district.

- B. The Lenoir Business Advisory Board (LBAB): The Lenoir Business Advisory Board (LBAB) conducted a teleconference meeting on Thursday, June 18. Director Horn reported that Kimmie Rogers and Grey Scheer, Grants Committee, would be reviewing grant applications, and mentioned the Board is being very careful of approving applications due to the current situation. She mentioned that Tim Biddix, Grey Scheer and Glenda Wilson were recently appointed to serve on this Committee. Director Horn also reminded everyone of new businesses locating downtown which include the Flour Shoppe Bakery, the MoonJoy Meadery and the Magic Café on Main.

- C. Outside Dining Requests: Economic Development Director Horn and City Manager Hildebran led a discussion regarding several requests from downtown business owners for outside dining due to restrictions restaurants are abiding by because of the Governor's executive order. City Manager Hildebran stated that Public Works Director Wright, Recreation Director Story and he reviewed safety issues pertaining to this request. Mr. Hildebran shared that tables could be placed on the square making a place available for citizens to have lunch and still maintain social distancing. It was noted that participating restaurants would also have to adhere to ADA sidewalk requirements plus be wheelchair accessible. Mr. Hildebran further reported that alcohol would not be allowed.

Mayor Gibbons emphasized this situation was subject to the current state of emergency and would not be permanent. He pointed out several surrounding municipalities already allow outside dining at this time.

City Manager Hildebran clarified for Council that City Staff would sanitize the tables twice daily and restaurants would also be sanitizing the tables as well.

Motion

Upon a motion by Councilmember Perkins, Council voted 7 to 0 to extend temporary outside dining on the square with all tables to be separated by six feet in order to follow state guidelines pertaining to social distancing and to be sanitized following their use.

- D. Planning Board: The Planning Board did not meet in June. Planning Director Jenny Wheelock presented the following information:
1. Hospital Avenue Sidewalk Project Update: Director Wheelock reported the Hospital Avenue Sidewalk Project is currently on hold due to waiting on notification from the state regarding the amount of funding the City may receive for this project. Director Wheelock also reported the project was finished with the design phase and ready to begin right-of-way acquisition when released by the North Carolina Department of Transportation (NCDOT).
 2. West End Small Area Plan: Director Wheelock explained the input process was currently on hold due to the COVID situation and Staff was seeking the best option on how to notify the general public and property owners. Director Wheelock mentioned there are several properties in the West End area and also on Beall Street that foreclosure proceedings will be forthcoming on. Strategic foreclosure proceedings are also delayed with court closures.
- E. Parks and Recreation Advisory Board: Kenny Story, Parks & Recreation Director, stated the Board's next meeting will be held on Monday, August 17. Director Story thanked the Public Works Department for replacing a drain cover and installing metal wiring for safety purposes on the Greenway in order to address EPA concerns. The sinkhole that occurred on the Greenway has also been repaired.

Next, Director Story recommended the outdoor pool at the Aquatic & Fitness Center remain closed over the next several weeks. In addition, he mentioned Staff has taken care of several trees that fell onto the Greenway plus they painted over graffiti in the tunnel that goes under US Hwy 321. He stated the graffiti has been an ongoing issue at this location.

Director Story further announced the Summer Music Festival and the annual Harambee Festival have been cancelled for this year. He pointed out Staff cannot easily seek sponsorships for these events because of the effect COVID-19 has had on local businesses.

Councilmember Stevens mentioned the paving on the greenway trail from the Lenoir Soccer field to Powell Road has begun to protrude making it difficult for some individuals to use. Director Story stated that Public Works Director Wright and he will assess the situation plus look at other areas of the Greenway for additional problems. Street Superintendent Huffman also clarified Staff could run the millet machine over the paved trail to see if this action will improve the situation.

F. Financial and Administration

1. Budget Amendment: Donna Bean, Finance Director, presented an FY2019-2020 Budget Amendment for Council's consideration of approval:

| | |
|--|-----------|
| General Fund | \$245,000 |
| Lenoir Tourism Development Fund | \$30,000 |
| Water/Enterprise Fund | \$150,000 |
| General Fund Capital Project Funds (previously approved & budgeted) | \$313,000 |

A copy of the Budget amendment is attached to these minutes as information. (Refer to page).

Director Bean stated these adjustments were made to the General Fund with a zero net effect to the fund balance.

Motion

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to approve the FY2019-2020 Budget Amendment as presented by Finance Director Bean.

2. May Financial Summary: Director Bean reviewed the Financial Summary as of May 31, 2020. The over/under balance in the General Fund is \$1,309,274.76, Downtown District \$12,011.06, and Water & Sewer Fund \$1,455,492.33 (A copy of the May financial summary is attached to these minutes as information).

Director Bean stated the City has collected 93% of its budgeted revenues for the General Fund, 98.6% of the budgeted revenues for the Downtown District and 97% of the budgeted revenues for the Water/Sewer Fund.

- G. Update; Public Communications: The May 2020 Communications Report was presented to Council as information. (A copy of the report is attached to these minutes as information).

During the month of May there were 9 news releases, 5 photos, 2 videos, 2 radio spots, 159 social posts, 23 notify me requests, 31 questions & answers and 1 e-sign up. The website experienced 34,423 views and reached 68,787 people via Facebook and Twitter. Also, there were 261 new followers and 673 video views.

Director Harris reported the City now has the capability to record public service announcements (PSA's) in house due to the City purchasing a microphone. Also, he shared Chief Phelps and he made two videos about the "Eight can't Wait" national campaign to ban police chokeholds and tighten police use-of-force polices along with a list of general questions the Police Department receives from the public.

In addition, Director Harris shared that Public Works Director Jared Wright and he created a several videos about the City's new garbage carts and explained what citizens need to know regarding their services.

V. PUBLIC SAFETY

A. Police Department

1. Update: Police Chief Brent Phelps reported on the following items:

- A. Silent Protest: Chief Phelps reported about 94 cars participated in a silent protest pertaining to the tragic and unnecessary death of George Floyd that occurred recently in Minneapolis, Minnesota. Chief Phelps stated the Department temporarily blocked West Avenue prior to the protest because they were unsure of how many cars may participate. He commented that Reverend Ike Perkins, Councilmember, led the group in prayer and stated the demonstration was peaceful with no issues.
- B. LPD Telecommunications Issue: Chief Phelps reminded Council that the Police Department serves as a backup to Caldwell County's Emergency Management Services (EMS) E-911. He informed Council he received a notice from EMS that the Police Department's current-911 setup is not in compliance according to the new legislative changes passed by the state. Chief Phelps stated he met with members of the EMS plus participated in three conference calls with the state. He explained he asked the state to continue their portion of funding until the Department can review all of its options regarding new equipment. Chief Phelps pointed out the City's cost should be less than \$100,000 to come into compliance and stated he has discussed this funding issue with Finance Director Bean.

Chief Phelps reported the Department will need to fund three telecommunication positions in the future for the data terminal and the County will fund the remaining three. Also, the City will share the cost of the dedicated telephone line with Caldwell County. Chief Phelps stated he will update City Council in the future when more accurate cost data is available.

C. Fire Department

1. Update: Fire Chief Ken Hair thanked Public Utilities Staff for using their camera to make sure the building that collapsed at 109 Virginia Street on Thursday, June 18 was vacant and also thanked Public Works Staff for taking down the remaining wall that was left standing following the incident. Chief Hair stated the property owners also expressed appreciation to the Fire Department and City Staff who participated in taking care of the fire.

Chief Hair also reported the Department plans to burn a house at 213 Sunset Street on Wednesday, June 24 for training purposes. In addition, he reported that Roger Barlow, Fire Prevention Officer, will be retiring effective August 1 and commended him for his service to the City and citizens of Lenoir. Chief Hair stated he was currently working on a replacement for Chief Barlow.

VI. OTHER

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

VII. Adjourn:

There being no further business; the meeting was adjourned at 10:25 a.m.

Attachments

FY2020-21 Budget Ordinance
Personnel Policy Amendment
Resolution – Blue Ridge HealthCare, Inc.
FY2019-2020 Budget Amendment
Norwood Street Parking Proposal
May Communications Report

City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2020 – June 30, 2021

BE IT ORDAINED by the Lenoir City Council in regular session assembled on June 23rd, 2020.

Section 1. That the following amounts are hereby appropriated for the operation of the government of the City of Lenoir and its activities for the fiscal year beginning July 1, 2020, and ending June 30, 2021.

| <u>Fund</u> | <u>Estimated Revenues</u> | <u>Fund Balance Appropriated</u> | <u>Total Budget</u> | <u>Appropriated</u> |
|-----------------------|-----------------------------|----------------------------------|-----------------------------|-----------------------------|
| General | \$ 17,430,516 | \$ 400,000 | \$ 17,830,516 | \$ 17,830,516 |
| Water & Wastewater | \$ 8,581,300 | | \$ 8,581,300 | \$ 8,581,300 |
| Total | <u>\$ 26,011,816</u> | <u>\$ 400,000</u> | <u>\$ 26,411,816</u> | <u>\$ 26,411,816</u> |

Section 2. That for said fiscal year there is hereby appropriated as expenditures of the General Fund the following:

| | |
|----------------------|-----------------------------|
| Legislative | \$ 362,697 |
| Administrative | \$ 576,008 |
| Finance | \$ 666,377 |
| Planning/Stormwater | \$ 427,180 |
| Police | \$ 5,789,333 |
| Fire | \$ 4,151,654 |
| Recreation | \$ 1,809,879 |
| Public Works: | |
| Administrative | \$ 217,851 |
| Cemetery & Grounds | \$ 365,932 |
| Building Maintenance | \$ 322,972 |
| Sanitation | \$ 748,490 |
| Streets | \$ 2,175,643 |
| Vehicle Services | <u>\$ 216,500</u> |
| Total | <u>\$ 17,830,516</u> |

**City of Lenoir
 Budget Ordinance
 Fiscal Year July 1, 2020 – June 30, 2021**

Section 3. That for said fiscal year there is hereby appropriated as expenditures of the Water & Wastewater Fund the following:

| <u>DEPARTMENT/DIVISIONS</u> | <u>APPROPRIATION</u> |
|--------------------------------|----------------------------|
| Admin. & Engineering | \$ 309,237 |
| Utilities Maintenance | \$ 323,470 |
| Rhodhiss Water Treatment Plant | \$ 2,163,690 |
| Water Distribution | \$ 2,260,330 |
| Wastewater Collection | \$ 1,112,989 |
| Wastewater Pretreatment | \$ 182,928 |
| Wastewater Treatment Plants: | |
| Gunpowder Plant | \$ 773,676 |
| Lower Creek Plant | \$ 1,454,980 |
| Total | <u>\$ 8,581,300</u> |

Section 4. There is hereby levied for the fiscal year ending June 30, 2021, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2020, and of registered vehicles in accordance with G.S. 105-330.3(a)(1) for the purpose of raising the revenues from the current year's listed and registered property as set forth in the foregoing estimates of the General Fund revenues and in order to finance the foregoing General Fund appropriations.

General Fund.....\$.58 cents tax rate per one hundred dollars assessed valuation.

Rescue Readiness Tax.....\$.0085 cents tax rate per one hundred dollars assessed valuation.

Said General Fund tax rates are based on an estimated total appraisal value of real and personal property for the purpose of taxation of \$2,212,733,726 with an assessment ratio of one hundred percent (100%) of appraised value and estimated collection rate of 95.77%. Said collection rates are based on the actual 2018-2019 collection rates.

Section 5. That for said fiscal year there is hereby appropriated as expenditures of the special Downtown Tax District Fund for the operation of the Economic Development/Main Street Lenoir program and Tourism Development.

| Fund | <u>Estimated Revenues</u> | <u>Fund Balance Appropriated</u> | <u>Total Budget</u> | <u>Appropriated</u> |
|---------------------------|----------------------------------|---|----------------------------|----------------------------|
| Special Downtown District | \$ 183,738 | | <u>\$ 183,738</u> | <u>\$ 183,738</u> |
| Tourism Development | <u>\$ 50,000</u> | | <u>\$ 50,000</u> | <u>\$ 50,000</u> |
| TOTAL | <u>\$ 233,738</u> | | <u>\$ 233,738</u> | <u>\$ 233,738</u> |

**City of Lenoir
 Budget Ordinance
 Fiscal Year July 1, 2020 – June 30, 2021**

Section 6. There is hereby levied for the fiscal year ending June 30, 2021, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2020, and of registered vehicles in accordance with G.S. 105-330.3(a)(1) for the purpose of raising the revenues from the current year's listed and registered property set forth in the foregoing estimates of Special Downtown District Fund revenues and in order to finance the foregoing Special Downtown District Fund appropriations.

Special Downtown District.....\$.25 cents tax rate per one hundred dollars assessed valuation.

Said Special Downtown District tax is based on an estimated total appraised value of property for the purpose of taxation of \$ 13,217,768 with an assessment ratio of one hundred percent (100%) of appraised and registered real and personal property value. The estimated collection rate is 95.77%.

Section 7. It is estimated that \$50,000 in revenue will be available in the Tourism Development Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

Section 8. Water & Sewer rates are established to be effective July 1, 2020 according to the following schedule:

| | | |
|---------------------------------------|--|--------------------------|
| Water Inside Corporate Limits | | |
| 0 -1,000 gallons | | \$10.54 |
| Over 1,000 gallons | | \$3.33 per 1,000 gallons |
| Sewer Inside Corporate Rates | | |
| 1 - 1,000 gallons | | \$9.24 |
| Over 1,000 gallons | | \$3.91 per 1,000 gallons |
| Water Outside Corporate Limits | | |
| 0 - 1,000 gallons | | \$21.08 |
| Over 1,000 gallons | | \$6.67 per 1,000 gallons |
| Sewer Outside Corporate Limits | | |
| 0 -1,000 gallons | | \$18.49 |
| Over 1,000 gallons | | \$7.83 per 1,000 gallons |
| Resale Water | | |
| | | \$2.22 per 1,000 gallons |
| Resale Sewer | | |
| | | \$3.87 per 1,000 gallons |

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2020 – June 30, 2021**

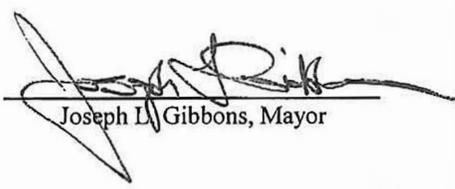
Section 9. Salaries & wages accounts provide for funding of all budgeted employee positions and City Council.

Section 10. The City Manager and Finance Director shall notify the City Council of any items of over-expenditure or shortfalls in revenue on a timely basis throughout the fiscal year. Request for appropriations not contained in the Budget Ordinance will be presented to Council after a review of the necessary revenue sources to offset the expenditure has been conducted by the Finance Director. Recommended budget amendments will be presented to the Council at the time the request for appropriation is submitted by the Finance Director.

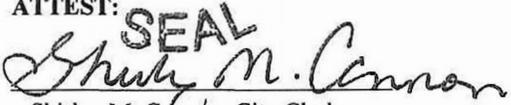
Section 11. Copies of this Budget Ordinance shall be furnished to the Finance Director and the City Manager of the City of Lenoir, North Carolina, to be kept on file by them for their direction in the collection of revenues and the expenditures of amounts appropriated.

Section 12. The City Manager is authorized to amend the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present. Only one reading will be required and a public hearing or publication of notice is not necessary unless requested by Council.

CITY OF LENOIR, NC
Adopted this 23rd day of June, 2020.
SEAL
CHARTERED
JANUARY 28, 1851



Joseph L. Gibbons, Mayor

ATTEST:
SEAL


Shirley M. Cannon, City Clerk

Amendment to the Personnel Policy for the City of Lenoir

Employees will be granted one day (8 hours) of Personal Leave per fiscal year to be used for any use they deem appropriate, such as a birthday, holiday, school visit/trip, funeral, etc. Employees must request leave from their respective Department Heads. The Department Head will attempt to arrange the work schedule so that an employee may be granted Personal Leave. The Personal Leave day must be taken during the fiscal year and will not roll over into another fiscal year nor will employees be paid for the day should they leave employment with the City of Lenoir.



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

EXTRACTS FROM MINUTES OF CITY COUNCIL

The City Council for the City of Lenoir, North Carolina (the "City") held a regular meeting in the City/County Chambers located at 905 West Avenue NW, Lenoir, North Carolina 28645, the regular place of meeting, at 6:00 p.m., on June 16, 2020. The following Councilmembers were:

Present: *Jonathan Beal, Ike Perkins, David Stevens,
Ben Willis via teleconference Todd Perdue
and Crissy Thomas*
Absent: *n/a*

* * * * *

Motion was made by Councilmember Willis, seconded by Councilmember n/a and carried unanimously, to open the public hearing.

WHEREAS, [Mayor Joe L. Gibbons ("Mayor Gibbons")] announced that the City Council for the City of Lenoir (the "Council") would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Public Finance Authority (the "Authority"), a joint powers commission and a unit of government and a body corporate and politic organized and existing under the laws of the State of Wisconsin, of its Health Care Facilities Revenue and Refunding Revenue Bonds (Blue Ridge HealthCare), Series 2020A (the "Bonds"), in an aggregate amount not to exceed \$125,000,000;

WHEREAS, the Authority has been requested to issue the Bonds and to lend the proceeds from the sale thereof to Blue Ridge HealthCare System, Inc. (the "Borrower"), a North Carolina nonprofit corporation;

WHEREAS, the Bonds will be qualified 501(c)(3) bonds as defined in Section 145 of the Internal Revenue Code, and the Borrower will use the proceeds of the Bonds to (1) finance additional healthcare facilities, including but not limited to (a) construction of a new bed tower to house an intensive care unit, emergency department, lab and other patient care services at Carolinas HealthCare System - Blue Ridge Morganton, located at 2201 South Sterling Street, Morganton, NC 28655 (the "Morganton Campus 2020 Project"), and (b) improvements and renovations at Carolinas HealthCare System - Blue Ridge Valdese, located at 720 Malcolm Boulevard, Valdese, NC 28690, including the renovation and relocation of the medical oncology unit, renovation and replacement of two existing radiation linear accelerators, renovation and relocation of the existing pain clinic center, wound center and rehabilitation services and the



conversion of existing operating rooms to an ambulatory surgical center (the "Valdese Campus 2020 Project," and together with the Morganton Campus 2020 Project, the "2020 Project"), (2) refund all or a part of the outstanding North Carolina Medical Care Commission Health Care Facilities Refunding Revenue Bonds (Blue Ridge HealthCare), Series 2016A (the "2016A Bonds"), (3) refund all or a part of the outstanding North Carolina Medical Care Commission Health Care Facilities Refunding Revenue Bonds (Blue Ridge HealthCare), Series 2010A (the "2010A Bonds") and (4) pay, or reimburse the Borrower for paying, certain expenses incurred in connection with the issuance of the Bonds by the Authority;

WHEREAS, the proceeds of the 2016A Bonds and the 2010A Bonds were used to refund prior bonds issued by the North Carolina Medical Care Commission for the benefit of the Borrower or its affiliates that had been used to finance and refinance the costs of (a) acquiring, constructing, improving, renovating, rehabilitating, expanding and equipping (i) various health care facilities located at Carolinas HealthCare System – Blue Ridge Morganton, formerly known as Grace Hospital, including a wellness and rehabilitation center and a medical office building, (ii) various health care facilities located at Carolinas HealthCare System – Blue Ridge Valdese, formerly known as Valdese Hospital, (iii) a physician office building located in Drexel, North Carolina, and (iv) an expansion of the continuing care retirement facility known as Grace Ridge and (b) acquiring the LifeWorks Psychological counseling practice, a psychological counseling practice then consisting of three offices in different locations, furniture, equipment, supplies and other assets of the practice (collectively, the "Prior Projects," and together with the 2020 Project, the "Project");

WHEREAS, one of the LifeWorks Psychological counseling practice office locations referenced in the immediately preceding paragraph was located in the City at 212 Mulberry Street, Lenoir, North Carolina 28645;

WHEREAS, the Borrower has requested that the Council approve the financing and refinancing of the Project, and the issuance of the Bonds in an amount not to exceed \$125,000,000 in order to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, a notice of public hearing was published in the *News-Topic* setting forth a general, functional description of the type and use of the facilities to be financed and refinanced, the maximum principal amount of the Bonds, the initial owner, operator or manager of the facilities and the location of the facilities, among other things;

WHEREAS, the names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are as follows:

[None.]

WHEREAS, [Mayor Gibbons] inquired elsewhere in and around the meeting room to determine whether there were any other persons who wished to speak at the public hearing and [Mayor Gibbons] determined that no other persons who wished to speak at the public hearing were found; and

WHEREAS, the purpose of the above-described public hearing and this resolution is to satisfy the public approval requirement of Section 147(f) of the Code in order to qualify the

interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code;

After the Council had heard all persons who had requested to be heard, ^{Mayor} Councilmember Gibbons moved that the public hearing be closed. The motion was adopted unanimously.

Councilmember Willis introduced the following resolution, a copy of which had been distributed to each Councilmember:

RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$125,000,000 OF TAX-EXEMPT BONDS TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY TO FINANCE AND REFINANCE CERTAIN COSTS OF VARIOUS PROJECTS ON BEHALF OF BLUE RIDGE HEALTHCARE SYSTEM, INC.

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

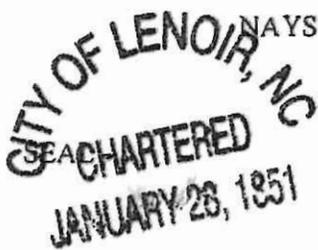
Section 1. For the sole purpose of qualifying the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code, the Council hereby approves the issuance of the Bonds by the Authority for the purpose of providing funds to finance and refinance the Project, *provided that* in no event shall the City of Lenoir, the State of North Carolina or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of the City of Lenoir, the State of North Carolina or any political subdivision thereof.

Section 2. This resolution shall take effect immediately upon its passage.

Councilmember na seconded the motion and the motion was adopted by the following vote:

AYES: 6
NAYS: 0

* * * * *



SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, Mayor

STATE OF NORTH CAROLINA)
CITY OF LENOIR)

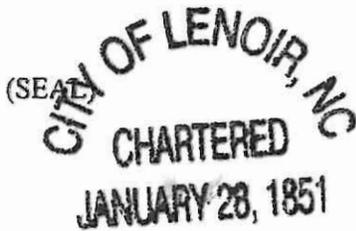
I, Shirley M. Cannon, City Clerk for the City of Lenoir, North Carolina, **DO HEREBY CERTIFY** as follows:

1. A meeting of the City Council for the City of Lenoir, located in the State of North Carolina, was duly held June 16, 2020, such meeting having been noticed, held and conducted in accordance with all requirements of law (including open meetings requirements), and minutes of that meeting have been or will be duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of the Council.

2. The attached extract accurately reflects the actions taken by the City Council for the City of Lenoir with respect to the matters therein.

3. The attached extract correctly states the time when the meeting was convened and the place where the meeting was held and the members of the Council who attended the meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the seal of the City as of June 23, 2020.



Shirley M. Cannon
Shirley M. Cannon, City Clerk

SEAL

| 2019-2020 Fiscal Year Budget Amendment 23-Jun-20 | | | |
|---|---------------------------|------------|------------|
| Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2020 as follows: | | | |
| Item 1: Adjustments to the General Fund with a zero net effect to fund balance. | | | |
| Account Number | Department | Decrease | Increase |
| 4110 | LEGISLATIVE | | 5,000.00 |
| 4120 | ADMINISTRATIVE | 15,000.00 | |
| 4130 | FINANCE | 45,000.00 | |
| 4250 | VEHICLE SERVICES | | 20,000.00 |
| 4270 | ENGINEERING | | 10,000.00 |
| 4310 | POLICE SUPPORT | | 60,000.00 |
| 4312 | POLICE PATROL | | 45,000.00 |
| 4340 | FIRE SUPPORT SERVICES | 40,000.00 | |
| 4341 | FIRE SUPPRESSION | | 60,000.00 |
| 4510 | STREET ADMIN | | 10,000.00 |
| 4511 | STREET MAINTENANCE | 50,000.00 | |
| 4512 | STREET TRAFFIC CONTROL | 10,000.00 | |
| 4740 | CEMETERIES | | 15,000.00 |
| 4910 | PLANNING | 50,000.00 | |
| 4920 | MAIN STREET | | 5,000.00 |
| 6120 | REC ADMIN | 15,000.00 | |
| 6121 | AQUATIC | 15,000.00 | |
| 6122 | MULBERRY REC | 5,000.00 | |
| 6130 | PARKS | | 15,000.00 |
| | Total Increases/Decreases | 245,000.00 | 245,000.00 |
| Net Effect to General Fund | | - | - |

| Item 2: Adjustments to the Lenoir Tourism Development Fund with a zero net effect to fund balance. | | | |
|--|------------------------------|----------|-----------|
| Account Number | Department | Decrease | Increase |
| LTDA - FUND 12 | | | |
| 4940 | INCREASE REVENUE | | 30,000.00 |
| 4940 | INCREASE CONTRACTED SERVICES | | 30,000.00 |
| Net Effect to General Fund | | - | - |

| Item 3: Adjustments to the Water/Enterprise Fund with a zero net effect to fund balance. | | | |
|--|---------------------------|------------|------------|
| Account Number | Department | Decrease | Increase |
| WATER FUND | | | |
| 7131 | WATER DIST. | 100,000.00 | |
| 7132 | WATER RESOURCES | | 50,000.00 |
| 7133 | WATER ADMIN | | 50,000.00 |
| 7142 | GUNPOWDER | 50,000.00 | |
| 7143 | LOWER CREEK | | 50,000.00 |
| | Total Increases/Decreases | 150,000.00 | 150,000.00 |
| Net Effect to Water Fund | | - | - |

| Item 4: Transfer General Fund Capital Project Funds previously approve and budgeted. | | | |
|--|-------------------------------------|----------|------------|
| Account Number | Department | Decrease | Increase |
| | Transfer to Capital Project Funds | | 313,000.00 |
| | Transfer From Capital Project Funds | | 313,000.00 |
| Net Effect to General Fund | | - | - |

City of Lenoir
Public Works Department



DEPARTMENT MEMORANDUM

DATE: June 12, 2020

Mr. Scott Hildebran, City Manager

Mr. Brent Phelps, Police Chief

RE: Norwood Street – On-street parking assessment

This memorandum outlines efforts of the Public Works Department to identify suitable areas to allow on-street parking on the one-way portion of Norwood Street, specifically in the blocks south of College Avenue to a point 1,000 feet south of the intersection of College Avenue and Norwood Street.

The study area was identified by City staff as the section of Norwood Street with higher housing density, driveways, and potential conflicts with vehicular traffic exiting driveways and vehicles parked on the street. In early 2020 the City of Lenoir Police Department conducted a traffic and parking study on Norwood Street, and this memorandum should be used as a supplement to those findings.

Background – Roadway and Parking Space Dimensions

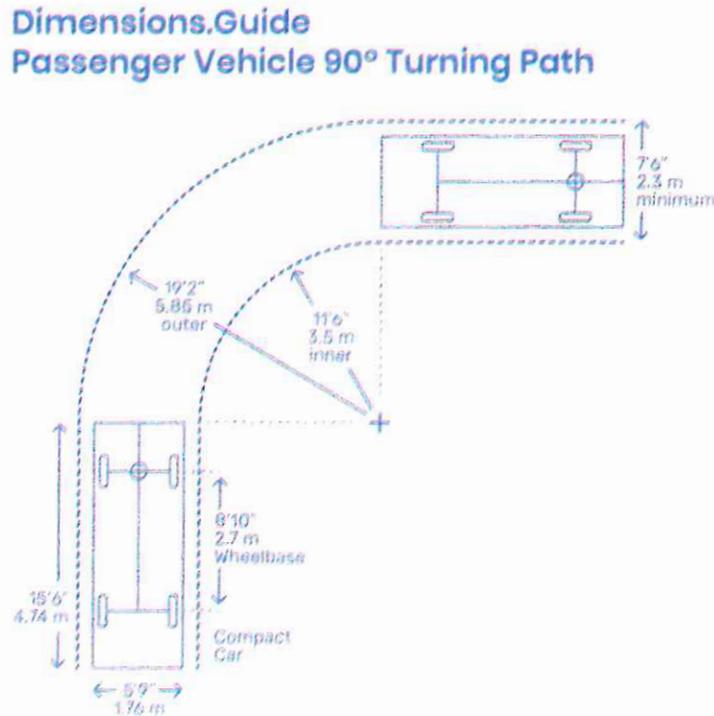
The section of Norwood Street within the study area features a paved street surface with curb and gutter on each side. The street right-of-way in this area is 50 feet, however the actual pavement width measures 19 feet. This measurement was taken from curb face to curb face since the gutter pan on each side of the street has been paved over and functions as part of the useful travel lane.



Parking space dimensions used for space identification in the study area were 9 feet x 18 feet. The 9 feet width requirement is a common dimension for on-street parallel spaces and off-street parking stalls. The 18 feet length may not fully accommodate larger trucks and SUV's, but is acceptable for most passenger vehicles. These dimensions were used to maximize possible spaces in the study area while still offering adequate width for passenger vehicles within the space.

Parking Space Identification

One of the concerns identified with current on-street parking conditions in the study area was conflicts between parked cars on the eastern side of the street (by ordinance, parking is only allowed on the eastern side), and backing movements from vehicles exiting driveways on the western side of the street. In an effort to minimize these conflicts, turning movements from all western-side driveways were modeled and measured on-site. The turning radius used for this modeling was 15 feet (assumed center of backing vehicle – 11+' near edge, 19+' far edge, see example below).



Staff also attempted to prevent conflicts with traffic exiting eastern side driveways by establishing a sight triangle between the nearest proposed parking space and the northern edge of each driveway. A 15 feet horizontal leg measured at the curb/driveway interface was used for this dimension (see graphic below).



Using each of the above criteria, 15 feet turning radii for driveways on the western side of the street, and 15' site triangles for driveways on the eastern side, staff identified non-encroachment zones for proposed parking spaces. These zones were avoided during parking space layout. The work resulted in identifying a potential for 17 marked spaces within the 1,000 feet study area. The general space locations are shown on the attached maps, however the maps are for illustrative purposes only and are not to scale. Additionally, please note that many of the areas shown with two spaces between non-encroachment zones do not use the entire available area, so marked spaces may be shifted north or south by several feet. These areas can easily accommodate two spaces but will not allow for a third marked space.

Public Works staff is prepared to work with the Police Department to initiate necessary ordinance revisions and complete space marking should City Council decide to perform these improvements.

Respectfully submitted,

City of Lenoir
 Public Works Department

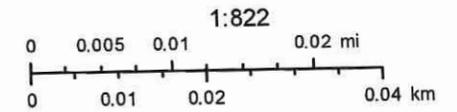
JARED WRIGHT
 Public Works Director

Norwood 1



May 29, 2020

This map is NOT of land survey quality and is NOT suitable for such use.



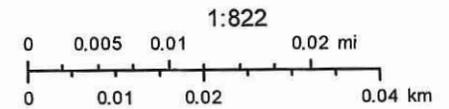
Norwood 2



Minutes-Committee of the Whole Meeting
Tuesday, June 23, 2020

May 29, 2020

This map is NOT of land survey quality and is NOT suitable for such use.





**City of Lenoir
Financial Summary
As of 5/31/2020**



| General Fund | | | | | |
|---------------|---------------------|------------------|-------------|------------------------------|------------------|
| | 2019-2020 Budget | 5/31/2020 | % of Budget | Change from Previous Year | 5/31/2019 |
| Total Revenue | \$ 18,403,707.96 | \$ 17,165,058.70 | 93% | \$ 231,432.52 | \$ 16,933,626.18 |
| Expenditures | \$ 18,403,707.96 | \$ 15,855,783.94 | 86% | \$ 497,367.40 | \$ 15,358,416.54 |
| Over/Under | \$ - | \$ 1,309,274.76 | | \$ (265,934.88) | \$ 1,575,209.64 |

| Downtown District | | | | | |
|-------------------|---------------------|---------------|-------------|------------------------------|---------------|
| | 2019-2020 Budget | 5/31/2020 | % of Budget | Change from Previous Year | 5/31/2019 |
| Revenues | \$ 183,736.00 | \$ 181,200.85 | 98.6% | \$ (29,681.48) | \$ 210,882.33 |
| Expenditures | \$ 183,736.00 | \$ 169,189.79 | 92% | \$ 2,990.39 | \$ 166,199.40 |
| Over/Under | \$ - | \$ 12,011.06 | | \$ (32,671.87) | \$ 44,682.93 |

| Water/Sewer Fund | | | | | |
|------------------|---------------------|-----------------|-------------|------------------------------|-----------------|
| | 2019-2020 Budget | 5/31/2020 | % of Budget | Change from Previous Year | 5/31/2019 |
| Revenues | \$ 8,941,688.00 | \$ 8,636,322.47 | 97% | \$ 36,850.22 | \$ 8,599,472.25 |
| Expenditures | \$ 8,941,688.00 | \$ 7,180,830.14 | 80% | \$ 174,304.44 | \$ 7,006,525.70 |
| Over/Under | \$ - | \$ 1,455,492.33 | | \$ (137,454.22) | \$ 1,592,946.55 |

64 May 2020 Communication Report

By Joshua Harris, Director, Communication & Public Information 6/12/2020



LENOIR
NORTH CAROLINA

CONTENT CREATION

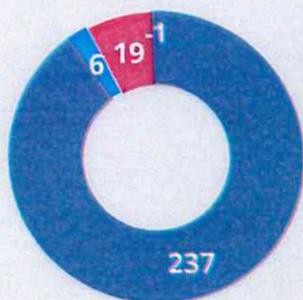
| News Releases | Photos | Videos | Radio Spots | Social Posts | Notify Me | Q&A | eSign |
|---------------|----------|----------|-------------|--------------|-----------|-----------|----------|
| 9 | 5 | 2 | 2 | 159 | 23 | 31 | 1 |

Minutes-Committee of the Whole Meeting
Tuesday, June 23, 2020

PUBLIC ENGAGEMENT

New Followers

261



Facebook Instagram Twitter City Alerts

Social Reach

68,787

| | | |
|----------|--------|--|
| Facebook | 63,547 | |
| Twitter | 4,863 | |

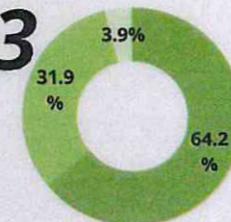
Video Views

673

| | |
|----------|-----|
| Facebook | 673 |
| YouTube | |

Website Views

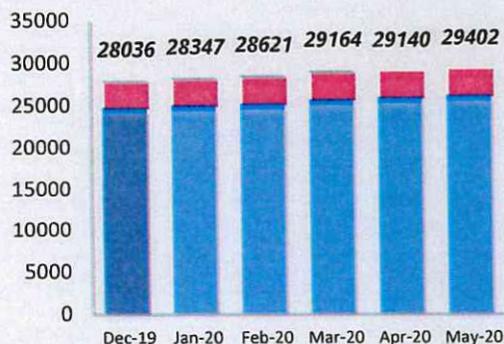
34,423



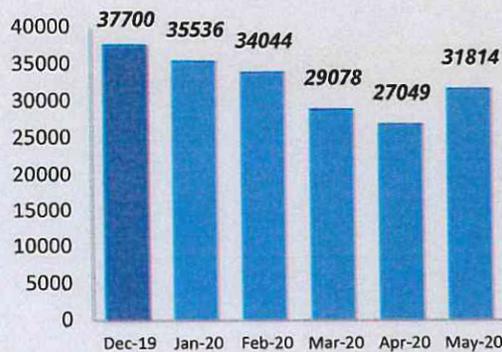
Top Pages

- 1 Payment Options
- 2 COVID-19
- 3 Garbage Collection
- 4 Water & Sewer Service
- 5 City facilities remaining closed through 5
- 6 Jobs
- 7 City rolling out new garbage carts

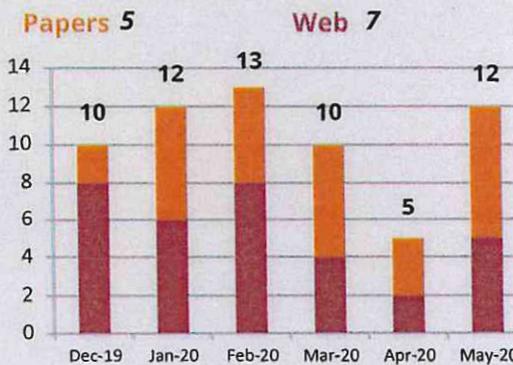
Total Followers



Social Engagement



Media Coverage **12**





Top Facebook

Reach: The number of people who saw the post on their feed
Engagements: Reactions, comments, shares, photo/video views, and clicks

Minutes-Committee of the Whole Meeting
Tuesday, June 23, 2020

Total Facebook Followers

25,510

Last Month 25,273 Gain 237

City of Lenoir Fire Department is with Chris Jacobs and Tucker Price
Published by Andrew N. Klement Lufkin · May 20 at 9:35 AM

Lenoir Ladder 2 responded to Hudson this morning for an early morning fire to assist Hudson Fire Department!

7,457 People Reached 1,928 Engagements Boost Post

9 Comments 53 Shares

Lenoir Police Department
Published by Police Dept · May 29 at 2:16 PM

May 29, 2020

Chef Phelps welcomed our newest officer, Sharié Woodward, who brings over 5 years of law enforcement experience with him. We look forward to working with Sharié and will plan a more formal reception to include his family at a later date. We want to thank him for his service and offer our best wishes as he continues to serve and protect the residents of Caldwell County in the years to come.

6,120 People Reached 1,321 Engagements Boost Post

44 Comments 10 Shares

City of Lenoir, NC Government
Published by Joshua Harris · May 11 at 5:20 PM

If you have received your new garbage cart, please start using it for garbage. Also, please make sure there is at least 5 feet of clearance around the cart.

How to Properly Place Carts on Collection Day

STEP #1: CLOSE THE LID & ROLL TO CURBSIDE
Place all items in trash bags in the cart(s) and make sure the lid is completely closed. ROLL the cart to the edge of the curb.

STEP #2: MAKE SURE THE CART HANDLE IS FACING YOUR HOME
PLACE the cart(s) at the edge of the curb with the wheels and handle facing your house and the lid opening facing the street.

STEP #3: CARTS MUST HAVE 5 FEET OF SPACE
Make sure there is nothing in front of the cart. There MUST be 5 FEET of space on all sides of the cart(s). Do NOT place any trash on the lid or beside the cart. All garbage must be inside the cart with the lid completely closed.

HOW TO PROPERLY PLACE CARTS ON COLLECTION DAY

STEP #1: CLOSE THE LID & ROLL TO CURBSIDE
Place all items in trash bags in the cart(s) and make sure the lid is completely closed. ROLL the cart to the edge of the curb.

STEP #2: MAKE SURE THE CART HANDLE IS FACING YOUR HOME
PLACE the cart(s) at the edge of the curb with the wheels and handle facing your house and the lid opening facing the street.

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LENOIR NORTH CAROLINA

5,810 People Reached 1,182 Engagements Boost Post

93 Comments 40 Shares

| | Paid | Organic | Rate |
|-------------|------|---------|------|
| Reach | | 7,497 | |
| Engagements | | 1,928 | 26% |
| > Comments | | 9 | |
| > Shares | | 53 | |

| | Paid | Organic | Rate |
|-------------|------|---------|------|
| Reach | | 6,120 | |
| Engagements | | 1,321 | 22% |
| > Comments | | 44 | |
| > Shares | | 10 | |

| | Paid | Organic | Rate |
|-------------|------|---------|------|
| Reach | | 5,810 | |
| Engagements | | 1,182 | 20% |
| > Comments | | 93 | |
| > Shares | | 40 | |



Top Tweets

Impressions: Times people saw this Tweet on Twitter
Engagements: Times people interacted with this Tweet

Total Twitter Followers

719

Last Month 713 Gain **6**

Minutes-Committee of the Whole Meeting
Tuesday, June 23, 2020

| | |
|---|---|
|  <p>City of Lenoir, NC @CityofLenoir If you have received your new garbage cart, please start using it for garbage. Also, please make sure there is at least 5 feet of clearance around the cart. pic.twitter.com/cDAvQFhkbl</p> | <p>Impressions 442</p> <p>Total engagements 13</p> <p>Media engagements 11</p> <p>Likes 1</p> <p>Profile clicks 1</p> |
|  <p>City of Lenoir, NC @CityofLenoir The City of Lenoir is distributing new, roll-out garbage carts this week. The Sanitation Division plans to start automated garbage collection on the Monday route next week. The remaining routes will be phased in during the next two months. https://bit.ly/2W71xZB pic.twitter.com/H6QvL2uTrk</p> | <p>Impressions 401</p> <p>Total engagements 13</p> <p>Detail expands 5</p> <p>Link clicks 4</p> <p>Media engagements 3</p> <p>Likes 1</p> |
| <p>Downtown Lenoir, NC @DowntownLenoir You may have noticed the historic Guarantee Store building has been getting a facelift... More exciting news coming soon! @Lenoir Downtown Historic District https://www.instagram.com/p/CAqTmUcl-Cb/?igshid=5e6ti39fimj</p> | <p>Impressions 146</p> <p>Total engagements 6</p> <p>Likes 2</p> <p>Link clicks 2</p> <p>Profile clicks 2</p> |



Top Instagram

Likes: The number of people who liked the post on their feed

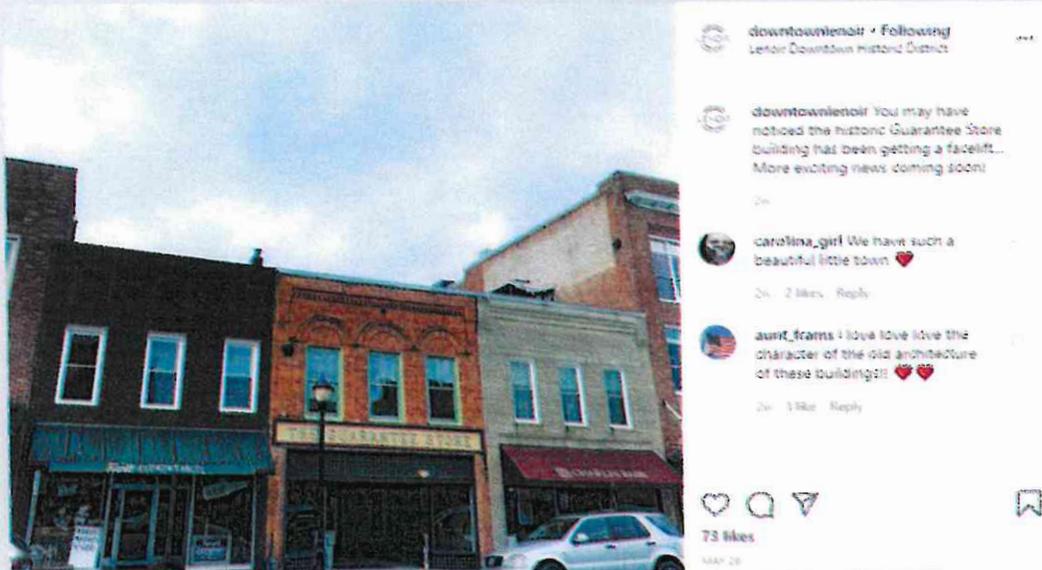
Total Instagram Followers

3,173

Last Month 3,154 Gain **19**

Likes **73**
Comments **2**

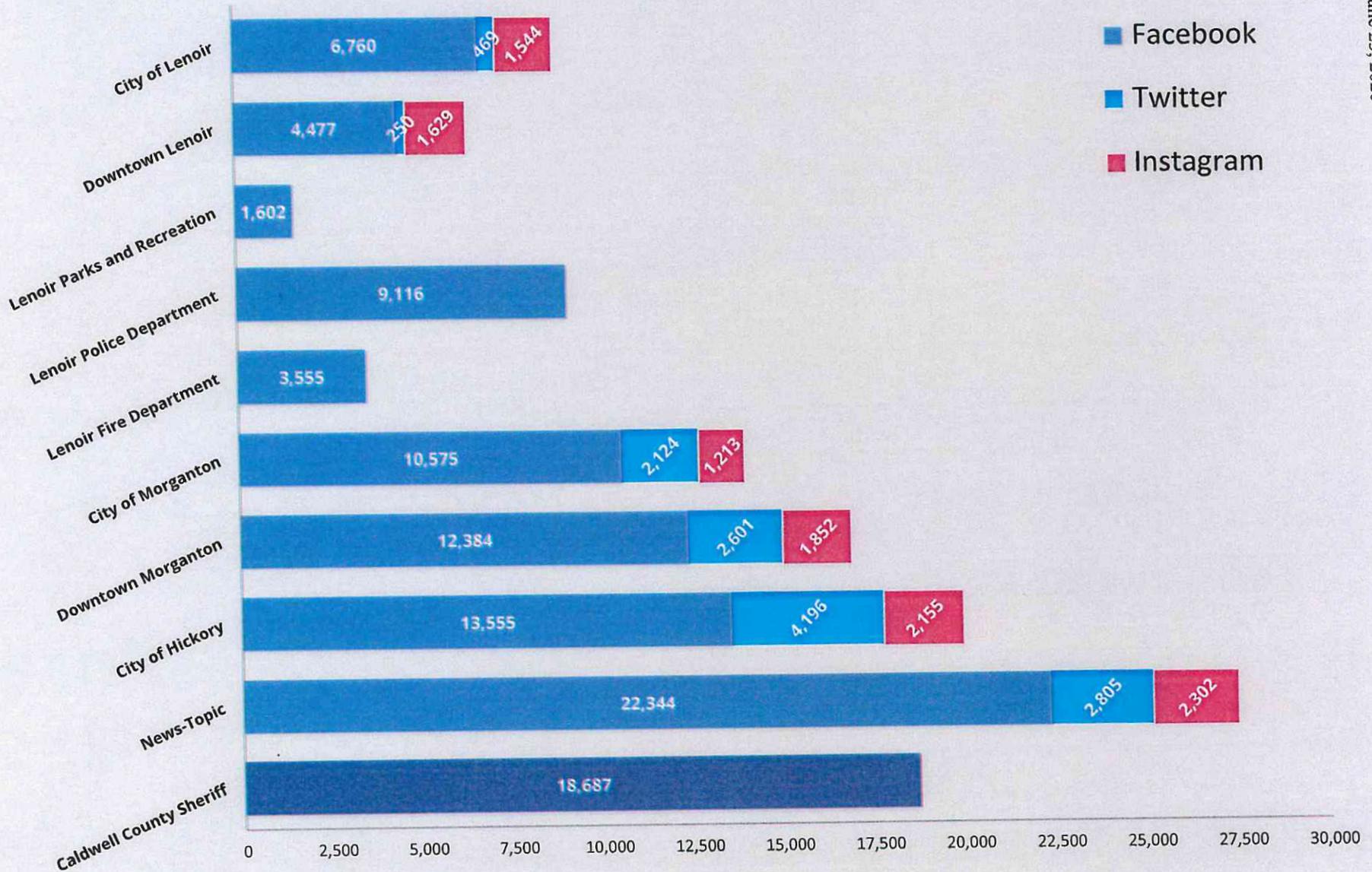
Likes **76**
Comments **2**





Social Comparison

The chart below compares Lenoir's social accounts with surrounding organizations.





Questions and Requests

31

Bulk Garbage 10
Garbage Pickup 2
Cart Issue 15

I am interested in being a vendor for the July 4th event.

I've received the new garbage collection cart. What do I do with the old one?

My SUV was keyed. I am not sure of the location of where it was damaged because I just noticed it yesterday.

Who do I contact about getting speed limit signs placed back on Wakefield Drive and speed humps being installed on the same road?

Will the green bin be picked up? If we get to keep it, will we be charged the extra \$5 a month for the second bin?

I have a concern, I live in Kincaid St.

One of those nice trash cans has been left at 316 Lower Creek Drive. No one lives there.

What happens if I am out of town on Monday for two or three days, having put the garbage out for collection on Sunday night?

What are the rules for riding a Segway on the greenway?

Neighbors recently put a mobile home on an adjacent lot, the driveway is mud, and mud is washing from their property on to concrete driveway,

Missing new trash cans delivery.

I'm wondering if you will be distributing leaf mulch any time soon ?

On what day will grass clippings/ yard waste be collected in the old green cans?

We live on Norwood Street. Can we leave them on the curb/sidewalk area?

What is the box that the Lenoir PD put on the street light pole across from my house?

I was wondering why we did not receive a new trash can like my other neighbors did.

Has the compost been rescheduled yet?

I am trying to reach Shane Barrier or whomever I need to speak with about trash collection for my mother

I haven't received a trash.

Regarding the new GARBAGE CAN regulations: what about disabled people or people with limited mobility?

Overgrown grass and shrubs

Public records request for information about 330, 334, 340, 350, and 360 Blowing Rock Boulevard

If i have always sat my garbage can at the upper end of my yard but they sat it out in my driveway, may I continue to set it where I normally have for

As of today 5/22 all indoor and outdoor pools are allowed to open, when do you plan to open the Rec Center Pool please?

I have reason to believe this abandoned trailer is a meeting place for drug addicts and homeless people.

I want to know the mayor's salary? Does the mayor receive any fringe benefits such as a take-home vehicle, cellphone, etc.?

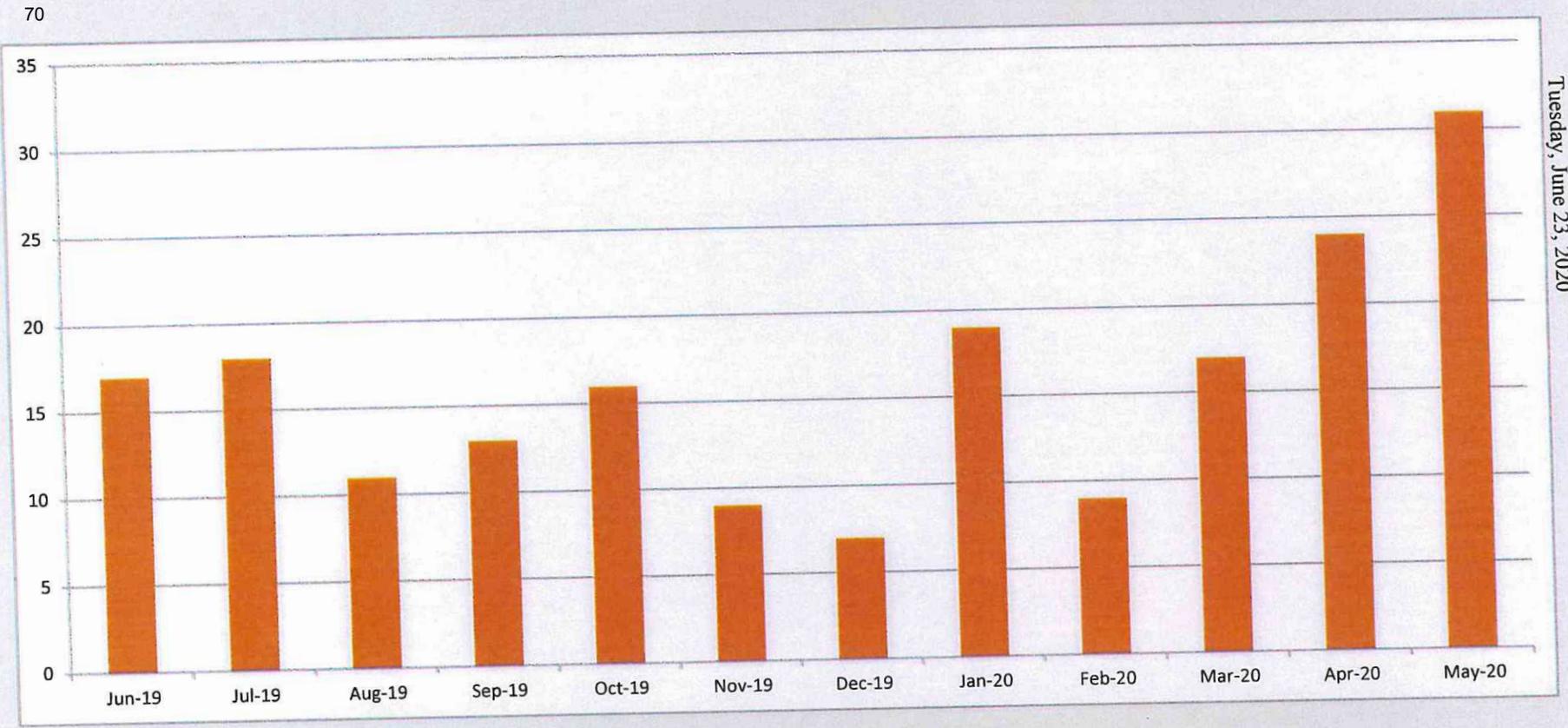
What are the water/sewer rates? Does the water treatment plant operate 24/7? If not, how many hours a day? How many water/sewer customers c

I would like to request a brush pick up in front of my business

I am contacting you to confirm that this account has been finalized and will no longer receive further billing.

We've been trying to get service with Spectrum in our new home, part of Habitat houses.

Someone needs to fix the growing hole on the exit to Southwest Blvd from Hwy 18N!



CITY OF LENOIR
COUNCIL ACTION FORM

- I. Agenda Item:** Water Meter Replacement Project - Consideration of a Service Subscription with WaterSmart Software for Software-as-a-Service (SaaS) Provisions Provided through Mueller Systems, LLC
- II. Background Information:** The City of Lenoir began a comprehensive water meter replacement project through a service agreement with Mueller Systems LLC. In addition to the replacement of the water meters and establishing an AMI network for remote reading of the meters, the agreement required Mueller Systems to provide a customer interface portal that our customers could use to view and manage their utility accounts, receive alerts about possible water leaks or system problems and pay bills online.

As part of our agreement with Mueller System, they are providing the customer interface portal through WaterSmart Software. A presentation was made to Council at the June 23, 2020 Committee of the Whole meeting to review how the WaterSmart portal works and the features that will be available to our customers. They also presented the implementation plan and schedule for the WaterSmart portal to get up and running and made available to our customers. A copy of the slide presentation is attached along with a copy of the Software-as-a-Solution Provisions (from WaterSmart) and the sales quotation from Mueller Systems for the provision of the WaterSmart software for years two and three. In order for the City to move ahead with the development of the customer portal, the provisions for the Software-as-a-Solution need to approved.

- III. Staff Recommendation:** Staff recommends that the City Council authorizes the City Manager to execute the Software-as-a-Solution Provisions with WaterSmart Software for the development of the customer service portal as provided for in the service agreement with Mueller Systems LLC for the Meter Replacement Project.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Public Works/Public Utilities Director: _____



SALES QUOTATION

Phone: (800) 423-1323
Website: www.MuellerSystems.com

Attention: Radford Thomas
Phone:
Email: rlthomas@ci.lenoir.nc.us

Company Address:
 510-B Greer Circle
 Lenoir, NC, 28645

Prepared For:
 Lenoir (NC), City of
Account #: 91291000

End User:
 Lenoir (NC), City of

Created Date: 04/28/2020
Quote #: Q-74116
Quote Expires: 09/30/2023

Terms are located at:
www.MuellerSystems.com/Support

ARO: "A" & Stock items 30 Days.
 Project items Stock to 120 days
 unless specified in contract

Currency Type: USD

Prepared by:
 Rossie Manning

Comments & Consideration

\$50 minimum order, \$75 non-box quantity

Should you have any questions, please do not hesitate to contact Rossie-Manning

Quote Line Items

| PART # | DESCRIPTION | UNITS | SALE PRICE | EXTENDED NET |
|-----------------|----------------------------------|-------|------------|--------------|
| MSW-S-PH-WS-20K | Year 2 Annual Watersmart Pricing | 9,612 | 2.20 | 21,146.40 |
| MSW-S-PH-WS-20K | Year 3 Annual Watersmart Pricing | 9,612 | 2.25 | 21,627.00 |

Software-as-a-Service (SaaS) Provisions

March 19, 2020

The City of Lenoir, North Carolina
801 West Avenue NW
2nd Floor
Lenoir, NC 28645
Attn: Scott Hildebran

Dear Scott:

I am delighted to confirm certain services WaterSmart Software, Inc. (“WaterSmart” or “WATERSMART”) will provide under a contract between The City of Lenoir, North Carolina (“Utility”) and Mueller Systems, LLC. (“Contractor”) during a performance period from _____ through _____ (the “Contract”).

Program initialization and the Software-as-a-Service subscription begin with Contract signing, and the subscription is renewable upon the end date of this performance period. The Utility should move to set up data transfers with the quickest speed to make the most use of the subscription. Significant delay on the part of the Utility during launch may result in fewer months of access to the Customer Portal and Utility Analytics Dashboard and/or fewer than the planned number of communications to be sent during the subscription period.

Utility’s Contract and primary legal relationship are with the Contractor, which has separately contracted with WaterSmart to re-sell WaterSmart Services to utilities. WaterSmart’s Services are subject to its software-as-a-service provisions (“SaaS Provisions”), which are attached and incorporated herein. The SaaS Provisions include terms essential to WaterSmart’s business model. The SaaS Provisions are not negotiable, except that WaterSmart may elect to consider on a case-by-case basis minor edits a utility deems essential.

By signing below on behalf of The City of Lenoir, North Carolina, Utility acknowledges the above and agrees that WaterSmart’s Services will be provided based on the Contractor terms, and Utility will be bound by these SaaS Provisions with respect to WaterSmart. Collectively, the Contractor terms, the SaaS Provisions, and this confirmation letter are referred to as the “WaterSmart Terms”. Utility further agrees that the WaterSmart Terms will prevail over any other conflicting terms or documents regarding the WaterSmart Services.

Please return this letter to me countersigned no later than _____. We very much look forward to working with The City of Lenoir.

Sincerely,



Erik Andersen
Head of Sales

The City of Lenoir, North Carolina

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By: _____

Name: _____

Title: _____

Date: _____

SOFTWARE-AS-**A-SERVICE PROVISIONS**

BACKGROUND: WATERSMART's customer engagement and data analytics services are to be provided primarily by utilization of WATERSMART's proprietary software hosted on WATERSMART's computer systems and accessed by authorized users over the Internet. This is a shared cost software utilization model which enables customers to achieve substantial cost savings versus commissioning custom development of software or licensing software for installation and maintenance on customers' computer systems. Companies like WATERSMART are commonly referred to as "SaaS" or "software-as-a-service" providers. Certain supplemental provisions which are customary within the SaaS sector and essential to enabling WATERSMART's SaaS service model and providing substantial cost savings for Utility, are set forth below and incorporated by reference in the Agreement.

A. WATERSMART's reservation of intellectual property rights

WATERSMART has created, acquired or otherwise currently has rights in, and may, in connection with the performance of this Agreement or otherwise develop, create, employ, provide, modify, acquire or otherwise obtain rights in various inventions, concepts, ideas, methods, methodologies, procedures, processes, know-how, techniques, models, templates, software, applications, documentation, user interfaces, screen and print designs, source code, object code, databases, algorithms, development framework repositories, system designs, processing techniques, tools, utilities, routines and other property or materials, including without limitation any and all subject matter protected or which may be protected under patent, copyright, mask work, trademark, trade secret, or other laws relating to intellectual property, whether existing now or in the future, whether statutory or common law, in any jurisdiction in the world ("WATERSMART IP"). Utility acknowledges that WATERSMART owns and shall own all intellectual property rights in and to deliverables hereunder, the WATERSMART IP and derivative works of WATERSMART IP (whether independently or jointly conceived), regardless of whether or not incorporated in any print or electronic Water Reports, Customer Portal, Utility Dashboard, or other software or deliverable provided to Utility by WATERSMART, and that Utility shall acquire no right or interest in the same.

Utility agrees to assign, and hereby does assign, any right, title and interest in any suggestions, enhancement requests, or other feedback provided by Utility relating to services offered by WATERSMART. If and to the extent any such assignment is ineffective, Utility hereby grants to WATERSMART a royalty-free, worldwide, irrevocable, perpetual license to use and incorporate into its services any such suggestions, enhancement requests, or other feedback provided by Utility.

Subject to the foregoing, authorized employees and customers of Utility may during the term of the Agreement access and use the WATERSMART SaaS services, print and electronic Water Reports, Customer Portal, Utility Dashboard, and other deliverables provided to Utility by WATERSMART, and applicable bill presentment and payment services for purposes of Utility's customer engagement program, customer billing, and for Utility's internal purposes, so long as Utility is current with respect to its financial and other obligations under the Agreement. Such authorization is limited to Utility's service territory and is non-exclusive, non-transferable, and non-sublicenseable. If Utility enters into an agreement with a third party contractor of WaterSmart related to bill payment services, the intellectual property provisions of such agreement shall apply with respect to intellectual property owned or controlled by such third party. Any rights not expressly granted herein are reserved by WATERSMART and its licensors.

B. Utility's cooperation in providing necessary inputs

Deliverables to be provided by WATERSMART via its proprietary software require certain data from Utility. Utility shall provide WATERSMART with those data, records, reports, approvals and other inputs identified for Utility to provide to WATERSMART. Utility shall ensure that such inputs are accurate and within Utility's legal rights to share with WATERSMART subject to the confidentiality and other applicable provisions of the Agreement. Time is of the essence, and Utility shall provide its inputs within the timeframes specified for Utility. If bill payment services are included, Utility shall cooperate with WATERSMART and its applicable third party partner(s) in timely providing the data, records, reports, approvals and other inputs requested for such

services. WATERSMART shall not be responsible for delays outside WATERSMART's control, and deadlines for WATERSMART's performance shall be adjusted, if necessary, to accommodate delays by Utility.

C. Confidentiality and WATERSMART's use of aggregated data

All data, documents and other information received or accessed by one party ("Receiver") from the other party or its end users (collectively, "Discloser") for performance of this Agreement, including without limitation personally identifiable information and financial information, are deemed confidential. Such information shall not be used or disclosed by the Receiver without the prior written consent of the Discloser or owner (which may include without limitation consent by end users to share any information with additional users they authorize), except to the Receiver's employees and contractors on a need-to-know basis for performance of this Agreement with appropriate confidentiality protections. For this purpose, protected confidential information shall not include (i) information that, at the time of disclosure, is publicly available or generally known or available to third parties, or information that later becomes publicly available or generally known or available to third parties through no act or omission by the Receiver; (ii) information that the Receiver can demonstrate was in its possession prior to receipt from the Discloser; (iii) information received by the Receiver from a third party who, to the Receiver's knowledge and reasonable belief, did not acquire such information on a confidential basis from the Discloser; (iv) information the Receiver can demonstrate was independently developed by it or a third party; or (v) information that the Receiver is legally required or compelled by a court to disclose.

The foregoing confidentiality obligations are subject to the following clarification of the parties' rights and obligations with respect to aggregated and anonymous data. Utility hereby gives its permission to WATERSMART to use and disclose on an anonymous and/or aggregated basis (excluding any personally identifiable information) any data pertaining to Utility end customers and their water consumption, including without limitation derivative data and data combined with the data of other utilities, for purposes of project evaluation and any research, product development, marketing, or other legitimate business purposes. This Section C shall survive any termination or expiration of the Agreement.

Each party shall post and comply with its applicable privacy policy.

D. Software corrections and third party acts; limitation of liability for SaaS services

In the event that WATERSMART's services fail to meet specifications or other requirements, Utility shall promptly notify WATERSMART and WATERSMART shall promptly correct any defect or substitute services, software, or products to achieve the functionality and benefits originally specified. If WATERSMART promptly makes such correction or substitution, WATERSMART shall have no further liability with respect to said defect(s), notwithstanding any other provision of the Agreement. All warranties not expressly stated in the Agreement are disclaimed. Utility understands that Utility's use of WATERSMART's services provided online may be interrupted by circumstances beyond WATERSMART's control involving third parties, including without limitation computer, telecommunications, network, Internet service provider or hosting facility failures or delays involving hardware, software, networks, or power systems not within WATERSMART's possession or direct control, and network intrusions or denial of service attacks (collectively, "Third Party Acts"). WATERSMART shall not be responsible or otherwise liable for any Third Party Acts, including, without limitation, any delays, failures, or security breaches and damages resulting from or due to any Third Party Acts, provided that WATERSMART has exercised due care. However, in the case of any Third Party Act which will delay or prevent WATERSMART from providing online services to Utility, WATERSMART will promptly notify Utility and assist in mitigating any impact. Neither party will be liable to the other, under any claim relating to this Agreement, for any indirect, incidental, exemplary, special, reliance or consequential damages, including loss of profits or loss of data, even if advised of the possibility of these damages. Under no circumstances or event shall WATERSMART's total cumulative liability for losses or damages of any kind arising under or relating to this Agreement and under any theory (contract, tort, defense and indemnity, or otherwise), exceed (i) the fees received by WATERSMART for the services that give rise to the liability in the twelve months preceding the accrual of such liability, or (ii) available insurance proceeds from WATERSMART's carriers, whichever is higher. If Utility enters into an agreement with a third party contractor of WaterSmart related to bill payment services which specifies a lower limit of liability with respect to such services, the same limit shall apply to WATERSMART's liability (if any) with respect to such services. The foregoing limited remedy and limitation of liability provisions shall apply notwithstanding any conflicting provisions or any failure of essential purpose with respect to a limited remedy or limitation of liability, and shall

survive any termination or expiration of the Agreement. Utility acknowledges that pricing for WATERSMART's services would be substantially higher without the aforementioned limitations.

E. Technology and services infrastructure vendors WATERSMART as a SaaS provider utilizes the secure cloud hosting platform of a third party industry leader in cloud computing with state-of-the art security to host the data of all WATERSMART customers. WATERSMART utilizes a reputable third party vendor to perform printing and mailing services when included within the scope of WATERSMART's work. For bill payment services, including credit card, debit card, and ACH payments and authentication, WATERSMART works with leading edge, reputable third party vendors specializing in such functions. Since the referenced cloud hosting platform, printing and mailing vendors, bill payment services providers, and certain other vendors performing similar or related functions, are integral components of WATERSMART's technology and services infrastructure used across its pertinent customer base and are not specific to Utility and services under this Agreement, Utility acknowledges that such utilization or collaboration is not considered subcontracting of WATERSMART's services under this Agreement.

If Utility elects to make bill payment services available to its end customers, the pertinent end users and Utility assume all risks associated with such services, and no indemnity provisions in favor of Utility shall apply to such services, except in the event of WATERSMART's willful misconduct. In the absence of willful misconduct by WATERSMART, Utility's sole remedies related to bill payment services shall be from the independent third party provider of such services in accordance with any contract between Utility and such provider. If Utility enters into an agreement with any third party contractor of WATERSMART for any other services ancillary or related to the services provided by WATERSMART during the term of this Agreement, Utility shall first seek and exhaust all remedies from such third party contractor prior to seeking any remedy from WATERSMART with respect to such services.

With respect to all bill payment services, as well as any services provided by independent third party contractors not in contract with WATERSMART, including without limitation any such services which at Utility's request or direction are integrated by WATERSMART into its electronic interfaces for Utility, WATERSMART shall not be responsible for services provided by such third parties. In furtherance of the foregoing, Utility shall hold harmless, defend and indemnify WATERSMART and its officers, directors, employees, contractors, representatives and volunteers from and against all claims, damages, losses and expenses, including without limitation any statutory damages, penalties, and attorney's fees, arising out of or relating to such third party services, except in the event of WATERSMART's willful misconduct.

F. Compliance With Laws WaterSmart shall comply with all federal, state and local laws, regulations, regulatory rulings, and ordinances as may be applicable to the performance of its services under this Agreement. Utility shall comply with all federal, state and local laws, regulations, regulatory rulings, and ordinances related to this Agreement, and shall have sole responsibility for securing any necessary regulatory approvals, if any, for this Agreement and/or the services hereunder.

Utility shall be responsible for obtaining from its end customers any consents and providing any notices, if any are legally required, for the services to be provided by WaterSmart hereunder, as well as any bill payment or other third party services elected by Utility.

G. Extended Messaging Services If Utility elects to utilize WATERSMART's leak alert or group messenger services, certain supplemental legal terms shall apply. These supplemental terms ("Extended Messaging Terms") are set forth below and shall prevail in the event of any conflict or inconsistency. For avoidance of doubt, the Extended Messaging Terms apply to all WATERSMART services involving automated phone calls (conventional and mobile), pre-recorded messages, text messages, and other such bulk communications (including emails outside of WATERSMART's core customer engagement offerings) (collectively, "Extended Messaging Services").

- Utility shall be solely responsible for the content of any messages or communications to end customers which Utility initiates or authorizes in connection with the Extended Messaging Services, as well as Utility's selection of any vehicle (i.e., conventional phone, mobile phone, text, email) for such messages or communications. WATERSMART shall have no responsibility or liability of any kind with respect to messages or communications initiated or authorized by Utility or its representatives. In furtherance of the foregoing, Utility shall hold harmless, defend and indemnify WATERSMART and its officers, directors, employees, contractors, representatives and volunteers from and against all claims, damages, losses and expenses including without limitation any statutory damages, penalties, and attorney's fees, arising out of

or relating to the Extended Messaging Services or any breach by Utility of the Agreement including without limitation these Extended Messaging Terms, except in the event of WATERSMART's willful misconduct. For avoidance of doubt, if the Agreement has other indemnity provisions in favor of Utility such provisions shall not apply to the Extended Messaging Services, except in the event of WATERSMART's willful misconduct.

2. If Utility elects to make available to its end customers Extended Messaging Services offered by WATERSMART to alert end users of potential leaks or high water usage, the pertinent end users and Utility assume all risks associated with such alerts, and no indemnity provisions in favor of Utility shall apply to such risks (including without limitation any liability claims for failure to alert or inaccurate alerts), except in the event of WATERSMART's willful misconduct.
3. With respect to Extended Messaging Services, WATERSMART's role is limited to delivering via its technology platform Utility's communications through vehicles selected by Utility; accordingly, compliance with applicable laws (which may vary by state and locale) is strictly Utility's responsibility with respect to Extended Messaging Services notwithstanding any provision to the contrary.
4. Utility is encouraged to consult legal counsel of its own with respect to this Agreement and in reference to Federal Communications Commission Declaratory Ruling FCC 16-88 (released August 4, 2016), any Extended Messaging Services, and compliance with applicable federal, state and local laws, regulations and regulatory rulings, and ordinances. Utility shall not rely on WATERSMART or WATERSMART's representatives for legal advice or guidance concerning the content or appropriate vehicles (i.e., conventional phone, mobile phone, text, email) for communications with Utility end customers.

In order to provide the Extended Messaging Services at efficient cost and with optimal levels of security and reliability, WATERSMART may utilize one or more third party communications technology and communications services providers. Since such providers are utilized across WATERSMART's pertinent customer base and are not specific to Utility and service choices by Utility under the Agreement, Utility acknowledges that such utilization is not considered subcontracting of WATERSMART's services under the Agreement

See next page

Account Name Lenoir, NC
 Billing Address PO Box 958
 Lenoir, NC 28645
 US

Quote Number 00000561
 Expiration Date 12/31/2020
 Contract Effective Date: Signature Effective Date
 Contract End Date 36 months from the Contract Effective Date
 Payment Terms Annually in Advance

This document outlines the product configuration required by the Utility to deploy a WaterSmart Software solution. Pricing must be added by the Partner before presenting to the Utility. All pricing quoted will remain in effect from the Contract Effective Date until the Contract End Date.

Prepared By Lori Hammett
 Email lhammett@watersmart.com
 Phone (615) 830-7890 📞

| Product | Quantity | License Type |
|------------------------------------|-----------|--------------------|
| WaterSmart Platform | 10,829.00 | Software Recurring |
| WaterSmart Platform Renewal Year 2 | 10,829.00 | Software Renewal |
| WaterSmart Platform Renewal Year 3 | 10,829.00 | Software Renewal |
| Single Sign On | 1.00 | Service Recurring |
| Single Sign On Renewal Year 2 | 1.00 | Service Renewal |
| Single Sign On Renewal Year 3 | 1.00 | Service Renewal |

Comments

Prior to initializing the WaterSmart Software service, WaterSmart will issue a letter to Utility outlining the Software As A Service Provisions for use. Utility's signature is required on this letter and constitutes acceptance of those provisions.

Optional Products

Utility has the option to add the following products by 12/31/2020 as follows:
 - Welcome Letters
 - Print Leak Alerts

Program At a Glance

Program Overview

Program Length 36 months
 Total Meters 10,829

Meter Data

AMR / Manual Read No
 AMI Yes

Electronic Bill Presentment & Payments

Bill Display Bill Amount Due and History; Bill PDF
 Paperless Billing No
 Payment Website Embedded Payment Pages
 Integration

Customer Letter

Customer Letter No

Dashboard and Portal

Utility Analytics Profiles for all accounts
 Dashboard
 Customer Portal Access for all accounts

Alerts and Notifications

Print Leak Alerts No

Water Reports

Water Reports No

Additional Services

On-site Training No

Special Circumstances
 - One time setup fee has already been paid, this is just for the subscription fee
 - Embedded payments with InvoiceCloud

See next page

WATERSMART 30-60-90 LAUNCH PLAN AND ONGOING SUPPORT

WaterSmart Software is a customer engagement and analytics platform. Utility has contracted with WaterSmart to implement a customer engagement program to serve its population.

The program is comprised of the following elements. Content and design of all materials are subject to change over time, as WaterSmart incorporates new features:

- Utility Analytics Dashboard: Analytics, customer support tools and Program performance data for Utility staff
- Customer Portal: Engagement, alerts and (if selected) billing and payments for account owners
- Customer Letters and Leak Alerts: Customized communications mailed or emailed to each participant (if selected)
- Single Sign On (SSO) or Click-Through Registration: bi-directional, seamless registration to multiple portals using a single set of credentials using the SAML 2.0 or OAUTH2 protocol or Click-Through Registration for uni-directional sign-on from a third party site to WaterSmart using a URL redirect with key-based encrypted data (if selected).

WaterSmart and the Utility shall each designate a project manager for the program. All Utility decisions shall be channeled through the Utility's project manager. In addition, Utility shall designate a Data contact who is responsible for providing the data indicated in the Data Specification File. Program initialization and subscription begin with Contract Signing. The Utility should move to set up data transfers with the quickest speed to make the most use of their subscription. *Significant delay on the part of the Utility during launch may result in less than 12 months of access to the Customer Portal and Utility Analytics Dashboard and/or fewer than the planned number of communications to be sent during the 12-month period.*

30-60-90 INITIALIZATION

WaterSmart works with Utility to launch the WaterSmart platform within 90 days from contract start. The following steps are requirements for successful launch:

| | |
|--|---|
| Pre Contract Signing | <ul style="list-style-type: none"> • WaterSmart provides Data Specification File and 30/60/90 Day Schedule, utility reviews and agrees to provide requirements as specified and within given timeframes • Utility IT contact completes Data Survey |
| 0-30 Days Orientation and Data Transfer | <ul style="list-style-type: none"> • WaterSmart conducts a 60- to 90-minute online Kickoff meeting to orient Utility staff involved in the Program. Utility should include a representative from each functional group that will be involved with the setup and use of the program • WaterSmart technical team conducts Data Call with Utility IT lead to go over Data Survey and next steps • Utility IT sends initial Sample Files per Data Specification File • 30 Day Check in |
| 31-60 Days | <ul style="list-style-type: none"> • WaterSmart provides feedback on Sample Files |

| | |
|--|--|
| Data and Portal Configuration | <ul style="list-style-type: none"> • Utility and WaterSmart work to setup Ongoing File Transfers per Data Specification File • Utility PM approves content and configures general settings • 60 Day Check In |
| 61-90 Days Quality Assurance and Launch | <ul style="list-style-type: none"> • WaterSmart conducts Quality Assurance • Utility Dashboard is live and fully functional • Customer Portal is live and functional (though may not be open for registration depending on Utility needs) |
| Post Launch | <ul style="list-style-type: none"> • If applicable, embedded Payment site, SSO, PDF Bill Display, AMI data, and other premium integrations are configured and go live (if not included in initial 90 day launch) • On-site or Online Training completed • Customer Letters (if applicable) are sent and Customer Portal open for registration • Leak Alerts and other Notifications begin • Ongoing Support |

Data Transfer and Utility Obligations: Initiative and technical know-how on the part of Utility IT staff, consultants or existing vendors is necessary. WaterSmart works with the Utility to securely transfer a dataset on accounts, including but not limited to Account Information, Consumption History, ongoing feeds of Current Consumption, AMI Interval Information (if applicable), and Billing and Payments (if applicable). Should Utility provide data files in a new format which requires WaterSmart to re-onboard new file structures or map historical identifiers (e.g., customers, accounts, premises), WaterSmart assesses an additional one-time fee not to exceed \$10,000 upon receipt of first test files from the new system.

Configuration of Customer Portal: WaterSmart works with the Utility to configure the Customer Portal with Utility logo and contact information. Utility has the opportunity to approve or exclude any recommendations shown in the Customer Portal and provide WaterSmart with information on available rebates and incentives. Utility should provide consolidated feedback and final approvals to WaterSmart no more than ten (10) business days from when initial materials are provided to Utility.

Finalization of Customer Letter: If selected, WaterSmart sends a Customer Letter on behalf of the Utility, to accounts that receive access to the Customer Portal. The Customer Letter is branded for the Utility (has utility logo and contact information) and Utility has the ability to personalize the signature. No other customization is available. WaterSmart sends Customer Letters by email where a valid email address is available and by print otherwise.

Training: After all initial customer data has been received and program content is finalized, WaterSmart provides Utility staff with training and resources to understand the features and functionality of the Customer

Portal and Utility Analytics Dashboard. If selected in Program at a Glance, WaterSmart Software provides training on-site; if not selected, training is provided via webinar. On-site training may be conducted as multiple sessions on a single day.

ONGOING SUPPORT

WaterSmart does not communicate directly with the Utility's customers; end-user support is the responsibility of the Utility. WaterSmart provides a number of tools to assist Utility staff looking to understand and maximize their WaterSmart experience:

- 1) The **WaterSmart Support Site**, which is accessible by all Utility staff, includes responses to Frequently Asked Questions as well as common troubleshooting topics, how-to videos and other customer support oriented content.
- 2) The **Customer Detail Page** helps customer service representatives respond to Customer inquiries by providing all relevant customer information.
- 3) **Live Chat** allows Utility staff to ask questions and receive a response within the hour. Available 7 a.m. to 6 p.m. Pacific Monday thru Friday, excluding federal holidays.
- 4) **Quarterly Product Webinars** provide the latest WaterSmart news including product releases, case studies, and a forum to interact with other customers.

Maintenance of Web Applications

WaterSmart maintains commercially reasonable systems and controls designed to maximize monthly uptime and minimize unscheduled outages of the Customer Portal and Utility Analytics Dashboard. Excluding any down time for maintenance and/or upgrades, WaterSmart makes strong efforts to provide Customers and Utility with access to their respective Web applications on a continuous basis. WaterSmart provides advance notification of any planned outages and notifies Utility without unreasonable delay if it detects or receives notice of any material problems relating to the Customer Portal and/or the Utility Analytics Dashboard.

WaterSmart's Web Applications include dynamic and interactive charts and tables that may not be compatible with older Internet browsers.

The Internet browser and operating system requirements are:

- Windows XP: Chrome 38+, Firefox 32+
- Windows 7, 8, 8.1, 10: IE 11+, Chrome 38+, Firefox 32+
- Mac: Chrome 38+, Firefox 32+, Safari 10+

WaterSmart's system requirements are subject to change in the future.

AMI Customer Portal Review

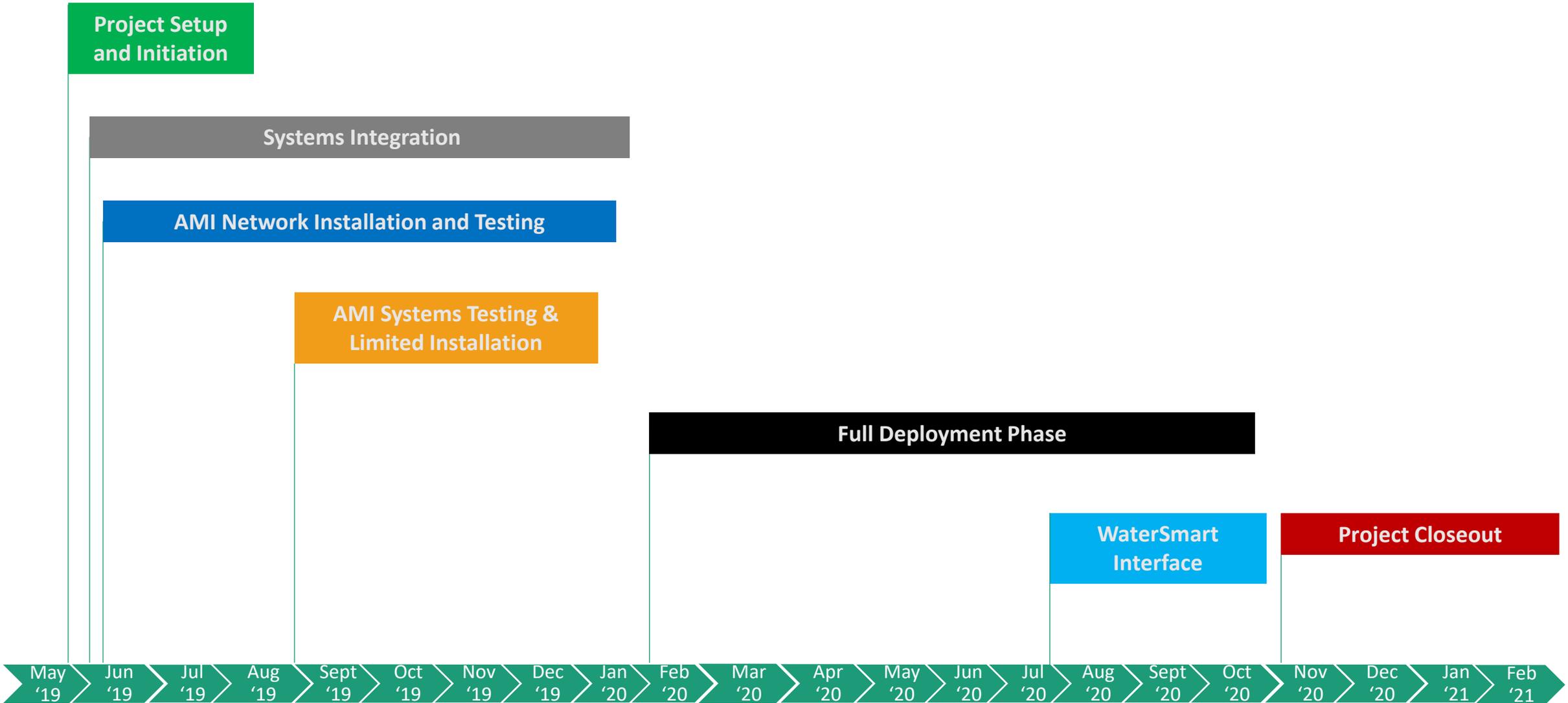
City Council Presentation
June 23, 2020



Proposed Agenda

- AMI Project Timeline
- Portal Overview
- Features & Functionality
- Contract Pricing
- Proposed Portal Timeline
- Recommendations

AMI Project Timeline



How WaterSmart Works



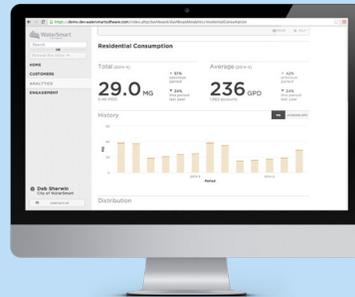
EXTERNAL DATA
Surveys, Property,
Climate



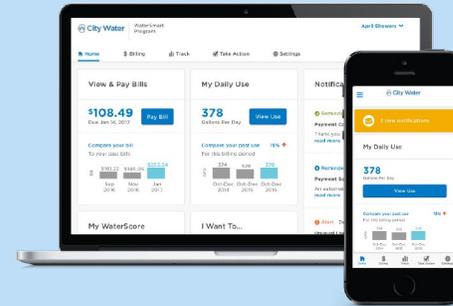
UTILITY DATA



Utility Dashboard



Customer Portal



Hosted on Amazon
Web Services

CUSTOMERS



Proven results



Reduce support calls

40% of customers surveyed reported being able to **self-resolve** their leak without calling or emailing their utility



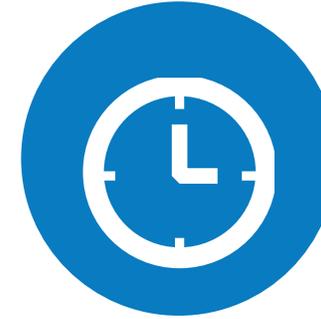
Reach more households

Access to all channels of communication (voice, text, email, & print) allows utilities to reach **80% total customer engagement**



Drive digital conversion

20% of customers who received a print leak alert **registered** for the customer portal (i.e., e-mail and mobile phone capture)



Automate processes

Implementing automated processes helps utilities to save **10 hours of staff time** per week

90 Group Messenger



Fast and easy to use

- Send thousands of messages in a few clicks
- Select from our message templates or type your own
- No need to import and export contacts



Integrated in the Utility Dashboard

- Leverage Utility Dashboard reports to segment customers
- Include personalization variables to make your message more relevant



Message responses tracked

- Open and click rates
- Customer interactions

Group Messenger ABOUT

[NEW MESSAGE](#)

Scheduled & Sent Group Messages 1 FULL SCREEN DOWNLOAD

Click any message for more information. "STOP" will cancel any scheduled but unsent messages.

| DELIVERY METHOD | NAME | LAST UPDATED BY | ACCOUNTS | DELIVERY DATES | EMAIL RESPONSE |
|-----------------|-----------------------|--------------------|----------|----------------|---|
| Email | Low Income Assistance | WaterSmart Support | 157 | | STOP |
| Email | Leak Follow-up | WaterSmart Support | 11 | Aug 11 | 40.0% opened 25.0% clicked 1.0% bounced |
| Email | Top savers kit | WaterSmart Support | 49 | Aug 11 | 45.0% opened 22.0% clicked 1.0% bounced |

Draft Group Messages 1 FULL SCREEN DOWNLOAD

| DELIVERY METHOD | NAME | LAST UPDATED BY | ACCOUNTS | MORE COLUMNS |
|-----------------|---------------|--------------------|----------|--------------|
| Email | <New Message> | WaterSmart Support | 0 | |



WaterSmart Support and Resources



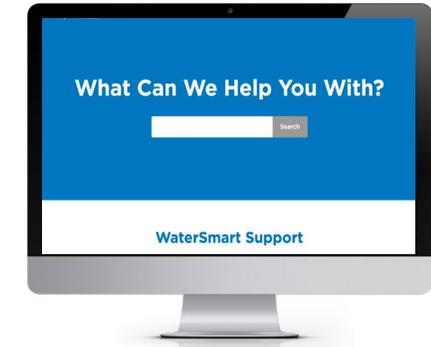
SUCCESS TEAM

- Dedicated success manager
- Team training
- Bimonthly checkpoints



MARKETING KIT

- Customer letters, postcards, bill stuffers, and web banners
- Social posts for easy program promotion
- Campaign ideas and marketing calendar



ONLINE SUPPORT SITE

- In-product support chat
- Product guides and how-to videos
- Quarterly release updates and product webinars

92 Privacy and Security Protocols

- Tight access control and role-based authentication, ensuring only approved users are granted access
- Encryption in transfer, to keep data secure as it flows in and out of system boundaries
- State-of-the-art cloud hosting and application servers
- Private database, eliminating the possibility of data corruption, entanglement, or breach
- Fail-safe servers and failover procedures, to provide data redundancy and high-performance networks
- Privacy policy and trust, ensuring no sharing of personally-identifiable customer information without prior authorization



Portal Pricing Proposal

| Description | Units/Price | Cost |
|--------------------------------|----------------|-------------|
| WaterSmart Platform Setup Fee | 1 | \$8,500 |
| Harris Integration Fee | 1 | \$5,700 |
| Year 1: WaterSmart Support Fee | 9,612 @ \$1.75 | \$16,821 |
| Year 2: WaterSmart Support Fee | 9,612 @ \$2.20 | \$21,146.40 |
| Year 3: WaterSmart Support Fee | 9,612 @ \$2.25 | \$21,627.00 |



Proposed Project Timeline

| TASK | WEEK 1-2 | WEEK 3-4 | WEEK 5-6 | WEEK 7-8 | WEEK 9-10 | Week 11-12 |
|---|----------|----------|----------|----------|-----------|------------|
| Kickoff Meeting & Program Setup | █ | | | | | |
| Data Collection & Transfer Process | █ | █ | | | | |
| Portal Configuration & Content Review Process | █ | █ | █ | █ | | |
| QA Process & Dashboard/Portal Launch | | | | | █ | █ |
| WaterSmart Training for Utility Staff | | | | | | █ |

Recommended Next Steps

Completed activities:



- Received quote from Harris for development
- Staff completed WaterSmart data survey
- Received integration plan and initial test files
- Set up dashboard and staff logins



Legal review of agreement (in progress)



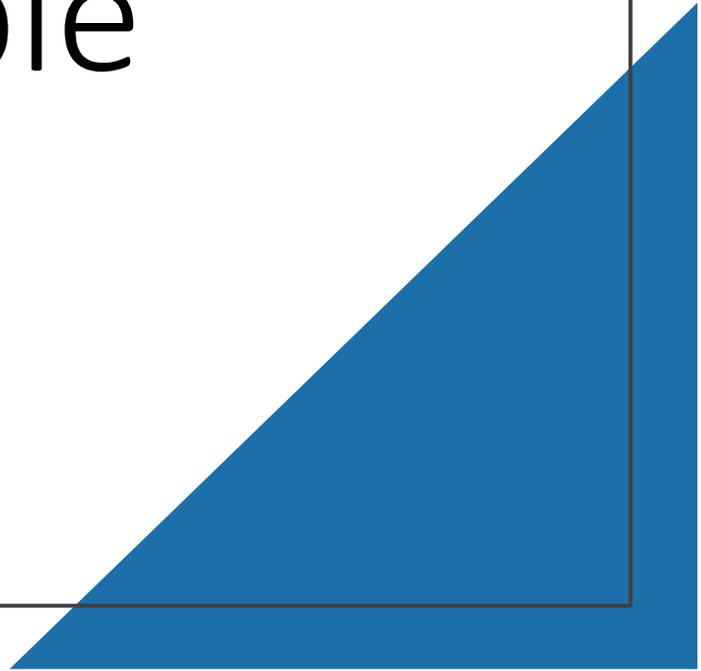
Approve and authorize agreement



Schedule project kickoff



Roundtable



CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Bid Award: 2020-2022 Asphalt Resurfacing Contract

II. Background Information:

In June, 2020, Public Works staff assembled the bid package for the upcoming FY 2020 – FY 2022 Asphalt Resurfacing Contract and distributed bid packages to interested contractors. The bid opportunity was also publicly advertised in accordance with G. S. 143-129. A total of six (6) bid packages were distributed, and Public Works staff held a *Pre-Bid Meeting* with interested parties to discuss bidding and project execution requirements on July 07, 2020. Minutes from the Pre-Bid Meeting and Addendum No. 1 were distributed following the meeting. Bids were received, publicly opened, and read aloud on July 14, 2020, at 2:00pm. A total of four (4) bids were received. A signed bid tabulation is included for Council's review.

Attachments: *Public Advertisement, Signed Bid Tab, Liquid Asphalt Price Trend Graph*

III. Staff Recommendation:

Following review of bids submitted for this contract, staff recommends awarding the contract to Maymead, Inc. for a unit price of \$82.00/ton. Maymead, Inc. is the lowest, responsive, responsible bidder, is appropriately licensed in the state of North Carolina, and is adequately equipped to perform work of this nature. Maymead, Inc.'s bid included the required bid security (bond) and an escalator clause for unit price adjustment based on liquid asphalt price fluctuation.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Public Works/Public Utilities Director: _____



Advertisement For Bids

City of Lenoir, NC

Pursuant to N.C. General Statute 143-129, sealed proposals endorsed: **3,000+/- Tons of \$9.5B Asphalt Concrete delivered in place each year for a two-year period beginning July 1, 2020 and ending June 30, 2022**, to be furnished to the City of Lenoir, NC will be received by **Mr. Jared Wright, Public Works Director**, at the **City of Lenoir, Public Works Facility, 510-B Greer Circle SW, Lenoir NC 28645** until **2:00 PM, Tuesday, July 14, 2020**. **No bids will be accepted after that time and date. All received bids shall be publicly opened on Tuesday, July 14, 2020 at 2:00 PM at the Public Works Facility.** All bidders and the public are invited to attend the bid opening.

A pre-bid meeting will be held on Tuesday, July 7, 2020 at 2:00 PM at the City of Lenoir Public Works Facility, 510-B Greer Circle SW, Lenoir NC 28645. Attendance at this meeting is **NOT** mandatory, but is strongly encouraged.

This contract will be subject to N.C. General Statutes 44A-26 and 143-129 and will require a **Bid Deposit or Bond, Performance Bond, and Payment Bond**, as required by the statutes.

Proposals that are mailed should be sent to **Mr. Jared Wright, Public Works Director, PO Box 958, Lenoir NC 28645-0958**. The envelope should be marked with **“Resurfacing Bid”** on the front of the envelope. Bidders are encouraged to contact Mr. Wright prior to the bid opening to review the proposed resurfacing projects for the two-year period.

Proposals that are sent by UPS, FedEx, or hand delivered should be sent to the **Public Works Facility, 510-B Greer Circle SW, Lenoir NC 28645**. Mr. Wright's phone number is (828) 757-2183. Instructions for submitting bids, specifications, and proposal forms may be obtained at the **City of Lenoir's Public Works Facility, 510-B Greer Circle SW, Lenoir NC 28645** during regular business hours of **7:30 AM – 4:00 PM, Monday – Friday**, Phone (828) 757-2154. The City of Lenoir reserves the right to reject any and all bids.

E-Verify use Required. No contract can be awarded by the City of Lenoir unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the N.C. General Statutes.

The City of Lenoir encourages minority-owned businesses to submit proposals. The City of Lenoir awards contracts without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition.

Jared Wright

Public Works Director

Published June 25, 2020; June 26, 2020; June 27, 2020; June 30, 2020; July 1, 2020; July 2, 2020; July 3, 2020



BID TAB

**Public Bid Opening
2020-2022 Asphalt Resurfacing Contract
City of Lenoir
July 14, 2020, 2:00 p.m. local time**

**Jared Wright
Public Works Director**

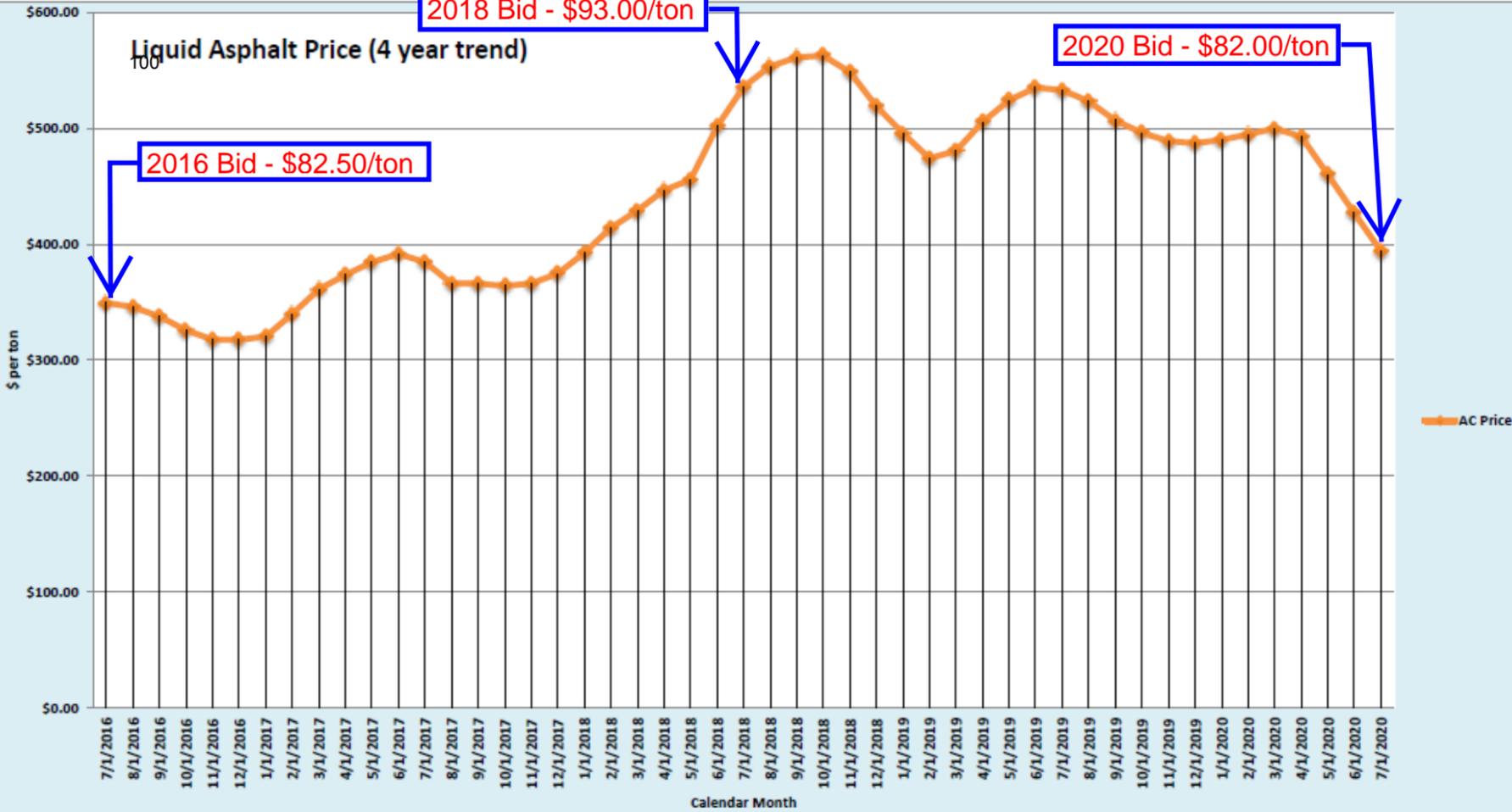
| Contractor | Bid Security | Unit Price/Ton |
|--------------------------------|---------------------|-----------------------|
| Midstate Contractors | Yes | \$88.90 |
| MK Enterprise | N/A | No Bid |
| Tri-County Paving | Yes | \$99.70 |
| J.T. Russell & Sons | Yes | \$85.85 |
| Maymead | Yes | \$82.00 |
| Carolina Paving | N/A | No Bid |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Liquid Asphalt Price (4 year trend)

2018 Bid - \$93.00/ton

2020 Bid - \$82.00/ton

2016 Bid - \$82.50/ton



AC Price

City of Lenoir

Authorities, Boards & Commissions

Board Announcement for Lenoir Tourism Development Board

Pam Pusteoska, General Manager, Hampton Inn & Suites

*Note: This item will be presented for Council's consideration of approval on Tuesday, July 21.