

**LENOIR CITY COUNCIL  
TUESDAY, FEBRUARY 19, 2019  
6:00 P.M.**

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

Note: Councilmember Rohr's seat is vacant on City Council due to his oath of office as City Attorney.

**I. CALL TO ORDER**

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

**OATH OF OFFICE;  
TIMOTHY J. ROHR:**

- B. The Honorable Richard Holloway administered the Oath of Office to Timothy J. Rohr as City Attorney.

A copy of the Oath of Office is hereby incorporated into these minutes by reference. (Refer to page 69).

Mr. Rohr thanked City Council for placing their confidence in him and he commented he hopes to carry on the tradition that Attorney Blair has established over the years.

On behalf of City Council, Mayor Gibbons commended Attorney Blair for all he has done for the City of Lenoir over the past twenty-six years. Mayor Gibbons also reported a joint reception will be held on Tuesday, March 5 from 4:00 p.m. – 5:30 p.m. at the City/County Chambers to honor Attorney Blair and Councilmember Rohr for their tenure on City Council.

**PRESENTATION; PROCLAMATION;  
ROTARY DAY 2019:**

- C. On behalf of City Council, Mayor Gibbons presented a proclamation to Mr. Paul Brandenburg, President of Lenoir Rotary Club and Mrs. Courtney Wright, President of Caldwell Rotary Association proclaiming Saturday, February 23 as "Rotary Day 2019" throughout the City of Lenoir and Caldwell County.

A copy of the proclamation is hereby incorporated into these minutes by reference. (Refer to page 70).

Mr. Brandenburg stated Rotary International is growing rapidly and it was an honor to accept this proclamation of behalf of the organization. Mrs. Wright stated Rotarians work hard to make the community a better place and thanked City Council for recognizing what they do.

Mayor Gibbons thanked them for their partnership with the City and for their support.

## **II. MATTERS SCHEDULED FOR PUBLIC HEARINGS**

### **HISTORIC PRESERVATION COMMITTEE:**

- A. A public hearing was held to consider adoption of a Historic Preservation Commission Ordinance to establish the Lenoir Planning Board to serve as the Lenoir Historic Preservation Commission. This ordinance is proposed at this time in order to establish the legal framework for future requests for local landmarks and /or districts, which may help with long-term planning and redevelopment goals for key historic properties.

A copy of the Ordinance is hereby incorporated into these minutes by reference. (Refer to pages 71-79).

Mayor Gibbons opened the public hearing to receive public comments regarding the proposed Ordinance.

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

Planning Director Wheelock clarified that the entire Planning Board would serve as the Lenoir Historic Preservation Commission. Mayor Gibbons commented this organization would be a key factor for the City in the years to come.

Upon a motion by Councilmember Thomas, Council voted 6 to 0 to adopt the Ordinance to Establish a Historic Preservation Committee as recommended by City Staff.

## **III. CONSENT AGENDA ITEMS**

- A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval:
1. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, February 5, 2019, as submitted.
  2. Minutes: Approval of the minutes of the joint City Council and ABC Board Meeting of Tuesday, February 12, 2019 as submitted.
  3. Resolution; MS4 Stormwater Program: Approval of the submitted resolution as requested by the N.C. Department of Environmental Quality (DEQ) in order to demonstrate the City of Lenoir's commitment to take the necessary steps to comply with the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) requirements. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 80-81).

4. Resolution; Hotel Street and Market Street: Approval of a resolution accepting the construction of Hotel Street and Market Street as complete and dedicated for public use, including rights-of-way, underground utilities, stormwater drainage systems, curb and guttering and sidewalk(s). (A copy of the resolution is hereby incorporated into these minutes by reference. (Refer to page 82).
5. Proclamation; Rotary Day 2019: Approval of a proclamation proclaiming "Saturday, February 23 as "Rotary Day 2019" throughout the City of Lenoir and Caldwell County.

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

#### **IV. REQUESTS AND PETITIONS OF CITIZENS**

#### **V. REPORTS OF BOARDS AND COMMISSIONS**

#### **VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER**

##### **A. Items of Information**

##### **PLANNING**

- BOARD:** 1. The Planning Board will meet on Monday, February 25 at 5:30 p.m. in the City/County Chambers.

##### **COMMITTEE OF THE**

- WHOLE:** 2. The Committee of the Whole will meet on Tuesday, February 26 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.

##### **FOOTHILLS REGIONAL AIRPORT**

- AUTHORITY:** 3. The Foothills Regional Airport Authority will meet on Wednesday, February 27 at noon.

##### **RECEPTION; ED BLAIR &**

- T.J. ROHR:** 4. A joint reception will be held on Tuesday, March 5 from 4:00 p.m. – 5:30 p.m. to honor Ed Blair upon his retirement as City Attorney and Councilmember T.J. Rohr upon his resignation from City Council in order to accept the position of City Attorney.

##### **B. ITEMS FOR COUNCIL ACTION**

##### **CONTRACT AGREEMENT; MUELLER SYSTEMS:**

1. Staff recommends City Council enter into a Contract Agreement with Mueller Systems in the amount of \$3,656,097.34 for the implementation of the Advanced Metering Infrastructure (AMI) Upgrade Project. Mr. Andy Honeycutt, President, MeterSYS, was in attendance to review the project.

A copy of the contract agreement is on file in the City Clerk's office.

Staff further recommends that the City Council grant the City Manager authority to execute the agreements and any necessary change orders associated with the project and report those change orders at the next City Council meeting.

Andy Honeycutt, President of MeterSYS, presented a power point presentation and explained the City's process in recommending MeterSYS Advanced Metering Solutions for the City's metering project.

Andy Honeycutt, President of MeterSys, made a brief presentation to the City Council to review the vendor solicitation and selection process for the meter replacement project. He provided an overview of the scoring matrix that was utilized to determine the short list of prospective vendors for the project. The list was narrowed to three companies based on the scores and rankings generated in the Matrix. Mueller Systems was the highest scoring vendor of those on the shortlist which included Itron and National Meter/Badger. Mr. Honeycutt also reviewed the pricing comparison and analysis which included Mueller Systems and National Meter/Badger. The analysis looked at the total cost of ownership through 15 years. Mueller Systems had the lower cost at \$4,632,564.00.

The presentation included a summary of the project cost elements considering full meter replacement and using 100% remote disconnect functionality for all residential size meters. Mr. Honeycutt presented the program management overview from MeterSys and discussed key milestones in the project timeline. These included the project set up and activation, network installation/testing, full deployment and project closeout. The project is scheduled to begin in April/May 2019 and conclude in fourth quarter 2020. In conclusion, he briefly reviewed the customer portal WaterSmart and the advanced customer service opportunities it will provide.

Upon a motion by Councilmember Perdue, Council voted 6 to 0 to approve the Contract Agreement with Mueller Systems in the amount of \$3,656,097.34 and authority the City Manager to execute the agreements and any necessary change orders associated with the project and report those changes at the next City Council meeting as recommended by City Staff.

**SERVICE AGREEMENT; METERSYS  
ADVANCED METERING SOLUTIONS:**

2. Service Agreement; MeterSYS Advanced Metering Solutions: Staff recommends City Council approval to enter into a Service Agreement with MeterSYS Service Agreement; MeterSYS Advanced Metering Solutions in the amount of \$339,130.00 to undertake Task Order 3-Project Management and Implementation for the Mueller AMI Meter Reading System.

A copy of the service agreement is on file in the City Clerk's office.

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 to 0 to approve the Service Agreement with MeterSYS Advanced Metering Solutions in the amount of \$339,130.00

to undertake Task Order 3-Project Management and Implementation for the Mueller AMI Meter Reading System as recommended by City Staff.

**BID AWARD;  
OPTIMIST PARK:**

3. Bid Award; Optimist Park: Staff recommends that Council award the low bid of \$94,615.00 to Camp Electric Company, Inc. for the lighting project at Optimist Park Baseball Field.

A copy of the bid tab is hereby incorporated into these minutes by reference. (Refer to page 83).

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 to 0 to award the low bid of \$94,615.00 to Camp Electric Company, Inc. for the lighting project at Optimist Park Baseball Field as recommended by City Staff.

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

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

**BOARD APPOINTMENT;  
PLANNING BOARD:**

1. Board Appointment; Planning Board: Mayor Gibbons recommends that Kaye Reynolds be appointed to serve a four-year term on the Lenoir Planning Board. Ms. Reynolds will be replacing Merlin Perry who recently retired off of the Board. This appointment was announced at the February 5 City Council Meeting.

Upon a motion by Councilmember Stevens, Council voted 6 to 0 to appoint Kaye Reynolds to serve a four-year term on the Lenoir Planning Board.

**RE-APPOINTMENTS:**

2. Mayor Gibbons recommends the following individuals be re-appointed to serve on the following Authorities/Boards/Commissions. These re-appointments were announced at the January 15 City Council Meeting.

Lenoir Tourism Development Authority	Matt Underwood
Lenoir Business Advisory Board	Sean Williams and Kimmie Rogers
Lenoir Housing Authority	Debbie Smith
Parks and Recreation Advisory Board	Michael Dineen and James Robertson

Upon the motion by Councilmember Stevens, Council voted 6 to 0 to re-appoint the above list of individuals as described above and as recommended by Mayor Gibbons.

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

**X. ADJOURNMENT**

A. There being no further business, the meeting was adjourned at 6:40 p.m.

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Shirley M. Cannon, City Clerk

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Joseph L. Gibbons, Mayor

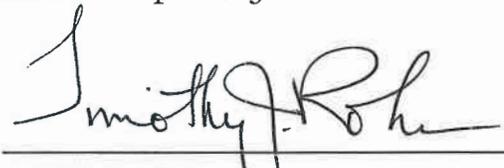
**CITY OF LENOIR, NORTH CAROLINA**

**OATH OF CITY ATTORNEY**

**❧ TIMOTHY J. ROHR ❧**

I, **TIMOTHY J. ROHR**, solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, **TIMOTHY J. ROHR**, further swear that I will execute the duties of the office of **CITY ATTORNEY** for the City of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.

  
\_\_\_\_\_  
**TIMOTHY J. ROHR**

Sworn to and subscribed before me this 19<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
Honorable Richard S. Holloway  
District Court Judge, Judicial District 25





CITY MANAGER  
SCOTT E. HILDEBRAN

CITY OF LENOIR  
NORTH CAROLINA

MAYOR  
JOSEPH L. GIBBONS

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

**PROCLAMATION**

**ROTARY DAY 2019**

**WHEREAS**, Rotary was founded in 1905 in Chicago Illinois, as the world's first volunteer service organization by attorney Paul Harris, and three business associates for the purpose of "developing acquaintance as an opportunity for service," and

**WHEREAS**, Rotary today is comprised of 1.2 million business and professional leaders in over 200 countries and over 32,000 local Rotary clubs dedicated to providing humanitarian service and to helping build goodwill and peace; and

**WHEREAS**, through the Rotary Foundation, Rotary International is the largest private provider of international student scholarships, helping over 1,000 students annually; and

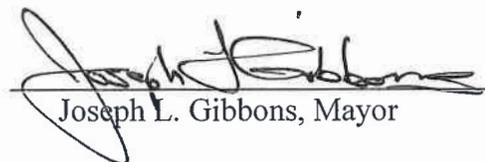
**WHEREAS**, the City of Lenoir is home to two outstanding Rotary Clubs, the Rotary Club of Lenoir, founded in 1930 and the Caldwell Rotary Club founded in 1982; which together contribute thousands of dollars to the community each year through their service endeavors; and

**WHEREAS**, Rotarians seek to direct their service in six areas of focus: peace and conflict prevention/resolution, disease prevention and treatment, water and sanitation, maternal and child health, basic education and literacy, and economic and community development.

**NOW, THEREFORE**, I Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council, do hereby proclaim Saturday, February 23, 2019, as "*Rotary Day 2019*" throughout the City of Lenoir and Caldwell County, in recognition of the service and contributions of Rotarians to the well-being and betterment of our community and the world.

This the 19<sup>th</sup> day of February 2019.

Seal



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk



**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING APPENDIX A OF THE LENOIR CITY CODE TO ADD ARTICLE XVII: HISTORIC PRESERVATION, RELATED TO THE ESTABLISHMENT OF A LOCAL HISTORIC PRESERVATION COMMISSION AND PROCEDURES AND PARAMETERS FOR LANDMARKS, DISTRICTS AND CERTIFICATES OF APPROPRIATENESS, PROVIDING FOR CODIFICATION, AND AN EFFECTIVE DATE.**

**Whereas**, the historical heritage of the City of Lenoir is a valued and important part of the general welfare; and

**Whereas**, the conservation and preservation of that heritage, through the documentation and regulation of historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values; and

**Whereas**, NCGS 160A-400 authorizes the appointment of a Planning Board to serve as the Local Historic Preservation; and

**Whereas**, the Lenoir Planning Board finds and declares that this ordinance and these amendments consistent with the City's adopted Comprehensive Plan, which calls for the preservation of cultural and historic properties and the establishment of local standards for the renovation and re-use of historic properties; and

**Whereas**, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are in the best interest of the public health, safety, and welfare; and

**NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:**

**SECTION 1.** Appendix A of the Code of Ordinances, City of Lenoir, North Carolina, "Zoning" is hereby appended to add Article XVII to read as follows:

**Article XVII: HISTORIC PRESERVATION**

**1700 Purpose.**

Whereas the historical heritage of the City of Lenoir is a valued and important part of the general welfare; and whereas the conservation and preservation of that heritage, through the documentation and regulation of historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values, and pursuant to North Carolina General Statute (NCGS 160A-400.1 to 400.14) this ordinance is enacted in order to:

- A. Safeguard the heritage of Lenoir by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and
- A.B. Promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the City of Lenoir and of the State as a whole.

### **1701 Historic Preservation Commission**

1701.1 Creation and Appointment – The Lenoir Planning Board is hereby created as the Lenoir Historic Preservation Commission, pursuant to general statute 160A-400.7, hereinafter referred to as the “Commission.”

1701.2 Qualification of Members – At least three members of the Planning Board must have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related field.

#### 1701.3 Rules of Procedure

- A. The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this ordinance.
- B. The Commission shall meet at least quarterly. All meetings shall conducted in accordance with the North Carolina Open Meetings Law, G.S. Chapter 143, Article 33C (NCGS 143-318.9 to 318.18).
- C. The Commission shall annually present to the local legislative body a report of its activities, budget, findings, recommendations, and actions, which shall be made available to the public.

1701.4 Powers and Duties – The Commission is hereby empowered to undertake such actions as may be reasonably necessary to the discharge and conduct of its duties and responsibilities as set forth in this ordinance and in the North Carolina General Statutes, including, but not limited to:

- A. organizing itself and conducting its business;
- B. receiving and spending funds appropriated by the Lenoir City Council for operating and performing its duties;
- C. conducting an inventory of properties of historical, archaeological, architectural, and/or cultural interest;
- D. recommending to the Lenoir City Council that individual buildings, structures, sites, areas, or objects within its zoning jurisdiction be designated as “historic landmarks” and that areas within its zoning jurisdiction be designated as “historic districts;”
- E. recommending to the Lenoir City Council that designation of any area as a historic district, or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause;
- F. reviewing and acting on proposals for
  - 1. exterior alteration, relocation, or demolition of designated his landmarks;
  - 2. exterior alteration, relocation, demolition, or new construction properties within designated historic districts;

- G. negotiating with property owners who propose to demolish or relocate a designated landmark, or a building, structure, site, area, or object within a designated district, in an effort to find a means of preserving such properties, including consulting with private civic groups, interested private citizens, and other public boards or agencies;
- H. instituting action, through the Planning Department enforcement staff, to prevent, restrain, correct, or otherwise abate violations of this ordinance or of ordinances designating historic landmarks or districts;
- I. reviewing and acting on proposals for alterations of interior features of designated historic landmarks, as specified, and for which owner consent was given, in the ordinance establishing designation;
- J. appointing advisory bodies or committees as appropriate;
- K. advising property owners about appropriate treatment(s) for characteristics of historic properties;
- L. proposing to the Lenoir City Council amendments to this or to any other ordinance, and proposing new ordinances or laws relating to historic landmarks and districts or to the protection of the historic resources of the City of Lenoir and its environs.

1702 Inventory – The Commission shall use as a guide to identification, assessment, and designation of historic landmarks and districts an inventory of buildings, structures, sites, areas, or objects which are of historic, prehistoric, architectural, archaeological, and/or cultural significance. The Commission shall take steps as necessary to ensure that the inventory reflects information current to within twenty (20) years.

#### 1703 Historic Landmarks

##### 1703.1 Adoption of Ordinance of Designation

- A. The Lenoir City Council may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance must include the following information:
  - 1. the name or names of the owner or owners of the property;
  - 2. description of each property designated by the ordinance, including the address, if applicable, the physical configuration and orientation of the property so designated;
  - 3. describe those elements of the property which are integral to its historic, architectural, archaeological, and/or cultural significance;
  - 4. provide for each designated historic landmark a suitable sign or plaque indicating that the landmark has been so designated; and
  - 5. any other information deemed necessary, within the authority of this ordinance and the general statutes, as determined by the local governing body .
- B. The landmark designation process may be initiated by either the Commission or at the request of a property owner. No ordinance to designate any building, structure, site, area, or object shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

1703.2 Criteria of Designation – To be designated as a historic landmark, a property, building, site, area, or object shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

1703.3 Procedure for Designation

- A. The Commission shall make, or cause to be made, an investigation and designation report that includes:
1. the name of the property to be designated, including both common and historic names if they can be determined;
  2. the name(s) and address(es) of the current owner(s);
  3. the location of the property for which designation is proposed, including the street address and Caldwell County tax map parcel number or parcel identification number;
  4. the dates of original construction and of all later additions or alternations, as applicable;
  5. an assessment of the significance of the building or site as prescribed by this ordinance;
  6. an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, for which designation is proposed;
  7. a historical discussion of the site or structure within its type, period, and locality;
  8. a photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each facade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, siting, scale, proportion, and relationship of features or buildings, structures, or objects to each other; and
  9. a map showing the location of the property, including all outbuildings and appurtenant features.
- B. Pursuant to G.S. 160A-400.6, as amended, the designation report shall be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Commission regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve the City of Lenoir of all responsibility to consider the Department's comments or recommendations concerning the report.
- C. At the expiration of the 30-day review period, the Commission shall hold a public hearing to consider the proposed landmark designation, and shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decisions until completion of a period of further study, not to exceed 60 days. The Commission shall forward to the Lenoir City Council a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for disapproval shall not necessarily prevent any future consideration of a property for designation as a historic landmark.
- D. The Lenoir City Council shall hold a public hearing to consider the proposed ordinance. Reasonable notice of the time and place thereof shall be given. Following the public hearing, the Lenoir City Council shall consider the Commission's designation report, its recommendation(s), the Department of Cultural Resources' recommendation(s), and comments made at the public hearing, and shall adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.
- E. Upon adoption of the ordinance, the Planning Department staff shall, within 30 days of adoption:
1. send the owner(s) of the landmark(s) written notice of such designation, explaining the substance of the Commission's decision, via certified mail with a return receipt requested;
  2. file one copy of the ordinance, and any subsequent amendments thereto, in the office of the Register of Deeds of Caldwell County, which office shall index each historic landmark according to the name of the owner in the grantee and grantor indexes.

3. file a second copy of the ordinance, and any subsequent amendments thereto, in the office of the City Clerk , where it shall be made available for public inspection at any reasonable time.
4. provide a third copy to the Caldwell County building inspector .
5. notify the tax assessor of County name of the landmark designation.

F. In disapproving a designation report, a copy of the minutes of the meeting at which such decision to deny was made shall be mailed to the owner of the property proposed for designation, together with a letter explaining the substance of the City's decision.

#### 1704 Historic Districts

1704.1 Adoption of Ordinance of Designation – The Lenoir City Council may adopt and, from time to time, amend or repeal an ordinance designating a historic district. The ordinance shall include information that describes the physical area proposed for designation, its boundaries, and general historic, architectural, archaeological, and/or cultural significance. The district designation process may be initiated by either the Commission or at the request of any number of property owners. No ordinance to designate a district shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

1704.2 Criteria for Designation – To be designated as a historic district, an area shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

#### 1704.3 Procedure for Designation

A. The Commission shall make, or cause to be made, an investigation and designation report which includes:

1. an assessment of the significance of the buildings, sites, structures, features, objects, or environs to be included in a proposed district and a description of its boundaries; and
2. a map clearly indicating the boundaries of the district and the properties, showing their County name tax map parcel numbers, contained therein.

B. A district designation report must be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the local governing body regarding the substance and effect of the proposed designation. Failure of the Department to respond within 30 days following its receipt of the report shall constitute approval of the report by the Department relieve the City of Lenoir of all responsibility to consider the Department's comments or recommendations concerning the report.

C. At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed 60 days. The Commission shall also review the report acting in their capacity as the Planning Board, following the procedure for zoning map amendments in Article XIV of the Lenoir Zoning Ordinance. The Commission shall forward to the Lenoir City Council a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the district, stating in its recommendation the extent to which the proposed area meets the criteria for designation as set forth in this ordinance. A recommendation

for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of an area for designation as a historic district.

- D. Upon receipt of a recommendation and designation report from the Commission, the Lenoir City Council shall proceed in the same manner as it would for a zoning map amendment in Article XIV of the Lenoir Zoning Ordinance.

1704.4 Revisions to Districts – Changes in the boundaries of an adopted district subsequent to its initial establishment shall be effected as allowed by Sections 1703.1 and 1703.2 of this ordinance and as prescribed in Section 1703.3.

#### 1705 Certificates of Appropriateness

##### 1705.1 Certificate of Appropriateness Required

- A. From and after the designation of a historic landmark or district, no construction, alteration, reparation, rehabilitation, relocation, or demolition of any building, structure, site, area, or object shall be performed upon such landmark or within such district until a Certificate of Appropriateness (or “Certificate”) has been granted by the Historic Preservation Commission. A Certificate shall be required for any and all exterior work, including masonry walls, fences, light fixtures, steps and pavement, any other appurtenant features, any above ground utility structures, and any type of outdoor advertising sign.
- B. A Certificate shall be required in order to obtain a building permit, or any other permit granted for the purposes of constructing, altering, moving, or demolishing structures, and shall be required whether or not a building permit or other permit is required. Any building permit or other permit not issued in conformity with this Section shall be invalid.
- C. For the purposes of this Article, “exterior features” shall include architectural style, general design, general arrangement, kind and texture of material, size and scale, and type and style of all windows, doors, light fixtures, signs, any other appurtenant features, historic signs, historic advertising, color, landscape, and archaeological or natural features.
- D. A Certificate shall be required for specific interior features of architectural, artistic, or historic significance in publicly owned landmarks and in privately owned landmarks for which consent to review has been given in writing by the owner. Such consent shall be filed in the Caldwell County Register of Deeds and indexed according to the name of the property owner in the grantee and grantor indexes and shall bind future owners and/or successors in title. The ordinance establishing historic designation of the property shall specify the interior features subject to review and the specific nature of the Commission’s jurisdiction over those features.
- E. In approving a Certificate, the Commission may attach reasonable conditions necessary to the proper execution of this ordinance.
- F. Commission staff may issue a Certificate for minor works as defined in the Commission’s Rules of Procedure. Minor works shall include the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof.
- G. No application for a minor works Certificate shall be denied without deliberation by the Commission.
- H. Under this section, the Commission shall institute action, through the Lenoir Planning Department, to prevent, restrain, correct, or otherwise abate the construction, reconstruction, alteration, restoration, relocation, or demolition of buildings, structures, appurtenant features, or any other features which would be incongruous with the special character of the landmark or district or violate the provisions of this Section.

### 1705.2 Review Guidelines

Prior to the designation of any historic landmark or district, the Commission shall prepare and adopt guidelines not inconsistent with G.S. 160A-400.1 – 400.14 for constructing, altering, restoring, rehabilitating, relocating, removing, or demolishing of property designated as historic, which guidelines shall ensure, insofar as possible, that changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation.

### 1705.3 Certain Changes not Prohibited

Nothing in this ordinance shall be construed to prevent:

- A. the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof;
- B. the construction, alteration, relocation, or demolition of any such feature, building, or structure when Caldwell County Building Inspector certifies to the Commission that such action is necessary to the public health or safety because of an unsafe or dangerous condition;
- C. a property owner from making of his property any use not otherwise prohibited by statute, ordinance, or regulation; or
- D. the maintenance of, or, in the event of an emergency, the immediate restoration of any existing above ground utility structure without approval by the Commission.

### 1705.4 Delay of Demolition

- A. Except as provided below, a Certificate authorizing the demolition of a designated historic landmark or property located within a designated historic district may not be denied. However, the Commission may delay the effective date of such a Certificate for a period of up to 365 calendar days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of such property as a result of the delay. During the delay period, the Commission shall negotiate with the property owner and with any other party in an effort to find a means of preserving the property as provided in Section 1701.4.
- B. The Commission may deny an application for a Certificate authorizing the demolition or destruction of any designated landmark, or of any property, building, site, object, area, or structure located within a designated district, which the State Historic Preservation Office has determined to be of Statewide Significance, as defined by the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of the property as a result of the denial.
- C. In the event that the Commission has voted to recommend designation of a property as a landmark, or of an area as a district, and such designation has not yet been made by the Lenoir City Council, the demolition of any building, site, object, area, or structure located on the property of the proposed landmark or within the proposed district may be delayed by the Commission up to 180 calendar days or until the Lenoir City Council takes final action on the proposed designation, whichever occurs first. Should the Lenoir City Council approve the designation prior to the expiration of the 180 day delay period, an application for a Certificate of Appropriateness authorizing demolition must then be filed; however, the maximum delay period of 365 days shall be reduced by the number of days elapsed during the 180 day delay while designation was pending.

### 1705.5 Demolition through Neglect

Failure of an owner to regularly, consistently, and fully maintain a designated landmark or any property located within a designated district shall constitute demolition, through neglect, without a valid Certificate of Appropriateness and a violation of this ordinance. The Commission shall institute action, through the Planning Department code enforcement staff, to prevent, restrain, correct, or otherwise abate such demolition, provided such action includes appropriate safeguards to protect property owners from undue economic hardship.

### 1705.6 Applications and Required Procedures

- A. An application for a Certificate shall be obtained from the Lenoir Planning Department. Applications shall be completed in form and in content and filed with the staff at least 20 business days prior to the next regularly scheduled Commission meeting. Late applications shall be deferred until the following regularly scheduled meeting.
- B. The Commission shall have, as detailed in its Rules of Procedure, broad powers to require the submittal, with the application, of pertinent information sufficient to determine an application.
- C. Incomplete applications shall not be accepted.
- D. Before considering an application for a Certificate, the Commission shall notify by mail the owners of any adjacent property. Such notices are convenience of property owners and occupants and no defect or omission therein shall impair the validity of issuing a Certificate or of any subsequent action.
- E. When considering an application for a Certificate, the Commission shall give the applicant and owners of any property likely to be materially affected by the application an opportunity to be heard.
- F. When considering the application, the Commission shall apply the review guidelines required by Section 1705.2 and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact, indicating the extent to which the application is or is not in compliance with review criteria, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the Commission based its decision.
- G. The Commission shall have ninety (90) calendar days following submittal of a complete application within which to act. Failure by the Commission to take final action within such period shall constitute approval of the application as submitted. This period may be extended by mutual agreement between the Commission and the applicant.
- H. A Certificate shall be valid for 180 calendar days from date of issuance, or, in the case of a Certificate for demolition, from the effective date. If the authorized work has not commenced within that period, or has been discontinued for more than 365 calendar days from the date of issuance, such Certificate shall immediately expire and the applicant shall be required to reapply.
- I. If the Commission denies a Certificate, a new application affecting the same property may be submitted, provided a substantial change is proposed in the plans.
- J. An appeal of a final action by the Commission may be made to the Lenoir City Council. Written notice of intent to appeal must be sent to the Commission, postmarked within twenty (20) calendar days following the Commission's decision. Appeals must be filed with the Lenoir City Clerk within sixty (60) calendar days following the Commission's decision and shall be in the nature of certiorari. A decision by Lenoir City Council may be appealed to the superior court of Caldwell County.
- K. A Certificate shall be required for designated landmarks or buildings, structures, sites, areas, or objects within designated districts which are owned by the State of North Carolina or any of its agencies, political subdivisions, or instrumentalities, subject to the regulations of this ordinance and in accordance with North Carolina General Statute 160A-400.9(f).
- L. In the case of any building, structure, site, area, or object designated as a historic landmark or of any property located within a designated historic district being threatened with demolition, as the result of

willful neglect or otherwise, material alteration, rehabilitation, or removal, except in compliance with this ordinance, the Commission, the local governing body, or any other party aggrieved by such action may institute any appropriate action or proceeding to prevent, restrain, correct, or otherwise abate such violation, or to prevent any illegal act or conduct with respect to such property.

1706 Conflict with Other Laws

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of the City of Lenoir, the more restrictive ordinance or regulation shall govern.

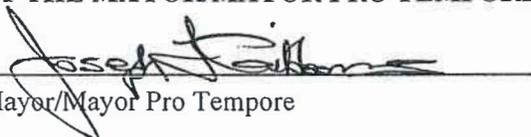
**SECTION 2. CODIFICATION.** The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

**SECTION 3. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

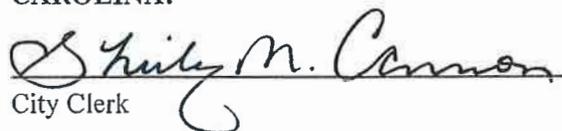
**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 8th day of February and this 15<sup>th</sup> day of February, 2019.

**DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE,** by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 19th day of February, 2019.

**BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:**

  
\_\_\_\_\_  
Mayor/Mayor Pro Tempore

**ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA:**

  
\_\_\_\_\_  
City Clerk

**\*\*[Remainder of page intentionally left blank.]\*\***

**RESOLUTION AFFIRMING THE CITY OF LENOIR'S SUPPORT  
REGARDING IMPLEMENTATION OF A COMPLIANT NPDES MS4 STORMWATER PROGRAM**

A **RESOLUTION** to develop and implement a compliant stormwater management program that meets the requirements of the City of Lenoir's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit number NCS000474 to discharge stormwater, inclusive of the required Stormwater Management Plan to be prepared by the City of Lenoir and approved by the North Carolina Department of Environmental Quality.

**WHEREAS**, Section 402(p) of the federal Clean Water Act required NPDES permits for stormwater discharges from municipal separate storm sewer systems; and

**WHEREAS**, in North Carolina, NPDES Permits are issued by the North Carolina Department of Environmental Quality; and

**WHEREAS**, the North Carolina Department of Environmental Quality issued the City of Lenoir its third NPDES MS4 Permit for discharge of stormwater on February 20, 2017; and

**WHEREAS**, the City of Lenoir was issued Notice of Violation number NOV-2019-PC-0022 on January 24, 2019 for noncompliance with the issued NPDES MS4 Permit; and

**WHEREAS**, the City of Lenoir acknowledges the specific Notice of Violation requirement to obtain an individual NPDES MS4 Permit which does not include co-permittees; and

**WHEREAS**, the City of Lenoir acknowledges the specific Notice of Violation requirement to adopt a Council Resolution to implement a compliant and enforceable stormwater management program as defined by both the NPDES MS4 Permit number NCS000474 and the required approved Stormwater Management Plan, and said resolution is to be submitted to the North Carolina Department of Environmental Quality no later than March 29, 2019; and

**WHEREAS**, the City of Lenoir acknowledges the specific Notice of Violation requirement to develop and implement a Stormwater Management Plan in accordance with Section 402(p)(3)(B)(iii) of the Clean Water Act, 40 CFR 122.34(b) and NPDES MS4 Permit requirements and to submit its Stormwater Management Plan to the North Carolina Department of Environmental Quality for approval no later than July 27, 2019; and

**WHEREAS**, the City of Lenoir acknowledges the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan; and

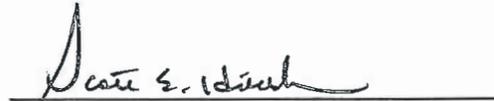
**WHEREAS**, the City of Lenoir acknowledges that North Carolina Department of Environmental Quality enforcement action and penalties could result from non-compliance with the specific requirements in Notice of Violation number NOV-2019-PC-0022; and

**WHEREAS**, the City of Lenoir acknowledges that any North Carolina Department of Environmental Quality enforcement action and penalties may not prohibit the U.S. Environmental Protection Agency from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.

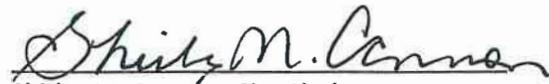
**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Lenoir hereby affirm its support for development and implantation of a compliant NPDES MS4 Stormwater Program.

Adopted this the 19<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
Joseph L. Gibbons, Mayor

  
\_\_\_\_\_  
Scott E. Hildebran, City Manager

ATTEST:

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

CITY OF LENOIR, NC  
CHARTERED  
JANUARY 28, 1851

SEAL

**A RESOLUTION ACCEPTING PETITION FOR DEDICATION OF  
STREET(S)/INFRASTRUCTURE  
IN THE CITY OF LENOIR**

**THAT WHEREAS**, the Developer of Hotel Street & Market Street, Lenoir, Caldwell, North Carolina was desirous of dedicating said street's rights-of way, water and sewer utilities, stormwater structures within rights of way and utility easements to the City of Lenoir; and

**WHEREAS**, the recorded plat for P.B. Realty, Inc. (Market Street & Hotel Street) recorded in Plat Book 33 Page 79 depicts the street and utility easements within the subdivision as being dedicated for public use; and

**WHEREAS**, construction of Market Street and Hotel Street, including all underground utilities, stormwater drainage systems, asphalt paving, and concrete curb and guttering and sidewalks, has been completed; and

**WHEREAS**, the street, water and sewer utilities and stormwater structures were constructed in accordance with city standards and the Director of Planning and Community Development, Public Works and Utilities Director and City Manager recommend that the City officially accept the street, water and sewer utilities, stormwater structures and utility easements so that the City can be legally responsible for the maintenance and upkeep of the street, water and sewer utilities and stormwater structures;

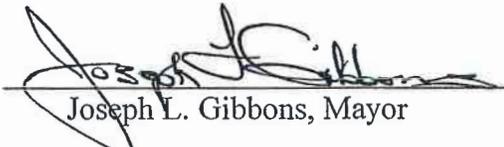
**NOW, THEREFORE, BE IT RESOLVED AND ESTABLISHED** by the Lenoir City Council of the City of Lenoir, North Carolina this 19rd day of February, 2019, as follows:

**SECTION I.** That, pursuant to N.C.G.S. Chapter 160A, Articles 15 and 16, the street and rights-of-way, water and sewer utilities, stormwater structures and utility easements offered for dedication as shown on a map entitled: "P.B. Realty, Inc. Subdivision" prepared by Western Carolina Surveyors, P.A. dated April 24, 2014, a copy of said map being incorporated herein, and by reference made a part hereof. Said map also being recorded in Plat Book 33 Page 79 of the Caldwell County Registry is hereby accepted as public facilities of the City of Lenoir, NC.

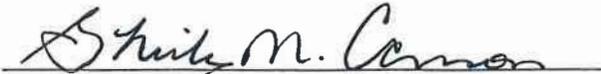
**SECTION II.** That this Resolution shall be and the same is hereby effective from and after the date of its adoption.

This the 19<sup>th</sup> day of February, 2019.

SEAL

  
Joseph L. Gibbons, Mayor

ATTEST:

  
Shirley M. Cannon, City Clerk

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

**I. Agenda Item:**

**Mulberry Recreation Center/Optimist Park Addition Improvements:  
Bid request: Camp Electric Company Inc. for lighting project at Optimist  
Park Baseball Field in the amount of \$94,615.00**

**II. Background Information:**

**This is part of the Parks and Recreation Trust Fund Grant for the  
Mulberry Optimist Park Project.**

**Bids: Camp Electric Company Inc. \$94,615.00  
Medallion Athletic products, Inc. \$112,625.00  
Qualite Sports Lighting, LLC \$115,175.00**

**III. Staff Recommendation:**

**Staff recommends to approval the bid to Camp Electric Company Inc. in  
the amount of \$94,615.00**

**IV. Reviewed by:**

**City Attorney:**

**Finance Director:**

**Public Works/Public Utilities Director:**

**Planning Director:**

**Recreation Director: Kenny Story**