AGENDA

CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, JUNE 18, 2024
6:00 P.M.

I. CALL TO ORDER

A. Moment of Silence & Pledge of Allegiance

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

A. Budget Amendments; Annual Budget Ordinance Ending FY2024: Staff request approval of the following Budget Amendments to the Annual Budget Ordinance for the fiscal year ending June 30, 2024 as follows:
   1. Approve the utilization of additional general fund revenues for needed expenditures.
   2. Approve the allocation of general fund expenditures for such obligations as professional services and for needed repairs for various equipment and buildings during the fiscal year.
   3. Approve the reallocation of enterprise fund expenditures.
   4. Approve the revision of the Wayfinding Signs Capital Project Budget Ordinance to add embellishments.
   5. Approve the funding for Main Street Expenditures.

B. Capital Project Budget Ordinance; Wayfinding Signs Capital Project: Staff request City Council adopt the revised Capital Project Budget Ordinance for the Wayfinding Signs Capital Project in the amount of $629,500.00 as submitted. Note: The project is to be funded by an ARC Grant, ARPA Revenue Replacement funds, local funds and an allocation from the Lenoir Tourism Development Authority (LTDA.)

C. FY2024-2026 Paving Bid Award: Following review of the bids submitted for this contract, Staff recommends awarding the contract to J.T. Russell & Sons, Inc. for a unit price of $110.30/ton for a two-year period. Note: J.T. Russell & Sons, 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. J.T. Russell & Sons, Inc. bid included the required bid security (bond) and an escalator clause for unit price adjustment based on liquid asphalt price fluctuation.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

1. A Summer Concert Series will be held on Friday, June 21 from 7:00 p.m. – 10:00 p.m. with the band Opal Moon performing on the downtown stage. The band Misty D & the Rhythm Kings will perform on Friday, June 28 & Dial Up Radio is scheduled on

Friday, July 5.

2. The movie “Migration” will be shown on Saturday, June 29 at 7:00 p.m. at the former LHS Auditorium.
3. City offices will be closed on Thursday, July 4 in observance of Independence Day.
4. The City of Lenoir fireworks show will be held on Thursday, July 4 beginning at 9:30 p.m. at Optimist Park.
5. A Cruise-In is scheduled on Saturday, July 6 beginning at 3:00 p.m. in downtown Lenoir.
6. The NC Blackberry Festival will be held on Friday, July 12 & Saturday, July 13 in downtown Lenoir.

B. Items for Council Action

1. Acceptance of Offer to Purchase; Sealed Air Corporation: Staff recommends Acceptance of an Offer to Purchase the Fire Pump and Fire Pump Premises in the amount of $1,000 as submitted by Seth Bradshaw, Plant Manager, Sealed Air Corporation. The Fire Pump and Fire Pump Premises is located at 2001 International Boulevard, Hudson Township, Caldwell County, NC, NCPIN#2766197237 and Parcel ID Number 03-30-1-10. The metes and bounds are included in their submitted documents along with a map of the property.

   Note: The legal advertisement for the Notice of Offer to Purchase Real Property will be published in the News Topic starting a ten (10) day upset bid period as required by N.C.G.S. §160A-269 following Council’s Acceptance of the Offer to Purchase.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

A. Pursuant to N.C.G.S.§143-318.11.4, City Council will enter into closed session to discuss economic development.

X. ADJOURNMENT

CITY OF LENOIR

COUNCIL ACTION FORM

I. Agenda Item:

Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2024.

II. Background Information:

Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2024 as follows:

- **Budget Amendment:**
  - **Approve the utilization of additional general fund revenues for needed expenditures.**
  - **Approve the allocation of general fund expenditures for such obligations as professional services and for needed repairs for various equipment and buildings during the fiscal year.**
  - **Approve the reallocation of enterprise fund expenditures.**
  - **Approved the revision of the Wayfinding Signs Capital Project Budget Ordinance to add embellishments.**
  - **Approve the funding for Main Street Expenditures.**

III. Staff Recommendation: Approve amendments as requested.

IV. Reviewed by:

City Attorney:

Finance Director: *Donna Bean*

2023-2024 FISCAL YEAR

BUDGET AMENDMENT

JUNE 18, 2024

Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2024 as follows:

ITEM 1: ADJUSTMENT TO ALLOCATE ADDITIONAL REVENUES.

ACCOUNT #	DEPARTMENT	INCREASE	DECREASE
3000	TAX PENALTIES & INTEREST	60,000.00	
3231	SALES TAX DIST - ART 39	150,000.00	
3471	ROLL OUT CONTAINERS	20,000.00	
3322	BEVERAGE DIST	10,000.00	
3232	SALES TAX DIST - ART 40	115,000.00	
3235	SALES TAX DIST - HOLD HARMLESS	110,000.00	
NET EFFECT ON GENERAL FUND BUDGET		**465,000.00**	**-**

ITEM 2: ADJUSTMENTS TO THE GENERAL FUND TO ALLOCATE ADDITIONAL REVENUE.

ACCOUNT #	DEPARTMENT	INCREASE	DECREASE
4110	LEGISLATIVE	35,000.00	
4120	ADMINISTRATIVE	195,000.00	
4130	FINANCE		70,000.00
4250	VEHICLE SERVICES		15,000.00
4260	BUILDING MAINT.	25,000.00	
4310	POLICE SUPPORT	75,000.00	
4311	POLICE DET.		30,000.00
4312	POLICE PATROL	15,000.00	
4341	FIRE SUPPRESSION		15,000.00
4710	SANITATION	50,000.00	
4512	STREET TRAFFIC CONTROL	45,000.00	
4710	SANITATION	25,000.00	
4740	CEMETERIES	40,000.00	
4910	PLANNING	70,000.00	
6120	REC ADMIN		25,000.00
6130	PARKS	45,000.00	
	TOTAL INCREASE/DECREASES	620,000.00	155,000.00
NET EFFECT ON GENERAL FUND BUDGET		**465,000.00**	**-**

ITEM 3: ADJUSTMENTS TO THE WATER AND SEWER FUND WITH A ZERO NET EFFECT ON FUND BALANCE.

ACCOUNT #	DEPARTMENT	INCREASE	DECREASE
	WATER FUND		
7130	RHODHISS PLANT	50,000.00	
7131	WATER DIST.		55,000.00
7133	WATER ADMIN	45,000.00	
7140	WASTEWATER COLLECTION		65,000.00
7142	GUNPOWDER		35,000.00
7143	LOWER CREEK	60,000.00	
	TOTAL INCREASE/DECREASES	155,000.00	155,000.00
NET EFFECT ON WATER AND SEWER FUND BUDGET		**-**	

ITEM 4: REVISE THE WAYFINDING CAPITAL BUDGET ORDINANCE TO ADD EMBELLISHMENTS.			
ACCOUNT #	**DEPARTMENT**	**INCREASE**	**DECREASE**
3981	WAYFINDING	38,000.00	
4130	FINANCE		38,000.00
ITEM 5: ADJUSTMENTS TO THE MAIN STREET BUDGET.			
ACCOUNT #	**DEPARTMENT**	**INCREASE**	**DECREASE**
3981	TRANSFER FROM GEN FUND	35,000.00	
4920	MAIN STREET	35,000.00	
NET EFFECT ON MAIN STREET BUDGET		**35,000.00**	

CITY OF LENOIR
COUNCIL ACTION FORM

I. **Agenda Item**: Consideration of a revision to the Capital Project Budget Ordinance for the Wayfinding Signs Capital Project.

II. **Background Information:** Attached for your consideration is a revision to the Capital Project Budget Ordinance to add embellishments and authorize activities and expenditures for the design, construction, installation, and project administration for the Wayfinding Signs Capital Project. The project is to be funded by an ARC Grant, ARPA Revenue Replacement funds, local funds and an allocation from the Lenoir Tourism Development Authority (LTDA).

III. **Staff Recommendation:** Request City Council to adopt the revised Capital Project Budget Ordinance for the Wayfinding Signs Capital Project in the amount of $629,500.00.

IV. **Reviewed By:**

City Attorney:

Finance Director: *Donna Bean*

Public Works/Public Utilities Director:

Capital Project Ordinance for the City of Lenoir
Revised Wayfinding Signs Capital Project

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

Section 1: The project to authorize activities for the Wayfinding Signs Capital Project to include the expenditure of funds for the design, construction, installation, and project administration for the Wayfinding Signs Capital Project. The project is to be funded by an ARC Grant, ARPA Revenue Replacement funds, local funding and an allocation from the Lenoir Tourism Development Authority (LTDA).

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

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

Description	Budget	Revision	Revised Budget
Wayfinding Signs Construction, Installation & Design	$591,500.00	$38,000.00	$629,500.00
Total Expenditures	$591,500.00	$38,000.00	$629,500.00

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

Description	Budget	Revision	Revised Budget
ARC Grant Funding	$250,000.00		$250,000.00
ARPA Revenue Replacement Funds	$291,500.00		$291,500.00
LTDA Allocation	$50,000.00		$50,000.00
Local Funding		$38,000.00	$38,000.00
Total Revenue	$591,500.00	$38,000.00	$629,500.00

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

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

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

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

Revised this 18th day of June, 2024.

_____
Mayor

_____
Clerk

CITY OF LENOIR

COUNCIL ACTION FORM

I. Agenda Item:

Bid Award: 2024-2026 Asphalt Resurfacing Contract

II. Background Information:

In June, 2024, Public Works staff assembled the bid package for the upcoming FY 2024 – FY 2026 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 five (5) bid packages were distributed, and Public Works staff held a *Pre-Bid Meeting* with interested parties to discuss bidding and project execution requirements on June 05, 2024. Minutes from the Pre-Bid Meeting and Addendum No. 1 were distributed following the meeting. Bids were received, publicly opened, and read aloud on June 14, 2024, 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*

III. Staff Recommendation:

Following the review of bids submitted for this contract, staff recommends awarding the contract to J.T. Russell & Sons Inc. for a unit price of $110.30/ton. J.T. Russell & Sons 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. J.T. Russell & Sons Inc. 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:

V. Public Works/Public Utilities Director: Jonathan Hogan

BID TAB

Public Bid Opening
2024-2026 Asphalt Resurfacing Contract
City of Lenoir
June 13, 2024, 2:00 p.m. local time

Contractor	Bid Security	Unit Price/Ton
M & K Enterprises LLC	Yes	$164.23
Maymead	Yes	$159.00
Tri-County Paving, Inc.	Yes	$121.00
J.T. Russell & Sons Inc.	Yes	$110.30
Midstate Contractors Inc.	N/A	NO BID

Jonathan Hogan

Jonathan Hogan
Public Works Director

Bid Advertisement

The City of Lenoir will be receiving bids for **4,000 (+-)tons of S9.5B Asphalt Concrete each year delivered in place for a two-year period beginning July 1, 2024 and ending on June 30, 2026.** Please submit the unit price per ton that will continue through the paving season of July I, 2024 until June 30, 2026.

A pre-bid meeting will be held on Wednesday, June 5, 2024, at 2:00 P.M. at the City of Lenoir Public Works Facility, 510-B Greer Circle, SW, Lenoir, C 28645. Attendance at this meeting is NOT mandatory but is strongly encouraged.

This contract is subject to N. C. General Statutes 44A-26 and 143-129 and will require a Bid Deposit or Bond, Performance Bond, and Payment Bond.

The proposals are to be submitted by:

Thursday, June 13, 2024, 2:00 P. M.

to Mr. Jonathan Hogan, Public Works Director, 510-B Greer Circle, SW, Lenoir, NC 28645-0958. No bids will be accepted after the date and time identified above. Mr. Hogan's phone number is (828) 757-2183. Please contact Mr. Hogan with any questions. Please use the attached proposal sheet found at the back of the bid packet.

The proposals will be opened promptly at the City of Lenoir Public Works Facility, 510-B Greer Circle, SW, Lenoir, NC 28645 by Mr. Jonathan Hogan, Public Works Director, on Thursday, June 13, 2024 at 2:00PM. All bidders and the public are invited to attend the bid opening.

If the proposals are mailed please address your proposal to:

City of Lenoir
Attention: Mr. Jonathan Hogan
Public Works Director
P. 0. Box 958
Lenoir, NC 28645-0958

CITY OF LENOIR

COUNCIL ACTION FORM

I. Agenda Item: Consideration to accept an offer from Sealed Air Corporation to purchase the fire pump house located on their property. If accepted, this offer is subject to the upset bid process.

Background Information: In 1978 International paper built the facility that currently houses Sealed Air Corporation. At this time the Town of Hudson Water department began supporting the fire pump with repairs and alarm monitoring. In 1979 the fire pump premise was, by warranty deed, conveyed to the Town of Hudson and its successors. In 1993 Sealed Air purchased the site. Hudson Water department continued support of the fire pump station. In 1999, the City of Lenoir purchased the Town of Hudson water system and, as a successor, received the fire pump property. Sealed Air Corporation has, for the past 20+ years, maintained the fire pump and house. Since Sealed Air Corporation maintains all aspects of the facility, except for paying the power bill, the company feels it is in their best interest to own the fire pump premises outright.

§ 160A-269. Negotiated offer, advertisement, and upset bids.

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars ($1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)

II. Staff Recommendation: Staff recommends City Council approve the offer to purchase by Sealed Air Corporation of the fire pump premises located on their property, as presented. This will begin the upset bid process.

III. Reviewed by:

City Attorney: *yes*

Finance Director: _____

Public Works/Public Utilities Director: *Jeff Church*

CITY OF LENOIR
RESOLUTION AUTHORIZING UPSET BID PROCESS FOR THE FIRE PUMP PREMISES DESCRIBED IN DEED BOOK 724, PAGE 296

WHEREAS, the City of Lenoir owns certain property, the fire pump premises described as follows in that Special Warrant Deed at Volume 724, Page 296:
Starting at a reference point, a point in the center line on the C and NW Railroad Track, said point also being in the center line of a 40 foot street leading from old Highway 321 in the International Paper Company line: thence two reference lines as follows: South 25º31'09" East 20.00 feet to a point in the center of the railroad track; South 63º09'26" West 50.01 feet to an iron stake on the west right-of-way of the railroad track, the true point of beginning; thence with the right-of-way for two calls South 25º31'09" East 30.90 feet to an iron stake: South 28º41'31" East 9.10 feet to an iron stake; thence leaving the right-of-way for three new calls: South 68º09'26" West 50.50 feet to an iron stake; North 25º31'09" West 40.00 feet to an iron stake; North 63º09'26" East 50.00 feet to an iron stake, the true point of beginning, containing 2,002 square feet by coordinates as surveyed by Western Carolina Surveyors, T. R. Bishop, R.L.S., on the 2nd day of January, 1979; and

WHEREAS, North Carolina General Statute § 160A-269 permits the city to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of $1,000, submitted by Sealed Air Corporation of Hudson, NC; and

WHEREAS, Sealed Air Corporation of Hudson, NC has paid the required five percent (5%) deposit on his offer;

THEREFORE, THE CITY COUNCIL OF THE CITY OF LENOIR RESOLVES THAT:

1. The City Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.

2. The city clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.

3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the city clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the city clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

4. If a qualifying higher bid is received, the city clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first $1,000.00 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The city will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The city will return the deposit of the final high bidder at closing.

7. The terms of the final sale are that

— the City Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and

— the buyer must pay with cash at the time of closing.

8. The city reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate city officials are authorized to execute the instruments necessary to convey the property to Sealed Air Corporation.

This the 18th day of June, 2024.
SEAL

_____
Joseph L. Gibbons, Mayor

ATTEST:

_____
Shirley M. Cannon, City Clerk

SEE
Automation • Digital • Packaging

June 11, 2024

City of Lenoir
801 West Ave NW
Lenoir, NC 28645
jeff.church@CI.LENOIR.NC.US
Attn: Jeff Church, Representative of Lenoir City Council

Dear Representatives of Lenoir City Council:

Please accept this bid from Sealed Air Corporation in the amount of One Thousand Dollars ($1,000.00) for the purchase of all right, title and interest in and to the Fire Pump (defined below) together with the Fire Pump Premises on which it is located described as 2001 International Boulevard, Hudson Township, Caldwell County, North Carolina. The entirety of the Fire Pump shall include its 4 wall structure, roof, backflow check valves, tooling, controls and any and all other appurtenances thereunto belonging ("the Fire Pump ").

The Fire Pump Premises is additionally described as follows in that Special Warrant Deed at Volume 724, Page 296:

Starting at a reference point, a point in the center line on the C and NW Railroad Track, said point also being in the center line of a 40 foot street leading from old Highway 321 in the International Paper Company line; thence two reference lines as follows: South 25° 31'09" East 20.00 feet to a point in the center of the railroad track; South 63°09'26" West 50.01 feet to an iron stake on the west right-of-way of the railroad track, the true point of beginning; thence with the right-of-way for two calls: South 25°31'09" East 30.90 feet to an iron stake; South 28°41'31" East 9.10 feet to an iron stake; thence leaving the right-of-way for three new calls: South 68°09'26" West 50.50 feet to an iron stake; North 25°31'09" West 40.00 feet to an iron stake; North 63°09'26" East 50.00 feet to an iron stake, the true point of beginning, containing 2,002 square feet by coordinates as surveyed by Western Carolina Surveyors, T. R. Bishop, R.L.S., on the 2nd day of January, 1979.

As the City of Lenoir is aware and with its full approval, Sealed Air Corporation has been paying all expenses / costs associated with the maintenance, repair and replacement of the Fire Pump for several years. To date, this amount has totaled approximately $165,000. Therefore,

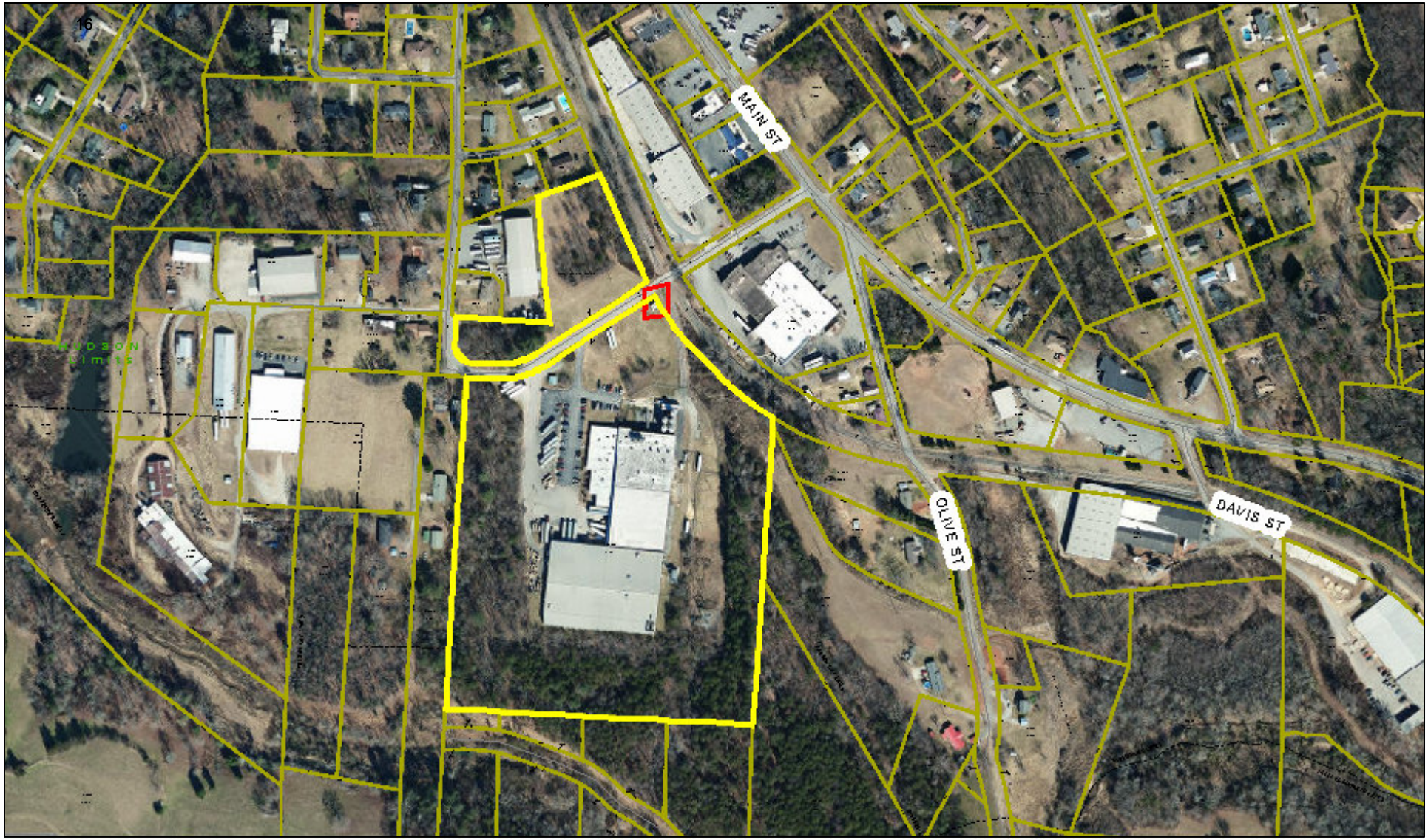
we believe this bid is reasonable and appropriate for the purchase of the Fire Pump and the Fire Pump Premises.

Sealed Air Corporation respectfully requests that the City Council of Lenoir accept the bid in the amount of $1,000 and approve the transfer of all right, title and interest in and to the Fire Pump and Fire Pump Premises to Sealed Air Corporation in accordance with the City of Lenoir's conditions, policies, procedures and regulations.

Sincerely,

Seth Bradshaw
Plant Manager, Lenoir
(828) 726-2127
seth.bradshaw@sealedair.com

cc: Lori Tylinski
VP, Americas Regional General Counsel
(201) 286-9929
lori.tylinski@sealedair.com



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

Owner	SEALED AIR CORPORATION C/O DUCHARME, MCMILLEN & ASSOC PO BOX 80615 INDIANAPOLIS, IN 46280
Acct Number	34423
Parcel ID	03 30 1 10
NCPIN	2766197237

Deferred Val	$
Assessed Val	$2,110,200
Calc Acreage	21.37190925
Land Units	22.86 (**)
Legal Desc	1089/1621 1993 0.00
Plat Ref	00000/00000
Property Addr	2001 INTERNATIONAL BV

Fire Pump Premises

1:4,625

0 0.0375 0.075 0.15 mi

0 0.05 0.1 0.2 km

June 13, 2024