City Council
Meeting Minutes
Tuesday, June 16, 2026
6:00 PM

Present: Mayor Joe Gibbons presiding. Mayor Pro-Tem Ike Perkins, Councilmembers present were Jonathan Beal, Rebecca Dellinger, Ralph Prestwood, Kimmie Rogers, David Stevens, Crissy Thomas, City Manager Scott Hildebran, City Clerk Lauren Hartley, and Attorney Timothy Rohr.

City Staff: In attendance was Finance Director Donna Bean, Public Services Public Works Director Jon Hogan, Communication & Public Information Director Joshua Harris, Police Chief Andy Wilson, Planning Director Hannah Williams, City Parks & Recreation Director Phil Harper, Economic Development Main Street Director Brenda Floyd, Assistant Fire Chief/Fire Marshall Chris Jacobs, and Community Engagement Coordinator Ashley Smith.

Absent Public Services Public Utilities Director Jeff Church, and Fire Chief Norman Staines.

I. Call to Order

Mayor Gibbons thanked everyone in attendance for the reception held for the Leadership Lenoir class prior to the City Council meeting.

Mayor Gibbons also announced South Caldwell High School women's softball team won the 2026 NCHSAA 6A State Championship, South Caldwell High School baseball team was the runner-up for the NCHSAA 6A Baseball State Championship, Hibriten High School women's soccer team was the runner-up for the NCHSAA 4A State Womens Soccer Championship, Caldwell Community College and Technicial Institute's softball team was runner-up in the NJCAA Division III Softball World Series, and their baseball team was also in the NJCAA Division III Region 10/Mid-Atlantic Championship. Mayor Gibbons said the city is proud of all the athletic teams in Caldwell County.

A. The meeting was opened by a moment of silence and the pledge of allegiance led by Mayor Gibbons.

B. Special Recognition Leadership Lenoir: Communication & Public Information Director Joshua Harris said the Leadership Lenoir program promotes civic learning and engagement to learn about local government. This program started in March 2026 and has held 12 classes. Harris said he appreciates the class for being willing to learn and invest their time. Some of the topics discussed were local government, Communications, Planning, Public Safety, Water & Sewer, Streets & Sanitation, Parks & Recreation, Western Piedmont Council of Governments, Main Street, Historic Preservation, and Finance.

Director Joshua Harris and Mayor Gibbons presented certificates of achievement

to the Leadership Lenoir graduates.

Mayor Gibbons thanked the class for participating and attending the meeting.

II. Matters Scheduled for Public Hearings

A. Historic Preservation Commission: A public hearing was held for consideration of approval of the ordinance amendments following consideration at the May 11, 2026, Planning Board Meeting. The Planning Board has served as the City's Historic Preservation Commission (HPC) since the commission was established in 2019, in accordance with NCGS 160D-303(b), which requires that at least three members have a demonstrated special interest or expertise in historic preservation or related fields such as history, architecture, or anthropology. The proposed ordinance amendments would re-establish the HPC as a separate five-member board. Currently, five Planning Board members who meet the required qualifications are willing to continue serving on the re-established commission.

Mayor Gibbons opened the public hearing and asked Planning Director Hannah Williams to speak about the proposed ordinance amendments.

Planning Director Hannah Williams said this would be for amendments to change the structure of the commission from being Planning Board members to an appointed board. The five Planning Board members that currently serve and that have demonstrated special interest in Historic Preservation will continue to serve.

Director Williams stated their names and year of term ending for the record.
Historic Preservation Commission Board
John Arnaud (2027)
Edward Terry (2027)
Lucy McCarl (2027)
Kyle Case (2029)
Sharon Bryant (2028)

Mayor Gibbons asked if anyone would like to address the council concerning this public hearing.

Planning Director Williams said Lenoir is interested in receiving a Historic Preservation status called Certified Local Government. Receiving this status would open up funding opportunities. A part of this certification is having a Historic Preservation Commission with five members having a demonstrated special interest in those topics.

Mayor Gibbons closed the public hearing.

Upon a motion by Mayor Pro-Tem Perkins, City Council voted 7 to 0 to approve the ordinance amendments for the Historic Preservation Commission, as presented.

III. Consent Agenda Items

Mayor Gibbons presented the following items:

A. Minutes: Approval of the City Council minutes of the meeting of Tuesday, June2, 2026, as submitted.

B. Budget Ordinance Amendment: Staff request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2026, as submitted.

C. Bid Award 2026-2028 Asphalt Resurfacing Contract: Following review of thebids submitted for this contract, staff recommends awarding the contract to J.T. Russell & Sons, Inc. for a unit price of $140.75/ton for a two-year period. 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, as submitted.

D. Ordinance amendments: Flood Damage Prevention; First Reading; The Emergency Management Division of the NC Department of Public Safety re-issued the Non-Coastal model flood damage prevention ordinance in March 2026 with more details, more compliance with FEMA/National Flood Insurance Program, and stronger enforcement mechanisms. Staff recommends call for a Public Hearing on July 21, 2026 to consider ordinance amendments relating to Page 1 of 86 Chapter 9 (Flood Damage Prevention) of the Lenoir Code of Ordinances, as submitted.

E. Authorizing Resolution: NC Department of Commerce: City Council consider and adopt the Authorizing Resolution for NC Department of Commerce Building Reuse Grant Submission for “Project Pillar” with the City of Lenoir serving as the formal applicant, as required by grant regulations. The grant request will be for $165,000. The local government 5% ($8,250) grant match requirement provided through the Caldwell County Sales Tax Reinvestment Fund for the project. The company expects to create 37 new full-time jobs with an average salary for these positions projected at $55,727, as submitted.

Councilmember Stevens said item (E) reads "formal" instead of "former", just for clarification.

Upon a motion by Councilmember Stevens, City Council voted 7 to 0 to adopt the above listed items (A through E) on the Consent Agenda as listed and recommended.

IV. Requests and Petitions of Citizens

There were no Requests and Petitions of Citizens.

V. Reports and Boards and Commissions

There was no report from Boards and Commissions.

VI. Reports and Recommendations of the City Manager

A. City Manager Scott Hildebran presented the following items of information:

1. The City is hosting a Juneteenth Celebration at the Downtown Lenoir Stageon Friday, June 19, from 4:00 p.m. to 9:00 p.m. The event is free to the public.

2. The Appalachian Rhythm Clogging and Dance studio will perform a Rhythm Rewind Pop-Up Recital on Saturday, June 20, from 10:00 a.m. to 11:30 a.m. at the Downtown Lenoir Stage.

3. The Committee of the Whole will meet on Tuesday, June 23, at 8:30 a.m. at City Hall, Third Floor.

4. The Foothills Regional Airport Authority will meet on Wednesday, June 24, at noon.

5. City Offices are closed in observance of Independence Day on Friday, July 3.

6. The annual Fireworks Event will be held on Saturday, July 4, beginning at 9:30 p.m. at the Lenoir Optimist Park.

7. Friday Night Live concert featuring Scarlet Darling will be held Friday, July 10, from 7:00 p.m. to 10:00 p.m. at the Downtown Lenoir Stage.

8. The North Carolina Blackberry Festival will be held on Friday, July 10, and Saturday, July 11, in downtown Lenoir. The festival is open from 5:00 p.m. to 9:00 p.m. on Friday and from 9:00 a.m. to 9:00 p.m. on Saturday.

9. The Crack of Dawn Dash will be held Saturday, July 11, at 7:00 a.m.

10. The Planning Board will meet on Monday, July 13, at 5:30 p.m. at the City/County Chambers.

11. Friday Night Live concert featuring Wild Canyon will be held Friday, July 24, from 7:00 p.m. to 10:00 p.m. at the Downtown Lenoir Stage.

VII. Reports and Recommendations of the City Attorney

There was no report from the City Attorney.

VIII. Reports and Recommendations of the Mayor

Mayor Gibbons recommended Emmanuel Byers to be appointed to the Parks and Recreation Board for an unexpired term (2029). This appointment will be placed on the July 28 City Council agenda for Council's consideration of approval.

IX. Reports and Recommendations of Council Member

Councilmember Rogers announced a Learn Grow Share event will be held at Unity Park & Community Gardens on Friday, June 19, from 5:00 p.m.-7:00 p.m.

X. Adjournment

There being no further business, Mayor Gibbons adjourned the meeting at 6:27 p.m.

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Lauren Hartley, City Clerk

Joseph L. Gibbons, Mayor

Special Recognition:

Leadership Lenoir Citizen Learning Academy 2026 Graduates

Communication & Public Information Director Joshua Harris will present certificates of achievement to the Leadership Lenoir graduates. Director Harris started Leadership Lenoir Civic Learning Academy in March this year. Council will recognize everyone who completed the academy. Find out more about the class at https://www.cityoflenoir.com/leadershiplenoir.

In March this year, Communication & Public Director Joshua Harris started the new Leadership Lenoir Civic Learning Academy. The academy offers 12 sessions covering local government in Lenoir and presentations from Department Directors about the City's departments, programs, and services. Students spent more than 24 hours learning about what the City of Lenoir offers residents and visitors.

Tonight, Tuesday, June 16, 2026, City Council will recognize the inaugural class of Leadership Lenoir.

Leadership Lenoir 2026 Graduates

- Alecia Harshaw
- Becky Gibbons
- Brian Haile
- Cindy Covington
- Cori Harper
- Donna Phillips
- Isaiah Deskins
- Jerri Pitz
- Jodi Bentley
- Joy Walker
- Juliet Fulmer
- Maggie Hlywa
- Peter Lindberg
- Rebecca Hites
- Sarah Christas
- Shay Rosenberger
- Susan Gray
- Trena Patton
- Shana Oakley

Thank you to City Council and the City Manager for supporting the program. And a big thank you to all the Department Directors for taking the time to create presentations for the class.

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING CHAPTER 2, ARTICLE V AND APPENDIX A OF THE LENOIR CITY CODE TO RE-ESTABLISH THE HISTORIC PRESERVATION COMMISSION SEPARATE FROM THE LENOIR PLANNING BOARD, PROVIDING FOR CONDIFICATION, 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 160D-303 describes the composition and process of designating a historic preservation commission; 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. ARTICLE V. - BOARDS, COMMISSIONS AND DEPARTMENTS

Division 7. – Historic Preservation Commission

Sec. 2-291. – Establishment of a Historic Preservation Commission

There is hereby established a Commission which shall be known as the Lenoir Historic Preservation Commission. Its jurisdiction shall include the City of Lenoir. The commission shall consist of five regular

members, who shall be citizens of the City of Lenoir or its Extra-Territorial Jurisdiction, appointed by the Mayor and approved by the City Council. All members 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. The Historic Preservation Commission is assigned all of the powers and duties outlined in NC GS 160D-942.

Sec. 2-292. – Officers.

The Commission shall elect a chairperson and create and fill such offices as it may determine to be necessary. The term of the chairman and other officers shall be determined by the rules of procedure as adopted by the Commission.

Sec. 2-293. – Meetings generally.

The Commission shall hold at least one meeting quarterly, and all of its meetings shall be open to the public. The Commission shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which record shall be a public record.

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SECTION 2. Appendix A. Article XVII. – Historic Preservation

~~1701.1 Creation and Appointment – The Lenoir Planning Board is hereby created as the Lenoir Historic Preservation Commission, pursuant to general statute 160D-303(b), 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.~~

1701.5 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 Statute (160d-942), 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:

1. 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 a "historic district."~~

2. areas within its zoning jurisdiction be designated as a "historic district."

3. 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;

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L. Publish information about, or otherwise inform the owners of property within the historic district or of designated historic landmarks, of any matters pertinent to its duties, organization, procedures, responsibilities, functions or requirements.

M. Cooperate with the state, federal and local governments in pursuance of the purposes of this section. The City Council, or the Commission when authorized by the City Council, may contract with the State of North Carolina or the United States of America, or any agency of either, or with any other organization, provided the terms are not inconsistent with state or federal law, for services or funds.

N. Act as, establish or designate a group, body or committee to give advice to property owners concerning the treatment of the historical and visual characteristics of their properties, such as fenestration, architectural and landscape features. The group shall act in a strictly advisory capacity to property owners, and shall abstain from offering recommendations outside of advertised meetings of the Commission prior to the Commission's decision on any application(s) for a certificate of appropriateness for proposed work on the property.

O. Take steps during the period of postponement of demolition of any historic property to ascertain what the City Council can or may do to preserve such properties, including consultation with private civic groups, interested private citizens and other public boards or agencies, including investigation of potential acquisition by the city when the preservation of a given historic property is clearly in the interest of the general welfare of the community, and such property is of certain historic, architectural and archaeological significance.

P. Assist city staff in obtaining the services of private consultants to aid in carrying out programs of research or analysis.

Q. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof, provided that no member, employee or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.

R. Exercise such other powers and perform such other duties as are required elsewhere by this section, the General Statutes of North Carolina or by the City of Lenoir.

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1705.6 Applications and Required Procedures

All decisions of the commission in granting or denying a certificate of appropriateness may be appealed to the ~~Lenoir City Council~~ Superior Court in the nature of certiorari. Appeals must be filed with the Lenoir City Clerk within 30 days of the receipt of written notice of the decision. To the extent applicable, the provisions of G.S. 160D-1402 apply to appeals in the nature of certiorari to the city council.

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SECTION 3. 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 4. 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, this 3rd day of June and this 10th day of June, 2026.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the majority of a quorum present of the City Counil of the City of Lenoir, North Carolina, at a regular meeting, this 16th day of June, 2026.

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

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2025-2026 FISCAL YEAR
BUDGET AMENDMENT
JUNE 16, 2026

Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2026 as follows:

ITEM 1: ADJUSTMENT TO ALLOCATE ADDITIONAL REVENUES.

ACCOUNT #	DEPARTMENT	INCREASE	DECREASE
3125	2025 AD VAL TAX	450,000.00	
3200	MV TAXES	180,000.00	
3231	SALES TAX DIST - ART 39	170,000.00	
3232	SALES TAX DIST - ART 40	55,000.00	
3233	SALES TAX DIST - 42	75,000.00	
3316	POWELL BILL	28,500.00	
3430	BALLISTIC VEST GRANT	2,500.00	
3430	HIS FUNDS	11,100.00	
3411	LIENS AGAINST PROPERTY	100,000.00	
3430	CCCC&TI APPRENTICESHIP PROGRAM	96,995.00	
3453	HELENE STORM REVENUE	204,671.00	
3833	CONTRIBUTIONS FROM BROYHILL FND.	28,095.00	
NET EFFECT ON GENERAL FUND BUDGET		**1,401,861.00**	-

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

ACCOUNT #	DEPARTMENT	INCREASE	DECREASE
4110	LEGISLATIVE	85,000.00	
4120	ADMINISTRATIVE	75,000.00	
4130	FINANCE	20,000.00	
4250	VEHICLE SERVICES	25,000.00	
4260	BUILDING MAINT.	25,000.00	
4270	ENGINEERING	120,000.00	
4310	POLICE SUPPORT		300,000.00
4311	POLICE DET.	50,000.00	
4312	POLICE PATROL	560,000.00	
4340	FIRE SUPPORT SERVICES	7,311.00	
4342	FIRE PREVENTION	15,000.00	
4510	STREET ADMIN	60,000.00	
4511	STREET MAINTENANCE	128,500.00	
4512	STREET TRAFFIC CONTROL	50,000.00	
4710	SANITATION	25,000.00	
4740	CEMETERIES	50,000.00	
4910	PLANNING	40,000.00	
4920	MAIN STREET	31,050.00	
6120	REC ADMIN	60,000.00	
6121	AQUATIC	55,000.00	
6122	MULBERRY REC	75,000.00	
6123	MLK	20,000.00	
6130	PARKS	125,000.00	
	TOTAL INCREASE/DECREASES	1,701,861.00	300,000.00
NET EFFECT ON GENERAL FUND BUDGET		**1,401,861.00**	

ITEM 3: ADJUSTMENT TO ALLOCATE ADDITIONAL WATER REVENUES.			
3430	**HIS FUNDS**	**INCREASE**	**DECREASE**
	WATER FUND		
3713	WATER SALES	200,000.00	
	TOTAL INCREASE/DECREASES	200,000.00	-
NET EFFECT ON WATER AND SEWER FUND BUDGET		**200,000.00**	
ITEM 4: ADJUSTMENTS TO THE WATER AND SEWER FUND ORIGINAL BUDGET AND DISTRIBUTION OF ADDITIONAL WATER REVENUE.			
ACCOUNT #	**DEPARTMENT**	**INCREASE**	**DECREASE**
	WATER FUND		
7130	RHODHISS PLANT	625,000.00	
7131	WATER DIST.		225,000.00
7132	WATER RESOURCES	40,000.00	
7133	WATER ADMIN	40,000.00	
7140	WASTEWATER COLLECTION		385,000.00
7141	WASTEWATER PRETREATMENT	45,000.00	
7142	GUNPOWDER	30,000.00	
7143	LOWER CREEK	30,000.00	
	TOTAL INCREASE/DECREASES	810,000.00	610,000.00
NET EFFECT ON WATER AND SEWER FUND BUDGET		**200,000.00**	
ITEM 5: ADJUSTMENTS TO THE MAIN STREET REVENUE BUDGET.			
ACCOUNT #	**DEPARTMENT**	**INCREASE**	**DECREASE**
	WATER FUND		
3833	DONATION FOR CLOCK TOWER	5,000.00	
	TOTAL INCREASE/DECREASES	5,000.00	
NET EFFECT ON MAIN STREET BUDGET		**5,000.00**	
ITEM 6: ADJUSTMENTS TO THE MAIN STREET EXPENDITURE BUDGET TO ALLOCATE ADDITIONAL REVENUE.			
ACCOUNT #	**DEPARTMENT**	**INCREASE**	**DECREASE**
4920	MAIN STREET	5,000.00	
	TOTAL INCREASE/DECREASES	5,000.00	
NET EFFECT ON MAIN STREET BUDGET		**5,000.00**	
ITEM 7: TRANSFER FROM GENERAL FUND TO CAPITAL FUND FOR FIRE TRUCK PURCHASE.			
ACCOUNT #	**DEPARTMENT**	**INCREASE**	**DECREASE**
	GENERAL FUND/CAPITAL PROJECT		
4340	PRINCIPAL PURCHASE		80,000.00
4341	FIRE CAPITAL		600,000.00
4511	TRANSFER IN FROM GENERAL FUND	680,000.00	
	TOTAL INCREASE/DECREASES	680,000.00	680,000.00
NET EFFECT ON GENERAL FUND BUDGET		**-**	
ITEM 8: CAPITAL PROJECT AMENDMENTS			
ACCOUNT #	**DEPARTMENT**	**INCREASE**	**DECREASE**
	CAPITAL PROJECTS		
	FUND BALANCE - ARPA FUNDS FROM PRIOR YEAR		846,255.56
	WAYFINDING SIGNS - CITY'S PORTION	291,500.00	
	HOSPITAL AVE - LOCAL MATCH	366,065.56	
	PARTF - AQ CENTER - ARPA FUNDS	188,690.00	
	PARTF - LOCAL FUNDS	269,710.00	

	RURAL TRANSFORMATION LOCAL MATCH	37,500.00	
	FUND BALANCE		307,210.00
	TOTAL INCREASE/DECREASES	1,153,465.56	1,153,465.56
NET EFFECT ON GENERAL FUND BUDGET		**-**	

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, 2026 and ending on June 30, 2028.** Please submit the unit price per ton that will continue through the paving season of July 1, 2026 until June 30, 2028.

A pre-bid meeting will be held on Monday, June 8, 2026, at 2:00 P.M. 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 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:

Wednesday, June 10, 2026, 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) 757-2175. 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 Wednesday, June 10, 2026 at 2:00 PM. 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. O. Box 958
Lenoir, NC 28645-0958

Please mark on the outside of the sealed bid proposal: **"Asphalt Resurfacing Bid"**

If the bid is forwarded by UPS, FedEx, or hand carried, deliver to the **City of Lenoir, Public Works Facility, 510-B Greer Circle, SW, Lenoir, NC 28645.**

ATTENDANCE SHEET

Pre-Bid Meeting
2026 - 2028 Asphalt Resurfacing Contract
City of Lenoir
June 08, 2026, 2:00pm

☑	Name	Company	Telephone	Email
	Tim Looper	MAYMEAD	828-764-3372	TLooper@MAYMEAD.com
	Gregory Slocum	Maymead	704-905-3303	Gwatson@maymead.com
	TOM SMITH	H.H	828 234 6744	Jarlussmith@Yahoo.com
	David Stamey	J.T Russell & Sons	828-312-4252	dastamey@jtrussellandsons.com
	Rodney Johnson	Asphalt Roads and Driveways	828-221-6205	asphaltsroad1rlj@gmail.com
	MARK MCNEILL	TRI-COUNTY PAVING INC	336-246-7244	patricia@tricountypavinginc.com
	Lucian Jordan	Tri-County Paving Inc	336-246-7244	luclan@tricountypavinginc.c
	Jon Hogan	City of Lenoir	828-750-5691	jon.hogan@ci.lenoir.nc.us
	Lee Reece	City of Lenoir	828-750-0035	lreece@cityoflenoir.com
	Tracy Huffman	city of Lenoir	828-750-0487	thuffman@ci.lenoir.nc.us

ATTENDANCE SHEET

Public Bid Opening
2026-2028 Asphalt Resurfacing Contract
City of Lenoir, North Carolina

June 10, 2026, 2:00 PM Local Time

☑	Name	Company	Telephone	Email
	Mark McNeill	Tri-County Paving	336-246-7244	patricia@tricountypavinginc.com
	Tom Smith	Hickory Sealing	828 234 6944	tarlinsmith@yahoo.com
	David Stamey	J.T. Russell & Sons	828-312-4252	dastamey@jtrussellandsons.com
	Gregory Watson	May Mead	704-903-3303	Gwatson@maymead.com
	Jon Hogan	City of Lenoir	828-728-4364	jon.hogan@ci.lenoir.nc.us
	Tracy Huffman	city of Lenoir	828-750-0487	thuffman@ci.lenoir.nc.us

BID TAB

Public Bid Opening
2026-2028 Asphalt Resurfacing Contract
City of Lenoir
June 10, 2026, 2:00 p.m. local time

Contractor	Bid Security	Unit Price/Ton
MAYMEAD	Yes	$146.99
Hickory Sealing & Striping, Inc.	Yes	$160.00
J.T. Russell & Sons Inc.	Yes	$140.75
Tri-County Paving	Yes	$146.14
Asphalt Roads	N/A	No Bid Received

Jonathan Hogan
Jonathan Hogan
Public Works Director

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING CHAPTERS 9 of THE LENOIR CITY CODE RELATED TO FLOOD DAMAGE PREVENTION, PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, the North Carolina Department of Public Safety, Emergency Management Division has issued updated revisions to the State's model non-coastal Flood Damage Prevention Ordinance to align with current NFIP guidance; and

Whereas, the National Flood Insurance Program, authorized under 42 U.S.C. §§ 4001–4128, requires participating communities to maintain floodplain management regulations consistent with Federal standards in order to ensure continued eligibility for reduced rates for flood insurance; and

Whereas, the City of Lenoir finds it necessary to update its local Flood Damage Prevention Ordinance to incorporate these State-recommended revisions, including enhanced administrative procedures, updated technical definitions, and improved flood hazard reduction standards; and

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

Section 1. Chapter 9 of the Code of Ordinance, City of Lenoir, North Carolina "Flood Damage Prevention Ordinance" is hereby amended to read as follows:

Sec. 9-2. Findings of fact.

(1) The floodprone areas within the jurisdiction of Lenoir are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains, <u>both inside and outside the identified Special Flood Hazard Areas</u>, causing increases in flood heights and velocities and by the occupancy in floodprone areas of uses vulnerable to floods or other hazards. <u>These obstructions and occupancy by uses vulnerable to floods may be</u>

hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

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Sec. 9-5. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A Zone is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have NOT been determined.

AE Zone is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have been determined by detailed or limited detailed methods.

Accessory structure (appurtenant structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.

AH Zone is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually areas of ponding), where average depths are between one (1) and three (3) feet. Base flood elevations derived from detailed hydraulic analyses are shown in this zone.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

AO Zone is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually sheet flow on sloping terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

Area of shallow flooding means a designated Zone AO on a community's flood insurance rate map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. See "Special flood hazard area (SFHA)."

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means a determination of the water surface elevations of the base flood as published in the flood insurance study. When the BFE has not been provided in a "special flood hazard area," it may be obtained from engineering studies available from a federal, state, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "freeboard," establishes the "regulatory flood protection elevation."

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building. See "Structure".

Chemical storage facility means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Community means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction. For the purposes of this ordinance, references to "the City" are references to "the community." They are synonymous with each other.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility (also called critical action) means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire, and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use, or store hazardous materials or hazardous waste.

Design flood. See *Regulatory Flood Protection Elevation.*

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development activity means any activity defined as development which will necessitate a floodplain development permit. This includes buildings, structures, and nonstructural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Digital flood insurance rate map (DFIRM) means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Disposal means, as defined in G.S. 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Dry Floodproofing means a combination of measures that make a building and attendant utilities and equipment watertight and substantially impermeable to floodwater, with structural components having the capacity to resist flood loads. Please refer to Technical Bulletin 3, Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings, and available from the FEMA.

Elevated building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing building and existing structure means any building and/or structure for which the "start of construction" commenced before the effective date of the floodplain management regulations adopted by a community, dated 6/16/2009.

Existing manufactured home park or *"Manufactured home subdivision"* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

~~*Flood* or *"Flooding"* means a general and temporary condition of partial or complete inundation of normally dry land areas from~~

~~(1) The overflow of inland; and/or~~

~~(2) The unusual and rapid accumulation or runoff of surface waters from any source.~~

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New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Non-conversion agreement means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

Non-encroachment area means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the flood insurance study report.

Post-FIRM means construction or other development for which the "start of construction" occurred on or after the effective date of the initial flood insurance rate map.

Pre-FIRM means construction or other development for which the "start of construction" occurred before the effective date of the initial flood insurance rate map.

Principally above ground means that at least 51 percent of the actual cash value of the structure is above ground.

Public safety and/or *"Nuisance"* means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle (RV) means a vehicle, which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

(5) Has no attached deck, porch, or shed, and

(6) Has quick-disconnect sewage, water, and electrical connectors.

Reference level is the top of the lowest floor for structures within special flood hazard areas designated as Zone A1-A30, AE, A, A99 or AO.

Regulatory flood protection elevation means the "base flood elevation" plus the "freeboard." In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In "special flood hazard areas" where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

Remedy a violation means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Repetitive Loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Repetitive Loss Property means any insurable building for which two or more claims of more than $1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage yard means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including, but not limited to, vehicles, appliances and related machinery.

Section 1316 means that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Severe Repetitive Loss Structure means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership. In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

1. Four or more separate claim payments of more than $5,000 each (including building and contents payments); or
2. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

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Water surface elevation (WSE) means the height, in relation to NAVD 1988 ~~mean sea level~~, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

X Zones means areas determined to be low to moderate risk flood zones and are located outside the community's delineated Special Flood Hazard Area (SFHA) and include the following:

(a) Shaded - is the area of moderate flood hazard and can represent:
    (1) 0.2% annual chance flood hazard area (500-year flood zone),
    (2) Areas of 1% annual chance flood with average depth less than one (1) foot, or
    (3) Areas of 1% annual chance flood with drainage areas of less than one (1) square mile
(b) Unshaded - is the area of minimal flood hazard determined to be outside of the 0.2% annual chance flood (500-year flood zone).

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Sec. 9-21. Lands to which this chapter applies.

This ordinance shall apply to all special flood hazard areas within the jurisdiction, including extra-territorial jurisdictions (ETJs), of the City of Lenoir.

Sec. 9-22. Basis for establishing the special flood hazard areas.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated July 7, 2009 for Caldwell County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

~~The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated July 7, 2009 shown on FIS for~~

~~Caldwell County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.~~

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Sec. 9-28. Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor under G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with its requirements shall be subject to civil penalties set forth in Section 1-15 of this Code. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lenoir from taking such other lawful action as is necessary to prevent or remedy any violation.

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Sec. 9-45. Designation of floodplain administrator.

The City of Lenoir Planning Director, hereinafter referred to as the "floodplain administrator," is hereby appointed to administer and implement the provisions of this chapter. In instances where the floodplain administrator receives assistance from others to complete tasks to administer and implement this ordinance, the floodplain administrator shall be responsible for the coordination and ~~community's~~ the City's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

Sec. 9-46. Floodplain development application, permit and certification.

(1) *Application requirements.* Application for a floodplain development permit shall be made to the floodplain administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

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c. If floodproofing, a floodproofing certificate (FEMA Form FF-206-FY22-153~~3~~ ~~0~~) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

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(2) *Permit requirements.* The floodplain development permit shall include, but not be limited to:

a. A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.), including a cost estimate of proposed work.

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(3) *Certification requirements.*

a. Elevation certificates.

1. An elevation certificate (FEMA Form FF-206-FY 22-152) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to NAVD 1988 ~~mean sea level~~. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

2. An elevation certificate (FEMA Form FF-206-FY 22-152) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

3. A final finished construction elevation certificate (FEMA Form-FF-206-FY 22-152) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. <u>The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.</u>

b. Floodproofing certificate.

1. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form FF-206-FY22-153~~-0~~), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in

accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

2. A final Finished Construction Floodproofing Certificate (FEMA Form FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

c. If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of section 9-67(3)(b).

d. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

e. Certification exemptions. The following structures, if located within zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

1. Recreational vehicles meeting requirements of subsection 9-67(6)a.;

2. Temporary structures meeting requirements of subsection 9-67(7); and

3. Accessory structures less than 150 square feet meeting requirements of subsection 9-67(8).

(4) Substantial Improvement/Damage determinations for existing buildings and structures.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

Sec. 9-47. Duties and responsibilities of the floodplain administrator.

The floodplain administrator shall perform, but not be limited to, the following duties:

(1) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this chapter have been satisfied.

(2) Review all proposed development within special flood hazard areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(3) Notify adjacent communities and the North Carolina Department of ~~Crime Control and~~ Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

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(14) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the City ~~community~~ at any reasonable hour for the purposes of inspection or other enforcement action.

(15) Issue stop work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the floodplain administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the person doing or in charge of the work. The stop work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed.

(16) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(17) Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the ~~community~~ City. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(18) Follow through with corrective procedures of section 9-48.

(19) Review, provide input, and make recommendations for variance requests.

(20) Maintain a current map repository to include, but not limited to, the FIS report, FIRM and other official flood maps and studies adopted in accordance with the provisions of section 9-22 of this chapter, including any revisions thereto including letters of map change, issued by FEMA. Notify state and FEMA of mapping needs.

(21) Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-Fs) and letters of map revision (LOMRs).

(22) Make substantial improvement and post event damage assessments and determinations:

(a) Conduct damage assessments for damaged structures located within the SFHA. Complete substantial improvement/damage determinations in accordance with the provisions of Section 9-46(4).

(23) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file

(24) In any lot or lots/areas that will be or have been removed from the special flood hazard area utilizing a Letter of Map Revision Based on Fill (LOMR-F), the top of fill level must meet the community's freeboard elevation at that location. If the top of fill level is below the freeboard elevation, all new structures, additions to existing buildings or substantial improvement must meet the required community freeboard elevation.

Sec. 9-48. Corrective procedures.

1. Stop Work Order: The City may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedied the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to remedy such violation or violations

2. Notice of Violation. If the City determines that an owner, occupant, applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, it shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this ordinance without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice

of violation shall contain:

(a) The name and address of the owner or the applicant or the responsible person;

(b) The address or other description of the site upon which the violation is occurring;

(c) A statement specifying the nature of the violation;

(d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;

(e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;

(f) A statement that the determination of violation may be appealed to the City of Lenoir Board of Adjustment by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).

3. Additional Enforcement Actions. If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Lenoir shall first notify the owner, applicant or other responsible person in writing of its intended action. The City of Lenoir shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to remedy such violation. In the event the applicant or other responsible person fails to remedy such violation after such notice and remedial period, the City of Lenoir may take or impose any one or more of the following enforcement actions or penalties:

(a) Termination of utility service and/or withhold or revoke Certificate of Occupancy: The City may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violation or violations described therein.

(b) Suspension, revocation, or modifications of permit: The City may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violations described therein, provided such permit may be reinstated (upon such conditions as the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(c) Civil penalties: Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a Class 1

misdemeanor pursuant to North Carolina General Statute § 143-215.58.

(i) Any person who violates this ordinance or fails to comply with its requirements shall be subject to civil penalties set forth in Section 1-15 of this Code. Each day such violation continues shall be considered a separate offense.

(ii) Enforcement by an appropriate equitable remedy issuing from a court of competent jurisdiction may be pursued if the offender fails to remedy the violation, pays assessed fines, and/or fails to file an appeal within the prescribed period of time. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate.

Administrative appeal; judicial review. Any person receiving a Notice of Violation may appeal the determination of the City, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the City's rules and regulations, or the issuance of a notice of bond forfeiture.

Any person receiving a Notice of Violation may appeal the determination of the floodplain administrator to the local elected governing body. The Notice of Appeal must be in writing and be received by the floodplain administrator and the clerk within thirty (30) days of the date of the Notice of Violation. In the absence of an appeal, the determination of the floodplain administrator shall be final.

All appeals shall be heard and decided by the City's designated Appeal Board, which shall be the Lenoir Board of Adjustment, or their designees. The Appeal Board shall hear an appeal within a reasonable time and shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the City's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. In the absence of a petition for review of a quasi-judicial decision, the decision of the Appeal Board shall be final.

A petition for review of a quasi-judicial decision can be requested by any person with standing aggrieved by a decision or order of the City, after exhausting his/her administrative remedies. The petition shall be received by the clerk of superior court within 30 days of the date of the local governing body decision.

Section 1316 Declaration: Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure remains noncompliant. The community must coordinate a request for Section 1316 declaration to the FEMA Regional Office through the State NFIP Coordinator.

Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied. If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by FEMA and flood insurance eligibility restored.

Sec. 9-49. Variance procedures.

(1) The City of Lenoir Board of Adjustment, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of this chapter.

(2) Any person aggrieved by the decision of the appeal board may appeal such decision to the court, as provided in Chapter 7A of the North Carolina General Statutes.

(3) Variances may be issued for:

a. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

b. Functionally dependent facilities if determined to meet the definition as stated in section 9-5 of this chapter, provided provisions of subsections 9-49(9)b., c. and e. have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

c. Any other type of development, provided it meets the requirements of this section.

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e. The City of Lenoir has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance, in accordance with North Carolina General Statutes §143-215.54A(b).

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Sec. 9-66. General standards.

In all special flood hazard areas the following provisions are required:

(1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

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(16) Structural fill shall not be used unless design and construction of the structural fill accounts for the following:

(a) consolidation of the underlying soil under the weight of the fill and the structure,

(b) differential settlement due to variations in fill composition and characteristics, and

(c) slope stability and erosion control during conditions of the base flood.

Sec. 9-67. Specific standards.

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in section 9-22 and section 9-69 the following provisions, in addition to the provisions of section 9-66, are required:

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(6) *Recreational vehicles.* Recreational vehicles shall ~~either~~ meet the following:

a. Placement of a Recreational Vehicle in the Regulatory Floodway or Non-Encroachment Area is prohibited. This includes both temporary and permanent placement

b. Temporary placement.

1. Be on site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions).

~~b. *Permanent placement*. Recreational vehicles that do not meet the limitations of temporary placement shall meet all the requirements for new construction.~~

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(8) *Accessory structures.* When accessory structures (sheds, detached garages, etc.) with a footprint of no more than 600 square feet are placed within A, AO, AH, AE and A99 flood zones, wet floodproofing may be permitted when the following criteria are met:~~When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:~~

a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

b. Accessory structures shall not be temperature-controlled;

c. Accessory structures shall be designed to have low flood damage potential;

d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

e. Accessory structures shall be firmly anchored in accordance with the provisions of section 9-66(1);

f. All service facilities such as electrical shall be installed in accordance with the provisions of section 9-66(4); and

g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of section 9-67(4)c.

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with section 9-46(3).

(b) All other accessory structures exceeding the size restrictions in Article 5, Section B(8)(a) above must comply with the elevation or floodproofing standards and certification requirements in accordance with Section 9-46(3) and Section 9-67(8)(a).

An accessory structure with a footprint of 150 square feet or less in A, AO, AH, AE and A99 zones satisfying the criteria outlined above in Section 9-67(8)(a) is not required to meet the elevation or floodproofing certification requirements of Section 9-46(3). All other accessory structures must comply with the elevation or floodproofing certification requirements in accordance with Section 9-46(3).

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Sec. 9-71. Standards for floodways and non-encroachment areas.

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in section 9-22. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in sections 9-66 and 9-67, shall apply to all development within such areas:

(1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or

b. A conditional letter of map revision (CLOMR) has been approved by FEMA for proposed encroachments resulting in increases in the flood levels during the occurrence of the base flood discharge. A letter of map revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.

c. A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment, permitted in accordance with Section 9-71(1) if the encroachment results in changes to the floodway/non-encroachment area widths, and/or changes to the stream location.

(2) If subsection 9-71(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

a. The anchoring and the elevation standards of subsection 9-67(3); and

b. The no encroachment standard of subsection 9-71(1).

(4) Placement of recreational vehicles in the regulatory floodway or non-encroachment area is prohibited.

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Sec. 9-91. Severability.

If any section, clause, sentence, or phrase of the ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

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 FIRST READING, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 16th day of June, 2026.

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 _____ day of _____ and this _____ day of _____, 2026.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2026.

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

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Project Pillar Building Reuse Project
Authorizing Resolution

Whereas, Ashley Bolick, Director of Caldwell County Economic Development, has been working with a local manufacturing company to relocate certain assets and expand manufacturing operations at its existing facility in Lenoir; and

Whereas, the North Carolina Department of Commerce Building Reuse Grant requires a local government to serve as the formal applicant for State grant funds on behalf of the Company; and

Whereas, this project will result in the creation of new jobs and private investment at the Company's Lenoir facility; and

Whereas, the City of Lenoir wishes to assist with this project by serving as the local government applicant for a Rural Building Reuse Grant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lenoir that the City Council supports Project Pillar; and

BE IT FURTHER RESOLVED that the City of Lenoir will meet the local government 5% match requirement, in the amount of $8,250, through the Caldwell County Sales Tax Reinvestment Fund for the project; and

BE IT FURTHER RESOLVED that Scott Hildebran, City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Lenoir with the North Carolina Department of Commerce for grant assistance in support of the project described above; and

BE IT FURTHER RESOLVED that the City of Lenoir has substantially complied with all federal, state, and local laws, rules, regulations, and ordinances applicable to the project and the grants pertaining thereto.

Adopted this the 16th day of June, 2026 in Lenoir, North Carolina.

Seal:

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

Attest:

SEAL

Lauren Hartley, City Clerk

Joseph L. Gibbons, Mayor