

**LENOIR CITY COUNCIL
TUESDAY, JUNE 19, 2018
6:00 P.M.**

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

ABSENT: Councilmember Perdue.

I. CALL TO ORDER

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

**SYMPATHY EXTENDED;
BETH MCMAHAN:**

- B. On behalf of City Council and the City of Lenoir, Mayor Gibbons extended sincere sympathy to Beth McMahan, Administrative Assistant for Public Works & Public Utilities, upon the recent loss of her husband, Steve McMahan.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval:
1. Minutes; Approval of the minutes of City Council Meeting of Tuesday, June 5, 2018 as submitted.
 2. Budget Amendment 2018-01: Approval of budget Amendment 2018-01 to allocate funding for Economic Development Grants received for building reuse in the amount of \$69,760.03. Funds were received in this fiscal year. (A copy of the budget amendment is hereby incorporated into these minutes by reference. Refer to page 178).
 3. Budget Amendment 2018-02: Approval of Budget Amendment 2018-02 to amend the original budget request for FY2017-2018. The appropriations will have no impact on the fund balance. (A copy of the budget amendment is hereby incorporated into these minutes by reference. Refer to page 179).
 4. Capital Project Budget Ordinance; North Main Street Beautification Project: Approval of the Capital Project Budget Ordinance in the amount of \$215,875 for the North Main Street Beautification Project in order to appropriate funds. (A copy of the capital project budget ordinance is hereby incorporated into these minutes by reference. Refer to page 180).

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

IV. REQUESTS AND PETITIONS OF CITIZENS

COMMENDED; CITY STAFF:

A. Mrs. Linda Haas, 2316 Lakeside Terrace, addressed City Council and expressed her appreciation to Public Works Director Jared Wright and former Public Works Director Charles Beck for their assistance during the winter months with snow removal from her street due to City trucks not being able to travel safely down the street due to weather conditions. Mrs. Haas stated Director Wright was very considerate and concerned about the citizens of the community.

Mrs. Haas further commended Terrence Banner, Grounds and Cemetery Superintendent, and Elizabeth Woody, Customer Service Representative, Blue Ridge Memorial Park, for their great customer service in assisting her with clarification of a plot number that was unreadable on her cemetery deed.

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

SUMMER MUSIC

CONCERTS: 1. The Night Move Band will perform on the square from 7:00 p.m. – 10:00 p.m. on Friday, June 22. The Chad Triplett Band will perform on Friday, June 29 and the Tre-King Band on Friday, July 6.

FABULOUS FILM

NIGHT: 2. Fabulous Film Night is scheduled for Saturday, June 23 with the movie “Star Wars The Last Jedi” being shown at 8:30 p.m. on the square.

PLANNING

BOARD: 3. The Planning Board will meet on Monday, June 25 at 5:30 p.m.

COMMITTEE OF THE WHOLE:

4. The Committee of the Whole will meet on Tuesday, June 26 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.

CANCELLED; FOOTHILLS REGIONAL AIRPORT AUTHORITY:

5. The Foothills Regional Airport Authority has cancelled its meeting of Wednesday, June 27 and will also not meet in July.

ABC BOARD: 6. The ABC Board will meet on Thursday, June 28 at 2:00 p.m. at Lenoir Store #1 located at 115 ABC Court.

HOLIDAY

CLOSING: 7. City offices will be closed on Wednesday, July 4 in observance of Independence

Day.

ANNUAL 4TH OF JULY

CELEBRATION; MULBERRY RECREATION CENTER:

8. The annual 4th of July Celebration Event is scheduled for Wednesday, July 4 from 5:00 p.m. until 10:00 p.m. at Mulberry Recreation Center. A fireworks display will begin promptly at 9:30 p.m. at Optimist Park.

**CANCELLED; CITY/COUNTY
SERVICES COMMITTEE:**

9. The City/County Services Committee has cancelled its meeting of Monday, July 9.

CALDWELL COUNTY ECONOMIC DEVELOPMENT

- COMM:** 10. The Caldwell County Economic Development Commission will meet on Tuesday, July 10 at 8:00 a.m.

LENOIR TOURISM DEVELOPMENT

- AUTHORITY** 11. The Lenoir Tourism Development Authority will meet on Thursday, July 12 at 4:00 p.m.

LENOIR BUSINESS ADVISORY

- BOARD:** 12. The Lenoir Business Advisory Board will meet on Thursday, July 12 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.

**CANCELLED; CITY COUNTY
MEETING & COMMITTEE OF THE**

- WHOLE:** 13. The City Council meeting of Tuesday, July 3 has been cancelled due to the holiday week. The July 17 City Council meeting may be cancelled due to no agenda items. The Committee of the Whole meeting for July has also been cancelled.

ANNUAL BLACKBERRY

- FESTIVAL:** 14. The annual Blackberry Festival will be held on Saturday, July 14 beginning at 9:00 a.m. in downtown Lenoir. Events will also be held Thursday through Sunday in downtown Lenoir.

B. ITEMS FOR COUNCIL ACTION

**ORDER OF ABATEMENT;
337 ARLINGTON CIRCLE:**

1. City Staff recommends adoption of the submitted Order of Abatement Ordinance directing Staff to proceed with the demolition and removal of the structure located at 337 Arlington Circle, NCPIN#284-0818-422, and parcel ID#09-25-1-28. The property is listed at No. 6 on the Minimum Housing List. This item was continued from the June 5 meeting in order to allow Staff to post notice of the proposed demolition on the property.

A copy of the Order of Abatement and notification of posting is hereby incorporated into these minutes by reference. (Refer to pages 181-183).

Upon a motion by Councilmember Beal, Council voted 6 to 0 to adopt the Order of Abatement directing Staff to demolish the structure for property located at 337 Arlington Circle as recommended by City Staff.

**AUTHORIZING RESOLUTION; NEW BIOSOLIDS
HANDLING FACILITY:**

2. City Staff recommends approval of a resolution to authorize the acceptance of state loan/grant assistance for the design and construction of a new Biosolids Handling Facility at the Lower Creek Wastewater Treatment Plant. City Council adopted an authorizing resolution in February 2018, but due to a change in funding source, the City is required to resubmit revised Offer and Acceptance documents to reflect the new compliance requirements related to the Connect NC Bonds being used for this project.

A copy of the authorizing resolution is hereby incorporated into these minutes by reference. (Refer to pages 184).

Councilmember Rohr expressed his philosophical opposition to grant funding by stating state government and taxpayers subsidize these types of programs.

Upon a motion by Mayor Pro-Tem Willis, Council voted 5 to 1 to adopt the authorizing resolution for the design and construction of a new Biosolids Handling Facility as described above and as recommended by City Staff. Councilmember Rohr voted against this motion.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 6:19 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

2017-2018 Fiscal Year

178

Budget Amendment Ordinance 2018-01 June 19th, 2018

Request for amendment to be made to the annual budget ordinance for the fiscal year ending June 30, 2018 as follows:

Section 1. To amend the General Fund - the appropriations are to be changed as follows:

Item 1: Allocate funding for Economic Development Grants received for building reuse. Funds were received in this fiscal year.

ACCOUNT	TYPE	AMOUNT OF INCREASE
Rural Center Grant	Revenue	69,760.03
Legislative	Expenditure	69,760.03
FUNDING FOR THE FOLLOWING BUILDING REUSE GRANTS:		
White Tire		32,500.00
Exela Pharma Sciences		37,260.03
		69,760.03

2017-2018 Fiscal Year Budget Amendment Ordinance 2018-02 Tuesday, June 19, 2018

Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2018 as follows:

Item 1: Adjustments to the General Fund with a zero net effect.

Department	AMOUNT
LEGISLATIVE	106,000.00
ADMINISTRATIVE	8,000.00
FINANCE	14,000.00
PLANNING & STORMWATER	(98,500.00)
POLICE	(108,000.00)
FIRE	(190,768.00)
RECREATION	(28,501.00)
PUBLIC WORKS ADMIN	55,000.00
CEMETERIES	41,000.00
BUILDING MAINTENANCE	(35,000.00)
SANITATION	(40,000.00)
STREETS	264,769.00
VEHICLE SERVICES	12,000.00
NET GENERAL FUND IMPACT	-

Item 2: Adjustments to transfer funds to Main Street Fund.

TRANSFER FROM GENERAL FUND	12,000.00
MAIN STREET	12,000.00

North Main Street Beautification 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 authorized activities for the North Main Street Beautification Project to include the expenditure of general funds for design, construction, and project administration. The project is to be funded by local funds.

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:

Construction	\$ 207,209
Project Planning, Administration & Engineering	\$ 8,666
Total Expenditures	\$ 215,875

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

Local funding	\$ 215,875
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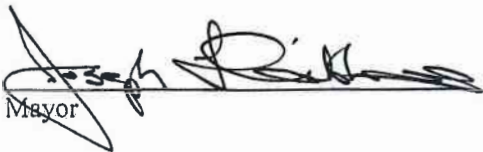
Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Project Ordinance.

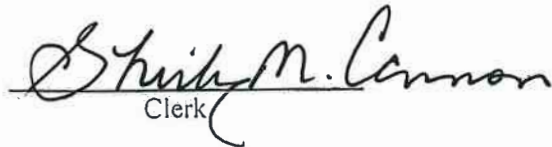
Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

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.

Adopted this 19th day of June, 2018.


Mayor


Clerk

AN ORDINANCE DIRECTING THE MINIMUM HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, the City Council of the City of Lenoir finds that the dwelling described herein is unfit for human habitation under the City Housing Standards, and that all of the procedures of the Minimum Housing Standards have been complied with; and

WHEREAS, this dwelling should be removed or demolished, as directed by the Minimum Housing Inspector, and should be placard thereon the notice prohibiting use for human habitation; and

WHEREAS, the owner of this dwelling, **Robert Lee Ferguson, C/O Courtney Ferguson**, has been given a reasonable opportunity to bring the dwelling into compliance with the Minimum Housing Standards accordance with G.S. 160A-443 (5) pursuant to an order issued by the Minimum Housing Inspector on October 11, 2017 and the owner has failed to comply with the order;

NOW THEREFORE BE IT ORDAINED BY the City Council of the City of Lenoir that:

Section 1. The Minimum Housing Inspector is hereby authorized and directed to place a placard containing the following:

"This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

on the building located at the following address: **337 Arlington Cir.**
Lenoir, North Carolina.
Parcel-ID 09 25 1 28
NCPIN 2840818422

Section 2. The Minimum Housing Inspector is hereby authorized and directed to proceed to remove or demolish the described above dwelling in accordance with this Order, and in accordance with the City of Lenoir Minimum Housing Code, and NCGS Chapter 160A, Article 19, Part 6.

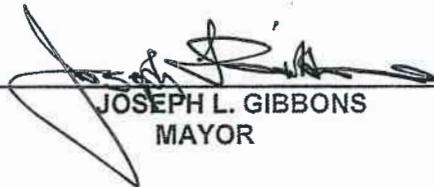
Section 3. The cost of demolition and improvement of the lot shall be a tax lien on the real property as provided by G.S. 160A-443 (6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall be likewise unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Tuesday, June 19, 2018

Section 5. A copy of this ordinance shall be recorded in the Register of Deeds of Caldwell County, North Carolina, and indexed in the name of the property owner or owners in the grantor index. 182

Adopted this the 19th day of June, 2018.


JOSEPH L. GIBBONS
MAYOR

ATTEST:


SHIRLEY M. CANNON
CITY CLERK

APPROVED AS TO FORM:


EDWARD H. BLAIR, JR
CITY ATTORNEY

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

CITY CLERK
JOSEPH L. GIBBONS

CITY COUNCIL
K. P. EDWARDS
T. H. PEROUX
J. L. PERKINS
T. J. ROHR
D. E. STEVENS
C. D. THOMAS
D. H. WALLS

June 6, 2018

To whom it may concern:

This dwelling is in violation of the City of Lenoir Minimum Housing Standards and has been classified as dilapidated. The property owners have failed to abate the violations as specified in the order to abate notice. The City will be submitting an ordinance to City Council, as described below for the demolition of the dwelling located at 337 Arlington Cir. The City Council will consider this ordinance for adoption at the June 19, 2018 City Council Meeting, held in the County Chambers at 905 West Ave in Lenoir. Upon adoption of the ordinance the dwelling will be demolished and removed from the site. All expenses acquired during this abatement process will be placed as a lien against the property.

Upon failure of the owner of the dilapidated dwelling to comply with an order of the inspector within the time specified therein, the inspector may submit to the City Council an ordinance ordering the inspector to cause such dwelling to be removed or demolished, as provided in the original order of the inspector. The amount of the cost of vacating and closing, or removal or demolition caused to be made or done by the inspector shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as the lien for special assessment.

Sincerely,

Zach Clark
Zoning and Housing Inspector
City of Lenoir Planning Department
(828) 757-2212