

1. Agenda Packet

Documents:

[DECEMBER 5, 2017 AGENDA PACKET.PDF](#)

2. Meeting Materials

Documents:

[AFTER ACTION MEMORANDUM.PDF](#)

AGENDA



**CITY OF LENOIR
CITY COUNCIL MEETING
CITY/COUNTY CHAMBERS
905 WEST AVENUE
TUESDAY, DECEMBER 5, 2017
6:00 P.M.**



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Oath of Office: The Honorable Kim Clark, Clerk of Superior Court, will administer the Oath of Office to James I. Perkins, Councilmember, David F. Stevens, Councilmember and Crystal D. Thomas, Councilmember.
- C. Oath of Office: The Honorable Beverly T. Beal, Superior Court Judge, Retired, will administer the Oath of Office to Jonathan T. Beal, Councilmember.
- D. Election of Mayor Pro-Tempore: City Council will elect a Councilmember to serve a two-year term as Mayor Pro-Tempore.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, November 14, 2017 as submitted.
- B. Minutes: Approval of the minutes of the joint City Council and ABC Board Meeting of Tuesday, November 21, 2017 as submitted.
- C. Minutes: Approval of the minutes of the Committee of the Whole Meeting of Tuesday, November 28 as submitted.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

- A. Items of Information
 - 1. December Calendar: The calendar for the month of December will be submitted to Council listing various meetings and events.
 - 2. The Lenoir Tourism Development Authority will meet on Thursday, December 7 at 3:00 p.m. at City Hall, Third Floor, former Council Chambers.
 - 3. The Lenoir Business Advisory Board will meet on Friday, December 8 from 11:00 a.m. – 1:00 p.m. at 1841 Café.
 - 4. The annual Luminary Display is scheduled for Friday, December 8 from 6:00 p.m. – 10:00 p.m. at Blue Ridge Memorial Park. A rain date is scheduled for Friday, December 15.

5. The Christmas Film “Elf” will be shown at the former Lenoir High School Auditorium beginning at 7:00 p.m. on Saturday, December 9.
6. The Planning Board will meet on Monday, December 18 at noon.
7. The Caldwell County Economic Development Commission will meet on Tuesday, December 12 at 8:00 a.m.
8. City Council has cancelled its regular scheduled meeting of Tuesday, December 19 due to the Christmas holidays. The Committee of the Whole will also not meet in December.
9. City offices will be closed on December 25, 26 & 27 in observance of the Christmas holidays and on Monday, January 1 in observance of New Year’s Day.
10. The annual curbside Christmas Tree Pick begins on Tuesday, January 2 through Friday, January 5.

B. Items for Council Action

1. Acceptance of an Offer to Purchase Real Property; 518 Hill Street: If City Council is interested in accepting the offer of \$5,000 from the Pride of Caldwell County Lodge #713 to purchase the property owned by the City of Lenoir located at 518 Hill Street, NCPIN#274-958-5205 (West End Community Center), Council should direct the City Clerk to publish notice of the offer in accordance with N.C.G.S. §160A-269. Notice of the Offer to Purchase Real Property will be published in the *News-Topic* starting a 10-day upset bid period. The Pride of Caldwell County Lodge #713 requests a 60-day period for due diligence.
2. Order of Abatement; 340 Finley Avenue: Staff recommends approval of an Order of Abatement Ordinance for property located at 340 Finley Avenue directing Staff to abate the minimum housing violations by demolishing the structure on the property. **Note:** This property is No. 1 on the City’s Minimum Housing Priority List.
3. Order of Abatement; 342 Finley Avenue: Staff recommends approval of an Order of Abatement Ordinance for property located at 342 Finley Avenue directing Staff to abate the minimum housing violations by demolishing the structure on the property. **Note:** This property is No. 2 on the City’s Minimum Housing Priority List.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Notice of Upcoming Board Vacancy, LBAB: Mayor Gibbons will announce for the general public of an upcoming vacancy on the Lenoir Business Advisory Board (LBAB) due to the resignation of Mr. Curt Hiller who will be retiring from the Board effective December 31, 2017. The appointee will be filling the unexpired term of Mr. Hiller which expires on January 1, 2021. **Note:** This vacancy was also announced at the November 14 City Council Meeting.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

**LENOIR CITY COUNCIL
TUESDAY, NOVEMBER 14, 2017
6:00 P.M.**

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

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; FAMILY OF DR. & MRS.

JOHN TYE: B. On behalf of City Council, Mayor Gibbons asked everyone to keep the family of Dr. & Mrs. John Tye in their thoughts and prayers during their family's recent loss of their infant grandchild.

SPECIAL RECOGNITION; #GIVING

TUESDAY: C. On behalf of City Council, Mayor Gibbons presented a proclamation to Ms. Kenvian F. Moravec, Teacher Treasures A Resource Center, proclaiming Tuesday, November 28 as "#Giving Tuesday" throughout the City of Lenoir and Caldwell County.

Mayor Gibbons reported that #Giving Tuesday is a global giving movement that has been built by individuals, families, organizations, businesses and communities in all 50 states and in countries around the world. Giving Tuesday also inspires people to take collective action to improve their communities, give back in better, smarter ways to the charities and causes they believe in and help create a better world. He further stated that additional information may be found at www.#givingtuesday.org.

Ms. Moravec thanked Mayor Gibbons for the recognition and stated Teacher Treasures A Resource Center is the City's newest non-profit organization that provides resources/school supplies to teachers free of charge. She stated she wanted to make others aware of Giving Tuesday and mentioned they are located in the former Luna Cycles building.

Mayor Gibbons stated the City has a number of outstanding non-profit organizations which it is willing to assist in way it can. He remarked the City is honored to be a part of this recognition.

**WELCOME; JOSHUA HARRIS AND
COUNCILMEMBER ELECT JONATHAN BEAL:**

D. Mayor Gibbons introduced and welcomed Joshua Harris, who began working with the City on Monday, November 13 as the City's new Public Information Officer/Communications. Mayor Gibbons stated City Council is looking forward to working with him.

Mayor Gibbons also welcomed Councilmember Elect Jonathan Beal who was in attendance at the meeting. Mr. Beal will be sworn in at the City Council Meeting on Tuesday, December 5.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

REZONING; 102 HOSPITAL

AVENUE: A. A public hearing was held to consider a rezoning request as submitted by Sherry Frazier, Realtor, to rezone the property located at 102 Hospital Avenue NW from B-6 (Exclusive Business) to B-2 (General Business). Staff further recommends approval of the rezoning request based on the following consistency statement: The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it will facilitate sensible, straight-forward development standards for future development of the subject properties. The proposed amendment is reasonable and in the public interest because it will facilitate the development of one of the last remaining large tracts available adjacent to US Hwy 321, contributing to local shopping and dining opportunities, creating jobs, and growing the tax base, while the existing buffering and design standards of the B-2 district will ensure attractive, compatible development that doesn't cause undue harm to the adjacent residential areas. The Planning Board and Planning Staff recommended approval of the rezoning request and consistency statement.

A copy of the rezoning map is hereby incorporated into these minutes by reference. (Refer to page 413).

Mayor Gibbons opened the public hearing to receive public comments regarding the rezoning request.

Planning Director Jenny Wheelock clarified this lot is the remainder of the property located on the corner of Hospital Avenue and US Hwy 321 that is zoned as B-6. Director Wheelock stated this property has separate ownership and noted the goal is to facilitate good zoning for this entire site and have the property developed together if feasible.

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

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to approve the rezoning request for property located at 102 Hospital Avenue as

described above and the Consistency Statement as recommended by City Staff.

**CODE AMENDMENT; APPENDIX A, ARTICLE X,
SECTION 1002.4, LANDSCAPING FOR STREET
YARDS FOR PARKING AREAS:**

- B. A public hearing was held to consider amending the City's Code of Ordinances, Appendix, A, Article X, Section 1002.4 regarding Landscaping for Street Yards for parking areas. The Planning Board and Planning Staff recommended approval of the submitted ordinance.

A copy of the ordinance is hereby incorporated into these minutes by reference. (Refer to pages 414-415).

City Attorney Ed Blair explained the proposed ordinance came about due to recent renovations made by Caldwell County at the Caldwell County Courthouse in order to more securely accommodate the transfer of inmates for housing and/or court appearances. Attorney Blair explained there are landscaping requirements within the City's current ordinance, which may compromise security for Caldwell County during the transfer procedure. Mr. Blair reported the renovations are still ongoing, but pointed out the proposed ordinance will accommodate Caldwell County by maximizing security at an area approved by City Staff for this limited purpose. Attorney Blair further stated he has discussed the ordinance with David Lackey, County Attorney, and read an excerpt from the ordinance as follows:

Section 1002.4

(d) An area approved by the City Planning Department Staff that adjoins a governmental building and designated for the receipt and transfer of prison inmates for housing or court appearances shall be exempt from the landscaping requirements herein.

Attorney Blair further clarified the proposed ordinance will apply to all other government businesses as well.

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

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

Councilmember Rohr mentioned he recently resigned from the Courthouse Security Committee, but stated he was still a member when this issue was discussed. He stated there were disagreements regarding the renovation process between Caldwell County Staff and City Staff and noted he originally was not going to vote in favor of the proposal. However, Mr. Rohr stated the proposed ordinance is fair and reasonable and he specifically commended Planning Director Wheelock for her professionalism and work throughout this

process. He moved to approve the ordinance as submitted.

Mayor Gibbons also thanked Planning Director Wheelock and Attorney Blair for all their efforts and hard work and stated the City always wants to work together with Caldwell County and its partners.

Upon the motion by Councilmember Rohr, Council voted 7 to 0 to approve amending Appendix, A, Article X, Section 1002.4, Landscaping Requirements for Street Yards for Parking Areas as recommended by City Staff.

CODE AMENDMENT, APPENDIX A, ARTICLE IV, DEFINITIONS, APPENDIX A, ARTICLE VI, SECTION 600, PERMITTED USE CHART AND APPENDIX A, ARTICLE VII, GENERAL PROVISIONS DEFINITIONS; ADULT GAMING ESTABLISHMENTS:

- C. A public hearing was held to consider amending the City's Code of Ordinances, Appendix A, Article IV, Definitions, Appendix A, Article VI, Section 600, Permitted Use Chart and Appendix A, Article VII, General Provisions as related to the permitted locations and performance standards for Adult Gaming Establishments. The Planning Board and Planning Staff recommended approval of the submitted ordinance.

A copy of the ordinance is hereby incorporated into these minutes by reference. (Refer to pages 416-418).

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

Planning Director Wheelock clarified that **Appendix A, Article VI, Section 600, Permitted Use Chart and Appendix A, Article VII, General Provisions Definitions** also needs to be included in the code amendment request. These section numbers were inadvertently left off of the agenda. Director Wheelock stated the proposed ordinance addresses the "legal gray areas" regarding adult establishments which were previously called "electronic gaming" or "internet cafes" and explained the current legislation pertaining to the gaming software is unclear whether these establishments are legal or not. Director Wheelock explained she has been directed to permit these requests as a land use.

Director Wheelock reported she conducted an analysis of where the City's current code would allow them to operate and she also reviewed other municipalities' ordinances. Director Wheelock referred to the submitted maps with areas outlined in red which show the impact these uses may have on surrounding properties. It was noted these establishments would be allowed in the B-2 (General Business) and I-1 (Light Industrial) districts. The proposed ordinance states that adult gaming establishments must be located 350 feet away from any residential zoning district. Also, adult gaming establishments must be located at least 1,000 feet away from any other adult gaming

establishment, adult use, Liquor (ABC) Store or Addiction Treatment and Recovery Facility.

Director Wheelock stated she has spoken with several proprietors and noted they were fine with the proposed guidelines. She explained they operate under a “by right use” which prevents them from having to apply and go through the conditional use permit process.

Director Wheelock further stated the submitted maps show properties that may be eligible for the establishment of these uses as outlined in red, the locations of the ABC stores, schools, etc., and the extra maps show the exception areas. As noted in the background information, field verification of a site’s eligibility will be conducted prior to issuing permits, as the City does not have a comprehensive dataset of all sensitive land uses.

As further explained in the background information, these types of establishments must still comply with all relevant state laws on gambling. This proposed ordinance only establishes how these land uses will be regulated within the City of Lenoir, and when and if they are legal under N.C.G.S. §14-306.4. It does not establish any rights for these businesses to operate in Lenoir if they are found to be in violation of N.C.G.S. §14-306.4 or any other relevant state laws.

Director Wheelock stated that, from a land use perspective, this ordinance will allow Planning to have rules to apply and will give the Department the framework to abide by should she be asked to permit one of these locations. She recommended that Council approve the proposed ordinance and commended the Planning Board for their hard work in crafting this ordinance.

Councilmember Perdue pointed out the City’s other adult uses have very specific regulations regarding the separation distance of 1,000 feet and mentioned that this ordinance is not as strict as those.

Director Wheelock commented that a 1,000 foot separation is basically a ban and stated if you want separation from residential, it needs to be a reasonable recommendation. She reported the proposed ordinance guidelines includes that adult gaming establishments must be located 1,000 feet away from any school, youth day care, church, park, or playground.

Director Wheelock also reiterated that adult gaming establishments must be located 350 feet away from any residential zoning district and at least 1,000 feet away from any other adult gaming establishment, adult use, Liquor (ABC) Store or Addiction Treatment and Recovery Facility.

Councilmember Perdue asked City Attorney Blair whether the Attorney General’s office has taken a different position on this issue.

Attorney Blair remarked this issue is currently subject to litigation and noted

that one particular type of these establishments is legal. Mr. Blair explained this is not a zoning issue and stated the City has to accommodate individuals if an issue is legal.

Mayor Pro-Tem Willis stated the maps indicate these establishments would mostly locate in the western part of the City. Director Wheelock explained the eastern part is mostly residential whereas there are larger tracts of land along Morganton Boulevard on US Hwy 18 as you travel towards the Town of Gamewell.

City Council commended Director Wheelock upon her work regarding this ordinance.

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

Upon a motion by Councilmember Rohr, Council voted 7 to 0 to approve the submitted ordinance amending the City's Code of Ordinances, Appendix A, Article IV, Definitions, Appendix A, Article VI, Section 600, Permitted Use Chart and Appendix A, Article VII, General Provisions as related to Adult Gaming Establishments and as recommended by City Staff.

ALARM ORDINANCE PROPOSAL:

- D. A public hearing will be held to consider an Alarm Ordinance Proposal as submitted by the Lenoir Police Department. This ordinance shall become effective and applicable to all responsible parties on January 1, 2018. The purpose of this ordinance is to establish reasonable expectations for alarm users and to ensure alarm users are held responsible for the management and proper maintenance of alarm systems. Upon adoption, the Lenoir City Code will be amended to reflect this change.

A copy of the ordinance is hereby incorporated into these minutes by reference. (Refer to pages 419-425).

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

Scott Brown, Chief of Police, informed Council that Granite Falls, the Town of Hudson along with Caldwell County do not have an alarm ordinance. Upon approval, Lenoir would be the only City in Caldwell County with an ordinance on file. It was noted that Boone, Hickory, Conover, Morganton, Newton and Valdese also have adopted an ordinance. Chief Brown stated a notification letter was mailed to all commercial locations that have experienced ten (10) or more false alarms and further mentioned that he has spoken with several of these individuals and also invited them to attend the public hearing. Chief Brown reported the Department answered 1,878 alarms in 2016 and 1,868 were false alarms. He also stated that 134 locations had four or more false alarms. Chief Brown reported the Department is wasting a

monumental amount of time on the calls, but emphasized the Police Department will continue to answer all alarm calls.

In addition, he reported the Department has dedicated 411.3 man-hours to this issue at a conservative cost of \$31,000 to taxpayers. Chief Brown emphasized their goal is to reduce false alarms by 50% by January 1, 2019 which will be accomplished through registration, proper training and maintenance of the alarm systems in use. He further emphasized the ordinance is not intended to produce revenue for the City.

Chief Brown reviewed a power point presentation and highlighted the following key points:

- Registration-All users are required to register their alarm systems
 - *\$10 Permit Fee – Commercial Property only
- Three (3) or more False Alarms in a year deemed excessive
 - * Notice sent after third in a permit year
 - *\$50 Civil Penalty assessed per False Alarm after three (3)
 - *Lenoir Police Department will respond to all alarms
- Alarm Users Awareness Class will be offered
 - * May be attended in lieu of one (1) assessed penalty
- Failure to register will result in a \$50 penalty
 - *Proper registration within ten (10) days of notice of violation will void penalty
 - *Registrations received by March 31, 2018 will not be required to pay \$10 Fee
- Payment of Civil Penalties
 - * Must be paid to City Hall within thirty (30) days
 - *Unpaid penalties referred to Revenue Collector
- Appeals
 - * Must be filed with the Police Department within ten (10) days
 - * Heard and decided in accordance with City's administrative process

Chief Brown explained that all unpaid penalties will be submitted to the North Carolina Debt Setoff Program that the City participates in.

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

Following a brief discussion by City Council and upon a motion by Councilmember Perdue, Council voted 7 to 0 to approve the above described Alarm Ordinance which shall become effective on January 1, 2018 as recommended by City Staff.

III. CONSENT AGENDA ITEMS

- A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval:

1. Minutes: Approval of minutes from the City Council Meeting of Tuesday, October 17, 2017 as submitted.
2. Minutes: Approval of closed session minutes from the City Council Meeting of Tuesday, October 17, 2017 as reviewed by the City Attorney, City Manager and City Council.
3. Minutes: Approval of minutes from the Committee of the Whole Meeting of Tuesday, October 24, 2017 as submitted.
4. Tax Releases and Refunds: Approval of the submitted Tax Releases and Refunds as of October 2017 in accordance with N.C.G.S. §105-381 and as recommended by the Finance Director. (A copy of the Tax Releases and Refunds list is hereby incorporated into these minutes by reference. Refer to Page 426).
5. Change Order No. 1; Water Treatment Plant Improvements Project: Approval of Change Order No. 1 in the amount of \$12,666.42 and a request to extend the Contract Time by five (5) calendar days. The net increase in construction cost is well within the 10% construction contingency approved for the project and does not result in an increase to the overall funds approved for the project. The Substantial completion Date will also remain within the month of May 2018 even with the additional five (5) calendar days. (A copy of the Change Order is hereby incorporated into these minutes by reference. Refer to pages 427-428).
6. Resolution to Receive Special Equipment Bids; McGill Associates: Approval of a Resolution to Receive Special Equipment Bids from DeNora Water Technologies (filters) and Veolia Water Technologies/Kruger, Inc. (mechanical pretreatment) as requested by McGill Associates. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 429).
7. Proclamation; #Giving Tuesday: Approval of a proclamation proclaiming Tuesday, November 28 as “#Giving Tuesday” throughout the City of Lenoir and Caldwell County. #Giving Tuesday is a global giving movement that has been built by individuals, families, organizations, businesses and communities in all 50 states and in countries around the world. Giving Tuesday inspires people to take collective action to improve their communities, give back in better, smarter ways to the charities and causes they believe in, and help create a better world. Additional information may be found at www.#givingtuesday.org. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to pages 430).

Upon a motion by Mayor Pro-Tem Willis, Council voted 7 to 0 to approve the above listed items on the Consent Agenda as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

NATIONAL LEAGUE OF CITIES (NLC)

CITY SUMMIT: 1. The National League of Cities (NLC) City Summit begins on Wednesday, November 15 through Saturday, November 18 in Charlotte. City Manager Hildebran stated that Mayor Gibbons, several Councilmember and he are attending the conference. He further noted that Councilmember T.J. Rohr serves on the Finance, Administration & Intergovernmental Relations (FAIR) Committee while Mayor Pro-Tem Willis serves on the Small Cities Committee and IT & Communications Committee.

HOLIDAY EVENTS; LIGHT-UP

LENOIR: 2. The annual Light-Up Lenoir Event is scheduled for Thursday, November 16 from 4:00 p.m. – 6:00 p.m. in downtown Lenoir. Also, the annual Light Show begins daily from 6:00 p.m. – 10:00 p.m.

DOWNTOWN CHRISTMAS

FESTIVAL: 3. The annual Downtown Christmas Festival will be held on Saturday, November 18 from 10:00 a.m. – 4:00 p.m.

ANNUAL “CROSSOVER TURKEY TUESDAY”

EVENT: 4. The annual “Crossover Turkey Tuesday” event is slated for Tuesday, November 21 beginning at 6:00 p.m. at the Martin Luther King, Jr., Center. Donations are currently being accepted to purchase turkeys which will be distributed to families in need. Additional information about this event will be published on the City’s website at www.cityoflenoir.com in the near future.

JOINT MEETING; ABC BOARD &

CITY COUNCIL: 5. A joint meeting of the Lenoir City Council and the ABC Board will be held on Tuesday, November 21 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.

FOOTHILLS REGIONAL AIRPORT

AUTHORITY MEETING:

6. The Foothills Regional Airport Authority will meet on Wednesday, November 29 at noon.

HOLIDAY

CLOSING: 7. City offices will also be closed on Thursday, November 23 & Friday, November 24 in observance of Thanksgiving.

PLANNING

BOARD: 8. The Planning Board will meet on Monday, November 27 at 5:30 p.m.

COMMITTEE OF THE

WHOLE: 9. The Committee of the Whole will meet on Tuesday, November 28 at 8:30 a.m. at

City Hall, Third Floor, former Council Chambers.

**CHRISTMAS
PARADE**

10. The annual Christmas Parade will be held on Friday, December 1 at 6:30 p.m. in downtown Lenoir.

CRUISE-IN:

11. A Cruise-In Event and Toy Drive will be held on Sunday, December 3 from 1:30 p.m. – 4:30 p.m. in downtown Lenoir.

CURBSIDE LEAF

PICKUP:

12. The Sanitation Division's annual Curbside Leaf Pickup began on October 16 and continues through January 12, 2018. Additional information may be found on the City's website at www.cityoflenoir.com.

B. ITEMS FOR COUNCIL ACTION

**FINAL PLAT; FAIRVIEW DRIVE AND
HARPER AVENUE REDEVELOPMENT:**

1. Final Plat; Fairview Drive and Harper Avenue Redevelopment: City Staff recommends approval of the Final Plat for property located at 1980 Harper Avenue, NCPIN#274-913-3100 and NCPIN#274-912-2948 as submitted by Caldwell County Habitat for Humanity. The applicant is requesting to subdivide the subject property into seven (7) lots with driveway access off a proposed street terminated by a cul-de-sac.

Mr. Pete Kidder, Executive Director, Caldwell County Habitat for Humanity, addressed City Council and reported they will begin with pouring four foundations over the next two months. He verified there were an additional six lots on the property and commended Council for how much better the area looks without the former dilapidated structures that were located there. Mr. Kidder also commended Planning Director Jenny Wheelock, Public Works Director Charles Beck and Public Utilities Director Radford Thomas for all their assistance regarding this project.

On behalf of City Council, Mayor Gibbons commended Mr. Kidder and Habitat for Humanity for all they do for the citizens of Lenoir.

Upon a motion by Mayor Pro-Tem Willis, Council voted 7 to 0 to approve the Final Plat for property located at 1980 Harper Avenue as described above and as recommended by City Staff.

**WATER PURCHASE AND ALLOCATION
AGREEMENT; TAPAHA DYNAMICS, LLC:**

2. Water Purchase and Allocation Agreement: City Staff recommends approval of the proposed Water Purchase and Allocation Agreement between the City of Lenoir and Tapaha Dynamics, LLC to insure water flow availability to meet current and future needs.

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

City Manager Hildebran stated that Tapaha Dynamics, LLC, will cover the cost of the proposed improvements at the Water Treatment Plant in exchange for additional water capacity. He stated the Actiflow Pretreatment process will also increase the effectiveness of the water quality. Mr. Hildebran stated this is a twenty-five year agreement, but noted Tapaha has the right to terminate the project if the bids are too high. The construction process will take between twelve and fifteen months and may begin as early as February 2018.

Mr. Hildebran further remarked that Andy Lovingood, McGill Associates, and City Attorney Ed Blair are available for any questions regarding the technology process and/or the agreement.

Upon a motion by Councilmember Thomas, Council voted 7 to 0 to approve the proposed Water Purchase and Allocation Agreement between the City of Lenoir and Tapaha Dynamics, LLC as recommended by City Staff.

**BID AWARD; SECURITY FENCE PROJECT;
POLICE DEPARTMENT:**

3. Bid Award; Security Fence Project; Police Department: City Staff recommended that Council award the low bid of \$41,000.00 to Mitchell Fence Company, Hudson, N.C., for the security fence project at the Lenoir Police Department. Funding for this project is included in the Police Department's FY2017-18 Annual Budget.

A copy of the bids are hereby incorporated into these minutes by reference. (Refer to pages 431-432).

Upon a motion by Councilmember Rohr, Council voted 7 to 0 to award the low bid of \$41,000.00 to Mitchell Fence Company for the security fence project at the Lenoir Police Department as recommended by City Staff.

VIII. REPORT AND RECOMMENDATION OF THE MAYOR

**ANNOUNCEMENT; LBAB BOARD MEMBER
RESIGNATION AND ANNOUNCEMENT OF UPCOMING VACANCY:**

- A. Mayor Gibbons announced there will be an upcoming vacancy on the Lenoir Business Advisory Board due to the resignation of Mr. Curt Hiller which becomes effective December 30, 2017. He stated that Mr. Hiller has done a great job on the Board and applications may be obtained from the City Clerk or on the City's website at www.cityoflenoir.com.

**RETIREMENT; KEN BRISCOE,
FIRE CHIEF:**

- A. City Manager Scott Hildebran announced that Ken Briscoe, Fire Chief, will be retiring effective March 1, 2018. Mr. Hildebran remarked that Chief Briscoe has done a fantastic job and is "second to none."

Mayor Gibbons also commended Chief Briscoe for building a great department plus lasting relationships across the state and thanked him for his service to the

citizens of Lenoir.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

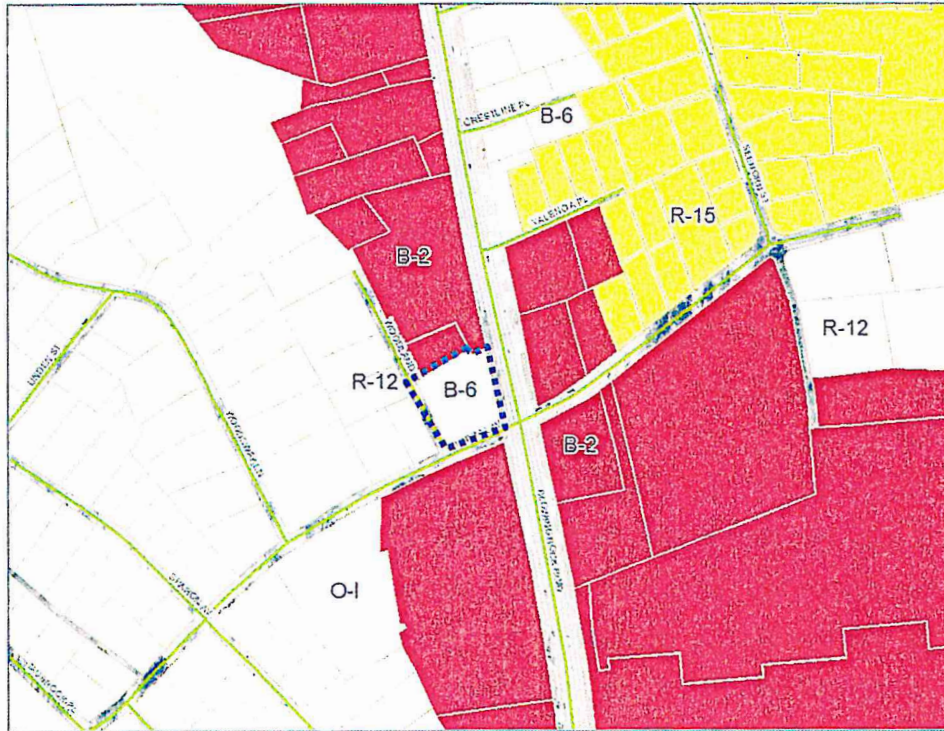
X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 7:05 p.m.

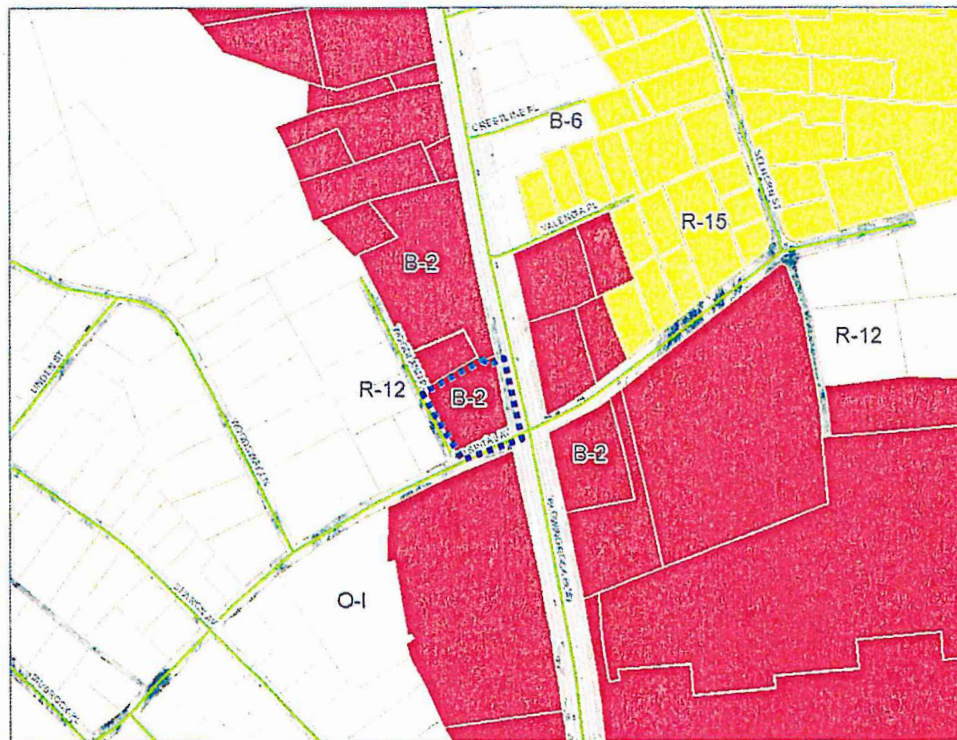
Joseph L. Gibbons, Mayor

Shirley M. Cannon, City Clerk

EXISTING AND PROPOSED ZONING MAPS



 Subject Property
Current Zoning: B-6



 Subject Property
Proposed Zoning: B-2



**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING APPENDIX A SECTION
1002.4 OF THE LENOIR CITY CODE RELATED TO
LANDSCAPING REQUIREMENTS FOR STREET YARDS OF
PARKING AREAS, PROVIDING FOR SEVERABILITY,
CODIFICATION, AND AN EFFECTIVE DATE.**

Whereas, the Lenoir Zoning Ordinance requires a landscaped street yard adjacent to all parking areas that abut a public street; and

Whereas, landscaped areas pose certain security concerns for governmental buildings that involve the transfer, housing, and court appearances for prison inmates; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments consistent with the City's adopted Comprehensive Plan; and

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

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

SECTION 1. Appendix A, Article X, Section 1002.4 of the Code of Ordinances, City of Lenoir, North Carolina, "Landscaping Requirements for Street Yards" is hereby amended to read as follows:

1002.4 Landscaping Requirements for Street Yards of Parking Area - Street yards are defined as the area between the public right-of-way and interior area. Landscaping requirements for street yards are as follows:

- (a) Street yards required to be minimum of six feet in width.
- (b) One (1) tree is required every 100 feet along the frontage.
- (c) Shrub beds (50 square feet minimum and a minimum of ten shrubs per shrub bed) are required every 40 feet along the frontage. (Berms may be used instead of shrubs with the following stipulations:
 - (a) berms must be the required height of shrubs with no more than a 3:1 slope;
 - (b) shorter shrubs may be used in combination with berms as long as the required total height is met;
 - (c) berms must be capped with ground cover vegetation or grass;
 - (d) berms must occupy 60% of frontage area;

(ev) fences may be used in combination with berms as long as fence is compatible in materials and color to building and is not more than 40% of required total height).

(d) An area approved by the City Planning Department staff that adjoins a governmental building and designated for the receipt and transfer of prison inmates for housing or court appearances shall be exempt from the landscaping requirements herein.

SECTION 2. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

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, North Carolina, this 3rd day of November and this 10th day of November, 2017.

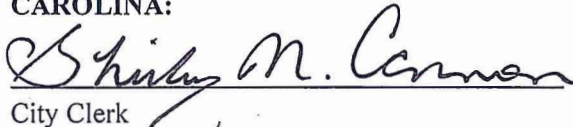
DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 14th day of November, 2017.

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



Mayor/Mayor Pro Tempore

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



City Clerk



Remainder of page intentionally left blank.]**

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING APPENDIX A OF THE
LENOIR CITY CODE RELATED TO ADULT GAMING
ESTABLISHMENTS, PROVIDING FOR SEVERABILITY,
CODIFICATION, AND AN EFFECTIVE DATE.**

Whereas, the City is fielding requests for permits for adult gaming establishments (sometimes called “internet cafes” or “electronic gaming”), but does not specifically permit these types of establishments within the City limits; and

Whereas, these types of uses may have negative secondary impacts on surrounding land uses, particularly residential uses and areas where minors frequently congregate, such as churches, schools, parks, and playgrounds; and

Whereas, these types of uses may be appropriate to locate within certain zoning districts within the City, with performance standards; 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 adoption of sensible, straightforward zoning standards and procedures that are easily understood by developers and the general public; and

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

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

SECTION 1. Appendix A, Article IV of the Code of Ordinances, City of Lenoir, North Carolina, “Definitions” is hereby amended to read as follows:

Article IV. – Definitions

Adult Gaming Establishment – Any establishment deemed legal by state law, featuring one or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving one or more patrons in such a capacity at any one time, which also rewards patrons with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premise and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. This term

includes, but is not limited to, internet cafes, internet sweepstakes, beach sweepstakes, and cyber cafes.

General Gaming Establishment – Any establishment deemed legal by state law, excluding billiards halls, adult gaming establishments and any others similarly defined in this chapter, whose primary use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or rewards of limited value such as children’s toys, games, and novelties when all of said rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions. This term includes, but is not limited to, traditional video game arcades and children’s and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses.

SECTION 2. Appendix A, Article VI, Section 600 of the Code of Ordinances, City of Lenoir, North Carolina, “Permitted Use Chart” is hereby amended as follows:

“Adult Gaming Establishment (See Section 716)” shall be added to the Permitted Use Chart and be shown as a permitted use, to be indicated by an “X,” in the following zoning districts: B-2 and I-1.

“General Gaming Establishment” shall be added to the Permitted Use Chart and be shown as a permitted use, to be indicated by an “X,” in the following zoning districts: B-2, B-3, B-7, I-1, and I-2.

“Amusement Services” shall be deleted from the Permitted Use Chart. *(Editor’s note: “amusement services” are included in the definition of “general gaming establishment” and this deletion does not change the areas where these uses are permitted within the City.)*

SECTION 3. Appendix A, Article VII of the Code of Ordinances, City of Lenoir, North Carolina, “General Provisions” is hereby appended to include Section 716 to read as follows:

Section 716 Performance Standards for Adult Gaming Establishments

1. Adult Gaming Establishments must be located at least 350 ft. away from any residential zoning district, measured from the edge of the residential district to the closest door of the adult gaming establishment open to the public in a straight line.
2. Adult Gaming Establishments must be located at least 1,000 ft. away from any school, youth day care, church, park, or playground, measured from the property line of the protected use to the closest door open to the public of the adult gaming establishment in a straight line.
3. Adult Gaming Establishments must be located at least 1,000 ft. away from any other Adult Gaming Establishment, Adult Use, Liquor (ABC) Store, or Addiction Treatment and Recovery Facility, measured from door to door in a straight line.
4. Alcohol Sales are prohibited.

5. Hours of operation are limited to the hours between 11 a.m. and 12:00 midnight.

6. Adult Gaming Establishments are limited to 1,500 sq. ft. of floor area dedicated to gaming operations and must provide 1 parking space for every 150 sq. ft. of floor area.

5-7.A zoning permit issued by the Planning and Community Development department is required prior to the establishment of any Adult Gaming Establishment within the City.

SECTION 4. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

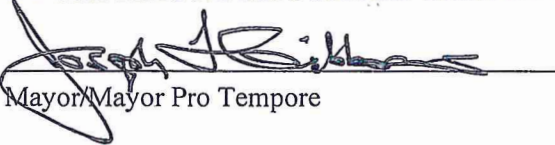
SECTION 5. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect upon adoption.

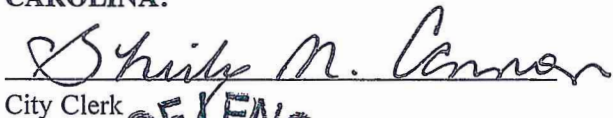
DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 3rd day of November and this 10th day of November, 2017.

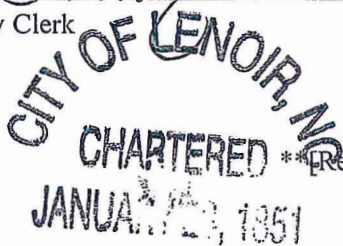
DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 14th day of November, 2017.

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


Mayor/Mayor Pro Tempore

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


City Clerk



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

SEAL.

CITY OF LENOIR, NORTH CAROLINA

ALARM ORDINANCE

The City Council for the City of Lenoir finds that excessive false alarms unduly burden the Lenoir Police Department's limited law enforcement resources. The purpose of this ordinance is to establish reasonable expectations for alarm users and to ensure that alarm users are held responsible for the management and proper maintenance of alarm systems.

SECTION 1: DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alarm Administrator means a person or persons designated by the City of Lenoir to administer the provisions of this ordinance.

Alarm Company means a person, company, firm, or corporation engaged in selling, leasing, installing, servicing or monitoring alarm systems and which is licensed by the North Carolina Alarm Systems Licensing Board.

Alarm Permit means a permit issued to an alarm user by the Lenoir Police Department allowing the operation of an alarm system within the City.

Alarm Signal means a detectable signal, audible or visual, generated by an alarm system, to which law enforcement is requested to respond.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

Alarm User means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Alarm User Awareness Class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Cancellation means termination of response by the Lenoir Police Department when the alarm company notifies the Lenoir Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If

Commercial Property means property used for any non-residential purpose, including but not limited to retail, service, office, industrial, and assembly uses. This term also includes properties with multiple dwelling units, when the alarm system will be used to monitor common areas such as shared hallways, parking lots, offices, and community amenities, or will be used to monitor multiple apartments with a single alarm permit.

False Alarm means the activation of an alarm system when, upon inspection by the Police Department, there is no evidence of unauthorized entry, robbery, or other such crime attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm does not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature or other unpreventable means.

Local Alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

Permit Year means a 12-month period beginning on the day and month on which an alarm permit is issued.

Police Department means the City of Lenoir Police Department.

Residential Property means property used as a single dwelling unit. Residential properties may be detached single family homes, attached single family homes (*townhomes*), or individual units within a multi-family complex.

Verify means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response.

SECTION 2: ALARM PERMIT

- a. **Registration Permit required.** No person or entity shall use or activate an alarm system without first obtaining a permit from the Police Department. A registration fee of \$10 is required for commercial property alarm systems – initial permit and annual renewals. There is no fee for residential alarm permits – initial or renewal. Each permit shall be assigned a unique permit number, and the alarm user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.

NOTE: Applications for Initial Alarm Permits received prior to March 31, 2018 will not be charged the \$10 fee.

Minutes-City Application in Obtaining a permit, the alarm user certifies that such permit constitutes a request and authorization to the alarm company that the alarm company provide the services set forth in Section 4: Duties of the Alarm Company.

- c. **Transfer of possession.** When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the property shall file an application for an alarm permit within thirty (30) days of obtaining possession of the property. Alarm permits are not transferable.
- d. **Reporting updated information.** Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the Police Department within thirty (30) days of the change. In addition, each year after the issuance of the permit, permit holders will receive a form requesting updated information. The permit holder shall complete and return this form along with the annual permit fee to the Police Department whether or not any of the information has changed. Failure to comply will constitute a violation and may result in a civil penalty.
- e. **Multiple alarm systems.** If an alarm user has one or more alarm systems protecting two or more separate premises having different addresses and/or tenants, a separate permit shall be required for each premises and/or tenant.

SECTION 3: DUTIES OF THE ALARM USER

An alarm user shall:

- a. Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms; and
- b. Provide the alarm company the alarm permit number (*the number must be provided to the communications center by the alarm company to facilitate dispatch*); and
- c. Respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by the Police Department; and
- d. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report; and
- e. Obtain a new permit and pay any associated fees if there is a change in address or ownership of the location of the alarm system; and
- f. Comply with the requirement for annual renewal and updated information of their assigned permit(s).

Tuesday, November 14, 2017

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An alarm company operating within the City of Lenoir shall register with the Lenoir Police Department and supply information regarding its license. Such registration shall constitute acknowledgement by the alarm company that the issuance of a permit to an alarm user establishes the alarm user's request and authorization that the alarm company:

- a. Obtains and maintains the required North Carolina Alarm Systems Licensing Board licenses.
- b. Is continuously able to provide the current name, address, and telephone number(s) of the alarm user or a designee, who can be called in an emergency at any time and be able to respond to an alarm call, when notified, within a reasonable time.
- c. Prior to activation of the alarm system, provides instructions explaining the proper operation of the alarm system to the alarm user.
- d. Provides written information of how to obtain service from the alarm company for the alarm system.
- e. Attempts to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, at a minimum, that a second call be made to a different number if the first attempt fails to reach a verified alarm user, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by witness, video, and/or audible means.
- f. Provides alarm user registration number to the law enforcement communication center to facilitate dispatch and/or cancellations.
- g. Communicates any available information about the location of the alarm.
- h. Communicates a cancellation to the law enforcement communications center as soon as possible following a determination that police response is unnecessary.

SECTION 5: PROHIBITED ACTS

- a. It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no crime is being committed or attempted on the premises, or to otherwise intentionally cause a false alarm.
- b. It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 15 minutes.

- a. **Failure to Register.** Failing to register as required by Section 2 of this ordinance shall be unlawful and shall cause a civil penalty of \$50 to be assessed after a second alarm response to an unregistered location in a permit year, false or otherwise. Proper registration within ten (10) days of second alarm may be completed in lieu of paying the \$50 penalty.
- b. **Excessive False Alarms.** It is hereby found and determined that three (3) or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year shall be assessed against an alarm user at a rate of \$50 per false alarm response after the third in a permit year.
- c. **Notice of False Alarms.** A Notice shall be mailed via the US Postal Service to a Permit Holder's registered address after the third false alarm in a permit year. This notice shall serve as a warning that civil penalties are imminent unless corrections are made.
- d. **Other Civil Penalties.** Violations of other provisions of this ordinance will be enforced through the assessment of civil penalties established by the City of Lenoir.
- e. **Payment of Civil Penalties.** Civil penalties shall be paid within thirty (30) days from the date of the invoice. Unpaid penalties shall be referred to collections, in accordance with City of Lenoir policy.
- f. **Civil Noncriminal Violation.** A violation of this ordinance shall be a civil violation and shall not constitute a misdemeanor or infraction.

SECTION 7: ALARM USER AWARENESS CLASS.

The Lenoir Police Department may create an Alarm User Awareness Class and may request the assistance of the area alarm companies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The City of Lenoir may grant the option of attending a class in lieu of paying one assessed penalty, not to exceed \$50.

SECTION 8: APPEALS

- a. Assessments of civil penalties and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the Police Department within ten (10) days after the date of notification of the assessment of civil penalty or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty or other enforcement decision. Appeals shall be heard through an administrative process established by the City of Lenoir.

Tuesday, November 14, 2017
The hearing officer shall review an appeal from the assessment of civil penalty or other enforcement decisions and shall render a decision based on available information and evidence. The hearing officer shall have the discretion to dismiss or reduce civil penalties or reverse any other enforcement decision with cause.

- c. Appeal decisions will be reported in writing to the appellant within ten (10) days of the hearing. No penalties shall be assessed during an appellate process.

SECTION 9: CONFIDENTIALITY

The City of Lenoir acknowledges that certain information obtained or compiled in the course of requiring registration of alarm systems may be exempt from public records disclosure requirements. In the interests of public safety, for the protection of sensitive security information or the protection of criminal intelligence information, all information compiled by the City of Lenoir pursuant to this ordinance shall be held in confidence by all employees and/or representatives and agents of the City of Lenoir, except as otherwise required by law or by order of a court of competent jurisdiction.

SECTION 10: GOVERNMENTAL IMMUNITY

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response by the City of Lenoir Police Department. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Police Department response may be influenced by factors such as the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

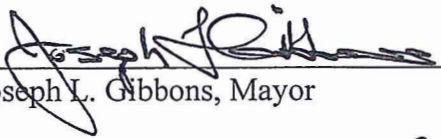
SECTION 11: SEVERABILITY

The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

SECTION 12: EFFECTIVE

This ordinance shall become effective and be applicable to all responsible parties on January 1, 2018.

SIGNATURES:



Joseph L. Gibbons, Mayor

11-14-2017
Date



Shirley Cannon, City Clerk

11-14-2017
Date

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

Tax Releases and Refunds

October, 2017

Tax Releases

Tax Payer	Parcel ID	Tax Year	Amount	Reason
Helen Stepps	47514-2017	2017	\$ 49.43	This property is not in the city limits per the Caldwell County Tax Department.
Juliann Reid	45158-2017	2017	\$ 59.52	This parcel should have a split bill as part of the property is not in the City Limits.
Henry Smith	45711-2017	2017	\$ 609.61	The Elderly Exclusion was not coded correctly and the discount did not apply for early payment.
Ebony Funeral Service	35126-2017	2017	\$ 1,000.00	This business was closed by the State of NC in November, 2016.
Citi Bank	10192-2017	2017	\$ 6,829.00	The equipment was listed in the wrong tax year with the wrong depreciation schedule. The original value was 275,070 but should have been the new value of 268,421.

Tax Refunds

Tax Payer	Parcel ID	Tax Year	Amount	Reason
Darin L Moretz	35777-2017	2017	\$ 995.20	Overpayment -The property was sold and taxes were paid twice.
Daniel L Dunlap	15636-15636	2017	\$ 30.82	Overpayment
Lola W Aiken	509-2017	2017	\$ 10.45	This parcel should have had a split bill as part of the property is not in the City Limits.
Lola W Aiken	115-2016	2017	\$ 121.48	Debt Setoff paid on the entire tax bill and this parcel should have had a split bill as part of the property is not in the City Limits.
Peter C Clark	10599-2017	2017	\$ 15.07	Overpayment
Sylvia Neely	6887-2016	2017	\$ 265.88	Overpayment
T. Holloway	25559-2017	2017	\$ 458.39	The mortgage company paid the entire tax bill and this parcel should have had a split bill as part of the property is not in the City Limits.

Date of Issuance: October 19, 2017	Effective Date: October 19, 2017
Owner: City of Lenoir	Owner's Contract No.: WIF-1875
Contractor: Frizzell Construction Company, Inc.	Contractor's Project No.:
Engineer: McGill Associates, P.A.	Engineer's Project No.: 15.01103
Project: Lenoir WTP Improvements	Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Description: Adjust the Contract Price and Contract time to include upgraded flanges supplied on Butterfly Valves in the Cahaj's Mountain Pump Station, a change to a Vertical Hollow Shaft motor on high service pump #4, and installation of a quazite box incorporated into the underground electrical system

Attachments: Change Order Log and Summary, Contractor's Change Order Request for upgraded butterfly valve flanges, Contractor's Change Order Request for vertical hollow shaft motor (pump #4), Invoice for quazite box,, Email correspondence regarding quazite box.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES [note changes in Milestones if applicable]
Original Contract Price: \$ <u>4,415,000.00</u>	Original Contract Times: Substantial Completion: <u>480</u> Ready for Final Payment: <u>510</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>0</u> : \$ <u>N/A</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>0</u> : Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days
Contract Price prior to this Change Order: \$ <u>4,415,000.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>480</u> Ready for Final Payment: <u>510</u> days or dates
[Increase] [Decrease] of this Change Order: \$ <u>12,666.42</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>5</u> Ready for Final Payment: <u>5</u> days or dates
Contract Price incorporating this Change Order: \$ <u>4,427,666.42</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>485</u> Ready for Final Payment: <u>515</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u>	By: <u>[Signature]</u>	By: <u>[Signature]</u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>SR. PROJECT MANAGER</u>	Title: <u>CITY MANAGER</u>	Title: <u>VP</u>
Date: <u>10-20-17</u>	Date: <u>11/14/2017</u>	Date: <u>10/19/17</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
 Title: _____



CHANGE ORDER LOG

Owner: City of Lenoir
 Contractor: Frizzell Construction Co.
 Project No.: 15.01103, WIF-1875

APPROVED CHANGE ORDER SUMMARY

CO #	Date Approved	Description	# Days	\$\$	Cum. Total Days	Cum. Total \$\$
			0	0	0	\$ -
			0	0	0	\$ -
			0	0	0	\$ -
			0	0	0	\$ -

PROPOSED CHANGE ORDER DETAILS

PCO #	Date Submitted	Description	# Days	\$\$	Incorporated in Co #
1	7/26/2017	Upgraded flanges on Butterfly Valves		\$ 4,208.00	1
2	9/14/2017	Vertical Hollow Shaft motor (#4)	5	\$ 7,910.00	1
3	4/20/2017	Quazite Box (material only)		\$ 548.42	1
		CHANGE ORDER TOTAL	5	\$ 12,666.42	

ORIGINAL CONTRACT AMOUNT 480 \$ 4,415,000.00
 PENDING CHANGE ORDER 5 \$ 12,666.42
 PENDING CONTRACT AMOUNT 485 \$ 4,427,666.42



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

**RESOLUTION TO RECEIVE SPECIAL EQUIPMENT BIDS FOR THE
WATER TREATMENT PLANT UPGRADE PROJECT**

WHEREAS, the City of Lenoir owns, operates, and maintains a Water Treatment Plant for the benefit of the citizens of the City of Lenoir, Caldwell County, and surrounding communities; and

WHEREAS, the City of Lenoir intends to construct a Water Treatment Plant Upgrade project; and

WHEREAS, as part of the treatment process, the Water Treatment Plant has existing processes and equipment in operation, including filter equipment by DeNora Water Technologies; and

WHEREAS, the Water Treatment Plant Upgrade project involves the addition of filter equipment similar to equipment by DeNora Water Technologies currently being installed within the existing filters for uniformity of equipment, controls, and continuity of operations; and

WHEREAS, the Water Treatment Plant Upgrade project also involves the addition of a mechanical pretreatment system, and that after equipment research, Veolia Water Technologies / Kruger Inc. has been found to have sufficient experience, numbers of installations, and capability of meeting the following general performance standards:

Mechanical Pretreatment System shall be designed for outdoor installation with a design surface loading rate of 28 gallons per minute (per square foot of tank area) in the settling zone, while reducing high source water turbidity to less than 2.0 NTU.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL MEMBERS OF THE CITY OF LENOIR:

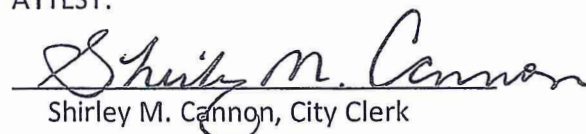
That the Lenoir City Council does hereby decide to (1) either receive sole source equipment pricing or receive preferred brand alternate bid pricing from DeNora Water Technologies for the additional filters; and (2) receive sole source mechanical pretreatment system pricing from Veolia Water Technologies / Kruger Inc.; all as deemed in the best interest of the City of Lenoir.

Adopted this the 14th day of November, 2017 at Lenoir, North Carolina.

(SEAL)


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk





CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

PROCLAMATION

#GIVING TUESDAY

WHEREAS, Giving Tuesday was established as a national day of giving on the Tuesday following Thanksgiving; and

WHEREAS, Giving Tuesday is a celebration of philanthropy and volunteerism where people give whatever they are able to give; and

WHEREAS, Giving Tuesday is a day where citizens work together to share commitments, rally for favorite causes, build a stronger community, and think about other people; and

WHEREAS, it is fitting and proper on Giving Tuesday and on every day to recognize the tremendous impact of philanthropy, volunteerism, and community service in the City of Lenoir and Caldwell County; and

WHEREAS, Giving Tuesday is an opportunity to encourage citizens to serve others throughout this holiday season and during other times of the year.

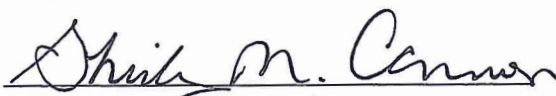
NOW, THEREFORE, I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, do hereby proclaim Tuesday, November 28, 2017 as **"Giving Tuesday"** throughout the City of Lenoir and Caldwell County and encourage all citizens to join together to give back to the community in any way that is personally meaningful.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this 14th day of November 2017.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk



938 728-5476
896-7885

431

M. Mitchell Fence Co.
PO Box 36
Hudson NC 28638

Proposal

TO Lenoir Police Department	PROPOSAL NO.	DATE 9/15/2017
ADDRESS 1035 West Ave NW	BID NO.	ARCHITECT
CITY, STATE Lenoir NC 28645	WORK TO BE PERFORMED AT SAME	
PHONE NO. Captain Brent Phelps 850-7875	ADDRESS	
	CITY, STATE	
	DATE OF PLANS 9/15/2017	

We hereby propose to furnish the materials and perform the labor necessary for the completion of _____

Area below for additional description and/or drawings:

(New Fence)
550 Black vinyl 6" B gauge wire, 1/2" end, corner
2" line posts, 1 1/8" x 1 1/8" wire around bottom 16 posts
1- 20' cantilever gate 4" posts, nylon wheels
165' 6" corr. aluminum 3 RAIL flat top
1- 20' counter balance aluminum gate
1- 4' walk gate
2- lift master gate opener for cantilever, safety eyes
2- 800 posts (entry)
Total materials/labor \$41,000.00

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Forty one thousand dollars and 00/100

Dollars (\$ 41000.00) with payments to be made as follows. upon completion at fence

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Wade Mitchell

Per _____

Note - This proposal may be withdrawn by us if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

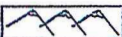
Signature _____

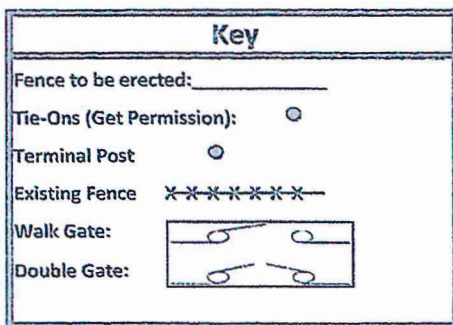
Date _____

Signature _____

Proposal To: Lenoir Police Department **Date:** 2-1-17
Address: 1035 West Ave NW **Telephone:** 828-850-7875
 Lenoir, NC 28645 **828-757-0471**
ATTN: Captain Brent Phelps email: bphelps@ci.lenoir.nc.us **Fax:** 828-758-2103

SPECIFICATIONS:

Total Height: 6'
Post Spaced: 10' max
Fence Style: Aluminum & Chain Link
Gauge: 8
Knuckeled:  X
Safeguard:  X
Terms:
Payable Upon Completion: X



Top Rail	1 5/8"	O.D	20 wt Black Lb./Ft.
Line Post	2"	O.D	40 wt Black Lb./Ft.
End Post	3"	O.D	40 wt Black Lb./Ft.
Corner Post	3"	O.D	40 wt Black Lb./Ft.
Walk Gate Post	3"	O.D	40 wt Black Lb./Ft.
Drive Gate Post	4"	O.D	40 wt Black Lb./Ft.
Gate Frames:...	2 1/2", 2" & 1 5/8"	O.D	Sch 40 Black & 40 wt Black

- 6' high ELITE EFF-20/25 Aluminum Fencing and 6' high Black Vinyl Chain Link Fencing.
- 68' 6' high Elite EFF-20 or EFF-25 black aluminum fencing using three (3) 1 1/8" x 1 3/4" horizontal rails. 3/4" x 3/4" square pickets spaced 1 5/8" apart. 2" x 2" x 8' x 0.060 wall thickness end and line posts.
- 74' 6' high Elite EFF-20 or EFF-25 black aluminum fencing using three (3) 1 1/8" x 1 3/4" horizontal rails. 3/4" x 3/4" square pickets spaced 3 3/4" apart. 2" x 2" x 8' x 0.060 wall thickness end and line posts.
- 1 6' high x 28' opening ZipTrack Black Aluminum Cantilever Gate using 1 5/8" x 1 5/8" horizontal rails and 1" x 1" square pickets spaced 1 5/8" apart.
- 2 4" x 4" x 9' x 0.250 wall thickness end posts.
- 1 4" x 4" x 9' x 0.250 wall thickness line post.
- 509' 6' high 8 gauge Black Vinyl Coated Chain Link fence using 1 5/8" OD 20 wt black powder coated top rail, 2" OD 40 wt black powder coated line posts, and 6 gauge black vinyl coated bottom tension wire.
- 1 20' wide x 6' high Black Cantilever Gate
- 1 4' wide x 6' high Black Single Swing Gate
- 1 4' wide x 7' high Black Prehung Exit Gate
- 13 3" x 9' 40 wt black powder coated corner, end and gate posts with braces.
- 1 3" x 10' 40 wt black powder coated in-line terminal post with braces.
- 2 4" x 10' 40 wt black powder coated gate roller posts with braces.
- 4 3" x 9' 40 wt black powder coated gate safety posts.
- 2 2" x 2" x 6' square black hook ups
- 1 3" x 6' black hook up.

SALESMAN

SALES MANAGER

Accepted for Credit Department:

Form No. 105C

Contract Specifications on Back Are Part of This Contract

ACCEPTED

I Have Read Conditions on Back and agree to the
 Conditions Stated:

MINUTES

ABC BOARD & CITY COUNCIL MEETING
TUESDAY, NOVEMBER 21, 2017
6:00 PM.

PRESENT: ABC Board Members: Jerry Brooks, Chairman, John Tye, Betsy Wilson, ABC Staff: Mike Suddreth, Manager, Glenda Pennington, Finance Manager, and Steve Huntley, CPA.

Others present were City Manager Hildebran, City Clerk Cannon, Mayor Gibbons, Mayor Pro-Tem Willis, Councilmembers Edmisten, Perdue, Rohr, and Stevens. Also in attendance was Marvin Lovins, former Chairman, ABC Board.

ABSENT: Councilmembers Crissy Thomas and Ike Perkins.

I. CALL TO ORDER

- A. Mayor Joe Gibbons welcomed everyone and called the meeting to order.
- B. Special Recognition: On behalf of City Council, Mayor Gibbons recognized and honored Marvin Lovins, former Chairman and retired member of the ABC Board, by presenting him with a framed key to the City.

Mayor Gibbons thanked him for his twenty-seven plus years of service to the City of Lenoir.

Mr. Lovins expressed appreciation for the opportunity to serve and thanked City Council for their support over the years. Mr. Lovins remarked he achieved his personal goal of \$3,000,000 in sales year before last and felt it was time to retire.

In addition, Mayor Gibbons introduced Dr. John Tye and stated he would be a great addition to the ABC Board. Mayor Gibbons also introduced Joshua Harris, Public Information Officer/Communications, who began work with the City on November 13.

II. ABC Board Report

- A. Chairman Brooks stated they have been in operation since 1978 and noted that sales have been extremely good this past year. Mr. Brooks shared the second ABC Store opened in 1995. He also referred to the great Distribution List and stated the City of Lenoir received a \$250,000 distribution during FY2016-2017.

Steve Huntley, CPA, presented an overview of their annual audit report. Mr. Huntley explained that Benson, Blevins & Associates, P.L.L.C. conducted the

actual audit and he reviewed it. (A copy of the audit report is on file in the City Clerk's office.)

Mr. Huntley presented the following information:

- Net Sales \$2,604,303
- Gross Profit \$ 827,482
- Net Assets Ending \$ 851,459
- Net Position \$ 826,857

Mr. Huntley reported their income from operations was \$327,377.

Next, Mr. Huntley presented the distribution of income:

- City of Lenoir \$ 250,000
- Caldwell Schools \$ 30,511
- Law Enforcement/ \$ 11,528
- Alcoholic Education \$ 11,528

Mr. Huntley reiterated sales have increased and their total current assets are \$650,594. Mr. Huntley noted their change in net position is \$24,602.

Additionally, Mr. Huntley reported the audited financial statements consist of the Management's Discussion and Analysis, Basic Financial Statements, Required Supplementary Information-Local Governments Employees' Retirement System along with Additional Information Required by the ABC Board.

Mr. Huntley further reported their total operating budget increased by \$300,000 for a total operating budget of \$3,371,546. He noted that \$495,200 was budgeted for operating expenses with an ending balance of \$469,500.

In conclusion, Mr. Huntley clarified the Board did not have any violations during FY2016-2017 and restated that revenue increased. He also stated they did not have any depreciation or capital outlay, but there was a change in the pension fund.

Mike Suddreth, Store Manager, briefly explained the current issue of receiving shipments is due to issues in Raleigh between truck drivers and the Unions. Mr. Suddreth reported their new products are very popular and he anticipates the stores will do well in the upcoming year.

On behalf of City Council, Mayor Gibbons thanked them for the good report.

III. ADJOURN

There being no further business, the meeting was adjourned at 6:44 p.m.

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, NOVEMBER 28, 2017
8:30 A.M.**

PRESENT: Mayor Pro-Tem Willis presiding. Committee members Gibbons, Edmisten, Perkins, Rohr, and Stevens.

City Manager Hildebran, City Clerk Cannon, Public Information Officer Harris, Police Captain Phelps, Fire Chief Briscoe, Economic Development Director Horn, Finance Director Bean, Recreation Center Manager Carter, Planning Director Wheelock, Public Utilities Director Thomas and Public Works Director Beck.

OTHERS: Virginia Annable, *News-Topic*.

ABSENT: Councilmembers' Crissy Thomas and Todd Perdue, Department Directors, Scott Brown and Kenny Story.

I. CALL TO ORDER

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

II. CITIZEN COMMENT PERIOD

III. COMMITTEE ITEMS

A. Public Utilities/Public Works

1. Updates; Public Utilities: Public Utilities Director Radford Thomas reported on the following items:
 - Biosolids Projects – project is ongoing.
 - Water Treatment Plant Improvements Project – contractor has set an aggressive thirty-day schedule in order to bring the project back on track.
 - Upcoming Improvements Project; Water Treatment Plant – advertising for bids have gone out and a pre-bid meeting will be held on December 5 with a bid opening scheduled for December 19. A recommendation to award the low bid will be placed January 16 City Council meeting agenda.
 - Service Contracts – reported that Baton Water Corporation's contract expires November 2017 and noted they are selling more water than the current contract allocates.

Director Thomas stated he is proposing 15 million gallons per month which is a 20% increase over their current usage in their agreement and pointed out the agreement contains a conservation plan whereby they are billed for additional water usage should they exceed their limit. He stated he will submit a proposed new

agreement to City Council after the first of the year.

As information, he stated the Town of Sawmills has received their water purchase agreement and stated all of our agreements contain standard language. Director Thomas reported Sawmills is using 250,000 gallons per day and related they are also installing some sewer lines. He further reported their sewer agreement renewal will be upcoming and will be modeled after the water agreement.

Director Thomas reported the water tap has been installed at the new Hampton Inn located on Wilkesboro Boulevard and noted he is working with the contractors on the lines. They have also uncovered some conduit and other cable that they are unsure where it is connected to. So far no one has accepted ownership of it.

- Arc Flash Studies – project is currently underway.
- New Brownfields Grant Application – reported a new Brownfields Grant application was submitted on November 16 and the City may be notified by April 2018 whether the application was successful.
- Stormwater Project – City Manager Hildebran stated he and Mr. Thomas attended a meeting last week regarding billing and mapping issues for a Stormwater Improvement Plan and noted the cost is yet to be determined. This issue will be discussed at the upcoming City Council Budget Retreat in January or February.

2. Public Works Director Charles Beck reported on the following items:

- A. North Main Street Project – reported the project is ongoing and stated the former Williams Supermarket has a new owner.
- B. Hampton Inn Right-of-Way Issue – reported the City stills needs to obtain the right-of-way behind the tire store located there and a meeting is scheduled on Wednesday, November 29 to continue to discuss the hotel infrastructure plans.
- C. Leaf Collection/Seasonal Workers- reported the City continues to try and recruit seasonal workers to assist with leaf collection and in other Departments. He remarked they have modified their equipment, but noted it may take longer to finish the leaf collection this year. They currently have three crews working.
- D. Update; Small Cell Co-Locations on Utility Poles – Director Beck reported that legislation was passed in July that affects small cell wireless facilities. He stated that some small cell companies operate “by right” and some restrictions apply. He further pointed out this legislation covers everyone such as municipalities, NCDOT, etc.

Director Beck reviewed a draft ordinance from the Town of Winston-Salem and also related he participated in a webinar. He stated the North Carolina League of Municipalities also crafted legislation pertaining to this issue. Director Beck recommended the City adopt an ordinance to regulate these companies to the extent the City can and to make sure it contains language that will work for the City of Lenoir. It was noted the City owns the poles at intersections where the City owns the traffic signals and this also includes decorative lights. He further explained the poles have to have enough height to accommodate what these companies need. He stated the ordinance does regulate signage. He emphasized the City’s ordinance cannot be in conflict with state law, but the City needs to

be prepared to address this issue.

Mayor Pro-Tem Willis led a discussion regarding preserving the character of downtown Lenoir and commented he was in agreement with the ordinance.

- E. Update; Street Lights – reported that Duke Energy is currently conducting research for street lights regarding Smart technology in order to make them more efficient. The technology will notify Duke Energy if a street light has burned out. There are currently 2,000 street lights in Lenoir which Public Works Staff check four times per year.

IV. COMMUNITY DEVELOPMENT

- A. Lenoir Tourism Development Authority: The Lenoir Tourism Development Authority (LTDA) has an upcoming meeting scheduled for Thursday, December 5 at 3:00 p.m. at City Hall. There were no items to report on at this time.
- B. Lenoir Business Advisory Board: The Lenoir Business Advisory Board (LBAB) last met on Thursday, October 12. Kaylynn Horn, Economic Development Director, reviewed the upcoming holiday schedule and mentioned the annual Christmas Parade is Friday, December 1. She stated they have received a large number of parade applications and noted the recent Rotary Christmas Festival was very successful and well attended.
- C. Planning Board: Planning Director Wheelock stated the Board did not meet in November, but a Board of Adjustments meeting was held on November 27. The Board approved a variance for a doublewide home on Stage Street.

In addition, she reminded everyone of the meeting on Wednesday, November 29 at the former Lenoir High School Auditorium to receive a presentation regarding a comprehensive architecture survey conducted by the State Historic Preservation Office. She stated they did a great job of telling the story of Lenoir and how its neighborhoods were established and encouraged everyone to attend.

Next, she reported the final draft of the Bike Plan has been completed. Also, there are currently two ongoing construction projects (Mini-Storage Units by Dry Ponds Storage Units) are building on the Connelly Springs Road and Dunkin Donuts are building a facility beside of Aldi's on Wilkesboro Boulevard.

Director Wheelock gave a brief update regarding the City's strategic foreclosures and mentioned there is one minimum housing violation waiting for their court date. She reported that all of the homes in the first round of these foreclosures are back in private ownership.

- D. Parks & Recreation Advisory Board: The Parks & Recreation Advisory Board met on Monday, October 16 at 6:00 p.m. The next meeting will be held on Monday, February 19 at 6:00 p.m. at the Martin Luther King, Jr. Center.

Recreation Center Manager Zack Carter presented the following information:

- 1) 215 youth signed up for Basketball and 40 youth signed up for the wrestling program.
- 2) A Boys' Holiday Basketball Tournament will be held on December 13.
- 3) Rentals for the multi-purpose rooms are going well.
- 4) Swim Meets will be held in the near future.
- 5) Tickets are already sold out for College Avenue Baptist Church's annual Alpine Village which is held at the Lenoir High School Auditorium beginning November 30 through December 2.
- 6) The third shelter is currently being completed at the J. E. Broyhill Park.
- 7) Fencing project at the Optimist Park/Mulberry Recreation Center is underway.
- 8) Invited City Council to attend their annual Christmas lunch on Tuesday, December 19 from 11:30 a.m. – 1:00 p.m. at Mulberry Recreation Center.

Mayor Pro-Tem Willis led a brief discussion regarding the Recreation Department possibly adding Pickle Ball courts at its recreational facilities. Mr. Carter stated he would research this project.

- 9) Update; Skate Park Ordinance- City Manager Hildebran distributed copies of the City of Lenoir's Skate Park ordinance along with a copy of the City of Morganton's recently adopted ordinance. He recommended amending the City's ordinance to make the skate park as usable as possible and reported several Councilmembers have also discussed options for the City's park. Mr. Hildebran clarified that, according to state law, the City is not required to man these facilities and relevant signage could be placed at the park to address liability issues.

It was the consensus of City Council to move forward with further discussion of the issue. Mr. Hildebran stated a revised ordinance will be submitted for Council's consideration of approval in the near future.

E. Finance & Administration

1. Financial Updates: Finance Director Donna Bean reviewed the City's Financial Summary as of October 31, 2017 and reported the City has received 80% of its budgeted revenue. (A copy of the report is attached to these minutes as information.) She also reported the Downtown District's expenditures decreased by \$15,000 due to having the branding campaign completed. The collected percentage for the Sales Tax Adjustment for HB97 is at 26.60%.
2. Update; E-Mail Server: Director Bean reported the City had a major hardware failure on its e-mail server on Wednesday, November 20, but mentioned this server was already on the City's rotation list to replace with a virtual server which will prevent future failures from occurring. She related that Staff was currently manually backing up old data before being reconnected to the new server.

3. Update; Public Communications: Joshua Harris, Public Information Officer, informed Council he was working on improving internal communications between employees and plans to create an Internet Employee Directory. In addition, he stated he was working on increasing the City's online presence on social media and will be placing City Council meeting videos on YouTube.com. Mr. Harris commented he was further working on making the City's new website more user friendly with the goal of having information accessible with fewer steps to go through. Mr. Harris also mentioned he will use social media to for the purpose of civic engagement along with news and announcements.

Economic Development Director Kaylynn Horn also suggested building a library of images to create an online group of photos to use with different events. Mr. Harris mentioned he further plans to start publishing the City's newsletter which has not been done in a number of years.

F. Public Safety

1. Updates; Police Department: Captain Brent Phelps announced that Officer Darryl Cornett will be retiring as of Friday, December 1 and the Department currently has two new Officers who will graduate from CCC&TI's Basic Law Enforcement Program on December 15. The Department still has several vacancies. Captain Phelps also thanked City Council for approving the Alarm Ordinance and Security Fence projects for the Police Department.

Captain Phelps reported the Department will increase officers during the upcoming holiday season and mentioned they will be additional visitors in Lenoir on Friday due to the annual Parade and Hibernian High School's championship playoff game. Next, Captain Phelps reported the Department has had a number of calls from area churches inquiring what they can do to provide additional security during church services. He reported the Police Department will be hosting a Church Safety Assessment Training Seminar on Thursday, December 14 from 6:00 p.m. – 8:00 p.m. at the former Lenoir High School Auditorium. Everyone is encouraged to attend.

2. Update; Fire Department: Fire Chief Ken Briscoe informed Council the new structural engineer has addressed foundation issues with the design at Lenoir Fire Station No. 3 as well as moving the elevator. A groundbreaking may be held in January or February 2018. He commended Jesse Plaster, Architect, and Deputy Fire Chief Ken Hair for all their hard work regarding this project.

In addition, Chief Briscoe reported that Council will need to replace former Finance Director/Assistant City Manager Danny Gilbert and the late Chief Rodney Warren who both served on the Department's Relief Fund. The Department utilizes this fund for emergencies, etc. Chief Briscoe reported he will present recommendations to City Council at the January 16 City Council meeting.

VI. OTHER

- A. December Calendar: By consensus of the Council, the calendar for the month of

December was approved by Council listing various meetings and events.

1. A reception will be held for Councilmember Kim Edmisten on Tuesday, December at 4:00 o'clock in the City/County Chambers. The Council meeting begins at 5 o'clock.
2. Retirement; Charles Beck: City Manager Hildebran announced that Charles Beck, Public Works Director, has announced his retirement effective March 1, 2018. Mr. Hildebran stated he appreciated the great job Mr. Beck has done during his tenure and commented the City will greatly miss him.

On behalf of City Council, Mayor Gibbons reiterated Charles will be missed by everyone and expressed appreciation to him for all of his accomplishments during his tenure with the City. He wished him the very best in retirement.

Mr. Beck stated he has enjoyed his time with the City of Lenoir and wants to make the transition as seamless as possible. He commented that he plans to stay involved and volunteer his time with other organizations.

VII. Adjourn:

There being no further business, the meeting was adjourned at 9:58 am.

Attachments

Financial Summary Statement



City of Lenoir
Financial Summary
As of October 31, 2017



General Fund					
	2017-2018 Budget	10/31/2017	% of Budget	Change from Previous Year	10/31/2016
Total Revenue	\$ 16,605,509.00	\$ 13,306,460.11	80%	\$ (42,495.65)	\$ 13,348,955.76
Expenditures	\$ 16,605,509.00	\$ 5,558,794.03	33%	\$ (564,667.23)	\$ 6,123,461.26
Over/Under	\$ -	\$ 7,747,666.08		\$ 522,171.58	\$ 7,225,494.50

Downtown District					
	2017-2018 Budget	10/31/2017	% of Budget	Change from Previous Year	10/31/2016
Revenues	\$ 183,827.00	\$ 238.70	0%	\$ 31.17	\$ 207.53
Expenditures	\$ 183,827.00	\$ 50,430.64	27%	\$ (15,395.22)	\$ 65,825.86
Over/Under	\$ -	\$ (50,191.94)		\$ 15,426.39	\$ (65,618.33)

Water/Sewer Fund					
	2017-2018 Budget	10/31/2017	% of Budget	Change from Previous Year	10/31/2016
Revenues	\$ 8,239,307.00	\$ 3,279,325.84	40%	\$ 267,146.84	\$ 3,012,179.00
Expenditures	\$ 8,239,307.00	\$ 1,917,737.07	23%	\$ 151,391.68	\$ 1,766,345.39
Over/Under	\$ -	\$ 1,361,588.77		\$ 115,755.16	\$ 1,245,833.61

Sales Tax adjustment for HB97					
	2017 - 2018 Budget	Collections As Of 10/31/17***	Percentage Collected YTD		
Sales Tax adjustment for HB97	\$ 215,000.00	\$ 57,183.67	26.60%		

***3 months collections



December 2017



Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 6:30 p.m. Annual Christmas Parade!	2
3 1:30 p.m. - 4:30 p.m. Christmas Toy Drive/ Cruise In (Downtown)	4	5 4:00 p.m. Reception for Kim Edmisten (City/Cnty Chambers) 5:00 p.m. City Council	6 9:00 a.m. Staff Mtg.	7 3:00 p.m. Lenoir Tourism Development Authority (City Hall, 3rd Floor)	8 11:00 a.m. Lenoir Bus. Adv. Brd. (1841 Café) 6-10:00 p.m. Luminary Display (Blue Ridge Pk.)	9 7:00 p.m. Christmas Film "Elf" (former LHS Auditorium)
10	11	12	13	14	15 *Rain Date of Luminary Display	16
17	18 Noon - Planning Board	19 Cancelled - City Council Meeting	20	21	22	23
24	25 Merry Christmas! City Offices Closed!	26 Christmas Holiday City Offices Closed!	27 Christmas Holiday City Offices Closed!	28	29	30
31	Notes for December City offices will be closed on Monday, January 1 in observance of New Year's Day & Monday, January 15 in observance of the Martin Luther King, Jr. holiday. Curbside Christmas Tree Pickup will be held Tuesday, January 2 through Friday, January 5.					

City of Lenoir
P.O. Box 958
Lenoir, N.C. 28645
www.cityoflenoir.com
757-2200 / 757-2162 fax

Joseph L. Gibbons, Mayor
Scott E. Hildebran, City Manager
Shirley M. Cannon, City Clerk

**CITY OF LENOIR
COUNCIL ACTION FORM**

- I. **Agenda Item:** Consideration of an offer of \$5,000 to purchase the property owned by the City of Lenoir located at 518 Hill Street, NC PIN #2749585205 (West End Community Center).
- II. **Background Information:** The City has received an offer from The Pride of Caldwell County Lodge #713 – Lenoir, NC (a non-profit entity) to purchase a .501281 acre parcel located at 518 Hill Street. Since September 30, 2014, the City has leased the property to Harper-Witherspoon American Legion Post #231, Inc. (a non-profit entity) in consideration for the upkeep of the premises and allowing public use of the facility. Legion Post #231 has agreed to terminate said lease with the City if the transaction moves forward with Lodge #713.

The City acquired the property for \$10.00 from the Lenoir Community Center, Inc. on July 30, 1973. Caldwell County has assessed the current value of the property at \$131,400.

A tax map of the tract is enclosed as well as the offer, bid deposit and public notice.

- III. **Staff Recommendation:** If City Council is interested in accepting the offer of \$5,000 from Lodge #713 to purchase the property owned by the City of Lenoir located at 518 Hill Street, NC PIN #2749585205 (West End Community Center), Council should direct the City Clerk to publish notice of the offer in accordance with NCGS 160A-269. Notice of the offer will be published in the Lenoir News Topic, starting a 10-day upset bid period. Lodge #713 requests a 60 day period for due diligence.

IV. **Reviewed By:**

City Attorney:

City Manager:

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

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

**NOTICE OF
OFFER TO PURCHASE REAL PROPERTY
CITY OF LENOIR**

Notice is hereby given pursuant to N.C.G.S. §160A-269 that the City of Lenoir has received an Offer to Purchase of that City-owned real property located at 518 Hill Street, Lenoir, N.C., (West End Community Center) and being approximately 0.501281 acre and being Caldwell County Tax Parcel ID #06-17-2-27 and NCPIN#274-958-5205. The offered purchase price is \$5,000.00 for conveyance by non-warranty deed. The property shall be conveyed "as is, where is," and the purchase and sale shall be subject to all superior liens, unpaid taxes and special assessments, if any. The City Council proposes to accept said offer.

Within ten (10) days of this notice any person may raise the bid by not less than ten (10%) of the first \$1,000.00 and five (5%) percent of the remainder and by making a deposit of five (5%) percent of such increased bid with the City Clerk. Any such bid shall be subject to further advertisement as provided in N.C.G.S. §260A-169. The City Council may at any time reject any and all bids.

**City of Lenoir
Shirley M. Cannon, MMC, NCCMC
City Clerk
801 West Avenue, NW
Lenoir, NC 28645**

WISDOM

STRENGTH

BEAUTY

THE PRIDE OF CALDWELL LODGE NO. 713 - LENOIR, NC

Free and Accepted Masons

Jurisdiction of



North Carolina

November 20, 2017

City of Lenoir
801 West Avenue NW
Lenoir, NC 28645

Attn: Mr. Scott Hildebrand, City Manager

Dear Mr. Hildebrand,

This letter is concerning the property owned by the City of Lenoir located at 518 Hill Street Lenoir, NC 28645. Pride of Caldwell Lodge #713 would like to submit an offer to purchase the building and associated land. An offer of five thousand dollars (\$5,000.00) is made. A sixty-day (60) period of due diligence is requested.

Pride of Caldwell Lodge #713 is a Prince Hall affiliated Lodge governed by the Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons of North Carolina, Inc. Pride of Caldwell consists of members of the community with strong roots of this great place called home.

Chartered in 1949, the Lodge continues to do work that creates upright men that go out into the community with the mindset to make a better community. Over the years Pride of Caldwell has contributed in various ways, presently we assist with feeding those in need, contribute to organizations helping others, and provide scholarships for high school seniors embarking on the journey to college.

Currently the city owned structure is used for a community facility which is a continued use dating from the time that the location was a swimming pool. Having a location for community gatherings enhances the quality of life, by allowing friends and families a location to gather. Community involvement is a part of the mission of Pride of Caldwell. The lodge will be open to providing an arrangement to all other community organizations the opportunity to use the building for community related functions.

Pride of Caldwell would greatly appreciate the City of Lenoir taking consideration of this offer. It is the belief of the Lodge that having ownership of the building will be advantageous for the City, Community, and The Pride of Caldwell.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Jimmy L. Norwood, Jr.'.

Jimmy L. Norwood, Jr.
Worshipful Master

CALDWELL COUNTY, NC 11/29/2017 9:42:52 AM

CITY OF LENOIR
518 HILL ST
50916

Return/Appeal Notes: 06-17-2-27
UNIQ ID 227774
ID NO: 2749.07 58 5205

COUNTY (100) 0662/1690 0073 0.00
WESTEND COMMUNITY PARK
CARD NO. 1 of 1
132,000 **

Reval Year: 2013 Tax Year: 2018
Appraised by 02 on 07/25/2017 00031 NEIGHBORHOOD

SRC= C-01 EX-1 AT- LAST ACTION 20170801

CONSTRUCTION DETAIL		MARKET VALUE		DEPRECIATION		CORRELATION OF VALUE	
Foundation - 3	4.00	USEMOD	Eff. Area	BASE RATE	RCN	EYB	AYB
Continuous Footing	11.00	83	04	2,836	122	134.75	382151
Sub Floor System - 5							
Wood							
Exterior Walls - 21	25.00						
Face Brick							
Roofing Structure - 07	7.00						
Wood Truss							
Roofing Cover - 06	6.00						
Metal/Superior Shingle							
Interior Wall Construction - 5	22.00						
Drywall							
Interior Floor Cover - 14	5.00						
Carpet							
Heating Fuel - 04	1.00						
Electric							
Heating Type - 10	5.00						
Heat Pump							
Air Conditioning Type - 03	6.00						
Central							
Structural Frame - 02	5.00						
Wood Frame							
Ceiling & Insulation - 07	4.00						
Not Suspended - Ceiling and Wall Insulated							
Average Rooms Per Floor - 1	0.00						
Average Rooms Per Floor							
Unit Count - 2	0.00						
Units							
Half-Bathrooms							
BAS - 0 FUS - 0 LL - 0							
Plumbing Fixtures	12.00						
Office							
BAS - 0 FUS - 0 LL - 0	0						
TOTAL POINT VALUE	111,000						
BUILDING ADJUSTMENTS							
Quality	3	Average	1.0000				
Shape/Design	3	Slight Irregular	1.0000				
Size	Size	Size	1.1000				
TOTAL ADJUSTMENT FACTOR	1.100						
TOTAL QUALITY INDEX	122						

TYPE: SCHOOL - PUBLIC
STORIES: 1 - 1.0 Story

Click on image to enlarge

SUBAREA		CODE	QUALITY	DESCRIPTION	LT	HT	UNITS	UNIT PRICE	ORIG %	COND	BLDG #	L/B	SIZE	FACT	AYB	EYB	ANN DEP	RATE	%	OB/XF	DEPR.	VALUE
BAS	2,831	100	381	477																		0
FOP	240	20	674																			0
FIREPLACE	1	None	0																			0
SUBAREA TOTALS	2,855		382,151																			0

BUILDING DIMENSIONS BAS=S26W25S8W26N8W25N26E18N10W6N7E9S3E4N3E26S3E4S14E21Area:2831;FOP=N3W4S3E4Area:12;FOP=W4S3E4N3Area:12;TotalArea:2855

LAND INFORMATION

HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	LAND NOTES
MUNICIPAL	8900		66	165	1.0600	2	1.0000			120.00	66.000	FF	1.060	127.20	8395	
MUNICIPAL	8900		66	165	1.0600	2	1.0000			120.00	66.000	FF	1.060	127.20	8395	

TOTAL MARKET LAND DATA 16,800

TOTAL PRESENT USE DATA

Owner: CITY OF LENOIR

STATE OF NORTH CAROLINA,
CALDWELL COUNTY.

Miss Ltr & Pool

THIS DEED, Made this 30 day of July A. D. 19 73 , by and between

LENOIR COMMUNITY CENTER, INCORPORATED,

of Caldwell County, North Carolina, hereinafter called the GRANTORS, whether one or more, and

CITY OF LENOIR,

of Caldwell County, North Carolina, hereinafter called the GRANTEEES, whether one or more;

WITNESSETH:

That the said grantors for certain good and valuable considerations moving them thereto, and particularly the sum of - - TEN - - (\$10.00) Dollars, to them paid, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do hereby bargain, sell and convey unto the said grantees, their ^{successors} and assigns,

the following described land in Lenoir Township, Caldwell County, State of North Carolina, particularly described as follows, viz:

BEGINNING on an iron pipe stake in the Northern margin of Hill Street at Claude Ervin's Southeast corner and runs with his line North 34° and 53' West 165 feet to an iron pipe stake, his Northeast corner; thence with the old line North 56° and 5' East 132 feet to an iron pipe stake, the Southwest corner of the School lot and Laura Gaither's Northwest corner; thence with her line South 34° and 53' East 82 feet to an iron pipe stake; thence a new line South 56° and 5' West 11 feet to an iron pipe stake; thence still a new line South 34° and 53' East 83 feet to an iron pipe stake in the Northern margin of Hill Street; thence with the margin of Hill Street South 56° and 5' West 121 feet to the BEGINNING, according to a survey made by S. B. Howard, Civil Engineer, May 22, 1952. The bearings in the above description are calculated from angles and are referred to the True Meridian (not verified).

BEGINNING on an iron pipe stake at the Southwest corner of the School lot and runs with the School lot line North 56° and 5' East, 132 feet to an iron pipe stake in the margin of a 10 foot alley; thence with the margin of the said alley, South 34° and 53' East 82 feet to an iron pipe stake; thence a new line South 56° and 5' West, 132 feet to an iron pipe stake in the Neely line; thence with that line North 34° and 53' West 82 feet to the BEGINNING, according to a survey made by S. B. Howard, Civil Engineer, May 22, 1952. The bearings in the above description are calculated from angles and are referred to the True Meridian (not verified).

Being the same property as conveyed by Elmer Gaither and wife, Bessie Gaither; Laura Gaither and Booker T. Neeley and wife, Viney Neeley, to Lenoir Community Center, by deed dated May 26, 1952, and recorded in Book 277, at Page 640, Caldwell County Registry.

TO HAVE AND TO HOLD the said premises, above described, with every privilege and appurtenance thereunto belonging, to the said grantees, their ~~heirs~~ ^{successors} and assigns, to their only use and behoof forever.

SUCCESSORS

The grantors covenant to and with the grantees, their ~~heirs~~ and assigns: That they are the owners of and are seized of the premises in fee; that they have good right to convey the same in fee simple; that the said premises are free and clear from encumbrances, except as hereinafter stated; and that they will forever warrant and defend their said title to said premises against the claims of any and all persons whomsoever.

IN TESTIMONY WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

ATTEST:

Wm E Stevenson
Secretary

LENOIR COMMUNITY CENTER, (Seal)
INCORPORATED

By: J E Bradford (Seal)
President (Seal)

(Seal)

(Seal)

(Seal)

(Seal)

(Seal)

(Seal)

(Seal)



STATE OF NORTH CAROLINA—Caldwell County.

I, _____, a _____,
do hereby certify that _____
and _____
his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, A. D. 19____
My commission expires _____

Notary Public

STATE OF NORTH CAROLINA—Caldwell County.

I, _____, a _____,
do hereby certify that _____
_____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, A. D. 19____
My commission expires _____

Notary Public

Prepared by: Groome, Tuttle, Pike & Blair

STATE OF NORTH CAROLINA

COUNTY OF CALDWELL

LEASE AGREEMENT

This Lease Agreement, made and entered into this 30th Day of September, 2014, by and between **CITY OF LENOIR**, a North Carolina municipal, (hereinafter called "Lessor"), and **HARPER-WITHERSPOON AMERICAN LEGION POST NO. 231, INC.**, a North Carolina non-profit corporation located at 510 Hill Street, P. O. Box 651, Lenoir, North Carolina 28645, (hereinafter called "Lessee");

WITNESSETH:

1. Demise of Premises. Lessor leases unto Lessee the real property and the building thereon (hereinafter called "Premises") which is located in Caldwell County, North Carolina and is described more particularly as follows: being that described in that July 30, 1973, deed from Lenoir Community Center, Incorporated, to the City of Lenoir, recorded in Deed Book 662, pages 1690-1692, Caldwell County Registry.

2. Term: The original term of this Lease shall be for one (1) year and the commencement date of the first lease year shall be October 1, 2014. Either party may terminate this lease upon thirty (30) days written notice to the other party for any reason or cause. Unless either party shall have previously terminated the lease by such written notice, this lease shall be extended for an additional one-year term without further action of the parties upon the same terms and conditions set forth herein. Such automatic one-year extensions shall continue for each subsequent year unless either party shall notify the other in writing that the lease be terminated.

3. Consideration. The consideration for the granting of this lease shall be the commitment by the Lessee to put the property to a public use without monetary consideration. The Lessee commits to making use of the Premises providing services, programs and recreational activities for area military veterans and for other area citizens during the full term of the lease, and for any extension period(s) of the lease.

4. Fire Insurance. It shall be the responsibility of Lessor to pay all fire insurance premiums to insure Lessor against loss or damage to the buildings or other improvements located on the Premises. Lessee may carry at its own expense policies of fire insurance with coverage insuring Lessee against loss or damage to its

furnishings, inventory, equipment and other personal property situated or placed upon, in or about the Premises with companies and in amounts acceptable to itself. With respect to all other policies copies shall be delivered to Lessor.

5. Liability insurance. Lessee shall carry public liability insurance in the minimum amount of \$1,000,000.00 bodily injury per occurrence, and \$500,000.00 property damage per occurrence, and Lessee shall deliver to Lessor a memoranda of the policy of such coverage with a company satisfactory to Lessor and which names Lessor as additional insured therein.

6. Assignment or Subletting. Lessee shall have the right sublet the Premises in whole or in part without the prior written consent of Lessor provided that such sub-lease shall be for the sole purpose of providing a public use for area citizens which complements and does not conflict with the public services which constitute the consideration for the lease.

7. Compliance with Legal Requirements. Lessee shall comply with all the legal requirements of any governmental or quasi-governmental body including City, County, State or Federal boards having jurisdiction thereof, respecting any operation conducted or any equipment, installations or other property placed upon, in or about the Premises. Lessee shall neither create nor permit the creation of any nuisance upon, in or about the Premises, and Lessee shall not make any offensive use thereof.

8. Utilities and Repairs. Lessor shall pay for electricity, gas, water, heat, and other utilities consumed or used on the Premises. The Lessor shall, through its employees, mow the grass and maintain the exterior and grounds of the facility as it deems necessary. In addition, the Lessor shall provide make such major structural repairs of a capital nature as it deems necessary and appropriate for the facility.

9. Public Service Activities of Lessee or Sub-tenant. The Lessor shall not be responsible for the operation, supervision or control of the activities of the Lessee, or of any sub-tenant of the Lessee which are conducted or maintained on the premises, and the Lessee/Sub-tenant shall be solely and completely responsible for the safety and well-being of any persons or other entity(ies) which may participate in any of the activities which may be conducted by the Lessee or any Sub-tenant of Lessee on or about the Premises and shall indemnify and hold the Lessor harmless from any liability or claims by third parties arising from the activities at or upon the leased premises which may be conducted by the Lessee or any Sub-tenant of Lessee.

10. Additions, Alterations, Changes and Improvements. Lessee shall not make, nor have the right to make any alterations, changes or improvements, structural or otherwise, in or to the Premises without Lessor's prior written consent. If such consent is given, all such alterations, changes and improvements, shall be promptly made in a workman-like manner, be promptly paid for allowing no liens to attach either to the Premises or to Lessor's interest therein, and shall become the property of Lessor at the termination of this Lease Agreement.

11. Safe and Sanitary Conditions. Lessee shall not permit, allow or cause any act or deed to be performed upon, in or about the premises which shall cause or be likely to cause injury to any person or to the Premises, the building or improvements located thereon, or to any adjoining property. Lessee shall at all times keep the premises in a neat and orderly condition and keep the premises and the entryways, parking areas, sidewalks and delivery areas adjoining the premises clean and free from rubbish, dirt, snow, standing water and ice.

12. Lessor Not Liable for Damages or Injuries. Lessor shall not be responsible to Lessee or any other person, firm, partnership, association or corporation for damages or injuries by virtue of or arising out of burst water pipes, leaks from the roof, or by virtue of earthquakes, riots, windstorms, overflow of water from surface drainage, rains, water, fire or by the elements or acts of God, or by the neglect of any person, firm, partnership, association or corporation.

13. Waiver of Subrogation. Neither Lessee nor anyone claiming by, through, under or in Lessee's behalf shall have any claim, right of action or right of subrogation against Lessor or based upon any loss or caused by fire, explosion or any other casualty (not limited to the foregoing) relating to the premises or any property upon, in or about the Premises, whether such fire, explosion or casualty shall arise from the negligence of Lessor, their agents, representatives or employees, or otherwise.

14. Inspection. Lessor shall have the right at all reasonable times to enter and inspect the Premises.

15. Condition of Premises Upon Termination. Upon the termination of this Lease Agreement, Lessee shall return the Premises to Lessor substantially in the same condition as when received ordinary wear and tear and approved improvements excepted.

16. Default. Each of the following events shall constitute a default or breach of this lease by Lessee:

- a) If Lessee fails to fully perform and comply with each and every condition and covenant of this Lease Agreement, and such failure of performance continues for a period of 30 days after notice thereof;
- b) Lessee or any sub-tenant's failure to perform the public service(s) which constitute the consideration for this lease;
- c) Vacates or abandons the Premises.

17. Remedies In Event of Default. In the event of any default hereunder as set forth in the foregoing Section 16, Lessor shall be entitled to re-enter and re-take the Premises and exercise all their rights under the laws of the State of North Carolina.

18. Waiver. No failure to exercise any rights hereunder to which Lessor may be entitled shall be deemed a waiver of the right to subsequently exercise same. Lessee shall gain no rights nor become vested with any owner to remain in default under the terms hereof by virtue of Lessor's failure to timely assert rights. No waiver of an acceleration of rentals, regardless of how often occurring, which Lessor choose to ignore by thereafter accepting rental or other performance by Lessee shall constitute a waiver of the right to thereafter accelerate rentals.

19. Law Applicable. This Lease is entered into in North Carolina and shall be construed under the laws, statutes, and ordinances of such jurisdiction.

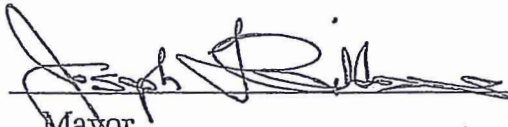
20. Easements, Restrictions and Right of Way. The Premises are demised subject to all easements, restrictions and right of way legally affecting the Premises.

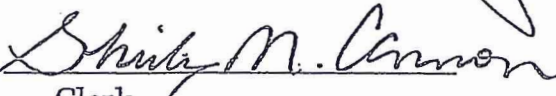
21. Binding Effect and Complete Terms. The terms, covenants, conditions and agreements herein contained shall be binding upon and inure to the benefit of and shall be enforceable by Lessor and by their respective heirs, successors and assigns. All negotiations and agreements of Lessor and Lessee are merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by Lessor and Lessee.

IN WITNESS WHEREOF, the parties have signed and sealed this Lease Agreement on the date above-written.

LESSOR:

CITY OF LENOIR, a North Carolina municipal corporation

By:  (SEAL)
Mayor

ATTEST: 
Clerk

LESSEE:

HARPER-WITHERSPOON AMERICAN LEGION POST NO. 231, Incorporated, a N.
C. non-profit corporation

By: 
Norman Smith, Commander



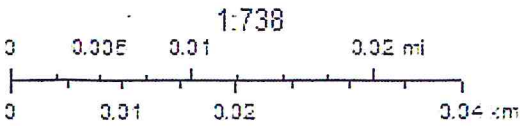
This map is NOT of land survey quality and is NOT suitable for such use.

Owner CITY OF LENOIR
PO BOX 958
LENOIR, NC 28645

Acct Number 50916
Parcel ID 06 17 2 27
NCPIN 2749585205

Deferred Val \$0
Assessed Val \$131,400
Calc Acreage 0.501281
Land Units 132 (**)
Legal Desc 0662/1690 0073 0.00
Plat Ref /
Property Addr 518 HILL ST.

Caldwell County



November 29, 2017

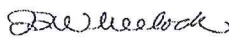
CITY OF LENOIR
COUNCIL ACTION FORM

- I. **Agenda Item:** City staff request that City Council adopt an Order of Abatement directing staff to abate the minimum housing violations by demolishing the structure on the property of 340 Finley Ave
- II. **Background Information:** The subject structure is unfit for human habitation and attempts to achieve owner abatement have been unsuccessful. See attached time line for detailed information.
- III. **Staff Recommendation:** Recommend adoption of the attached ordinance, directing staff to proceed with the demolition and removal of the structure. This property is No. 1 on the minimum housing priority list.

IV. **Reviewed by:**

City Attorney: _____

Finance Director: _____

Planning Director: 

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, **Agnes Horton**, has been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Standards accordance with G.S. 160A-443 (5) pursuant to an order issued by the Minimum Housing Inspector on September 15, 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: **340 Finley Ave.**
Lenoir, North Carolina.
Parcel-ID 09 27 3 1
NCPIN 2840906722

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.

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.

Adopted this the 5th day of December, 2017.

JOSEPH L. GIBBONS
MAYOR

ATTEST:

SHIRLEY M. CANNON
CITY CLERK

APPROVED AS TO FORM:

EDWARD H. BLAIR, JR
CITY ATTORNEY

Owner: Agnes Horton
 Property: 340 Finley Ave
 NC Pin No. 2840906722
Minimum Housing Violation Time Line

<u>Date</u>	<u>Description</u>
June 2017	After receiving multiple complaints concerning the over grown vegetation at this property the City started a nuisance violation case. The nuisance violation case stated that the owner must cut and remove the vegetation. The owner failed to make contact and the City abated the violations. All fees accumulated were placed as a lien on the property.
August, 2017	Due to numerous complaints this property rose to No. 1 on the minimum housing priority formula list. The initial inspection of the dwelling reveled deterioration in the exterior structural components including foundation, roofing, and siding. It was determined based on the buildings tax value and the amount of deterioration that the dwelling was classified as dilapidated. This property is zoned R-6 (Multi-Family Residential) and is in the North Main Special Overlay District.
September 15, 2017	Initial minimum housing violation/hearing notice was mailed to the property owner on this date. Two copies of the letter were mailed one first class and one registered mail. Initial minimum housing letter requested that the property owner contact the housing inspector to set up time for an onsite hearing to discuss the housing violations and abatement procedures. Owner failed to contact the housing inspector and both letters were returned. Certified Mail No. 7016 2710 0001 1759 1440
October 6, 2017	Final minimum housing determination letters were mailed to the property owner on this date. Two copies of this letter were mailed one first class and one registered mail. Due to the severe dilapidated condition of the structure and the health/safety hazard the final order was to demolish the dwelling and remove it from the property. Owner failed to contact the housing inspector and the first class letter was returned. The registered mail letter was never returned from the post office. Certified Mail No. 7013 1710 0000 0856 6188
November 9, 2017	In accordance with the City of Lenoir Code of Ordinance a Notice of Order to Demolish was submitted to the Lenoir News Topic. The ad requested that any person having or claiming an interest in the property be present for the City Council meeting. The ad was submitted and ran once a week for two consecutive weeks. Ad published on Sunday November 12, 2017 and Sunday November 19, 2017
November 28, 2017	At this time it is requested that an ordinance be passed for the demolition of the dwelling at 340 Finley Ave. Demolition will take place after the above mentioned date and all fees accumulated will be placed as a lien on the property.

Minimum Housing Violation Affidavit
(340 Finley Ave)

I, Zach Clark affirm that as the housing inspector for the City of Lenoir I have made every possible attempt to contact the property owners of 340 Finley Ave. I have exhausted all resources in the effort to find the owners and/or heirs of the property mentioned above. The dwelling is unfit for human habitation and is a health/safety hazard for nearby neighbors. At this time the best course of action to eliminate the minimum housing violations is to demolish the structure and remove all debris from the property.

I swear that everything documented in this packet to be true and correct to the best of my information, knowledge, and belief.

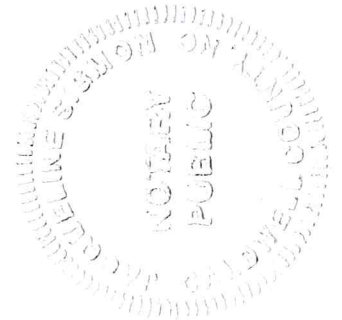
11-29-2017
Date

Zach Clark
Zach Clark

STATE OF NORTH CAROLINA
COUNTY OF CALDWELL

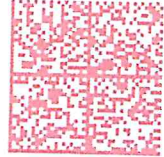
I, the undersigned Notary Public, do hereby affirm that Zach Clark personally appeared before me on the 29th day of November, 2017 and signed the above Affidavit as his free and voluntary act and deed.

Jacqueline Sizemore
Notary Public



CITY OF LENOIR
P. O. BOX 958
LENOIR, N. C. 28645-0958

PRESORTED
FIRST CLASS



U.S. POSTAGE



ZIP 28601
02 1W
000139127

ANK

Agnes Horton
7207 Van Buren Ave
Savannah, GA 31406

NIXIE 322 FEB 1981 0000/24
SACS

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

905120 77 FROM 0100

ANK

BC: 28645095858 *2787-02944-2





CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

October 6, 2017

Agnes Horton
7207 Van Buren Ave
Savannah, GA 31406

Certified Mail: 7016 2710 0001 1759 1495

**MINIMUM HOUSING VIOLATION
AND ORDER TO ABATE**

To: **Agnes Horton**, owner(s) of property located at **340 Finley Ave** (PIN:2840906722) in the City of Lenoir, North Carolina.

**Unsafe Buildings: General Statute 160A-426, 160A-446, 160A-429
North Carolina Code Officials Enabling Act: 160A-412**

Condition of structure is determined as: **Deteriorated** ☐
Dilapidated ☒

The following code violations have been determined: If further inspection is required, additional violations may be added.

G.S. 160A-428

That the building or structure is in a condition that appears to meet one or more of the following conditions:

- A. Constitutes a fire or safety hazard.**
- B. Is dangerous to life, health, or other property.**
- C. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.**
- D. Has a tendency to attract person(s) intent on criminal activities or other activities which would constitute a public nuisance.**

This is the final determination for the property listed above. Owner failed to contact the housing inspector as instructed in the initial letter that was mailed on September 15, 2017. This property is in violation of the City of Lenoir Minimum Housing Standards. The structure is currently unsecure and is a safety hazard. Due to the amount of structural damage this dwelling is classified as dilapidated. In order to abate

the minimum housing violations the dwelling must be demolished and removed from the property. Abatement of these violations must occur in a specified amount of time, not to exceed 30 days.

Failure to abate the violations by, **November 8, 2017** will result in actions including, but not limited to, civil penalties, postings, and city abatement. If you have any questions concerning the violations or the abatement process please contact me.

Section 1-15 Civil and Criminal Penalties

- (c) Violation of any provision of this Code not corrected as provided in [this letter] shall subject the offender to a civil penalty in the amount of \$50.00 to \$500.00, in accordance with the citation schedule in subsection (e), to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a period of 72 hours after being cited. The citation shall be in writing, signed by the authorized person issuing the citation, and shall be delivered in person or by mail to the offender.

(e) Civil Penalties Schedule

Violation of any provision of this ordinance shall subject the offender to civil penalties in the following amounts, as applicable. All Civil Penalties must be paid within 72 hours of receipt by the offender.

First Penalty	Second Penalty	Third Penalty	Fourth Penalty	Fifth Penalty	Sixth Penalty	Seventh Penalty	Eighth Penalty	Ninth Penalty	Tenth Penalty
\$50.00	\$50.00	\$50.00	\$100.00	\$100.00	\$100.00	\$250.00	\$250.00	\$250.00	\$250.00

* If violations continue to exist past the tenth penalty, subsequent penalties shall be \$500.00 each.

- (f) Unless otherwise specifically provided in this Code and authorized by state law, no single offense (as described in subsection (d), above) may be punished by a fine or civil penalty in excess of \$500.00.

Stage of the investigation

Initial Investigation ☐

Final Determination ☒

Abatement of these violations must occur within a specified period of time, not to exceed 30 days. Failure to comply will result in actions including, but not limited to, civil penalties, posting, and city abatement

Sincerely,



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



CITY OF LENOIR
P. O. BOX 958
LENOIR, N. C. 28645-0958

CERTIFIED MAIL®



7016 2710 0001 1759 1495



U.S. POSTAGE® PITNEY BOWES



ZIP 28601 \$ 006.56⁰
02 1W
0001391273

Refused
10/4/17/629
2R10/25

Agnes Horton
7207 Van Buren Ave
Savannah, GA 31406

NIXIE 322 DE 1 0011/02/17

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 28645095858 *2588-00377-12-37

UNC
28645095858

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postmark
Here

10-6-17

Postage

\$

Total Postage

\$

Sent To

Street and Apt.

City, State, ZIP

Agnes Horton
7207 Van Buren Ave
Savannah, GA 31406

7016 2710 0001 1759 1495

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Agnes Horton
7207 Van Buren Ave
Savannah, GA 31406



9590 9402 1452 5329 3829 85

2. Article Number (Transfer from service label)

7016 2710 0001 1759 1495

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Agnes Horton

☐ Agent☐ Addressee

B. Received by (Printed Name)

Agnes S. Horton

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail
Mail Restricted Delivery
(30)

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage

\$

Sent To

Street and Apt.

City, State, ZIP

Agnes Horton
7207 Van Buren Ave
Savannah, GA 31406

Postmark
Here

10-6-17

7016 2710 0001 1759 1495

PRESORTED
FIRST CLASS

U.S. POSTAGE PITNEY BOWES

ZIP 28601 \$ 000.45³
02 1W
0001391555 OCT 06 2017

Agnes Horton
7207 Van Buren Ave
Savannah, GA 31406

01 00 00 00	00 00 00	00 00	0 00 00 0	00 00 0 0 0 0 0 0
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RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 28645095858 *0638-05289-09-16

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Notice of Order to Demolish

The public will hereby take notice that the Lenoir Planning Department will be submitting an ordinance to the City Council for the demolition of 340 Finley Ave on Tuesday, December 5, 2017 at the City/County Chambers 905 West Ave, Lenoir. All attempts to make contact with property owners and/or heirs have failed. It is requested that any and all Heirs of Agnes Horton, and any other persons having or claiming an interest in the property 340 Finley Ave, Lenoir NC 28645 NC Pin 2840906722 be present for the City Council meeting at the date listed above.

This Order set forth by the City of Lenoir Housing Inspector is issued and served pursuant to the Code of Ordinances of the City of Lenoir and the North Carolina General Statutes.

It appears to the undersigned, who is the Housing Inspector under the Code of Ordinances, from his preliminary investigation of the premises, that the property identified above is in violation of one or more of the Minimum Housing Standards in Chapter 10, of the Code of Ordinances of the City of Lenoir.

The undersigned has made attempts to contact the property owners and/or heirs to the property by first class and registered mail, all of which were returned. The property identified above has been posted with the order to abate as specified in Chapter 10, of the Code of Ordinance of the City of Lenoir.

The undersigned complaining of the afore-said property and all persons owning or having any interest therein, charges that said property fails to meet the Minimum Housing Standards prescribed in the Code of Ordinances of the City of Lenoir as more specifically set forth in the Notice of Violation.

Zach Clark

**Zoning and Housing
Inspector**

City of Lenoir

Planning Department

Office: 828.757.2212

Nov. 12, 19, 2017



05/25/2017 03:02 PM



05/25/2017 03:02 PM



05/25/2017 03:03 PM



05/25/2017 03:03 PM





CITY OF LENOIR
COUNCIL ACTION FORM

- I. **Agenda Item:** City staff request that City Council adopt an Order of Abatement directing staff to abate the minimum housing violations by demolishing the structure on the property of 342 Finley Ave
- II. **Background Information:** The subject structure is unfit for human habitation and attempts to achieve owner abatement have been unsuccessful. See attached time line for detailed information.
- III. **Staff Recommendation:** Recommend adoption of the attached ordinance, directing staff to proceed with the demolition and removal of the structure. This property is No. 2 on the minimum housing priority list.

IV. **Reviewed by:**

City Attorney: _____

Finance Director: _____

Planning Director: DeeDee Look _____

**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, **Salvator Dolias Atkins**, has been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Standards accordance with G.S. 160A-443 (5) pursuant to an order issued by the Minimum Housing Inspector on September 15, 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: **342 Finley Ave.**
Lenoir, North Carolina.
Parcel-ID 09 27 3 2
NCPIN 2840906627

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.

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.

Adopted this the 5th day of December, 2017.

**JOSEPH L. GIBBONS
MAYOR**

ATTEST:

**SHIRLEY M. CANNON
CITY CLERK**

APPROVED AS TO FORM:

**EDWARD H. BLAIR, JR
CITY ATTORNEY**

Owner: Salvator Dolias Atkins
 Property: 342 Finley Ave
 NC Pin No. 2840906627
Minimum Housing Violation Time Line

<u>Date</u>	<u>Description</u>
August 14, 2012	Code Enforcement Officer Nathan Rhue mailed a letter to the property owner informing them of the housing violations at 342 Finley Ave. The registered mail receipt was returned and signed on August 20, 2012. No other information was in the file.
June 2017	After receiving multiple complaints concerning the over grown vegetation at this property the City started a nuisance violation case. The nuisance violation case stated that the owner must cut and remove the vegetation. The owner failed to make contact and the City abated the violations. All fees accumulated were placed as a lien on the property.
August, 2017	Due to numerous complaints this property rose to No. 2 on the minimum housing priority formula list. The initial inspection of the dwelling reveled deterioration in the exterior structural components including foundation, roofing, and siding. It was determined based on the buildings tax value and the amount of deterioration that the dwelling was classified as dilapidated. This property is zoned R-6 (Multi-Family Residential) and is in the North Main Special Overlay District.
September 15, 2017	Initial minimum housing violation/hearing notice was mailed to the property owner on this date. Two copies of the letter were mailed one first class and one registered mail. Initial minimum housing letter requested that the property owner contact the housing inspector to set up time for an onsite hearing to discuss the housing violations and abatement procedures. Owner failed to contact the housing inspector and both letters were returned. Certified Mail No. 7016 2710 0001 1759 1457
October 6, 2017	Final minimum housing determination letters were mailed to the property owner on this date. Two copies of this letter were mailed one first class and one registered mail. Due to the severe dilapidated condition of the structure and the health/safety hazard the final order was to demolish the dwelling and remove it from the property. Owner failed to contact the housing inspector and both letters were returned Certified Mail No. 7013 1710 0000 0856 6188
November 9, 2017	In accordance with the City of Lenoir Code of Ordinance a Notice of Order to Demolish was submitted to the Lenoir News Topic. The ad requested that any person having or claiming an interest in the property be present for the City Council meeting. The ad was submitted and ran once a week for two consecutive weeks. Ad published on Sunday November 12, 2017 and Sunday November 19, 2017
November 28, 2017	At this time it is requested that an ordinance be passed for the demolition of the dwelling at 342 Finley Ave. Demolition will take place after the above mentioned date and all fees accumulated will be placed as a lien on the property.

Minimum Housing Violation Affidavit
(342 Finley Ave)

I, Zach Clark affirm that as the housing inspector for the City of Lenoir I have made every possible attempt to contact the property owners of 342 Finley Ave. I have exhausted all resources in the effort to find the owners and/or heirs of the property mentioned above. The dwelling is unfit for human habitation and is a health/safety hazard for nearby neighbors. At this time the best course of action to eliminate the minimum housing violations is to demolish the structure and remove all debris from the property.

I swear that everything documented in this packet to be true and correct to the best of my information, knowledge, and belief.

11-29-2017
Date

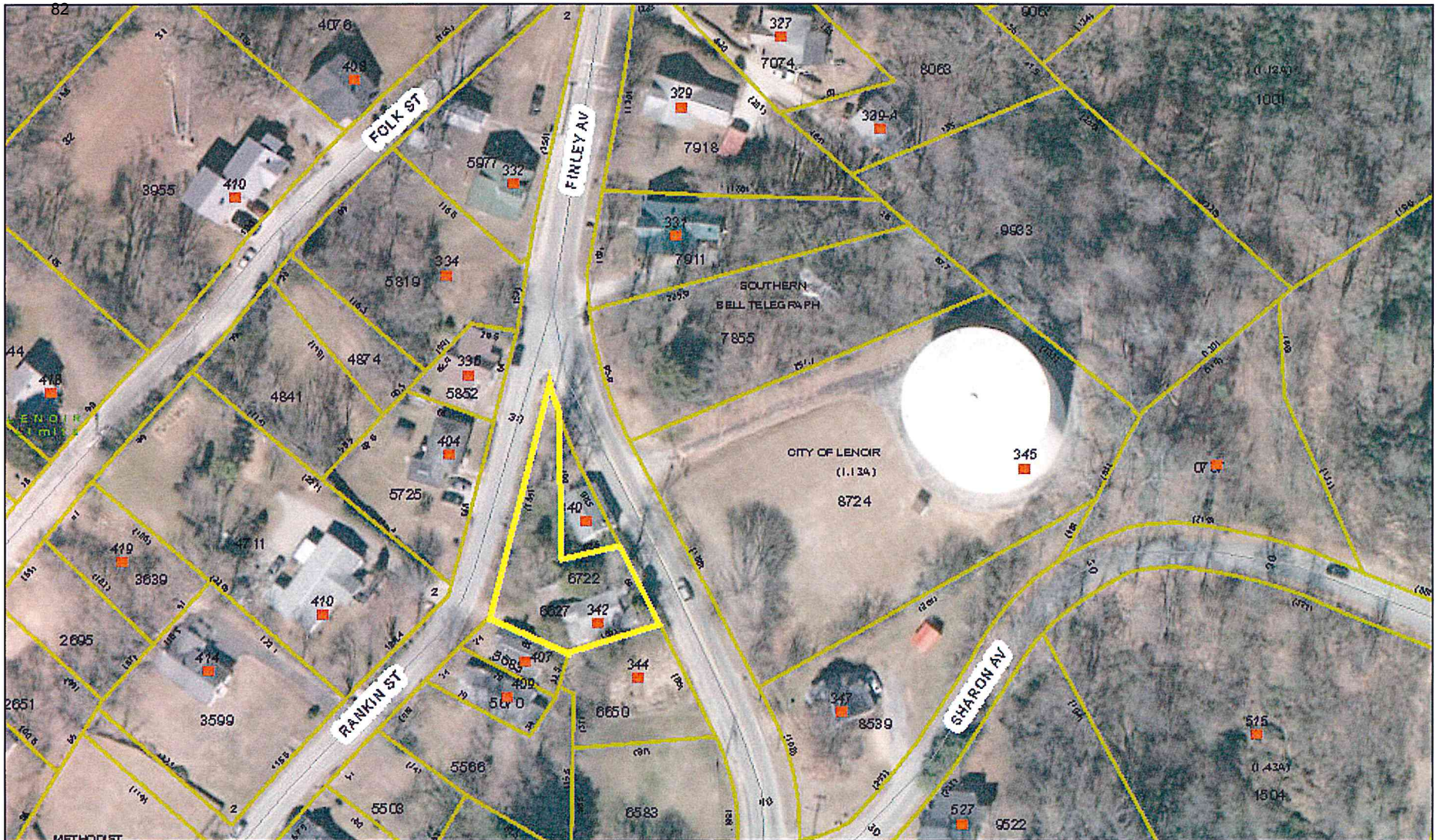
Zach Clark
Zach Clark

STATE OF NORTH CAROLINA
COUNTY OF CALDWELL

I, the undersigned Notary Public, do hereby affirm that Zach Clark personally appeared before me on the 29th day of November, 2017 and signed the above Affidavit as his free and voluntary act and deed.

Jacqueline Simon
Notary Public





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

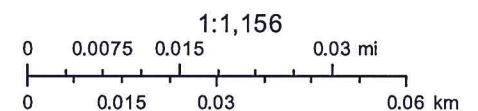
Owner ATKINS SALVATOR DOLIAS

1702 MCKAY RD APT A
NEWTON, NC 28658

Acct Number 139274
Parcel ID 09 27 3 2
NCPIN 2840906627

Deferred Val \$0
Assessed Val \$40,200
Calc Acreage 0.186807
Land Units 1 (LT)
Legal Desc BK 1721 PG 550 YR 2009 ST 20.00
Plat Ref /
Property Addr 342 FINLEY AV

Caldwell County



November 29, 2017

CITY MANAGER
W. LANE BAILEY



CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
B.K. WILLIS T.H. PERDUE
M. F. PERRY H. LEWIS PRICE
T.J. ROHR D.F. STEVENS
R.R. STILWELL

August 14, 2012

Salvator Dolias Atkins
1702-A McKay Road
Newton, NC 28658

Re: **342 Finley Avenue**
NCPIN: 2840906627

Mr. Atkins:

This letter is to inform you that possible violations of the City of Lenoir's Code of Ordinances may exist at the above referenced property.

As the attached photos illustrate, the structure located on the property is no longer secured and is possibly allowing unlawful entry. Conditions were found on the outside of the structure, such as damaged porches, roofs, etc., that suggest further issues may exist on the inside. It is at this time that permission is requested in order to inspect the inside of the structure in order to determine whether said conditions do exist. It is important that you contact this office by **August 27, 2012** in order to schedule this inspection. Failure to respond will result in an Administrative Warrant being secured in order to gain access for this inspection to take place.

The City of Lenoir has established this ordinance in order to protect public health, safety and welfare, promote the stability of neighborhoods and their property values, and prevent the development and spread of slums and urban blight. Your cooperation and understanding in this matter is greatly appreciated.

If you need any further information please feel free to contact me at your convenience.

Sincerely,

Nathan A. Rhue
Code Enforcement Officer
(828) 757-2212

Cc: Charles A. Beatty, Planning Director
File



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Salvator Dolias Atkins
1702-A McKay Road
Newton, NC 28658

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Salvatore Atkins☐ Agent☒ Addressee

B. Received by (Printed Name)

Salvatore Atkins

C. Date of Delivery

*8-20-12*D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7009 1410 0000 0662 6167

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

September 15, 2017

Salvator Dolias Atkins
1702 McKay Rd Apt A
Newton, NC 28658

Certified Mail: 7016 2710 00011759 1457

**MINIMUM HOUSING VIOLATION AND
HEARING NOTICE**

TO: **Salvator Dolias Atkins**, owner (s) of property located at **342 Finley Ave** (PIN: 2840906627) in the City of Lenoir, North Carolina.

Unsafe Buildings: General Statute 160A-426, 160A-446, 160A-429
North Carolina Code Officials Enabling Act: 160A-412

Condition of structure is determined as: **Deteriorated** _____
Dilapidated **XXX**

As the legal owner, you have **ten (10)** days to call the City of Lenoir Housing Inspector to establish a hearing date and location that must be held within the specified timeframe.

The following code violations have been determined: If further inspection is required, additional violations may be added.

G.S. 160A-428

That the building or structure is in a condition that appears to meet one or more of the following conditions:

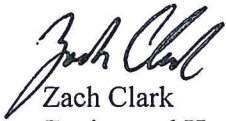
- A. Constitutes a fire or safety hazard.**
- B. Is dangerous to life, health, or other property.**
- C. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.**
- D. Has a tendency to attract person(s) intent on criminal activities or other activities which would constitute a public nuisance.**

The property listed above is in violation of the City of Lenoir Minimum Housing Standards. Due to the amount of structural damage the dwelling is classified as dilapidated and unfit for human habitation. The structure is currently unsecure and is a safety hazard. In order to abate the minimum housing violations and the health/safety hazards, the dwelling must be demolished and removed from the property. Please contact me within **10 days** of receiving this notice to schedule a time for an onsite hearing. Abatement procedure and time frame in which it must be completed will be discussed at the hearing.

Stage of the investigation
Initial Investigation XXX
Final Determination

Failure to comply will result in actions including, but not limited to, civil penalties, posting, and city abatement. All questions about the violation or procedures to abate them will be addressed at the hearing.

Sincerely,

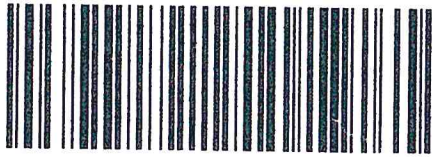


Zach Clark
Zoning and Housing Inspector
City of Lenoir Planning Department
(828) 757-2212

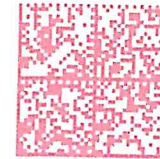


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CITY OF LENOIR
P. O. BOX 958
LENOIR, N. C. 28645-0958



7016 2710 0001 1759 1457



U.S. POSTAGE >> PITNEY BOWES



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Salvator Dolias Atkins
1702 McKay Rd Apt A
Newton, NC 28658

NAME: [illegible]
1ST NOTICE

NIXIE 274 FE 1 0009/21/17

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ _____
☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postage

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Total Postage ar

\$

Sent To

Street and Apt. N

City, State, ZIP+4

Salvator Dolias Atkins
1702 McKay Rd Apt A
Newton, NC 28658

Postmark
Here

9-19-17

7016 2710 0001 1759 1457

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Salvator Dolias Atkins
1702 McKay Rd Apt A
Newton, NC 28658



9590 9402 2638 6336 0814 15

2. Article Number (Transfer from service label)

7016 2710 0001 1759 1457

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

☐ Mail Restricted Delivery
0)

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage at

\$

Sent To

Street and Apt. N

City, State, ZIP+4

Salvator Dolias Atkins
1702 McKay Rd Apt A
Newton, NC 28658

Postmark
Here

9-19-17

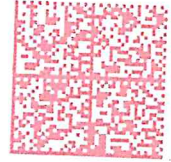
PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7016 2710 0001 1759 1457

CITY OF LENOIR
P. O. BOX 958
LENOIR, N. C. 28645-0958

PRESORTED
FIRST CLASS



U.S. POSTAGE



ZIP 28601
02 1W
000139127

Salvator Dolias Atkins
1702 McKay Rd Apt A
Newton, NC 28658

NIXIE 274 FE 1081 0000/21
ZACS

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

UTF

BC: 28645095858 *2080-03365-21

005121 52 FROM 286450958



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

October 6, 2017

Salvator Dolias Atkins
1702 McKay Rd Apt A
Newton, NC 28658

Certified Mail: 7016 2710 0001 1759 1488

**MINIMUM HOUSING VIOLATION
AND ORDER TO ABATE**

To: **Salvator Dolias Atkins**, owner(s) of property located at **342 Finley Ave** (PIN:2840906627) in the City of Lenoir, North Carolina.

**Unsafe Buildings: General Statute 160A-426, 160A-446, 160A-429
North Carolina Code Officials Enabling Act: 160A-412**

Condition of structure is determined as: **Deteriorated** ☐
Dilapidated ☒

The following code violations have been determined: If further inspection is required, additional violations may be added.

G.S. 160A-428

That the building or structure is in a condition that appears to meet one or more of the following conditions:

- A. Constitutes a fire or safety hazard.**
- B. Is dangerous to life, health, or other property.**
- C. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.**
- D. Has a tendency to attract person(s) intent on criminal activities or other activities which would constitute a public nuisance.**

This is the final determination for the property listed above. Owner failed to contact the housing inspector as instructed in the initial letter that was mailed on September 15, 2017. This property is in violation of the City of Lenoir Minimum Housing Standards. The structure is currently unsecure and is a safety hazard. Due to the amount of structural damage this dwelling is classified as dilapidated. In order to abate

the minimum housing violations the dwelling must be demolished and removed from the property. Abatement of these violations must occur in a specified amount of time, not to exceed 30 days.

Failure to abate the violations by, **November 8, 2017** will result in actions including, but not limited to, civil penalties, postings, and city abatement. If you have any questions concerning the violations or the abatement process please contact me.

Section 1-15 Civil and Criminal Penalties

- (c) Violation of any provision of this Code not corrected as provided in [this letter] shall subject the offender to a civil penalty in the amount of \$50.00 to \$500.00, in accordance with the citation schedule in subsection (e), to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a period of 72 hours after being cited. The citation shall be in writing, signed by the authorized person issuing the citation, and shall be delivered in person or by mail to the offender.

(e) Civil Penalties Schedule

Violation of any provision of this ordinance shall subject the offender to civil penalties in the following amounts, as applicable. All Civil Penalties must be paid within 72 hours of receipt by the offender.

First Penalty	Second Penalty	Third Penalty	Fourth Penalty	Fifth Penalty	Sixth Penalty	Seventh Penalty	Eighth Penalty	Ninth Penalty	Tenth Penalty
\$50.00	\$50.00	\$50.00	\$100.00	\$100.00	\$100.00	\$250.00	\$250.00	\$250.00	\$250.00

* If violations continue to exist past the tenth penalty, subsequent penalties shall be \$500.00 each.

- (f) Unless otherwise specifically provided in this Code and authorized by state law, no single offense (as described in subsection (d), above) may be punished by a fine or civil penalty in excess of \$500.00.

Stage of the investigation

Initial Investigation ☐

Final Determination ☒

Abatement of these violations must occur within a specified period of time, not to exceed 30 days. Failure to comply will result in actions including, but not limited to, civil penalties, posting, and city abatement

Sincerely,

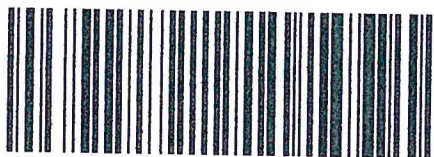


Zach Clark
Zoning and Housing Inspector
City of Lenoir Planning Department
(828) 757-2212



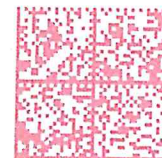
CITY OF LENOIR
P. O. BOX 958
LENOIR, N. C. 28645-0958

CERTIFIED MAIL®



7016 2710 0001 1759 1488

A/D



U.S. POSTAGE® **PATNEY BOWES**

ZIP 28601 \$ 006.56⁰
02 1W
0001391273

UT
R-10
AC

Salvator Dolias Atkins
1702 McKay Rd Apt A
Newton, NC 28658

1ST NOTICE

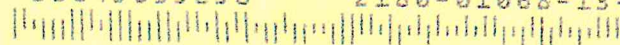
NIXIE 274 FE 1 0010/13/17

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

UT

28645-0958

BC: 28645095858 *2180-01068-13-16



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For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ _____
- ☐ Return Receipt (electronic) \$ _____
- ☐ Certified Mail Restricted Delivery \$ _____
- ☐ Adult Signature Required \$ _____
- ☐ Adult Signature Restricted Delivery \$ _____

Postage

\$

Total Postage:

\$

Sent To

Street and Apt.

City, State, ZIP

Salvator Dolias Atkins
1702 McKay Rd Apt A
Newton, NC 28658

10-6-17

Postmark
Here

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Salvator Dolias Atkins
1702 McKay Rd Apt A
Newton, NC 28658



9590 9402 1452 5329 3829 61

2. Article Number (Transfer from service label)

7016 2710 0001 1759 1488

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Mail Restricted Delivery (00)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☒ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage

\$

Sent To

Street and Apt.

Salvator Dolias Atkins
1702 McKay Rd Apt A
Newton, NC 28658

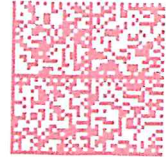
10-6-17

Postmark
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CITY OF LENOIR

P. O. BOX 958
LENOIR, N. C. 28645-0958

PRESORTED
FIRST CLASS



U.S. POSTAGE



ZIP 28601
02 1W
000139155

Salvator Dolias Atkins
1702 McKay Rd Apt A
Newton, NC 28658

NIXIE 274 FE 1081 0010/1
2AC

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

UTF

BC: 28645095858 *2180-00636-

310122 52 HRCNNP 2001

286450958

Notice of Order to Demolish

The public will hereby take notice that the Lenoir Planning Department will be submitting an ordinance to the City Council for the demolition of 342 Finley Ave on Tuesday, December 5, 2017 at the City/County Chambers 905 West Ave, Lenoir. All attempts to make contact with property owners and/or heirs have failed. It is requested that any and all Heirs of Salvator Dolias Atkins, and any other persons having or claiming an interest in the property 342 Finley Ave, Lenoir NC 28645 NC Pin 2840906627 be present for the City Council meeting at the date listed above.

This Order set forth by the City of Lenoir Housing Inspector is issued and served pursuant to the Code of Ordinances of the City of Lenoir and the North Carolina General Statutes.

It appears to the undersigned, who is the Housing Inspector under the Code of Ordinances, from his preliminary investigation of the premises, that the property identified above is in violation of one or more of the Minimum Housing Standards in Chapter 10, of the Code of Ordinances of the City of Lenoir.

The undersigned has made attempts to contact the property owners and/or heirs to the property by first class and registered mail, all of which were returned. The property identified above has been posted with the order to abate as specified in Chapter 10, of the Code of Ordinance of the City of Lenoir.

The undersigned complaining of the afore-said property and all persons owning or having any interest therein, charges that said property fails to meet the Minimum Housing Standards prescribed in the Code of Ordinances of the City of Lenoir as more specifically set forth in the Notice of Violation.

Zach Clark

**Zoning and Housing
Inspector**

City of Lenoir

Planning Department

Office: 828.757.2212

Nov. 12, 19, 2017



11/06/2017 03:01 PM



11/06/2017 03:06 PM



11/06/2017 03:06 PM



11/06/2017 03:07 PM



CITY OF LENOIR

AFTER ACTION MEMO

To: Department Heads/Division Superintendents

From: Scott Hildebran, City Manager

Date: Wednesday, December 6, 2017

Subject: Action taken by City Council on Tuesday, December 5, 2017.
Review all information to ensure that your department maintains
action taken by City Council.

- ✓ The Honorable Clerk of Court Kim Clark administered the Oath of Office to James I. Perkins, Councilmember, David F. Stevens, Councilmember, and Crystal “Crissy” D. Thomas, Councilmember.
- ✓ The Honorable Beverly T. Beal, Superior Court Judge, Retired, administered the Oath of Office to Jonathan T. Beal, Councilmember.
- ✓ Councilmember Ben Willis was elected to serve a two-year term as Mayor Pro-Tempore for the City of Lenoir.
- ✓ City Council approved the minutes of the City Council Meeting of Tuesday, November 14, 2017 as submitted.
- ✓ City Council approved the minutes of the joint City Council and ABC Board meeting of Tuesday, November 21, 2017 as submitted.
- ✓ City Council approved the minutes of the Committee of the Whole Meeting of Tuesday, November 28, 2017 as submitted.
- ✓ City Council accepted an Offer to Purchase in the amount of \$5,000.00 as submitted by the Pride of Caldwell County Lodge #713 to purchase the property owned by the City of Lenoir located at 518 Hill Street, NCPIN#274-958-5205 (West End Community Center) and directed the City Clerk to publish the Notice of the Offer to Purchase in accordance with N.C.G.S. §160A-2269 started a 10-day upset bid period. The Pride of Caldwell County Lodge #713 requests a 60-day period for due diligence.
- ✓ City Council approved an Order of Abatement by ordinance for property located at 340 Finley Avenue directing Staff to abate the minimum housing violations by demolishing the structure on the property. This property is ranked as No. 1 on the City’s Minimum Housing Priority List.
- ✓ City Council approved an Order of Abatement by ordinance for property located at 342 Finley Avenue directing Staff to abate the minimum housing violations by demolishing the structure on the property. This property is ranked as No. 2 on the City’s Minimum Housing Priority List.
- ✓ Mayor Gibbons announced for the general public there will be a vacancy on the Lenoir Business Advisory Board (LBAB) effective December 31 due to the resignation of Curt Hiller who has taken on additional duties and no longer able to serve on the Board.

- ✓ Councilmember Crissy Thomas commended City Staff for all their hard work and assistance during the successful “Crossover Turkey Tuesday” event held on Tuesday, November 22 at the Martin Luther King, Jr. Center. Ms. Thomas reported the remaining thirty (30) turkeys were donated to Caldwell County Yokefellow.
- ✓ Kaylynn Horn, Economic Development Director, introduced Kyle Case as the City’s new Main Street Program Coordinator. Kyle began his duties with the City of Lenoir on December 1.
- ✓ By consensus of the Council, the calendar for the month of December was approved. The following events were highlighted:
 - The Lenoir Tourism Development Authority will meet on Thursday, December 7 at 3:00 p.m. at City Hall, Third Floor.
 - The Lenoir Business Advisory Board will meet on Friday, December 8 from 11:00 a.m. – 1:00 p.m. at 1841 Café.
 - The annual Luminary Display is scheduled for Friday, December 8 from 6:00 p.m. – 10:00 p.m. at Blue Ridge Memorial Park. A rain date has been scheduled for Friday, December 15.
 - The Caldwell County Economic Development Commission will meet on Tuesday, December 12 at 8:00 a.m.
 - The ABC Board will meet on Friday, December 15 at 2:00 p.m. at Lenoir Store #1 located at 115 ABC Court.
 - The Planning Board will meet on Monday, December 18 at noon.
 - City Council has cancelled its regular scheduled meeting of Tuesday, December 19 due to the Christmas holidays. The Committee of the Whole will also not meet in December. The next City Council meeting will be held on Tuesday, January 2, 2018 at 6:00 p.m.
 - City offices will be closed on December 25, 26 & 27 in observance of the Christmas holidays and on Monday, January 1 in observance of New Year’s Day.
 - Curbside Christmas Tree Pickup will be held January 2 through January 5.