

**LENOIR CITY COUNCIL
TUESDAY, DECEMBER 5, 2017
6:00 P.M.**

PRESENT: Mayor Gibbons presiding. Councilmembers present were Beal, 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;

HARRIS FAMILY: B. On behalf of City Council, Mayor Gibbons extended sympathy to the family of Wesley Harris, Hibriten High School Student, who passed away recently due to a tragic auto accident.

**BEST WISHES; HIBRITEN HIGH
SCHOOL FOOTBALL TEAM:**

C. On behalf of City Council, Mayor Gibbons wished all of the players, faculty and students of Hibriten High School good luck as they participate in the 2AA State Championship Football Game in Chapel Hill on Saturday, December 9.

OATH OF OFFICE: D. The Honorable Clerk of Superior Court Kim Clark administered the Oath of Office to Crystal (Crissy) D. Thomas, Councilmember; David F. Stevens, Councilmember, and James I. (Ike) Perkins, Councilmember.

Copies of the Oath of Office are hereby incorporated into these minutes by reference. (Refer to pages 439-441).

On behalf of City Council, Mayor Gibbons congratulated each one upon their re-election to City Council and thanked them for their service to the citizens of Lenoir.

E. The Honorable Beverly T. Beal, Superior Court Judge, Retired, administered the Oath of Office to Jonathan T. Beal, Councilmember.

A copy of the Oath of Office is hereby incorporated into these minutes by reference. (Refer to page 442).

On behalf of City Council, Mayor Gibbons welcomed newly elected Councilmember Beal and stated City Council looks forward

to working with him.

ELECTION OF MAYOR PRO-TEMPORE:

- C. Mayor Gibbons opened the floor for nominations from City Council for the position of Mayor Pro-Tem.

Councilmember Crissy Thomas nominated Ben Willis to serve a two-year term as Mayor Pro-Tem. She remarked it has been a great honor to have Councilmember Willis serve in this position for the past two years and commented he has done an outstanding job as well as been a great mentor to her.

As information, Mayor Gibbons stated the Mayor Pro-Tem usually serves two two-year terms for a total of four years.

Mayor Gibbons then asked Council for the election of the Mayor Pro-Tem.

Councilmember Perdue moved to close the nominations which carried unanimously.

Councilmember Ben Willis was elected unanimously by City Council to serve a two-year term as Mayor Pro-Tempore.

Mayor Pro-Tem Willis thanked City Councilmembers and stated it was an honor to serve and he appreciates the opportunity.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

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

1. Minutes: Approval of minutes of the City Council Meeting of Tuesday, November 14, 2017 as submitted.
2. Minutes: Approval of minutes of the joint City Council and ABC Board Meeting of Tuesday, November 21, 2017 as submitted.
3. Minutes: Approval of minutes of the Committee of the Whole Meeting of Tuesday, November 28, 2017 as submitted.

Upon a motion by Councilmember Stevens, 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

DECEMBER

- CALENDAR:** 1. By consensus of the Council, the calendar for the month of December was approved with various meetings and events.

LENOIR TOURISM DEVELOPMENT

- AUTHORITY:** 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.

LENOIR BUSINESS ADVISORY

- BOARD:** 3. The Lenoir Business Advisory Board will meet on Friday, December 8 from 11:00 a.m. – 1:00 p.m. at 1841 Café.

ANNUAL LUMINARY

- DISPLAY:** 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.

CHRISTMAS

- FILM; ELF:** 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.

PLANNING

- BOARD:** 6. The Planning Board will host their annual Christmas lunch on Monday, December 18 at noon.

CALDWELL COUNTY ECONOMIC DEVELOPMENT

- COMMISSION:** 7. The Caldwell County Economic Development Commission will meet on Tuesday, December 12 at 8:00 a.m.

- ABC BOARD:** 8. The ABC Board will meet on Friday, December 15 at 2:00 p.m. at Lenoir Store #1 located at 115 ABC Court.

MEETING CANCELLATION

SCHEDULE; CITY COUNCIL:

9. City Council has cancelled its regular scheduled meeting of Tuesday, December 19 due to the Christmas holidays. The Committee of the Whole meeting has also been cancelled.

HOLIDAY

- CLOSINGS:** 10. 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.

ANNUAL CURBSIDE CHRISTMAS TREE

PICKUP: 11. The annual curbside Christmas Tree Pickup begins on Tuesday, January 2 through Friday, January 5.

B. ITEMS FOR COUNCIL ACTION

ACCEPTANCE OF OFFER TO PURCHASE;

518 HILL STREET:

1. If City Council is interested in accepting the offer of \$5,000.00 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.

A copy of the legal ad and receipt of the deposit is hereby incorporated into these minutes by reference. (Refer to page 443).

City Manager Hildebran reported the current lease agreement effective September 1, 2014 between the City of Lenoir and American Legion Post 231 would be terminated upon Council's acceptance of the Offer to Purchase and their successful completion of the upset bid transactions.

Reverend Jimmie Norward informed Council the Masonic Lodge is interested in obtaining this property and emphasized they will use the facility for the community and maintain it. Reverend Norwood stated they would accommodate the American Legion Post, but they are seeking to acquire the property for the purpose of housing the Masonic Lodge. Both groups have many of the same members.

On behalf of City Council, Mayor Gibbons thanked Mr. Norwood for his service and reiterated it will also benefit the community to have this facility available for their use.

Councilmember Rohr pointed out the tax value of the property is listed at \$131,400 and the City is considering an offer of \$5,000.00. He commented it will be great if the Masonic Lodge purchases the property because it will be put to good use.

Councilmember Perkins stated the Masonic Lodge has been active and visible for a number of years and remarked this request will better serve the Lodge and the community. Mr. Perkins mentioned the building is in great shape and he supports this request.

Councilmember Rohr inquired about the sixty-day due diligence request.

City Manager Hildebran explained that Mr. Norwood's son is an architect and they need the time to check out the facility.

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to accept the \$5,000.00 Offer to Purchase Real Property at 518 Hill Street as presented by the Pride of Caldwell County Lodge #713. Notice of the Offer to Purchase Real Property will be published in the News-Topic on Friday, December 8 starting a 10-day upset bid period.

**ORDER OF ABATEMENT;
340 FINLEY AVENUE:**

2. City 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. This property is ranked No. 1 on the City's Minimum Housing Priority List.

A copy of the Order of Abatement is hereby incorporated into these minutes by reference. (Refer to pages 444-445).

Councilmember Perdue commended Planning Director Wheelock for the great job the Planning Department has done in using the Minimum Housing Priority List to prioritize these types of properties.

Councilmember Thomas suggested the City place a historical marker at some of these properties that are part of the history of the Freedman Community following the demolitions.

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to approve the Order of Abatement Ordinance for property located at 340 Finley Avenue as presented by City Staff.

**ORDER OF ABATEMENT;
342 FINLEY AVENUE:**

3. City 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. This property is ranked No. 2 on the City's Minimum Housing Priority List.

A copy of the Order of Abatement is hereby incorporated into these minutes by reference. (Refer to pages 446-447).

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to approve the Order of Abatement Ordinance for property located at 342 Finley Avenue as presented by City Staff.

VIII. REPORT AND RECOMMENDATION OF THE MAYOR

**NOTICE OF UPCOMING BOARD
VACANCY; LBAB:**

A. Mayor Gibbons announced for the general public of an upcoming vacancy on the Lenoir

Business Advisory Board (LBAB) due to the resignation of Mr. Curt Hiller who has taken on additional duties and no longer able to serve on the Board. The appointee will be filling the unexpired term of Mr. Hiller which expires on January 1, 2021. This vacancy was also announced at the November 14 City Council meeting. Applications are available online or in the City Clerk's office.

COMMENDED; CITY

STAFF: B. On behalf of City Council, Mayor Gibbons commended Kaylynn Horn and City Staff for all their efforts regarding the successful Christmas parade held on Friday, December 1. Economic Development Director Horn also thanked City Staff for all their hard work during this popular event.

NEW MAIN STREET PROGRAM

COORDINATOR:

C. Economic Development Director Kaylynn Horn introduced Kyle Case as the City's new Main Street Program Coordinator. Director Horn stated Kyle was a Caldwell County native and will be the lead on Main Street events and serve as a liaison between the department and other event organizers. She mentioned that Kyle will also work with downtown businesses to explore possible promotional and marketing events for the business district. In addition, she stated that Kyle is currently pursuing a Masters in Public Administration at Appalachian State University.

Mr. Case stated Lenoir is a great place to live and he is excited to be here.

On behalf of City Council, Mayor Gibbons thanked him and stated Council looks forward to working with him.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

UPDATE; ANNUAL CROSSOVER

TURKEY TUESDAY:

A. Councilmember Crissy Thomas commended City Staff for all their hard work and assistance during the highly successful "Crossover Turkey Tuesday" event held on Tuesday, November 22 at the Martin Luther King, Jr. Center. Ms. Thomas reported that over 512 frozen turkeys were given out and the remaining 30 turkeys were donated to Caldwell County Yokefellow.

Ms. Thomas stated this is the fourth year of the event and noted it was a success due to all the support from the non-profit organizations, community, Boy Scouts along with City Staff including the Fire and Police Departments.

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 6:47 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



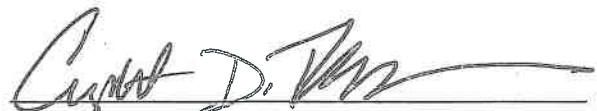
CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

CRYSTAL D. THOMAS

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

I, **Crystal D. Thomas**, further swear that I will execute the duties of the office of *Council Member* for the city of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.


CRYSTAL D. THOMAS

Sworn to and subscribed before me this 5th day of December, 2017.


KIM E. CLARK
CLERK OF SUPERIOR COURT
CALDWELL COUNTY

(SEAL)



CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

DAVID F. STEVENS

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

I, **David F. Stevens**, further swear that I will execute the duties of the office of ***Council Member*** for the city of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.

A handwritten signature in black ink, reading "David F. Stevens", written over a horizontal line.

DAVID F. STEVENS

Sworn to and subscribed before me this 5th day of December, 2017.

A handwritten signature in blue ink, reading "Kim E. Clark", written over a horizontal line.

KIM E. CLARK
CLERK OF SUPERIOR COURT
CALDWELL COUNTY

(SEAL)



CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

JAMES I. PERKINS

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

I, **James I. Perkins**, further swear that I will execute the duties of the office of ***Council Member*** for the city of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.


JAMES I. PERKINS

Sworn to and subscribed before me this 5th day of December, 2017.

(SEAL)


KIM E. CLARK
CLERK OF SUPERIOR COURT
CALDWELL COUNTY

CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

❧ **JONATHAN T. BEAL** ❧

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

I, **JONATHAN T. BEAL**, further swear that I will execute the duties of the office of COUNCIL MEMBER for the City of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.


JONATHAN T. BEAL

Sworn to and subscribed before me this 5th day of December, 2017.



SEAL


Honorable Beverly T. Beal
Superior Court Judge, Retired

**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**

Please publish on Friday, December 8.

CITY OF LENOIR
CASH RECEIPT

Receipt No: 983371
Date: 12/06/2017
Time: 04:10:32 PM

Received From:
10.00.3835.820

Amount: 250.00
Paid: 250.00
Change: 0.00

For:
RECEIPTS TO BE DISTR 250.00
PRIDE OF CALDWELL 713
1482: 250.00

Received By: ER

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.

17 Minutes-City of Lenoir Council Meeting
Section 5, 2017
Tuesday, December 5, 2017
Caldwell County, North Carolina, and indexed in the name of the property owner or 445
owners in the grantor index.

Adopted this the 5th day of December, 2017.


JOSEPH L. GIBBONS
MAYOR

ATTEST:


SHIRLEY M. CANNON
CITY CLERK

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

APPROVED AS TO FORM:


EDWARD H. BLAIR, JR.
CITY ATTORNEY

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.

Tuesday, December 5, 2017

Section 9. A copy of this ordinance shall be recorded in the Register of Deeds of 447
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

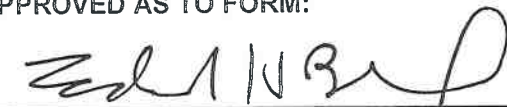
ATTEST:


SHIRLEY M. CANNON
CITY CLERK

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

APPROVED AS TO FORM:


EDWARD H. BLAIR, JR.
CITY ATTORNEY