LENOIR CITY COUNCIL
TUESDAY, AUGUST 20, 2019
6:00 P.M.

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

Note: Councilmember Rohr's seat is vacant on City Council due to his accepting the position of City Attorney.

I. CALL TO ORDER

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

COMMENDED; POLICE CHIEF BRENT PHELPS:

B. On behalf of City Council, Mayor Gibbons congratulated Police Chief Brent Phelps upon his recent graduation from the UNC School of Government Public Executive Leadership Academy.

COMMENDED; CITY STAFF:

C. On behalf of City Council, Mayor Gibbons commended City Staff for all their hard work in organizing all of the downtown summer events which were well attended.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

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

1. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, August 6, 2019, as submitted.
2. Acceptance of Offer to Purchase Real Property and Notice of Offer to Purchase Real Property; Willow Street: Staff recommends Acceptance of an Offer to Purchase Real Property by resolution in the amount of $1,000.00 as submitted by the property owners of 306 Willow Street. Note: The legal advertisement for the Notice of Offer to purchase Real Property was published in the News-Topic on August 9 starting a ten (10) day upset bid period as required by N.C.G.S. §160A-269. Staff recommends Council accept the Offer to Purchase as the City did not receive any upset bids. (A copy of the resolution and map are hereby incorporated into these minutes by reference. Refer to pages 450-452).

Upon a motion by Councilmember Stevens, Council voted 6 to 0 to approve

the above listed items on the Consent Agenda as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

PLANNING BOARD: 1. The Planning Board will meet on Monday, August 26 at 5:30 p.m.

COMMITTEE OF THE WHOLE: 2. The Committee of the Whole will meet on Tuesday, August 27 at 8:30 am. at City Hall, Third Floor, former Council Chambers.

FOOTHILLS REGIONAL AIRPORT AUTHORITY: 3. The Foothills Regional Airport Authority will meet on Wednesday, August 28 at noon at the Airport.

CAROLINA ARTS & TATTOO FESTIVAL: 4. The Carolina Arts and Tattoo Festival will be held on Friday, August 30 and Saturday, August 31 in downtown Lenoir.

HOLIDAY CLOSING: 5. City offices will be closed on Monday, September 2 in observance of Labor Day.

SCULPTURE FESTIVAL: 6. The annual Sculpture Festival will be held on Saturday, September 7 beginning at 9:00 a.m. at the J. E. Broyhill Walking Park.

GREAT PLACES AWARD: 7. An award ceremony will be held on Saturday, August 31 at 11:00 a.m. at Blackwelder Park, 902 Harper Avenue, for the presentation of Lenoir's "Across the Grain" sculpture by Thomas Sayre being named Great Public Art by the North Carolina Chapter of the American Planning Association.

B. ITEMS FOR COUNCIL ACTION

AUTHORIZING RESOLUTION; BUILDING REUSE GRANT; PROJECT VANDERBILT:

1. If Council wishes to proceed with the grant submittal, City Council should adopt the enclosed Authorizing Resolution for a North Carolina Department of Commerce Building Reuse Grant Submission for "Project Vanderbilt".

   A copy of Authorizing Resolution is hereby incorporated into these minutes by reference. (Refer to pages 453-454).

City Manager Hildebran reported the company plans to invest $8,000,000 for this project and create 200 jobs. The Caldwell County Board of Commissioners officially approved the project for local financial incentives representing the required five percent local government grant match.

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 to 0 to adopt the Authorizing Resolution for a North Carolina Department of Commerce Building Reuse Grant Submission for "Project Vanderbilt" as presented.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

RECOMMENDATION; RALPH S. PRESTWOOD:

A. Councilmember Ike Perkins recommended that Council appoint candidate Ralph S. Prestwood to City Council at the September 3 meeting as Mr. Prestwood is running unopposed in the November election. Mr. Prestwood will be filling the unexpired term of former Councilmember Timothy J. Rohr.

City Attorney Rohr clarified that Council could proceed with taking action regarding this recommendation.

Following a brief discussion and upon the motion by Councilmember Perkins, Council voted 6 to 0 to approve Mr. Prestwood's appointment to City Council at the September 3 City Council meeting as presented.

UPDATE; QUASI-JUDICIAL PUBLIC HEARINGS:

B. Councilmember Todd Perdue suggested that City Attorney Rohr present an update to City Council at the September 24 Committee of the Whole meeting on the process for quasi-judicial public hearings. A quasi-judicial decision requires the City Council to find facts and exercise discretion when applying the standards of an ordinance to a specific situation.

Mr. Rohr stated he recently researched the process for quasi-judicial hearings and recommended that Council formalize this process in order to better follow the statutes and guidelines for these types of hearings.

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned 6:14 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

RESOLUTION

MAYOR
JOSEPH L. GIBBONS

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

WHEREAS, the City of Lenoir owns certain property, located on Willow Street, Lenoir, N.C., and being approximately 0.14 acre and being Caldwell County Tax Parcel ID#06-12-1-2 and NCPIN#2749754718 and more particularly described on the following page; and

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

WHEREAS, the City has received an offer to purchase the property described above, in the amount of $1,000.00, submitted by Brian Burke, Lenoir, N.C.; and

WHEREAS, Brian Burke has paid/will pay the required five percent (5%) deposit on their offer;

NOW, THEREFORE, BE IT RESOLVED, the LENOIR CITY COUNCIL of the City of Lenoir resolves that:

1. The City Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.
2. The City Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Any person may submit an upset bid to the office of the City Clerk within ten (10) days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.
4. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first $1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The City will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The City will return the deposit of the final high bidder at closing.

7. The terms of the final sale are that the City Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and the buyer must pay with cash, cashier's check or certified check at the time of closing.
8. The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate City Officials are authorized to execute the instruments necessary to convey the property to Brian Burke of Lenoir, North Carolina.

This the 20th day of August, 2019.

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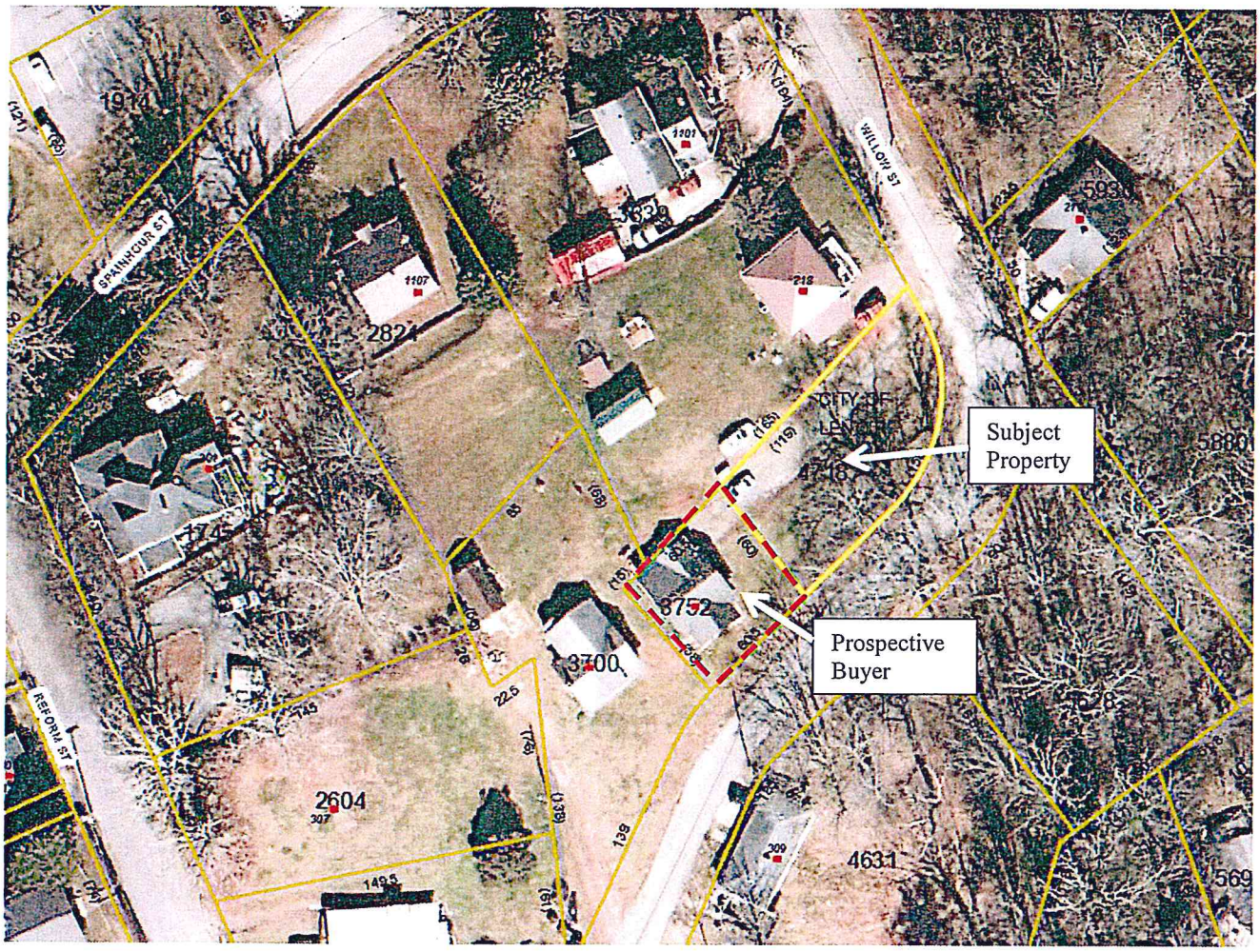
SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk



Legal Description:

BEGINNING at a stake in the edge of an alley which is 10 feet South 46 deg. West from Tolbert's and Covington's corner, and runs South 46 deg. West 135 feet to a stake; thence South 44 deg. East 75 feet to an iron stake; thence North 46 deg. East 135 feet to a stake; thence North 44 deg. West 75 feet to the beginning.

Being the same property conveyed by Belton Pinson and wife, Maude Pinson to N. L. Baker and wife, Minnie Baker, deed dated May 27, 1944, Book 216, Page 50, Caldwell County Registry.

See Will of Minnie Maker, of record in the office of the Clerk of Court, Caldwell County.

CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

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Resolution

Authority to apply to the North Carolina Department of Commerce Rural Economic Development Division Project Vanderbilt Building Reuse Project

Whereas, the City of Lenoir desires to assist a local Economic Development project entitled Project Vanderbilt and;

Whereas, the City of Lenoir requests a North Carolina Building Reuse grant to assist the company with renovations to an existing vacant building in Lenoir and;

Whereas, the City of Lenoir is aware of the Building Reuse Program requirements and;

Whereas, the implementation of this project will result in important private investments to continue the diversification of our local economy as well as additional well-paying new jobs for residents and;

Whereas, the Caldwell County Board of Commissioners officially approved the project for local financial incentives representing the required five percent local government match.

Now, therefore, be it resolved, by the Lenoir City Council:

That the City of Lenoir will serve as the official local government applicant for a Project Vanderbilt Building Reuse grant;

That Scott E. Hildebran, City Manager and successor so titled, is hereby authorized to execute and file an application on behalf of the City of Lenoir with the North Carolina Department of Commerce for a Building Reuse Grant to assist in the development and implementation of Project Vanderbilt and;

That the City of Lenoir has substantially complied with, or will substantially comply with, all Federal, State and local laws, rules, regulations and ordinances applicable to the project and the grants pertaining thereto.

Adopted this the Twentieth day of August, 2019.