

**LENOIR CITY COUNCIL
TUESDAY, SEPTEMBER 17, 2019
6:00 P.M.**

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

ABSENT: Councilmember Todd Perdue.

I. CALL TO ORDER

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

PRESENTATION; CONSTITUTION

WEEK: B. On behalf of City Council, Mayor Gibbons presented a proclamation proclaiming the week of September 17 to September 23 as "Constitution Week" throughout the City of Lenoir and Caldwell County to Ms. Cindy Day, Executive Director of the Caldwell Heritage Museum. He also recognized Ms. Sherry Miller, member of the Tuckers Barn Chapter of the Daughters of the Revolution who was in the audience.

Mayor Gibbons reported a ceremony to honor Constitution Day was also held Tuesday morning in downtown Lenoir at the Charters of Freedom located beside of the historic Caldwell County Courthouse.

Mayor Gibbons thanked Ms. Day and Ms. Miller for all they do for the City and the community. In addition, City Attorney T. J. Rohr was asked to recite the Preamble to the Constitution of the United States of America.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**STREET CLOSING;
STEELE STREET:**

- A. A public hearing was held to consider the permanent closure of Steele Street between College Avenue and Harper Avenue as recommended by City Staff and to adopt a Street Closing Ordinance as submitted. This street closure facilitates the long-term goals for City infrastructure as well as private redevelopment in the area immediately adjacent to the Downtown and the planned Rail Trail/OVT greenway project. Note: In accordance with N.C.G.S. §160A-299, the Resolution of Intent was advertised for four (4) consecutive weeks in the *News-Topic*.

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

A copy of the Street Closing Ordinance and maps are here by incorporated into these minutes by reference. (Refer to pages 468-471).

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

Mayor Pro-Tem Willis remarked this is a great project which is part of a great plan. He moved to approve the street closing ordinance as presented.

Upon the motion by Mayor Pro-Tem Willis, Council voted 6 to 0 to adopt the Street Closing Ordinance for the permanent closure of Steele Street between College Avenue and Harper Avenue as recommended by City Staff.

REZONING; COLLEGE/STEELE

STREET:

- B. A public hearing was held to consider amending the zoning map to change the zoning from I-2 (Heavy Industrial) to R-C (Residential Commercial) on the three subject properties: 1407 College Avenue (Lenoir Depot LLC); 1241 College Avenue (Blue Bell Lenoir LLC); and 1201 Steele Street (James Sullivan). Staff recommended approval based on the following consistency statement:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it establishes zoning that is more consistent with the adopted future land use map designating the area to remain “medium density residential” and better matches the existing development pattern. This will ensure fair and efficient growth, reduce non-conformities, and establish sensible, straightforward zoning standards. The proposed amendment is reasonable and in the public interest because it promotes infill development at appropriate densities, making more efficient use of the City’s existing infrastructure investments while creating opportunities for affordable housing for people in all stages of life.

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

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

Planning Director Jenny Wheelock explained this is a city-initiated rezoning from I-2 (Heavy Industrial) to R-C (Residential Commercial). She stated these properties are located adjacent to downtown Lenoir’s Central Business District and were recently designated as Local Landmarks by the Lenoir Historic Preservation Commission.

Director Wheelock explained the rezoning to Residential Commercial would assist with fulfilling the goals of the Fairfield South 2016 Vision Plan which prioritizes mixed-use development, high density housing and productive reuse of historic buildings. Ms. Wheelock stated this is the first application for the residential commercial zoning and is the City’s last step to get all regulations in place to facilitate a mixed use area.

On behalf of City Council, Mayor Gibbons thanked Director Wheelock and

Planning Staff for all of their hard work regarding this project.

Councilmember Perkins referred to the Planning Board and Director Wheelock's plans for this neighborhood and remarked how this project will enhance this area. Mr. Perkins moved to approve the project as presented.

Upon the motion by Councilmember Perkins, Council voted 6 to 0 to approve the zoning map amendments to change the zoning from I-2 (Heavy Industrial to R-C (Residential Commercial) on the three subject properties: 1407 College Avenue (Lenoir Depot LLC); 1241 College Avenue (Blue Bell Lenoir LLC); and 1201 Steele Street (James Sullivan) 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 the minutes of the City Council Meeting of Tuesday, September 3, 2019, as submitted.
2. Proclamation; Constitution Week: Approval of a proclamation proclaiming the week of September 17 through September 23, 2019 as "Constitution Week" throughout the City of Lenoir and Caldwell County. Tuesday, September 17 marks the two hundred thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 472).

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

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

ANNUAL TRASH BASH

WEEK: 1. The Sanitation Division's Annual Trash Bash Week began on Monday, September 16 through Friday, September 20. Additional information is available online at www.cityoflenoir.com.

NCDOT'S FALL LITTER

SWEEP: 2. The North Carolina Department of Transportation's Fall Litter Sweep Campaign began on Saturday, September 14 through Saturday, September 28. Additional information is available online at www.ncdot.gov.

PARKS & RECREATION ADVISORY

BOARD: 3. The Parks and Recreation Advisory Board met on Monday, September 16 at 6:00 p.m. at the Optimist Park Clubhouse.

PLANNING

BOARD: 4. The Planning Board will meet on Monday, September 23 at 5:30 p.m. at the City/County Chambers.

COMMITTEE OF THE

WHOLE: 5. The Committee of the Whole will meet on Tuesday, September 24 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.

FOOTHILLS REGIONAL AIRPORT

AUTHORITY: 6. The Foothills Regional Airport Authority will meet on Wednesday, September 25 at noon at the airport.

NATIONAL NIGHT

OUT: 7. The Police Department will host their annual National Night Out on Tuesday, October 1 from 6:00 p.m. – 9:00 p.m. in downtown Lenoir.

LENOIR TOURISM DEVELOPMENT

AUTHORITY: 8. The Lenoir Tourism Development Authority will meet on Thursday, October 3 at 4:00 p.m. at City Hall, Third Floor, former Council Chambers.

SMOKING IN THE FOOTHILLS

BARBEQUE FESTIVAL:

9. The Smoking in the Foothills Barbeque Festival will be held on Friday, October 18 from 5:00 p.m. – 10:30 p.m. and on Saturday, October 19 from 10:00 a.m. – 10:30 p.m. in downtown Lenoir.

B. ITEMS FOR COUNCIL ACTION

AUTHORIZING RESOLUTION; NORTH CAROLINA DEPARTMENT OF COMMERCE; PROJECT VANDERBILT:

1. If Council wishes to proceed with the grant submittal; City Council should adopt the submitted Authorizing Resolution for a NC Department of Commerce One NC Grant Submission for “Project Vanderbilt”.

(A copy of the Authorizing Resolution is hereby incorporated into these minutes by reference. Refer to pages 473-474).

Ms. Deborah Murray, Executive Director of the Caldwell County Economic Development Commission, reminded City Council they approved an Authorizing Resolution on August 20, 2019 to serve as the applicant for a North Carolina Building Reuse application. At that time, the company was in the process of requesting a Jobs Development Incentive Grant (JDIG) from the state. This incentive involved an agreement between the company and the state with no local government involvement.

Ms. Murray explained the company realized during the application process that there was insufficient time to secure a JDIG grant. Instead, they are requesting consideration of the One NC Fund Grant in order to meet their timeline. It was noted the state will be considering their revised incentive request at an upcoming meeting. Ms. Murray informed Council Project Vanderbilt must have a local government to serve as the applicant for funding. She further stated the Company plans an \$8,000,000.00 investment plus the creation of 167 new jobs.

In addition, Ms. Murray reported that Caldwell County officials have already approved a jobs incentive grant that can serve as the local grant match. The City of Lenoir will not be required to provide a City match.

Upon a motion by Councilmember Thomas, Council voted 6 to 0 to adopt the Authorizing Resolution for a NC Department of Commerce One NC Grant Submission for "Project Vanderbilt" as presented.

BID AWARD; OPTIMIST

PARK: 2. Bids were received on Tuesday, September 10 for the Optimist Park Paving Project. Staff recommends Council award the low bid of \$25,000.00 to J.T. Russell & Sons for the paving of the new parking lot at Optimist Park. **Note:** This request is part of the Parks and Recreation Trust Fund Grant for the Mulberry/Optimist Park Project.

A copy of the bid award is hereby incorporated into these minutes by reference. (Refer to page 475).

Upon a motion by Councilmember Stevens, Council voted 6 to 0 to award the low bid of \$25,000.00 to J.T. Russell & Sons for the paving of the new parking lot at Optimist Park as recommended by City Staff.

CONTIGUOUS ANNEXATION PETITION; 1336 CONNELLY SPRINGS ROAD:

3. Staff recommends that Council call for a public hearing to be held on Tuesday, October 15 to consider a Contiguous Annexation Petition for property located at 1336 Connelly Springs Road SW, NCPIN#2748823036. **Note:** The front portion of this parcel (approximately 1 acre) is already in the City limits while the back part of the parcel (approximately 4.1 acres) is not in the City limits but is in the Extra Territorial Jurisdiction (ETJ). This property neighbors the Lenoir ABC Store #2 on the Connelly Springs Road.

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 to 0 to schedule a public hearing to be held on Tuesday, October 15 to consider the Contiguous Annexation Petition for property located at 1336 Connelly Springs Road SW as recommended by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned 6:25 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



OFFICE OF THE MAYOR
Joseph L. Gibbons

City of Lenoir North Carolina

PROCLAMATION IN HONOR OF CONSTITUTION WEEK

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2019 marks the two hundred thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

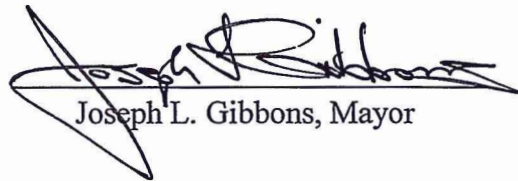
WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating the week of September 17 through September 23 as Constitution Week.

NOW, THEREFORE, I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council and all the citizens, do hereby proclaim the week of September 17 through September 23, 2019 as "**Constitution Week**" in the City of Lenoir and Caldwell County and urge all citizens to study the Constitution and reflect on the privilege of being an American with all of the rights and responsibilities this privilege affords.

This the 17th Day of September, 2019.

SEAL



Joseph L. Gibbons, Mayor



Post Office Box 958 • Lenoir, North Carolina 28645-0958 • (828) 757-2200



Fee \$26.00



Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

✓✓ CITY OF LENOIR

STREET CLOSING ORDER

A Resolution Ordering the Closing of Steele Street between College Avenue and Harper Avenue.

WHEREAS, on the 6th day of August, 2019, the City Council of the City of Lenoir directed the City Clerk to publish the Resolution of Intent of the City Council to consider the closing of Steele Street between College Avenue and Harper Avenue, in the News-Topic newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the City of Lenoir Council Chambers, 905 West Avenue, on Tuesday, September 17, 2019; and

WHEREAS, the Lenoir City Council on the 6th day of August, 2019 ordered the City Clerk to notify all persons owning property abutting on that portion of property located on Steele Street between College Avenue and Harper Avenue, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent, and

WHEREAS, the City Clerk has advised the City Council that a letter was sent to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing Steele Street between College Avenue and Harper Avenue would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the City Clerk has advised the City Council that adequate notices were posted on the applicable streets as required by G. S. 160-A299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect of the closing of said street in the public hearing held on Tuesday, September 17; and

WHEREAS, it now appears to the satisfaction of the City Council that the closing of Steele Street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision at which the street is located, will as a result of the closing, be thereby deprived of a reasonable means of ingress and egress to his property.

NOW, THEREFORE, Steele Street between College Avenue and Harper Avenue is specifically being hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the adjacent property owners in accordance with the provisions of G.S.160A-299.

There is reserved, however, a private alleyway for the joint use of the Grantor, his heirs, executors, successors and assigns and the Grantee, his heirs, executors, successors and assigns which alleyway is 30 feet wide, 15 feet of the same being on the foregoing described property the center line of which is described as follows:

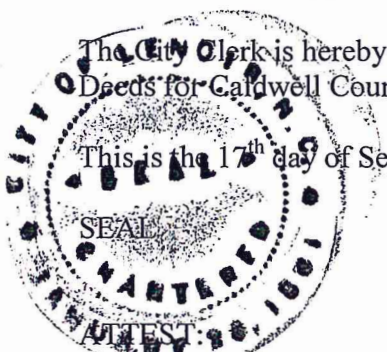
Beginning on an iron pin which iron pin is the Northeastern corner of the foregoing described lot and is located also South 63° 00' West 15.06 feet from Grantor's Northeastern corner with Lenoir High School and runs North 32° 02' West 49.83 feet, thence North 28° 12' 53" West 131.98 feet and North 28° 31' 41" West 134.26 feet to an iron pin in the edge of the sidewalk of West Harper Avenue; the said alleyway is a private alleyway for the use of the Grantees and the Grantor, their heirs, executors, successors, administrators and assigns, but is not a public way.

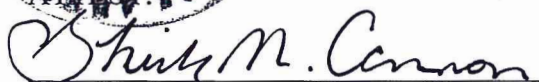
There is also reserved a public utility easement to the City of Lenoir, which is the same as the land described above.

The Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all rights, title and interest in Steele Street of the herein closed street (with provision for reservation of easements of the City of Lenoir for utility purposes) in accordance with the provision of G. S. 160A-299 (c).

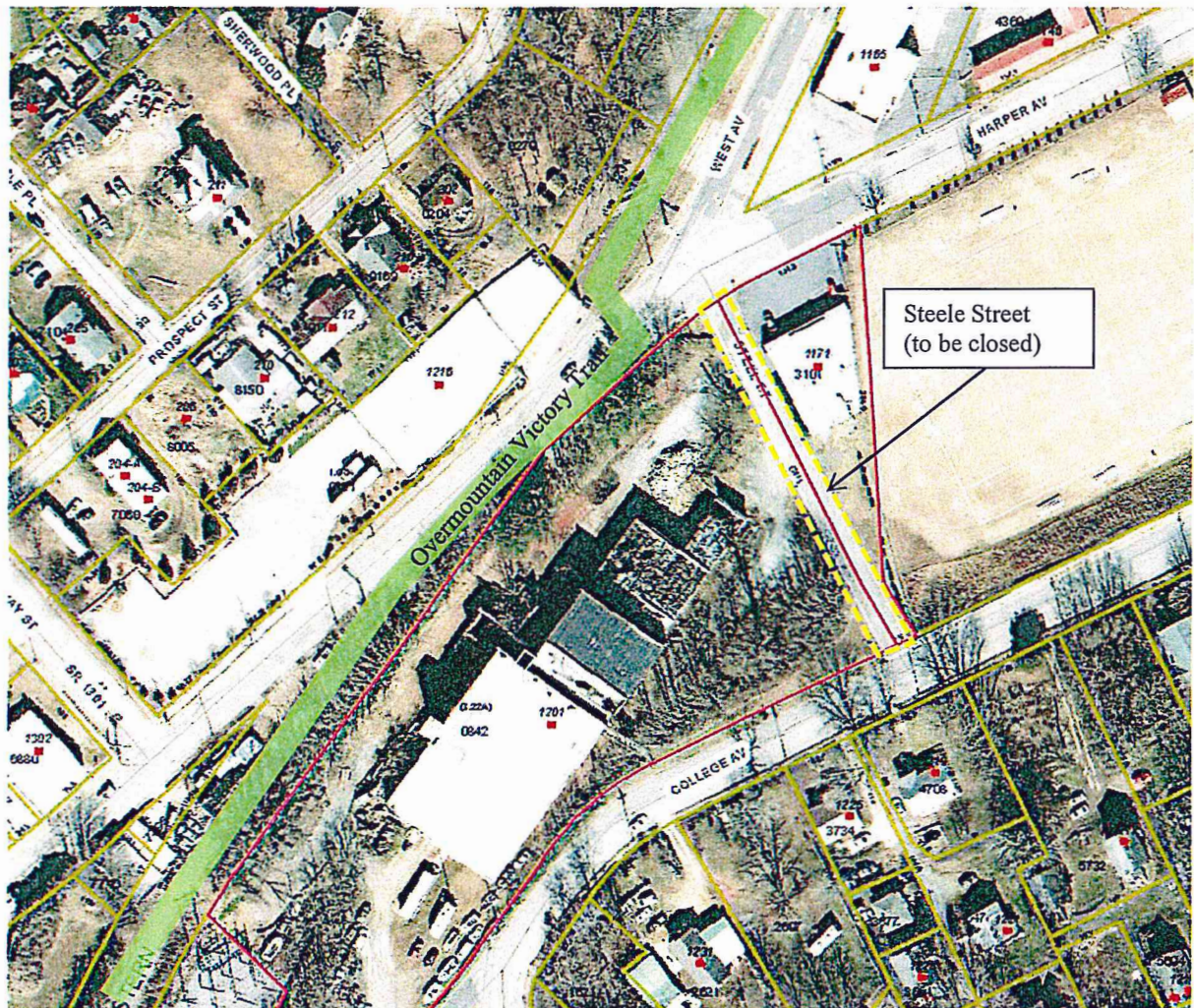
The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds for Caldwell County a certified copy of this resolution and order.

This is the 17th day of September, 2019.

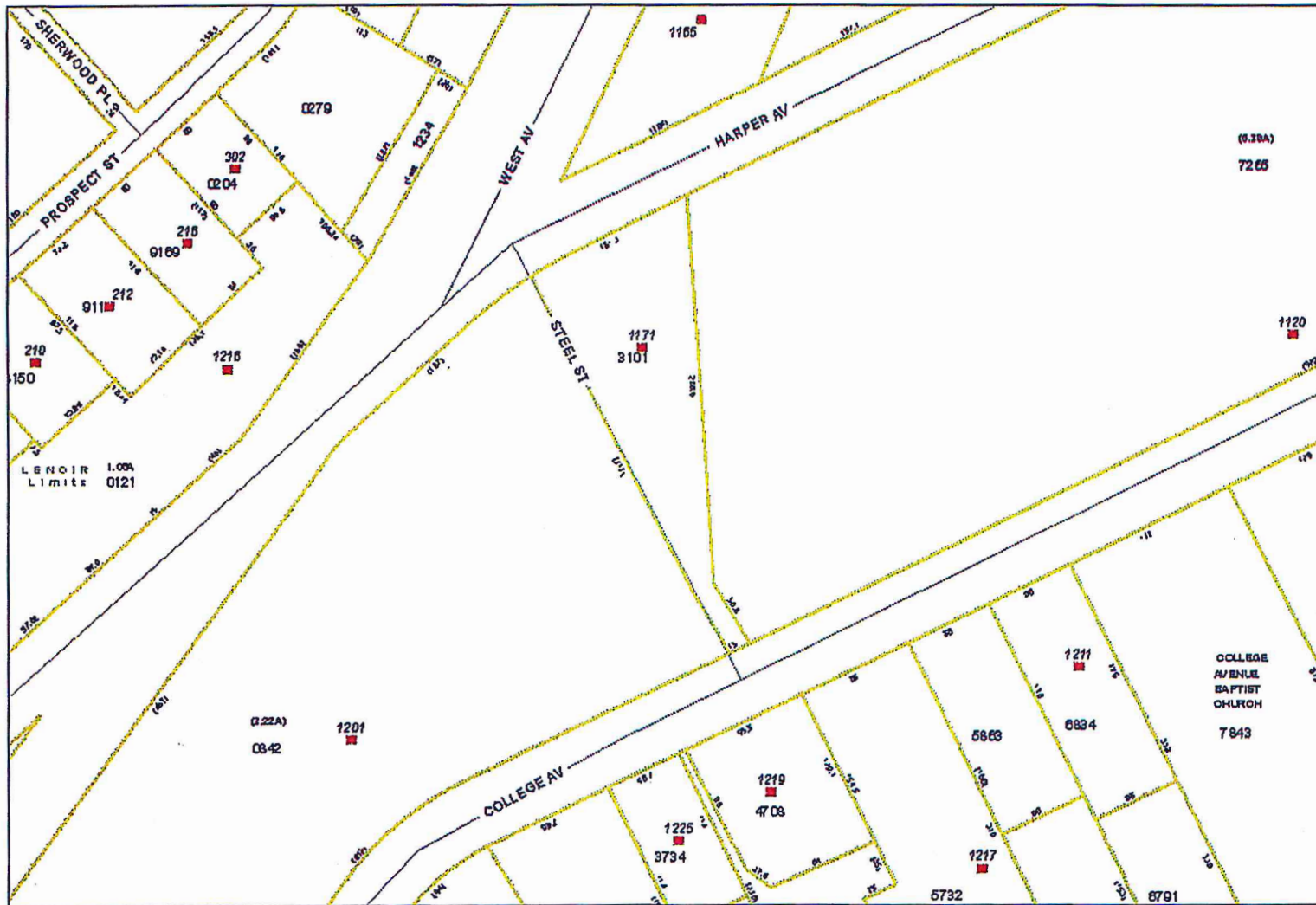



Shirley M. Cannon, City Clerk


Joseph L. Gibbons, Mayor

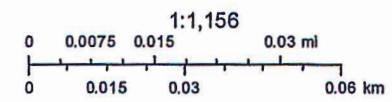


Caldwell County



September 9, 2019

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





CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

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

Resolution
Authority to apply to the North Carolina Department of Commerce
One North Carolina Grant Fund
Project Vanderbilt

Whereas, the City of Lenoir and Ms. Deborah Murray; Executive Director of the Caldwell County Economic Development Commission, are currently recruiting a new company to Lenoir and;

Whereas, this Economic Development Project is titled Project Vanderbilt in order to maintain confidentiality until approved for public release and announcement and;

Whereas, the State of North Carolina Department of Commerce has conducted a preliminary review of this project and determined the company eligible for potential state incentives and;

Whereas, the City of Lenoir has endorsed this Economic Development Project during an August 20, 2019 meeting and;

Whereas, the One NC Program requires a local government to serve as the formal applicant for State Incentive funding under this program and;

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 One NC Fund 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 One NC Fund Grant to assist in the recruitment and implementation of Project Vanderbilt and;

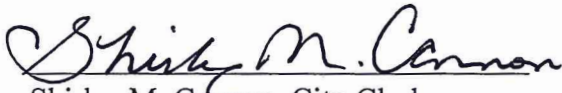
That the City of Lenoir has substantially complied with, or will substantially comply with, all Federal, State and local laws, rules, regulations and ordinances applicable to the project and the grants pertaining thereto.

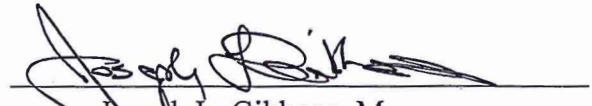


SEAL

Adopted this the Seventeenth day of September, 2019.

Attest:


Shirley M. Cannon, City Clerk


Joseph L. Gibbons, Mayor

Date: 9-17-2019

Date:  9.17.2019

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

**Mulberry Recreation Center/Optimist Park Addition Improvements:
Bid request: J.T. Russell & Sons, Inc. for paving new parking lot at
Optimist Park in the amount of \$25,000.00**

II. Background Information:

**This is part of the Parks and Recreation Trust Fund Grant for the
Mulberry Optimist Park Project.**

Bids: J.T. Russell & Sons, Inc. \$25,000.00

M & K Enterprises LLC \$28,993.18

Carolina Paving of Hickory, Inc. \$33,030.00

III. Staff Recommendation:

**Staff recommends to approval the bid to J.T. Russell & Sons in the
amount of \$25,000.00**

IV. Reviewed by:

City Attorney:

Finance Director:

Public Works/Public Utilities Director:

Planning Director:

Recreation Director: Kenny Story