

**LENOIR CITY COUNCIL
TUESDAY, MAY 4, 2021
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Jonathan Beal, Todd Perdue, Ike Perkins, Ralph Prestwood and Ben Willis. City Attorney T. J. Rohr, City Manager Scott Hildebran, Communications Director Joshua Harris, Public Utilities Director Jared Wright, Fire Chief Ken Hair and Police Captain Andy Wilson were also in attendance at the meeting. Kara Fohner, News Topic also attended the meeting.

VIA TELECONFERENCE:

Participating via teleconference was Mayor Pro-Tem Crissy Thomas and City Clerk Shirley Cannon.

Department Directors participating via teleconference were Finance Director Donna Bean, Recreation Director Kenny Story, Planning Director Jenny Wheelock, Economic Development Director Kaylynn Horn, and Public Utilities Director Radford Thomas,

I. CALL TO ORDER

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

CONGRATULATIONS;

JOSHUA HARRIS: B. On behalf of City Council, Mayor Gibbons extended congratulations to Joshua Harris, Public Information Officer, upon being elected 2021-22 President of NC3C (NC City & County Communications.)

CONGRATULATIONS; MAYOR

GIBBONS: C. Councilman Ben Willis and City Council members congratulated Mayor Joe Gibbons upon being elected as Vice-President of the North Carolina Mayor's Association.

CONGRATULATIONS;

BEN WILLIS: D. On behalf of City Council, Mayor Gibbons commended Councilman Ben Willis upon serving two (2-year terms) on the North Carolina League of Municipalities' Board of Directors.

CONDOLENCES; WATAUGA COUNTY

SHERIFF'S DEPARTMENT:

- E. On behalf of City Council, Mayor Gibbons extended sympathy and condolences to Watauga County Sheriff Len Hagaman and the Sheriff's Department upon the recent loss of Sergeant Chris Ward and K-9 Deputy Logan Fox during the terrible tragedy that occurred there on Wednesday, April 28. A memorial service was held on Thursday, May 6 at Appalachian State University in Boone. Mayor Gibbons asked everyone to continue to keep Sheriff Len Hagaman, Staff and the families of Sergeant Ward and Deputy Fox in their thoughts and prayers during this difficult time.

**SPECIAL RECOGNITION; NATIONAL
PUBLIC WORKS WEEK:**

- F. On behalf of City Council, Mayor Gibbons presented a proclamation to Jared Wright, Public Works Director, proclaiming the week of May 16 through May 22 as “National Public Works Week” throughout the City of Lenoir.

Mayor Gibbons commended Director Wright and Public Works Staff for all their hard work and talent along with everything they accomplish for the City of Lenoir and its citizens.

Director Wright stated the theme for this year’s National Public Works Week is “Stronger Together” and pointed out the Department’s first priority is team work. He thanked City Council for the recognition and all of their support in honor of this important occasion.

**SPECIAL RECOGNITION; MOTORCYCLE SAFETY
AND AWARENESS MONTH:**

- G. On behalf of City Council, Mayor Gibbons presented a proclamation to Andy Wilson, Captain, Police Department, proclaiming the month of May as “Motorcycle Safety and Awareness Month” throughout the City of Lenoir.

Captain Wilson thanked City Council for their support and encouraged all motorists to obey the speed limit and look twice at intersections before crossing due to the increased number of motorcycles on the highway.

**SPECIAL RECOGNITION; “PEACE OFFICERS’
MEMORIAL WEEK:**

- H. On behalf of City Council, Mayor Gibbons presented a proclamation to Andy Wilson, Captain, Lenoir Police Department, proclaiming the week of May 9 – 15 as “Peace Officers’ Memorial Week” throughout the City of Lenoir. Wednesday, May 15 will be observed as “Peace Officers’ Memorial Day.”

Mayor Gibbons commended Captain Wilson and Police Department Staff for everything they do daily for the City and its citizens and also for what they represent to the community. He further shared a request via social media for a moment of silence and a virtual candle will be posted on Wednesday, May 12, 2021 in lieu of any formalized gathering.

Captain Wilson expressed appreciation to City Council for their continued support and he also asked for prayer for the two families who lost their loved ones in the line of duty last week.

SPECIAL RECOGNITION; CELEBRATE DRINKING

- WATER WEEK:** I. On behalf of City Council, Mayor Gibbons read a proclamation proclaiming the week of May 2 through May 8 as “Celebrate Drinking Water Week” throughout the City of Lenoir.

Mayor Gibbons expressed appreciation to Director Thomas and Staff for all they do in maintaining the safety of the City’s drinking water.

Public Utilities Director Radford Thomas participated in the meeting via Zoom. He thanked City Council and City Manager Hildebran for providing the Department with the resources it needs to provide clean, safe, drinking water for the community. Director Thomas also stated it was vitally important to return clean water to the environment as it has an economic benefit plus provides a health benefit for everyone. He also asked everyone to be aware of what kind of materials they pour out on the ground as they have an impact on water quality.

In addition, Director Thomas commended his Staff for being excellent at what they do.

SPECIAL RECOGNITION; INTERNATIONAL FIREFIGHTERS' DAY:

- J. On behalf of City Council, Mayor Gibbons presented a proclamation to Fire Chief Ken Hair proclaiming "Tuesday, May 4 as "International Firefighters' Day throughout the City of Lenoir. He expressed appreciation to Chief Hair for all their service to the City and its citizens.

Chief Hair also expressed appreciation to City Council for their support and explained the background of how "International Firefighters' Day began in 1998 to honor deceased firefighters. International Firefighters' Day is observed annually on May 4 and was instituted after the deaths of five firefighters in tragic circumstances in a bushfire in Australia, which happened on December 2, 1998. The Firefighters' Association chose the date of May 4 to observe this annual event in order to remember all the men and women who have died in the line of duty.

Chief Hair further stated the Lenoir Fire Department emphasizes training and fire prevention and stated he was proud of all the men and women who have served and those who currently serve.

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, April 19, 2021 as submitted.
 2. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, April 27, 2021 as submitted.
 3. Parking Lot Extension; city of Lenoir and Tye Investments: Approval of an extension of the Lease Agreement between the City of Lenoir and Tye Investments, LLC, for property located between South Main Street and Mulberry Street which is owned by Tye Investments, LLC. The lease will become effective June 1, 2021 and will renew as a yearly lease unless either party terminates it on or before March 31 of each year. (A copy of the lease agreement is hereby incorporated into these minutes by

reference. Refer to pages 162-164.)

4. Proclamation; National Public Works Week: Approval of a proclamation proclaiming the week of May 16 – 22 as “National Public Works Week” throughout the City of Lenoir. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 165.)
5. Proclamation; Peace Officers’ Memorial Week: Approval of a proclamation proclaiming the week of May 9 – 15 as “Peace Officers’ Memorial Week” throughout the City of Lenoir. Also, Wednesday, May 15 will be observed as “Peace Officers’ Memorial Day.” A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 166.)
6. Proclamation; Motorcycle Safety & Awareness Month: Approval of a proclamation proclaiming the month of May as “Motorcycle Safety and Awareness Month” throughout the City of Lenoir. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 167.)
7. Proclamation; Celebrate Drinking Water Week: Approval of a proclamation proclaiming the week of May 2 – 8, 2021 as “Celebrate Drinking Water Week” throughout the City of Lenoir. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 168.)

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to approve the above list of items on the Consent Agenda as presented and as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITYMANAGER

A. Items of Information

NATIONAL DAY OF

PRAYER: 1. A ceremony will be held on Thursday, May 6 at noon on the downtown square to celebrate the National Day of Prayer.

CITY/COUNTY SERVICES

COMMITTEE: 2. The City/County Services Committee will meet on Monday, May 10 at noon at Caldwell Community College and Technical Institute (CCC&TI.)

EDC: 3. The Caldwell County Economic Development Commission will conduct a virtual meeting on Tuesday, May 11 at 8:00 a.m.

ABC BOARD: 4. The ABC Board will conduct a virtual meeting on Thursday, May 13 at 2:00 p.m.

LENOIR BUSINESS ADVISORY

BOARD: 5. The Lenoir Business Advisory Board will conduct a virtual meeting on Thursday, May 13 at 6:00 p.m.

B. ITEMS FOR COUNCIL ACTION

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

1. There being no further business, the meeting was adjourned at 6:35 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

This document presented and filed:
05/05/2021 11:00:44 AM

Fee \$26.00



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

Parking Lot Lease

City of Lenoir

Drafted by: Timothy J. Rohr, Wilson, Lackey, Rohr & Hall, P.C., 606 College Ave. SW,
Lenoir, NC, 28645

City of Lenoir
North Carolina
Caldwell County

Tye Investments, LLC, Lenoir, North Carolina 28645, hereinafter referred to as "Tye Investments", and the City of Lenoir, North Carolina a municipal corporation, hereinafter referred to as "City;" both of Caldwell County, North Carolina, enter into this contract of lease as of June 1, 2021.

Subject to the terms and conditions herein set out, Tye Investments hereby leases to the City, and the City hereby accepts as tenant of Tye Investments, a certain lot in Lenoir, Caldwell County, North Carolina, located at the following address: from South Main Street to Mulberry Street, Lenoir, Caldwell County, North Carolina and more specifically described as Tracts One, Two, and Three of the May 15, 2017, deed from Ann Cline Koebberling, widow, to Tye Investments, recorded in the Caldwell County Registry in Book 1918 at pages 2059-2062. See the attached "Exhibit A" of an approximate illustration of the property the parties intend to be the subject of this lease.

The terms and conditions of this lease are follows:

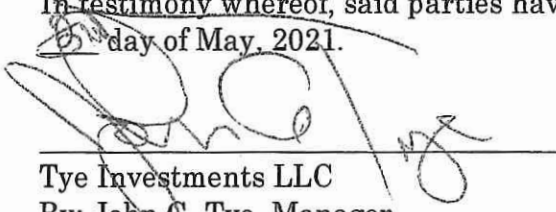
The initial term of this lease begins June 1, 2021, and ends May 31, 2022. Either party may terminate the lease at the expiration of the initial term by giving written notice to the other on or before March 31, 2022. Should neither party terminate the lease, the lease will automatically renew and become an annual lease upon the same terms and conditions contained herein. The parties may in subsequent years renew or cancel the renewed release on the same terms.

The annual rent for the premises is the share of the annual *ad valorem* taxes due to the City of Lenoir and Caldwell County which accrues upon and is attributable to the leased property.

The City accepts the premises in its present condition. The City intends to use the leased premises as a municipal parking lot. The City has exclusive use and control of the leased premises, except that the City will mark three parking spaces as specified by Tye Investments reserved for the use of Tye Investments or its customers. If the premises are destroyed or so damaged by calamity so that the premises cannot within 30 days be rendered fit for use as a parking lot, the City may terminate this lease upon written notification to Tye Investments.

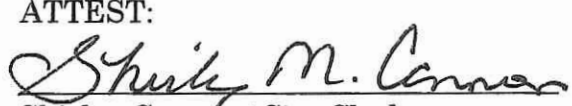
To the extent permitted by North Carolina law, the City will indemnify and hold Tye Investments harmless from claims which third parties may during the term of the lease assert as a result of the City's operation of a parking lot.

In testimony whereof, said parties have hereunto set their hands and seals on this the 3rd day of May, 2021.


Tye Investments LLC
By: John G. Tye, Manager


CITY OF LENOIR
By: Joseph L. Gibbons, Mayor

ATTEST:


Shirley Cannon, City Clerk

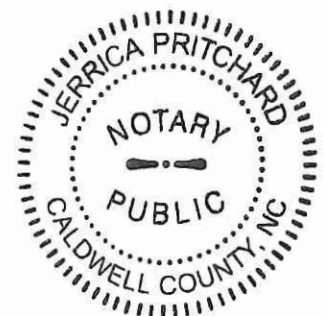
NORTH CAROLINA
CALDWELL COUNTY

I, a Notary Public of the County and State aforesaid, certify that John G. Tye, Manager of Tye Investments, LLC personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 3rd day of May, 2021.

My Commission Expires:

04/05/2026 



NORTH CAROLINA
CALDWELL COUNTY

I, a Notary Public of the County and State aforesaid, certify that Shirley Cannon personally appeared before me this day and acknowledged that she is City Clerk for the City of Lenoir, a North Carolina municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by Joseph L. Gibbons as its Mayor, sealed with its corporate seal and attested by Shirley Cannon as its City Clerk.

Witness my hand and official stamp or seal, this the 4th day of May, 2021.

My Commission Expires:

04/05/2026 *Jerrica Pritchard*



The foregoing Certifications are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR CALDWELL COUNTY

BY: _____
Deputy/Assistant-Register of Deeds



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
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

PROCLAMATION

NATIONAL PUBLIC WORKS WEEK

WHEREAS, Public Works Professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Lenoir and Caldwell County; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

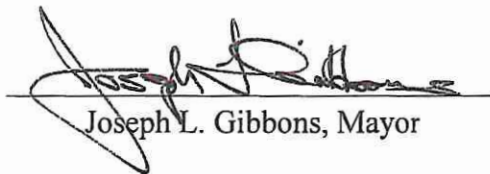
WHEREAS, it is in the public interest for the citizens, civic leaders and children in the City of Lenoir and Caldwell County to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

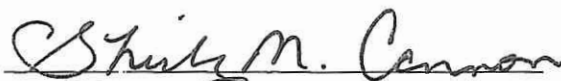
WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association,

NOW, THEREFORE, I, Joseph L. Gibbons, Mayor, and on behalf of the Lenoir City Council, do hereby designate the week of May 16 – 22, 2021, as National Public Works Week and urge all citizen to join with representatives of governmental agencies and the American Public Works Association in activities and ceremonies designed to pay tribute to our Public works professionals, engineers and administrators and to recognize the substantial contributions they have made to our national health and welfare.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 4th day of May, 2021.

SEAL


Joseph L. Gibbons, Mayor


Shirley M. Cannon, City Clerk



PROCLAMATION



In Recognition of
Peace Officers' Memorial Week
May 9 – 15, 2021



WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week; and

WHEREAS, the members of the law enforcement agency of the Lenoir Police Department play an essential role in safeguarding the rights and freedoms of those inside the City of Lenoir; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the law enforcement agency of the Lenoir Police Department unceasingly provide a vital public service;

NOW THEREFORE, BE IT RESOLVED, that I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council, do hereby proclaim and call upon all citizens of Lenoir and upon all patriotic, civic and educational organizations to observe the week of May 9 – May 15, 2021, as Police Week. Due to the COVID-19 pandemic virus currently gripping our nation and community, social gatherings that normally observe this memorial have been cancelled. However, a request via social media for a moment of silence and a virtual candle will be posted on Wednesday, May 12, 2021 in lieu of any formalized gathering;

FURTHERMORE, I proclaim and call upon all citizens of the City of Lenoir to recognize May 15, 2021, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty. Let us recognize and pay respect to the survivors of our fallen heroes.

WITNESS, my hand and seal this the 4th *day of* May, 2021.

SEAL

A handwritten signature in black ink, appearing to read "Joseph L. Gibbons".

Joseph L. Gibbons, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Shirley M. Cannon".
Shirley M. Cannon, City Clerk



PROCLAMATION

Motorcycle Safety & Awareness Month

May 2021



WHEREAS, the growth in popularity of motorcycle riding and touring, combined with the many scenic destinations in our state and the year-long riding season, have led to North Carolina having one of the largest populations of motorcycle enthusiasts in the nation; and

WHEREAS, more and more residents of the City of Lenoir are taking up this mode of transportation to commute to and from their places of employment; and

WHEREAS, many motorcyclists undergo specialized training by attending professionally taught motorcycle operator training courses with emphasis on skills, traffic laws, and proper safety equipment; and

WHEREAS, it is the responsibility of all motorists to be aware of motorcyclists and extend to them the same courtesy as any other vehicles on our roadways.

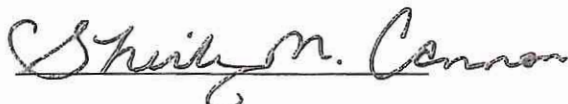
NOW, THEREFORE, BE IT RESOLVED, that I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council, do hereby proclaim the month of May as "Motorcycle Safety and Awareness Month" throughout the City of Lenoir.

WITNESS, my hand and seal this the 4th day of May, 2021.

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
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D. F. STEVENS
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B. K. WILLIS

PROCLAMATION
IN CELEBRATION OF
DRINKING WATER WEEK

WHEREAS, water is our most valuable natural resource; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, any measure of a successful society - low mortality rates, economic growth and diversity, productivity, and public safety are in some way related to access to safe water; and

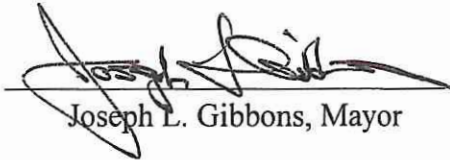
WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of the City of Lenoir is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues by getting to know their water;

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, I do hereby proclaim the week of May 2 – 8, 2021 as ***“Celebrate Drinking Water Week”*** throughout the City of Lenoir.

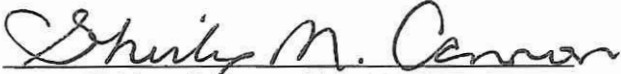
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 4th day of May, 2021.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley Cannon, City Clerk



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
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D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

PROCLAMATION

IN HONOR OF

INTERNATIONAL FIREFIGHTERS' DAY

WHEREAS, International Firefighters' Day is observed each year on May 4th to honor and remember past firefighters who have lost their lives while serving their communities, to express gratitude to those that have served in this line of work and to show support and appreciation for those who presently serve; and

WHEREAS, Regardless of the language a firefighter speaks, or the country in which he or she works and resides, all firefighters fight against the same enemy - fire; and

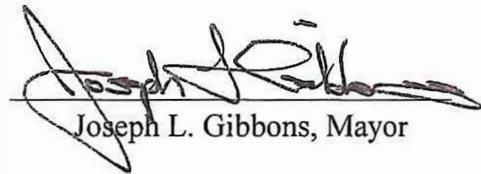
WHEREAS, Firefighters follow a long line of tradition and honor that inspires them to help colleagues, neighbors and strangers alike; and

WHEREAS, The demands of firefighting are accompanied by both personal and physical tolls that all firefighters knowingly accept while risking their lives to protect the lives of others.

NOW, THEREFORE, be it resolved that by the virtue of the authority vested in me as Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, I do hereby proclaim Tuesday, May 4th, 2021, as "International Firefighters' Day" throughout the City of Lenoir and encourage all citizens to show support and appreciation to our City, County, and State firefighters who protect our lives and property so diligently throughout the year and by remembering past firefighters who dedicated their lives to preserve our safety.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 4th day of May, 2021.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk