

**LENOIR CITY COUNCIL
TUESDAY, SEPTEMBER 7, 2021
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Mayor Pro-Tem Crissy Thomas, Jonathan Beal, Ike Perkins, David Stevens and Ben Willis. City Attorney T. J. Rohr and City Manager Scott Hildebran were also present.

ZOOM: Councilmember Todd Perdue and City Clerk Shirley Cannon participated via Zoom.

Department Directors in attendance were Communications Director Joshua Harris, Fire Chief Ken Hair, Police Chief Brent Phelps, and Recreation Director Kenny Story.

Participating via Zoom were Finance Director Donna Bean, Planning Director Jenny Wheelock, Economic Development Director Kaylynn Horn, Public Works Director Jared Wright 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.
- B. On behalf of City Council, Mayor Gibbons asked everyone to continue to pray for the community and for all the people that are currently hospitalized along with all those that have lost loved ones due to the COVID-19 virus. Mayor Gibbons further encouraged everyone to be safe and to wear a mask during this time.

**SPECIAL RECOGNITION;
CONSTITUTION WEEK:**

- C. On behalf of City Council, Mayor Gibbons presented a proclamation to Diana Hale proclaiming the week of September 17 through 23 as "Constitution Week" in the City of Lenoir.

Mayor Gibbons also stated a ceremony will be held at the Charters of Freedom located downtown beside of the former courthouse on Friday, September 17. The public is cordially invited to attend.

**SPECIAL RECOGNITION; 20TH ANNIVERSARY OF
SEPTEMBER 11, 2001 & NATIONAL DAY OF SERVICE & REMEMBRANCE:**

- D. On behalf of City Council, Mayor Gibbons presented a proclamation to Diana Hale and Jeanie Hollar encouraging all citizens to display the flag at half-staff from their homes, schools and businesses and to reflect on this "National Day of Service and Remembrance" and the 20th Anniversary of the September 11, 2001 attacks on America in order to proclaim honor and respect of all those who lost their lives during this terrible tragedy.

Also, schools, businesses, houses of worship and facilities are encouraged to ring their bells at least six (6) times at 8:46 a.m. on the morning of September 11, 2021 in remembrance.

PRAYERS FOR COMMUNITY;

COVID-19:

- E. On behalf of City Council, Mayor Gibbons asked everyone to continue to pray for the community, all the people that are currently hospitalized, and families that have lost loved ones due to the COVID-19 virus. Mayor Gibbons further encouraged everyone to be safe and to wear a mask during this time.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

1. Minutes: Approval of the minutes of the City Council meeting of Tuesday, August 17, 2021 as submitted.
2. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, August 24 as submitted.
3. Proclamation; Constitution Week: Approval of a proclamation proclaiming the week of September 17 through September 23 as "Constitution Week" in the City of Lenoir. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 321.)
4. Proclamation; National Day of Service & Remembrance and the 20th Anniversary of September 11, 2001: Approval of a proclamation calling on all citizens to reflect on this National Day of Service and Remembrance and the 20th Anniversary of the September 11, 2001 attacks on the United States of America. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to pages 322-323.)
5. Authorizing Resolution; Finley Area Water System Improvements Project: Approval of a Resolution to Authorize an Application for State Loan/Grant Assistance for Improvements to the Finley Area Water System Improvements Project as submitted. (A copy of the resolution and certification statement is hereby incorporated into these minutes by reference. (Refer to pages 324-325.)
6. Resolution for Adoption of the FY2021-2022 Water & Sewer Enterprise Fund Capital Improvements Plan: Approval of a Resolution to adopt the 2021-2022 Water and Sewer Fund Capital Improvements Plan as updated for the Fiscal Year 2021-2022 Budget and as included in the Budget Ordinance that was adopted by City Council on June 1, 2021. (A copy of the resolution and certification statement is hereby incorporated into these minutes by reference. Refer to pages 326-327.)

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to approve the above items listed on the Consent Agenda as recommended and as presented 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

LENOIR TOURISM DEVELOPMENT

AUTHORITY:

1. The Lenoir Tourism Development Authority will meet virtually on Thursday, September 9 at 4:00 p.m.

LENOIR BUSINESS ADVISORY

BOARD: 2. The Lenoir Business Advisory Board will meet virtually on Thursday, September 9 at 6:00 p.m.

ANNUAL SCULPTURE

FESTIVAL: 3. The annual Sculpture Festival will be held on Saturday, September 11 at 9:00 a.m. at the T.H. Broyhill Walking Park.

ANNUAL NCDOT LITTER

SWEEP: 4. The annual NCDOT Fall Litter Sweep begins on Saturday, September 11 and ends on Saturday, September 25. City of Lenoir Staff (volunteers) will also participate in the NCDOT Fall Litter Sweep on Wednesday, September 22 from 9:30 a.m. – 12:30 p.m.

CITY/COUNTY SERVICES

COMMITTEE: 5. The City/County Services Committee will meet on Monday, September 13 at noon.

EDC: 6. The Caldwell County Economic Development Commission (EDC) will meet on Tuesday, September 14 at 8:00 a.m.

PARKS AND RECREATION

ADV. BOARD: 7. The Parks and Recreation Advisory Board will meet on Monday, September 20 at 6:00 p.m. at the Mulberry Recreation Center.

B. ITEMS FOR COUNCIL ACTION

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

BOARD APPOINTMENTS:

A. Mayor Gibbons recommended approval of the following list of individuals for consideration of appointment to the City's Authorities/Boards/Commissions. These individuals will be announced at the August 17 Council meeting.

Parks and Recreation Advisory Board	Rick Pierce	2-year term
Lenoir Tourism Development Authority	Jesse Plaster	4-year term

Upon a motion by Councilmember Willis, Council vote 7 to 0 to approve the above listed board appointments as recommended by Mayor Gibbons.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

1. There being no further business, the meeting was adjourned at 6:28 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, 2021 marks the two hundred thirty-fourth 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, 2021 as "Constitution Week" in the City of Lenoir 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 7th Day of September, 2021.

SEAL

A handwritten signature of Joseph L. Gibbons in black ink, written over a horizontal line. Below the signature, the text "Joseph L. Gibbons, Mayor" is printed.

Joseph L. Gibbons, Mayor



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

20th ANNIVERSARY OF SEPTEMBER 11, 2001

WHEREAS, hijackers took control of four airliners taking off from the Boston, Washington, DC and Newark airports on September 11, 2001 that led to the most ruthless terrorist attack on American soil in its history, and

WHEREAS, 2,983 innocent men, women, and children lost their lives, and over 6,000 people were injured in the September 11, 2001 attacks of the World Trade Center Twin Towers, Flight 93, and the Pentagon, and

WHEREAS, "we all remember exactly where we were on the morning of September 11, 2001," let us pray we never experience that terror again, and always remember our mutual responsibility to ensure justice is done, freedom prevails, and our founding principles permeate through our great land, and

WHEREAS, the world, not just America, was forever changed as a result of September 11, 2001 and its aftermath, and

WHEREAS, by a joint resolution approved December 18, 2001 (Public Law 107-89), our U.S. Congress ordained September 11 of each year as 'Patriot Day,' and by Public Law 111-13, approved April 21, 2009, September 11 was designated as 'National Day of Service and Remembrance,' and

WHEREAS, on this 'National Day of Service and Remembrance' and 20th anniversary of the September 11th attacks, a goal was set of 20 million voluntary good deeds to honor and remember our fallen victims, first responders and others, as well as to build unity and goodwill here in the United States. Let us go out and enrich our communities across the City of Lenoir and Caldwell County and realize we can strengthen our Nation to meet the challenges in this 22nd century, but it begins first here in our own communities where we live and function, and

WHEREAS, we experienced great chaos and sadness September 11, 2001, we also beheld great and countless feats of heroism, selflessness and unfathomable compassion, and

WHEREAS, we pledge to continue the legacy of those innocent victims and first responders' courage and compassion, and to move forward together in unity as one people regardless of nationality, gender, and beliefs, and

WHEREAS, all Americans are encouraged to display the flag at half-staff from their homes, schools, and businesses on September 11, 2021, and



WHEREAS, all houses of worship, schools, homeowners, and facilities are encouraged to ring their bells at least six times at 8:46 a.m. the morning of September 11, 2021.

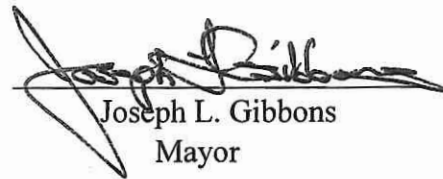
THEREFORE, let us ring the bells on this September 11, 2021, at 8:46 a.m. to remember those who lost their lives 20 years ago and give thanks to our brave first responders who risked their lives that day and several days afterwards.

LET US reaffirm the spirit of patriotism, service, and unity we experienced in the days and months that followed September 11, 2001.

NOW THEREFORE, I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, encourage all citizens throughout the City of Lenoir and Caldwell County to reflect on this “**National Day of Service and Remembrance**” and the **20th Anniversary** of the September 11 attacks in order to proclaim honor and respect of all those who lost their lives during this terrible tragedy.

This the 7th day of September, 2021.

SEAL



Joseph L. Gibbons
Mayor



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

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RESOLUTION BY THE LENOIR CITY COUNCIL

- WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water distribution system projects, and
- WHEREAS, The **City of Lenoir** has need for and intends to construct a drinking water distribution system project described as the Finley Area Water System Improvements project, and
- WHEREAS, The **City of Lenoir** intends to request loan and/or grant assistance for the project,

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

That **City of Lenoir**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the **City of Lenoir** to make scheduled repayment of the loan, to withhold from the **City of Lenoir** any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That **Scott Hildebran, City Manager**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

Adopted this the 7th day of September, 2021 at Lenoir, North Carolina.

SEAL


Joseph L. Gibbons, Mayor





CITY MANAGER
SCOTT E. HILDEBRAN

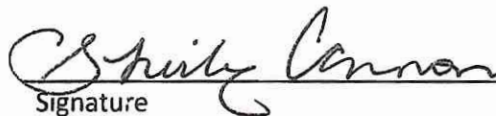
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CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Lenoir does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of the City of Lenoir duly held on the 7th day of September, 2021; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of September, 2021.


Signature

Shirley Cannon, City Clerk

Printed Name and Title



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
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RESOLUTION BY THE LENOIR CITY COUNCIL

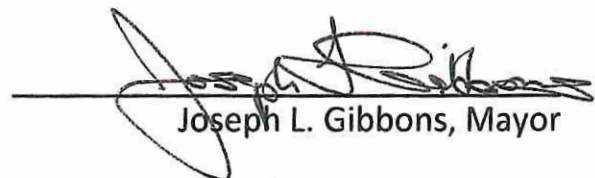
- WHEREAS, The **City of Lenoir** has a current Capital Improvement Plan (CIP) for the Water and Sewer Enterprise Fund that spans 10-years, and
- WHEREAS, The **City of Lenoir** annually updates its 10-Year Water and Sewer CIP, and
- WHEREAS, The **City of Lenoir** held a City Council Budget Retreat on March 23, 2021 to review the 10-Year Water and Sewer CIP with minutes approved by City Council at the April 6, 2021 meeting, and
- WHEREAS, The **City of Lenoir** adopted the Fiscal Year 2021-22 budget in a Budget Ordinance at the City Council meeting held on June 1, 2021, and
- WHEREAS, An application for funding submitted to the North Carolina Department of Environment Quality (DEQ) Division of Water Infrastructure (DWI) may earn points if the Applicant has a CIP adopted by the City Council within two years of the application date.

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

That **City of Lenoir** does hereby adopt the Capital Improvements Plan as updated for the Fiscal Year 2021-22 budget, as presented at the March 23, 2021 City Council Budget Retreat, and as included in the Budget Ordinance that was adopted by the City of Lenoir on June 1, 2021.

Adopted this the 7th day of September, 2021 at Lenoir, North Carolina.

SEAL


Joseph L. Gibbons, Mayor



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Signature

Shirley Cannon, City Clerk

Printed Name and Title