



AGENDA
CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, MARCH 1, 2022
6:00 P.M.



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. 2021 Annual Report; Police Department: Police Chief Brent Phelps will present the Department's 2021 Annual Report to City Council.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, February 15, 2022 as submitted.
- B. Minutes: Approval of the closed session minutes of the City Council Meeting of Tuesday, February 15, 2022 as reviewed by the City Attorney, City Council and City Manager.
- C. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, February 22, 2022 as submitted.
- D. Authorizing Resolution; Mattern & Craig, Inc: Approval of a Resolution authorizing the City Manager to Enter into a Consulting Agreement with Mattern & Craig, Inc. for temporary Administrative and Management Services Assistance as submitted.
- E. Final Change Order No. 1 & Closeout of Construction Contract; Hotel Street Extension Project: Staff recommends approving Final Adjusting Change Order No. 1 and moving forward with the closeout of the construction contract for the Hotel Street Extension Project. **Please note that this action only refers to closeout of the construction contract. The project budget ordinance will remain active until pending right of way acquisitions are completed.**
- F. Final Offer to Purchase Real Property; Parkview Subdivision: Approve the Final Offer to Purchase Real Property by Resolution in the amount of \$19,000 following submission of no upset bids, and as submitted by Wild Winds Farms, Inc. to purchase the nine (9) lots owned by the City of Lenoir located in Parkview Subdivision. Parcel numbers are: 09148 2 2, 09148 2 21, 09148 2 23, 09148 2 25, 09148, 2 29, 09148 2 69, 09148 2 10, 09148 2 34, and 09148 2 47 as submitted.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITYMANAGER

- A. Items of Information

1. The Caldwell County Economic Development Commission (EDC) will meet on Tuesday, March 8 at 8:00 a.m.
2. The Lenoir Business Advisory Board (LBAB) will meet on Thursday, March 10 at 6:00 p.m.
3. The City/County Services Committee will meet on Monday, March 14 at noon.
4. The National League of Cities (NLC) Congressional City Conference will be held in Washington, DC on March 14 through 16. City Manager Scott Hildebran, City Attorney T.J. Rohr and Councilmember Jonathan Beal will be attending this conference.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Announcement; Planning Board Vacancy: Mayor Gibbons will announce a vacancy exists on the Lenoir Planning Board due to the resignation of board member Kent Greer who resigned due to being appointed by City Council.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT



City of Lenoir Police

1035 West Avenue NW
 Lenoir, North Carolina 28645
 (828) 757-2100 • Fax (828) 757-2103



Council Action Form

I. Agenda Item:

II. Background Information:

III. Staff Recommendation:

IV. Reviewed by:

City Attorney: _____	Date: _____
City Manager: _____	Date: _____
Police Chief: _____	Date: _____



Chief Brent Phelps
Annual Report
2021



LENOIR POLICE DEPARTMENT ANNUAL REPORT

FROM OUR CHIEF

Calendar year 2021 felt like an extension of 2020. Our department; along with the rest of the world, was continuing to navigate thru the pandemic. The safety of our officers and citizens was under constant review by agency leadership. Small amounts of training classes began to meet back in person, and we continued to zoom meetings and training. We have learned how to accomplish areas of our responsibilities remotely, but the foundation of our work is hands-on, person to person interaction. Hopefully we will be able to get back to some of the in-person activities which promote positive relationships with our citizens and community.

The police department experienced a small wave of retirements this year; which in turn, created several areas of growth for officers. Several department members were promoted to new positions. Also, several members of the rank of Lieutenant and Sergeant were rotated within the agency to help create growth for the individuals and the department as a whole. Many surrounding agencies experienced staff vacancies at troubling levels. We were extremely fortunate that for the calendar year 2021, we didn't lose any employees to other departments. This speaks highly in regards to the employee morale currently at the department.

Our department; along with agencies across the country, experienced rises in overdoses, mental health concerns, and community concerns regarding homelessness. Officers worked with community members and resource agencies to attempt to assist in these community issues. This will continue to be an effort for our department and the law enforcement profession.

The law enforcement profession has been working on trying to improve in the area of mental health and wellness for our officers. The profession realizes the need to provide better assistance to the men and women that are taking care of our communities. This past year, our community and officers had to deal with several serious violent incidents, to include officers defending themselves against an individual with a deadly weapon. Fortunately, the officers were not seriously injured and were able to stop the individual's actions without taking his life. The leadership of the department is continuing to work on creating programs to assist our officers in the performance of their duties and in dealing with the emotional toll that the job takes on our officers and employees.

Even with all of these events and challenges, I'm proud of the accomplishments of our department. Our officers and employees have continued to diligently work to provide the best services possible in serving our city. Please review the following pages of accomplishments this past year and future obstacles for our agency and the law enforcement profession.



Wall Calendar Photo for 2022 in support of the "Book Bags for Kids" Program



LENOIR POLICE DEPARTMENT ANNUAL REPORT

MISSION STATEMENT

It is the mission of the Lenoir Police Department to work in partnership with the community to anticipate, define, and meet the needs of our city in the areas of public safety, community well-being, and law enforcement.

VISION STATEMENT

It is the vision of the Lenoir Police Department to continue our pursuit of excellence by providing the highest quality of police services, enhancing public safety, and improving the quality of life for future generations.

CORE VALUES AND PRINCIPLES

*We, as members of the Lenoir Police Department, believe in the **Core Values** of:*

Mutual Respect *of the unique qualities of each individual who contributes to the overall well-being of our department and the community we serve;*

Integrity and Ethical Behavior, *serving all people with honesty, compassion, and respect;*

Open Partnership *between the police and the community;*

Public Service *to be responsive, courteous, and effective;*

Professionalism *by staying current with new trends and standards in the field of law enforcement;*

*We, as members of the Lenoir Police Department, exercise the **Core Principles** of:*

Courage *to do what is morally and legally solid, despite fear of criticism, retribution, or physical injury;*

Character *to serve first, then lead, in a fair, honest, and ethical manner;*

Accountability *in holding ourselves and our colleagues to an unimpeachable standard of professional behavior and service.*



MEET OUR COMMAND STAFF



Chief of Police

Brent Phelps

828-757-0471

phelps@ci.lenoir.nc.us



Support Services Division

Captain Couby Stilwell

828-757-2104

stilwell@ci.lenoir.nc.us



Criminal Investigations Division

Captain Andy Wilson

828-757-2125

awilson@ci.lenoir.nc.us



Patrol Division

Captain Brian Smith

828-757-2155

bsmith@ci.lenoir.nc.us



LENOIR POLICE DEPARTMENT ANNUAL REPORT

SUPPORT SERVICES

2021 ushered in a number of personnel changes. The department hired 5 full-time officers, 3 police trainees, and 2 part-time

- * Telecommunicators (both resigning prior to field training completion). 4 full-time officers retired and 1 full-time officer resigned. 2 part-time officers and 3 part-time Telecommunicators also left employment. 3 part-time officers were added.

Telecommunicators were recognized during National Telecommunicators Appreciation Week. Supervisor Dustin Eller was voted Employee of the Year. Avery Hollingsworth was promoted to Master Telecommunicator. The following Telecommunicators received their Certifications:

- * Molly Ford, Avery Hollingsworth, and C.J. Swanson.

Investigations Lieutenant Mark Barlowe transferred to Training Coordinator, Training Coordinator Lieutenant Chris Robinson transferred to Logistics, and Logistics Sergeant Chris Bumgarner transferred to Traffic. 3 College Interns worked with various staff members in the various departments throughout the year, totaling 1,033 in combined hours.

- * The state audit of agency compliance for training and personnel files was conducted, as well as additional audits for CJLeads, Linx, and Division of Criminal Information Network. All were successfully passed.

The following facility improvements took place during the year: fitness room equipment, firing range property, new flooring in records, outside door replaced, and new backup phone system in communications.

- * The department successfully migrated to the state's new e-Citation and e-Warrants system, as well as implemented several processes in an effort to better organize and track inventory and equipment.

2,564 items were submitted into Evidence; 4,692 total items were destroyed, to include 2,804 items logged into our 2006 Records Management System and 1,888 of old items not in the system. 3 trips hauling 17 barrels to the destruction site were made. 9 trips were taken to the State Crime Lab, and 310.7 pounds of unwanted medication left in the lobby drop box were destroyed. 1,156 DVDs and 356 CDs were downloaded and made for the District Attorney's Office.

- * The following employees completed the Law Enforcement Certificate Program: Shane Woodward (Intermediate); Derek Brown and Jen Banks (Advanced). At year end, we had a total of 35 officers holding either an Intermediate (8) or Advanced (27) Certificate, which on a percentage is 67% of the 52 full time sworn officers in the department. This percentage of officer certification earns the City of Lenoir a 7% discount on law enforcement liability insurance.

Captain Couby Stilwell serves as an advisor for the Shelter Home Board of Directors. He oversees a staff of 17 full-time employees to include Logistics, Training, Property & Evidence, Communications & 911 Center, Records & Admin Personnel, and 3 Volunteer Chaplains.

- * Chief Brent Phelps serves as a member of the Robin's Nest Children's Advocacy Center Board of Directors, the Domestic Preparedness Region 8 Team, Caldwell County Incident Management Response Team, PELA, and Vice President for the NC FBINAA Chapter. He was involved in a number of community events and held a Policing Podcast with PIO Joshua Harris during the year.



LENOIR POLICE DEPARTMENT ANNUAL REPORT

CRIMINAL INVESTIGATIONS DIVISION

- * During the year, the division had the following promotions: Drew Greene and Stella January (Senior Detective); Landon Annas (Detective II). Additionally, Lieutenant Jody Herman and Sergeants Nathaneal Blache and Zachery Poythress were transferred in from Patrol.
 - * Employees received recognition for the following: Nathaneal Blache (Traffic Enforcement & Investigations Certificate Program) and (K9 Cerik Remembrance Ceremony).
 - * The Investigations Division worked diligently with the community and inside neighborhoods to push out criminal activity of all types by investigating an array of cases in 2021 totaling 1,298.
- In 2021, the Investigations Division continued to work strongly with Code Enforcement and Planning Department. Focused efforts resulted in
- * 136 properties being investigated for various nuisance violations. Of the 136 investigations, 77 of those were abated either by the owner or the City of Lenoir.
- Investigators worked 54 opioid-induced overdoses that negatively affected families and friends of loved ones involved, as well as negatively impacted our community. Narcotics Investigators seized \$483,250 worth of illegal narcotics within the City of Lenoir and \$1,857,218 worth of illegal narcotics while assisting other agencies. Cases of criminals illegally distributing these various forms of deadly narcotics to our citizens continues to be a top priority.
- Investigators worked with agents from NC Alcohol Law Enforcement on investigating illegal activity related to ABC permitted establishments and surrounding areas in Lenoir. "Operation Game Over" was launched; as a result, 40 individuals were served with outstanding arrest warrants. These warrants ranged from illegal firearm possession, narcotic violations to gambling offenses. An operation such as this makes a true impact to the quality of life for City of Lenoir residents and the surrounding area. We will work to continue in these efforts.
- * The division was able to secure an additional drone and robotic search device to assist in their investigative work.
 - * Sergeant Zachery Poythress serves as a non-voting member of the City of Lenoir Alcoholic Beverage Control Board. Senior Detective Jason Parker serves on the NC Anti-Counterfeiting Task Force.
 - * Lieutenant Jody Herman serves on the Caldwell County Child Protection / Child Fatality Prevention Team. He also serves as Coordinator for the Lenoir / Caldwell County Crime Stoppers Program.
 - * Captain Andy Wilson serves on the Caldwell County Local Emergency Planning Council, as well as Board Member for the Caldwell Council on Adolescent Health and Robin's Nest Multi-Disciplinary Team. He oversees a staff of 10 sworn Investigators and 1 civilian Crime Analyst. This division is responsible for handling all types of investigations, to include Nuisance & Abatement, Narcotics, Alcohol Permitting & Vice, Polygraph, and Crime Stoppers.



LENOIR POLICE DEPARTMENT ANNUAL REPORT

PATROL DIVISION

- * During the year, the following supervisory promotions took place: John Howard, who transferred in from Investigations, to Lieutenant; Brandon MacLeod to Sergeant; Jen Banks, Mark Coffey, and Tyler Sanders to Corporal.

- Additionally, the following transfers took place: Matt Spears to Community Resources; SRO Christian Lynn to Hibriten High School; Chris Smith to SRO over William Lenoir Middle School; Jason Ramsey to SRO over Horizons Elementary School; R. C. Shumate and Shane Woodward to Traffic, now headed up by Sergeant Chris Bumgarner.

- In 2021, officers were recognized for the following: new handler Joe Lo and new canine Atos (K9 Certification); Brandon MacLeod (Traffic Enforcement & Investigations Certificate Program); Christian Lynn, Jason Ramsey and Chris Smith (School Resource Officer Certification); Officer of the Year (Sergeant James Moore); Mark Coffey, Martin Crisp, Cesar Rubio, and Joe Lo (Golden Tickets).

- * Faced with the difficulty in matching "LPD blue" across vehicle manufacturers, the police department instituted a new car color/stripping scheme during the year.

- The department purchased two electronic speed limit signs to collect traffic data and assist with problem areas. The signs notify drivers that are above posted speed limit; the signs are lightweight, battery operated, and easily mountable on existing signs. Additionally, 12 ballistic vests were replaced.

- * Due to current Motorola radios being phased out and unable to be repaired, the division has begun the change over to new Kenwood radios, with 15-25 a year being purchased.

- Throughout the year, officers served in a number of capacities: Sergeant Patrick Moser (Caldwell Heritage Museum Board Member); Sergeant Chris Bumgarner (Community in Schools Board Member, Caldwell County School System Board Member, Western Piedmont Community College Criminal Justice Advisory Committee); Sergeant Martin Crisp (SCAT Advisory Group); Garrett Warren and Miguel Zambrano (National Guard).

- The SARS-CoV-2 pandemic continued to shut down a number of community events during the year 2021. However, the following activities were held as noted through a review of quarterly reports: Book Bags for Kids; Citizens Canine Academy (9 participants); K9 Demo for Gragg Event; community meeting (undisclosed); Caldwell Baptist Association Community Fair; active shooter training (Yokefellow); Project Graduation; department tours & touch-a-truck; drive-thru Child Health & Safety Fair; Governor's Highway Safety Initiatives; and Honor Guard Detail. Additionally, officers participated and/or assisted with the following: Fireworks & Block Party Traffic Assistance; Back the Blue (Watauga Deputies KIA) Ride; Litter Sweep; Memorial Day, National Day of Prayer, and Veterans Day ceremonies; beer garden, bike night, cruise-in, and music on the square nights; Sculpture in the Park; Turkey Tuesday; 3-day tattoo festival; Veterans Stand Down event; Christmas Parade and Blue Ridge luminary memorial.

- Captain Brian Smith serves on the Caldwell County Mental Health Work Group and the Caldwell County Schools Crisis Management Team.
- * He oversees a staff of 38 full-time sworn officers when fully staffed, to include Community Resources, School Resource, DARE Program, Bike Patrol, K9 Team, Rapid Ready Response Team, Downtown Parking Enforcement, and Honor Guard.



LENOIR POLICE DEPARTMENT ANNUAL REPORT

The following is a list of In-Service educational activity and training conducted throughout the year:

Communications & Records Training	408
Civil Liability for Telecommunicators	4
Crisis Negotiations	60
Critical Thinking for Telecommunicators	56
Criminal Records, DCI File Transactions & DCI General Inquiries	33
Followership: Being an Influential Employee	22
Handling Active Assailant Incidents	32
Mass Casualty Incident Preparedness for Telecommunicators	4
Responding to Domestic Violence Calls	2
Security Awareness Training	11
Shift Management Skills in Communications	22
Telecommunicator Certification: M. Ford, A. Hollingsworth, C. Swanson	144
Viper System and ESINET Explained	18
Criminal Investigations Training	72
Children's Advocacy Center Virtual Symposium	12
First Call Initial Investigations Interview	36
Forensic Analysis & Ballistic Math	24
Incident Command Training	187
Basic ICS for Initial Response	33
Introduction to Natural Response Plan & NIMS	91
Law Enforcement Intro to Incident Command	33
Single Resources & Initial Action Incident	30
Instructor Training	211
General Instructor Update	109
G.L.O.V.E Instructor Qualification	2
In-Service Training Coordinator	4
Sig Sauer Armorer Certification	48
Taser Instructor Re-certification	48
Non-Specific Training	408
Bloodborne Pathogens & Hazmat	328
Brazos e-Citation Train-the-Trainer	12
CPR Re-Certification	36
Managing Property & Evidence	32
Patrol Training	7431
Advanced & At-Scene Traffic Crash Investigation	280
Being Prepared for the Day	24
Canine Team Law & N. American Police Work Dog Association Training	48
Continuing to Make a Difference	122
Crime Prevention Specialist (Part 2): M. Bonestell	24
Criminal Investigations through Traffic Enforcement	24
Crisis Intervention Training	40
Department Police & Procedure	26
Driver Training (In-Service)	305
Fair & Impartial Policing	440
Field Training Evaluation Program (New Hires)	2740



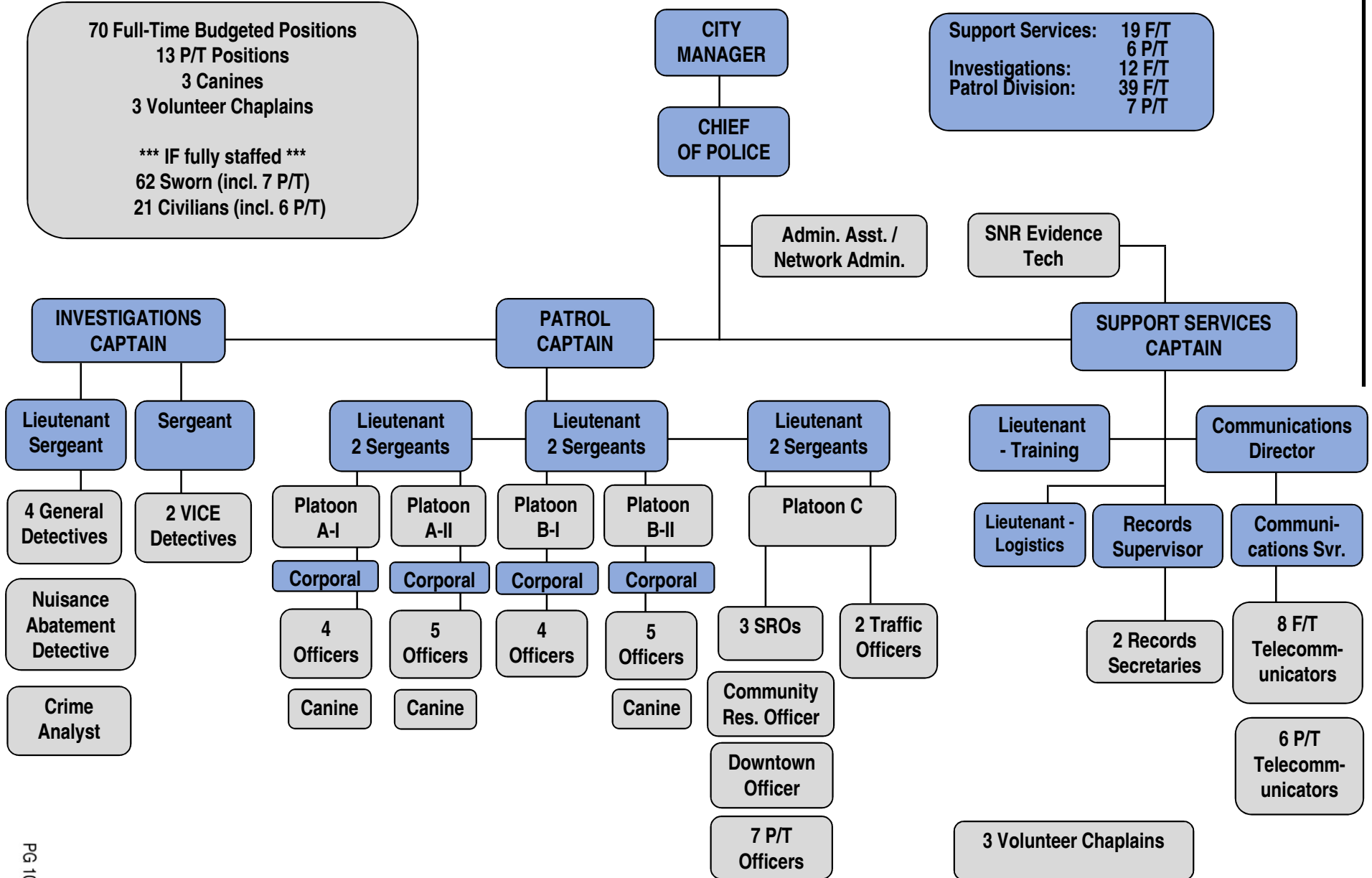
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Field Training Officer Training	200
Firearms Classroom, Combat, In-Service & Qualification	897
Hemp Industry: Overview & Officer Roles	88
Intoxilyzer Re-Certification & EC/IR Operator School	72
Legal Update	240
Mexican Cartels & Culture	20
NCLM Classes: Dangerous Crossroads & Driving	17
OC Defense Technologies	32
Officer Awareness – Responding to Victims of Trauma	232
Orientation Training (New Hires)	16
Patrol Vehicle Operations	240
Physical & Mental Wellness	2
Police Law Institute: J. Massey, S. Woodward	152
Policy Review for New Hires: BWC, Driving, Pursuit, & Use of Force	16
SCAT (In-Service) & Refresher Training for New Hires	320
Shoot / Don't Shoot Scenario Drills	230
Squad Training	4
Speed Measuring Instrument Re-Certification & Operator Instruction	56
Surviving Deadly Force Encounters	24
Taser Certification & Update	94
Taser Update / Less Lethal	124
Traffic Crash Reconstruction	240
UAS Remote Pilot License Re-Certification	6
U.S. Supreme Court Case Law	8
Verbal De-Escalation Techniques & Surviving Verbal Conflict	28
School Resource Training	362
Certification: C. Lynn, J. Ramsey & C. Smith	120
Procedural Justice	6
School Safety & Responding to Incidents	236
Special Response Team Training	869
Basic SWAT	40
Shoot House Training	90
Sniper Course	45
SRT Training	694
Supervision & Management Training	555
Background Investigations	38
City County Municipal Class (UNC School of Government): Chief	39
Constitutional Use of Force	6
FBI-LEEDA Command, Executive & Supervisor Leadership Institute	140
Field Training Officer Supervisor	20
First Line Supervision	160
Managing the Media in Law Enforcement	128
Prevent & Counter Violent Extremism	24
TOTAL TRAINING HOURS	10503

Lenoir Police Department Organizational Structure



LENOIR POLICE DEPARTMENT ANNUAL REPORT



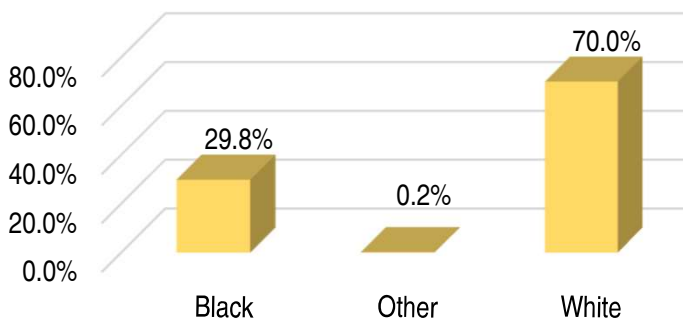


ENFORCEMENT ACTIVITY BY RACE

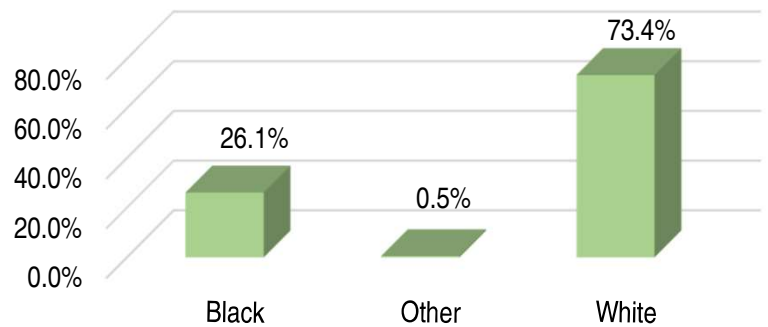
2021

	Arrests				Traffic Stops		Use of Force	
	Felony		Misdemeanor					
Black	127	29.8%	494	26.1%	469	13.8%	16	34.0%
Other	1	0.2%	10	0.5%	24	0.7%	0	0.0%
White	298	70.0%	1392	73.4%	2898	85.5%	31	66.0%
TOTALS	426	100.0%	1896	100.0%	3391	100.0%	47	100.0%

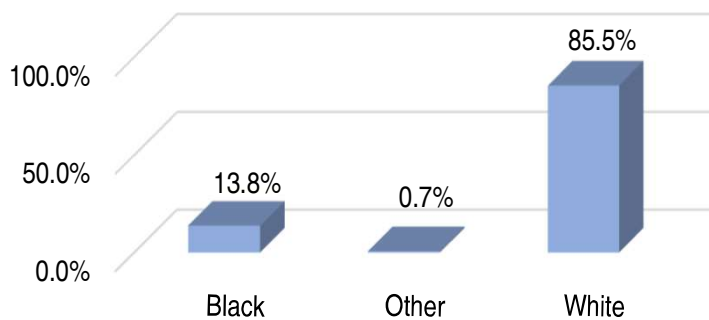
Felony Arrests



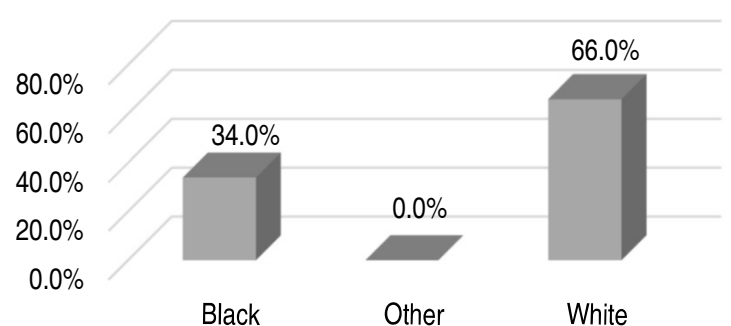
Misdemeanor Arrests



Traffic Stops



Use of Force





LENOIR POLICE DEPARTMENT ANNUAL REPORT

CRIMES AGAINST PERSONS

Code	Charge Description	2019	2020	2021
13A	Aggravated Assault	42	29	33
11D	Forcible Fondling	19	11	13
11A	Forcible Rape	8	17	9
11B	Forcible Sodomy	6	0	1
64A	Human Trafficking (Commercial Sex Acts)	0	1	0
64B	Human Trafficking (Involuntary Servitude)	0	2	0
36A	Incest	0	0	0
13C	Intimidation	15	10	14
09C	Justifiable Homicide	0	0	0
100	Kidnapping / Abduction	5	4	2
09A	Murder / Non-Negligent Manslaughter	0	0	2
09B	Negligent Manslaughter	0	0	0
11C	Sexual Assault with Object	3	1	1
13B	Simple Assault	217	173	210
36B	Statutory Rape	0	1	2
TOTALS		315	249	287

CRIMES AGAINST SOCIETY

Code	Charge Description	2019	2020	2021
720	Animal Cruelty	2	2	5
40B	Assisting / Promoting Prostitution	0	0	0
35A	Drug / Narcotic Violations	369	276	288
35B	Drug Equipment Violations	157	121	112
39A	Gambling (Betting / Wagering)	0	0	0
39C	Gambling (Equipment Violations)	0	0	0
39B	Gambling (Operating / Promotion)	0	0	0
39D	Gambling (Sports Tampering)	0	0	0
370	Pornography / Obscene Materials	11	8	2
40A	Prostitution	0	3	0
40C	Purchasing Prostitution	0	0	0
520	Weapons Law Violations	31	29	45
TOTALS		570	439	452



LENOIR POLICE DEPARTMENT ANNUAL REPORT

CRIMES AGAINST PROPERTY

Code	Charge Description	2019	2020	2021
200	Arson	3	1	5
510	Bribery	0	0	0
220	Burglary / Breaking & Entering	228	158	160
250	Counterfeiting / Forgery	31	15	13
290	Destruction/ Damage/ Vandalism of	209	163	182
270	Embezzlement	3	2	2
210	Extortion / Blackmail	0	1	0
26G	Hacking / Computer Invasion	0	1	1
26F	Identity Theft	3	4	5
23H	Larceny (All Other)	201	171	250
23D	Larceny (From Building)	66	40	36
23E	Larceny (From Coin-Operated Machines / Devices)	4	1	5
23F	Larceny (From Motor Vehicles)	85	51	94
23G	Larceny (Motor Vehicle Parts and Accessories)	18	22	30
23A	Larceny (Pick-Pocket)	3	1	0
23B	Larceny (Purse Snatching)	3	2	2
23C	Larceny (Shoplifting)	125	98	69
240	Motor Vehicle Theft	98	89	84
26B	Fraud (Credit / Debit Card / ATM)	23	37	36
26A	Fraud (False Pretense / Swindle / Confidence Game)	66	59	51
26C	Fraud (Impersonation)	4	6	1
26D	Fraud (Welfare)	0	0	1
120	Robbery	13	7	12
280	Stolen Property	8	6	2
26E	Wire Fraud	1	1	0

TOTALS	1195	936	1041
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CRIME STOPPERS

Description	2019	2020	2021
Calls Received	373	238	247
Crime of the Week Press Releases	19	10	0
Illegal Narcotics Recovered	\$20	\$34,000	\$0
Rewards Paid	\$1,950	\$2,350	\$400
Stolen Property Recovered	\$50,000	\$15,315	\$0
Total Arrests / Charges	27 / 76	22 / 64	5 / 15



LENOIR POLICE DEPARTMENT ANNUAL REPORT

GROUP B OFFENSES

Code	Charge Description	2019	2020	2021
90A	Bad Checks	0	1	0
90B	Curfew / Loitering / Vagrancy	0	0	0
90C	Disorderly Conduct	22	11	11
90D	Driving under Influence	31	41	27
90E	Drunkenness	1	1	2
90F	Family Non Violent Offenses	273	265	252
90G	Liquor Law Violations	2	6	3
90H	Peeping Tom	0	0	0
90I	Runaways	10	10	8
90J	Trespass of Real Property	6	2	0
90Z	All Other Offenses (Person / Property / Society)	50	16	15
TOTALS		395	353	318

CALLS FOR SERVICE

Description	2019	2020	2021
Alarms	1629	1498	1475
Animal Complaints	316	269	349
Civil Disturbances	786	906	929
Domestic Disturbances	1032	1122	1101
Field Contacts	172	88	270
Follow-Ups	864	691	759
Foot Patrols	526	142	137
Incomplete 911s	2134	2115	2638
Loud Noise Complaints	228	255	253
Special/House Checks	9678	10527	9842
Stranded Motorists	711	648	590
Suspicious Persons	1899	1745	1993
Suspicious Vehicles	2114	1655	1320
Warrant Service	1997	1271	1138
TOTALS	24086	22932	22794

Group B offenses are non-reportable and consist of Crimes Against Society, except bad checks, runaway juvenile, and all other offenses.

Runaway juvenile is not classified as a crime by the FBI, but we feel documentation is warranted.



LENOIR POLICE DEPARTMENT ANNUAL REPORT

CANINE ACTIVITIES

Description	2019	2020	2021
Building Searches	35	30	33
Building Search Apprehensions	7	3	4
Call Outs	0	0	0
Demonstrations	29	3	3
Currency Seized	\$5,728	\$240	\$0
Assist Narcotics Searches	15	17	32
Assist Narcotics Seizures	4	10	12
Narcotic Utilizations	286	309	279
Street Value of Seized Narcotics	\$695,579	\$52,246	\$224,682
Tracks	39	23	39
Tracks Apprehensions	6	5	5
Training Hours	565	238	504
Utilizations	355	427	373

CHARGES / ARRESTS

Description

Felony Charges	2019	2020	2021
Adult	841	601	589
Juvenile	1	4	2

Misdemeanor Charges

Adult	3021	2304	2246
Juvenile	59	28	34

TOTAL CHARGES	3922	2937	2871
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<i>Figures to the right are arrests stemming from charges above. Involuntary Commitments are included in misdemeanor arrest totals.</i>	Felony Arrests	567	362	422
	Misdemeanor Arrests	2445	1836	1788
	Involuntary Commitments	95	95	184



LENOIR POLICE DEPARTMENT ANNUAL REPORT

TRAFFIC

Description	2019	2020	2021
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Crashes

Crashes with Injuries	183	159	185
Crashes with Property Dmg	871	854	893

TOTAL CRASHES	1054	1013	1078
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Figures to the right are
included in the totals
above.

Fatalities	1	0	0
Hit & Runs	214	223	226
Parking Lots	292	274	287

Tickets	2019	2020	2021
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Handicap Tickets Issued	2	0	3
Parking Tickets Issued	251	260	146
Parking Tickets Paid	210	193	127
Traffic Citations Issued	4030	3129	2450
Warning Tickets Issued	2375	1370	1203

Top Five Contributing Circumstances	2021
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Inattention	875
Failure to Reduce Speed	223
Failure to Yield Right of Way	178
Improper Backing	154
Disregard of Traffic Signals	104

Top Five Crash Locations	2021
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Blowing Rock Blvd / Hospital Ave	29
Blowing Rock Blvd / Greenhaven - Nuway	20
Morganton Blvd / Harper Ave / SW Blvd	13
Blowing Rock Blvd / ABC Ct	12
Hickory Blvd / McLean Dr	12



LENOIR POLICE DEPARTMENT ANNUAL REPORT

ADMINISTRATIVE

Description	2019	2020	2021
ABC Permits	18	9	12
Backgrounds	15	22	10
Picketing / Soliciting Permits	2	1	1
Wrecker Inspections	6	6	7

COMMUNICATIONS

Description	2019	2020	2021
CAD Requests DSS	206	226	244
Criminal History Requests	297	171	214
Entered CAD Calls	43111	39047	38129
Number of Monthly Validations	779	791	790
Utility Calls	380	313	442

TOTALS	44773	40548	39819
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RECORDS

Description	2019	2020	2021
CAD Reports	\$185	\$65	\$180
Fingerprints	\$165	\$20	\$65
Parking Ticket Payments	\$1,905	\$1,165	\$965
Reports	\$335	\$150	\$220

TOTALS	\$2,590	\$1,400	\$1,430
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PROPERTY & EVIDENCE

Description	2019	2020	2021
Evidence Destroyed	4193	912	2804
Evidence Received	3061	2287	2564
Evidence Inventory Total	42234	44917	46564



LENOIR POLICE DEPARTMENT ANNUAL REPORT

GENERALS

Description	2019	2020	2021
Polygraph Examinations	10	11	6
Recovered Stolen Property	\$65,833	\$134,692	\$83,752
Recovered Stolen Vehicles (number of)	74	69	72
Recovered Stolen Vehicles (value of)	\$452,025	\$391,944	\$763,344
Narcotics Use	23	22	55
Overdoses	51	50	88
<i>Opioid Induced Overdoses</i>	23	22	54
Suicides	6	9	5
Unattended Deaths	43	46	41

CASE STATUSES

Description	2019	2020	2021
Open	766	552	524
Inactive	1105	919	928
CBA (Cleared by Arrest)	444	306	309
Exceptionally Cleared	51	42	54
Unfounded	120	114	100

NUISANCE

Description	4Q19	4Q20	4Q21
Offenses			
Abandoned / Junk Vehicle	30	45	10
Graffiti	0	0	0
Health and Safety	20	20	15
Junk and Debris	78	72	49
Miscellaneous	21	41	14
Tall Grass or Vegetation	94	56	48

TOTALS	243	234	136
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Case Statuses

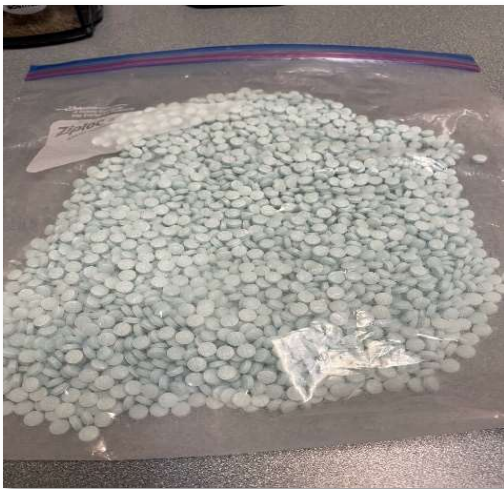
City Abated	35	12	12
Owner Abated	115	116	65



LENOIR POLICE DEPARTMENT ANNUAL REPORT

NARCOTICS ACTIVITIES

Description	2019	2020	2021
Arrests	100	65	68
Charges	173	122	135
Arrests While Assisting Other Agencies	0	0	0
Charges While Assisting Other Agencies	0	0	0
Cases Opened or Initiated Within City Limits	230	191	178
Cases Opened or Initiated While Assisting Other Agencies	41	27	50
Cash and Property Seized	\$133,194	\$25,096	\$62,517
Cash and Property Seized While Assisting Other Agencies	\$12,940	\$0	\$49,537
Illegal Narcotics Seized	\$805,754	\$91,079	\$483,250
Illegal Narcotics Seized While Assisting Other Agencies	\$411,886	\$263,752	\$1,857,218
Knock and Talks	57	8	15
Search Warrants	86	92	55
Total Assists and Joint Investigations	41	27	50
Vehicle Seizures	0	0	0



In late October of 2021, Lenoir Police Department Investigators; in conjunction with agents from the North Carolina Alcohol Law Enforcement, conducted a joint operation investigating illegal activity related to ABC permitted establishments and surrounding areas in Lenoir. "Operation Game Over" was launched on January 29, 2021 and was prompted by community complaints involving gun and drug activity, as well as illegal gambling. As a result from this operation, forty (40) individuals were served with outstanding arrest warrants. These warrants ranged from illegal firearm possession, narcotic violations, to gambling offenses. An operation such as this makes a true impact to the quality of life for City of Lenoir residents and the surrounding area. It takes a big bite out of criminal organizations at one time. Operations such as these make a noticeable impact in various criminal activities.



LENOIR POLICE DEPARTMENT ANNUAL REPORT

NARCOTICS CONFISCATED

Description	2021
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Drug Name	Quantity	Value
Acetaminophen / Oxycodone	2 du	\$10
Alprazolam	111 du	\$1,555
Buprenorphine Hydrochloride	6 du	\$30
Cannabis vile	1 du	\$20
Clonazepam	15 du	\$75
Cocaine	236.5 gm	\$23,950
Crack Cocaine	14.8 gm	\$2,510
Crystal Substance in CPB	2.5 gm	\$1,275
Edible Marijuana	274 gm	\$2,192
Fentanyl	182.5 gm	\$107,734
Heroin	53 gm	\$31,800
Heroin / Fentanyl	1.2 gm	\$720
Liquified Meth	167.44 gm	\$25,116
Marijuana	1694.9 gm	\$13,559
MDMA	.4 gm	\$99
Methamphetamine	2371.9 gm	\$355,833
Mushrooms	1.7 gm	\$140
Oxycodone	117 du	\$585
Oxycodone Hydrochloride	16 du	\$80
Pfizer PGN	15 du	\$75
Pills	414.46 du	\$25,276
Powder Cocaine	1.5 gm	\$280
Suboxone	12 du	\$60
Suboxone Strips	3 du	\$15
Temazepam	84 du	\$420
Unknown Powder	.1 gm	\$1
White Powder in CPB	3 gm	\$450
Xanax	38 du	\$190

TOTAL	\$594,051
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LENOIR POLICE DEPARTMENT ANNUAL REPORT

For Alcoholic Beverage Commission Board reporting purposes, listed below are alcoholic violations and drug charges from inside the city limits of Lenoir for the year of 2021:

ALCOHOLIC VIOLATIONS

Description	2019	2020	2021
Consuming at an Off-Premise Establishment	1	0	0
Consuming Underage of 21	1	0	0
Contributing to the Delinquency of a Minor	3	0	5
Defrauding an Alcohol/Drug Screening Test	1	0	0
Driving Under the Influence	0	19	8
Driving While Subject to Impairing Substance	36	16	11
Disorderly Conduct	0	0	1
Driving While Impaired	7	13	14
Driving While License Revoked Impaired Revocation	2	2	0
Drunkenness	1	1	5
Hold Until Sober	34	15	7
Impaired Driving Revocation	0	3	5
Intoxicated and Disruptive	18	13	4
Open Container in a Vehicle	2	0	0
Possess Sale of Non Taxed Alcoholic Beverage	1	0	0
Possessing Open Container in Passenger Area	4	0	0
Public Consumption	1	0	0
Sell/Give Malt Beverage and/or Unfortified Wine to < 21	1	0	0
Transporting Open Container	1	0	0
TOTAL VIOLATIONS	114	82	60

DRUG CHARGES

Description	2019	2020	2021
Felony Drug Charges	259	164	235
Misdemeanor Drug Charges	164	86	244
TOTAL CHARGES	423	250	479



THE ROLE OF THE SCHOOL RESOURCE OFFICER (SRO)

The SRO fulfills 3 primary roles within our school community. The first role is that of a police officer with a mission of keeping order on campus and legal authority to arrest if required. This role is important; for without order, learning cannot take place. In the event of criminal activity on campus, the SRO's ability to intervene immediately can make the difference between life and death. Secondly, the officer is a resource to teachers in areas of law enforcement that have classroom applications (i.e. traffic laws, drug laws, law related educational topics). Finally, the officer plays a role of counselor and frequently uses their network of contacts with other school and community resources to help address various social problems faced by students.

The SRO Program for the City of Lenoir had its beginning in the fall of 1994, when the Lenoir Police Department formed a community partnership with Hibriten High School. This partnership utilized police officers that were assigned to the patrol district in which Hibriten High School was located, to patrol the campus on foot during peak activity times, as other calls for service permitted.

In August of 1995, this partnership expanded to encompass the Caldwell County Board of Education, which joined the police department with joint financing of a full-time SRO for Hibriten High School. During the 2008/2009 school year, the Caldwell County Board of Education agreed to pick up 100% of the financing for the SRO at William Lenoir Middle School, with D.A.R.E. (for elementary students) being picked up by a newly created "Community Resource Officer" position paid through the police department. During the 2018/2019 school year, the School Board partnered with us for 100% financing of a newly created SRO position to primarily work at New Horizons Elementary School, as well as part-time at Valmead and West Lenoir Elementary Schools. Responsibilities of the SRO: investigation of criminal activities and incidents; enforcement of laws; traffic control; campus parking permit control; teaching law related education; coordinating the security for school events; interacting with faculty and students to promote mutual respect between the school and law enforcement; and providing counseling for personal, scholastic, family, or law related problems.

Currently, the SRO for Hibriten High School (HHS) is Master Patrol Officer Christian Lynn. MPO Lynn created and managed Incident Action Plans for all home sporting/special events held at HHS. SRO Lynn assisted in numerous conferences with parents, staff, and students. He conducted (5) lockdown drills and assisted Administration with Fire Drills and Safety Assessments. SRO Lynn investigated a total of (30) Juvenile Complaints, (9) traffic crashes on Hibriten Campus, and filed (11) school related incident reports. He spoke with several classes on the topic of Law Enforcement and school safety, as well as assisted frequently in the Forensic Science class and scheduling guest speakers from the Lenoir Police Department Investigations Division.

The SRO for William Lenoir Middle School (WLMS) is MPO Chris Smith. MPO Smith answered (76) calls for service at the school. Seven incidents reports were taken and (3) juvenile petitions were completed. Five lock-downs and (5) fires drills were conducted. SRO Smith also performed numerous student counseling sessions and assisted with parent teacher conferencing.

The SRO for Horizons Elementary School (HES) is Master Patrol Officer Jason Ramsey. MPO Ramsey is also the part-time SRO for Valmead Elementary School and West Lenoir Elementary School. SRO Ramsey responded to (102) calls for service; a total of (13) incident reports and (5) juvenile petitions were filed. Nine lock-downs were conducted, which consisted of (3) lock-downs drills at Horizons, (3) at West Lenoir School, and (3) at Valmead School. He also assisted in fire drills at Horizons School. SRO Ramsey counseled multiple students on decisions making, based on their behavior and consequences of their bad decisions.



COMMUNITY RESOURCE OFFICER

The Community Resource Officer is Sergeant Matt Spears. SGT Spears began the year as the SRO at Hibriten High School. He was moved into the Community Resource Officer position in early 2021. While at the school, he interacted with several classes and instructed constitutional law, business law and roles of a Police Officer (i.e. interacting with law enforcement, traffic stops, voluntary interactions, arrest). SGT Spears also assisted the school administration with emergency evacuation plans for the schools. As the CRO, he assisted businesses in the city with threat assessments and helped business leaders resolve their safety concerns. SGT Spears participated in a National Night Out event with the Watauga County Sheriff's Office and participated in a Child Health & Safety event at the Caldwell County Health Department. He is also the SRO for the 3 elementary schools in the city, assisting with a number of counseling sessions with parents and verbal coaching with principals and elementary students. SGT Spears is a board member for the N.C. DARE Officer Association.

D.A.R.E. PROGRAM

The D.A.R.E. Program (Drug Abuse Resistance Education) of the Lenoir Police Department completed its 31st year in 2021. The D.A.R.E. Curriculum is currently implemented at all city elementary schools and at William Lenoir Middle School.

EXPLORERS POST PROGRAM

The Explorer Post 246, sponsored through the Boy Scouts of America, introduces youth (age 14-20) to various aspects of law enforcement. Explorers attend meetings at the department where they participate in training conducted by sworn law enforcement officers. In return, Explorers provide services to the department and the city during community activities and public events. The purpose of the Post is to allow youth to obtain "hands-on" experience and awareness of the criminal justice system, thereby helping Explorers to make an informed decision on a career in law enforcement. Not all Law Enforcement Explorers choose a career in law enforcement, but the training they receive in leadership, responsibility, and character development will help prepare them for any profession. The Post is supervised by police officers and support staff called advisors, who are instrumental in the development and guidance of those attending the program.



With guidance from area school advisors regarding children in need, Officers fill book bags with supplies



OUR YEAR IN PICTURES

2021

*Officer Coffey assists a stranded motorist**Members of staff assist with Litter Sweep**Officer Zambrano receives thanks from a citizen**Officer Lo and new canine partner, Atos**Officer Ruppard gives aid to a driver**Sergeant Moore at National Day of Prayer*

**LENOIR CITY COUNCIL
TUESDAY, FEBRUARY 15, 2022
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Jonathan Beal, Ralph Prestwood, David Stevens and Kent Greer. City Attorney Timothy J. Rohr, City Manager Scott Hildebran, City Attorney T. J. Rohr, Police Chief Brent Phelps, Planning Director Jenny Wheelock and Planning Administrative Assistant Lauren Hartley were also present.

ZOOM: Mayor Joe Gibbons, Councilmember Todd Perdue, Fire Chief Ken Hair, Recreation Director Kenny Story, Economic Development Director Kaylynn Horn, Finance Director Donna Bean, Public Works Director Jared Wright, Public Utilities Director Radford Thomas, and Communications Director Joshua Harris also participated via Zoom.

Others in attendance were Cady Davis, News-Topic and Candace Simmons, Caldwell Free Press.

ABSENT: Councilmembers Ike Perkins, Crissy Thomas and City Clerk Shirley Cannon.

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.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**CONDITIONAL ZONING ORDINANCE
AMENDMENT; ROCKY TOP COURT, SE:**

A. A public hearing was held to consider approval for a Conditional Zoning Ordinance Amendment for property located on Rocky Top Court, SE, Caldwell County Registry, Plat Book 16, Page 16, to amend the existing Rocky Top Planned Unit Development (PUD) to reduce the minimum front yard setback from 40' to 30' to better accommodate the existing topography.

Staff recommends approval of the ordinance and consistency statement supporting this request as follows: The proposed Conditional Zoning Ordinance is consistent with the adopted Comprehensive Plan because it entitles the lots in the Rocky Top subdivision to efficiently use the existing lot layout for house construction. It does not change the character of the neighborhood as built, and enables the existing homes to be legally conforming to the zoning standards. This area is identified as Existing Medium Density Residential on the Future Land Use Map, and this proposal meets that designation. The proposed Conditional Zoning Ordinance is reasonable and in the public interest because it relaxes regulation for residential construction and makes more efficient use of the City's existing infrastructure investments.

A copy of the ordinance, Exhibit A, and Exhibit B are hereby incorporated into these minutes by reference. (Refer to pages 46-51.)

Mayor Gibbons opened the public hearing to receive public comments regarding the proposed conditional zoning ordinance amendment for Rocky Top Court SE.

Planning Director Jenny Wheelock explained that you can't change the standards of zoning properties. She stated that a 40' setback is common, but a 30' setback is sufficient. In addition, Director Wheelock mentioned this property was originally designed as town homes and single family lots.

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

Upon a motion by Councilmember Stevens, Council voted 5 to 0 to approve the Conditional Zoning Ordinance Amendment for Rocky Top Court, SE, to amend the existing Rocky Top Planned Unit Development (PUD) to reduce the minimum front yard setback from 40' to 30' to better accommodate the existing topography and further approved the consistency statement supporting this request as submitted and as recommended by City Staff.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, February 1, 2022 as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole minutes of Tuesday, January 25, 2022 as submitted.

Upon a motion by Councilmember Prestwood, Council voted 5 to 0 to approve the above listed items 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

PARKS & RECREATION ADVISORY

- BOARD:**
- 1. The Parks and Recreation Advisory Board will meet on Monday, February 21 at 6:00 p.m. at the Mulberry Recreation Center.

COMMITTEE OF THE WHOLE:

- 2. The Committee of the Whole will meet on Tuesday, February 22 at 8:30 a.m.

FOOTHILLS REGIONAL AIRPORT

- AUTHORITY:**
- 3. The Foothills Regional Airport Authority will meet on Wednesday, February 23 at noon.

- PLANNING BOARD:**
- 4. The Planning Board will meet on Monday, February 28 at 5:30 p.m.

B. ITEMS FOR COUNCIL ACTION

ACCEPTANCE OF AN OFFER TO PURCHASE REAL PROPERTY AND NOTICE OF OFFER TO PURCHASE REAL PROPERTY; PARKVIEW SUBDIVISION:

1. Acceptance of an Offer to Purchase Real Property and Notice of Offer to Purchase Real Property; Parkview Subdivision: Parkview Subdivision Lots: If Council is interested in accepting the offer of \$19,000 from Wild Winds Farm's Inc., to purchase the nine (9) lots owned by the City of Lenoir and located in Parkview Subdivision, Council should direct the City Clerk to publish notice of the offer in accordance with N.C.G.S. §160A-269. Parcel numbers are: 091558-2-2, 09148-2-21, 09148-2-23, 09148-2-25, 09148-2-29, 09148-2-69, 09148-2-10, 09148-2-34 and 09148-2-47. Notice of the Offer to Purchase Real Property will be published in the News-Topic, starting a 10-day upset bid process.

A copy of the Acceptance Offer to Purchase Real Property and Notice of Offer to Purchase Real Property in Parkview Subdivision is hereby incorporated into these minutes by reference. (Refer to pages 52-57.)

City Manager Hildebran stated these lots were purchased by the City through tax foreclosure and Wild Winds Farms, LLC, presented an offer to purchase of \$19,000. He reported this amount is sufficient to pay the City and County taxes owed plus the property will be added back onto the tax rolls.

Upon a motion by Councilmember Stevens, Council voted 5 to 0 to accept the Offer to Purchase Real Property in the amount of \$19,000 to begin the upset bid process, as submitted by Wild Winds Farms, Inc. for nine lots in the Parkview Subdivision as described above and as presented by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

BOARD APPOINTMENT; LENOIR BUSINESS ADVISORY BOARD:

- A. Mayor Gibbons recommends that Tyler Reese, District Manager, Blue Ridge Energies, be appointed to serve a four-year term on the Lenoir Business Advisory Board (LBAB). This appointment was announced at the February 1st City Council meeting.

Upon a motion by Councilmember Prestwood, Council voted 5 to 0 to appoint Tyler Reese to serve a four-year term on the Lenoir Business Advisory Board (LBAB) as recommended by Mayor Gibbons.

BOARD VACANCY; PLANNING BOARD:

- B. Mayor Gibbons announced a vacancy exists on the Lenoir Planning Board due to the resignation of Board Member Kent Greer who resigned due to being appointed to serve on the City Council.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

CLOSED

SESSION: A. Pursuant to N.C.G.S. §143-318.11(a), (3), and upon a motion by Councilmember Stevens, which unanimously carried, City Council entered into closed session to discuss attorney/client privilege.

OPEN

SESSION: B. Upon a motion by Councilmember Prestwood, City Council voted 5 to 0 to re-enter into open session.

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 7:03 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, DESIGNATING THE ENTIRE ROCKY TOP COURT SUBDIVISION (PB 16; PG 16), GENERALLY LOCATED SOUTHWEST OF WILKESBORO BLVD, NORTH OF MCLEAN DRIVE, AND EAST OF HIBRITEN DRIVE, AND COMPRISED OF 6.5 ACRES, MORE OR LESS, AS CONDITIONAL ZONING DISTRICT #7 (CZ-7) ON THE CITY'S OFFICIAL ZONING MAPS; DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

Whereas, at its regularly scheduled meetings of January 24, 2022, the Lenoir Planning Board considered zoning application case number CZ-7, requesting the Conditional Zoning district designation, for approximately 6.5 acres of land, described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

Whereas, many of the lots have existing steep topography in the rear, and applying the current 40' front setback limits the feasibility of construction – resulting in lots still vacant after 30 years or houses that were accidentally built encroaching into the front setback area, which the proposed CZ ordinance would legalize; and

Whereas, the property was approved as a Special Use District in 1994 (SUD-6/7-93), and under S.L.2019-111(2)(b), any SUD that was valid and in effect on January 1, 2021 was automatically deemed to now be a Conditional Zoning district, which technically makes this request an amendment to a Conditional Zoning district; and

Whereas, this ordinance is intended to repeal and replace all former approvals for the Rocky Top development, and as such all former conditions of approval and the previously approved concept plan have been incorporated into this ordinance; and

Whereas, based upon the evidence presented to the Lenoir Planning Board, including the information and analysis contained in the staff report for application case number CZ-7, and subject to certain conditions, the Lenoir Planning Board recommended that the Lenoir City Council approve said conditional zoning application and adopt an ordinance in accordance therewith; and

Whereas, the Lenoir Planning Board has found that approval of the application is consistent with the City's adopted Comprehensive Plan because it entitles the lots in the Rocky Top subdivision to

efficiently use the existing lot layout for house construction. It does not change the character of the neighborhood as built, and enables the existing homes to be legally conforming to the zoning standards; and

Whereas, the Lenoir City Council hereby finds that this ordinance is consistent with the intent and purpose of the Conditional Zoning designation as established by Appendix A, Article V, Section 502, Lenoir City Code; and

Whereas, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are in the best interest of the public health, safety, and welfare because it relaxes regulation for residential construction and makes more efficient use of the City's existing infrastructure investments.; and

NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. ZONING. After due notice and public hearing, and pursuant to part Appendix A, Article XIV of the Lenoir City Code, and other relevant portions of the Lenoir City Code, the zoning designation for the Property is hereby changed from the R-15/S-1 district to Conditional Zoning district on the City's Official Zoning Map (to be denoted as "CZ-7"), as depicted in Exhibit "B" to this ordinance.

SECTION 2. OTHER DEVELOPMENT LAWS. Except as expressly provided otherwise by this ordinance, the CZ-7 zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the R-15 Single Family zoning district.

SECTION 4. SPECIAL CONDITIONS. The Conditional Zoning district for the Property is subject to the following special conditions:

1. **Concept Plan.** Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the concept plan attached to this ordinance as Exhibit "B" (hereinafter the "Concept Plan"). In the event of a conflict between the text of this ordinance and the Concept Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Concept Plan.
2. **Variances.** Zoning variances to the standards of the default zoning district not modified by this ordinance may be approved pursuant to the procedures set forth in Appendix A, Article XIII, Section 1312.1 of the Lenoir City Code.
3. **Modification.** The special conditions specific to the CZ-7 zoning district may only be modified by application for a zoning map amendment following the procedures outlined in Appendix A, Article VIII, Section 820 of the Lenoir City Code.

4. **Permitted/Special Uses.** All uses permitted within the R-15 zoning district, and single-family attached dwellings, when no more than two units are attached except when separated by garages (see Concept Plan).
5. **Minimum Setbacks.**
 - a. The front setback shall be 30 ft. from the edge of the right-of-way
 - b. The side setbacks shall be 15 ft for detached structures. The side setback for attached dwellings is 0 ft., except where the adjacent lot is not an attached dwelling lot, in which case the setback is 15 ft.
 - c. The rear setback is 30% of total lot depth.
6. **Special Conditions Originally established under SUD-6/7-93:**
 - a. Not more than 14 dwellings units be permitted.
 - b. That attached dwelling units not exceed 2 as presented on said plan.
 - c. No unit, exclusive of decks, porches, garages containing less than 1,500 square feet.
 - d. A home owner association be established, approved by the City Attorney and recorded in relation to said development.
 - e. Lots not developed as single-family attached shall meet all requirements under the R-15 (Single Family Residential). Whereas this may require redesign by property owner(s) and approval of City Council, no lot may be resubmitted for single-family attached.

SECTION 5. PREVIOUS APPROVALS NULL AND VOID. All previous approvals for the Rocky Top PUD are hereby repealed and replaced by this ordinance.

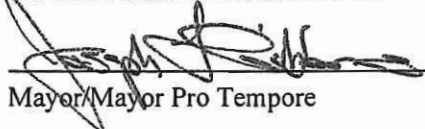
SECTION 6. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 7. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 4th day of February and this 11th day of February, 2022.

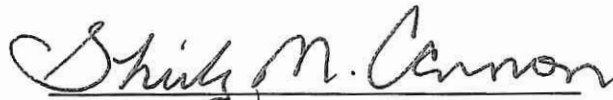
DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 15th day of February, 2022.

BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:



Mayor/Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA:


City Clerk

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EXHIBIT "A"

The subject properties included in this rezoning are as follows:

All lots (1-14) platted in the Rocky Top Subdivision (see Plat Book 16, Page 16, Caldwell County Register of Deeds); plus the 0.18 acre tract located on either side the street apron for Rocky Top Ct. and described in Book 1854; Page 885.

NOTES:

Lots 1 and 2 were recombined by the deed recorded at Plat Book 1966; Page 1939.

Lots 4 and 5 were recombined by the deed recorded at Plat Book 2021; Page 1159.

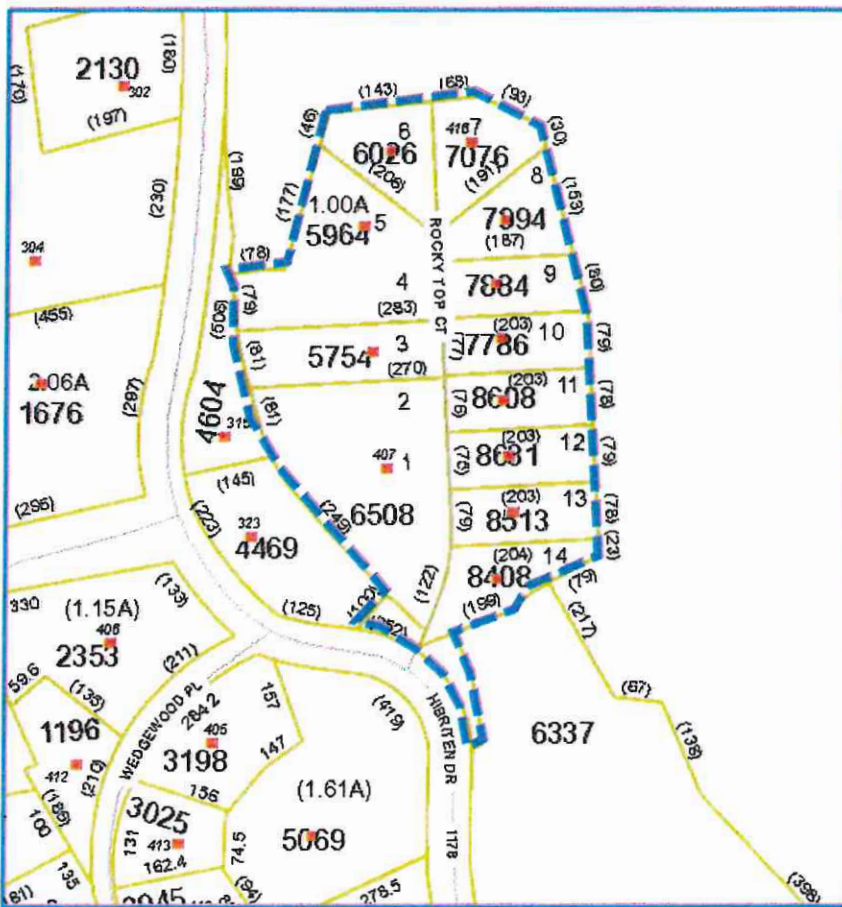
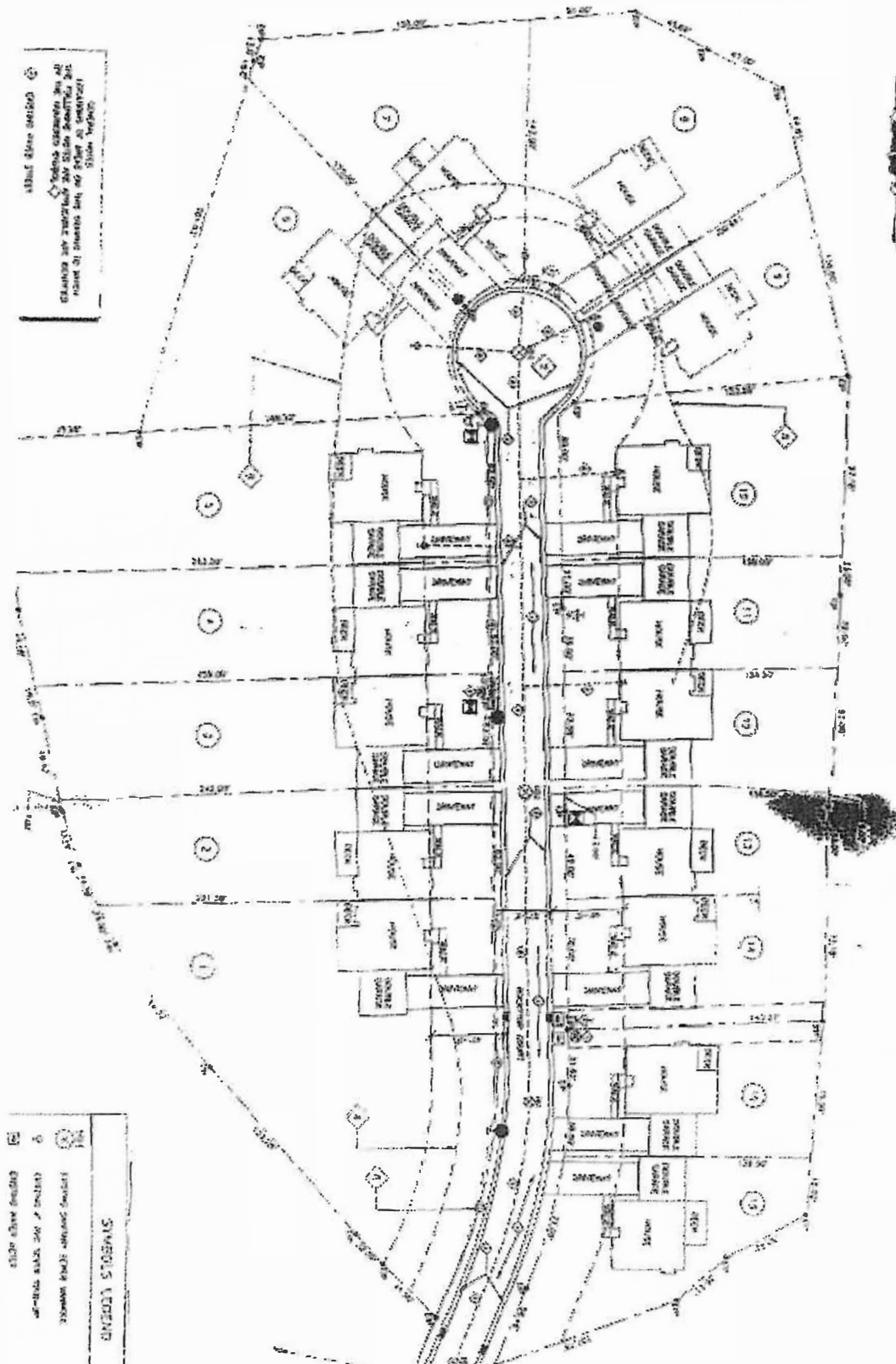


Exhibit "B"





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

RESOLUTION

WHEREAS, the City of Lenoir owns (9) nine vacant parcels located in the Parkview Subdivision acquired via tax foreclosure, (Parcel numbers are: 09148 2 2, 09148 2 21, 09148 2 23, 09148 2 25, 09148 2 29, 09148 2 69, 09148 2 10, 09148 2 34, 09148 2 47, and more particularly described on the following pages); 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 (9) nine vacant parcels described above, in the amount of \$19,000, submitted by Wild Winds Farm's, LLC; and

WHEREAS, Wild Winds Farm's LLC has paid the required five percent (5%) deposit on his offer;

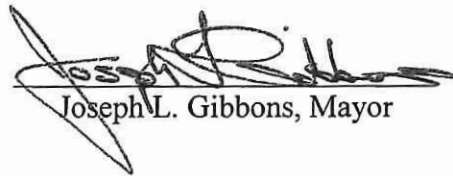
NOW, THEREFORE, BE IT RESOLVED, the LENOIR CITY COUNCIL of the City of Lenoir resolves that:

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 Wild Winds Farm's, LLC.

This the 15th day of February, 2022.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

Property Descriptions:

09148 2 2:

BEING ALL of Lot 2 of Parkview Subdivision as recorded in Plat Book 20, at Page 1, Caldwell County Registry, reference to which plat is made for more certain description. Also being identified as Parcel ID# 09 148 2 2, Caldwell County Tax Office.

Address: 619 White Oak Circle

09148 2 21:

Being all of Lot 21 of Parkview Subdivision as recorded in Plat Book 20, at Page 1, Caldwell County Registry, reference to which plat is made for more certain description. Also being identified as Parcel ID# 09 148 2 21, Caldwell County Tax Office.

Address: 510 Park Way

09148 2 23:

Being all of Lot 23 of Parkview Subdivision as recorded in Plat Book 20, Page 1 and Page 2, and amended in Plat Book 21, Page 53, Caldwell County Registry, reference to which plat is made for more certain description. Also being identified as Parcel ID# 09 148 2 23, Caldwell County Tax Office.

Address: 514 Park Way

09148 2 25:

Being all of Lot 25 of Parkview Subdivision as recorded in Plat Book 20, Page 2 and as amended in Plat Book 21, Page 53, Caldwell county Registry, reference to which plats are made for more certain description. Also being identified as Parcel ID# 09 148 2 25, Caldwell County Tax Office.

Address: 518 Park Way

09148 2 29:

BEING ALL of Lot 29 of Parkview Subdivision as recorded in Plat Book 20, at Page 2 and as amended in Plat Book 21, at Page 53, Caldwell County Registry, reference to which plats are made for more certain description. Also being identified as Parcel ID# 09 148 2 29, Caldwell County Tax Office.

Address: 526 Park Way

09148 2 69:

BEING ALL of Lot 69 of Parkview Subdivision as recorded in Plat Book 20, at Page 2 and as amended in Plat Book 21, at Page 53, Caldwell County Registry, reference to which plats are made for more certain description. Also being identified as Parcel ID# 09 148 2 69, Caldwell County Tax Office.

Address: 521 Park Way

09148 2 10:

Being all of Lot 10 of Parkview Subdivision as recorded in Plat Book 20, Page 1,

Caldwell County Registry, reference to which is hereby made for a more perfect description. Also being identified as Parcel ID# 09 148 2 10, Caldwell County Tax Office.

Address: 603 White Oak Circle

09148 2 34:

Being all of Lot 34 of Parkview Subdivision as recorded in Plat Book 20, Page 2, as amended in Plat Book 21, Page 53, Caldwell County Registry, reference to which is hereby made for a more perfect description. Also being identified as Parcel ID# 09 148 2 34, Caldwell County Tax Office.

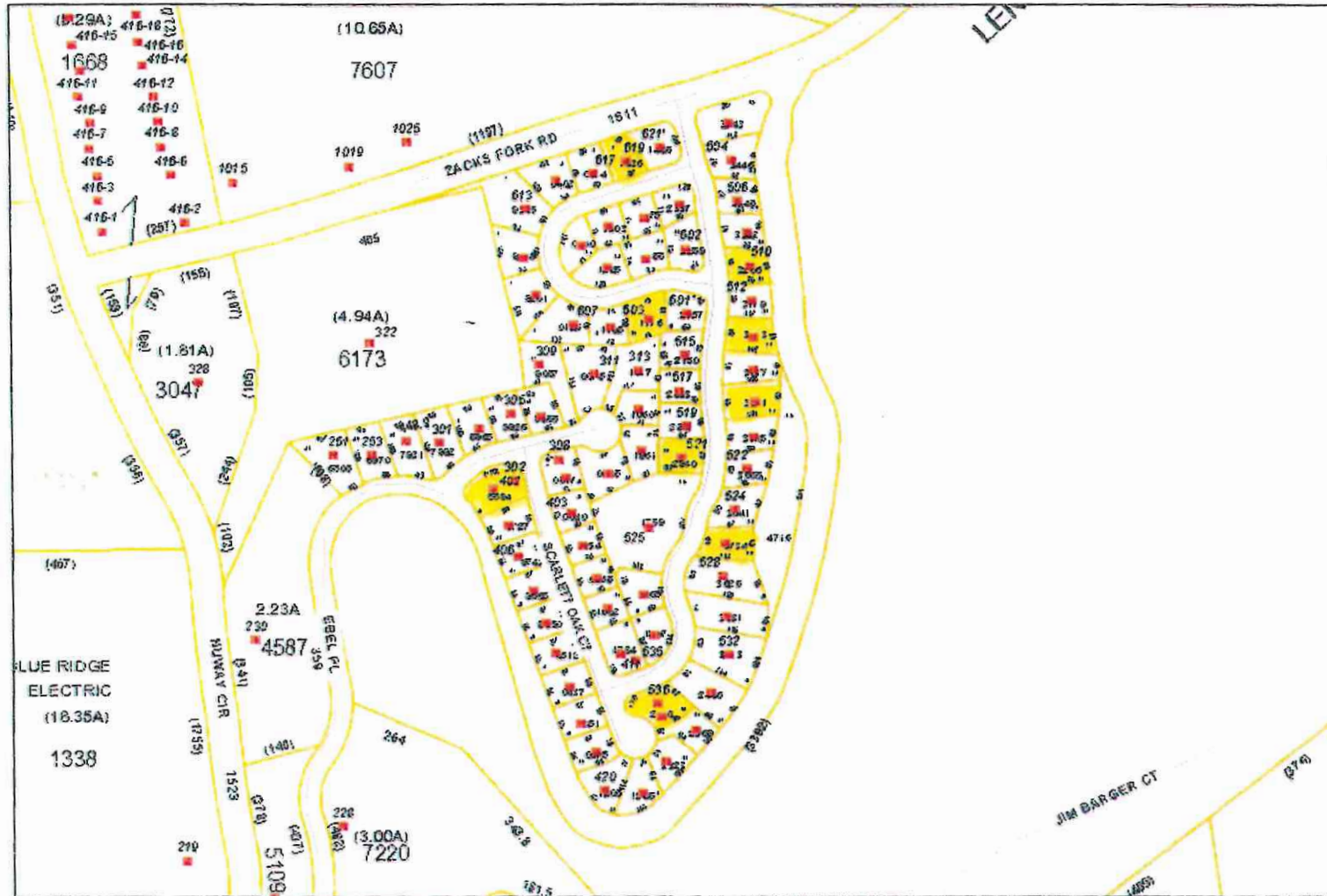
Address: 417 Scarlett Oak Court

09148 2 47:

Being all of Lot 4 7 of Parkview Subdivision as recorded in Plat Book 20, Page 2, as amended in Plat Book 21, Page 53, Caldwell County Registry, reference to which is hereby made for a more perfect description. Also being identified as Parcel ID# 09 148 2 47, Caldwell County Tax Office.

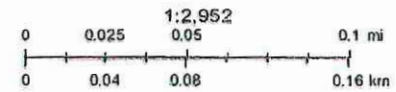
Address: 402 Scarlett Oak Court

Caldwell County



February 7, 2022

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



NOTICE OF OFFER TO PURCHASE REAL PROPERTY - CITY OF LENOIR

Notice is hereby given pursuant to NCGS §160A-269 that the City of Lenoir has received an Offer to Purchase nine (9) vacant lots owned by the City of Lenoir located in the Parkview Subdivision obtained via tax foreclosure. The parcel numbers are: 09148 2 2, 09148 2 21, 09148 2 23, 09148 2 25, 09148 2 29, 09148 2 69, 09148 2 10, 09148 2 34, 09148 2 47. The offered purchase price is \$19,000.00 for conveyance by non-warranty deed. The properties 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 NCGS. §160A-269. 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

February 18, 2022

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, FEBRUARY 22, 2022
8:30 A.M.**

PRESENT: Mayor Gibbons, Councilmembers Jonathan Beal, Kent Greer, David Stevens, Ralph Prestwood.

STAFF PRESENT: City Manager Scott Hildebran and Planning Administrative Assistant Lauren Hartley.

VIA ZOOM: Mayor Pro-Tem Crissy Thomas, Councilmember Todd Perdue, Finance Director Donna Bean, Planning Director Jenny Wheelock, Recreation Director Kenny Story, Economic Development Director Kaylynn Horn, Fire Chief Ken Hair, Police Chief Brent Phelps, Public Utilities Director Radford Thomas, Public Works Director Jared Wright and Communications Director Joshua Harris.

I. CALL TO ORDER

A. Mayor Pro-Tem Crissy Thomas welcomed everyone and called the meeting to order.

II. CITIZEN COMMENT PERIOD

III. COMMITTEE ITEMS

A. Public Utilities: Public Utilities Director Radford Thomas gave the following report:

- FEMA BRIC Grant – Submitted and should hear if the grant application is funded around July 2022.
- Brownfield Assessment Grant 2 Application – Grant was submitted and we should hear if the grant application is funded in April 2022.
- Crossroads Sewer Project – The contractor is on site and has mobilized equipment and materials for the project. Pipe has been delivered however they are still waiting on manholes to be delivered. Construction cannot begin until the manholes are on site.
- Biosolids Project at Lower Creek Wastewater Plant – we are down to the last couple of punch list items to be resolved and completed before we can begin to finalize and close out this project. The dryer and belt press and other items are operational and working very well. The outstanding punch list items have to do with the large outside hopper and the vertical auger not functioning as designed.
- Meter Replacement Project – Meter installation is all but complete with a few difficult installations left outstanding. The network for reading meters is reporting at a 99.7 percent read rate. We are working towards the final completion of this project and closeout within the next couple of months.

- Joyceton Waterworks Acquisition – The acquisition of the Joyceton Waterworks water system is moving along. We are working out details on the transfer of assets from Joyceton to the City which include rights of way and easements. Final approval is required from the NC Utilities Commission before the acquisition can be completed. The Utilities Department is currently assisting Joyceton with maintenance, meter reading and meter replacement as per our service agreement with Joyceton.
- Water System Lead and Copper Analysis – Freese and Nichols is performing an analysis on the water system to comply with new EPA requirements to address lead and copper in local water systems. The analysis is moving forward and we will be meeting with Freese and Nichols next week.
- Whitnel Water Transmission Line – The preliminary report on this project has been completed and McGill Associates has started the surveying to determine the route of the new 24 inch water line and identify any easements or right of way associated with the project.
- Interconnection Study – The final report is being drafted after making a few minor clarifications in the draft report. This study has evaluated possible interconnections between the City’s water system and any neighboring utilities for emergency needs as well as future demands.

B. Public Works: Public Works Director Jared Wright reported on the following items:

- FY21-22 Street Resurfacing – The street list for the Spring-22 paving schedule has been released to our resurfacing contractor, and we’ve also requested pricing for milling operations (one street, Beall Street, as previously discussed, will need to be milled prior to asphalt resurfacing). We anticipate paving operations to resume within the next several weeks (weather-dependent).
- The construction of Hotel Street has been completed and we expect to schedule a final walkthrough and closeout of the construction contract this week. We will also hold a ribbon-cutting to officially open the street to the public after the walkthrough and formal acceptance by the City.
- Construction plans for the *Police Department Entrance Improvements* project have been completed. This project intends to replace the existing ramp, and provide façade and streetscape improvements to the building entrance on West Avenue. In addition to completed plans, we have also received an opinion of probable costs from the design consultant, McGill Associates. Given the volatility of the current construction market, it has been difficult to estimate costs, and this is reflected in the over-budget projection received from McGill. We hope to see prices more in line with budgeted funds once bids are received from contractors. The bid solicitation will proceed “informally” (invitation only).
- We have had correspondence with the Smith Crossroads gateway signage design consultant, Destination by Design, regarding proposals for survey work required for project layout. To date, one of seven (1 of 7) survey companies has provided pricing. This low number could be indicative of the demand for survey services or general lack of interest. We hope to receive additional pricing in the near future and continue with

project design.

- The NC State University stormwater project planned for JE Broyhill Park is nearing design completion. Preliminary plans have been reviewed by staff and comments were returned to NCSU for design completion. This project will be completed by 6-30-22, and should be a great addition to the park.

IV. COMMUNITY DEVELOPMENT

A. The Lenoir Business Advisory Board (LBAB) conducted a virtual meeting on Thursday, February 10, 2022. Kaylynn Horn, Economic Development Director, gave the following report:

- The Economic Development Department is currently assisting with the Lenoir Wayfinding system project and Smith Cross Roads signage.
- The department continues to assist property owners and business owners with the NPS facade Grant and our local grant, while exploring other funding and grant opportunities currently available.
- The NC Main Street Conference will be held virtually. March 8-10; also the National Main Street Conference will be held in person in Richmond, Virginia. May 16-18.
- The Economic Development Department is currently assisting with the Lenoir Wayfinding system project and Smith Cross Roads signage.
- The department continues to assist property owners and business owners with the NPS facade Grant and our local grant, while exploring other funding and grant opportunities currently available.
- The NC Main Street Conference will be held virtually. March 8-10; also the National Main Street Conference will be held in person in Richmond, Virginia. May 16-18

Lenoir Main Street and Downtown Activities

February: Love for Local - Love letter for local-show your love to the small businesses by dropping a letter in the box located at the downtown stage. There is also a virtual option.

March: -Love the Spring- a mead and craft festival 3/19; Leprechaun Chase 3/10-3/17

April: Bootlegger 100 4/23; Cruise-in 4/2

May: Farmers Market 5/7; Lenoir Bicycle Fest 5/14

June: Summer Music Madness 6/ 24

July: Blackberry Festival 7/15-16

B. Lenoir Tourism Development Authority: The Lenoir Tourism Development Authority (LTDA) met on Thursday, February 10, 2022. Finance Director, Donna Bean, gave the financial report. As of January 31, 2022, revenues were \$103,881.45, expenditures were \$35,559.32 and the fund balance was 378,906.64. The LTDA considered five requested for funding and approved four. The four approved were MLK Jazz Festival (\$1,500), Tattoo and Arts Festival (\$2,500), Smoking in the Foothills Event (\$3,500), and Lenoir Cruisers (\$1,750). The request from Wolf Moon Salt Caves and Stress Reduction Center for help with their grand opening was referred to the Caldwell County Chamber of Commerce.

- C. Planning Board: Planning Director Jenny Wheelock reported the Planning Board will meet on February 28, 2022 with a Conditional Zoning District request for the Summerhill Subdivision. She stated they are seeing a lot of interest for residential permits and reported the Department has a few demolition ordinances to be presented in the near future.
- D. Parks & Recreation Advisory Board: The Recreation Advisory Board met on February 21, 2022. Kenny Story, Recreation Director, presented the following report.
- Reported youth basketball season will finish up this week, with 17 teams and 170 players.
 - Youth Baseball/Softball registration is underway and will run through March 11, 2022.
 - Black History Month Essay Competition will be held this Saturday February 26th at 3:00 p.m. This event will be live streamed.
 - CCC&TI women's softball team continues to practice and play at the Optimist Park.
 - Leprechaun Leap Race will be held on Saturday, March 12th at the Rotary Soccer Complex. Start time is 9:00 a.m.
 - The new roof work has been completed at LAFC.
 - Work continues on Phase Two at LHS Auditorium.
 - WiFi has been placed in all of our parks to include the Walking Park, JE Broyhill Park, Optimist Park, Mulberry Rec and MLK.
 - Work continues with McGill on obtaining a PARTF for LAFC and the Soccer Complex.
 - MLK is still offering COVID testing and vaccines Monday-Friday 9:00 a.m.- 4:00 p.m. through Ottendorf Laboratories.

E. Financial and Administration

1. Finance Director Donna Bean reviewed the Financial Summary as of January 31, 2022. She stated the City is in good financial shape and remains on track with its budget. The over/under balance in the General Fund is \$4,291,989.77, Downtown District (\$71,312.59), and Water & Sewer Fund \$1,646,919.23.

A copy of the January financial summary is attached to these minutes as information.

- F. Public Communications: A copy of the January 2022 Communications Report was presented to City Council as information.

Director Harris reported there were 11 news releases, 88 photos, 6 videos, 113 social posts, 35 notify me requests, 38 questions & answers and 1 e-sign up. The website has 691 new followers, social reach is 130,558, and video views 3,785. There were 32,050 Facebook followers, 586 Twitter followers and 3,766 Instagram followers.

V. PUBLIC SAFETY

A. Police Department

Police Chief, Brent Phelps reported he will be presenting the annual report at the next City Council meeting, which will include the 2021 Fourth Quarterly report.

- He currently has 2 officers in training and 1 with a conditional offer to start in a week.
- The number of positive COVID cases have gotten better at the Police Department.
- There will be a retirement recognition for Sgt. James Moore on March 3rd at 3:00 p.m., held at the Martin Luther King Center.
- A brief discussion was held about research for the Flock Camera System and Chief Phelps' recommendation to City Manager Hildebran is to table this project until there are future legislative changes for DOT right-a-ways.

• Fire Department

- Fire Chief, Ken Hair gave a summary of the Fire Department's 2021 Annual report including that there was 30% increase in call volume vs. 2020, a breakdown of district responses were Station. #1 downtown responded to 62.4% of the calls, Station. #2 Whitnel responded to 26.3% and Station. #3 responded to 11.3%, Fires – there was a 33% increase in fire responses and most were brush/grass which is continually increasing for us and Western North Carolina, medical calls has increased 40% vs. 2020 due to the fact that we started back responding as normal until September due to COVID increases.

Training remained consistent with our department putting in 17,464 hours which equals 301 per firefighter and we were able to attend more off duty classes/seminars. Inspections were up considerably due to the work Chief Jacobs is doing and in 2020 we replaced the retiring Fire Marshal and there were two months of no inspections. With prevention programs we reached 1,756 citizens from school children to senior centers.

Other items, we had our Fire Rating Inspection performed last week and we anticipate remaining at Class 3 ISO fire rating. We have hired two firefighters and are interviewing today to hire for the third open vacancy. Due to health concerns at Station 2 we had ServPro come do an assessment due to previous mold removals and nothing showed up visually, but they recommended having air sampling performed which was completed yesterday. We should have the results back soon. Finally, numerous events have been scheduled in the City and we have been requested to perform medical stand-bys for those events.

VI. OTHER

- A. City Manager Scott Hildebran reported he has reached out to Ed Evans with Mattern & Craig (Engineers & Surveyors) for additional management assistance for the next few months as the recruitment process starts for our Public Works Director position. Mr. Hildebran stated he has known Mr. Evans for years and with his knowledge, abilities and experience, he will be well suited to help maintain stability in the Department. Mr. Evans has also agreed to work with Public Utilities Director Radford Thomas in overseeing the day-to-day operations of the Public Works Department.

- B. March Calendar: By consensus of the Council, the calendar for the month of March was approved listing various committee meetings.

VII. Adjourn

There being no further business; the meeting was adjourned at 9:22 a.m.

Attachments

January Financial Summary



**City of Lenoir
Financial Summary
As of 1/31/2022**



General Fund					
	2021-2022 Budget	1/31/2022	% of Budget	Change from Previous Year	1/31/2021
Total Revenue	\$ 18,594,890.00	\$ 14,757,782.75	79%	\$ 674,488.00	\$ 14,083,294.75
Expenditures	\$ 18,594,890.00	\$ 10,465,792.98	56%	\$ 724,524.18	\$ 9,741,268.80
Over/Under	\$ -	\$ 4,291,989.77		\$ (50,036.18)	\$ 4,342,025.95
Downtown District					
	2021-2022 Budget	1/31/2022	% of Budget	Change from Previous Year	1/31/2021
Revenues	\$ 184,638.00	\$ 31,427.87	17%	\$ 3,354.96	\$ 28,072.91
Expenditures	\$ 184,638.00	\$ 102,740.46	56%	\$ 17,033.08	\$ 85,707.38
Over/Under	\$ -	\$ (71,312.59)		\$ (13,678.12)	\$ (57,634.47)
Water/Sewer Fund					
	2021-2022 Budget	1/31/2022	% of Budget	Change from Previous Year	1/31/2021
Revenues	\$ 9,629,744.00	\$ 5,809,798.86	60%	\$ 228,168.18	\$ 5,581,630.68
Expenditures	\$ 9,629,744.00	\$ 4,162,879.63	43%	\$ 32,485.93	\$ 4,130,393.70
Over/Under	\$ -	\$ 1,646,919.23		\$ 195,682.25	\$ 1,451,236.98

**CITY OF LENOIR
COUNCIL ACTION FORM**

- I. Agenda Item:** Approval of a Resolution Authorizing the City Manager to Enter into a Consulting Agreement with Mattern & Craig, Inc. for temporary Management Services Assistance
- II. Background Information:** Pursuant to our discussions about the pending departure of Public Works Director Jared Wright, additional administrative and management assistance is being sought for the next few months as the City initiates the recruitment process for the Public Works Director position. Based on our needs, Staff reached out to Ed Evans, with Mattern & Craig (Engineers & Surveyors), to see if he was available to assist the City of Lenoir during this interim period. After a discussion on our needs and expectations, Mr. Evans agreed to contract with the City and team with Public Utilities Director Radford Thomas in overseeing the day-to-day operations of the Public Works Department.

In order to proceed with this temporary administrative and management assistance arrangement, execution of a consulting services agreement with Mattern & Craig, Inc. for Management Services is necessary. Funds are currently available in the approved FY 2021-22 Budget to cover the expense. And, the City Attorney has reviewed the draft agreement.

- III. Staff Recommendation:** Approve Resolution Authorizing the City Manager to Enter into a Consulting Agreement with Mattern & Craig, Inc. for temporary Administrative and Management Services Assistance.
- IV. Reviewed by:**

City Attorney: *TJ Rohr*

City Manager: *Scott Hildebran*



OFFICE OF THE MAYOR
Joseph L. Gibbons

City of Lenoir

North Carolina

Resolution Authorizing the City Manager to Enter into a Consulting Agreement with Mattern & Craig, Inc. for Temporary Management Services Assistance

WHEREAS, the City of Lenoir ("the City"), a North Carolina municipal corporation, was established in 1841 and incorporated in 1851; and

WHEREAS, Mattern & Craig, Inc. ("M&C"), founded in 1978 in Roanoke, Virginia is an employee-owned, professional engineering and surveying firm with offices in Roanoke, Virginia; Kingsport & Johnson City, Tennessee (Tri-Cities); Asheville & Hickory, NC; and Charleston, SC; and

WHEREAS, the City is in need of temporary administrative and management services assistance for the next few months as the City initiates the recruitment process for the Public Works Director position; and

WHEREAS, the City and M&C desire to enter into a Consulting Agreement (the "Agreement") for purpose of M&C providing temporary administrative and management services assistance to the City.

NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA: The City Manager is hereby authorized to execute, on behalf of the City, a Consulting Agreement, by and between the City and M&C temporary administrative and management services assistance for the next few months as the City initiates the recruitment process for the Public Works Director position.

Adopted this the 1st day of March, 2022.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk



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



This Consulting Agreement, dated effective _____, 2022 (this "Agreement"), is made and entered into by and among City of Lenoir (the "City") and Mattern & Craig, Inc. (the "Consultant").

ARTICLE 1 SCOPE OF WORK

1.1 Services. The City has engaged Consultant to provide management services in connection with the City's Public Works Department and associated, ongoing projects undertaken by the City. Consultant will provide assistance to the City Manager and the Department in providing guidance and directive in day-to-day operations and general project progress. Consultant shall relay any required executive decisions to either the City Manager or the Public Utilities Director and receive other specific directives for consulting services from these City representatives.

1.2 Time and Availability. Consultant shall devote 24 hours per week for the month of March in performing the services for the City as stated herein. Consultant shall typically perform such consulting services throughout a continuous 3-day period each week giving due regard to the needs of the City's daily business. However, the Consultant shall have discretion in selecting the days and times according as its schedule demands. If the City deems it necessary for the Consultant to provide more than 24 hours in any given week, Consultant is not obligated to undertake such work until the Consultant and City have agreed on future schedule adjustment in the remaining weeks. Upon completion of the first month's service, the Consultant and City will review the performance, Departments needs, and effectiveness of this arrangement to determine if continuation of the services is warranted and/or agreeable to both parties. Extension of this agreement shall be made in writing 3 days in advance of the 1st day of each subsequent month.

1.3 Confidentiality. In order for Consultant to perform the consulting services, it may be necessary for the City to provide Consultant with Confidential Information (as defined below) regarding the City's business and products. The City will rely heavily upon Consultant's integrity and prudent judgment to use this information only in the best interests of the City.

1.4 Standard of Conduct. In rendering consulting services under this Agreement, Consultant shall conform to normal professional standards of work and business ethics. Consultant shall not use time, materials, or equipment of the City without the prior written consent of the City. In no event shall Consultant take any action or accept any assistance or engage in any activity that would result in conflict of interest or guarantee results of work performed by or for the City.

1.5 Outside Services. Consultant shall not use the service of any other person, entity, or organization in the performance of Consultant's duties without the prior written consent of an authorized officer of the City. Should the City consent to the use by Consultant of the services of any other person, entity, or organization, no information regarding the services to be performed under this Agreement shall be disclosed to that person, entity, or organization until such person, entity, or organization has executed an agreement to protect the City.

1.6 Reports. Consultant shall periodically provide the City with written reports of his or her observations and conclusions regarding the consulting services. Upon the termination of this Agreement, Consultant shall, upon the request of City, prepare a final report of Consultant's activities.

ARTICLE 2 INDEPENDENT CONTRACTOR

2.1 Independent Contractor. Consultant is an independent contractor and is not an employee, partner, or co-venturer of, or in any other service relationship with, the City. The manner in which Consultant's services are rendered shall be within Consultant's sole control and discretion. Consultant is not authorized to speak for, represent, or obligate the City in any manner without the prior express written authorization from an authorized officer of the City.

2.2 Taxes. Consultant shall be responsible for all taxes arising from compensation and other amounts paid under this Agreement, and shall be responsible for all payroll taxes and fringe benefits of Consultant's employees. Neither federal, nor state, nor local income tax, nor payroll tax of any kind, shall be withheld or paid by the City on behalf of Consultant.

2.3 Benefits. Consultant and Consultant's employees shall not be eligible for, and shall not participate in, any employee pension, health, welfare, or other fringe benefit plan of the City. No workers' compensation insurance shall be obtained by City covering Consultant or Consultant's employees.

ARTICLE 3 COMPENSATION FOR CONSULTING SERVICES

3.1 Compensation. The City shall pay to Consultant \$175 per hour for services rendered to the City under this Agreement. The monthly compensation shall be paid on the first of the month following the month the services were provided. The monthly compensation shall be paid *based on required weekly time documentation* submitted to the City Manager on Tuesday, each week.

3.2 Reimbursement. The City agrees to reimburse Consultant for all actual reasonable and necessary expenditures, which are directly related to the consulting services. These expenditures include, but are not limited to, expenses related to travel (i.e., meals, parking, mileage, etc.), telephone calls, and postal expenditures. Expenses incurred by Consultant shall be reimbursed by the City within 15 days of Consultant's proper written request for reimbursement.

ARTICLE 4 TERM AND TERMINATION

4.1 Term. This Agreement shall be effective as of March 1st, 2022, and shall continue in full force and effect for 1 month with allowance for extensions up to 3 consecutive months.

The City and Consultant may negotiate to extend the term of this Agreement and the terms and conditions under which the relationship shall continue beyond this agreed upon Term.

4.2 Termination. The City may terminate this Agreement for "Cause," after giving Consultant written notice of the reason. Cause means: (1) Consultant has breached the provisions of Article 5 or 6 of this Agreement in any respect, or materially breached any other provision of this Agreement and the breach continues for 30 days following receipt of a notice from the City; (2) Consultant has committed fraud, misappropriation, or embezzlement in connection with the City's business. In the event of any termination, the Consultant will be paid for all services rendered and expenses incurred to the effective date of termination, and other reasonable expenses incurred by the Consultant as a result of such termination.

4.3 Responsibility upon Termination. Any equipment provided by the City to the Consultant in connection with or furtherance of Consultant's services under this Agreement, including, but not limited to, vehicles, computers, laptops, and personal management tools, shall, immediately upon the termination of this Agreement, be returned to the City.

ARTICLE 5 CONFIDENTIAL INFORMATION

5.1 Obligation of Confidentiality. In performing consulting services under this Agreement, Consultant may be exposed to and will be required to use certain "Confidential Information" (as hereinafter defined) of the City. Consultant agrees that Consultant will not and Consultant's employees, agents, or representatives will not use, directly or indirectly, such Confidential Information for the benefit of any person, entity, or organization other than the City, or disclose such Confidential Information without the written authorization of the President of the City, either during or after the term of this Agreement, for as long as such information retains the characteristics of Confidential Information.

5.2 Definition. "Confidential Information" means information not generally known and proprietary to the City or to a third party for whom the City is performing work, including, without limitation, information concerning any patents or trade secrets, confidential or secret designs, processes, formulae, source codes, plans, devices or material, research and development, proprietary software, analysis, techniques, materials, or designs (whether or not patented or patentable), directly or indirectly useful in any aspect of the business of the City, any vendor names, customer and supplier lists, databases, management systems and sales and marketing plans of the City, any confidential secret development or research work of the City, or any other confidential information or proprietary aspects of the business of the City. All information which Consultant acquires or becomes acquainted with during the period of this Agreement, whether developed by Consultant or by others, which Consultant has a reasonable basis to believe to be Confidential Information, or which is treated by the City as being Confidential Information, shall be presumed to be Confidential Information.

5.3 Property of the City. Consultant agrees that all plans, manuals, and specific materials developed by the Consultant on behalf of the City in connection with services rendered under this Agreement, are and shall remain the exclusive property of the City. Promptly upon

the expiration or termination of this Agreement, or upon the request of the City, Consultant shall return to the City all documents and tangible items, including samples, provided to Consultant or created by Consultant for use in connection with services to be rendered hereunder, including, without limitation, all Confidential Information, together with all copies and abstracts thereof.

ARTICLE 6 CONFLICT OF INTEREST AND NON-SOLICITATION

6.1 Conflict of Interest. Consultant covenants and agrees not to consult or provide any services in any manner or capacity to any outside agent that creates a direct conflict of interest with the City during the duration of this Agreement. A direct conflict of interest with the City for purposes of this Agreement is defined as any individual, partnership, corporation, and/or other business entity that would benefit from an engagement in the business of contracting with the City.

6.2 Non-Solicitation. Consultant covenants and agrees that during the term of this Agreement, Consultant will not, directly or indirectly, through an existing corporation, unincorporated business, affiliated party, successor employer, or otherwise, solicit, hire for employment or work with, on a part-time, consulting, advising, or any other basis, other than on behalf of the City any employee or independent contractor employed by the City while Consultant is performing services for the City.

ARTICLE 7 GENERAL PROVISIONS

7.1 Construction of Terms. If any provision of this Agreement is held unenforceable by a court of competent jurisdiction, that provision shall be severed and shall not affect the validity or enforceability of the remaining provisions.

7.2 Governing Law. This Agreement shall be governed by and construed in accordance with the internal laws (and not the laws of conflicts) of the State of North Carolina.

7.3 Complete Agreement. This Agreement constitutes the complete agreement and sets forth the entire understanding and agreement of the parties as to the subject matter of this Agreement and supersedes all prior discussions and understandings in respect to the subject of this Agreement, whether written or oral.

7.4 Dispute Resolution. If there is any dispute or controversy between the parties arising out of or relating to this Agreement, the parties agree that such dispute or controversy will be negotiated in good faith for a period of 7 days from date of notice of all disputes prior to exercising their rights under law. Except where clearly prevented by the area in dispute, both parties agree to continue performing their respective obligations under this Agreement until the dispute is resolved. If the City determines no resolution to a dispute can be reached, City may elect termination of the Agreement under Article 4 without initiating legal proceedings against the Consultant related to the Consultant's services.

7.5 Modification. No modification, termination, or attempted waiver of this Agreement, or any provision thereof, shall be valid unless in writing signed by the party against whom the same is sought to be enforced.

7.6 Waiver of Breach. The waiver by a party of a breach of any provision of this Agreement by the other party shall not operate or be construed as a waiver of any other or subsequent breach by the party in breach.

7.7 Successors and Assigns. This Agreement may not be assigned by either party without the prior written consent of the other party; provided, however, that the Agreement shall be assignable by the City without Consultant's consent in the event the City is acquired by or merged into another corporation or business entity. The benefits and obligations of this Agreement shall be binding upon and inure to the parties hereto, their successors and assigns.

7.8 No Conflict. Consultant warrants that Consultant has not previously assumed any obligations inconsistent with those undertaken by Consultant under this Agreement.

IN WITNESS WHEREOF, this Agreement is executed as of the date set forth above.

[CITY]

[CONSULTANT]

By : _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Hotel Street Extension Project – Approval of Final Adjusting Change Order (No. 1 – Final)

II. Background Information:

During construction of the recently completed *Hotel Street Extension* project, the contractor encountered several items which required additional work and adjustments to the contract price. These included foundation stabilization under the retaining wall extension, additional asphalt paving at driveway connections for two (2) parcels, additional concrete curb and gutter necessary to eliminate grade concerns with the roadway shoulder, and a sewer/storm drainage conflict that required re-routing of the sewer lateral. The additional work totaled \$14,500.00.

The initial project design and bid also included a section of guardrail that was deemed unnecessary after the completion of grading. The proposed guardrail was omitted from the contract, which yielded a project credit of \$11,300.00.

Therefore, the total change order amount is \$3,200.00, bringing the final contract value to \$219,000.00. The \$3,200.00 increase is within the budget established for the project, which included a 5% contingency fund.

III. Staff Recommendation:

Staff recommends approving Final Adjusting Change Order No. 1 and moving forward with closeout of the construction contract for the *Hotel Street Extension* project. **Please note that this action only refers to closeout of the **construction contract**. The project budget ordinance will remain active until pending right of way acquisitions are completed.**

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Public Works/Public Utilities Director: _____



Change Order

No. 1-FINALDate of Issuance: 2-16-2022 Effective Date: 2-23-2022

Project: Hotel Street Extension	Owner: City of Lenoir	Owner's Contract No.:
Contract:		Date of Contract: October 8, 2021
Contractor: Mountain Crest, LLC		Engineer's Project No.: 16.01405

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Adjustment of actual Inst. quantities, SEWER CONFLICT, Asphalt driveways, unsuitable soils, Additional Curb Gutters, & Delete Guardrail

Attachments (list documents supporting change):

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 215,800.00[Increase] [Decrease] from previously approved Change Orders No. 0 to No.\$ N/A

Contract Price prior to this Change Order:

\$ 215,800.00[Increase] [~~Decrease~~] of this Change Order:\$ 3,200.00

Contract Price incorporating this Change

\$ 219,000.00

CHANGE IN CONTRACT TIMES:

Original Contract Times: ☐ Working ☒ Calendar daysSubstantial completion (days or date): 75Ready for final payment (days or date): 90

[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____:

Substantial completion (days): _____

Ready for final payment (days): _____

Contract Times prior to this Change Order:

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

Contract Times with all approved Change Orders:

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

RECOMMENDED:

By: [Signature]

Engineer (Authorized Signature)

Date: 02/23/2022

Approved by Funding Agency (if applicable):

ACCEPTED:

By: _____

Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: [Signature]

Contractor (Authorized Signature)

Date: 2-27-22

Date: _____

Mountain Crest, LLC

*NC Contractor's License #69227
Unlimited Highway, Building, Water and Sewer
NCDOT Approved Contractor*

1264 Taylorsville Road, SE
Lenoir, NC 28645
(828) 312-9000
Fax (828) 758-3003
mtncrestllc@yahoo.com

McGill Associates

2/16/2022

Change Order Request Hotel Street Ext

Description	QTY	Unit	Unit Price	Extended Price
1 - Guard Rail	1		(11,300.00)	(11,300.00)
2 - Unsuitables under wall Remove and replace with stone and fabric	1		\$ 4,800.00	\$ 4,800.00
3 - Additional 21 tons 9.5B asphalt at two (2) driveway connections Includes ABC	1		\$ 3,900.00	\$ 3,900.00
4 - Additional 30" curb & gutter because of grade difficulties Includes ABC stone/flume	1		\$ 3,800.00	\$ 3,800.00
5 - Sewer conflict at Manhole Tap to place curb inlet	1		\$ 2,000.00	\$ 2,000.00
Total Change Order Request:				\$ 3,200.00

CITY OF LENOIR COUNCIL ACTION FORM

- I. Agenda Item:** Proposed acceptance of the final upset bid offer of \$19,000 from Wild Winds Farm's, Inc. to purchase nine (9) vacant lots owned by the City of Lenoir located in the Parkview Subdivision obtained via tax foreclosure. Parcel numbers are: 09148 2 2, 09148 2 21, 09148 2 23, 09148 2 25, 09148 2 29, 09148 2 69, 09148 2 10, 09148 2 34, 09148 2 47.

TAX FORECLOSURE STATUS REPORT						
NOTES:						
Parcel Number	Case #	File Name	City Taxes	County Taxes	Sale Date	Starting Bid
09148 2 2	16203	Hasselman, Eric Carroelli - 09 148 2 2 - (09 148 2 2) 619 White Oak Cr	1,308.89	1,170.13	10/1/2020	5,775.00
09148 2 21	16215	Velez, Patricia, et al - 09 148 2 21 - (09 148 2 21) 510 Parkway	1,542.08	1,371.55	10/1/2020	6,775.00
09 148 2 23	16216	Castro, Jose - 09 148 2 23 - (09 148 2 23) 514 Park Way	766.55	\$97.19	12/1/2020	5,675.00
09 148 2 25	16217	Green Investments LLC - 09 148 2 25 - (09 148 2 25) 518 Park Way	550.92	646.56	5/6/2021	4,525.00
09 148 2 29	16218	Carmenate, Christina - 09 148 2 29 - (09 148 2 29) 526 Park Way	1,254.25	1,359.88	12/1/2020	6,575.00
09 148 2 69	16222	Perez, Maria A - 09 148 2 69 - (09 148 2 69) 521 Park Way	569.43	666.72	5/6/2021	5,175.00
09 148 2 10	16232	Royal Lots LLC - 09 148 2 10, 09 148 2 34, 09 148 2 47 - Various Parcels	1,082.45	1,165.05	5/6/2021	3,591.67
09 148 2 34	16232	Royal Lots LLC - 09 148 2 10, 09 148 2 34, 09 148 2 47 - Various Parcels	1,225.31	1,143.63	5/6/2021	3,591.67
09 148 2 47	16232	Royal Lots LLC - 09 148 2 10, 09 148 2 34, 09 148 2 47 - Various Parcels	1,061.05	1,141.74	5/6/2021	3,591.66
Total Tax			9,360.93	9,562.75	45,275.00	
			18,923.68	0.49	0.51	

- II. Background Information:** Working with the Kania Law firm, the City recently foreclosed on nine (9) vacant parcels located in the Parkview Subdivision due to outstanding and delinquent taxes.

Lot	Address	Tax Value	Minimum Court Bid
Lot 2	619 White Oak Circle	\$6,500	\$5,700
Lot 10	603 White Oak Circle	\$8,000	**
Lot 21	510 Park Way	\$5,700	\$6,700
Lot 23	514 Park Way	\$3,900	\$5,600
Lot 25	518 Park Way	\$4,300	\$4,450
Lot 29	526 Park Way	\$3,800	\$6,500
Lot 34	536 Park Way	\$4,600	**
Lot 47	302 Sassafras Court	\$4,300	\$10,700**
Lot 69	521 Park Way	\$7,500	\$5,100
		\$48,600	\$44,750

During the public auction held at the Caldwell County Courthouse, no bids were received and lots were eventually deeded to the City. The outstanding city & county taxes totaled \$18,923.68.

The lots are small and have steep slopes. Caldwell County has assessed the property value of the nine (9) lots at \$48,600. The City received an offer from Wild Winds Farm's, Inc. to purchase the nine (9) parcels acquired by the City of Lenoir via tax foreclosure for \$19,000 – the balance of the taxes owed.

The adopted resolution authorizing the upset bid process for the sale, the offer, bid deposit, a tax map of the properties and public notice are enclosed.

Note: The legal advertisement for the Notice of Offer to Purchase Real Property was published in the *Lenoir News-Topic* on Friday, February 18, 2022 starting a ten (10) day upset bid period as required by NCGS 160A-269. The City did not receive any upset bids.

- III. Staff Recommendation:** Approve the Final Offer to Purchase Real Property by Resolution in the amount of \$19,000 following submission of no upset bids, and as submitted by Wild Winds Farm's, Inc. to purchase the nine (9) lots owned by the City of Lenoir located in Parkview Subdivision. Parcel numbers are: 09148 2 2, 09148 2 21, 09148 2 23, 09148 2 25, 09148 2 29, 09148 2 69, 09148 2 10, 09148 2 34, 09148 2 47.

IV. Reviewed By:

City Attorney:

City Manager:



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

RESOLUTION

WHEREAS, the City of Lenoir owns (9) nine vacant parcels located in the Parkview Subdivision acquired via tax foreclosure, (Parcel numbers are: 09148 2 2, 09148 2 21, 09148 2 23, 09148 2 25, 09148 2 29, 09148 2 69, 09148 2 10, 09148 2 34, 09148 2 47, and more particularly described on the following pages); 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 (9) nine vacant parcels described above, in the amount of \$19,000, submitted by Wild Winds Farm's, LLC; and

WHEREAS, Wild Winds Farm's LLC has paid the required five percent (5%) deposit on his offer;

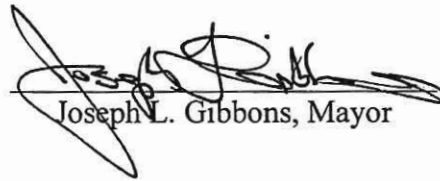
NOW, THEREFORE, BE IT RESOLVED, the LENOIR CITY COUNCIL of the City of Lenoir resolves that:

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 Wild Winds Farm's, LLC.

This the 15th day of February, 2022.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851
SEAL

Property Descriptions:

09148 2 2:

BEING ALL of Lot 2 of Parkview Subdivision as recorded in Plat Book 20, at Page 1, Caldwell County Registry, reference to which plat is made for more certain description. Also being identified as Parcel ID# 09 148 2 2, Caldwell County Tax Office.

Address: 619 White Oak Circle

09148 2 21:

Being all of Lot 21 of Parkview Subdivision as recorded in Plat Book 20, at Page 1, Caldwell County Registry, reference to which plat is made for more certain description. Also being identified as Parcel ID# 09 148 2 21, Caldwell County Tax Office.

Address: 510 Park Way

09148 2 23:

Being all of Lot 23 of Parkview Subdivision as recorded in Plat Book 20, Page 1 and Page 2, and amended in Plat Book 21, Page 53, Caldwell County Registry, reference to which plat is made for more certain description. Also being identified as Parcel ID# 09 148 2 23, Caldwell County Tax Office.

Address: 514 Park Way

09148 2 25:

Being all of Lot 25 of Parkview Subdivision as recorded in Plat Book 20, Page 2 and as amended in Plat Book 21, Page 53, Caldwell county Registry, reference to which plats are made for more certain description. Also being identified as Parcel ID# 09 148 2 25, Caldwell County Tax Office.

Address: 518 Park Way

09148 2 29:

BEING ALL of Lot 29 of Parkview Subdivision as recorded in Plat Book 20, at Page 2 and as amended in Plat Book 21, at Page 53, Caldwell County Registry, reference to which plats are made for more certain description. Also being identified as Parcel ID# 09 148 2 29, Caldwell County Tax Office.

Address: 526 Park Way

09148 2 69:

BEING ALL of Lot 69 of Parkview Subdivision as recorded in Plat Book 20, at Page 2 and as amended in Plat Book 21, at Page 53, Caldwell County Registry, reference to which plats are made for more certain description. Also being identified as Parcel ID# 09 148 2 69, Caldwell County Tax Office.

Address: 521 Park Way

09148 2 10:

Being all of Lot 10 of Parkview Subdivision as recorded in Plat Book 20, Page 1,

Caldwell County Registry, reference to which is hereby made for a more perfect description. Also being identified as Parcel ID# 09 148 2 10, Caldwell County Tax Office.

Address: 603 White Oak Circle

09148 2 34:

Being all of Lot 34 of Parkview Subdivision as recorded in Plat Book 20, Page 2, as amended in Plat Book 21, Page 53, Caldwell County Registry, reference to which is hereby made for a more perfect description. Also being identified as Parcel ID# 09 148 2 34, Caldwell County Tax Office.

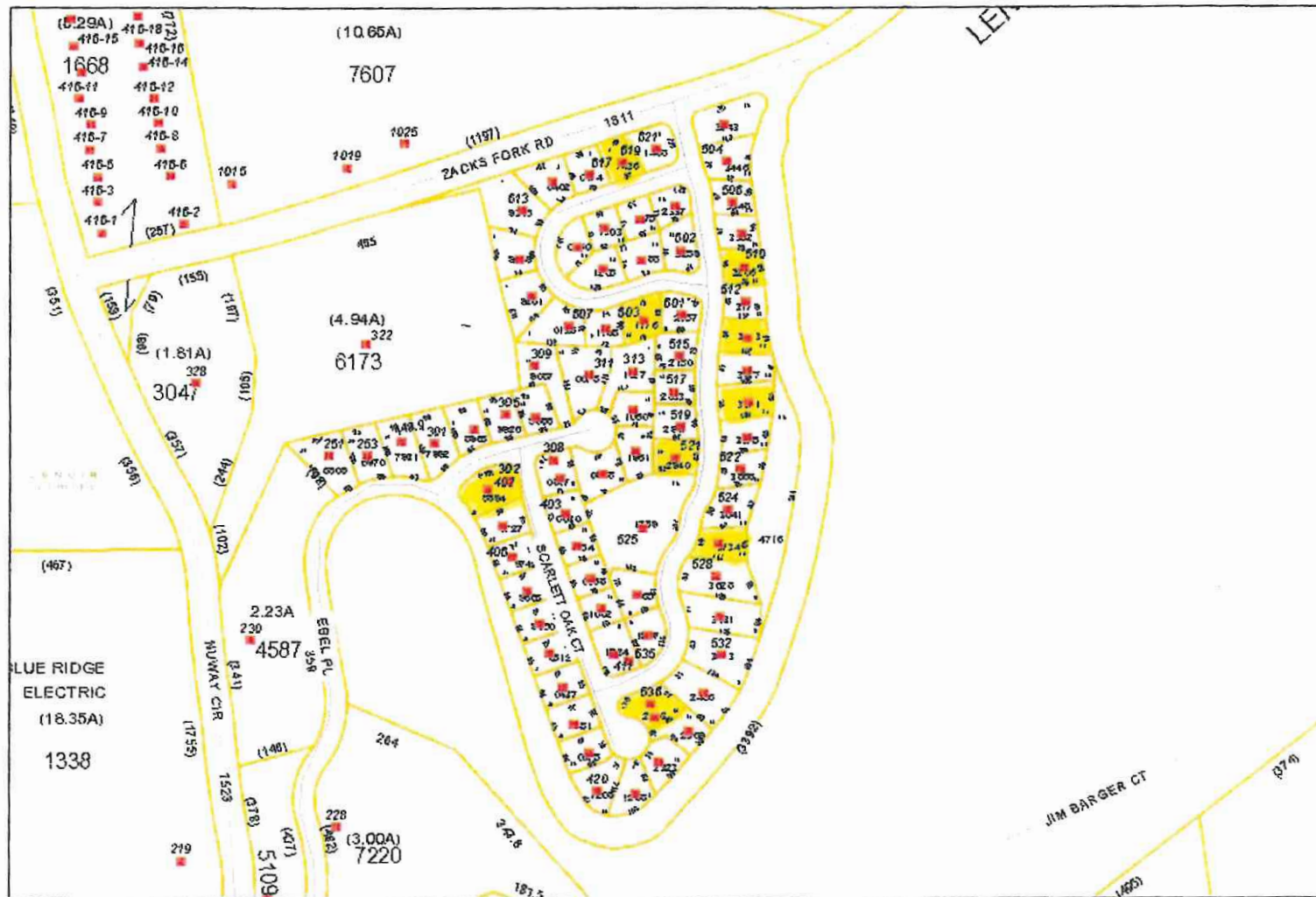
Address: 417 Scarlett Oak Court

09148 2 47:

Being all of Lot 4 7 of Parkview Subdivision as recorded in Plat Book 20, Page 2, as amended in Plat Book 21, Page 53, Caldwell County Registry, reference to which is hereby made for a more perfect description. Also being identified as Parcel ID# 09 148 2 47, Caldwell County Tax Office.

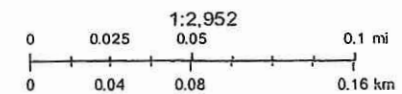
Address: 402 Scarlett Oak Court

Caldwell County



February 7, 2022

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





February 3, 2022

Mr. Scott Hildebran

City of Lenoir

City Council

Reference: Parkview Lots

Mr. Hildebran,

Please extend this offer for the available lots in the Parkview Subdivision to the Lenoir City Council.

The offer is from our sister company Wild Wind Farm's, Inc. Our offer is for Parcel numbers;

09148 2 2, 09148 2 21, 09148 2 23, 09148 2 25, 09148 2 29, 09148 2 69, 09148 2 10, 09148 2 34, 09148 2 47.

We extend an offer in the amount of \$19,000.00 for all the properties listed above.

If you have any questions or need additional information, please feel free to contact me (828)217-2300 or jmoore@brushymountaininc.com.

Thank you,

John H. Moore

John Moore

Brushy Mountain Builders, Inc.

John Moore

From: Bean, Donna <dbean@CI.LENOIR.NC.US>
Sent: Monday, September 13, 2021 9:48 AM
To: John Moore
Subject: Properties

The properties listed below are in the process of being deeded to the City. Once we have the deeds, you may send Scott your bid. We will then start the upset bid process. I will keep you posted as to when we get the deeds. Have a nice day.

	A	B	C	D	E	P
1	TAX FORECLOSURE STATUS REPORT					
2	NOTES:					
3	Parcel Number	Case #	File Name	City Taxes	County Taxes	Sale Date
4	09148 2 2	16203	Hasselman, Eric Caroelli - 09 148 2 2 - (09 148 2 2) 619 White Oak Cr	1,308.89	1,170.13	10/1/202
5	09148 2 21	16215	Velez, Patricia, et al - 09 148 2 21 - (09 148 2 21) 510 Parkway	1,542.08	1,371.85	10/1/202
6	09 148 2 23	16216	Castro, Jose - 09 148 2 23 - (09 148 2 23) 514 Park Way	766.55	897.19	12/1/202
7	09 148 2 25	16217	Green Investments LLC - 09 148 2 25 - (09 148 2 25) 518 Park Way	550.92	646.56	5/6/202
8	09 148 2 29	16218	Carmenate, Christina - 09 148 2 29 - (09 148 2 29) 526 Park Way	1,254.25	1,359.88	12/1/202
9	09 148 2 69	16222	Perez, Maria A. - 09 148 2 69 - (09 148 2 69) 521 Park Way	569.43	666.72	5/6/202
10	09 148 2 10	16232	Royal Lots LLC -09 148 2 10, 09 148 2 34,09 148 2 47 - Various Parcels	1,082.45	1,165.05	5/6/202
11	09 148 2 34	16232	Royal Lots LLC -09 148 2 10, 09 148 2 34,09 148 2 47 - Various Parcels	1,225.31	1,143.63	5/6/202
12	09 148 2 47	16232	Royal Lots LLC -09 148 2 10, 09 148 2 34,09 148 2 47 - Various Parcels	1,061.05	1,141.74	5/6/202
13				9,360.93	9,562.75	
14	Total Tax			18,923.68		
15				0.49	0.51	
16						

CITY OF LENOIR
CASH RECEIPT

Receipt No: 1276007
 Date: 02/14/2022
 Time: 03:52:07 PM

Received From:

Amount: \$950.00
 Paid: \$950.00
 Change: 0.00

For: MISC REVENUE GENERAL \$950.00
 lot purchase wild wind farms
 938803293; \$950.00

Received By: NTH

CASHIER'S CHECK

938803293



Remitter: Wild Wind Farms

DATE: 02/14/2022

Pay to the Order of: City Of Lenoir

Nine Hundred Fifty Dollars And 00/100 ¢

\$950.00
DOLLAR ONE FIVE ZERO PER ZERO ZERO

Memo: LOT PURCHASE

Chris Fleming
 Corporate Controller

⑈938803293⑈ ⑆064201324⑆

9740007⑈

NOTICE OF OFFER TO PURCHASE REAL PROPERTY - CITY OF LENOIR

Notice is hereby given pursuant to NCGS §160A-269 that the City of Lenoir has received an Offer to Purchase nine (9) vacant lots owned by the City of Lenoir located in the Parkview Subdivision obtained via tax foreclosure. The parcel numbers are: 09148 2 2, 09148 2 21, 09148 2 23, 09148 2 25, 09148 2 29, 09148 2 69, 09148 2 10, 09148 2 34, 09148 2 47. The offered purchase price is \$19,000.00 for conveyance by non-warranty deed. The properties 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 NCGS. §160A-269. 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

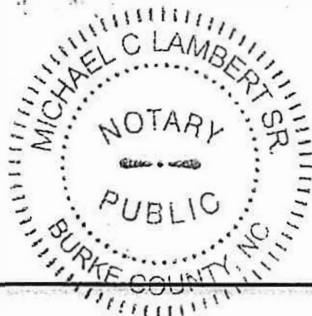
February 18, 2022

NOTICE OF OFFER TO PURCHASE REAL PROPERTY - CITY OF LENOIR

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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 NCGS. §160A-269. 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
February 18, 2022



**NORTH CAROLINA,
CALDWELL COUNTY,
AFFIDAVIT OF PUBLICATION**

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared Lori Spurling who being first duly sworn, deposes and says: that she is Publisher of Lenoir Newspapers, Inc., engaged in the publication of a newspaper known as Lenoir News-Topic, published, issued, and entered as second class mail in the City of Lenoir, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in Lenoir News-Topic on the following dates

Feb. 18, 2022

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This is the 18th day of February 2022

Lori Spurling

Sworn to and subscribed before me, this 18th day of February 2022.

Michael C. Lambert, Jr.

Notary Public
My Commission expires: May 17, 2022