

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

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Kent Greer, Ike Perkins, Mayor Pro-Tem Crissy Thomas, Ralph Prestwood, David Stevens and City Clerk Shirley Cannon, and Communications Director Joshua Harris.

ZOOM: Councilmember Jonathan Beal, Todd Perdue, City Manager Scott Hildebran, City Attorney T.J. Rohr, Fire Chief Ken Hair, Police Chief Brent Phelps, Recreation Director Kenny Story, Economic Development Director Kaylynn Horn, Finance Director Donna Bean, Planning Director Jenny Wheelock, Interim Public Works Director Ed Evans, and Public Utilities Director Radford Thomas.

Others in attendance Cady Davis, *News-Topic*.

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.

CONDOLENCES; FERREE

FAMILY: B. On behalf of City Council, Mayor Gibbons extended condolences to the Isaiah Ferree family. Isaiah was a student at West Caldwell High School and passed away on Friday, March 11. Mayor Gibbons asked everyone to keep this family in their thoughts and prayers.

CONDOLENCES; STILWELL

FAMILY: C. On behalf of City Council, Mayor Gibbons extended condolences to the Conley Stilwell family. Mr. Stilwell passed away on Monday, March 14. He was the father of Police Captain Couby Stilwell. Mayor Gibbons asked everyone to keep this family in their thoughts and prayers.

CONDOLENCES; GREENE

FAMILY: D. On behalf of On behalf of City Council, Mayor Gibbons extended condolences to the family of Johnnie Greene. Mr. Greene passed away on Monday, March 14 and served as the Mayor of Sawmills. Mayor Gibbons asked everyone to keep this family in their thoughts and prayers.

**CCC&TI MEN'S BASKETBALL REGIONAL
CHAMPIONSHIP WINNERS:**

E. On behalf of City Council, Mayor Gibbons congratulated Caldwell Community College (CCC&TI) Men's Basketball Team for winning the Regional Championship and wished them the very best. Mayor Gibbons remarked the team did not advance to the National Championship, but noted this was a great experience for the team.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, March 1, 2022 as submitted.
- B. Authorizing Resolution PARTF Grant: Staff recommends approval of an Authorizing Resolution authorizing the City Manager to submit a Parks and Recreation Trust Fund Grant (PARTF) Application for 2022 for the Lenoir Aquatic and Fitness Center renovations as submitted. The City's match would be \$500,000.00. The grant is to be completed and funded over a three-year period. (A copy of the authorizing resolution is hereby incorporated into these minutes by reference. Refer to page 76.)
- C. Renewal; Sidewalk Café Permit; Side Street Pour House and Grill: Staff recommends approval to renew the annual Sidewalk Café Permit as submitted with the following conditions:
 - 1. The applicant must coordinate with the City Staff prior to modifying or installing any support structures for lights or awnings or modifying any enclosed fencing.
 - 2. String lights installed over the sidewalk café are limited to white, non-blinking lights.
 - 3. All provisions of Section 13-3(C) shall continue to apply to the use and operation of the sidewalk café area.
 - 4. Current copy of Certificate of Liability Insurance naming the City as the certificate holder must be provided to the Planning Department.

A copy of the Sidewalk Café permit and map is hereby incorporated into these minutes by reference. (Refer to page 77-78.)

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

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

FY2022-2026 UNIFOUR CONSORTIUM CONSOLIDATED PLAN & FY2022 ACTION PLAN FOR THE CITY OF LENOIR:

- A. Rick Oxford, Plan Administrator, Western Piedmont Council of Governments, held the first of two public meetings to receive public comments regarding the proposed FY2022 Action Plan of the City of Lenoir and the Unifour HOME Consortium as part of the five-year Consolidated Plan. This plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines goals and action plans of the City of Lenoir and the Unifour HOME Consortium and its use of Community Development Block Grant (CDBG) and HOME funds for fiscal year 2022, beginning July 1, 2022 and ending June 30, 2023. The City of Lenoir serves as the Lead Entity for the Unifour Consortium.

Mr. Oxford stated that DHUD has not yet released funding amounts for FY2022-23 and reviewed last year's funding information with City Council. Mr. Oxford reported the

City of Lenoir received \$164,126 in CDBG funds and \$1,154,095 in HOME funds in FY2021-22. He explained that 80% of the funding was used for public improvements including new bathrooms at the former Lenoir High School (LHS) facility and roof repairs at the auditorium.

On behalf of City Council, Mayor Gibbons expressed appreciation for the funding and commented the Harper Band building is scheduled to be renovated next.

Mr. Oxford also reviewed funding for the HOME program which assists first time homebuyers with down payment assistance. Since its inception in 1995, this program has been funded every year and assisted 3,000+ families. Mr. Oxford further shared the down payment assistance has increased from \$5,000 to \$7,500 and can be used to purchase existing homes, closing costs, etc. He explained that homebuyers have to meet DHUD's guidelines for individuals with low to moderate income. Mr. Oxford also stated, should a homebuyer sell their property within a ten-year time frame, they are required to repay the down payment assistance funding which then goes back into program income to be used by DHUD.

In addition, Mr. Oxford also explained developers can apply for a low interest loan for multi-family housing projects. The developers design the project, finalize their funding and submit a letter of commitment for the project. If the project is funded, they may receive tax credits. The City of Lenoir currently has two multi-family housing projects that received funding which are Meridian and Kattz Corner apartments. Also, Chodo funding assists non-profit organizations such as Habitat for Humanity and is used for administrative program funding. Mr. Oxford clarified for Council that possibly ten (10) homes have been built in the four (4) county area with this funding.

On behalf of City Council, Mayor Gibbons thanked Mr. Oxford for the good report.

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

LENOIR BUSINESS ADVISORY

BOARD: 1. The Lenoir Business Advisory Board will meet on Thursday, March 17 at 6:00 p.m.

PARKS & RECREATION ADVISORY

BOARD: 2. The Parks and Recreation Advisory Board will meet on Monday, March 21 at 6:00 p.m. at Mulberry Recreation Center.

COMMITTEE OF THE WHOLE;

BUDGET MEETING: 3. The Committee of the Whole will meet on Tuesday, March 22 at 8:30 a.m. at City Hall, Third Floor. This meeting will be a continuation of the Strategic Planning Meeting.

FOOTHILLS REGIONAL AIRPORT

AUTHORITY: 4. The Foothills Regional Airport Authority will meet on Wednesday, March 23 at noon.

PLANNING BOARD: 5. The Planning Board will meet on Monday, March 28 at 5:30 p.m. in the City/County Chambers.

B. Items for Council Action

ORDER OF ABATEMENT;

530-A WHEELER STREET: 1. City Staff request that City Council adopt an Order of Abatement directing Staff to demolish the dilapidated dwelling at 530-A Wheeler Street as submitted.

A copy of the recorded Order of Abatement is hereby incorporated into these minutes by reference. (Refer to pages 79-80.)

City Manager Hildebran stated the property is in foreclosure and the owner has vacated the property. He stated the owner does not oppose the Order of Abatement to demolish the property.

Upon a motion by Councilmember Perkins, Council voted 7 to 0 to approve the Order of Abatement directing Staff to demolish the dilapidated dwelling at 530-A Wheeler Street as submitted and as recommended by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

BOARD VACANCIES; PLANNING BOARD:

A. Mayor Gibbons announced there are two vacancies on the Lenoir Planning Board and he will be submitting recommendations for City Council's consideration in of approval in the near future.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 6:24 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
T. H. PERDUE
J. L. PERKINS
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

**Resolution Authorizing the Submittal of a NC Parks and Recreation
Trust Fund Grant Application for Improvements to the Lenoir
Aquatics & Fitness Center/Rotary Soccer Complex**

WHEREAS, the North Carolina General Assembly established the Parks and Recreation Trust Fund (PARTF) on July 16, 1994 to fund improvements in the state's park system, to fund grants for local governments, and to increase the public's access to state beaches; and;

WHEREAS, the Park and Recreation Authority was created to allocate funds from PARTF to the Division of Parks and Recreation and to grant programs for local governments; and

WHEREAS, the Parks and Recreation Trust Fund is a method of financing Parks and Recreation projects on the local and state level; and;

WHEREAS, the City of Lenoir is seeking endorsement from the Lenoir City Council to apply for a PARTF Grant for various improvements to the Lenoir Aquatic and Fitness Center/Rotary Soccer Complex as identified in the Parks and Recreation Master Plan; and

WHEREAS, the Lenoir City Council authorizes Staff to apply for a Parks and Recreation Trust Fund (PARTF) Grant for the maximum amount of \$500,000; and

WHEREAS, the PARTF Grant requires applicants to match 50-percent grant dollars with 50-percent local dollars; and

WHEREAS, the City of Lenoir will appropriate the 50-percent local match of \$500,000, if a grant is awarded; and

WHEREAS, Staff also recommends that the City Manager be authorized to execute the necessary documents on behalf of the City of Lenoir.

NOW, THEREFORE BE IT RESOLVED, that I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina and on behalf of City Council, hereby directs Staff to apply for the North Carolina Parks and Recreation Trust Fund Grant and authorizes the City Manager to execute all documents related in the PARTF Grant.

Adopted this the 15th day of March, 2022.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk





SIDEWALK CAFE PERMIT APPLICATION

CITY OF LENOIR PLANNING DEPARTMENT

CITY HALL • 801 WEST AVENUE NW • PO BOX 958 • LENOIR, NC 28645

The City of Lenoir allows sidewalk cafes within the downtown Municipal Service District when a permit is approved by City Council, in accordance with Sec. 13-3 of the Lenoir City Code. For questions about this application form or the rules pertaining to sidewalk cafes in the City of Lenoir, please contact the Planning Department at 828.757.2200. PERMITS ARE GOOD FOR A PERIOD OF 1 YEAR AND MUST BE RENEWED ANNUALLY.

Submittal Checklist:

- ☐ Application Form
- ☐ Application Fee
- Site Plan (including dimensions):
 - Must show all tables, chairs, walkway areas, and entrances/exits to the restaurant.
 - Must show location and materials of temporary barrier to be erected around the café.
 - Must show 5 ft. clear pedestrian path on sidewalk adjacent to café area.
- ☐ Documentation of Public Liability Insurance
 - Must carry \$1,000,000.00 insuring against personal injury, wrongful death and property damage, including the City as a party insured and insuring the City against any liability resulting from the uses permitted pursuant to Section 13-3 of the Lenoir City Code.
- ☐ Copies of All Permits and Licenses
 - County Health Department and any other applicable regulatory agencies
 - Current ABC/ALE permits if the sidewalk café intends to serve alcoholic beverages on the public sidewalk. NOTE: revised permits may be required to include the expanded areas.

Permit Information:

Property Address: 128 Main St. NC PIN: _____

Zoning District: B-3 Located within Municipal Service District? ☒ Yes ☐ No

Business Name: Side Street Pour House & Grill

Will ABC permit include sidewalk café area? ☒ Yes ☐ No

Number of seats in Restaurant: 100 Number of seats* proposed for sidewalk café: 24

*Note: seating in sidewalk café can not exceed 50% of the seating within the restaurant.)

Contact Information:

Name of Restaurant Operator: Kevin Eller

Street Address: 2606 Keys Pl

City: Lenoir State: NC Zip: 28645

Phone Number: 828-234-4535

Fax Number: _____

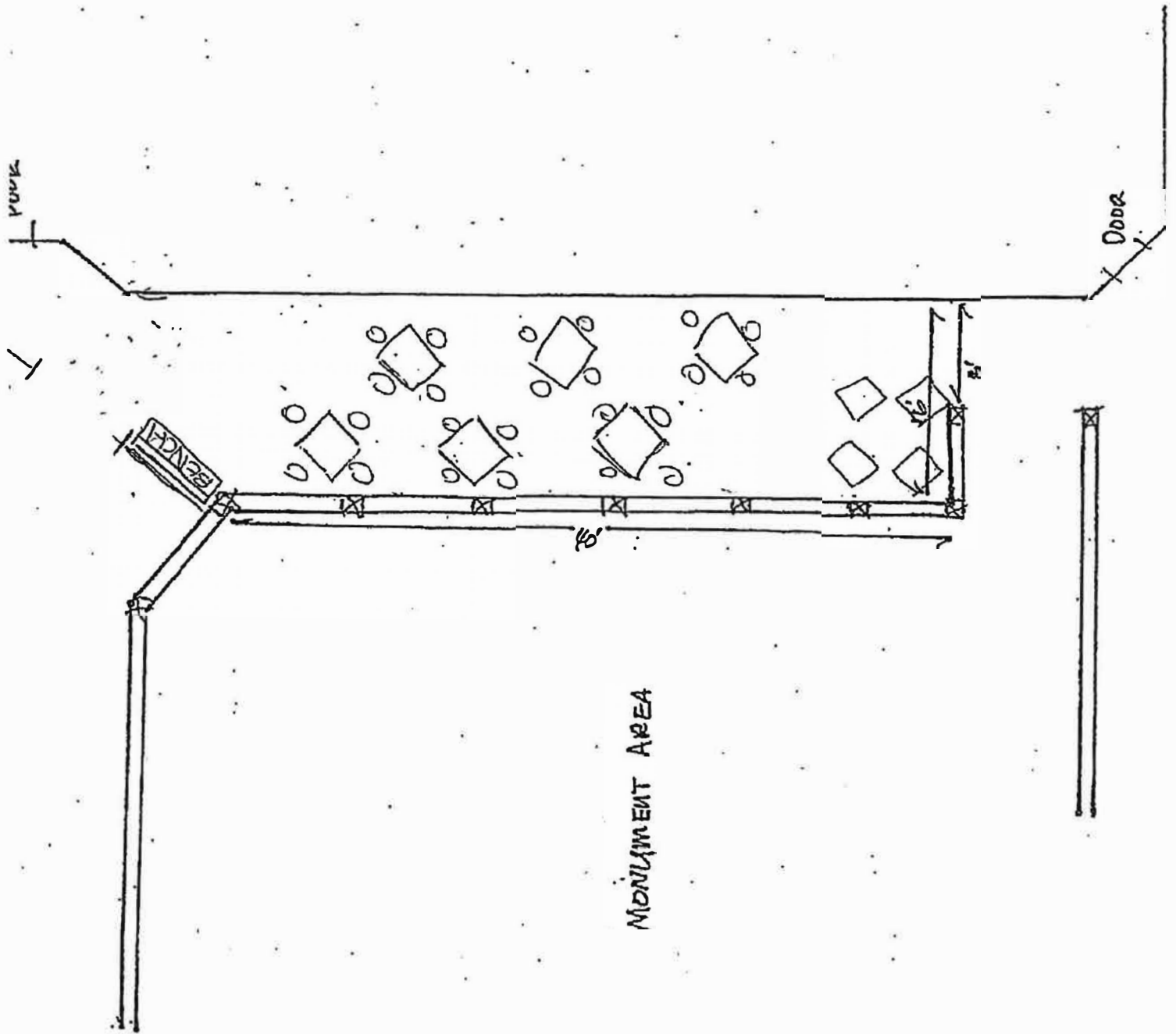
Email: kevin.eller@yahoo.com

Owner's Signature:

[Signature]

By signing, I certify that the information presented in this application is true to the best of my knowledge and I consent to enter into a hold-harmless agreement with the City and comply with all provisions of the City ordinances in the establishment and operation of the sidewalk café described in this application.

OFFICIAL USE ONLY: City Council approved on _____ Permit No. _____



BK 2051 PG 388 - 397 (10)

This document presented and filed:
03/18/2022 03:30:16 PM

Fee \$26.00



10069981

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

ORDER OF ABATEMENT

AN ORDINANCE ORDERING THAT THE PUBLIC OFFICER CAUSE THE DWELLING OWNED BY KATIE L. DULA AND LOCATED AT 530-A WHEELER STREET IN LENOIR, NC, TO BE REMOVED OR DEMOLISHED, IN ACCORDANCE WITH SECTION 10-33(B) OF CHAPTER 10 OF THE LENOIR CODE OF ORDINANCES.

WHEREAS, the property located at 530-A Wheeler Street (NC PIN 2749574704) has been found by the City to be dilapidated and Unfit for Human Habitation, and

WHEREAS, the subject property has been the subject of numerous complaints from neighbors, law enforcement, and elected officials for many years, and

WHEREAS, following an initial notice of violation and hearing notice, the Public Officer found the dwelling to be "Dilapidated" on January 7, 2022, and ordered that it be removed/demolished, and

WHEREAS, the owner of this dwelling, **Katie L. Dula**, has failed to comply with the order within the time specified, and staff now seeks to abate the violations, and add the costs incurred as a lien on the subject property the same as a tax lien, as provided for in the Lenoir Code of Ordinances; and

NOW THEREFORE BE IT ORDAINED BY the City Council of the City of Lenoir that:

Section 1. City staff is hereby authorized and directed to place a placard on the dilapidated dwelling with the following words:

"This building is unfit for human habitation; the use or occupation of this building for

human habitation is prohibited and unlawful."

Section 2. City staff is hereby authorized and directed to remove or demolish the dwelling described herein, in accordance with Chapter 10 of the Lenoir Code of Ordinances.

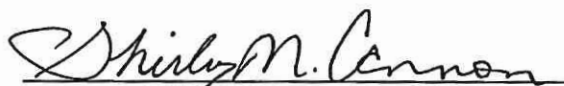
Section 3. The City's cost to abate the violations shall be a tax lien on the real property.

Section 4. A copy of this ordinance shall be recorded in the Register of Deeds of Caldwell County, North Carolina, and indexed in the name of the property owner or owners in the grantor index.

Adopted this the 15th day of March 2022.


JOSEPH L. GIBBONS
MAYOR

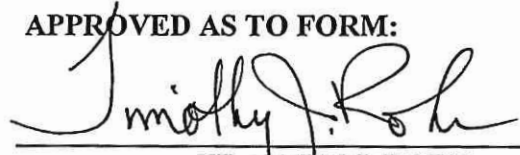
ATTEST:


SHIRLEY M. CANNON
CITY CLERK

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

APPROVED AS TO FORM:


TIMOTHY J. ROHR
CITY ATTORNEY