

**LENOIR CITY COUNCIL
TUESDAY, JUNE 7, 2022
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Jonathan Beal, Kent Greer, Todd Perdue, Ike Perkins, Ralph Prestwood, David Stevens, City Manager Scott Hildebran, City Clerk Shirley Cannon and City Attorney T.J. Rohr.

ABSENT: Mayor Pro-Tem Crissy Thomas.

STAFF PRESENT: Police Chief Brent Phelps, Planning Director Jenny Wheelock, Public Utilities Director Radford Thomas, Interim Public Works Director Ed Evans, Communications Director Joshua Harris, and Downtown & Main Street Event Coordinator, Matthew Anthony.

ZOOM: Finance Director Donna Bean, Fire Chief Ken Hair, and Recreation Director Kenny Story.

OTHERS: Cady Davis, *News-Topic*, was also in attendance at the meeting.

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.

SPECIAL RECOGNITION;

MAC MARTIN: B. On behalf of City Council, Mayor Gibbons presented a framed City flag and read a resolution to Mac Martin in honor and recognition of 17 years of dedicated and outstanding service on the Lenoir Planning Board and Board of Adjustment.

A copy of the resolution is hereby incorporated into these minutes by reference. (Refer to page 177.)

Mayor Gibbons thanked Mr. Martin for all he has done for the City of Lenoir and for his monetary donation to Fire Station No. 3 when it was under construction.

Mr. Martin thanked City Council for the recognition and their support during the years.

SPECIAL RECOGNITION; CCC&TI'S

BASEBALL TEAM: C. On behalf of City Council, Mayor Gibbons presented Mr. Jeffrey Link, Athletic Director, CCC&TI, with a resolution in honor and recognition of the Cobras finishing in 3rd place in the nation with a 49-9 record, along with being Region 10 and Mid-Atlantic District Champions.

A copy of the resolution is hereby incorporated into these minutes by reference. (Refer to page 178.)

Mayor Gibbons stated the Cobras have experienced a fantastic season and read a list of their game statistics.

Mr. Jeffrey Link, Athletic Director, CCC&TI, addressed City Council regarding CCC&TI's Baseball Team, the Cobras, finishing in 3rd place in the nation with a 49-9 record, along with being Region 10 and Mid-Atlantic District Champions. As a token of their appreciation for the City of Lenoir's great partnership and support, Mr. Link presented Mayor Gibbons with an autographed program and a t-shirt from the World Series Game. He commented Mayor Gibbons was a great supporter of CCC&TI and the Cobras team.

Mr. Link thanked Mayor Gibbons and City Council for their recognition of the baseball program and remarked the college appreciates everything the City has done for them. Mr. Link mentioned the men's baseball team plays at Walker Stadium and the Women's Softball team plays at Optimist Park. He also displayed the two plaques the Cobras won during the championship games.

Mayor Gibbons reiterated CCC&TI and the City have a great partnership. He remarked the Cobras were a young baseball team and the first team in CCC&TI's program. Mayor Gibbons congratulated the team for all their worthy accomplishments.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

FY2022-2023 ANNUAL BUDGET:

- A. A public hearing was held to receive public comments regarding the annual budget for the fiscal year beginning July 1, 2022 through June 30, 2023 for the City of Lenoir. Upon conclusion of the public hearing, Council may take action adoption of the enclosed FY2022-2023 Budget Ordinance.

A copy of the budget ordinance is hereby incorporated into these minutes by reference. Refer to pages 179-182.)

Mayor Gibbons opened the public hearing to receive public comments regarding the annual budget.

City Manager Hildebran asked Council if there were any questions pertaining to the proposed budget. City Council did not have any questions at this time.

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

Upon a motion by Councilmember Beal, City Council voted 6 to 0 to adopt the FY2022-2023 Budget Ordinance as recommended and as presented by City Manager Hildebran.

Councilmember Perdue remarked the City has the best finance department in the state and commended City Manager Scott Hildebran for his leadership and for keeping the tax rate the same. Mr. Perdue stated the budget is doable, makes sense and he is very confident of the City's leadership. Mr. Perdue also commended Finance Director Donna Bean for the great job she does and for keeping the ARPA funds separate from the budget.

Mayor Gibbons, along with City Council, thanked Mr. Hildebran and City Staff for all they do for the City of Lenoir. Mr. Hildebran also thanked City Council, Finance Director

Bean and her Staff for the great job they do in maintaining the City's finances.

RESOLUTION; COMPREHENSIVE

PLAN UPDATE: B. A public hearing was held to consider adoption of a resolution amending the 2007 Comprehensive Plan to incorporate by reference the plans, studies, and policies developed since its initial adoption and establishing a protocol for maintaining and amending the plan in the future.

Mayor Gibbons opened the public hearing to receive public comments regarding the proposed amendments.

A copy of the resolution amending the 2007 Comprehensive Plan is hereby incorporated into these minutes by reference. (Refer to pages 183-186.)

Planning Director Jenny Wheelock explained the Comprehensive Plan will change periodically over time and the plan is a work in progress. She stated the proposed amendments meet all of the state's current guidelines.

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

Upon a motion by Councilmember Perdue, Council voted 6 to 0 to adopt the resolution amending the 2007 Comprehensive Plan as presented and as recommended by City Staff.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, May 17, 2022 as submitted.
- B. Minutes: Approval of the closed session minutes 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, May 24, 2022 as submitted.
- D. Capital Project Budget Ordinance; 2022 Unifour Consortium HOME Program: Approval of a Capital Project Budget Ordinance in the amount of \$1,530,918 for the 2022 Unifour Consortium HOME Program as submitted by Rick Oxford, Western Piedmont Council of Governments, Plan Administrator. (A copy of the Capital Project Budget Ordinance is hereby incorporated into these minutes by reference. Refer to pages 187-188.)
- E. Capital Project Budget Ordinance; 2022 Community Development Block Grant Program: Approval of a Capital Project Budget Ordinance in the amount of \$153,768 for the 2022 Community Development Block Grant (CDBG) as submitted by Rick Oxford, Western Piedmont Council of Governments, Plan Administrator. (A copy of the Capital Project Budget Ordinance is hereby incorporated into these minutes by reference. Refer to pages 189-190.)
- F. Budget Amendments; FY2021-22: Staff request approval of the amendments to the annual Budget Ordinance for the fiscal year ending June 30, 2022 as follows:
 - Item 1: Increase revenues for the General Fund in the amount of \$905,000 due to revenues exceeding the budgeted amounts for sales tax, Powell Bill funding and cemetery lots sales.
 - Item 2: Increase expenditure lines in the General Fund in the amount of \$905,000 to reallocate additional revenue and re-allocate funding by department.
 - Item 3: Re-allocate funding for the Water Fund with a zero net effect to the budget. (A

copy of the budget amendments is hereby incorporated into these minutes by reference. Refer to page 191.)

- G. Capital Project Budget Ordinance; Joyceton Waterworks, Inc.: Staff recommends approval of a Budget Amendment to the annual Budget Ordinance for the fiscal year ending June 30, 2022 as follows:
Item 1: Adjustment to the Water Fund Budget to allocate funding in the amount of \$100,000 for the Joyceton Waterworks, Inc. Purchase Project approved on May 17, 2022 as submitted. (A copy of the Capital Project Budget Ordinance for Joyceton Waterworks, Inc. is hereby incorporated into these minutes by reference. Refer to pages 192.)
- H. Budget Amendment; Joyceton Waterworks, Inc.: Staff request approval of a Budget Amendment of the annual Budget Ordinance for the fiscal year ending June 30, 2022 as follows:
Item 1: Adjustment to the Water Fund Budget to allocate funding in the amount of \$100,000 for the Joyceton Waterworks, Inc., Purchase Project approved on May 17, 2022 as submitted. (A copy of the budget amendment is hereby incorporated into these minutes by reference. Refer to pages 193.)
- I. Resolution, ROW Dedication; Prince William Drive: Approval of a resolution accepting the dedication of the right-of-way for a 220-foot extension of Prince William Drive by GTE Construction and Realty and accepting the newly constructed extension for City maintenance as submitted. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to pages 194.)
- J. Meeting Cancellation; City Council: City Council may cancel the June 21 City Council meeting due to no agenda items.

Upon a motion by Councilmember Perdue, City Council voted 6 to 0 to approve the about listed items (A-J) on the Consent Agenda as presented and as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

NUISANCE/ABATEMENT ISSUE; 710 PENNTON AVENUE:

1. Mr. Larry Smith, 701 Pennton Avenue, addressed City Council in regards to a nuisance situation on Pennton Avenue. Mr. Smith stated homeless people are living behind a property on Pennton Avenue and using makeshift tents with tarps over them to sleep in. He distributed photos of the property to City Council and reported the individuals are using the backyard as bathroom facilities thereby creating health and smell issues for the neighborhood children and residents. He stated the children are unable to play outside because of the flies and odor.

Mr. Smith remarked the homeless people are drug addicts and said they are harassing area businesses as well by damaging their personal property. He stated they are also bothering people coming to or from UNC Healthcare and Davenport School by asking them for money. Mr. Smith stated this situation has become such a critical issue that he is willing to go to jail because of it. In addition, Mr. Smith said there were a number of animals living in the house and further mentioned these individuals keep tearing down part of the fence around the property and burning it. He finished his comments by saying he refuses to be bullied by these individuals.

Mr. Tommy Nelson, 707 Park Place, stated he resides with his sister on Pennton Avenue and informed Council she spent a large amount of money on improvements to her property

prior to her retirement from the Caldwell County School system. Mr. Nelson said they are unable to use their back porch because of the bad odor. He reported these people built a hut out of shipping pallets that they use at night. In addition, Mr. Nelson said there are several dogs chained up outside and he also reported the people are using the back yard as a bathroom.

Ms. Megan Burchette informed Council she has a client that lives on Pennton Avenue and agreed there are many animals at this residence. She referred to an incident happening at the property where they thought an individual was dying from a fentanyl overdose. Ms. Burchette stated the situation has gotten much worse over time.

Mr. Jon Miller, 709 Park Place, informed Council a bicycle was stolen from their residence and when they replaced it, it was stolen again. Mr. Miller said he and his wife have three children ages 10, 3 and 1 year old and emphasized they could not let them go outside to play. Mr. Miller further said they had an incident where a man was sneaking around their house.

Ms. Taylor Davis, 709 Park Place, informed Council one person was taking wood from their fence and the man started cursing and threatening her when she approached him. She said an officer came out to investigate and the man admitted to taking it. Ms. Davis reiterated they could not let their children play outside and related an incident where her daughter ran into the house crying and upset because one of the homeless men was standing near their fence and scared her.

Mr. Jim Sponenburg, 308 Beall Street NW, addressed City Council and thanked them for recognizing CCC&TI's baseball team. Mr. Sponenburg stated he was a member of the Board of Trustees at the college. Mr. Sponenburg shared issues regarding the former bank building located at 676 Morganton Boulevard near Pennton Avenue. He stated homeless people previously broke into the facility and destroyed the heating unit. Mr. Sponenburg asked City Council what he could do to work with the City in order to help address this problem.

Ms. Vicki Konyse, Little Caesars Pizza, stated she resides on Pennton Avenue and witnessed street people camping in the yard. Ms. Konyse shared she could smell the odor from her house even in the winter time. In addition, Ms. Konyse stated the flies could create a situation that would increase the number of rodents already on the property. Ms. Konyse thanked City Council for the opportunity to share her comments about this problem.

Councilmember Perdue asked Planning Director Jenny Wheelock how this property is ranked on the City's Minimum Housing Priority List since it is a code enforcement issue.

Director Wheelock said the property was close to the top of the Planning and Police Department's radar.

Police Chief Brent Phelps shared the owners of the property live out of state and reported a female family member is living at the residence. He stated the Police Department has an open nuisance case on the property and stated Staff is looking into other options such as this being a criminal issue. Chief Phelps stated a nuisance violation is a civil punishment and clarified that an individual is not trespassing if a property owner allows them to stay on the property.

Chief Phelps stated the Police Department did make an arrest and serve warrants on an individual at the property this past week, but pointed out the Police are legally bound by the laws. He also mentioned if an individual has filed a complaint that they have to be willing to also testify in court. Chief Phelps encouraged the residents to call the Police Department because it would allow officers to keep a track record of incidents at the residence.

Chief Phelps said that homelessness is a social issue and emphasized the Police Department is trying to help. He also expressed empathy for Mr. Miller and Ms. Davis and their children regarding this situation.

Councilmember Stevens asked if putting up a camera would help with Chief Phelps replying the property owner would have to be part of the process.

Councilmember Perdue asked whether the City's ordinances contained any sections pertaining to nuisance that would help with this situation.

City Attorney T.J. Rohr stated he was unsure at this time if the code did address this issue.

Councilmember Perkins stated he has gone through a similar issue regarding code enforcement and also expressed empathy for the residents of the neighborhood.

Director Wheelock stated the City would contact Caldwell County Animal Control and other agencies to make them aware of the nuisance situation caused by the number of animals at this location.

Mr. Smith stated the residents have seen some progress and hope they will continue to see progress.

Mayor Gibbons thanked everyone for their comments and stated the City would take this matter under consideration.

TRAFFIC REQUEST; TREMONT

PARK:

2. Mr. Sonny Hines, Tremont Park, addressed City Council regarding speeding on Wilkesboro Boulevard and stated a de-acceleration lane is needed for people turning into Tremont Park. Mr. Hines indicated he is aware this is an NCDOT issue, but emphasized it is a safety hazard as well. He referred to a recent fatal accident that happened at this location. Mr. Hines mentioned the street is twenty-six feet wide and further shared when Lower Creek Elementary School is in session, the traffic lanes are full of cars.

In addition, Mr. Hines reviewed a City of Lenoir map of Tremont Park and Stonecroft Development and presented the map to City Manager Scott Hildebran.

On behalf of City Council, Mayor Gibbons thanked Mr. Hines for attending and for his comments regarding this traffic issue.

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

ABC BOARD

1. The ABC Board will meet on Thursday, June 9 at 2:00 p.m.

**SUMMER MUSIC
CONCERTS:**

2. The Night Move Band will perform on the downtown stage on Friday, June 10 from 7:00 p.m. – 10:00 p.m. The Shelby Rae Moore Band will perform on Friday, June 24 and the Silvio Martinat Band will perform on July 9. The New Kids-Super Fly 90's Tribute Band will perform on July 15.

SUMMER MOVIES:

3. The movie "Encanto" will be shown on the downtown stage on Friday, June 17 from 8:30 a.m. – 11:00 p.m. The movie "Sing 2" will be shown on Friday, July 1.

**LENOIR TOURISM
DEVELOPMENT AUTHORITY:**

4. The Lenoir Tourism Development Authority (LTDA) will meet in June. The date and time of the meeting will be announced soon.

**LENOIR BUSINESS ADVISORY
BOARD:**

5. The Lenoir Business Advisory Board (LBAB) will meet in person on Thursday, June 9 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.

**CITY/COUNTY SERVICES
COMMITTEE:**

6. The City/County Services Committee will meet on Monday, June 13 at noon.

EDC:

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

B. Items for Council Action**VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY****VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR****IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS****CLOSED
SESSION:**

A. Pursuant to N.C.G.S. §143-318.11(a), (3), and upon a motion by Councilmember Stevens, Council voted 6 to 0 to enter into closed session to discuss attorney/client privilege.

**OPEN
SESSION:**

B. Upon a motion by Councilmember Perdue, Council voted unanimously to re-enter into open session.

**CONSENT JUDGMENT AND FINAL ORDER OF ABATEMENT;
BRIAN J. STALLINGS AND MARIE E. BESIO, BENEFICIARIES OF
THE ESTATE OF PORTER J. STALLINGS:**

C. Upon a motion by Councilmember Perdue, City Council voted 6 to 0 to approve the Consent Judgment and Final Order of Abatement for property owned by Brian J. Stallings and Marie E. Besio, Beneficiaries of the estate of Porter J. Stallings, and located at 704 and 706 Ridgecrest Drive NE, Lenoir, NC and 716A and 716B Circle Drive NE, Lenoir, NC, as described in Deed Book 332, Page 261, of the Caldwell County Register of Deeds.

X. ADJOURNMENT

A. There being no further business, the meeting adjourned at 7:45 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
F. KENT GREER
T. H. PERDUE
J. I. PERKINS
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS

RESOLUTION HONORING MAC MARTIN

WHEREAS, Mac Martin has served faithfully and diligently as a member of the Lenoir Planning Board since 2005 when he was first appointed; and

WHEREAS, Mac Martin went on to serve as a member of the Lenoir Board of Adjustment as well as a member of the Lenoir Historic Preservation Commission; and

WHEREAS, Mac Martin, during his 17 year tenure as a Board Member, has served with great competence and made important contributions to a large variety of land development cases; including the adoption of a Comprehensive Plan, amendments to the Land Development Code, re-zonings, conditional use permits, variances, conditional zoning districts, and other planning projects; and

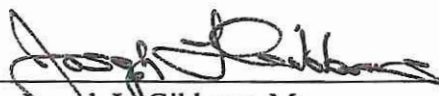
WHEREAS, Mac Martin is being honored and recognized for his volunteerism, devotion to the community, and his commitment and hard work,

NOW THEREFORE BE IT RESOLVED, that the Lenoir City Council hereby expresses sincere appreciation to our friend and colleague, who, through his leadership and dedicated service to the City, has earned respect and has made lasting contributions for the betterment of the City.

BE IT FURTHER RESOLVED, I, Mayor Joseph Gibbons, by virtue of the authority vested in me as Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council and all the citizens, do hereby extend sincere appreciation and deep gratitude to Mac Martin for his devoted and outstanding service.

This the 7th day of June, 2022.

SEAL


Joseph L. Gibbons, Mayor



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
F. KENT GREER
T. H. PERDUE
J. I. PERKINS
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS

Congratulations to the 2022 CCC&TI Cobras Baseball Team on an Outstanding Season

WHEREAS, Caldwell Community College & Technical Institute President Dr. Mark Poarch understands the value of a diverse athletics program in providing enjoyment and opportunities for students; and

WHEREAS, in the fall of 2018, led by Dr. Poarch, Caldwell Community College & Technical Institute (CCC&TI) announced the addition of men's baseball and women's softball to the athletics program; and

WHEREAS, the 2020 season for both the baseball and softball teams were interrupted by COVID-19, and 2021 was the first full season the teams played; and

WHEREAS, the CCC&TI Cobras Baseball Team plays in the National Junior College Athletic Association (NJCAA), the governing association of community college, state college, and junior college athletics throughout the United States; and

WHEREAS, the Cobras Baseball Team completed their 2021 and 2022 regular conference schedule with 33 wins and no losses; and

WHEREAS, Cobras Baseball won its first Region 10 Division III Championship in program history, at Moor Park May 9, 2022, in Mooresville, North Carolina; and

WHEREAS, Cobras Baseball swept the best two of three series to win the NJCAA Mid-Atlantic District Division III Baseball Championship May 13, 2022, in Monroeville, Pennsylvania; and

WHEREAS, the Cobras Baseball Team was ranked #1 in nation in Division III when they advanced to the NJCAA Division III Baseball World Series held at Pioneer Park in Greeneville, Tennessee, May 28 to June 2, 2022, and went 3-2 to finish third completing an amazing run for the team and an impressive achievement for such a young baseball program; and

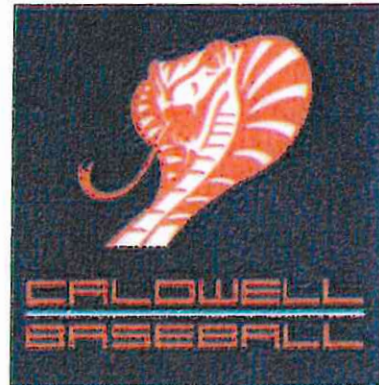
WHEREAS, the Cobras played 58 games in the 2022 season and finished with 49 wins to only 9 losses; and

WHEREAS, the Cobras Baseball Team players, Coach Frank J. Pait IV, Athletic Director Jeff Link, and CCC&TI President Dr. Mark Poarch should be recognized and honored for this accomplishment;

NOW THEREFORE BE IT RESOLVED, I, Mayor Joseph L. Gibbons, on behalf of the City of Lenoir City Council, recognize, honor, and congratulate the CCC&TI Cobras Baseball Team, the coaches and staff, and the players and their parents on an outstanding and truly amazing 2022 season.

This the 7th day of June 2022.

SEAL




Joseph L. Gibbons, Mayor

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2022– June 30, 2023**

BE IT ORDAINED by the Lenoir City Council in regular session assembled on June 7th, 2022.

Section 1. That the following amounts are hereby appropriated for the operation of the government of the City of Lenoir and its activities for the fiscal year beginning July 1, 2022, and ending June 30, 2023.

<u>Fund</u>	<u>Estimated Revenues</u>	<u>Fund Balance Appropriated</u>	<u>Total Budget</u>	<u>Appropriated</u>
General	\$ 20,320,130	\$ -	\$ 20,320,130	\$ 20,320,130
Water & Wastewater	\$ 10,232,980	\$ -	\$ 10,232,980	\$ 10,232,980
Total	\$ 30,553,110	\$ -	\$ 30,553,110	\$ 30,553,110

Section 2. That for said fiscal year there is hereby appropriated as expenditures of the General Fund the following:

Legislative	\$ 453,975
Administrative	\$ 660,050
Finance	\$ 818,770
Planning	\$ 407,342
Police	\$ 6,475,044
Fire	\$ 4,785,047
Recreation	\$ 2,120,376
Public Works	
Administrative	\$ 273,643
Cemetery & Grounds	\$ 480,478
Building Maintenance	\$ 395,105
Sanitation	\$ 895,791
Streets	\$ 2,223,014
Vehicle Services	\$ 331,495
Total	\$ 20,320,130

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2022– June 30, 2023**

Section 3. That for said fiscal year there is hereby appropriated as expenditures of the Water & Wastewater Fund the following:

<u>DEPARTMENT/DIVISIONS</u>	<u>APPROPRIATION</u>
Admin/Engineering	\$ 409,949
Utilities Maintenance	\$ 426,595
Rhodhiss Water Treatment Plant	\$ 2,455,857
Water Distribution	\$ 2,685,933
Wastewater Collection	\$ 1,174,651
Wastewater Pretreatment	\$ 190,040
Gunpowder Wastewater Plant	\$ 855,844
Lower Creek Wastewater Plant	\$ 2,034,111
Total	<u>\$ 10,232,980</u>

Section 4. There is hereby levied for the fiscal year ending June 30, 2023, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2022, and of registered vehicles in accordance with G.S. 105-330.3(a)(1) for the purpose of raising the revenues from the current year's listed and registered property as set forth in the foregoing estimates of the General Fund revenues and in order to finance the foregoing General Fund appropriations.

General Fund.....\$.57 cents tax rate per one hundred dollars assessed valuation.

Rescue Readiness Tax.....\$.0085 cents tax rate per one hundred dollars assessed valuation.

Said General Fund tax rates are based on an estimated total appraisal value of real and personal property for the purpose of taxation of \$2,392,382,962 with an assessment ratio of one hundred percent (100%) of appraised value and estimated collection rate of 97.01%. Said collection rates are based on the actual 2020-2021 collection rates.

Section 5. That for said fiscal year there is hereby appropriated as expenditures of the special Downtown Tax District Fund for the operation of the Economic Development/Main Street Lenoir program and Tourism Development.

<u>Fund</u>	<u>Estimated Revenues</u>	<u>Fund Balance Appropriated</u>	<u>Total Budget</u>	<u>Appropriated</u>
Special Downtown District	\$ 288,220	\$ -	\$ 288,220	\$ 288,220
Tourism Development	\$ 90,000	\$ -	\$ 90,000	\$ 90,000
TOTAL	<u>\$ 378,220</u>	<u>\$ -</u>	<u>\$ 378,220</u>	<u>\$ 378,220</u>

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2022– June 30, 2023**

Section 6. There is hereby levied for the fiscal year ending June 30, 2023, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2022, and of registered vehicles in accordance with G.S. 105-330.3(a)(1) for the purpose of raising the revenues from the current year's listed and registered property set forth in the foregoing estimates of Special Downtown District Fund revenues and in order to finance the foregoing Special Downtown District Fund appropriations.

Special Downtown District.....\$.20 cents tax rate per one hundred dollars assessed valuation.

Said Special Downtown District tax is based on an estimated total appraised value of property for the purpose of taxation of \$ 18,079,600 with an assessment ratio of one hundred percent (100%) of appraised and registered real and personal property value. The estimated collection rate is 97.01%.

Section 7. It is estimated that \$90,000 in revenue will be available in the Tourism Development Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

Section 8. Water & Sewer rates are established to be effective July 1, 2022 according to the following schedule:

Water Inside Corporate Limits	
0 -1,000 gallons	\$11.29
Over 1,000 gallons	\$3.57 per 1,000 gallons
Sewer Inside Corporate Rates	
1 - 1,000 gallons	\$9.89
Over 1,000 gallons	\$4.19 per 1,000 gallons
Water Outside Corporate Limits	
0 - 1,000 gallons	\$22.58
Over 1,000 gallons	\$7.14 per 1,000 gallons
Sewer Outside Corporate Limits	
0 -1,000 gallons	\$19.80
Over 1,000 gallons	\$8.39 per 1,000 gallons
Resale Water	
\$2.37 per 1,000 gallons	
Resale Sewer	
\$4.14 per 1,000 gallons	

City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2022– June 30, 2023

Section 9. Salaries & wages accounts provide for funding of all budgeted employee positions and City Council.

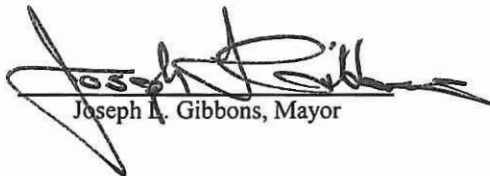
Section 10. The City Manager and Finance Director shall notify the City Council of any items of over-expenditure or shortfalls in revenue on a timely basis throughout the fiscal year. Request for appropriations not contained in the Budget Ordinance will be presented to Council after a review of the necessary revenue sources to offset the expenditure has been conducted by the Finance Director. Recommended budget amendments will be presented to the Council at the time the request for appropriation is submitted by the Finance Director.

Section 11. Copies of this Budget Ordinance shall be furnished to the Finance Director and the City Manager of the City of Lenoir, North Carolina, to be kept on file by them for their direction in the collection of revenues and the expenditures of amounts appropriated.

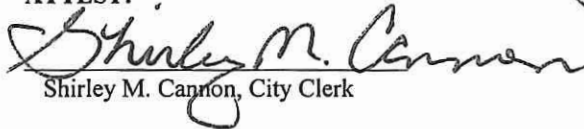
Section 12. The City Manager is authorized to amend the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present. Only one reading will be required and a public hearing or publication of notice is not necessary unless requested by Council.

Adopted this 7th day of June, 2022.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

**A RESOLUTION OF THE CITY COUNCIL OF LENOIR, NORTH
CAROLINA AMENDING THE 2007 LENOIR COMPREHENSIVE
PLAN TO INCORPORATE BY REFERENCE THE PLANS, STUDIES,
AND POLICIES DEVELOPED SINCE ITS INITIAL ADOPTION AND
ESTABLISHING A PROTOCOL FOR MAINTAINING AND
AMENDING THE PLAN IN THE FUTURE.**

WHEREAS, the Lenoir Comprehensive Plan contains the general policy of the City Council to be used as a guide for development, the scheduling of capital improvements, preparation of budgets and ordinances, and operating procedures to implement the plan; and,

WHEREAS, the purpose of the Comprehensive Plan is also to provide general guidance to City agencies, other public agencies, private individuals, and organizations as they prepare detailed plans, programs, and ordinances; and,

WHEREAS, it is the intent of the City Council to maintain and amend this Comprehensive Plan as the official statement of City Council policy concerning the future development of the City of Lenoir; and,

WHEREAS, the City has been devoted to continuous and ongoing public engagement around planning and development, using the concepts and strategies in the Comprehensive Plan as a starting point to develop more detailed plans around specific citywide goals (like Historic Preservation and bike/pedestrian facilities) as well as smaller geographic subareas (like the North Main Street and Fairfield South vision plans), and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, THAT THE LENOIR COMPREHENSIVE PLAN IS AMENDED AS FOLLOWS:

Section 1. The following plans, studies, and vision concepts are hereby adopted and incorporated by reference into the Lenoir Comprehensive Plan:

- a. **Bicycle and Pedestrian Plans.** Developed through the support of NCDOT Planning grants, the 2012 Lenoir Pedestrian Plan (prepared by consulting firm McGill & Associates) and the 2018 Lenoir Bicycle Plan (prepared by Kimley-Horn) represent a comprehensive vision for connected bike/ped facilities within the City of Lenoir. The plans call for a robust alternative transportation network that prioritizes multi-use paths (greenways) as a way to connect the City's recreation facilities as well as link residential areas with activity nodes like employers, schools, and shopping.
- b. **North Main Street Small Area Plan.** Adopted in 2015 following a year-long community input process, this plan applies many of the strategy recommendations contained in the Comprehensive Plan related to historic preservation, infill development, streetscapes, Downtown development, beautification, and neighborhood stabilization in a specific, context-sensitive manner for the northern gateway to the Historic Downtown. Map 3 of the Comprehensive Plan identified only three "downtown gateways" (West

Harper Avenue, East Harper Avenue, and Mulberry Street) – with the adoption of the N. Main Street small area plan, a fourth “downtown gateway” is established.

- c. **Overmountain Victory National Historic Trail Master Plan.** A multi-jurisdictional plan developed in partnership with the National Park Service, consulting firm Destination by Design worked with the City of Lenoir, Town of Gamewell, City of Morganton, Caldwell County, Burke County, and Caldwell County Pathways to present a feasible multi-use path/greenway alignment that would connect the participating jurisdictions following the congressionally-designated Overmountain Victory Trail corridor. Within the City of Lenoir, a large portion of the alignment follows a segment of rail right-of-way that was discontinued in 2006. The 2007 Comprehensive Plan called for a “Rails to Trails” project along the discontinued corridor – the OVNHT master plan further refines that vision. (Since the adoption of the OVNHT master plan in 2015, the rail corridor has been successfully “railbanked” and the trail is under construction.)
- d. **Fairfield South/Lenoir Mills.** The 2007 Comprehensive Plan and Future Land Use map identifies several historic industrial properties located just west of Downtown Lenoir as “transitional” properties, and contains a multitude of strategies in support of adaptive re-use of industrial buildings, as well as support for participation in the state’s Brownfield program to address real or perceived issues with contamination on these sites. The Fairfield South Vision was created through community input and planning staff analysis in 2015, taking individual policy concepts and strategies from the Comprehensive Plan to connect planning efforts around the rail trail, historic preservation, support for Downtown, creating opportunities for multi-family residential, cleaning up industrial sites, and facilitating re-use of the historic train depot. The Fairfield South Vision attracted developer interest early-on, and evolved into the Lenoir Mills project.
- e. **Neighborhood Map.** The Planning Board and Planning Staff engaged the public in 2018 in an effort to document commonly understood neighborhood boundaries, recognizing that while not official political demarcations, neighborhoods are the basic building blocks of the City. The resulting map is intended to generally represent the various unique neighborhoods in the City, providing a tool to organize future neighborhood input and outreach. The neighborhood map is hereby added to the map series found in the Comprehensive Plan.
- f. **Branding and Way-finding.** In 2016, the City engaged Destination by Design to develop a “brand” for Downtown Lenoir – extensive public input was sought during this process, and a new logo and tagline “Together We Create” was born for the Downtown. Initial implementation included a new website, promotional merchandise, and street light pole banners in the Downtown core – advancing many of the concepts contained in the Downtown section of the comprehensive plan. As a follow-up, Destination by Design was again engaged in 2020 to develop a city-wide brand and a vehicular way-finding plan. The City brand plays off the Downtown concept, with the tagline, “Create with Us.” Both efforts are in the initial

implementation stages, and incorporating the brands and planned signage/beautification projects provides additional context for the strategies in the Comprehensive Plan.

Section 2. Implementation and Evolution In its current format, the plan recommendations are difficult to cite specifically, or surgically amend as implementation results in better information or necessitates small “tweaks” or shifts in policy. The concepts contained in the plan are still relevant and useful, especially considering the additional details provided by incorporating the items listed in Section 1. In order to be more transparent in the progress, staff is hereby directed to develop a numbering convention for the plan’s individual, actionable policy recommendations, as well as a maintenance schedule for review and amendments. Items deemed “completed” may be proposed for deletion. As new data or trends emerge, additional policies may be added.

Section 3. City Profile/Data Management Extensive data collection and analysis of transportation, housing, and population/demographic metrics is an essential step in the Comprehensive Planning process. Much of the data the City uses is maintained by the WPCOG, and publicly available online. The data helps us identify emerging trends, make projections and predictions about future growth, and track change over time.

The 2007 Comprehensive Plan was adopted with data from 2005, and the optimistic growth projections contained in the analysis were essentially outdated when the plan was adopted. However, the policy concepts are still relevant and useful for the areas within the City that experienced growth pressures. As we maintain and refine our comprehensive plan, so too must we maintain and refine the data we have available. However, the data itself is not a part of the plan. In order to streamline the document, and avoid the need for plan amendments related only to updating the City’s data profile, staff is directed to re-locate the supporting data sections of the plan to a separate “City Profile” document during the next amendment cycle.

Section 4. Special Study Areas The following Special Study Areas are hereby created:

- a. Whitnel Special Study Area
- b. West End Special Study Area
- c. 321 South Special Study Area

These are areas that have been identified during strategic planning retreats with the City Council as being places worth studying individually for recommendations related to future land use, attracting investment, attractive yet feasible development standards, and community outreach to better understand the dynamics at play in these areas that have lagged behind other places in the City as far as attracting new investment. The current plan policies and future land uses shall continue to apply to these areas until changes are proposed, but these geographic areas are established as priorities for the next amendment cycle(s).

Adopted this the 7th day of June 2022.

SEAL


JOSEPH L. GIBBONS
MAYOR

Tuesday, June 7, 2022

ATTEST: Minutes-City of Lenoir Council Meeting


SHIRLEY M. CANNON
CITY CLERK

APPROVED AS TO FORM:


TIMOTHY J. ROHR
CITY ATTORNEY

CITY OF LENOIR
2022 UNIFOUR CONSORTIUM HOME PROGRAM
CAPITAL PROJECT BUDGET ORDINANCE

Be it ordained by the City Council of the City of Lenoir that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the HOME project described in the work statement contained in the Grant Agreement (#M22-DC370208) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY 2022 Unifour Consortium HOME Program (City of Lenoir, is the lead entity).

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the DHUD and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete the project:

Revenue from HOME Grant	\$1,230,918
Anticipated Program Income	<u>300,000</u>
Total Revenues	\$1,530,918

Section 4. The following amounts are appropriated for the project:

Downpayment Assistance (HOME Funds)	\$ 482,733
Downpayment Assistance (From Program Income Funds)	270,000
Program Income Administration	30,000
HOME CHDO (From HOME Grant HOME Funds Allocation)	195,003
Multi-Family Housing	307,000
General Program Administration	123,091
Contingency	<u>123,091</u>
Total Expenditures	\$1,530,918

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency

required by the grant agreement(s) and Federal and State regulations.

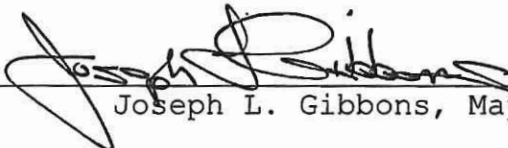
Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future cost and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 7th day of June, 2022.



Joseph L. Gibbons, Mayor



Shirley M. Cannon, City Clerk

CITY OF LENOIR
2022 COMMUNITY DEVELOPMENT BLOCK GRANT
CAPITAL PROJECT BUDGET ORDINANCE

Be it ordained by the City Council of the City of Lenoir that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#B-22-MC-37-0022) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY-2022 CDBG Entitlement Program.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the DHUD and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete the project:

Revenues

Community Development Block Grant	\$153,768
Total Revenues	<u>\$153,768</u>

Section 4. The following amounts are appropriated for the project:

Expenditures

Public Facilities (Lenoir High School)	\$123,015
Program Administration	<u>30,753</u>
Total Expenditures	<u>\$153,768</u>

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and Federal and State regulations.

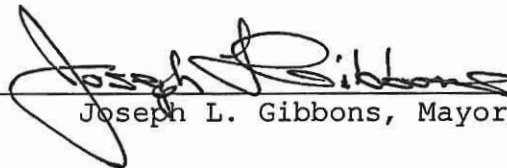
Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future cost and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 17th day of June, 2022.



Joseph L. Gibbons, Mayor



Shirley M. Cannon, City Clerk

**2021-2022 Fiscal Year
Budget Amendment
Tuesday, June 7, 2022**

Request for amendments to be made to the annual budget ordinance for the fiscal year end 6/30/2022.

ITEM 1: ALLOCATE FUNDING TO THE GENERAL FUND FOR REVENUE INCREASES.

Account Number	Department	Increase	Decrease
3231	SALES TAX ART 39	208,755.82	
3232	SALES TAX ART 40	151,812.16	
3233	SALES TAX ART 42	98,043.47	
3235	SALES TAX HOLD HARMLESS	160,656.20	
3236	SALES TAX SEC 32.19	35,542.35	
3316	POWELL BILL	206,000.00	
3480	CEMETERY LOTS	45,000.00	
	TOTAL REVENUE INCREASE	905,810.00	

ITEM 2: ALLOCATE FUNDING TO THE GENERAL FUND FOR EXPENDITURES.

Account Number	Department	Increase	Decrease
4110	LEGISLATIVE		10,000.00
4120	AMINISTRATION	50,000.00	
4130	FINANCE	10,000.00	
4250	VEHICLE SERVICES	25,000.00	
4260	BUILDING MAINTENANCE	35,000.00	
4270	ENGINEERING	70,000.00	
4310	POLICE SUPPORT	290,000.00	
4311	POLICE DETECTIVE	65,000.00	
4312	POLICE PATROL	35,000.00	
4340	FIRE SUPPORT	75,000.00	
4341	FIRE SUPPRESSION	40,000.00	
4342	FIRE PREVENTION/TRAINING	8,000.00	
4510	STREET ADMIN	8,000.00	
4511	STREET MAINTENANCE		20,000.00
4511	STREET CAPITAL TRANSFER		160,190.00
4512	STREETS TRAFFIC CONTROL	20,000.00	
4710	SANITATION	215,000.00	
4740	CEMETERIES	60,000.00	
4910	PLANNING		30,000.00
6120	RECREATION ADMIN	10,000.00	
6121	AQUATIC CENTER	85,000.00	
6122	MULBERRY	10,000.00	
6123	MLK CENTER		10,000.00
6130	GROUNDS	25,000.00	
4920	MAIN STREET		
		1,136,000.00	230,190.00
	TOTAL EXPENDITURE CHANGES	905,810.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	905,810.00	

ITEM 3: ALLOCATE FUNDING TO THE WATER FUND FOR EXPENDITURES.

Account Number	Department	Increase	Decrease
7130	RHOODHISS PLANT		305,000.00
7131	WATER DISTRIBUTION	95,000.00	
7132	WATER RESOURCES	85,000.00	
7133	WATER ADMINISTRATION	75,000.00	
7140	WASTEWATER COLLECTIONS		250,000.00
7141	WASTEWATER PRETREATMENT	50,000.00	
7142	GUNPOWDER PLANT	50,000.00	
7143	LOWER CREEK PLANT	200,000.00	
		555,000.00	555,000.00
	TOTAL EXPENDITURE CHANGES	-	
	NET EFFECT ON THE WATER FUND BUDGET	-	

Capital Project Budget Ordinance for the City of Lenoir

Joyceton Waterworks, Incorporated Purchase

BE IT ORDAINED by the City Council Members of the City of Lenoir, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project to authorize activities for the project to purchase Joyceton Waterworks, Incorporated and initial upgrades. The Water System Purchase Agreement with Joyceton Waterworks, Inc. is subject to conveyance of all necessary easements for access to the assets being transferred to the City of Lenoir by Joyceton Waterworks, Inc. and subject to review and approval of the sale by the North Carolina Utilities Commission. The funding will be used to purchase the system as well as initial upgrades.

Section 2: The officers of this unit are hereby directed to accept the funding and proceed with the capital project within the terms of the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Purchase Joyceton Waterworks, Inc.	\$80,000.00
System Upgrades	\$20,000.00
Total	<u>\$100,000.00</u>

Section 4: The following revenues are anticipated to be available to complete this project:

Local Funds	\$100,000.00
Total	<u>\$100,000.00</u>

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Project Ordinance.

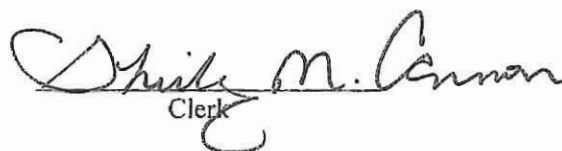
Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 7: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8: Copies of this capital project ordinance shall be furnished to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 7th day of June, 2022


Mayor


Clerk

**2021-2022 Fiscal Year
Budget Amendment
June 7th 2022**

Request for an amendment to be made to the annual budget ordinance for the fiscal year ending June 30, 2022 as follows:

ITEM 1: Adjustment to allocated funding for the Capital Project Budget Ordinance for the purchase of Joyceton Waterworks, Inc. approved on 5/17/22.

Account Number	Department	Increase	Decrease
7130	Rhodhiss Plant		\$100,000.00
3990	Transfer to Joyceton Waterworks Purchase Project	\$100,000.00	
Net Effect on Fund Balance		-	-

**A RESOLUTION OF THE CITY COUNCIL OF LENOIR, NORTH
CAROLINA ACCEPTING THE DEDICATION OF RIGHT OF WAY
EXTENDING PRINCE WILLIAM DRIVE AND ACCEPTING
MAINTENANCE OF IMPROVED STREETS.**

WHEREAS, in 2014 GTE Construction and Realty, Inc. dedicated a 40ft by 40 ft right-of-way extension over a section of Prince William Drive that had already been constructed to City standards but was located outside of Georgetown Section 7 platted right-of-way area; and,

WHEREAS, in 2017 GTE Construction and Realty, Inc. dedicated a 40 ft. wide right-of-way extension for future roadway construction, with the understanding that no additional lots could be subdivided unless and until the right-of-way was improved to City standards by the developer; and,

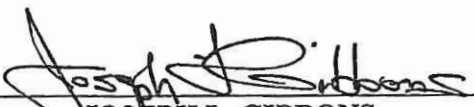
WHEREAS, in 2021, GTE Construction and Realty, Inc. constructed an additional 220 ft. of Prince William Drive, in accordance with the City standards for such an extension; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF LENOIR, NORTH CAROLINA THAT:**

1. The dedication of Right-of-Way in DB 1861 PG 2029 and DB 1918 PG 1634 is hereby accepted by the City; and,
2. The constructed streets within this right-of-way, excluding private driveways, are hereby accepted by the City for maintenance.

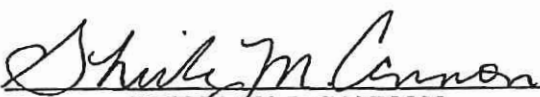
Adopted this the 7th day of June 2022.

SEAL



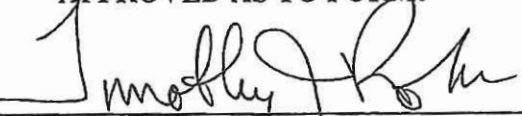
JOSEPH L. GIBBONS
MAYOR

ATTEST:



SHIRLEY M. CANNON
CITY CLERK

APPROVED AS TO FORM:



TIMOTHY J. ROHR
CITY ATTORNEY