



AGENDA
CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, OCTOBER 4, 2022
6:00 P.M.



I. CALL TO ORDER

A. Moment of Silence & Pledge of Allegiance

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

A. Ordinance; Conditional Zoning District: A public hearing will be held to consider adoption of a proposed Conditional Zoning District for property located at Lowes rear entrance drive, off of McLean Drive, to be rezoned from R-12 (Medium Density Single Family) to CZ-9 (Conditional Zoning), to allow for a multi-phase residential development featuring attached and detached dwellings, while preserving green space and environmentally sensitive areas. The Planning Board recommends approval based on the Consistency Statement as follows:

The proposed Conditional Zoning District is consistent with the land use policy concepts in the Comprehensive Plan that call for distinctive neighborhoods that preserve open space, enhance walkability, accommodate a range of housing types, use stormwater measures as community amenities, and foster a strong sense of place. The proposed development is consistent with the Future Land Use Map, which identifies the parcel as “medium density residential” and “mixed use with commercial” – while commercial uses aren’t proposed, the densities and mix of housing types proposed are consistent with the larger area accommodating a mix of uses. The re-zoning is reasonable and in the public interest because it provides much-needed housing at a variety of densities, at an appropriate scale near the US-321 commercial corridor.

B. Ordinance Amendment; First Reading: A public hearing will be held for the first reading of an Ordinance Amending Chapter 13 of the Lenoir City Code to add Article V “Downtown Social District,” directing Staff to Prepare a Management and Maintenance Plan and Detailed Map, and Providing for Severability, Codification, and an Effective Date as submitted. Staff will recommend approval of the Ordinance following the final passage.

C. Amendment; Lenoir City Code, Section 114, 20 Mph Speed Limit: A public hearing will be held to consider adopting the 20 MPH speed limit by resolution for the entire lengths on Pennwood Street NE, Glenview Street NE, Circle Drive NE, and Ridgcrest Drive NE, allowing for posting at the discretion of the Public Works Operations Manager as submitted. Note: Following approval, these streets will be listed under Appendix B of the Code of Ordinances, Section 114, “Twenty mile an hour speed limit on the following streets” as submitted.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the City Council minutes of Tuesday, September 6, 2022 as submitted.
- B. Capital Project Budget Ordinance; EPA Brownfields Grant #2 Project: Staff requests City Council adopt the Capital Project Budget Ordinance for the EPA Brownfields Grant #2 Project in the amount of \$500,000 as submitted.
- C. Budget Amendment; Building Reuse Grant; Exela Pharma Sciences, LLC: Staff requests approval of a Budget Amendment for the Building Reuse Grant for Exela Pharma Sciences, LLC in the amount of \$500,000 as submitted. The grant application was authorized on March 2, 2021.

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 2023 Holiday Schedule is submitted to City Council as information. The City of Lenoir follows the state holiday schedule.
- 2. The 2023 City Council Meeting Schedule is submitted to City Council for their review and consideration of approval.
- 3. October Calendar: The October calendar is submitted to City Council listing various committee meetings and events.
- 4. The Police Department will host their annual National Night Out on Tuesday, October 4 from 6:00 p.m. – 9:00 p.m. in downtown Lenoir. The public is invited to attend.
- 5. The ABC Board will meet on Thursday, October 6 at 2:00 p.m.
- 6. The City/County Services Committee will meet on Monday, October 10 at noon.
- 7. The Caldwell County Economic Development Commission (EDC) will meet on Tuesday, October 11 at 8:00 a.m.
- 8. The Lenoir Tourism Development Authority (LTDA) will meet on Thursday, October 13 at 4:00 p.m. at City Hall, Third Floor.
- 9. The Lenoir Business Advisory Board will meet on Thursday, October 13 at 6:00 p.m. at City Hall, Third Floor.
- 10. The Parks and Recreation Advisory Board will meet on Monday, October 17 at 6:00 p.m.
- 11. One-Stop Early Voting begins on Thursday, October 20 through Friday, November 4 from 8:00 a.m. – 7:30 p.m. and Saturday, November 5 from 8:00 a.m. – 3:00 p.m. at the Caldwell County Resource Center (Library) located at 120 Hospital Avenue.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Board Announcement: Mayor Gibbons will announce there are upcoming vacancies on the City's Authorities/Boards/Commissions.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

CITY OF LENOIR**COUNCIL ACTION FORM: October 4, 2022****I. Agenda Item:**

Consideration of an ordinance rezoning the Broyhill Tracts off of McLean Drive comprised of 157 acres, more or less, from R-12 to Conditional Zoning District #9 (CZ-9) on the City's Official Zoning Map following a public hearing;

II. Background Information:

The applicant is requesting to rezone the subject property from R-12 (Medium Density Single Family) to CZ-9 (Conditional Zoning), to allow for a multi-phase, master planned residential development featuring attached and detached dwellings, while preserving green space and environmentally sensitive areas.

See attached staff report for the analysis and conditions regarding this request. The CZ-9 ordinance is also attached.

III. Staff and Planning Board Recommendation:

Adoption of the attached rezoning ordinance based on the following consistency statement:

The proposed Conditional Zoning District is consistent with the land use policy concepts in the Comprehensive Plan that call for distinctive neighborhoods that preserve open space, enhance walkability, accommodate a range of housing types, use stormwater measures as community amenities, and foster a strong sense of place. The proposed development is consistent with the Future Land Use Map, which identifies the parcel as "medium density residential" and "mixed use with commercial" — while commercial uses aren't proposed, the densities and mix of housing types proposed are consistent with the larger area accommodating a mix of uses. The re-zoning is reasonable and in the public interest because it provides much-needed housing at a variety of densities, at an appropriate scale near the US-321 commercial corridor.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____

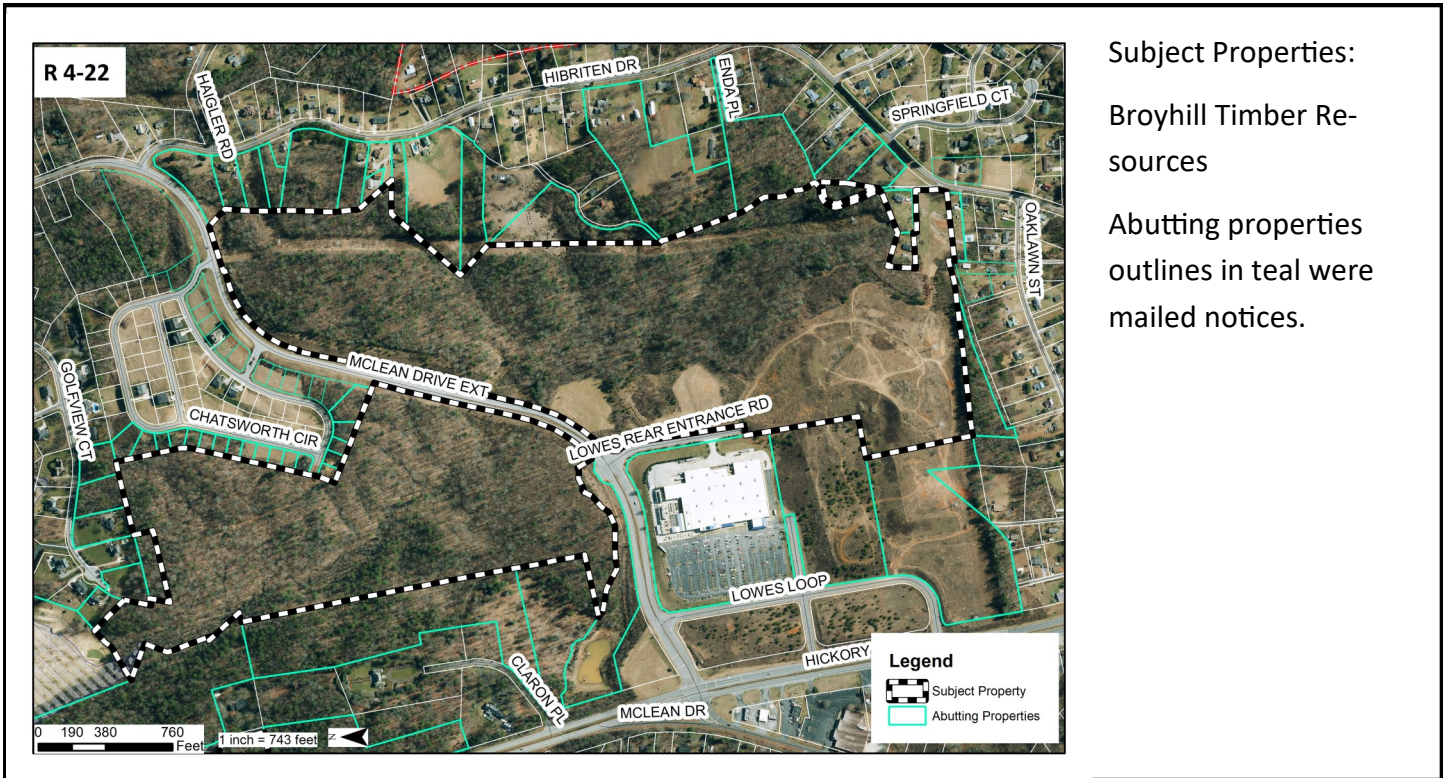
Staff Report

CONDITIONAL ZONING REQUEST

CASE NUMBER R #4/22



LOCATION MAP/AERIAL PHOTOGRAPH



Subject Properties:

Broyhill Timber Resources

Abutting properties outlines in teal were mailed notices.

SUMMARY

Owner

BROYHILL TIMBER RESOURCES

Applicant

David Waechter, Overmountain Development LLC

Location

Off McLean Dr (157 Acres)

NC PIN

2759433724

Project Planner

Jenny Wheelock, AICP, CZO

Hannah Williams, CZO

Updated September 21, 2022

Applicant's Request:

The applicant is requesting to re-zone the subject properties to a Conditional Zoning district (CZ-9), to allow for a multi-phase, master planned residential development featuring attached and detached dwellings, while preserving green space and environmentally sensitive areas.

Staff Recommendation:

Approval, with the conditions outlined in the staff report.

Planning Board Recommendation:

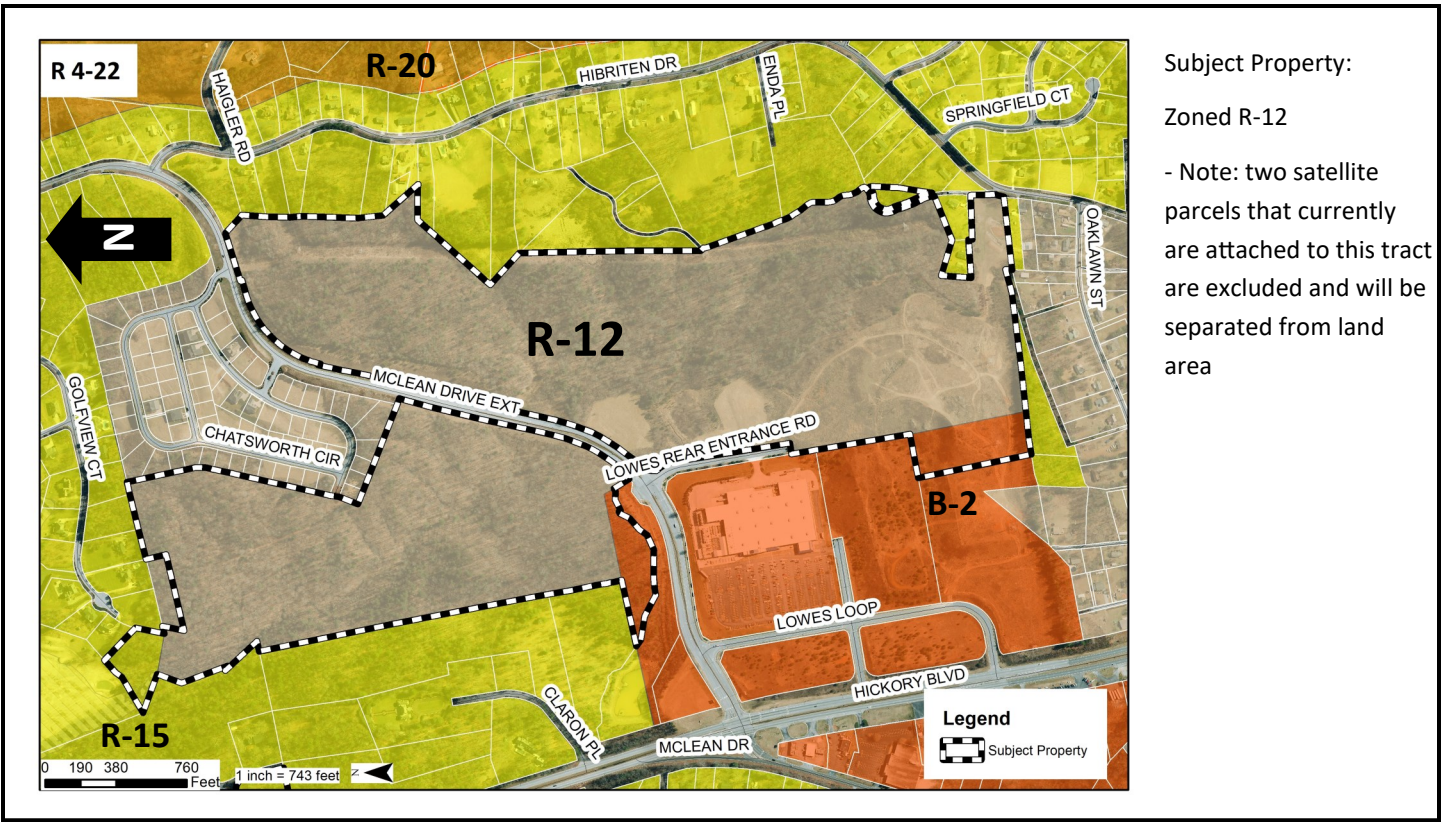
Public Comment:

Mr. Trivette and Mr. Anderson, owners of adjacent properties and are concerned about increased traffic and utility use.

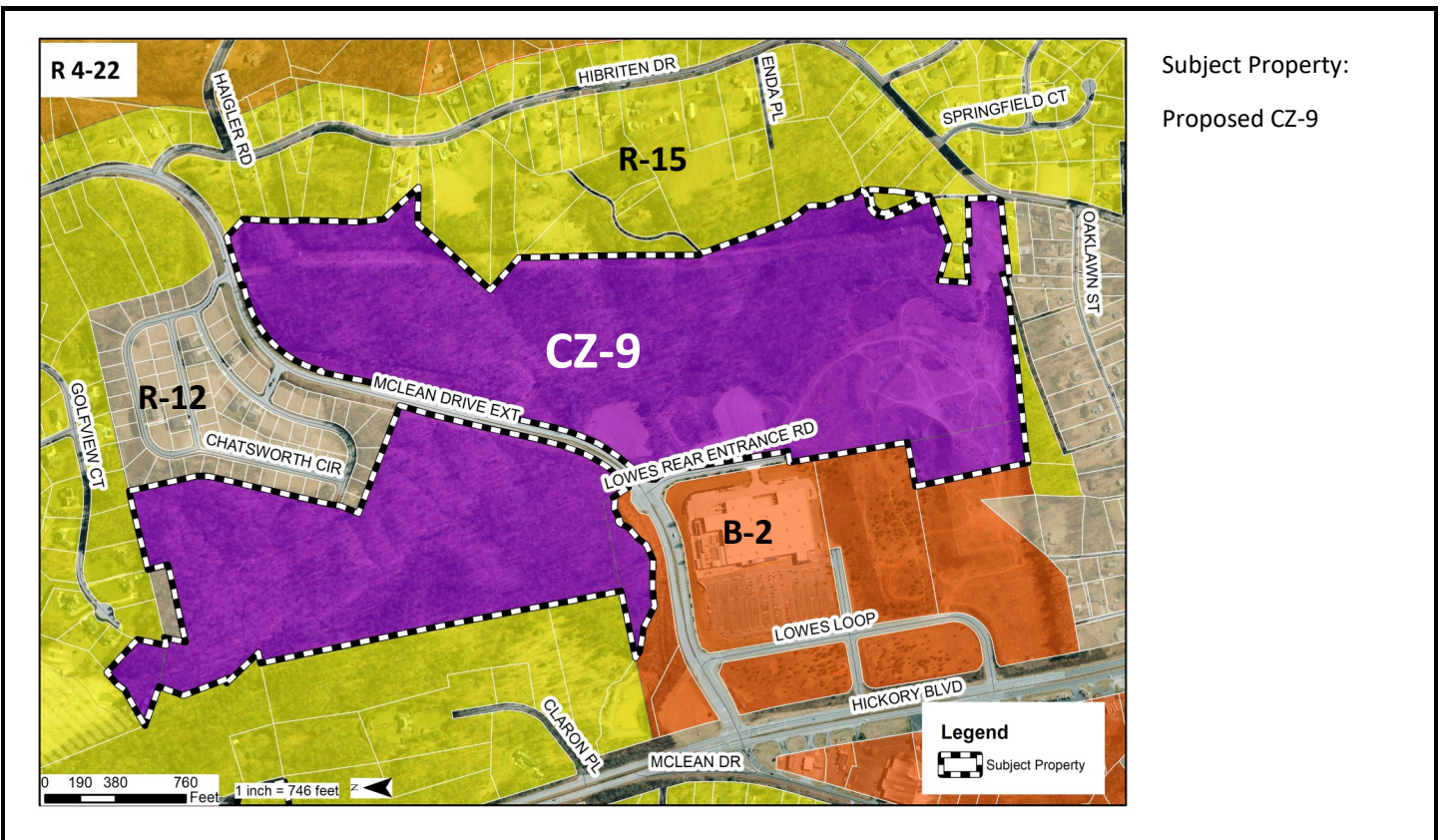
Planning Board Meeting: Scheduled for August 22, 2022. Notices were mailed to adjacent property owners on August 12, 2022.

City Council (Public Hearing): Scheduled for Oct 4, 2022.

EXISTING ZONING



PROPOSED ZONING



BACKGROUND AND ANALYSIS

Intent of Conditional Zoning

The City of Lenoir's Zoning Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. Conditional Zoning is intended for use in unique development scenarios when a development proposal does not fit into a conventional zoning district, but may be desirable and compatible with an area depending on the specific details of the project and its surroundings.

The conditional zoning process gives the City sufficient flexibility to determine whether a specific project on a given site will be compatible with the environment and the Comprehensive Plan. Conditional Zoning is a legislative process requiring the Planning Board to review and make a recommendation to the City Council on the request. Each Conditional Zoning district is adopted as an ordinance and is recorded with the Register of Deeds.

Subject and Surrounding Properties

The subject property is located on the north and south sides of McLean Drive Ext in the southeast quadrant of Lenoir. Several unnamed streams run through the subject property. The tract is currently zoned mostly R-12 (Medium-Density Single Family). The entirety of the property is undeveloped; The southern tract has been partially cleared and logging roads provide internal access. The northern tract is forested and hilly.

To the west of the subject property, the Lowe's area is zoned B-2 (General Business). The area around the McLean Drive and US-321 intersection has seen several commercial redevelopment projects in recent years. The areas to the north, east, and south are all single-family residential neighborhoods zoned R-15 and R-12. The northern-most property line of the subject property borders the Lenoir Golf Course.

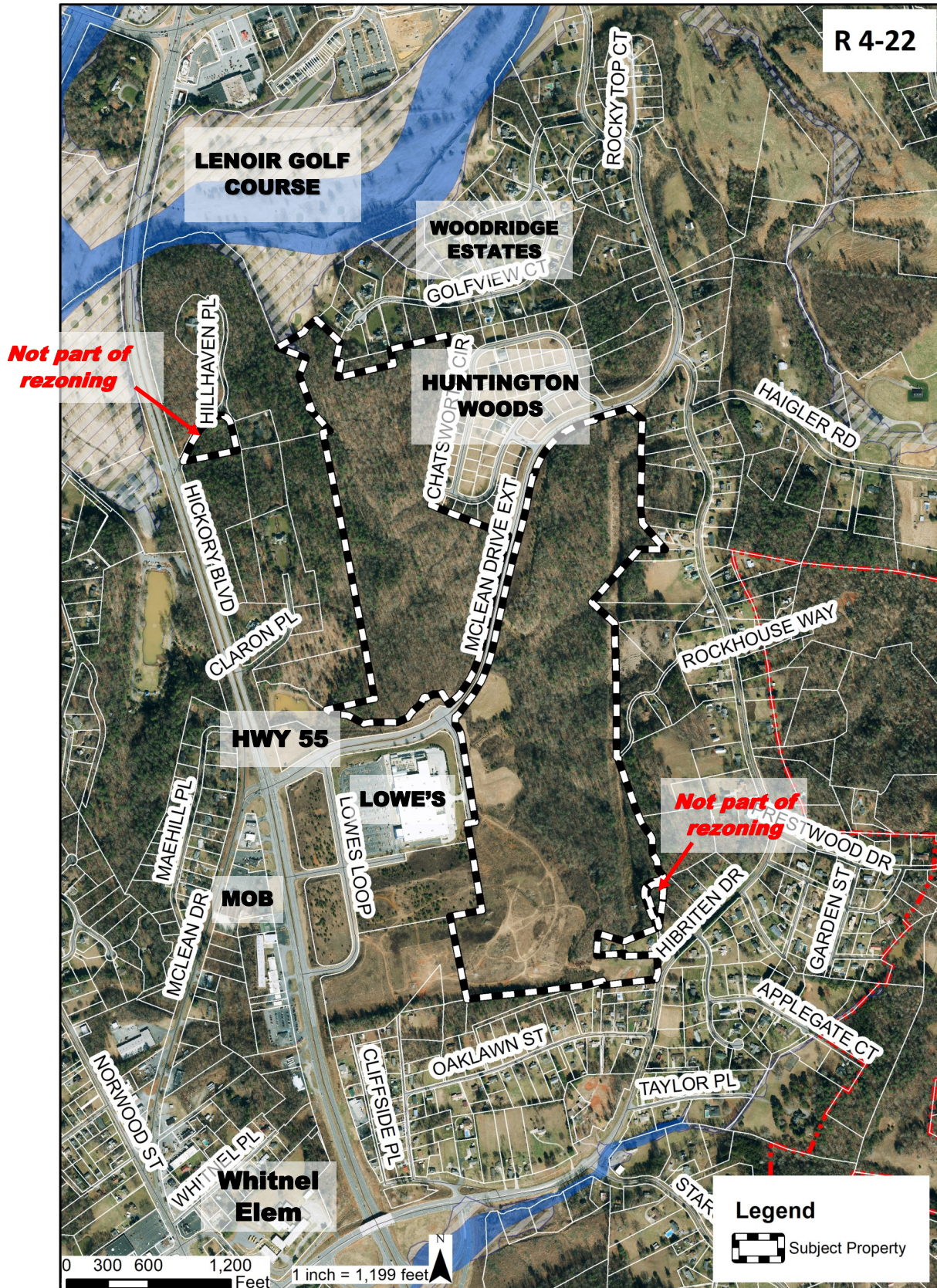
Proposed Development

The applicant is proposing a residential development with a variety of housing types clustered into distinct communities and connected with trails and corridors of open space. The overall density and number of homes will not exceed that of the existing R-12 zoning, but the proposed CZ would designate some areas for zero-lot-line developments (2, 3, or 4 units attached together, divided by fire walls, and platted as fee-simple lots) or low-density multi-family buildings (duplex, tri-plex, quadplex, or garden apartments) in addition to detached single family homes. Additionally, development standards will allow for smaller lots with smaller building setbacks than would normally be allowed in R-12. (Note: lot sizes and setbacks match what was approved for Huntington Woods in 2007.)

The CZ has three sections. Section I, located behind Lowe's Hardware, contains the densest residential communities — within Section I, three areas are identified for townhome-style development. Section II, located on the north side of McClean drive, is proposed as detached single family and will connect with the existing Huntington Woods subdivision, which was originally part of the subject tract. Section III is located on the easternmost acreage, separated from Section I by an intermittent stream. Section III has two subareas proposed for clustered development, which may be detached single family or townhome style units, or a combination of both. Up to 350 units are contemplated across the three areas, with at least 30 percent of the acreage preserved as open space (most will be undeveloped passive green space, but a network of walking trails following the low-laying areas/intermittent streams is proposed to connect neighborhood clusters throughout the three areas. Additionally, two community parcels are proposed — the largest, off McClean Drive, will have a clubhouse and other community amenities. Another off Hibriten Drive is proposed to have a small parking area adjacent to the greenway trail.

The Concept Plan illustrates ingress/egress for each section, as well as the connectivity between sections for both automobile and pedestrian traffic. Wherever feasible, streets are required to be extended/connected, with dead-ends minimized. Due to the topography, some cul-de-sacs are unavoidable — as a condition of approval, dead-end streets will provide pedestrian connectivity to

SURROUNDING MAP



BACKGROUND AND ANALYSIS

the greenway trail. Private roads are permitted within the development, and attached dwellings may be designed to utilize shared driveways/alleyways — design must conform to public safety standards (NC Building/Fire Code).

Fee Simple Lots vs. Multi-Family

In Sections I and III, flexibility is provided to allow for different ownership scenarios. The development will be “townhome style” but when a building with 2, 3, or 4 units is owned by a single owner, it is considered a multi-family use (ex: duplex, triplex, or quadplex). It may be built to a different building code, with residential fire suppression systems (sprinklers), rather than firewalls between each unit. When the townhome unit is meant for individual fee-simple ownership, it is considered a single family use, with lot lines following the firewalls between each unit and buyers purchasing the land and building. HOAs are required for any attached housing that will be sold in fee simple — attached buildings still share common areas like roofs, porches, driveways, and common space, which would be the responsibility of the HOA.

Development Process/Next Steps

The Conditional Zoning Ordinance describes the permitted uses, development standards, and conditions of the zoning district agreed on by the developer and city. Details related to the final building and lot layout in each section (or subsection) will be established during the major subdivision process, consistent with the overall concepts allowed by the CZ ordinance, with a preliminary plat coming back before the Planning Board and City Council for a quasi-judicial hearing. The Preliminary Plat shows infrastructure to be installed, such as water, sewer, and public and private roads. It also shows the proposed lot layout, and lot count.

Approval of the preliminary plat allows for infrastructure construction to begin. Once infrastructure is installed, the developer proposes the Final Plat for Council approval, at which point it is recorded with the Register of Deeds and the lots are officially subdivided/created. When the developer is ready to start construction of the homes, he or she will apply for zoning, building, driveway, and stormwater permits, as applicable. Planning staff will use the CZ ordinance to administratively review/approve permits.

Proposed Conditional Zoning District: CZ-9 Specific Standards

Special conditions proposed for CZ-9 ordinance:

1. **Base Zoning.** Base zoning district is R-12. Any development standards not specifically addressed in the Conditional Zoning Ordinance will default to the R-12 zoning district.
2. **Maximum Density.** 3.6 du/acre is the maximum density allowed across all three sections. Individual sections may exceed this density provided the overall density falls below 3.6
3. **Open Space.** At least 30 percent of the overall acreage must be preserved as open space, calculated across all three sections. Each section must contain at least 10 percent open space. Greenways, active recreation/amenities, stormwater features when landscaped/designed to be amenities, and perimeter and stream buffers all may be considered to meet the open space requirement — parking areas are not considered open space. Open space should be located on steep slopes and alluvial areas, in order to protect these areas from erosion and negative impacts of development.
4. **Residential Use Definitions.** Where used in this ordinance, the following terms are defined as follows:
 - Dwelling, Single-family attached (Townhouses or row houses) - A single-family dwelling unit constructed in a series or groups of attached units with a common dividing side wall with property lines separating such units. A single dwelling unit occupies the area from ground to roof and may include front and/or back yard areas. Two, three, or four units may be attached together.
 - Dwelling, Single-family detached - A detached building on it's own platted lot that contains one dwelling unit, other than a manufactured home, designed for occupancy exclusively by one family. One accessory dwelling unit is allowed to be located on any single family lot.

CONDITIONS, CONT.

- **Dwelling, Multi-family low-rise** - A low-intensity multi-family development. Often called garden apartments, buildings are typically arranged around common courtyards or greenspace, with patios, porches, decks, or other private amenities for each unit. Units are usually accessed through private entrances directly from the outside. Maximum four units per building.

5. Permitted Uses — The following will be permitted uses:

Sections 1 & 3: Attached single-family, detached single family, low-rise multi-family

Section 2: Detached single family

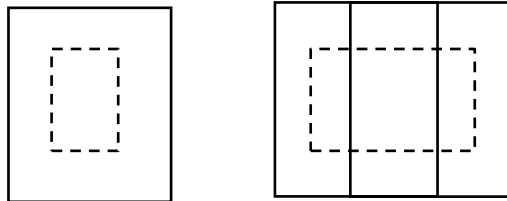
6. Setbacks: The minimum setbacks for principal structures are:

Front: 20 ft

Side: 10 ft or 0 ft.

Street side: 20 ft.

Rear: 20 ft.



7. Private Roads. Where roads exclusively serve attached dwellings or multi-family uses, private maintenance may be required. Frontage on a private road under this scenario will be considered satisfactory frontage for platting fee simple lots.

8. Home Owners Association (HOA) Required. An HOA, or multiple HOAs, must be established for all sections that contain commonly owned improvements, and will be responsible for maintaining all commonly owned private improvements — including but not limited to private roads, open space, stormwater conveyance systems, and neighborhood entrance signage.

9. Network Connectivity/Ingress and Egress:

Section 1: Access from the road behind Lowes and access from Hibriten Drive is required. At least one road connection must be provided between Section 1 and Section 3.

Section 2: The existing road network in Huntington Woods must be extended into Section 2. One additional connection to McClean Drive is required. This connection should be located to align with the clubhouse entrance.

Section 3: An additional connection to McClean Drive is required, and one additional connection point must be provided to Section 1.

Clubhouse Parcel: A driveway connection may be located on McClean Drive, pending approval by NCDOT. Alternative access may be from Section 1 or Section 3.

Greenway/Pedestrian Connections: Each subarea and any cul-de-sac lots must have an easily accessible trail access point (within 500 ft. of any dwelling unit), allowing use of the greenway to access other neighborhood clusters as well as community amenities. The greenway crossing of McClean Drive must be approved by NCDOT, and should be designed in accordance with standard engineering practices for mid-block greenway crossings.

10. Stormwater/Low Density Design. Development must conform to NCDEQ's SW Design Manual's low density design requirements for dispersed flow and vegetative conveyances whenever feasible. Where subarea clusters exceed 2.4 du/acre, post construction stormwater management may be required for those areas. Density determinations will be made during the preliminary plat process.

11. Landscape Screen.

Where a mature tree buffer does not exist, a continuous 15' wide landscape screen must be maintained along all property lines that abut residential zones. The screen must meet the requirements of Sec. 712.12.

12. Phasing — Cluster Neighborhoods and Community Amenities. The sections may be built-out in any order, and each section

CONDITIONS, CONT.

may be developed in multiple phases, in accordance with the following:

1. Each phase must be able to “stand alone” and function in accordance with generally accepted engineering and planning practices and the requirements of the Lenoir Code of Ordinances.
2. The main Greenway and unpaved hiking/walking trail south of McClean Drive must be constructed with the first phase of development; the trail north of McClean drive (in Section II) must be constructed prior to the first C/O in Section II. Pedestrian connections to the main greenway trail must be built with other infrastructure in each phase — paving may be required
3. The clubhouse/community amenity parcel must be developed prior to 75% build-out of any single phase or 30% build-out of the entire project, whichever is sooner.

CONSISTENCY STATEMENT/STAFF RECOMMENDATIONS

Consistency with the Comprehensive Plan/Reasonableness of Amendment

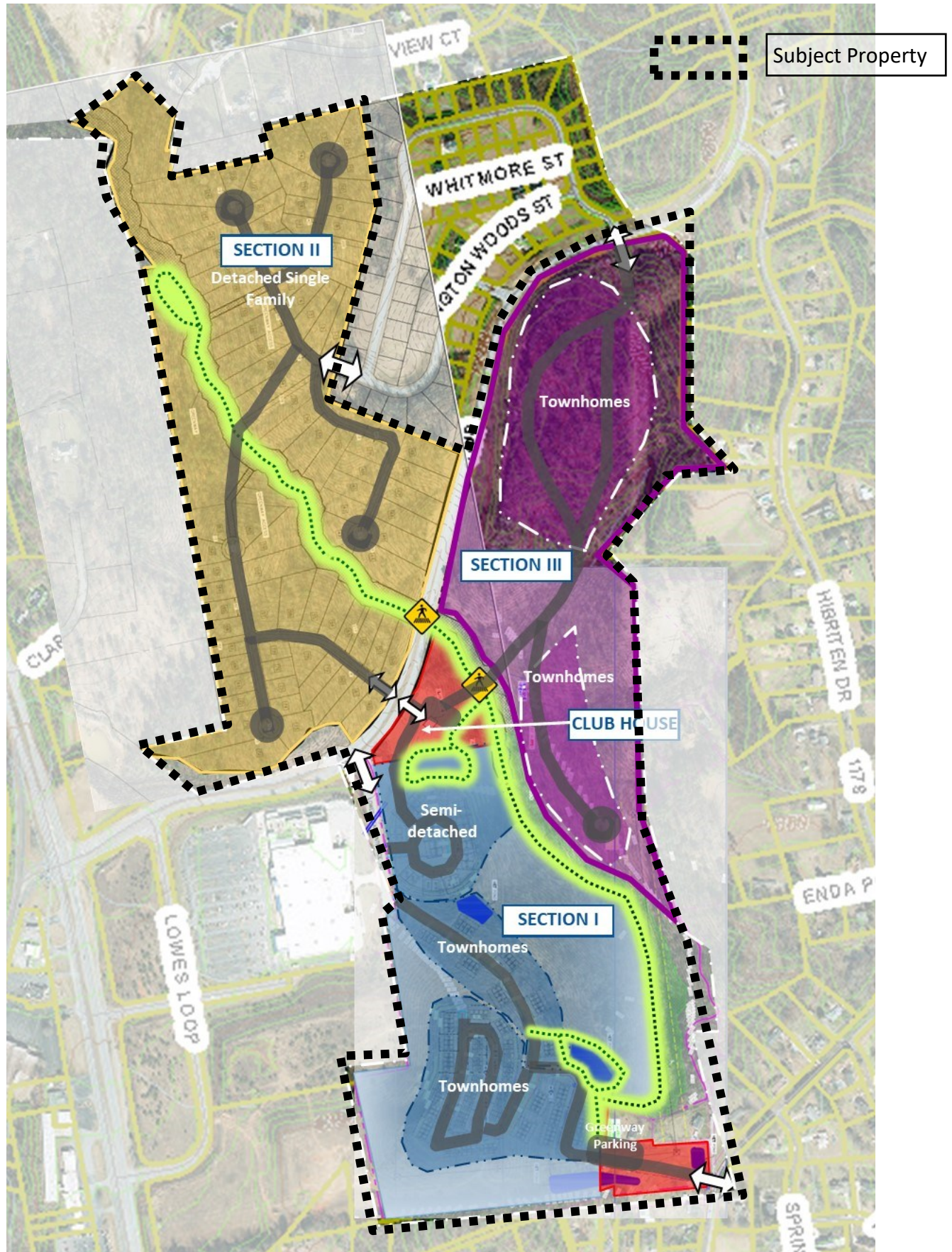
When adopting or rejecting any zoning amendment, City Council must adopt a brief statement describing whether or not the action is consistent with the City’s Comprehensive Plan, in accordance with G.S. 160D-605(a), and must also address the reasonableness of any proposed map amendments. Staff offers the following draft statement on the consistency and reasonableness of the request.

The proposed Conditional Zoning District is consistent with the land use policy concepts in the Comprehensive Plan that call for distinctive neighborhoods that preserve open space, enhance walkability, accommodate a range of housing types, use stormwater measures as community amenities, and foster a strong sense of place. The proposed development is consistent with the Future Land Use Map, which identifies the parcel as “medium density residential” and “mixed use with commercial” — while commercial uses aren’t proposed, the densities and mix of housing types proposed are consistent with the larger area accommodating a mix of uses. The re-zoning is reasonable and in the public interest because it provides much-needed housing at a variety of densities, at an appropriate scale near the US-321 commercial corridor.

PLANNING BOARD RECOMMENDATIONS

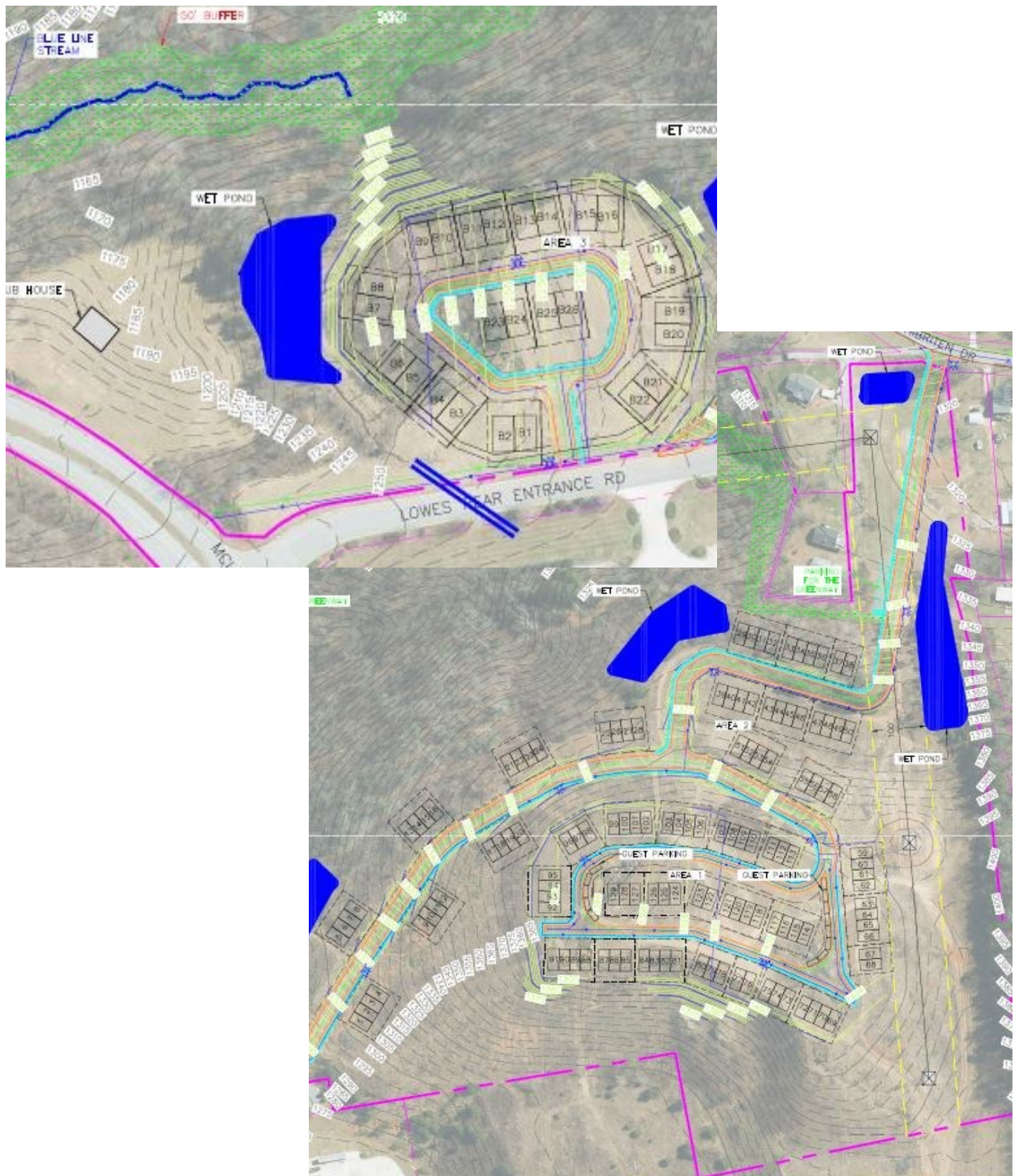
Approval of the request, based on the consistency statement above.

CONCEPT PLAN



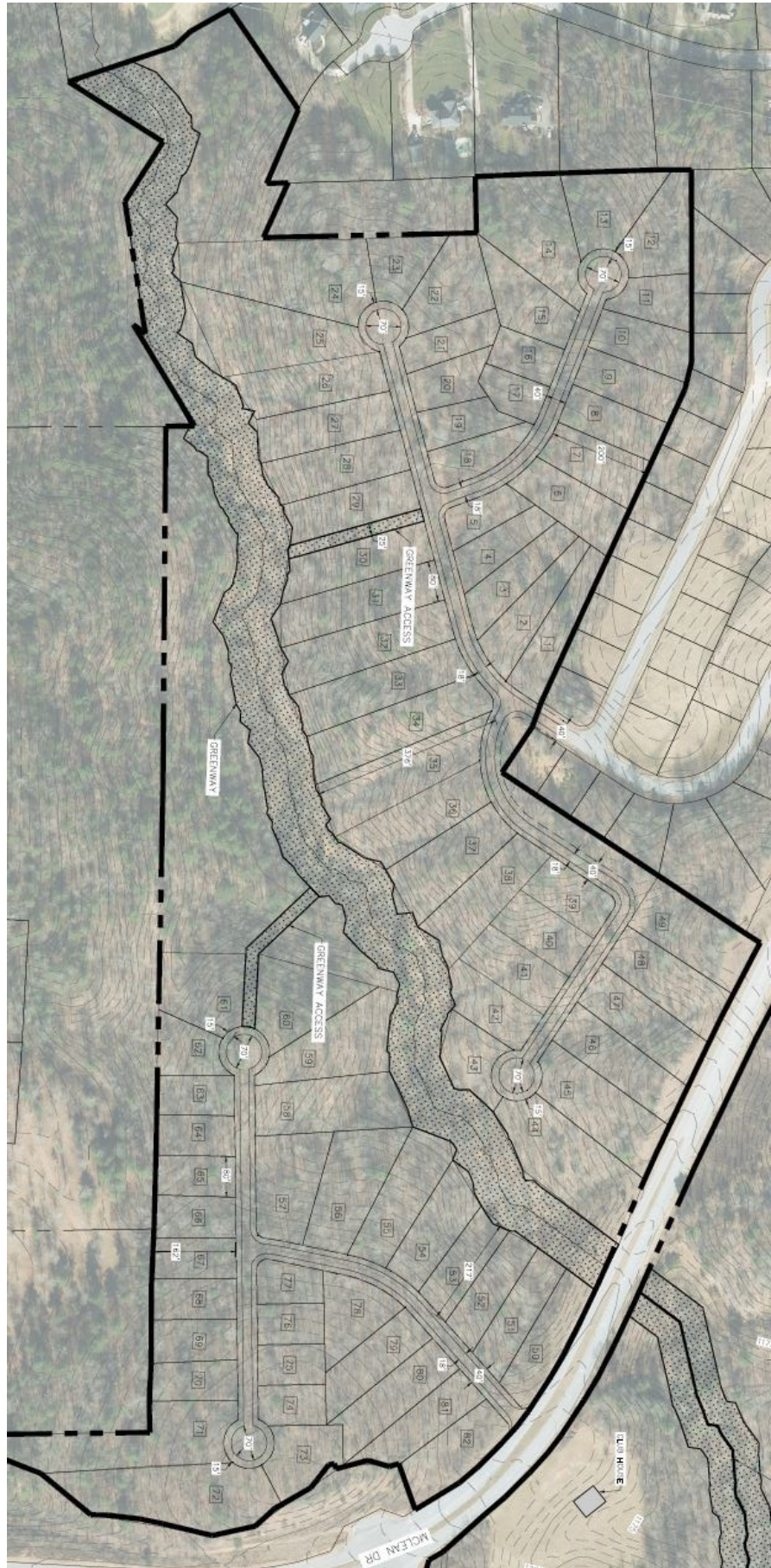
PRELIMINARY DETAILED SITE PLANS

SECTION I & Clubhouse



PRELIMINARY DETAILED SITE PLANS

SECTION 2



SITE PHOTOS — 8/8/2022



Above: PSection 1 | proposed access (facing west from Hibriten Drive)



Above: Proposed extension of Lowe's Rear Entrance Road (name TBD)



Above: Phase II facing north from McLean Dr

Bottom Right: Phase II access from Huntington Woods' Chatsworth Circle



Above: Phase I, facing east from Lowe's Rear Entrance Road



AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, DESIGNATING CERTAIN LAND GENERALLY LOCATED NORTH AND SOUTH OF MCLEAN DRIVE, WEST OF HUNTINGTON WOODS NEIGHBORHOOD AND HIBRITEN DRIVE, COMPRISED OF 157 ACRES, MORE OR LESS, AS CONDITIONAL ZONING DISTRICT #9 (CZ-9) 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 August 22, 2022, the Lenoir Planning Board considered zoning application case number R4-22, requesting the Conditional Zoning district designation, for approximately 157 acres of land, described by the legal description attached to this ordinance as **Exhibit “A”** (hereinafter the “Property”); and

Whereas, the property owner and applicant desires to develop a multi-phase, master planned residential development on the property, while preserving green space and environmentally sensitive areas, necessitating the need for Conditional Zoning; 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 R4-22, 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, which calls distinctive neighborhoods that preserve open space,

enhance walkability, accommodate a range of housing types, use stormwater measures as community amenities, and foster a strong sense of place. The proposed development is consistent with the Future Land Use Map, which identifies the parcel as “medium density residential” and “mixed use with commercial” — while commercial uses aren’t proposed, the densities and mix of housing types proposed are consistent with the larger area accommodating a mix of uses. The re-zoning is reasonable and in the public interest because it provides much-needed housing at a variety of densities, at an appropriate scale near the US-321 commercial corridor; 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; 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 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-12 zoning district to Conditional Zoning district on the City’s Official Zoning Map (to be denoted as “CZ-9”).

SECTION 2. OTHER DEVELOPMENT LAWS. Except as expressly provided otherwise by this ordinance, the CZ-9 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-12 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-9 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. **Definitions.** Where used in this ordinance, the following terms are defined as follows:
 - a. *Dwelling, Single-family attached* (Townhouses or row houses) - A single-family dwelling unit constructed in a series or groups of attached units with a common dividing side wall with property lines separating such units. A single dwelling unit occupies the area from ground to roof and may include front and/or back yard areas. Two, three, or four units may be attached together.
 - b. *Dwelling, Single-family detached* - A detached building on its own platted lot that contains one dwelling unit, other than a manufactured home, designed for occupancy exclusively by one family. One accessory dwelling unit is allowed to be located on any single-family lot.
 - c. *Dwelling, Multi-family low-rise* - A low-intensity multi-family development. Often called garden apartments, buildings are typically arranged around common courtyards or greenspace, with patios, porches, decks, or other private amenities for each unit. Units are usually accessed through private entrances directly from the outside. Maximum four units per building.
5. **Permitted Uses.** The uses permitted in CZ-9 vary by the three sections on the Concept Plan. They are as follows:
 - a. Section I & Section III (South of McLean Drive): Attached single-family, detached single family, low-rise multi-family, and club house.
 - b. Section II (North of McLean Drive): Detached single family and accessory uses.
6. **Density.** Residential uses shall be limited to a maximum density of 3.6 dwelling units/acre. Individual sections may exceed this density provided the overall density falls below 3.6.
7. **Open Space.** At least 30 percent of the overall acreage must be preserved as open space, calculated across all three sections. Each section must contain at least 10 percent open space. Greenways, active recreation/amenities, stormwater features when landscaped/designed to be amenities, and perimeter and stream buffers all may be considered to meet the open space requirement — parking areas are not considered open space. Open space should be located on steep slopes and alluvial areas, in order to protect these areas from erosion and negative impacts of development.
8. **Setbacks.** The minimum setbacks for principal structures are:
 - a. Front: 20 ft.
 - b. Side 10 ft or 0 ft
 - c. Street side: 20 ft
 - d. Rear: 20 ft.
9. **Private Roads.** Where roads exclusively serve attached dwellings or multi-family uses, private maintenance may be required. Frontage on a private road under this scenario will be considered satisfactory frontage for platting fee simple lots.
10. **Home Owners Association.** An HOA, or multiple HOAs, must be established for all sections that contain commonly owned improvements, and will be responsible for maintaining all commonly owned private improvements — including but not limited to private roads, open space, stormwater conveyance systems, and neighborhood entrance signage.
11. **Ingress and Egress.**
 - a. **Section I:** Access from the road behind Lowes and access from Hibriten Drive is required. At least one road connection must be provided between Section 1 and Section 3.
 - b. **Section II:** The existing road network in Huntington Woods must be extended into Section 2. One additional connection to McClean Drive is required. This connection should be located to align with the clubhouse entrance.
 - c. **Section III:** An additional connection to McClean Drive is required, and one additional connection point must be provided to Section 1.
 - d. **Clubhouse Parcel:** A driveway connection may be located on McClean Drive, pending approval by NCDOT. Alternative access may be from Section 1 or Section 3.

- e. **Greenway/Pedestrian Connections:** Each subarea and any cul-de-sac lots must have an easily accessible trail access point (within 500 ft. of any dwelling unit), allowing use of the greenway to access other neighborhood clusters as well as community amenities. The greenway crossing of McClean Drive must be approved by NCDOT, and should be designed in accordance with standard engineering practices for mid-block greenway crossings.
- 12. **Stormwater/Low Density Design.** Development must conform to NCDEQ's SW Design Manual's low density design requirements for dispersed flow and vegetative conveyances whenever feasible. Where subarea clusters exceed 2.4 du/acre, post construction stormwater management may be required for those areas. Density determinations will be made during the preliminary plat process.
- 13. **Landscaping.** Where a mature tree buffer does not exist, a continuous 15' wide landscape screen must be maintained along all property lines that abut residential zones. The screen must meet the requirements of Sec. 712.12.
- 14. **Phasing — Cluster Neighborhoods and Community Amenities.** The sections may be built-out in any order, and each section may be developed in multiple phases, in accordance with the following:
 - a. Each phase must be able to "stand alone" and function in accordance with generally accepted engineering and planning practices and the requirements of the Lenoir Code of Ordinances.
 - b. The main Greenway and unpaved hiking/walking trail south of McClean Drive must be constructed with the first phase of development; the trail north of McClean drive (in Section II) must be constructed prior to the first C/O in Section II. Pedestrian connections to the main greenway trail must be built with other infrastructure in each phase — paving may be required
 - c. The clubhouse/community amenity parcel must be developed prior to 75% build-out of any single phase or 30% build-out of the entire project, whichever is sooner.

SECTION 5. 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 6. 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, the 23rd and the 30th day of September, 2022.

DONE, THE PUBLIC HEARING, at a regular meeting, the 4th day of October, 2022.

DONE, ENACTED ON FINAL PASSAGE, by an affirmative vote of the majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 4th day of October, 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

Exhibit A – As found on Deed Book 1131, Page 1299

EXHIBIT "A"

This is a description of a survey made for First Union National Bank, Trustee of the T. H. Broyhill Estate, being a part of that property as described at Deed Book 125 at Page 471, a part of that property is described at Deed Book 121 at Page 077, a part of that property is described at Deed Book 127 at Page 218, a part of that property is described at Deed Book 290 at Page 247, and a part of that property is described at Deed Book 298 at Page 383, all as recorded in the Caldwell County Registry of Deeds, being in the City of Lenoir, Lower Creek Township, Caldwell County, North Carolina and being more particularly described as follows:

BEGINNING on a concrete monument on the east right-of-way of U.S. Highway 321, said BEGINNING POINT being a corner with that property belonging to Paul Broyhill as recorded at Deed Book 851 at Page 629 in the Caldwell County Registry of Deeds, and being located South 25 degrees 26 minutes 19 seconds East 542.40 feet from the N.C.G.S. Station "Claron", and said BEGINNING POINT having the North Carolina grid coordinates of North 792,005.56 feet East 1,253,043.40 feet; thence from the POINT OF BEGINNING and with the Paul Broyhill property, North 77 degrees 54 minutes 10 seconds East 800.68 feet to the center of a concrete monument; thence still with the Paul Broyhill property and with other properties, North 11 degrees 51 minutes 10 seconds West 2031.51 feet to an existing 3/4-inch iron pipe, which is a corner with that property belonging to BMC Fund, Inc. (see Deed Book 303 Page 623, Deed Book 318 Page 553, Deed Book 536 Page 189, Deed Book 794 Page 077); thence continuing with the BMC Fund, Inc. property, North 77 degrees 55 minutes 32 seconds East passing an existing 1/2-inch iron pipe on line at 65.41 feet and continuing on the same bearing 12.58 feet for a total distance along this bearing of 77.99 feet to a point in the center of a branch, still at the corner of the BMC Fund, Inc. property; thence with the branch and with the BMC Fund, Inc. property for eight calls: North 47 degrees 25 minutes 26 seconds West 218.71 feet; North 45 degrees 43 minutes 52 seconds East 27.40 feet; North 47 degrees 07 minutes 52 seconds West 37.50 feet; North 08 degrees 49 minutes 58 seconds West 101.50 feet; North 20 degrees 29 minutes 11 seconds West 110.94 feet; North 31 degrees 33 minutes 02 seconds East 55.43 feet; North 12 degrees 14 minutes 41 seconds East 110.37 feet; North 61 degrees 48 minutes 36 seconds West 188.83 feet to a point in the center of the branch, the corner of the BMC Fund, Inc. property and that property belonging to Lenoir Golf Club, Inc., a deed of which is recorded at Deed Book 865 at Page 697; thence with the Golf Club property for three calls: North 59 degrees 21 minutes 49 seconds East passing an existing 1/2-inch iron pipe on line at 11.65 feet and continuing on the same bearing 208.40 feet for a total distance along this bearing of 220.05 feet to an existing 1/2-inch iron pipe; North 33 degrees 13 minutes 49 seconds East 45.01 feet to a new 3/4-inch iron pipe; North 49 degrees 24 minutes 08 seconds East 59.01 feet to a new 3/4-inch iron pipe, which is a corner with the Lenoir Golf Club, Inc. property and Lot Number 17 of "Woodridge Estates" (Plat Book

14 Page 129, 130, 146, and 202); thence with the "Woodridge Estates" Subdivision for three calls: South 44 degrees 45 minutes 40 seconds East 239.80 feet to an existing 1/2-inch iron pipe on the northwest right-of-way of Golfview Court (see a 40-foot wide right-of-way recorded at Deed Book 1031 at Page 875); thence with the northwest right-of-way of Golfview Court, South 12 degrees 10 minutes 56 seconds West 159.51 feet to an existing 1/2-inch iron pipe; North 76 degrees 45 minutes 23 seconds East (crossing Golfview Court), passing an existing 1/2-inch iron pipe on line at 44.29 feet, continuing 366.32 feet to an existing 1/2-inch iron pipe and still continuing on the same bearing 1376.44 feet for a total distance along this bearing of 1787.05 feet to an existing 1/2-inch iron pipe, a corner with "Woodridge Estates", that property belonging to Tommy Setzer as recorded at Deed Book 289 at Page 549, and that property belonging to Mack Wilson, a deed of which is recorded at Deed Book 695 at Page 838; thence with the Wilson property South 14 degrees 55 minutes 48 seconds East 458.21 feet to an existing 1/2-inch iron pipe at a poplar tree, a corner with the Wilson property and that property belonging to Brenda Strait, a deed of which is recorded at Deed Book 769 at Page 671; thence with the Strait property South 16 degrees 04 minutes 55 seconds East 65.87 feet to the center of an 18-inch Hickory tree, a corner with the Strait property and that property belonging to Everett Haney, et al, a deed of which is recorded at Deed Book 1045 at Page 524; thence with the Haney, et al, property for three calls: South 33 degrees 44 minutes 53 seconds East 170.94 feet to an existing 1/2-inch iron pipe; South 59 degrees 18 minutes 42 seconds East 187.14 feet to an existing 1/2-inch iron pipe South 48 degrees 13 minutes 58 seconds East 150.38 feet to an existing 3/4-inch iron pipe, a corner with the Haney property and that property belonging to William Spicer, a deed of which is recorded at Deed Book 599 at Page 325; thence with the Spicer property, South 04 degrees 44 minutes 36 seconds West 133.73 feet to an existing 1 1/4-inch iron pipe, a corner with the Spicer property and that property belonging to Duke Power Co., a deed of which is recorded at Deed Book 649 at Page 48; thence with the Duke Power Co. property, South 04 degrees 04 minutes 27 seconds West 134.19 feet to a corner marked by an axle, a corner with the Duke Power Co. property and that property belonging to Clarence Land, a deed of which is recorded at Deed Book 819 at Page 245 and at Deed Book 277 at Page 408; thence with the Land property for two calls: South 07 degrees 33 minutes 11 seconds East 328.13 feet to a 20-inch marked ash tree; South 03 degrees 36 minutes 40 seconds East 199.61 feet to an existing 1/2-inch iron pipe, a corner with the Land property and that property belonging to Andrea Dula, et al, a deed of which is recorded at Deed Book 1119 at Page 427; thence with the Dula property South 41 degrees 14 minutes 46 seconds East 148.41 feet to an existing 1/2-inch iron pipe at a large oak tree, a corner with the Dula property and that property belonging to Vernon Greene, a deed of which is recorded at Deed Book 255 at Page 21; thence with the Greene property North 83 degrees 18 minutes 43 seconds West 166.69 feet to an existing 1/2-inch iron pipe; thence still with the Greene property South 45 degrees 58 minutes 25 seconds West (passing the corner of the Ernest L. Reid, Jr. property) 537.52

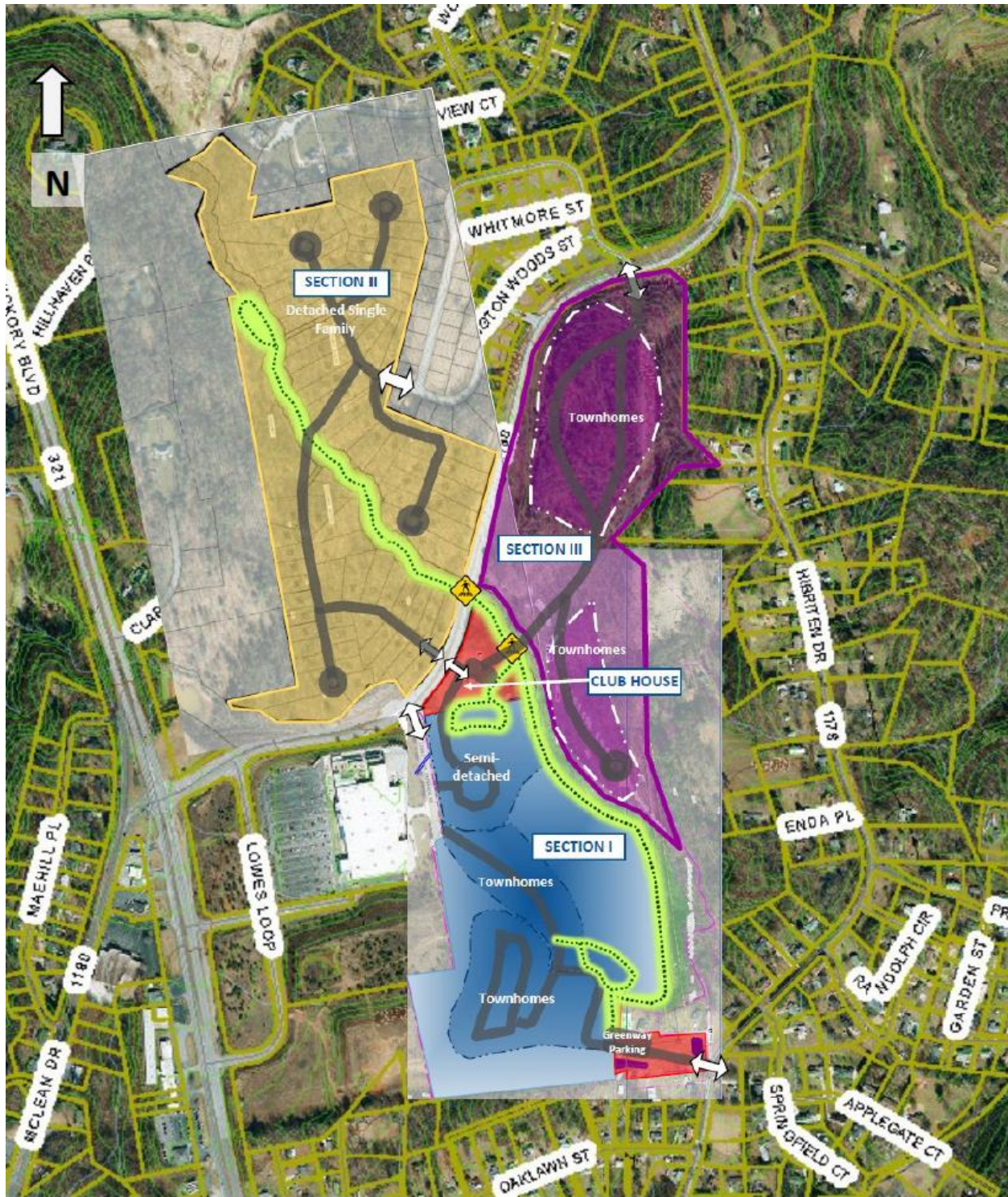
feet to an existing 1/2-inch iron pipe, a corner with that property belonging to Ernest L. Reid, Jr., a deed of which is recorded at Deed Book 1123 at Page 966 and Page 970; thence with the Reid property South 43 degrees 58 minutes 21 seconds East 330.66 feet to a new 3/4-inch iron pipe, a corner with the Reid property, that property belonging to Lorita Bolen, a deed of which is recorded at Deed Book 1117 at Page 811 and that property belonging to Warren Barlow as recorded at Deed Book 945 at Page 579; thence with the Barlow property South 00 degrees 26 minutes 20 seconds West 965.75 feet to a corner marked by an angle iron, a corner with the Warren Barlow property and that property belonging to Carl Clement (see Deed Book 940 Page 249 and Deed Book 708 Page 581); thence with the Clement property and with the center of the Old Shoates Bridge Road for four calls: South 46 degrees 08 minutes 48 seconds East 21.55 feet to a new 3/4-inch iron pipe; South 14 degrees 09 minutes 33 seconds East 35.13 feet to a new 3/4-inch iron pipe; South 17 degrees 51 minutes 58 seconds East 268.06 feet to a new 3/4-inch iron pipe; South 20 degrees 38 minutes 07 seconds East 161.42 feet to an angle iron found in a fence corner, a corner of the Clement property and that property belonging to Edward Miller as recorded at Deed Book 779 at Page 354; thence continuing with the center of the Old Shoates Bridge Road and with the Miller property for seven calls: South 38 degrees 35 minutes 33 seconds East 70.47 feet to a new 3/4-inch iron pipe; South 30 degrees 58 minutes 19 seconds East 102.33 feet to a new 3/4-inch iron pipe; South 08 degrees 11 minutes 59 seconds West 73.07 feet to a new 3/4-inch iron pipe; South 19 degrees 11 minutes 20 seconds East 136.41 feet to a new 3/4-inch iron pipe; South 23 degrees 49 minutes 02 seconds East 61.53 feet to a new 3/4-inch iron pipe; South 37 degrees 09 minutes 11 seconds East 52.69 feet to a new 3/4-inch iron pipe; South 03 degrees 26 minutes 35 seconds East 29.29 feet to a new 3/4-inch iron pipe, over a culvert in the old roadbed, a corner with the Miller property and that property belonging to Nolan Lovins, a deed of which is recorded at Deed Book 661 at Page 1124; thence with the Lovins property for three calls: South 14 degrees 00 minutes 02 seconds West 34.72 feet to an existing 1/2-inch iron pipe; South 08 degrees 01 minutes 35 seconds West passing an existing 3/4-inch iron pipe on line at 97.34 feet and continuing on a same bearing 223.66 feet for a total distance along this bearing of 321.00 feet to an existing 1-inch iron rod, a corner with the Lovins property and that property belonging to Travis Woods, a deed of which is recorded at Deed Book 1090 at Page 685; thence with the Woods property South 70 degrees 53 minutes 15 seconds West 209.58 feet to a railroad spike in an oak stump, a corner with the Woods property and that property belonging to Ralph Anderson, as recorded at Deed Book 298 at Page 145; thence with the Anderson property for two calls: North 78 degrees 44 minutes 34 seconds West 206.46 feet to an existing 3/4-inch iron pipe; South 01 degrees 30 minutes 23 seconds West 159.85 feet to an existing 3/4-inch iron pipe, a corner with the Duke Power Co., as recorded at Deed Book 669 at Page 572; thence with Duke Power Co. for three calls: South 00 degrees 55 minutes 20 seconds West 10.58 feet to an existing 1/2-inch iron pipe; North 85 degrees 09 minutes 10 seconds East 223.09 feet to a new 3/4-inch iron pipe; North 07 degrees 17 minutes 56

seconds West 1.60 feet to a 1/2-inch rebar, a corner with Travis Woods, a deed of which is recorded at Deed Book 1090 at Page 685; thence with Woods North 87 degrees 28 minutes 41 seconds East 68.13 feet to a new 3/4-inch iron pipe, a corner with Duke Power Co., a deed of which is recorded at Deed Book 669 at Page 572; thence with Duke Power Co. for two calls: South 07 degrees 17 minutes 56 seconds East 48.80 feet to a new 3/4-inch iron pipe; North 85 degrees 06 minutes 37 seconds East 119.11 feet to an existing 1/2-inch iron pipe in the center of an old road, a corner with the Duke Power Co. property and the Nolan Lovins property; thence with the old road and with the Nolan Lovins property, South 04 degrees 14 minutes 21 seconds East 111.30 feet to a P.K. Nail in the center of Hibriten Drive; thence with the center of Hibriten Drive South 08 degrees 59 minutes 40 seconds West 39.90 feet to a P.K. Nail in the center of Hibriten Drive, a corner of that property belonging to Wayne Young (see Deed Book 852 Page 932, Deed Book 836 Page 860); thence with the Young property for three calls: South 85 degrees 07 minutes 59 seconds West passing a new 3/4-inch iron pipe on line at 30.00 feet and continuing on the same bearing 394.97 feet for a total distance along this bearing of 424.97 feet to an existing 1/2-inch iron pipe North 01 degrees 04 minutes 50 seconds West 18.00 feet to a new 3/4-inch iron pipe; South 74 degrees 18 minutes 03 seconds West 71.00 feet to an angle iron, a corner with the Young property and that property belonging to Charles Henry, a deed of which is recorded at Deed Book 591 at Page 396; thence with the Henry property South 72 degrees 39 minutes 22 seconds West 21.90 feet to an angle iron, a corner with the Henry property and that property belonging to Duke Power Co., a deed of which is recorded at Deed Book 669 at Page 572; thence with the Duke Power Co. property for two calls: South 85 degrees 04 minutes 20 seconds West 817.71 feet to an angle iron; South 79 degrees 32 minutes 31 seconds West 85.81 feet to a new 3/4-inch iron pipe, a new corner in the line with the Duke Power Co. property; thence three new lines: North 11 degrees 15 minutes 00 seconds West passing the center of a concrete monument on line at 200.02 feet and continuing on the same bearing 1637.07 feet to a total distance along this bearing of 1837.09 feet to a concrete monument; North 49 degrees 27 minutes 46 seconds West 235.72 feet to a concrete monument; North 87 degrees 40 minutes 33 seconds West 908.28 feet to the POINT OF BEGINNING, containing 205.053 acres gross, subject to a 5.184 acre parcel (a 68-foot wide Duke Power right-of-way) and subject to 6.453 acre parcel (a 200-foot wide Duke Power right-of-way) and being 193.46 acres net by coordinates; together with the nonexclusive use of a 60-foot wide right-of-way connecting the subject property to U.S. Highway 321, the center line of said right-of-way being more particularly described as follows:

BEGINNING on a point in the southwest boundary of the above described 205.053 acre tract; SAID BEGINNING POINT being located North 49 degrees 27 minutes 46 seconds West 163.55 feet from the center of a concrete monument; said monument being located South 62 degrees 44 minutes 32 seconds East 1484.37 feet from the N.C.G.S. Station "Claron", and said monument having the North Carolina grid coordinates of North 791,815.55 feet, East 1,254,129.95 feet;

thence from the POINT OF BEGINNING and with the center of the right-of-way for four calls: South 77 degrees 54 minutes 10 seconds West 470.00 feet to a point of curve; with a curve concave to the southeast having a radius of 520.00 feet and an arc of 247.33 feet and a chord of South 64 degrees 16 minutes 37 seconds West 245.00 feet to a point in tangency; South 50 degrees 39 minutes 05 seconds West 102.08 feet to a point of curve; with a curve concave to the northwest having a radius of 241.55 feet and an arc of 102.65 feet and a chord of South 62 degrees 49 minutes 33 seconds West 101.88 feet to a point on the east right-of-way of U.S. Highway 321.

As surveyed by Western Carolina Surveyors, P.A.; JOHN E. CLAY, RLS, on the 3rd day of February, 1995 and being their JOB #2758GR2.



CITY OF LENOIR

COUNCIL ACTION FORM: October 4, 2022

I. Agenda Item: Public hearing and first reading of an ordinance amending Chapter 13 of the Lenoir Code of Ordinances related to the creation and regulation of a social district in Downtown Lenoir.

II. Background Information: N.C.G.S. 160A-205.4 authorizes local governments to create and designate one or more “social districts” under N.C.G.S § 18B-300.1 where businesses holding ABC permits may sell alcoholic beverages in approved “to go” cups for consumption within the designated “social district” area.

The attached ordinance creates the Downtown Lenoir Social District and establishes parameters for regulations for the district consistent with state statutes. Specific details related to signage, containers, and operation will be outlined in the Operations and Maintenance Plan.

Note: This ordinance requires two readings, since violations are class 1 misdemeanors. The ordinance will be presented to Council for 2nd reading and final adoption for October 18th. The ordinance is not effective until 45 days after adoption. This gives staff time to establish the operations and maintenance plan, permit application materials, and district signage prior to implementation, as well as allows private ABC permit holders to obtain the proper containers and signage for their business operations.

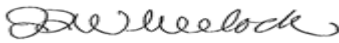
III. Staff Recommendation:

Approval of the attached ordinance on first reading.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____

Economic Development Director: _____

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING CHAPTER 13 OF THE
LENOIR CITY CODE TO ADD ARTICLE V “DOWNTOWN
SOCIAL DISTRICT,” DIRECTING STAFF TO PREPARE A
MANAGEMENT AND MAINTENANCE PLAN AND
DETAILED MAP, AND PROVIDING FOR SEVERABILITY,
CODIFICATION, AND AN EFFECTIVE DATE.**

Whereas, N.C.G.S. 160A-205.4 authorizes local governments to create and designate one or more “social districts” under N.C.G.S § 18B-300.1 within their jurisdictions, and

Whereas, a “social district” under N.C.G.S § 18B-300.1 is “A defined outdoor area in which a person may consume alcoholic beverages sold by” businesses holding one or more permits issued by the Alcoholic Beverage Commission, and

Whereas, local business owners within the Downtown Lenoir have expressed interest in creating a social district within the same general footprint of the City’s “open concept beer garden” festivals, and

Whereas, the City desires to limit its “social district” to a walkable geographic area in the downtown where local bars and restaurants can sell alcoholic beverages to be consumed throughout the district, subject to certain rules and limitations, 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; and

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

SECTION 1. Chapter 13 of the City of Lenoir Code of Ordinances, *Offenses and Miscellaneous Provisions* is hereby appended to add Article V, Sections 13-91 through 13-92, to read as follows:

ARTICLE V. DOWNTOWN SOCIAL DISTRICT

Section 13-91 – Establishment of the Downtown Lenoir Social District.

The City hereby creates and designates the area located generally north of Harper Avenue, south of Ashe Avenue, west of Mulberry Street, and east of Church Street, and more specifically depicted on the map titled “Downtown Lenoir Social District Boundaries,” which is incorporated here by reference and is filed with the City Clerk as the Downtown Lenoir Social District, as authorized under N.C.G.S. 160A-205.4.

Section 13-92 – General Requirements.

- a) *Management:* The Social District shall be created, designated and managed in accordance with the requirements contained in N.C.G.S. §§ 160A-205.4 18B-300.1.
- b) *Applicable Hours.* The Downtown Social District shall be in effect between the hours of 12:00 p.m. and 10:00 p.m., Wednesday through Saturday, except that these hours and days may be extended in conjunction with an approved Special Event Permit when otherwise permitted under the law.
- c) *Permit Required:* Any business establishment located within or contiguous to the Social District that holds a valid ABC permit and desires to engage as a Social District participant must apply for and obtain a Social District permit from the Lenoir Planning and Community Development Department. The establishment shall be responsible for operating its business in accordance with all City and State ordinances, laws, rules, and regulations governing Social District activities.
- d) *Unified Signage Required:* Businesses that do not have ABC permits but desire to participate in the Social District must display an official Participating Business sign in a visible location during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign.
- e) *Violation; Penalty:* Any person who violates any provision of this Article, and any person who aids, abets, encourages, assists in, or contributes to such violation, is guilty of a Class 1 misdemeanor pursuant to N.C.G.S. § 18B-102(b) and may be subject to additional fines and administrative remedies including but not limited to suspension or revocation of the permittee's Social District Permit and/or state ABC permit. State law reference: NCGS § 18B-104.

SECTION 2. MANAGEMENT AND MAINTENANCE PLAN. Staff is hereby directed to create a management and maintenance plan for the Downtown Social District that complies with the provisions of N.C.G.S. § 18B-300.1 and to post the plan and a rendering of the district boundaries on the City's website.

SECTION 3. DETAILED MAP. Staff is hereby directed to submit a detailed map of the Downtown Social District, attached here as "Exhibit A," including the days and hours during which the district is in operation to the North Carolina Alcoholic Beverage Commission.

SECTION 4. 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 5. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect 45 days after 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 24th day of September and this 1st day of October, 2022.

DONE, THE FIRST READING AND PUBLIC HEARING, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 4th day of October, 2022.

DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 18th day of October, 2022.

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

Joseph L. Gibbons, Mayor

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

Shirley M. Cannon, City Clerk

****[Remainder of page intentionally left blank.]****

DOWNTOWN LENOIR SOCIAL DISTRICT BOUNDARIES





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: _____



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

**Ordinance Amending Appendix B – Traffic of the City of Lenoir Code of Ordinances
Lowering the Speed Limit on Various Roads in the City Limits of Lenoir**

WHEREAS, NCGS §20-141(e) authorizes local authorities within their respective jurisdiction by ordinances to set higher or lower speeds than that set forth in NCGS §20-141(b); and

WHEREAS, NCGS §160A-300 authorizes a city by ordinance to prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks, alleys, and bridges of the city.

NOW, THEREFORE, BE IT ORDAINED, by the LENOIR CITY COUNCIL that:

1. Appendix B - Traffic of the City Code of Ordinances, Section 114 titled "Twenty mile an hour speed limit on the following streets:" be amended to add the following streets:

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Quadrant</u>
Pennwood Street	Entire Length		NE
Glenview Street	Entire Length		NE
Circle Drive	Entire Length		NE
Ridgecrest Drive	Entire Length		NE

2. Staff is hereby directed to erect appropriate signs giving notice of the established speed limit
3. This ordinance shall become effective when the signs giving notice of the authorized speed limit are erected.

ADOPTED this 4th day of October, 2022.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk





**LENOIR POLICE DEPARTMENT
TRAFFIC UNIT**

**TRAFFIC PROJECT
EVALUATION AND RECOMMENDATION**



Location of Evaluation: Pennwood Street
Glenview Street

Dates of Evaluation: April 22 – May 24, 2022

Recommendation: See attached

Completed by: Sgt. Chris Bumgarner

Photographs (Google Earth Images)



Pennwood Street (from Lower Creek Drive)



Intersection of Pennwood Street and Glenview Street



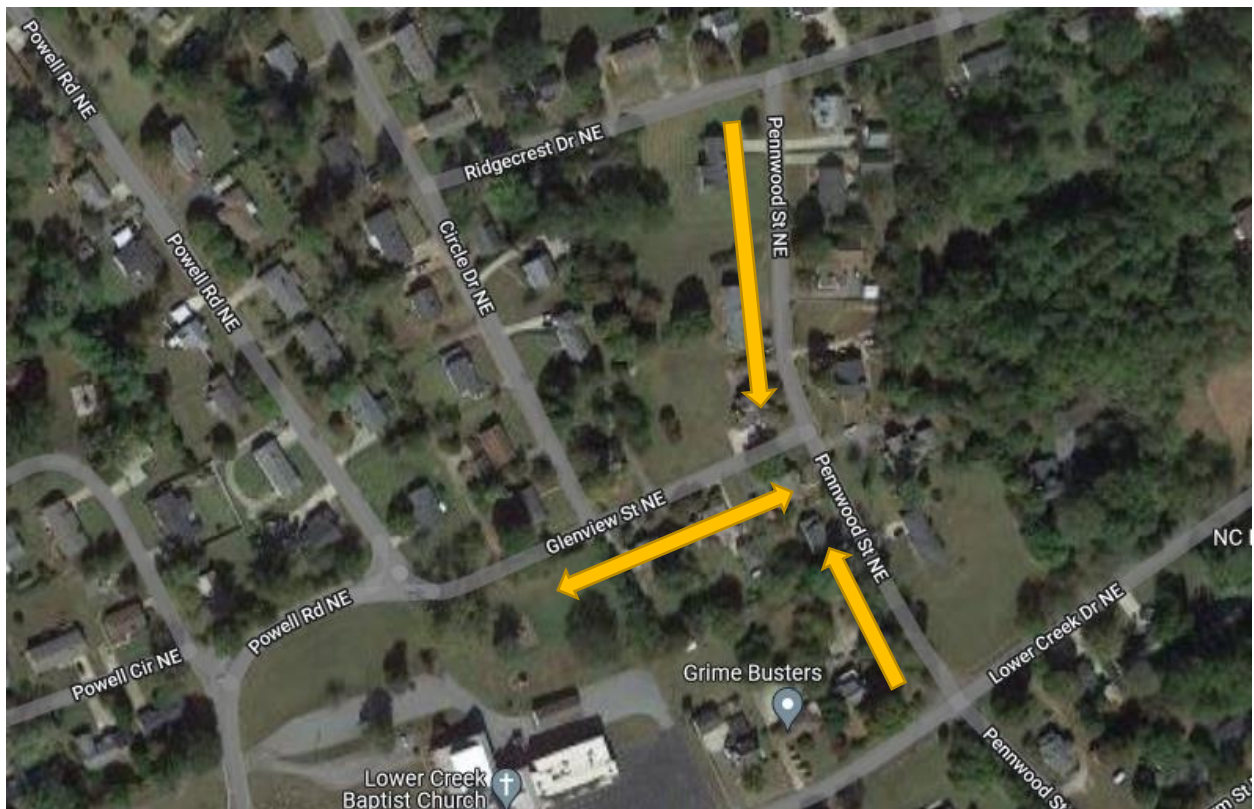
Glenview Street (From Pennwood Street)



Glenview Street (From Powell Road towards Pennwood Street)



Glenview Street at Circle Drive (towards Pennwood Street)



Satellite Image of Evaluated Area

EVALUATION

The radar sign was deployed on **Pennwood Street** (from Ridgecrest Drive) beginning **April 22, 2022** for a period of two weeks. Data collecting during this two week period is as follows:

Average Speeds		Average Daily Count	
Sunday	18.15 mph	Sunday	73
Monday	19 mph	Monday	252
Tuesday	17.6 mph	Tuesday	276
Wednesday	19.3 mph	Wednesday	256
Thursday	18.75 mph	Thursday	266
Friday	17.85 mph	Friday	91
Saturday	17.55 mph	Saturday	77



The radar sign was deployed on **Glenview Street** (from Powell Road) beginning **May 2, 2022** for a period of one week. Data collecting during this period is as follows:

Average Speeds:

Sunday	20 mph
Monday	19.7 mph
Tuesday	20.2 mph
Wednesday	20.4 mph
Thursday	20.4 mph
Friday	18.2 mph
Saturday	19.9 mph

Average Daily Vehicle Count:

Sunday	278
Monday	411
Tuesday	416
Wednesday	425
Thursday	442
Friday	435
Saturday	290

This data shows the amount of vehicles that traveled Glenview Street from Powell Road to Pennwood Street each day.



The radar sign was deployed on **Glenview Street** (from Pennwood Street) beginning **May 10, 2022** for a period of two weeks. Data collecting during this two week period is as follows:

Average Speeds:

Sunday	19.85 mph
Monday	20.35 mph
Tuesday	20.35 mph
Wednesday	20.5 mph
Thursday	20.4 mph
Friday	19.3 mph
Saturday	18.6 mph

Average Daily Vehicle Count:

Sunday	265
Monday	415
Tuesday	416
Wednesday	420
Thursday	443
Friday	418
Saturday	320

This data shows the amount of vehicles that traveled Glenview Street from Pennwood Street each day.



RECOMMENDATION

There is no posted speed limit on either of these city streets. Therefore, the assumed speed limit is 35mph. After evaluating the collected data, the highest daily speed average was 20.5 mph (Glenview Street traveling toward Pennwood Street). Based on this information, it does not appear that excessive speeding is taking place.

As neither Pennwood Street nor Glenview Street have an average daily vehicle count of greater than 500 vehicles, neither streets qualify for multi-way stops or speed humps/tables in accordance with traffic calming guidelines.

Rumble strips have been previously installed by the City of Lenoir at the intersection of Glenview Street and Pennwood Street. Due to wear and tear, these strips are becoming ineffective. *I recommend replacing the rumble strips at this intersection to encourage drivers to slow and come to a complete stop at the intersection.*

It is my recommendation that as call volume allows, officers of the Lenoir Police Department continue to have a visible presence in this residential neighborhood in an effort to address citizen concerns regarding motor vehicles.

**NOTICE OF
PUBLIC HEARING
CITY OF LENOIR**

Notice is hereby given that a public hearing will be held on Tuesday, October 4 at 6:00 p.m., in the City-County Chambers, 905 West Avenue NW, Lower Level, at which time City Council will consider a request by the Lenoir Police Department to amend the City's Code of Ordinances, Appendix, B, Traffic, Section 114, Twenty mile per hour speed limit on the following streets, to include Pennwood Street NE, Glenview Street NE, Circle Drive NE, and Ridgecrest Drive NE, as twenty mile per hour streets in their entirety, allowing for posting at the discretion of the Public Works Operations Manager.

Individuals may contact the City Clerk's office at (828) 757-2205 for additional information.

**City of Lenoir
Shirley M. Cannon,
MMC, NCCMC
City Clerk**

Sept. 23, 2022

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

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

ABSENT: Councilmember Ike Perkins.

STAFF PRESENT: Parks & Recreation Director Kenny Story, Police Chief Brent Phelps, Fire Chief Ken Hair, Public Services Director Radford Thomas, Public Utilities Operations Manager Jeff Church, Public Works Operations Manager Jonathan Hogan, Main Street & Economic Development Director Kaylynn Horn, Communications Director Joshua Harris, and Main Street Engagement Coordinator Matthew Anthony.

ABSENT: Planning Director Jenny Wheelock.

I. CALL TO ORDER

A. The meeting was opened by a moment of silence followed by the Pledge of Allegiance.

COMMEMORATION OF;

PATRIOT DAY: B. On behalf of City Council, Mayor Gibbons read and presented a resolution to Cindy Day, Executive Director, Caldwell Heritage Museum, in honor and recognition of Patriot Day, which commemorates the lives of those who died in the September 11, 2001 terrorist attacks on our country.

Mayor Gibbons asked everyone to continue to pray for those families who lost loved ones on that day and to keep them in their thoughts and prayers.

Ms. Day thanked City Council for the recognition.

PROCLAMATION; CONSTITUTION

WEEK: C. On behalf of City Council, Mayor Gibbons read and presented a proclamation to Cindy Day, Executive Director, Caldwell Heritage Museum, and Member of the Board of Directors of the Daughters of the American Revolution (DAR), proclaiming the week of September 17 – 23 as “Constitution Week” in the City of Lenoir.

Ms. Day thanked City Council for the recognition. A celebration will also be held on Saturday, September 17 at the Charters of Freedom located beside of the former Courthouse in downtown Lenoir to commemorate “Constitution Day.”

CALDWELL ROTARY 40-YEAR

ANNIVERSARY: D. On behalf of City Council, Mayor Gibbons read and presented a resolution to Caldwell Rotary President and Councilmember Ralph Prestwood in honor and recognition of Caldwell Rotary’s 40-year Anniversary. As background

information, in 1982, a group of Lenoir residents gathered to start a new Rotary Club in Caldwell County sponsored by the Lenoir Rotary Club, which later become the Caldwell Rotary Club.

President Prestwood thanked City Council for the recognition and remarked the resolution highlights the club's service to the community. He encouraged others to consider joining the organization.

Other Caldwell Rotary Club members in attendance were Chris Cole, Charles Beck, David Gray, Councilman Kent Greer, and Thomas Welch. In addition, Caldwell Rotary has four charter members, who are Ron Beane, Bruce Cannon, David Gray and Jeff Joines.

On behalf of Caldwell Rotary Club, President Ralph Prestwood presented a check in the amount of \$30,000 to the City of Lenoir to be used for the lighting project at Mack Cook Stadium. Mr. Prestwood further presented a \$2,000 check to the City, given in honor of Caldwell Rotary Club's four charter members, to be used as "seed" money for bleachers at Mack Cook Stadium. Mayor Gibbons accepted the two checks on behalf of the City.

On behalf of City Council, Mayor Gibbons thanked Caldwell Rotary Club for the donations and expressed appreciation for all they do for the City of Lenoir, its citizens and the community.

**NOTIFICATION;
PARTF GRANT:**

- D. On behalf of City Council, Mayor Gibbons congratulated Parks and Recreation Director Kenny Story upon the City of Lenoir being awarded a \$500,000 grant from the Parks and Recreation Trust Fund (PARTF). These funds will be used to build a new splash pad and to make other improvements at the Lenoir Aquatic and Fitness Center and the Lenoir Rotary Soccer Complex.

The grant requires a local match, so the City will allocate another \$500,000 for the project, bringing the total investment to just over \$1 million.

Mayor Gibbons thanked Director Story and Staff for all their hard work in achieving this significant award.

Director Story stated he was happy and excited to learn the City received the funding and remarked this grant will assist the department with bringing in more recreational opportunities to the community. In addition, Director Story stated Lenoir ranked in the top 10 list of scores, out of 39 grants awarded by PARTF, and emphasized this will be a really good project for the City.

In addition, these funds will be used to make renovations to the building at the Aquatic & Fitness Center. The City has three years to complete the project and should receive notification to proceed within a couple of months.

- INTRODUCTION:** E. Mayor Gibbons recognized developer Yorke Lawson who was present and extended congratulations to him for the notification of an award he will be receiving from Preservation North Carolina for the renovation project of the former Blue Bell building. Mayor Gibbons thanked Mr. Lawson for his great

partnership with the City of Lenoir.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, August 16, 2022 as submitted.
- B. Minutes: Approval of the closed session minutes of the City Council meeting of Tuesday, August 16, 2022 as submitted.
- C. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, August 23, 2022 as submitted.
- D. Resolution; Patriot Day: Approval of a resolution commemorating "Patriot Day" on Sunday, September 11, 2022, in remembrance of those who lost their lives in the 2001 attack against our nation and requesting that all U.S. flags be flown at half-staff as submitted. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 257.)
- E. Constitution Week: Approval of a proclamation proclaiming the week of September 17 through September 23, 2022 as "Constitution Week" in the City of Lenoir as submitted. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 258.)
- F. Caldwell Rotary 40-Year Anniversary: Approval of a resolution in honor and recognition of Caldwell Rotary's 40-year Anniversary in the City of Lenoir as submitted. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 259.)
- G. Final Offer to Purchase Real Property; 2585 Collettsville Road: Staff recommends approval of an Acceptance of an Offer to Purchase Real Property by Resolution in the amount of \$750.00, plus the cost of the required published legal notice, as submitted by Ronald Brian Teague for property located at 2585 Collettsville Road and being approximately 0.90 acre, a portion of the 33.42 acre tract, NCPIN#2831509864 and Tax ID#06253-1-1 as submitted. The legal advertisement for the Notice of Offer to Purchase Real Property was published in the *News-Topic* on Friday, August 19 starting a ten (10) day upset bid period as required by N.C.G.S. §160A-269 following Council's acceptance of the Offer to Purchase. Staff recommends City Council accept the Final Offer to Purchase because the City did not receive any upset bids. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to pages 260-261.)
- H. Proposal; Labrie Automizer Side Loading, 2023 Refuse Truck: Staff recommends City Council adopt a Resolution Authorizing the Utilization of the Competitive Bidding Group Purchasing Exception and Authorizing the Purchase of a Refuse Truck as allowed by the N.C.G.S. §143-129(e),(3)). This vehicle is on the North Carolina Sheriff's Association (NCSA) contract bid#23-07-0421, Lot #334. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 262.)
- I. Authorizing Resolution; AIA Grant Application: If Council wishes to proceed with the grant submittal; City Council should adopt the proposed Resolution authorizing the City Manager to execute and file the Water System Asset Inventory and Assessment Grant Application on behalf of the City of Lenoir with the North Carolina Department of Environmental Quality (NCDEQ) for this project. (A copy of the resolution and certification statement is hereby incorporated into these minutes by reference. (Refer to pages 263-264.)
- J. Authorizing Resolution; AIA Grant Application for Wastewater: If Council wishes to proceed with the grant submittal; City Council should adopt the proposed Resolution authorizing the City Manager to execute and file the Wastewater System Asset Inventory and Assessment Grant Application on behalf of the City of Lenoir with the

North Carolina Department of Environmental Quality (NCDEQ) for this project. (A copy of the resolution and certification statement are hereby incorporated into these minutes by reference. (Refer to pages 265-266.)

- K. Reduction; Speed Limit: Staff recommends City Council call for a public hearing to be held on Tuesday, September 20 to consider adopting the 20 MPH Speed Limit for the entire lengths on Pennwood Street NE, Glenview Street NE, Circle Drive NE, and Ridgecrest Drive NE, allowing for posting at the discretion of the Public Works Operations Manager as submitted. Following approval, these streets will be listed under Appendix B of the Code of Ordinances, Section 114, "Twenty mile an hour speed limit on the following streets;" as submitted by City Staff. City Staff further recommends that a rumble strip be installed. Note: Due to the cancellation of the September 20 City Council meeting, the public hearing will be held on Tuesday, October 4.
- L. Establishment of Downtown Social District: Staff recommends City Council call for a public hearing to be held on Tuesday, September 20 to allow for input on the establishment of a Social District and consider adoption of any ordinance establishing a Social District as submitted. Due to the cancellation of the September 20 City Council meeting, the public hearing will be held on Tuesday, October 4.

Upon a motion by Councilmember Stevens, City Council voted 6 to 0 to approve items A through L as listed above on the Consent Agenda and as presented and recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

LENOIR BUSINESS ADVISORY

- BOARD:** 1. The Lenoir Business Advisory Board will meet on Thursday, September 8 at 6:00 p.m. at City Hall, Third Floor.

ANNUAL SCULPTURE

- FESTIVAL:** 2. The annual Sculpture Festival will be held on Saturday, September 10 from 9:00 a.m. – 4:00 p.m. at J.E. Broyhill Park.

NCDOT FALL LITTER

- SWEEP:** 3. The annual North Carolina Department of Transportation's (NCDOT) Fall Litter Sweep begins on Saturday, September 10 and ends on Saturday, September 24. Additional information regarding volunteering locally is available at www.ncdot.gov/littersweep.

CITY/COUNTY SERVICES

- COMMITTEE:** 4. The City/County Services Committee will meet on Monday, September 12 at noon at Caldwell Community College & Technical Institute.

- EDC:** 5. The Caldwell County Economic Development Commission (EDC) will meet on Tuesday, September 13 at 8:00 a.m.

**PARKS & RECREATION
ADVISORY BOARD:**

6. The Parks & Recreation Advisory Board will meet on Monday, September 19 at 6:00 p.m. at Mulberry Recreation Center.

**100TH YEAR CELEBRATION;
LENOIR HIGH SCHOOL (LHS):**

7. The former Lenoir High School will celebrate its 100th year anniversary on Friday, September 30 and Saturday, October 1st. A free concert by the Brass Band of North Carolina is scheduled on Friday, September 30 at 6:00 p.m. Information will be posted on how to register for the free concert due to seating purposes.

B. Items for Council Action

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

- A. There being no further business, the meeting adjourned at 6:40 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

Patriot Day Commemoration

September 11, 2022

WHEREAS, Patriot Day commemorates the lives of those who died in the September 11, 2001, terrorist attacks on our country – the United States of America; and

WHEREAS, this holiday honors those who perished in the World Trade Center in New York and the Pentagon in Virginia, and those who died attempting to rescue people trapped in the rubble, as well as the individuals killed when the hijacked United Airlines Flight 93 crashed in Pennsylvania; and

WHEREAS, Patriot Day was designated by joint resolution of the U.S. Congress on December 18, 2001; the resolution called for the President of the United States to issue a yearly proclamation requesting that all U.S. flags be flown at half-staff; and

WHEREAS, on Patriot Day, Americans are asked to honor the dead with a moment of silence beginning at 8:46 a.m. Eastern Standard Time, the time that the first airplane struck the World Trade Center, and to respect the ceremonies of remembrance; and

WHEREAS, each year on September 11, citizens across the United States of America are reminded how precious our freedom and safety truly are and pay tribute to those whose lives were tragically lost that day; and

NOW THEREFORE BE IT RESOLVED, I, Mayor Joseph L. Gibbons, on behalf of the City of Lenoir City Council, commemorate Patriot Day on September 11, 2022, and express our deepest condolences for those lives lost in the 2001 terrorist attacks against our nation, as well as our highest gratitude for those who endeavor to preserve our liberties and our safety.

SEAL

This the 6th day of September 2022.

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. W. PERDUE
J. I. PERKINS
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS

PROCLAMATION IN HONOR OF CONSTITUTION WEEK

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2022 marks the two hundred thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating the week of September 17 through September 23 as Constitution Week.

NOW, THEREFORE, I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council and all the citizens, do hereby proclaim the week of September 17 through September 23, 2022 as "Constitution Week" in the City of Lenoir and urge all citizens to study the Constitution and reflect on the privilege of being an American with all of the rights and responsibilities this privilege affords.

This the 6th Day of September, 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
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T. H. PERDUE
J. I. PERKINS
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS

Caldwell Rotary 40 Year Anniversary

WHEREAS, Chicago attorney Paul Harris formed the Rotary Club of Chicago in 1905, so professionals with diverse backgrounds could exchange ideas and form meaningful, lifelong friendships; and

WHEREAS, in 1982, a group of Lenoir residents gathered to start a new Rotary Club in Caldwell County sponsored by the Lenoir Rotary Club, that club would become the Caldwell Rotary Club, and today the club has the earliest meeting time among Rotary clubs starting at 6:44 a.m.; and

WHEREAS, in 1983, Caldwell Rotary helped give birth to high school soccer in Caldwell County by purchasing soccer goals and balls for all three county high schools and games were originally played at Lenoir High School Mack Cook Stadium; and

WHEREAS, Caldwell Rotary started supporting the Boy Scouts in 1984; and

WHEREAS, the club-sponsored Little League Team won the local championship that same year; and

WHEREAS, Caldwell Rotary donated more than \$4,500 from 1984 to 1985 to support Rotary International's effort to eradicate polio, and a few years later, the club paid to decorate the Caldwell Senior Center lobby and contributed much of the labor for the effort; and

WHEREAS, in 1989, Caldwell Rotary created the Caldwell County Sports Hall of Fame and held the first induction ceremony, and during the last 32 years, 140 individuals and teams have been inducted in the Sports Hall of Fame; and

WHEREAS, One year after its founding, Caldwell Rotary members created the club's most significant project – the Youth Scholarship Program, which provides a scholarship to one graduating senior from each of the county's three high schools, and today those scholarships are awarded in the name of the late Carroll Laxton, Club President from 1996 to 1997, and the late Steve Jaynes, Club President from 1997 to 1998; and

WHEREAS, Caldwell Rotary also provides a yearly scholarship to a local Caldwell Community and Technical Institute student in memory of the late Robert Styres, a Charter Member, Past President, and long-time member of the Lenoir and Caldwell County Boards of Education; and

WHEREAS, During the past 39 years of the Youth Scholarship Program, Caldwell Rotary has donated \$140,000 in funds to support local students and help further their education;

NOW THEREFORE BE IT RESOLVED, I, Mayor Joseph L. Gibbons, on behalf of the City of Lenoir City Council, congratulate Caldwell Rotary Club on its 40th Anniversary and thank club members past and present for their many contributions to local and national causes, and I especially thank Caldwell Rotary for supporting Caldwell County youth and students for the past four decades.

This the 6th day of September 2022.

SEAL


Joseph L. Gibbons, Mayor





CITY MANAGER
SCOTT E. HILDEBRAND

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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J. T. BEAL
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J. I. PERKINS
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS

RESOLUTION

WHEREAS, the City of Lenoir owns certain property, located at 2585 Collettsville Road, Lenoir, North Carolina, and more particularly described below; being NCPIN#2831509864, Parcel ID# 062531-1; and approximately 0.90 acre, a portion of the 33.42 acre tract; 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 in the amount of \$750.00 to purchase the property as described above, and as submitted by Ronnie Brian Teague, 501 Golfview Court, Lenoir, NC; and

WHEREAS, Ronnie Teague has paid/will pay 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 Ronnie Brian Teague, 501 Golfview Court, Lenoir, North Carolina.

This the 6th day of September, 2022.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
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J. I. PERKINS
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D. F. STEVENS
C. D. THOMAS

**RESOLUTION BY LENOIR CITY COUNCIL AUTHORIZING
THE UTILIZATION OF THE COMPETITIVE BIDDING GROUP
PURCHASING EXCEPTION AND AUTHORIZING THE
PURCHASE OF A REFUSE TRUCK**

WHEREAS, the City Council of Lenoir approves the use of revenue replacement funding to purchase a Labrie Automizer Side Loading, 2023 Freightliner refuse truck; and

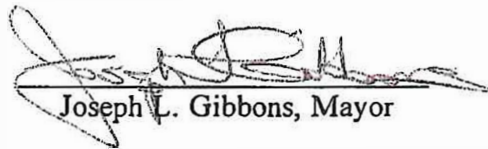
WHEREAS, the City Council of Lenoir approves the utilization of the competitive bidding group purchasing exception as allowed by the General Statutes (GS 143-129(e),(3)). This vehicle is on the North Carolina Sheriffs' Association (NCSA) contract bid # 23-07-0421 Lot #334.

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

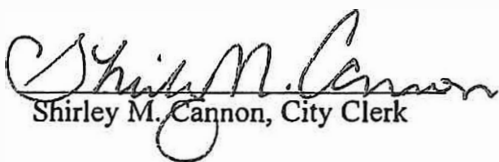
City Council approves the purchase of a refuse truck from Joe Johnson Equipment in the amount of \$285,000.00 utilizing revenue replacement funding.

Adopted this the 6th day of September, 2022.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk





CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

RESOLUTION BY THE LENOIR CITY COUNCIL

WHEREAS, The City of Lenoir has need for and intends to construct, plan for, or conduct a study in a project described as the Water Asset Inventory Assessment of the City's drinking water system, and

WHEREAS, The City of Lenoir intends to request state loan and/or grant assistance for the project,

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

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

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

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

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

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

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

Adopted this the 6th day of September, 2022 at Lenoir, North Carolina.

SEAL


Joseph L. Gibbons, Mayor



CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Lenoir does hereby certify:
That the above/attached resolution is a true and correct copy of the resolution authorizing the
filing of an application with the State of North Carolina, as regularly adopted at a legally
convened meeting of the City Council of the City of Lenoir duly held on the 6th day of
September, 2022; and, further, that such resolution has been fully recorded in the journal
of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand
this 7th day of September, 2022.


Signature

Shirley Cannon, City Clerk

Printed Name and Title



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
T. W. PERDUE
J. I. PERKINS
P. S. PRESTWOOD
D. R. STEVENS
C. D. THOMAS
B. K. WILLIS

RESOLUTION BY THE LENOIR CITY COUNCIL

WHEREAS, The City of Lenoir has need for and intends to construct, plan for, or conduct a study in a project described as the Sewer Asset Inventory Assessment of the City's wastewater system, and

WHEREAS, The City of Lenoir intends to request state loan and/or grant assistance for the project,

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

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

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

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

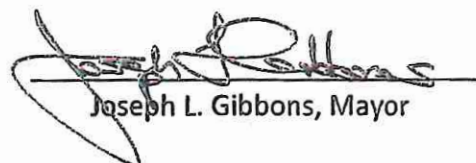
That Scott Hildebran, City Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the study of the project described above.

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

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

Adopted this the 6th day of September, 2022 at Lenoir, North Carolina.

SEAL


Joseph L. Gibbons, Mayor

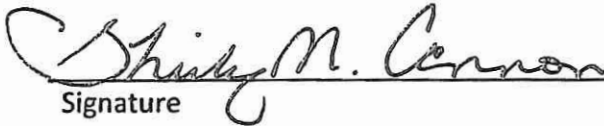


CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Lenoir does hereby certify:

That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of the City of Lenoir duly held on the 6th day of

September, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of September, 2022.


Signature

Shirley Cannon, City Clerk

Printed Name and Title

**CITY OF LENOIR
COUNCIL ACTION FORM**

- I. Agenda Item:** Consideration of a Capital Project Budget Ordinance for the EPA Brownfields Grant #2 Project.
- II. Background Information:** Attached for your consideration is a Capital Project Budget Ordinance to authorize activities for the EPA Brownfields Grant #2 project to assessment-related activities as authorized by CERLCA 104(k)(2) in the City of Lenoir.
- III. Staff Recommendation:** Request City Council to adopt the Capital Project Budget Ordinance for the EPA Brownfields Grant #2 project for \$500,000.

IV. Reviewed By:

City Attorney:

Finance Director: *Donna Bean*

Public Works/Public Utilities Director:

Planning Director:

Recreation Director:

Capital Project Ordinance for the City of Lenoir

EPA Brownfields Grant #2

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 EPA Brownfield Grant. The grant will provide funding to inventory, characterize, assess, and conduct cleanup, planning and community involvement related activities for Brownfield sites.

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

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

Administrative Costs	\$ 11,900
Professional Services	<u>\$488,100</u>
Total	<u>\$500,000</u>

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

US Environmental Protection Agency Brownfields Assessment Grant \$500,000

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 _____ day of October, 2022

Mayor

Clerk

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Request a Budget Amendment for the Building Reuse Grant for Exela Pharma Sciences, LLC. The grant application was authorized on March 2, 2021.

Background Information:

The Building Reuse Grant for Exela Pharma Sciences, LLC was authorized on March 2, 2021. The Budget Amendment to allow for the receipt and expenditure of these funds is as follows:

Account	Amount of Increase
Building Reuse Grant Award	\$500,000.00
4110 – Economic Development Expenditures	\$500,000.00

Staff Recommendation:

Approve as requested

II. Reviewed by:

City Attorney:

Finance Director: Donna Bean

Public Works/Public Utilities Director:

Planning Director:

Recreation Director:



**NC DEPARTMENT
of COMMERCE**
RURAL ECONOMIC
DEVELOPMENT

Roy Cooper
GOVERNOR

Machelle Baker Sanders
SECRETARY

Kenny Flowers
ASSISTANT SECRETARY

April 20, 2021

The Honorable Joseph L. Gibbons
Mayor
City of Lenoir
PO Box 958
Lenoir, NC 28645-0958

Re: **Building Reuse Grant Award Notification**
Contract Reference: 2021-062-3201-2587
Project Title: Exela Pharma Sciences,
LLC/Project Xplode

Award Date: 4/15/2021
Award Amount: \$500,000.00
Jobs Committed: 50

Dear Mayor Gibbons:

On behalf of the Rural Infrastructure Authority, and the Rural Economic Development Division, I am pleased to announce that the local government has been awarded funding under the Building Reuse Program.

In the coming days, the Rural Division will email contract documents to your attention. Once one complete set of signed contract documents is returned to the Rural Division, the local government may begin to request payments. Progress reports for the grant are due on **January 15 and July 15** for each year that the grant is open. When the company has hired and maintained the number of jobs committed for six consecutive months, the local government should submit the required documents for job verification and grant closure. Forms and instructions for payment requests, progress reports, job verification, and project closeout can be found on the Rural Division website at:
www.nccommerce.com/rgp.

Congratulations on this award and we extend our best wishes to you for success in bringing new job creation to rural North Carolina. We look forward to working with you on this important project. If you have any questions, please contact your program manager Hazel Edmond at hazel.edmond@nccommerce.com.

Sincerely,

Kenny Flowers
Assistant Secretary for Economic Development



AGENDA

**CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, MARCH 2, 2021
6:00 P.M.**



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, February 16, 2021 as submitted.
- B. Agreement; Grant Contract No. RTP2021-9792, Recreational Trails Program Grant; NC Department of Cultural and Natural Resources: Approval of an Agreement Grant Contract No. RTP2021-9792 between the City of Lenoir and the North Carolina Department of Cultural and Natural Resources for the purpose of accepting grant funding in the amount of \$250,000 for the Lenoir OVNHT Greenway Link Project.
- C. Budget Amendment; Craftmaster Furniture: Approval of a Budget Amendment in the amount of \$500,000 for the Building Reuse Grant for Craftmaster Furniture in order to allow for the receipt and expenditure of these funds.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

1. Rick Oxford, Plan Administrator, Western Piedmont Council of Governments, will hold the first of two public meetings to receive public comments regarding the proposed FY2021 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 2021, beginning July 1, 2021 and ending June 30, 2022. The City of Lenoir serves as the Lead Entity for the Unifour Consortium.

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

1. March Calendar: The calendar for the month of March will be submitted to Council listing various committee meetings.
2. The City/County Services Committee will meet virtually on Monday, March 8 at noon.
3. The Caldwell County Economic Development Commission will meet virtually on Tuesday, March 9 at 8:00 a.m.

4. The ABC Board will meet virtually on Thursday, March 11 at 2:00 p.m.
5. The Lenoir Business Advisory Board will meet virtually on Thursday, March 11 at 6:00 p.m.

B. Items for Council Action

1. Change Order No. 1; MeterSys: Staff recommends approval of Change Order No. 1 in the amount of \$292,489 for the AMI Implementation Project for MeterSys. **Note:** Due to various circumstances which lead to an underestimation in the number of meters to be purchased, it is necessary to increase the number of meters to be purchased and installed by 500. The additional costs are within the contingency of \$298,225 which was approved in the original budget on June 25, 2019. This contingency will be utilized to absorb the increase of \$292,489 for Change Order No. 1 for MeterSys. These changes do not result in an increase to the overall funds approved for the project.
2. Authorizing Resolution; Project Xplode: If Council wishes to proceed with the grant submittal; City Council should adopt the enclosed Authorizing Resolution for a North Carolina Department of Commerce Building Reuse Grant Submission for "Project Xplode".

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Mayor Gibbons will announce the following individuals for re-appointment to the Board of Adjustments to serve a three-year term. **Note:** These individuals will be presented for Council's consideration of approval at the March 16 Council meeting.

James Bradshaw	3-year term
Mac Martin	3-year term
Tim Scobie	3-year term

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

**City of Lenoir Resolution
Authority to Apply to the
North Carolina Department of Commerce
Building Reuse and Restoration Grant Request
Project XPLODE Economic Development Expansion**

Whereas, The City of Lenoir desires to assist through grant funding the expansion of an existing company within Lenoir, NC, and

Whereas, The City of Lenoir intends to request from the North Carolina Department of Commerce grant assistance for this expansion:

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

That Caldwell County will provide the required local government match of 5% for the Building Reuse grant requested.

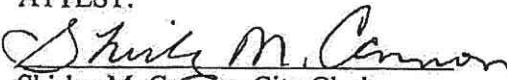
That Scott E. Hildebran, Lenoir City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Lenoir with the North Carolina Department of Commerce for a grant to assist in the development of the project described above.

That Scott E. Hildebran, Lenoir City Manager and successors so titled, is hereby authorized and directed to furnish such information as the North Carolina Commerce Department may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

Adopted this the 2nd day of March 2021 at Lenoir, North Carolina.

ATTEST:


Shirley M. Cannon, City Clerk


Joseph L. Gibbons, Mayor

CITY OF LENOIR

2023 HOLIDAY SCHEDULE

Monday, January 2

New Year's Day

Monday, January 16

Martin Luther King, Jr. Day

Friday, April 7

Good Friday

Monday, May 29

Memorial Day

Tuesday, July 4

Independence Day

Monday, September 4

Labor Day

Friday, November 10

Veterans Day

Thursday, November 23

Thanksgiving Holiday

Friday, November 24

Monday, Tuesday & Wednesday
December 25, 26, & 27

Christmas Holiday

CITY OF LENOIR

LISTING OF CITY COUNCIL MEETINGS FOR 2023

JANUARY

City Council	Tuesday, January 3	6:00 p.m.
City Council	Tuesday, January 17	6:00 p.m.
Committee of the Whole	Tuesday, January 24	8:30 a.m.

FEBRUARY

City Council	Tuesday, February 7	6:00 p.m.
City Council	Tuesday, February 21	6:00 p.m.
Committee of the Whole	Tuesday, February 28	8:30 a.m.

MARCH

City Council	Tuesday, March 7	6:00 p.m.
City Council	Tuesday, March 21	6:00 p.m.
Committee of the Whole	Tuesday, March 28	8:30 a.m.

APRIL

City Council	Tuesday, April 4	6:00 p.m.
City Council	Tuesday, April 18	6:00 p.m.
Committee of the Whole	Tuesday, April 25	8:30 a.m.

MAY

City Council	Tuesday, May 2	6:00 p.m.
City Council	Tuesday, May 16	6:00 p.m.
Committee of the Whole	Tuesday, May 23	8:30 a.m.

JUNE

City Council	Tuesday, June 6	6:00 p.m.
City Council	Tuesday, June 20	6:00 p.m.
Committee of the Whole	Tuesday, June 27	8:30 am.

JULY

City Council	Tuesday, July 18	6:00 p.m.
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***Only one meeting in July.**

AUGUST

City Council	Tuesday, August 1	6:00 p.m.
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City Council	Tuesday, August 15	6:00 p.m.
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Committee of the Whole	Tuesday, August 22	8:30 a.m.
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SEPTEMBER

City Council	Tuesday, September 5	6:00 p.m.
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City Council	Tuesday, September 19	6:00 p.m.
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Committee of the Whole	Tuesday, September 26	8:30 a.m.
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OCTOBER

City Council	Tuesday, October 3	6:00 p.m.
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City Council	Tuesday, October 17	6:00 p.m.
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Committee of the Whole	Tuesday, October 24	8:30 a.m.
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NOVEMBER

City Council	Tuesday, November 7	6:00 p.m.
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***Only one meeting in November**

DECEMBER

City Council	Tuesday, December 5	6:00 p.m.
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City Council	Tuesday, December 19	6:00 p.m.
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2023 SCHEDULE OF EVENTS**NCLM MEETINGS****Event**

TBA

Town & State Dinner

April 25-27

Annual City Vision Conference
(Concord, NC)**NLC MEETINGS****Event**

March 26-28

Congressional City Conference
(Washington, DC)

November 15 – 18

City Summit
(Atlanta, GA)

October 2022

	Mon	Tue	Wed	Thu	Fri	Sat
						1 3:00 p.m. - 8:00 p.m. Cruise-In (Downtown)
2	3	4 6:00 p.m. City Council 6:00 p.m - 9:00 p.m. National Night Out	5 9:00 a.m. Staff Mtg.	6 2:00 p.m. ABC Board	7	8 10:00 am - 7:00 pm Wood, Fire, Smoke Barbeque Event (Downtown)
9	10 Noon - City/County Services Committee	11 8:00 a.m. EDC	12	13 4:00 p.m. LTDA (3rd Floor, City Hall) 6:00 p.m. Lenoir Bus. Adv. Board	14	15
16	17 6:00 p.m. Parks & Recreation Adv. Brd.	18 6:00 p.m. City Council	19 9:00 a.m. Staff Mtg.	20 8:00 a.m. - 7:30 p.m. Early Voting Begins M-F at (Caldwell County Resource Ctr.)	21	22
23	24 5:30 p.m. Planning Board	25 8:30 a.m. Committee of the Whole (City Hall, 3rd Floor)	26 Noon - Foothills Regional Airport Authority	27	28 3:00 p.m. - 6:00 p.m. Trick or Treat & the Mad Hatters Pumpkin Patch Parade (D.T.)	29
30	31	Notes for November City offices will be closed on Thursday, November 24 & Friday, November 25 in observance of Thanksgiving.				