

**LENOIR CITY COUNCIL
TUESDAY, NOVEMBER 1, 2022
6:00 P.M.**

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

I. CALL TO ORDER

A. Moment of Silence and Pledge of Allegiance

**COMMENTS; MAYOR
GIBBONS:**

B. Mayor Gibbons thanked everyone for all of their prayers, phone calls, food and visits while he was recovering from recent surgery. He stated he was feeling better and was glad to be back home and to be able to participate in the City Council meeting.

**SPECIAL RECOGNITION;
AMOREM:**

C. On behalf of City Council, Mayor Gibbons read and presented a proclamation to Curtis Singleton, Chaplain, Amorem, proclaiming the month of November 2022 as National Hospice and Palliative Care Month throughout the City of Lenoir.

Chaplain Singleton accepted the proclamation on behalf of Cathy Swanson, Executive Director, Amorem. Mr. Singleton shared he has worked with different Hospice organizations in the southeast area for fifteen years and that moving to Lenoir has given him a fresh perspective as he has never experienced such support from the local community. Chaplain Singleton referred to how John Forlines started Hospice in the fellowship hall of United Methodist Church over 40 years ago and emphasized Hospice is here to serve everyone. He thanked City Council for all of their support and pointed out the proclamation was really for the community as Hospice seeks to serve everyone.

Mayor Gibbons stated Amorem (Hospice) was a great organization who was there to help and offer support to families during a difficult time. He stated the City was proud to have them in the community and Caldwell County.

**SPECIAL RECOGNITION;
#GIVING TUESDAY:**

D. On behalf of City Council, Mayor Gibbons read and presented a proclamation to Jamie Willis, Executive Director, United Way of Caldwell County, proclaiming Tuesday, November 29, 2022, as “#Giving Tuesday” throughout the City of Lenoir. #Giving Tuesday is a global giving movement that has been built by individuals, families, organizations, businesses and communities in all 50 states and in countries around the world.

Mrs. Willis thanked City Council for the recognition and stated United Way was founded in 1942 when several other non-profit organizations at that time were combined to form United Way. She referred to other non-profit organizations in Lenoir and encouraged everyone to discover what he or she is passionate about and get involved as citizens/families will benefit from their service. She gave examples of serving such as being an advocate, volunteering or donating resources to help the organizations.

- CLOCK TOWER:** E. Mayor Gibbons informed everyone the downtown clock has been removed in order to address issues with the clock tower and replace it with a new one. Mayor Gibbons stated the clock is a symbol that represents what Lenoir stands for and it has been on the square for over one hundred years. He thanked City Staff and everyone for all of their work on the project.

FY2021-2022 AUDIT

- PRESENTATION:** F. Cynthia Randolph, C. Randolph, CPA, PLLC, presented the FY2021-2022 Audit to City Council. She thanked City Council for allowing her to do the audit. Ms. Randolph stated the City is in excellent financial condition and commended Finance Director Donna Bean, City Manager Scott Hildebran and City Staff for the amazing job they do regarding the City's financial reports.

Ms. Randolph stated she opened her firm in West Jefferson four years ago and previously worked at a firm in Morganton for thirty-one years. She reported the City of Lenoir's financial report has been submitted to the Local Government Commission (LGC) and noted the state's deadline for submittals is December 1, 2022. As information, Ms. Randolph shared that Eric Bowman, PA, wrote the financial section for this year's audit report.

In addition, Ms. Randolph explained, as auditor, she issued an unmodified opinion. She stated the City had a single audit in accordance with uniform guidelines for the City's American Rescue Plan (ARPA) funding due to the City receiving \$750,000 from the federal government. Also, Ms. Randolph reported she audited the federal HOME Program and the City's Powell Bill fund for the state of North Carolina. Ms. Randolph reported she did not discover any weaknesses or deficiencies with these programs.

Next, Ms. Randolph reviewed the financial highlights of FY2021-2022. The City's unassigned Fund Balance as of June 30, 2022 is \$14,872,480, which represents 80.6% of total General Fund expenditures. The increase in the unassigned Fund Balance is \$2,258,648. Ms. Randolph explained the LGC has established a medium or average Fund Balance for municipalities of Lenoir's size and, according to their average, the City of Lenoir should maintain a 53% Fund Balance. As of June 30, 2022, the City's undesignated Fund Balance was at 74%, which she stated is excellent.

Ms. Randolph reported the City has decreased its debt by \$1,322,776 (5.68%) during the past fiscal year, which is outstanding. North Carolina General Statutes limit the amount of general obligation debt that a unit of government can issue to 8% of the total assessed value of taxable property located within that government's boundaries less statutory deductions for bonds applicable to water systems. The legal debt margin

for the City of Lenoir is \$211,600,404 and the City's total debt is \$21,958,688. In addition, the City's Tax Collection rate is 97.17%, which is close to the state's average rate of 98.6%.

In addition, Ms. Randolph reviewed the highlights of the audit. The City's General Fund has \$15,966,260 in cash and cash equivalents and total assets increased over \$3.1 million in FY2022. The Fund Balance increased \$2.4 million and the General Fund revenues increased by \$945,532. Expenditures increased \$608,000+ with a change of \$2,438,875 in the Fund Balance.

Next, Ms. Randolph reported the City's Special Revenue Fund which consists of the Community Development Block Grant and HOME programs along with the American Rescue Plan (ARPA) funds has \$3,486,224 in cash and total assets increased by \$990,561. She shared that revenues decreased by \$347,754 and expenditures decreased by \$114,535.

Ms. Randolph reported the City's Enterprise Fund (Water & Sewer) has a cash balance of \$11,102,496 and total assets of \$83,315,337 with a change in net position of \$59,007,738. She stated revenues increased \$40,000 and expenditures increased \$175,000 with a change in net position of \$1,568,225.

Ms. Randolph reiterated the City of Lenoir is in excellent financial position and had an excellent financial year.

City Manager Hildebran thanked Finance Director Donna Bean and Staff for all of their hard work and expertise, which is reflected in the financial report.

On behalf of City Council, Mayor Gibbons also thanked City Manager Hildebran, the Department Directors and Staff for continuing to find ways to save and expend their budgets.

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to approve the FY2021-2022 Audit report as submitted and as presented by Ms. Cynthia Randolph, CPA, PLLC.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, October 18, 2022 as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, October 25, 2022 as submitted.
- C. Acceptance of Offer to Purchase Real Property; 400 Block of Folk Street: Staff recommends approval of an Offer to Purchase Real Property by resolution in the amount of \$2,000.00 plus advertising costs and to direct Staff to advertise for upset bids consistent with N.C.G.S. §169A-269. The property is owned by the City of Lenoir. Joseph Sullivan, Rusty Castle Investors, LLC, Hudson, NC, has submitted an offer to purchase. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 291-292.)

- D. Proclamation; National Hospice and Palliative Care Month, November 2022: Staff recommends approval of a proclamation proclaiming the month of November 2022 as National Hospice and Care Month throughout the City of Lenoir. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 293.)
- E. Proclamation; #Giving Tuesday 2022: Approval of a proclamation proclaiming Tuesday, November 29 as “#Giving Tuesday” throughout the City of Lenoir. #Giving Tuesday is a global movement that has been built by individuals, families, organizations, businesses and communities in all 50 states and in countries around the world. Giving Tuesday inspires people to take collective action to improve their communities, give back in better, smarter ways to the charities and causes they believe in, and help create a better world. Additional information may be found at www.givingtuesday.org. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 294.)

Upon a motion by Mayor Pro-Tem Thomas, City Council voted 7 to 0 to approve the above listed items on the Consent Agenda as described above and as 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

LEAF COLLECTION SCHEDULE:

1. City of Lenoir leaf collection starts in November. Residents will get three pickups (one monthly) between November and January 2023. Residents should rake leaves into piles behind the curb or ditch line, and remove all bricks, rocks, sticks, or glass. Such items may cause personal injury to employees and damage equipment. More information is available online at www.cityoflenoir.com.

HOLIDAY CLOSING; SANITATION

DIVISION:

2. The Sanitation Division will not operate on Veterans Day, Friday, November 11. Garbage normally picked up on Friday will be collected on Wednesday, November 9. All other household garbage pickups will remain on a normal schedule. There will also not be bulk collections for the week of Monday, November 7 through Friday, November 11.

LENOIR BUSINESS ADVISORY

BOARD:

3. The Lenoir Business Advisory Board will meet on Thursday, November 10 at 6:00 p.m. at City Hall, Third Floor.

HOLIDAY CLOSING; VETERANS DAY:

4. City offices will be closed on Friday, November 11 in observance of Veterans Day. A Veterans Day ceremony will be held at the Veterans Plaza on the square on Friday,

November 11 at 11:00 a.m.

CITY/COUNTY SERVICES

COMMITTEES: 5. The City/County Services Committee will meet on Monday, November 14 at noon at the J. E. Broyhill Civic Center.

ABC BOARD: 6. The ABC Board will meet on Tuesday, November 15 at 2:00 p.m.

LIGHT UP

LENOIR: 7. The annual Light up Lenoir event will begin nightly on Thursday, November 17 from 7:00 p.m. – 10:00 p.m. in downtown Lenoir. School performances will also be held on Thursday, November 17 from 5:00 p.m. – 7:00 p.m. and visits with Santa will be held from 5:00 p.m. – 7:30 p.m. The public is invited to attend.

FOOTHILLS REGIONAL

AIRPORT AUTHORITY:

8. The Foothills Regional Airport Authority will meet on Wednesday, November 20 at noon at the Airport facility.

ANNUAL TURKEY TUESDAY

EVENT: 9. The 8th annual Turkey Tuesday event will be held on Tuesday, November 22 beginning at 5:00 p.m. at the Martin Luther King, Jr. Center. Donations are currently being accepted.

ANNUAL CHRISTMAS

PARADE: 10. The Starry Night Christmas Parade is scheduled for Friday, December 2 at 6:30 p.m. in downtown Lenoir.

B. Items for Council Action

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

COMMENDED; CITY STAFF FOR HALLOWEEN EVENTS:

1. On behalf of City Council, Mayor Gibbons thanked Matthew Anthony, Main Street Downtown Event Coordinator, and City Staff for all of their hard work for the downtown Trick or Treat event and the Mad Hatters Pumpkin Patch Parade. The event was a huge success and well attended.

BOARD ANNOUNCEMENTS:

2. Mayor Gibbons reported he would present several names of individuals for Council's consideration of approval to serve on the City's Authorities/Boards/Commissions. Currently there is a vacancy on the Lenoir Planning Board and the Lenoir Housing Authority.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

A. There being no further business, the meeting adjourned at 6:35 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

RESOLUTION

WHEREAS, the City of Lenoir owns certain property, located on the 400 Block of Folk Street, Lenoir, NC, and being approximately 0.24 acre, and being Caldwell County Tax Parcel ID#092712 and NCPIN 2840900534, and

WHEREAS, North Carolina General Statute §160A-269 permits the City to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of \$2,000.00, submitted by Joseph Sullivan, (Rusty Castle Investors, LLC, Lenoir, NC; and

WHEREAS, Joseph Sullivan 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

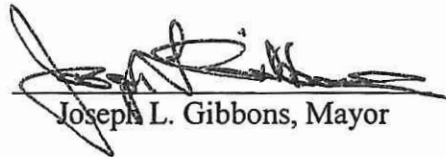


return the deposit on an offer subject to upset if a qualifying higher bid is received. The City will return the deposit of the final high bidder at closing.

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 Joseph Sullivan, Rusty Castle Investors, LLC, of Lenoir, North Carolina.

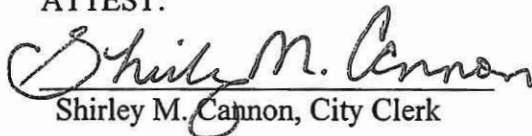
This the 1st day of November, 2022.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk



National Hospice & Palliative Care Month November 2022

WHEREAS, for more than 40 years, hospice has helped provide comfort and dignity to millions of people, allowing them to spend their final months at home, surrounded by their loved ones; and

WHEREAS, the hospice model involves an interdisciplinary, team-oriented approach to treatment, including expert medical care, quality symptom control, and comprehensive pain management as a foundation of care; and

WHEREAS, beyond providing physical treatment, hospice attends to the patient's emotional, spiritual and family needs, and provides family services like respite care and bereavement counseling; and

WHEREAS, palliative care delivers expertise to improve quality of life and relief from pain, can be provided at any time during an illness, and hospices are some of the best providers of community-based palliative care; and

WHEREAS, in an increasingly fragmented and broken health care system, hospice is one of the few sectors that demonstrates how health care can – and should – work at its best for its patient; and

WHEREAS, every year 1.5 million Americans living with life-limiting illness, and their families, received care from the nation's hospice programs in communities throughout the United States; and

WHEREAS, hospice and palliative care organizations are advocates and educators about advance care planning that help individuals make decisions about the care they want; and

WHEREAS, the Centers for Medicare and Medicaid Services have pledged to put patients first in all of its programs – including hospice – ensuring a coordinated and patient-led approach to care, protecting patient choice and access to individualized services based on a patient's unique care needs and wishes.

NOW, THEREFORE, I, Mayor Joseph L. Gibbons, on behalf of the City of Lenoir City Council, do hereby proclaim November 2022 as National Hospice and Palliative Care Month in Lenoir and encourage citizens to increase their understanding and awareness of care at the end of life, discuss their end of life wishes with their families, and observe this month with appropriate activities and programs.

This the 1st day of November 2022.

SEAL



Joseph L. Gibbons, Mayor



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

PROCLAMATION

#GIVING TUESDAY

WHEREAS, Giving Tuesday was established as a national day of giving on the Tuesday following Thanksgiving; and

WHEREAS, Giving Tuesday is a celebration of philanthropy and volunteerism where people give whatever they are able to give; and

WHEREAS, Giving Tuesday is a day where citizens work together to share commitments, rally for favorite causes, build a stronger community, and think about other people; and

WHEREAS, it is fitting and proper on Giving Tuesday and on every day to recognize the tremendous impact of philanthropy, volunteerism, and community service in the City of Lenoir and Caldwell County; and

WHEREAS, Giving Tuesday is an opportunity to encourage citizens to serve others throughout this holiday season and during other times of the year.

NOW, THEREFORE, I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, do hereby proclaim Tuesday, November 29, 2022 as "**Giving Tuesday**" throughout the City of Lenoir and Caldwell County and encourage all citizens to join together to give back to the community in any way that is personally meaningful.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this 1st day of November 2022.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk



CITY OF LENOIR**COUNCIL ACTION FORM: December 6, 2022****I. Agenda Item:**

Acceptance of Offer to Purchase property owned by the City of Lenoir located on the 400 block of Folk Street in the Freedman neighborhood (See attached map)

II. Background Information:

The City of Lenoir acquired this vacant 0.24-acre lot in 1987 (DB 945, PG 374). Identified by NC PIN 2840900534, the lot is zoned R-6 (high density residential) and is located within the North Main overlay district.

Joseph Sullivan (Rusty Castle Investors, LLC) has submitted an offer to purchase the lot for \$2000, plus advertising costs. Rusty Castle Investors owns the house located immediately to the north of the subject property, which is currently being renovated (428 Folk St – see DB 2052, PG 204). He plans to combine this city-owned lot with 428 Folk St and does not intend to build on it.

On November 1, 2022, Council directed staff to advertise Mr. Sullivan's bid consistent with NCGS 160A-269, to initiate the upset bidding process. No upset bids were received.

See attached map.

Staff Recommendation: Acceptance of the offer to purchase.

III.**IV. Reviewed by:**

City Attorney: _____

Finance Director: _____


Planning Director: _____



Date: 24-Oct-22

Scott Hildebran, Manager
City of Lenoir
801 West Avenue NW
Lenoir, NC 28645

Mr. Hildebran:

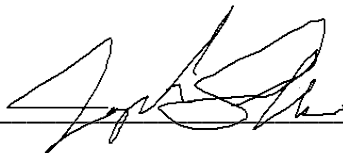
Please accept this letter as my official bid offer of \$ 2,000.00 for property owned by the City of Lenoir and located at 428-430 Folk Street NW, Lenoir, NC, further identified by NC PIN 2840900534.

Furthermore, I understand that (check any/all that apply):

- ☐ This property contains a deteriorated or dilapidated structure. As part of my offer, I agree to repair the structure in accordance with the standards contained in Chapter 10 of the Lenoir City Code and all applicable state building codes, or to remove this structure at my own expense.
- ☐ Published Notice. As part of my offer, I agree to pay all costs associated with the public notices required by 160A-269.

Enclosed is a deposit of 5% of the bid in accordance with 160A-269.

Sincerely,

X  (please sign)

Full Name: Rusty Castle Investors, LLC / Joseph Sullivan
Phone number: 828-850-1757
Email: RustyCastleInvestors@gmail.com
Mailing Address: 4040 James Drive, Hudson, NC 28638

§ 160A-269. Negotiated offer, advertisement, and upset bids.

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)

CITY OF LENOIR
CASH RECEIPT
DUPLICATE

Receipt No: 1320917
Date: 10/25/2022
Time: 4:36:38 PM

Received From:
BID ON PROPERTY

Amount: 200.00
Paid: 200.00
Change: 0.00

For:
PLANNING DEPT BLDG 200.00
FOLK ST
1287: 200.00

Received By: ER

AFFP

NOTICE OF OFFER TO PURCHASE

Affidavit of Publication

STATE OF NC }
COUNTY OF Stoddard SS

Kaitlin Eller, being duly sworn, says:

That she is AD MANAGER of the Lenoir News Topic, a daily newspaper of general circulation, printed and published in Lenoir, County, NC; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

November 04, 2022

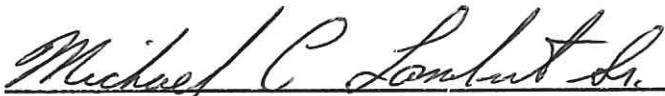
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



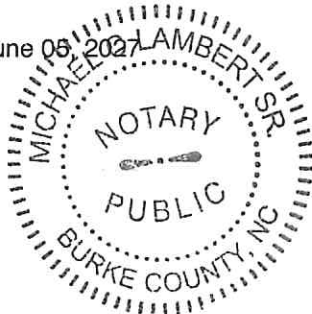
AD MANAGER

Subscribed to and sworn to me this 4th day of November 2022.



Michael C. Lambert Sr., NOTARY Burke, County, NC

My commission expires: June 05, 2027



00004614 70513473

CITY OF LENOIR
PO BOX 958
LENOIR, NC 28645

**NOTICE OF OFFER TO
PURCHASE REAL
PROPERTY
- CITY OF LENOIR**

Notice is hereby given pursuant to N.C.G.S. §160A-269 that the City of Lenoir has received an Offer to Purchase a 0.24 acre tract owned by the City of Lenoir located on the 400 block of Folk Street. The City has owned the property since 1987. The parcel number is: NC PIN 2840900534, Parcel ID 09-27-1- 2. The offered purchase price is \$2,000.00, plus advertising costs, for conveyance by non-warranty deed. The property shall be conveyed "as is, where is," and the purchase and sale shall be subject to all superior liens, unpaid taxes and special assessments, if any. The City Council proposes to accept said offer. Within ten (10) days of this notice any person may raise the bid by not less than ten (10%) of the first \$1,000.00 and five (5%) percent of the remainder and by making a deposit of five (5%) percent of such increased bid with the City Clerk. Any such bid shall be subject to further advertisement as provided in N.C.G.S. §160A-269. The City Council may at any time reject any and all bids.

City of Lenoir
Shirley M. Cannon, MMC, NC-
CMC
City Clerk
801 West Avenue, NW
Lenoir, NC 28645

November 4, 2022