AGENDA

CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, FEBRUARY 21, 2023
6:00 P.M.

I. CALL TO ORDER

A. Moment of Silence & Pledge of Allegiance

B. Special Recognition: On behalf of City Council, Mayor Gibbons will present a key to the City and a resolution to Patrol Lieutenant Chris Mills in honor and recognition of 26 years of dedicated and outstanding service to the Lenoir Police Department, City of Lenoir and its citizens.

C. Special Recognition: On behalf of City Council, Mayor Gibbons will present a key to the City and a resolution to Fire Chief Ken Hair in honor and recognition of 31 years of dedicated and outstanding service to the Lenoir Fire Department, City of Lenoir and its citizens.

D. Special Recognition: On behalf of City Council, Mayor Gibbons will present a key to the City and a resolution to Parks & Recreation Director Kenny Story in honor and recognition of 35+ years of dedicated and outstanding service in the recreation field.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

A. Continued; Preliminary Plat; Hillhaven Place Subdivision: City Council continued a quasi-judicial public hearing from the January 3, 2023 meeting until the City Council meeting of Tuesday, February 21, 2023 as requested by the applicant and adjoining property owners for the Preliminary Plat for the Hillhaven Place Subdivision Plat to create 22 lots from two vacant tracts and approval of conditions (1-7) as listed below. Planning Staff and the Planning Board recommend approval of the proposed Major Subdivision, based on the Findings/Special Standards for Major Subdivisions on pages 7-9 of the attached Staff Report and subject to the following | conditions on page 9.

Note: A quasi-judicial hearing is a hearing where the City Council is acting much like a judge or jury in court. City Councilmembers are not allowed to talk to people who are for or against an application prior to the hearing, or if they do, must disclose those conversations at the public hearing. City Council can only consider and make their decision based on the relevant, admissible evidence that is testified under oath and presented at the hearing.

<u>Conditions</u>

1. The developer shall pay into the sidewalk fund in lieu of sidewalk construction. The payment shall be calculated for the footage of Hillhaven Place by the price of concrete for a 5’ sidewalk. The sidewalk fund payment is due prior to the approval of the final plat.

2. A stormwater permit for a low density development is required prior to approval of the final plat. Notes on the face of the final plat including limitations on built upon area will be required.
3. NCDOT must review and approve the existing connection of US 321 and Hillhaven Place, due to the addition of residential density. Any geometric improvements to the connection must be completed prior to approval of the Final Plat.
4. A cul-de-sac or T-Y-L alternative turnaround must be installed at the end of Hillhaven Place. Prior to starting construction on the turnaround, civil plans demonstrating compliance with the standards in Chapter 18 (Streets and Sidewalks) must be provided to Public Works for review and approval.
5. A 40' wide public right of way must be extended to the southern property line where the City-maintained "fork" off Hillhaven Place currently extends to serve the house at 120 Hillhaven Place. A "stub out" must be constructed to the property line within this right-of-way, in order to facilitate future extension/connection to serve future residential subdivision.
6. While current water and sewer infrastructure is sufficient to handle 22 additional homes in the location, the existing fire hydrants are not sufficient to service structures larger than 1,870 square feet. Either the water service can be upgraded to increase capacity of hydrants, or deed restrictions must be recorded that limit overall square footage of individual houses to 1,870 square feet and/or require houses larger than 1,870 square feet to have sprinklers/fire suppression systems.
7. A grading plan must be submitted prior to approval of any building permits on lots 18-21. Placement of homes on steep lots may negatively impact the City's ability to effectively fight house fires on these properties. Residential sprinklers/fire suppression systems are strongly encouraged for future development on the aforementioned lots.

III. CONSENT AGENDA ITEMS

A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, February 7, 2023 as submitted.

B. Final Offer to Purchase Real Property; H. Lewis Price Street: Approval of the Final Offer to Purchase Real Property in the amount of $1,000 plus advertising costs by Resolution following the submission of all upset bids, and as submitted by Hamilton Wall for a 4' by 54' strip owned by the City of Lenoir and running alongside the length of his adjacent property at 118 H. Lewis Price Street, NCPIN#2798474597 and Caldwell County Tax ID#09-8-2-30 as submitted. The legal advertisement for the Notice of Offer to Purchase Real Property was published in the *News-Topic* on Friday, February 10. Staff recommends the City accept the Final Offer to Purchase because the City did not receive any additional upset bids.

C. Resolution; Chris Mills: Approval of a resolution presented to Patrol Lieutenant Chris Mills in honor and recognition of 26 years of dedicated and outstanding service to the Lenoir Police Department, City of Lenoir and its citizens.

D. Resolution; Surplus Property: Approval of a resolution to declare the following police weapon and police badge of Lieutenant Chris Mills, upon retirement, as surplus and no longer have any additional use to the City of Lenoir (Sig Sauer P-320 Pistol, Serial Number 58J478009) as per N.C.G.S §20-187.2 and as recommended by the Police Department.

E. Resolution; Ken Hair: Approval of a resolution presented to Fire Chief Ken Hair in honor and recognition of 31 years of dedicated and outstanding service to the Lenoir Fire Department, City of Lenoir and its citizens.

F. Resolution; Kenny Story: Approval of a resolution presented to Parks & Recreation Director Kenny Story in honor and recognition of 35+ years of dedicated and outstanding service in the recreation field.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

1. The Foothills Regional Airport Authority will meet on Wednesday, February 22 at noon at the airport authority.
2. The annual City Council Planning Retreat will be held on Friday, February 24 from 8:00 a.m. – 3:00 p.m. at Blue Ridge Energies located at 100 Cooperative Way.
3. The Planning Board will meet on Monday, February 27 at 5:30 p.m. at the City/County Chambers.
4. The Committee of the Whole will meet on Tuesday, February 28 at 8:30 a.m. at City Hall, Third Floor.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

A. Closed Session: Pursuant to N.C.G.S. §143-318.11(a), (4), City Council will enter into closed session to discuss economic development.

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

A. Board Appointment; Board of Adjustments: Mayor Gibbons will recommend Kyle Case to be appointed to serve a term on the Board of Adjustments, which will expire June 2026 for City Council's consideration of approval. This board appointment was announced on February 7, 2023.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

RESOLUTION

In Recognition of Dedicated Service

***WHEREAS**, on the 15th of January, in the year 1998, Christopher Todd Mills was appointed as a Patrol Officer for the City of Lenoir Police Department by Chief Jack Warlick;*

***THAT**, as of the date of this Resolution, Lieutenant Mills has admirably and with great distinction, served the citizens of Lenoir during the tenures of four Police Chiefs;*

***THAT**, Chris has formed close relationships with his genuine concern and dedication to duty; and has contributed to the success of the department and community, with the support of his wife, Crystal.*

***THAT,** prior to being hired by the City of Lenoir, Chris served as a Detention Officer with the Caldwell County Sheriff's Office and Correctional Officer for the Foothills Correctional Department in Morganton during the years 1997 to 1998;*

***THAT,** due to his diligent performance of exemplary manner, he was promoted to Patrol Sergeant in 2003, to Support Services Training Coordinator in 2008, to Lieutenant in 2009, to Patrol overseeing two Platoons in 2012; and since 2018, has lead the department's Community Resources Platoon;*

***THAT,** he received his Instructor Certification in 2001, completed Police Law Institute in 2003, received the Advanced Law Enforcement Certificate in 2007, completed FBI Regional Command College in 2009, was voted Officer of the year by department members in 2015, and completed the FBI-Law Enforcement Executive Development Association Trilogy Program in 2019;*

***THAT**, Chris has been instrumental in overseeing a number of programs and serving in a multitude of capacities to include Department Instructor, Special Response Team Member, Citizens Police and K9 Academy Coordinator, K-9 Team Supervisor, Recruitment and Retention, Ready Response Team, and Crisis Incident Stress Management Team;*

***THAT**, society and law enforcement has undergone many changes and challenges over the last 25 years, and Chris has stayed abreast through those changing trends to remain an effective leader, role model and mentor within the department and community at large;*

***THAT**, he has played an active, vital role in the community with a number of accolades in his personnel file showing his willingness to go above and beyond what is expected for the department, city, and community;*

***THAT,** Chris has humbly served the citizens of the City of Lenoir and Caldwell County and will be retiring on March 1, 2023 with over 26 years of creditable service in the North Carolina Local Government Retirement System.*

***THEREFORE, BE IT RESOLVED,** by authority of the Mayor and City Manager, and on behalf of the City Council, that Lieutenant Chris Mills has been an exemplary employee and is himself the epitome of the professional Law Enforcement Officer. His contributions to the safety and well-being of the citizens of Lenoir and officers of the Lenoir Police Department will be held in high esteem and in remembrance by this governing body, as well as all persons impacted by his accomplishments, generosity, and compassion for those in need;*

***THIS**, the _____ day of _____, 2023.*

Joseph L. Gibbons, Mayor	***Scott E. Hildebran, City Manager***

RESOLUTION

CITY OF LENOIR

HONORING

KENNETH WILLIAM HAIR

WHEREAS, ***Kenneth (Ken) William Hair*** began his career as a Firefighter with the Lenoir Fire Department on October 8, 1991, and was promoted to 2nd Lieutenant on October 4, 2001, Lieutenant on October 3, 2002, Captain on March 14, 2005, Assistant Chief on February 11, 2008, Deputy Chief on April 3, 2011 and Fire Chief on March 1, 2018; and

WHEREAS, ***Ken Hair*** has announced his retirement effective February 1, 2023 ending 31plus years of exemplary service to the citizens of Lenoir and Caldwell County; and

WHEREAS, during his tenure of dedicated service, ***Ken Hair*** has served with great competence and always contributed positively to the professional development of those around him; and

WHEREAS, during all of his endeavors both in and outside the Fire Department ***Ken Hair*** has brought honor and respect to himself and the City of Lenoir by his actions and his fair treatment of all persons;

NOW THEREFORE BE IT RESOLVED, that I, Joseph L. Gibbons, Mayor, and on behalf of the Lenoir City Council and all the citizens, do hereby wish the very best for ***Ken*** in his retirement and commend him for the example he has set as a dedicated public servant; and

BE IT FURTHER RESOLVED that we extend our sincere appreciation and deep gratitude for his faithful and outstanding service which has contributed to the betterment of our City.

Witness my hand and seal this the 21st day of February, 2023.

SEAL

Joseph L. Gibbons
Mayor

Scott E. Hildebran
City Manager

CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

Resolution Honoring Kenneth E. Story

WHEREAS, Kenneth E. "Kenny" Story started his career with the City of Lenoir, North Carolina, on June 29, 1987, and served in various positions in the Parks and Recreation Department through April 10, 1996, including Summer Playground Coordinator, Ball Field Maintenance, Aquatics Director, Assistant Center Director, Center Director, and Athletic Director: and

WHEREAS, Kenny Story returned to work for the City's Parks & Recreation Department on October 15, 2007, as Athletic Programs Supervisor and was promoted to Assistant Recreation Director/Athletic Director in 2011, Interim Director in 2016, and Director in 2017; and

WHEREAS, Kenny Story has been very active in the community including volunteering with the Special Olympics, coaching for several recreation leagues, working as a Tar Heel League Coach; and

WHEREAS, during his tenure as Parks & Recreation Director, Kenny Story has overseen the completion of many improvements to Lenoir Parks and Recreation facilities including improvements to the Lenoir Optimist Park, Greenway extensions, improvements to The Campus at the Historic Lenoir High School, new outdoor pickleball courts at Mulberry Recreation Center, the Regenerative Stormwater Conveyance at J.E. Broyhill Park, new energy efficient LED lighting at Mulberry Recreation Center and Mack Cook Stadium, renovations at T.H. Broyhill Walking Park including three, new single-unit restrooms and decking boards on the observation deck, and securing grant funding for improvements to the Lenoir Aquatic & Fitness Center including a new splash pad; and

WHEREAS, during his career, Kenny Story has worked with many community partners to improve recreation opportunities and facilities for residents in Lenoir including Appalachian State University, the Broyhill Family Foundation, Caldwell Community College & Technical Institute, Foothills Performing Arts, and North Carolina State Agricultural Extension; and

WHEREAS, Kenny Story has announced his retirement effective March 1, 2023, ending more than 24 years of exemplary service to the citizens of Lenoir and more than 35 years of service in Parks and Recreation in the state;

NOW THEREFORE BE IT RESOLVED, that I, Joseph L. Gibbons, Mayor, and on behalf of the City of Lenoir Council and all the citizens, do hereby wish the very best for Kenny in his retirement and commend him for the example he has set as a dedicated public servant; and

BE IT FURTHER RESOLVED, that we extend our sincere appreciation and deep gratitude for his faithful and outstanding service, which has contributed to the betterment of our City.

This, the 21st day of February 2023.

SEAL

_____
Joseph L. Gibbons, Mayor

CITY OF LENOIR

COUNCIL ACTION FORM: February 21, 2023

I. Agenda Item:

Consideration of a Preliminary Plat Major Subdivision to create 22 lots along Hillhaven Place.

II. Background Information:

The applicant proposes to subdivide two parcels into 22 lots with driveway access off of Hillhaven Place. A subdivision that proposes more than 10 lots is considered a major subdivision, requiring approval by the City Council. The property is located in the R-15, Single Family district on Hillhaven Place.

Staff report is attached. Following approval, the developer must construct all public improvements in accordance with the approved preliminary plat, prior to approval of a final plat and the acceptance of infrastructure by the City.

III. Staff and Planning Board Recommendation:

Planning staff and the Planning Board recommend approval of the proposed Major Subdivision, based on the findings on page 7-9 of the attached staff report and subject to the conditions on page 9.

IV. Reviewed by:

City Attorney: _____
Finance Director: _____

Planning Director: Hannah Williams _____

Staff Report

Major subdivision #1/22

Preliminary plat

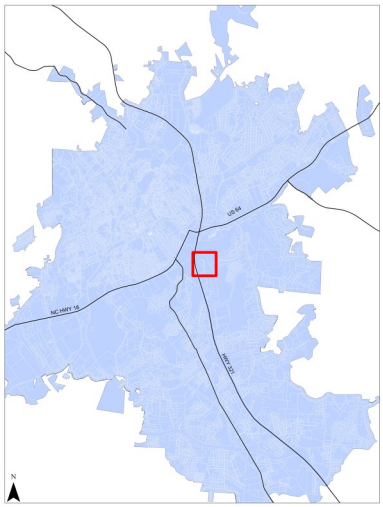
Location map

Subject Property

Hillhaven Place

(1) 2759340506

Zoning: R-15 (2) 1.52 AC of 2759433724



Summary

Owners

(1) PB Realty

(2) Broyhill Timber Resources

Applicants

Guy Long, Piedmont Companies Inc.

Will Clayton, Clayton Engineering

Location

Hillhaven Place, east of US-321 (Hickory Blvd) and north of Mclean Drive

NC PIN

(1) 2759340506

(2) 1.52 AC of 2759433724

Project Planner

Hannah Williams, AICP, CZO

Updated February 15, 2023

Applicant's Request:

The applicant is requesting preliminary approval of a major subdivision plat to create 22 lots from two vacant tracts on Hillhaven Place, an existing city-maintained street.

Staff Recommendation:

Approval of the preliminary plat, subject to the conditions in this report. Draft findings are provided on pages 7-9.

Technical Review Committee:

See page 7 for Public Services and Public Safety comments.

Planning Board Recommendation:

Approval of request, see page 9.

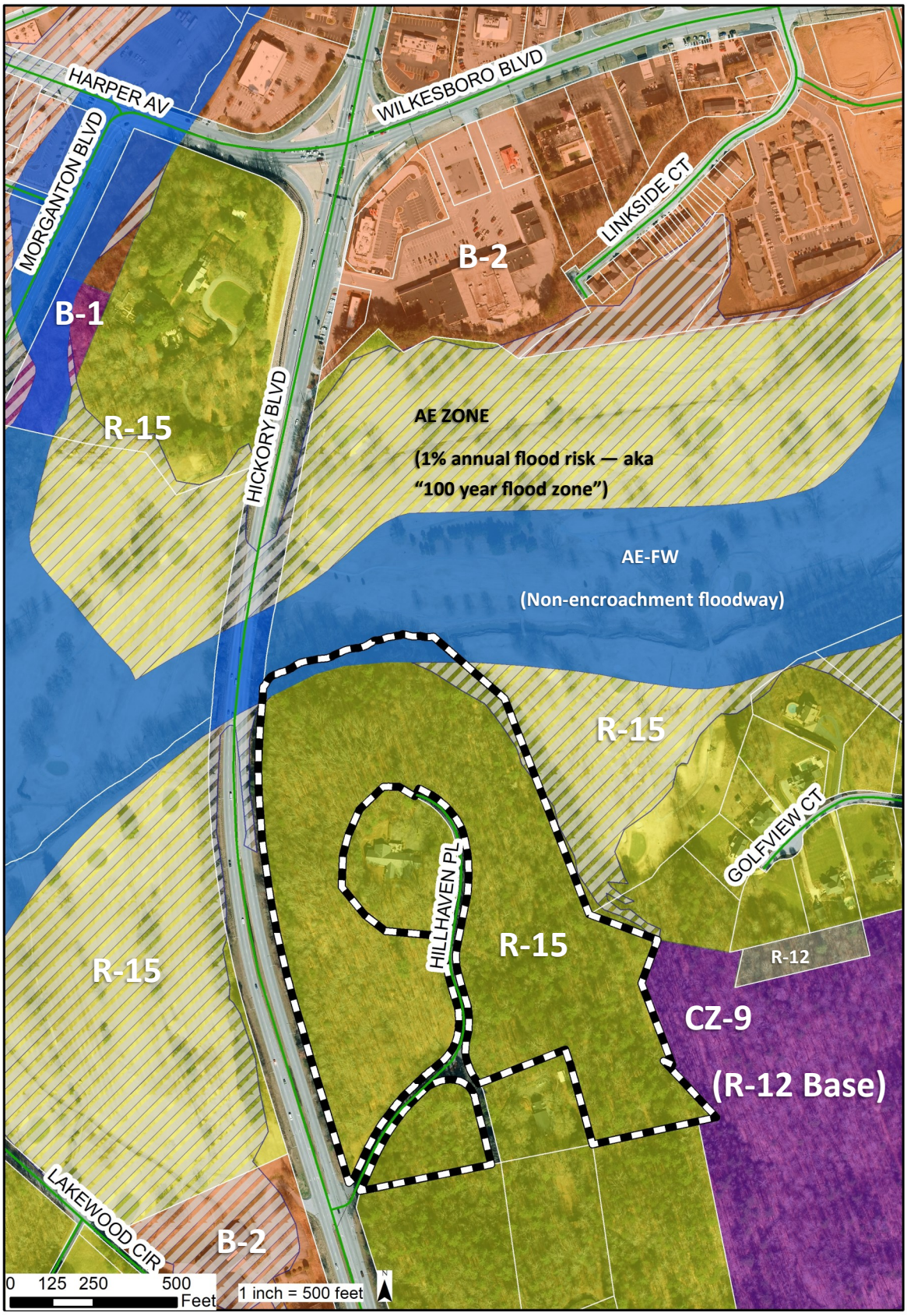
Public Comment: Comments presented by Ms. Bush and Mr. Ferraguto, and a letter from Mr. Strom, owners of adjacent properties on Hillhaven had concerns about safety on steep slopes of the road and increased traffic at the US-321 intersection.

Planning Board Meeting: Scheduled for Nov 28, 2022. Notice of the meeting was mailed to the owners of all adjacent parcels on Nov 18, 2022 (see noticing map, page 3).

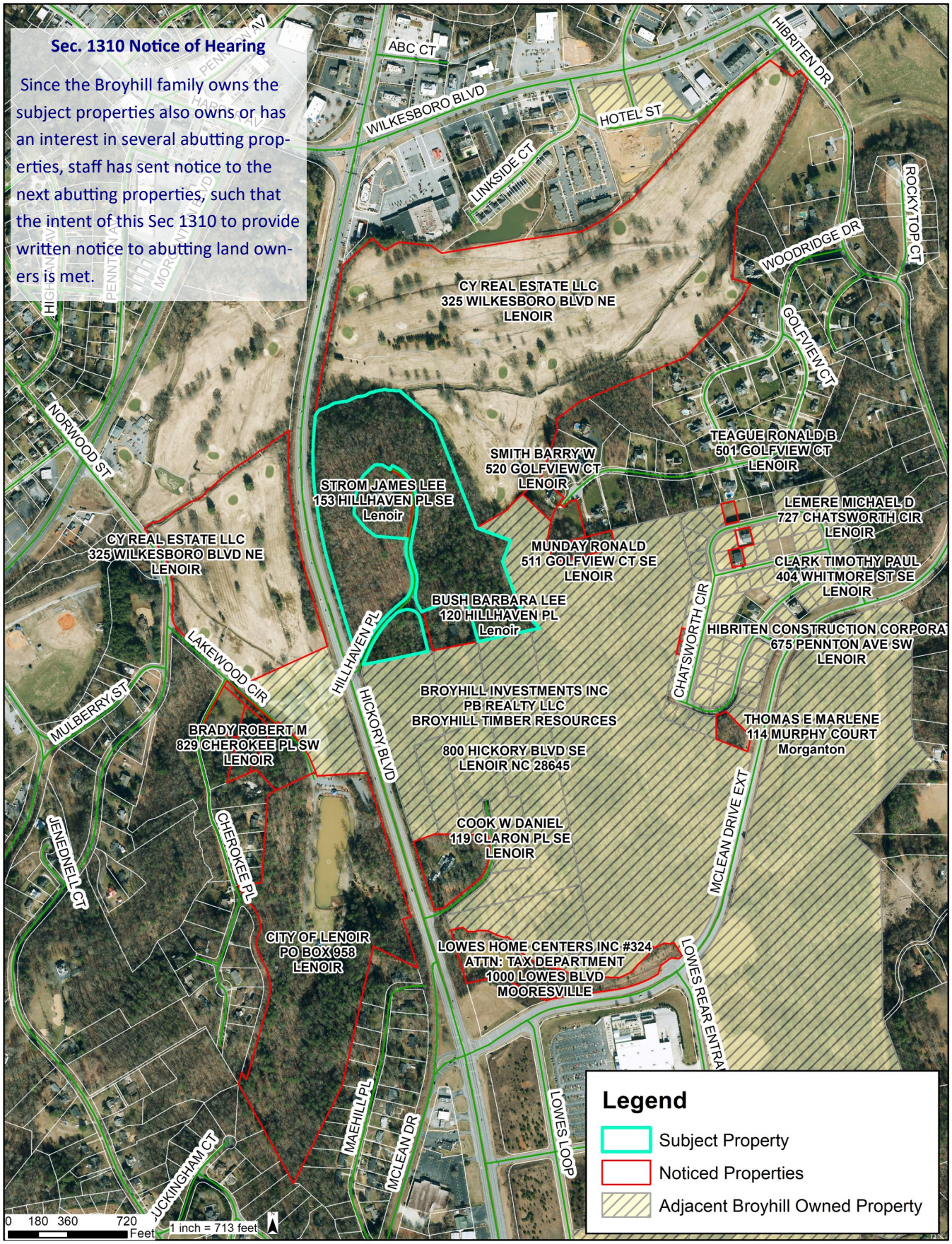
City Council: Scheduled for Feb 21, 2023 after a continuance from the City Council meeting on Jan 3, 2023. Notices were mailed Dec 22, 2022.

******This request is quasi-judicial. You should not discuss this case with decision makers outside of the scheduled hearing******

Zoning and Floodplain Map



Noticing Map



Background and Analysis

Major Subdivisions

Chapter 19 of the Lenoir Code of Ordinances describes the process of subdivision within City Limits & the ETJ. Major subdivisions are divisions of tracts of land that include dedication of new streets, changes to existing streets, otherwise commit the expenditure of city funds, or create more than ten lots. Approval of major subdivisions occurs in three phases:

Current Phase → **(1) Phase 1—Preliminary plat.** A preliminary plat is reviewed by the technical review committee and the planning board, and approved by the city council following a quasi-judicial hearing.

(2) Phase 2—Construction of infrastructure. All public improvements must be constructed by the developer in accordance with city standards and the approved preliminary plat prior to approval of a final plat and the acceptance of infrastructure by the City.

(3) Phase 3—Final plat. A final plat is reviewed and approved by the city council, and infrastructure is accepted for public maintenance.

Subject and Surrounding Properties

Hillhaven Place is a public, dead-end road off of Hickory Blvd with an existing 40' wide right-of-way. There are city water and sewer facilities in the right-of-way. The property is located in the R-15, Single-Family Residential district. There are only two homes on Hillhaven Place, on platted lots in separate ownership. The remainder of the acreage is wooded and owned by PB Realty/Broyhill Timber Resources. South of the subject properties are more Broyhill-owned, wooded tracts that abut Claron Place and Mclean Drive. Section II of the Overmountain Forest Planned Development, zoned CZ-9, is west of the subject property.

Applicant's Request

The applicant is proposing to create twenty-two residential lots off of Hillhaven Place, for a total of 24 lots fronting on the street (the two existing lots are in separate ownership and are not a part of this request). Since the number of lots exceeds 10, this development is classified as a major subdivision. The proposed lots meet all minimum dimensional and setback requirements of the zoning ordinance for the R-15 district, and range in size from just over the minimum 15,000 sq. ft. required by the district to over 4.5 acres (lots 17 and 22). The range of lot sizes reflects the topography of the site, which has over 100 ft. of elevation change (elevations range from 1,110 ft. above sea level at the connection to US321, to 1,215 ft. above sea level at the top of the dead-end). The larger acre lots contain the steepest slopes and would not be suitable for further subdivision. Density is concentrated on the southern portion of the existing road, with 16/22 proposed lots fronting on the first ~800 ft. of Hillhaven, and only 6 on the remaining ~600 ft. While the applicant's proposal did not originally include any infrastructure upgrades, the additional density triggers some necessary improvements. As conditions of approval, the applicant will need to dedicate additional right-of-way at the northern end of Hillhaven as well as at the end of the "fork" at the southern end, to accommodate a turn-around and a "stub-out" for future connections, respectively. Additionally, sidewalk construction, or a payment in lieu of construction, is also required.

Proposed Lots with Square Footage

NUMBER	SQ.FT.
LOT 1	21,597
LOT 2	23,642
LOT 3	20,877
LOT 4	25,940
LOT 5	18,874
LOT 6	17,424
LOT 7	16,651
LOT 8	15,578
LOT 9	15,010
LOT 10	15,366
LOT 11	20,356
LOT 12	28,306
LOT 13	51,337
LOT 14	51,509
LOT 15	42,828
LOT 16	32,473
LOT 17	304,649
LOT 18	68,165
LOT 19	70,077
LOT 20	54,950
LOT 21	46,621
LOT 22	232,453

Subdivision Site Plan

NUMBER	SQ.FT.	ACREAGE	APR DIM
LOT 1	21,597	0.50	212' X 99'
LOT 2	23,642	0.54	101' X 225'
LOT 3	20,887	0.48	75' X 265'
LOT 4	25,940	0.60	92' X 278'
LOT 5	18,874	0.43	71' X 259'
LOT 6	17,474	0.40	77' X 234'
LOT 7	16,651	0.38	72' X 228'
LOT 8	15,578	0.36	72' X 215'
LOT 9	15,010	0.72	110' X 503'
LOT 10	15,366	0.34	128' X 546'
LOT 11	20,356	0.47	67' X 310'
LOT 12	28,306	0.65	70' X 400'
LOT 13	51,337	1.18	110' X 503'
LOT 14	51,509	1.18	128' X 546'
LOT 15	42,828	0.98	94' X 514'
LOT 16	37,473	0.75	83' X 515'
LOT 17	304,649	6.99	856' X 483'
LOT 18	68,165	1.56	203' X 364'
LOT 19	70,077	1.61	220' X 309'
LOT 20	54,950	1.26	156' X 352'
LOT 21	46,621	1.07	115' X 403'
LOT 22	232,453	5.34	714' X 566'

BACKGROUND AND ANALYSIS

Transportation and Access

Hillhaven Place has been a city-maintained road since its construction. The road intersects with US-321 about a half mile south of Smith Crossroads and about a half mile north of the McLean Drive (Lowe's Hardware) intersection. US-321 has a continuous grassed median along this thoroughfare, with a break that lines up with Hillhaven, so drivers entering or exiting Hillhaven will be able to travel north or south from the intersection. Hillhaven Place is about 1471 feet long. There is standard curb and gutter along the first 890 ft of the road, while the upper 581 feet has a valley curb. There is a fork off Hillhaven that leads up to the driveway of the home at 120 Hillhaven Place. About 200' of this fork is city-maintained with curb and gutter. The right of way around this fork extends past the city-maintenance and ends close to an adjacent parcel owned by PB Realty (NCPIN 2759236589), which is not part of this subdivision. There is potential for further subdivision development in this area, so it will be a recommendation of this report to extend a 40' right-of-way to the southern property line. Additionally, a turn-around is required on the north end of Hillhaven. (See Appendix A on page 10 for details on additional ROW dedications/extensions.)

All proposed lots have the required 25' of street frontage on and will be accessed from Hillhaven Place. Although Lots 9 through 16 are technically "through-lots," adjacent to US-321, they are designed as reverse frontage lots with no direct access to the highway due to the steep slopes along the western property lines. There is a mature tree buffer along this western exposure as well, limiting highway disruption to the residential area.

One of the proposed lots is a "flag lot," (Lot 22) meaning its frontage is narrower than the rest of the proposed lots. With flag lots, the driveway access is located on a slender strip of land originating at the road (the "flagpole") and extends to wider part of the parcel that is buildable (the "flag"). Lenoir subdivision standards do not limit flag lots, although there are some considerations regarding city services. The private water and sewer hookups need to be extended further for this lot, and the driveway may have to be constructed to accommodate a fire truck if the distance to the home requires such access to adequately respond to a fire or other emergency. Details related to development of the flag lot will be handled at time of permitting.

R-15 Dimensional Standards				
Zoning Designation	**Minimum Lot Area**	**Minimum Lot Width**	**Setbacks**	**Max. Building Height**
R-15 Single Family Residential	15,000 SF	Street Frontage: 25 Ft At Building Line: 60 Ft	Front: 40 Ft Side: 15 Ft Street Side: 25 Ft Rear: 35 Ft	35 ft.
♦See Sec. 800, Table A for a full description of Zoning District Development Standards				

Consistency with Major Subdivision Plat Requirements

Sections 19-09 through 19-16 of the Subdivision Ordinance include the basic standards for all plats. The applicant's preliminary plat for the Hillhaven Place site satisfies this criteria. Notable details regarding this project:

- The proposal meets all dimensional criteria for street frontage, lot size, width, setbacks, area, and block dimensions for single family residential uses in the R-15 zoning district.
- Lots 17 through 22 have some Special Flood Hazard Areas on them, but it is located towards the rear of the lots and is mostly outside of the building envelope created by the setbacks. See FIRM map 3710275900J.
- The developer has elected to make a payment into the sidewalk fund in lieu of construction.
- This project is required to obtain a stormwater permit from the WPCOG and any area of land disturbance greater than one acre will require a sedimentation and erosion control plan from NCDEQ.
- The development is currently served by the City's water and sewer systems. Existing utility lines have a 25' easement. Prior to submittal of the final plat, a capacity letter will be issued by the Public Utilities Department.

Technical Review Committee Comments

Public Services

Public Utilities: Jeff Church (jeff.church@ci.lenoir.nc.us—828-757-4459)

Water and sewer should be fine, there is an existing water service and eight inch sewer service. We will; however, need to review final plans and specs for the connections/extensions prior to final plat approval. If upgrades to existing fire hydrants are needed, the City's Engineer will need to review and approve proposed improvements

Public Works: Jon Hogan (Jon.hogan@ci.lenoir.nc.us—828-757-2183)

Currently [sanitation] services those homes with our small (PakRat) truck. With that subdivision built out we would likely move it to an automated route. Therefore, we would need to add a turnaround or cul-de-sac on the north end of Hillhaven in order to accommodate the larger truck. A turnaround is not needed at the south fork off Hillhaven.

Public Safety

Fire: Chris Jacobs (cjacobs@ci.lenoir.nc.us—828-757-2193)

- Fire vehicles require a cul-de-sac or hammerhead turnaround on Hillhaven per NC Fire Code for apparatus access.
- Driveway access on Lot 22 (flag lot) must be wide and robust enough to support a fire truck
- Water flow (hydrants) in this area currently is designed to support structures up to 1,870 sq. ft., larger structures over this would require an upgrade in the water system for suppression efforts (currently there are three hydrants for this road, 2 of them are less than 650 gpm however there is one hydrant, at Blowing Rock Blvd that is 1,187 gpm). Our calculation is based upon the two lesser gpm hydrants.
- The land grade for lots 18-21 is a concern, as steep grade could prevent or hamper efficient access residential sprinklers would be a great suggestion at least for these lots.

Police: Brent Phelps (bphelps@ci.lenoir.nc.us—828-757-0471)

For the number of lots, it appears that the roads will support the potential traffic increases.

Findings — Special Standards for Major Subdivisions

In accordance with Sec. 19-65, the City Council ***must*** approve the preliminary plat, and release the same for Phase 2 construction of infrastructure, upon finding that the application, based on competent, substantial evidence in the record and following an evidentiary hearing, meets of ***all*** of the following standards:

(a) ***Lot design and layout.*** *The proposed lots meet all standards in Article I of this chapter and all standards for the proposed use and district prescribed by the zoning ordinance, and the length, width, and shape of the blocks are designed with due regard and special consideration to the type of land use proposed.*

Staff response: The proposed lots meet all of the dimensional standards for single-family lots in the R-15 zoning district. While the length of the existing street exceeds the preferred maximum length of 500 ft. for dead-end streets, and dead-end streets are generally discouraged, the street is existing and the surrounding topography limits options for connections. The proposed layout gives special consideration to the topography and existing conditions, consistent with the intent of the district and the subdivision ordinance.

b) ***Suitability of land.*** *Land which is found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formations and other features likely to be harmful to the safety, health and general welfare of the future occupants or to the community shall not be subdivided unless adequate methods are formulated by the developer for meeting the problems created by the subdivision of such land.*

FINDINGS, CONT.

Staff response: A small sliver of the rear boundary on Lots 17-22 contains floodplain and floodway, but it will be outside of the building envelope of the lots. The steepest slopes and rock formations are all located on the perimeter of the site, on the largest lots. Lots 18 through 21 are among the steepest, but are also the largest, allowing for additional flexibility for the grading of a homesite. As a condition of approval, the final site plan/grading plan will be reviewed during permitting, in order to identify any potential issues with emergency response, as discussed in the Fire Marshall's TRC comments.

c) ***Orderly development.*** *The subdivision is designed to allow for the opening of future streets and logical further subdivision of subsequent phases and adjacent parcels.*

Staff response: This subdivision leverages an existing city-maintained road that already exists as a dead-end, creating additional lots for single-family homes without very little additional infrastructure for the City to maintain. A "stub out" will be extended to the adjacent parcel to the south, to allow for a future connection, consistent with the intent of this standard. Overall, this proposal is "logical further subdivision" of land served by existing infrastructure, and is anticipated to be the final phase of lot creation on Hillhaven Place.

d) ***Coordination and continuation of streets.*** *The proposed street layout is coordinated with the city's existing street system and maximizes the number of connections to the surrounding street network. Streets that abut the proposed subdivision are extended, and new street dedications must extend all the way to abutting parcels to provide for future extensions.*

Staff response: There are currently no streets that abut the proposed subdivision, so extension of abutting streets is not applicable to this request. As a condition of approval, the "fork" portion of roadway located south of the median will be dedicated all the way up to the adjacent parcel to the south, to allow for a future connection. The natural features of the area limit the potential for any other additional connections/continuation of streets.

e) ***Topography.*** *The subdivision design considers the limitations and opportunities of the existing topography and minimizes the need for excessive grading or site walls.*

Staff response: A majority of the lots will require minimal grading. Lots 18 through 21 are among the steepest and will need grading to create a buildable area. However, these four lots are more than three times the required lot size, leaving more natural space for gradual grading.

f) **Access management.** *Where a tract of land to be subdivided adjoins a major thoroughfare, the subdivision design manages access by establishing reverse frontage lots, marginal access streets, or other designs that limit private driveway connections on the major thoroughfare.*

Staff response: The proposed lots west of Hillhaven Place are reverse frontage lots, and adjoin US-321 at their rear. The subdivision is laid out for lots to be accessed by Hillhaven. The topography along the western edge of the parent tract adjacent to US321 is very steep — in places it is a sheer rock wall where blasting was required to construct the northbound lanes of US321. Driveway connections won't be permitted on US321, but in most places they aren't feasible anyway, ensuring compliance with this standard.

g) ***Pedestrian connectivity.*** *Lots are arranged to facilitate greenway and sidewalk connections in accordance with the adopted [pedestrian and bicycle plans] to adjacent public facilities, common/open space, greenways, and adjacent developments are provided.*

Staff response: Hillhaven Place will have local traffic only, since the road ends at Lot 17 and does not connect outside the neighborhood. The same topography that limits the roadway connections also limits the ability to connect the larger pedestrian network, as well as creates challenges to building ADA-compliant sidewalks in this location. Since conditions on this road ensure low traffic volume and low speeds with minimal pedestrian risk, a sidewalk payment in lieu is proposed. As the greenway network is built out connecting to the golf course and throughout the proposed Overmountain Forest development, opportunities to eliminate gaps that may enhance future Hillhaven Place residents' access will be explored, and can be funded through the sidewalk fund at that time.

Findings, Cont.

h) ***Adequate public facilities.*** *Adequate public facilities exist to serve the proposed subdivision, or will be developed upon approval of the preliminary plat.*

Staff response: The road, water, and sewer are all capable of serving the proposed lots. A cul-de-sac or alternative turnaround will be developed to better serve public vehicles that need adequate space to turn around, such as sanitation or fire trucks. The only concern about adequate facilities relates to the capacity of the existing fire hydrants to serve homes larger than 1,870 sq. ft. Since this limitation is related to the development of the lots themselves and not to the creation of lots, there are multiple ways to address this issue following approval of the preliminary plat. Upgrades to the water system are one option, but limitations on the size of structures or installation of sprinklers also would address without the need for improving existing infrastructure. This is a condition that exists elsewhere in the City — tanker trucks are also used in these scenarios to ensure the water necessary to fight structure fires is available when needed.

Staff Recommendation/Conditions

Staff recommends approval of the Hillhaven Place Preliminary Plat, with the following conditions:

1. The developer shall pay into the sidewalk fund in lieu of sidewalk construction. This payment shall be calculated for the footage of Hillhaven Place by the price of concrete for a 5' sidewalk. The sidewalk fund payment is due prior to the approval of the final plat.
2. A stormwater permit for a low density development is required prior to approval of the final plat. Notes on the face of the final plat including limitations on built upon area will be required.
3. NCDOT must review and approve the existing connection of US 321 and Hillhaven Place, due to the addition of residential density. Any geometric improvements to the connection must be completed prior to approval of the Final Plat.
4. A cul-de-sac or T-Y-L alternative turnaround must be installed at the end of Hillhaven. Prior to starting construction on the turnaround, civil plans demonstrating compliance with the standards in Chapter 18 (Streets and Sidewalks) must be provided to Public Works for review and approval.
5. A 40' wide public right of way must be extended to the southern property line where the city-maintained "fork" off Hillhaven Place currently extends to serve the house at 120 Hillhaven Place. A "stub out" must be constructed to the property line within this right-of-way, in order to facilitate future extension/connection to serve future residential subdivision.
6. While current water and sewer infrastructure is sufficient to handle 22 additional homes in this location, the existing fire hydrants are not sufficient to service structures larger than 1,870 sq. ft. Either the water service can be upgraded to increase capacity of hydrants, or deed restrictions must be recorded that limit overall square footage of individual houses to 1,870 sq. ft. and/or require houses larger than 1,870 sq. ft. to have sprinklers/fire suppression systems.
7. A grading plan must be submitted prior to approval of any building permits on lots 18-21. Placement of homes on steep lots may negatively impact the City's ability to effectively fight house fires on these properties. Residential sprinklers/fire suppression systems are strongly encouraged for future development on the aforementioned lots.

Planning Board Recommendation

Planning Board recommends approval of the Preliminary Plat, with conditions presented by staff, by a vote of 4 to 1.

Exhibit A: Fork off Hillhaven

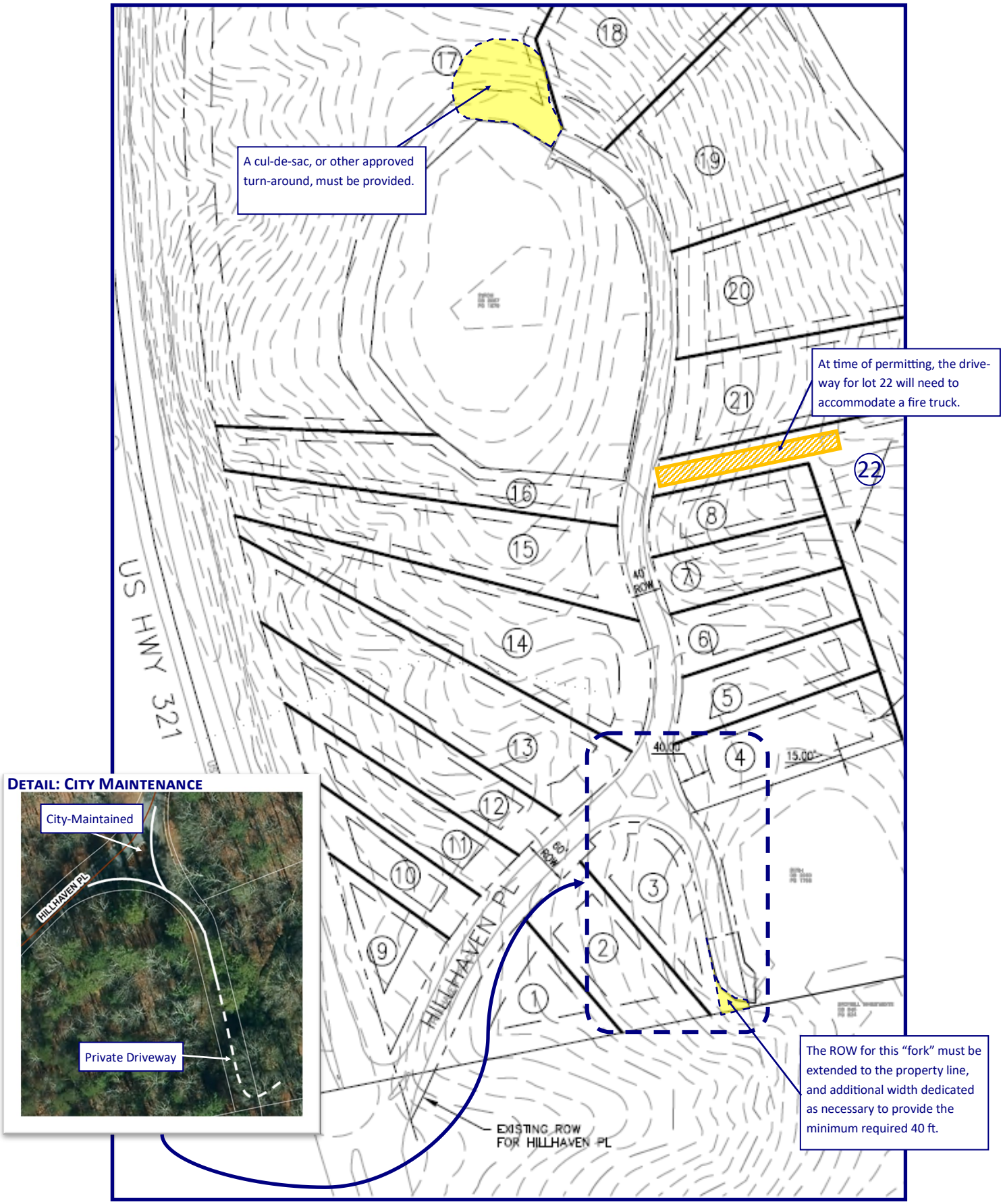


Exhibit B: Site Photos

Above: Hillhaven Connection with US-321

Below: Lower part of Hillhaven Pl with curb and gutter shown

Above: Lots 18 and 19 with steep slopes

Below: Upper Hillhaven Pl with valley curb

LENOIR CITY COUNCIL
TUESDAY, FEBRUARY 7, 2023
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, Fire Chief Ken Hair and Parks & Recreation Director Kenny Story.

STAFF PRESENT: Finance Director Donna Bean, Downtown Event Coordinator Matthew Anthony, Police Chief Brent Phelps, Interim Fire Chief Kenny Nelson, Planning Technician Hannah Williams, Public Services Director Radford Thomas, Public Works Operations Manager Jon Hogan, Public Utilities Operations Manager Jeff Church, and Communications Director Joshua Harris.

I. CALL TO ORDER

A. The meeting was opened by a moment of silence followed by the Pledge of Allegiance as led by Mayor Gibbons.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

STREET RENAMING EXELA WAY:

A. A public hearing was held to receive public comments regarding a Staff recommendation to rename "Advantage Court" to "Exela Way" as requested by Exela Pharma Sciences, LLC. The street name has been verified by the Planning Department as meeting all requirements for street naming in the City. If Council wishes to proceed with the name change, Staff requests approval of the street name change from Advantage Court to Exela Way.

Mayor Gibbons opened the public hearing to receive public comments regarding the street name change.

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

Upon a motion by Councilman Stevens, City Council voted 6 to 0 to rename Advantage Court to Exela Way as requested by Exela Pharma Sciences, LLC and as recommended by City Staff.

On behalf of City Council, Mayor Gibbons presented a new street sign for Exela Way to Mr. Don Overton, Exela Representative, who was present at the meeting. Mayor Gibbons stated Exela is a great industry to have in the community and commended them for their leadership and partnership with the City of Lenoir.

Mr. Overton thanked City Council for the recognition.

III. CONSENT AGENDA ITEMS

A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, January 17, 2023 as submitted.
B. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, January 24, 2023 as submitted.
C. Acceptance of an Offer to Purchase Real Property and Notice of Offer to Purchase Real Property; H. Lewis Price Street: Mr. Hamilton Wall has submitted an offer to purchase a 4' x 54' strip owned by the City of Lenoir and running alongside the length of his adjacent property at 118 H. Lewis Price Street in the amount of $1,000 plus advertising costs, NCPIN#279847597 and Tax ID#09-9-3-30 as submitted. Staff recommends Council accept the offer and direct Staff to advertise in the News-Topic 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. A copy of the Offer to Purchase Real Property is hereby incorporated into these minutes by reference. Refer to page 40.

Upon a motion by Councilmember Perdue, City Council voted 6 to 0 to approve the 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

BLACK HISTORY MONTH: 1. Black History Month will be celebrated at the Martin Luther King, Jr. Center during the month of February. A schedule of events is available online at www.cityoflenoir.com.

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

LENOIR BUSINESS ADVISORY BOARD: 3. The Lenoir Business Advisory Board will meet on Thursday, February 16 at 6:00 p.m. at City Hall, Third Floor.

CITY/COUNTY SERVICES COMMITTEE: 4. The City/County Services Committee will meet on Monday, February 13 at noon at CCC&TI.

PARKS & RECREATION ADV. BOARD: 5. The Parks & Recreation Advisory Board will meet on Monday, February 20 at 6:00 p.m. at Mulberry Recreation Center.

RECEPTION, KEN HAIR & KENNY STORY: 6. A reception will be held on Tuesday, February 21 from 3:00 p.m. – 5:30 p.m. at the

City/County Chambers, 905 West Avenue, Lenoir, NC, to recognize and honor Ken Hair, Fire Chief and Kenny Story, Parks & Recreation Director upon their upcoming retirement from the City of Lenoir.

CITY COUNCIL PLANNING RETREAT:

7. City Council will conduct their annual Planning Retreat on Friday, February 24 from 8:00 a.m. – 3:00 p.m. in the meeting room of Blue Ridge Energies, 100 Cooperative Way, Lenoir, NC.

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

BOARD APPOINTMENT; LENOIR HOUSING AUTHORITY:

A. Mayor Gibbons recommended that City Council appoint Susan Gray to the Lenoir Housing Authority to fill the unexpired term of Debbie Smith. Ms. Smith's term expires June 2027.

Upon a motion by Councilmember Prestwood, City Council voted unanimously to appoint Susan Gray to fill the unexpired term of Debbie Smith on the Lenoir Housing Authority as recommended by Mayor Gibbons.

BOARD ANNOUNCEMENT; BOARD OF ADJUSTMENT:

B. Mayor Gibbons announced he is recommending Kyle Case for appointment to the Board of Adjustment for a term expiring 2026. This board appointment will be placed on the February 21, 2023 agenda for City Council's consideration of approval.

Mayor Gibbons reported there was also one additional vacancy he will be submitting a recommendation for in the near future.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

A. There being no further business, the meeting adjourned at 6:14 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

Date: 1·23·23

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 $ 1,000.00 for property owned by the City of Lenoir and located at 118 H Lewis Price Street, further identified by NC PIN 2749874597

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: David Hamilton Wall
Phone number: 828.446.8332
Email: Hamilton@wallandsonsbuilders.com
Mailing Address: 807 Lower Creek Drive NE, Lenoir, NC 28645

§ 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

COUNCIL ACTION FORM: February 21, 2023

I. Agenda Item:

Consideration of Offer to Purchase a strip of property owned by the City of Lenoir located on H Lewis Price St in Downtown Lenoir (See attached map).

II. Background Information:

The City of Lenoir has owned this .12 acre parcel since 1922 (DB 115, PG 111). Identified by NCPIN 2749874597, this lot is zoned B-3 (Central Business). There are about 4 parking spaces on this lot.

Hamilton Wall owns the adjacent building at 118 H Lewis Price St, which sits on the shared property line. He recently renovated this building into a single apartment. Wall has submitted an offer to purchase a 4' x 54' strip, running alongside the length of his property (NCPIN 2749874593). His offer is for $1000, plus advertising costs. Wall plans to build a small stoop on the north side of the building and steps leading to his parking area below. If granted, this strip would not remove any city parking spaces.

The offer to purchase was initially considered by the Council on February 7, 2023, where Council voted to consider it following a 10-day upset bid period. Consistent with NCGS 160A-269, notice of the offer was then published in the Lenoir News Topic, and no upset bids were received. Therefore, Mr. Wall's original offer of $1000 is the highest bid, and Council may take final action to accept or reject the offer.

See attached map and plat (PB 38, PG 204).

Staff Recommendation: Acceptance of the offer to purchase.

IV. Reviewed by:

City Attorney: _____
Finance Director: _____

Interim Planning Director: Hannah Williams

118 H Lewis Price

Created by the Lenoir Planning Department on: 2/1/2023

[redacted]

GRAPHIC SCALE

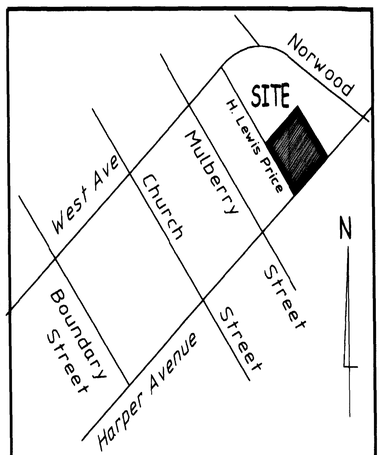
20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

LEGEND

EIP	Existing Iron Pin Found
NIP	New Iron Pin Set
MH	Manhole
LP	Light Pole
PP	Power Pole
E	Power Line
	Water Line
	Sewer Line
	Fiber Optic Line
T	Telephone Line
UE	U/G Electric Line
	U/G Telephone Line
	Nat Gas Line
	Barbed Wire Fence
S	Sewer Manhole
D	Drainage Manhole
	Fire Hydrant
S	Sprinkler Valve

(3) DAYS BEFORE DIGGING IN NORTH CAROLINA CALL:
1.800.632.4949
NORTH CAROLINA 1 CALL CENTER



VICINITY MAP - NOT TO SCALE

WEST AVENUE
OBS : S 62°32'26" W 152.00'
GRID : S63°55'09" W

(Control)
Existing Painted Drill Hole Found

H. Lewis Price Street
N 27°30'38" W
Grid Bearing as per P.B. 38-96 (S 26°19'31" E)
S 27°42'14" E 98.59'
143.42'
(paved)

Appalachian Essential Investments, LLC
Plat Book 38 Page 96
Pin # 2749-87-3559
D.B. 1911 - 1867

Mag Nail (POB) as shown on Plat Book 38 Page 96
NC Grid Coord as recorded in Plat Book 38 Pg. 96
N - 797,594.75, E - 1,248,261.26
Combined ; 0.9998904
(Nad 83)

Existing Mag Nail found corner of Plat Book 38 Page 96 (0.33' East of Orientation Line)

CITY OF LENOIR
D.B. 115 - 111
Pin # 2749-87-4597

NIP Mag Nail in Top Wall
Note : Underground Branch Piped off in this Area Verify before Construction

CITY OF LENOIR
(FIRE STATION)
D.B. 532 - 213
Pin # 2749-87-6549

NIP 60d Nail set in Back Edge Block Wall

N 62°29'22" E 65.10'
Block Wall
S 50°24'26" E 64.51'
53.10'
12.00'
S 27°30'38" E 25.45'
S 27°40'33" E 18.38'
C.B.
Deed Pt. on top Conc. Footing

Bldg. Corner on Prop. Line
Power Meter on Side Bldg.
NIP 1/2" rebar
Bldg. Corner on Prop. Line
3/4" Pipe found
14.59'
NIP 60d Nail Set (0.35' off Corn. Bld.)
EX. MAG NAIL FOUND
TIE LINE ONLY : S 62°44'27" W 7.10'

NEW 12' PRIVATE DRIVEWAY EASEMENT FOR BENEFIT OF Lots 1,2,3 of This Plat

Subject to Sewer /Storm Easement Connection Rights in D.B. 456 - 25

Pin # 2749-87-3591
Ridgeglen Investments, LLC
D.B. 2063 - 1730

N 62°29'22" E 54.50'
Lot - 3
1384 sq. ft.
#118
N 27°30'38" W 25.32'
N 62°37'35" E w/ center party wall
S 27°30'38" E 70.00'
S 27°30'38" E 44.55'
54.51'
NIP 1/2" rebar
S 02°27'34" W 9.01'
12'
82.75' total
81.14'
Block Wall
NIP 1/2" rebar
1.62'
Block Wall

Mag Nail Set (0.40' off Edge Bld.)
EXISTING ONE BRICK BLDG. WITH BASEMENT
Lot - 2
2431 sq. ft.
#110
N 27°30'38" W 44.65'
Note : Window Wells for Basement Encroach into R/W
NIP 1/2" rebar
C.B.
NIP 1/2" rebar
S 62°29'22" W
End of Ex. 12' Alleyway S 62°29'22" W 12.00'

TRINITY BAPTIST CHURCH

TIE LINE BETWEEN CONTROL CORNERS : N 27°30'38" W 336.82' (BEARING ORIENTATION LINE)
Mag Nail Set (0.25' off Edge Bld.)
S 62°30'55" W 54.51'
Gravel
Edge Conc
Conc.
Brick Wall
1388 sq ft in Alleyway

Note : See Use Right Reservation of 12' Alley stated in D.B. 1584 - 1858

616
EXISTING BLDG.
CITY CAFE AND BILLARDS, LLC
D.B. 1975 - 1125
Pin # 2749-87-6415
D.B. 456 - 25

H. Lewis Price Street
(paved)
Lot - 1
13,870 sq. ft.
(Including 12' Ex. Alleyway)
N 27°30'38" W 123.42'
S 27°30'51" E 115.71'
SEE D.B. 1584 - 1858
SEE D.B. 1144 - 1028
S 27°30'51" E 115.69'
12' Alleyway (gravel)
Gravel
Additional 2' Alley Use in D.B. 496-180
EXISTING TWO BRICK BLDG. WITH BASEMENT
626
CONCRETE
BACK OF WALK
6' CONCRETE WALK
PT
Mag Nail Found
GUY
Bldg. Corner on Prop. Line
COVERED AWNING
S 62°35'55" W 50.00'
S 62°35'55" W 12.00'
(Control)
Mag Nail Set in Exising Drill Hole
CONCRETE
42.0' BC-BC
HARPER AVENUE
BACK OF WALK
6' CONCRETE WALK

D.B. 1992-1519 (TR. 1) 6-20-2000

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of the City of Lenoir and that I (we) hereby adopt this plan of subdivision with free consent, establish minimum building setbacks and dedicate all streets, walks, parks, and other spaces and easements to public use as noted

10/26/22
DATE OWNER - MEMBER/MANAGER

DATE OWNER - MEMBER/MANAGER

STATE OF NORTH CAROLINA
COUNTY OF _____

I Notary Public for the County and State aforesaid, certify that

MEMBER/MANAGER OF RIPSHIN, LLC being duly authorized personally appeared before me this day and acknowledge the execution of the foregoing instrument,
Witness my hand and official seal this the _____ day of _____ 20___

NOTARY PUBLIC
My Commission Expires : _____

NOTES :

- ALL AREAS CALCULATED USING THE COORDINATE MEHTOD
- THIS PROPERTY LIES WITH LENOIRS PLANNING JURISDICTION AND IS SUBJECT TO IT APPLICABLE ORDIANCES.

THIS PLAT REPRESENTS A MINOR DIVISION AROUND AN EXISTING BUILDING
IT CREATES A TWO PARCELS AROUND SAID EXISTING BUILDING BUT DOES NOT CREATE ANY NEW PUBLIC RIGHT OF WAY OR EASEMENTS.
THIS PLAT CREATES A DIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINACE THAT REGULATES THIS PROPERTY.

Darrin L. Reid, PLS

CERTIFICATE OF ACCEPTANCE OF DEDICATION AND RECORDING

I hereby certify that the Minor Division Plat shown hereon has been found to comply with the Subdivision Regulations of Lenoir, N.C. and has been approved by the City Planning Department for recording in the Office of Register of Deeds of Caldwell County.

10/25/22 Hannah Williams
DATE ~~CITY OF LENOIR PLANNING DIRECTOR~~ Subdivision Administrator

CERTIFICATE OF SURVEY ACCURACY

I, Darrin L. Reid, certify that this plat was drawn by me from an actual survey made by me (deed description recorded in D.B. 1992 Page 1519); that the boundaries not surveyed are clearly indicated as drawn from information found in D.B.as Page ref :
that the ratio of precision as calculated is 1: 10,000 +;
that this plat was prepared in accordance with the G.S. 47-30 as amended.
Witness my original signature, LICENSE number, and seal this the 16THt day of OCTOBER 2022

NORTH CAROLINA PROFESSIONAL SEAL 3765 LAND SURVEYOR DARRIN L. REID

Darrin L. Reid, PLS
LICENSE Number : L 3765

STATE OF NORTH CAROLINA
COUNTY OF CALDWELL

I, Sandra Drum Review Officer of CALDWELL County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

10-27-22 Sandra Drum
Date Review Officer

BK 38 PG 204 - 204 (1)

This document presented and filed:
10/27/2022 01:43:45 PM

Fee $21.00
10078213

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

Filed this _____ day of _____ 20____ and recorded in Plat Book _____ Page _____.

Register of Deeds

By : _____

Minor Division Survey within City of Lenoir's Planning Area for :

" RIPSHIN, LLC "
" 626 HARPER AVENUE S.W. " - Lenoir, N.C. 28645
NC Pin # 2749-87-5543

Deed Book 1992 PAGE 1519

Lenoir Township Caldwell County, North Carolina
Scale : 1" = 20' Drawn By : DLR
Date : 10-16-2022 Field Book : No. ptfile20\PLAST626.cr5

TAX MAP NO : 08 BLOCK 02 Lot 33
DEED BOOK REF : 1992 PAGE 1519
DEED HISTORY: D.B. 1638-1348, D.B. 496-500, D.B. 674-1339, D.B.1584 - 1858

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, running alongside the length of property located at 118 H. Lewis Price Street, Lenoir, NC, and being approximately 0.12 acre, NCPIN#2798474597 and Caldwell County Tax Parcel ID#09-8-2-20; 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 $1,000.00 plus advertising costs, as submitted by Hamilton Wall, Lenoir, NC; and

WHEREAS, Hamilton Wall 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 Hamilton Wall, of Lenoir, North Carolina.

This the 21st day of February 21, 2023.

SEAL

_____
Joseph L. Gibbons, Mayor

ATTEST:

_____
Shirley M. Cannon, City Clerk

NOTICE OF OFFER TO PURCHASE REAL PROPERTY - CITY OF LENOIR

Notice is hereby given pursuant to NCGS §160A-269 that the City of Lenoir has received an Offer to Purchase a 4' by 54' strip of land owned by the City of Lenoir and running alongside the length of the adjacent property at 118 H. Lewis Price Street from Hamilton Wall. The parcel number and Tax ID are: NCPIN# 2798474597 and Tax ID# 098-2-30. The offered purchase price is in the amount of $1,000.00 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 NCGS. §160A-269. The City Council may at any time reject any and all bids.

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

Feb. 10, 2023

City of Lenoir Police

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

Council Action Form

I. Agenda Item:

For the anticipated council meeting of Tues. Feb. 21, 2023, we wish to recognize and present a Resolution for dedicated service for the following officer:

Patrol Lieutenant Chris Mills

We also request the surplus of his respective service weapon and police badge per N.C.G.S §20-187.2:

Sig Sauer P-320 Pistol – S/N 58J478009

II. Background Information:

LT Chris Mills will be retiring on Mar. 1, 2023 under the Local Government Retirement System with over 26 years (to include time with Caldwell County/DOC).

III. Staff Recommendation:

In recognition of his dedication, professionalism, and many years of service to the department, city, and community at large, I am respectfully recommending that the City of Lenoir present LT Mills with the attached Resolution, as well as surplus the service weapon mentioned above so that it may be transferred into the care of this officer (Surplus Request attached).

Chief Brent Phelps
1/27/2023

IV. Reviewed by:

City Attorney:_____ Date:_____

City Manager:_____ Date:_____

Police Chief:_____ Date: **January 27, 2023**

Rev: 12/22/2020

REQUEST TO SURPLUS CITY PROPERTY

Department Requesting Disposal of Surplus Property	
Date of Request	Jan. 19, 2023
Department Name	Police Department
Contact Name	Chief Brent Phelps
Phone	828-757-2100

ITEM	QTY	CODE*	SERIAL/VIN #	MAKE	MODEL YEAR	MILEAGE/ MACHINE HOURS	REASON FOR REQUEST	CURRENT LOCATION OF THE ITEM	ORIGINAL PURCHASE PRICE	DATE OF PURCHASE	ESTIMATED SALVAGE VALUE	ITEM IN WORKING ORDER Y/N	APPROVED TO LIST ON GOVDEALS
Sig Sauer P-320 Pistol	1	S1	58J478009	Sig Sauer			Retirement	PD	$764.00			Y	☐
Police Badge (Lieutenant)	1	S1	N/A	Blackinton			Retirement	PD	$ 128.00			Y	☐
													☐
													☐
Chris Mills - Retiree													☐
													☐

** Please enter one CODE per item: (S1) Obsolete (S2) Too Costly to Maintain (S3) Beyond Repair (S4) Cannibalized*

APPROVED BY	**DATE**

ITEM	DATE OF SALE	SELLING PRICE	DATE OF DEPOSIT	BUDGET CODE FOR DEPOSIT	DATE ITEM REMOVED FROM INVENTORY		BY WHOM - SIGNATURE	DATE ITEM REMOVED FROM INSURANCE	BY WHOM - SIGNATURE	DATE TAG CANCELLED OR TRANSFERRED	BY WHOM - SIGNATURE

ALL SURPLUS ITEMS ARE LISTED ON GOVDEALS IN ACCORDANCE WITH CITY OF LENOIR RESOLUTION NO. 6-2007, NC GENERAL STATUTES 160A-270 AND NCGS 160A-270 (c)

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, North Carolina, City Council desires to dispose of certain surplus property of the City of Lenoir to be awarded to Lieutenant Chris Mills upon his retirement from the Lenoir Police Department and Declaring his badge and service weapon as Surplus Property.

NOW, THEREFORE BE IT RESOLVED,

1) the Mayor and City Council of the City of Lenoir acknowledges Lieutenant Chris Mills loyal and dedicated service to the citizens of Lenoir, and
2) the Mayor and City Council declare the following police weapon and police badge of Lieutenant Chris Mills, upon retirement, as surplus and no longer have any additional use to the City of Lenoir {Sig Sauer Model P320 .45 caliber (Serial # 58J478009)}
3) the Mayor and City Council authorize the City Manager to proceed with the procedures as outlined in N.C.G.S. §20-187.2 regarding the service side arms of retiring members of City law enforcement agencies.

NOW, THEREFORE BE IT FURTHER RESOLVED that, I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council and all the citizens, do hereby wish the very best for Lieutenant Chris Mills in his retirement and commend him for the outstanding example he has set as a dedicated public servant.

Adopted this the 21st day of February, 2023.

SEAL

_____
Joseph L. Gibbons, Mayor

ATTEST:

_____
Shirley M. Cannon, City Clerk

Board Appointment

Board of Adjustment

Kyle Case	Term Expires	June 2026