

**LENOIR CITY COUNCIL
TUESDAY, JUNE 6, 2023
6:00 P.M.**

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

CITY STAFF: In attendance was Finance Director Donna Bean, Interim Fire Chief Kenny Nelson, Police Chief Brent Phelps, Economic Development Director Kaylynn Horn, Planning Director Hannah Williams, Parks & Recreation Director Phillip Harper, Public Utilities Operations Manager Jeff Church, Public Works Operations Manager Jon Hogan, City Consultant Ed Evans, and Communications Director Joshua Harris.

ABSENT: Councilmembers Todd Perdue and David Stevens.

I. CALL TO ORDER

- A. The meeting was opened by a moment of silence and the pledge of allegiance as led by Mayor Gibbons.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

FY2023-2024 ANNUAL

BUDGET:

- A. A public hearing was held to receive public comments regarding the Annual Budget for the fiscal year beginning July 1, 2023 through June 30, 2024 for the City of Lenoir. Upon conclusion of the public hearing, City Council may take action on adoption of the enclosed FY2023-2024 Budget Ordinance.

A copy of the FY2023-2024 Budget Ordinance is incorporated into these minutes by reference. (Refer to pages 145-148.)

Mayor Gibbons opened the public hearing to receive public comments regarding the FY2023-2024 Annual Budget.

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

Councilmember Beal commended City Manager Hildebran and Staff for the great job they did on the recommended budget and for managing the City's finances efficiently. He expressed his appreciation to everyone and moved to approve the FY2023-2024 Budget Ordinance as submitted.

Mayor Gibbons also thanked City Manager Hildebran along with Department Directors for all of their hard work regarding the budget.

Mayor Pro-Tem Thomas also thanked all City Staff and Department Directors for the good job everyone is doing. She remarked Council could better understand how the funding is being expended due to everyone's hard work.

City Manager Hildebran said it takes a team and thanked Finance Director Donna Bean, City Council and the Department Directors. He stated that everyone works together for the greater good.

Upon the motion by Councilmember Beal, City Council voted 5 to 0 to adopt the FY2023-2024 Annual Budget as presented and as recommended by City Manager Hildebran.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, May 16, 2023 as submitted.
- B. Minutes: Approval of the minutes of the City Council Budget Work Session of Thursday, May 18, 2023 as submitted.
- C. Minutes: Approval of the closed session minutes of the city Council Budget Work Session of Thursday, May 18, 2023 as reviewed by City Council.
- D. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, May 23, 2023 as submitted.
- E. Amendment; American recovery Plan Capital Project Ordinance: Request approval for an amendment to be made to the American Recovery Plan Capital Project Budget Ordinance in the amount of \$3,834,691 to revise the American Recovery Plan Capital Project Budget Ordinance to allocate funding for capital purchases. (A copy of the amendment is here incorporated into these minutes by reference. (Refer to page 149.)
- F. Budget Amendments: FY2022-2023: Staff request approval of the amendments to the annual Budget Ordinance for the fiscal year ending June 30, 2023 as follows:
 - Approve the utilization of additional general fund revenues to make upgrades and repairs.
 - Approve the allocation of general fund expenditures for upgrades and repairs such as a new garbage truck, HV AC unit, and replacing equipment that became obsolete during the fiscal year.
 - Approve the allocation of enterprise fund expenditures.
 - Approve the allocation of funding for the LTDA.
 - Approve the funding for the Rural Center Building Re-use Grant.
 - Approve the allocation of funding to utilize additional forfeiture revenue to purchase weapons for the police. (Copies of the budget amendments for FY2022-23 are hereby incorporated into these minutes by reference. Refer to pages 150-151.)
- G. Capital Project Budget Ordinances; WPCOG: City Staff and the Western Piedmont Council of Government Plan Administrator Rick Oxford recommend approval of the three (3) Capital Project Budget Ordinances as follows:
 1. The Capital Project Budget Ordinance for the FY2023 Unifour Consortium HOME Program in the amount of \$1,500,690 as submitted.
 2. The Capital Project Budget Ordinance for the FY2023 Community Development Block Grant (CDBG) Program in the amount of \$142,691 as submitted.
 3. The Capital Project Budget Ordinance for the FY2021 HOME-ARP Program in the amount of \$4,182,773 as submitted. (Copies of the Capital Project Budget Amendments (1-3) are hereby incorporated into these minutes by reference. Refer to pages 152-157.)

Upon a motion by Councilmember Perkins, City Council voted 5 to 0 to adopt the above listed items on the Consent Agenda as submitted and as presented 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

ABC BOARD 1. The ABC Board will meet on Thursday, June 8 at 2:00 p.m. via Zoom.

LENOIR BUSINESS ADVISORY

BOARD: 2. The Lenoir Business Advisory Board (LBAB) will meet on Thursday, June 8 at 6:00 p.m., City Hall, Third Floor.

SUMMER MUSIC

MADNESS: 3. The band FraxXured will perform on the downtown stage on Friday, June 9 from 7:00 p.m. – 10:00 p.m.

CITY/COUNTY SERVICES

COMMITTEE: 4. The City/County Services Committee will meet on Monday, June 12 at noon at CCC&TI.

ECONOMIC ADVISORY

COMMITTEE: 5. The Economic Advisory Committee (EAC) will meet on Tuesday, June 13 at 8:15 a.m.

SUMMER MOVIE

MADNESS: 6. The movie “Sonic the Hedgehog” will be shown on the downtown Stage on Friday, June 16 from 8:30 p.m. – 11:00 p.m.

B. Items for Council Action

ORDINANCE AMENDMENT;

FIRST READING:

1. Ordinance Amendment; First Reading: First reading of an Ordinance amending Chapters 1, 3, 5, 10, 12, 13 and 18 of the Lenoir Code of Ordinances, to address updates prompted by recent legislative changes to the General Statutes and authorizes a public hearing to be held on Tuesday, June 20, 2023 for the second reading of the Ordinance.

A copy of the ordinance is hereby incorporated into these minutes by reference. (Refer to pages 158-164.)

City Attorney Rohr requested the sentence (A violation of this ordinance is a misdemeanor under N.C. General Statute §14-4) on page 4 of 7, section 10-5.-Violations; penalty and section 12-1.-Designation of nuisances be underlined in the ordinance. Attorney Rohr commended Planning Director Hannah Williams, Police Chief Brent Phelps and Consultant Ed Evans for all of their time and hard work in compiling the ordinance.

Upon a motion by Mayor Pro-Tem Thomas, City Council voted 5 to 0 to schedule a public hearing on Tuesday, June 20, 2023 for the second reading of the Ordinance and approved Attorney Rohr’s recommendation to underline the sentence (A violation of this ordinance is a misdemeanor under N.C. General Statute §14-4) in Section 10-5. – Violations; penalty and Section 12-1 - Designation of nuisances as recommended by City Attorney Rohr.

Glenda Wilson Term Expires June 30, 2023

Planning Board/Historic Preservation Commission

Michael Careccia	Term Expires June 30, 2023
Kyle Case (vice-chair)	Term Expires June 30, 2023

Board of Adjustment

Lucy McCarl	Term Expires June 30, 2023
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Recreation Advisory Board

Scott Barnett	Term Expires June 30, 2023
Michael Dineen	Term Expires June 30, 2023
Rick Pierce	Term Expires June 30, 2023
Tim Poarch	Term Expires June 30, 2023
James Robertson	Term Expires June 30, 2023

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 6:23 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2023– June 30, 2024**

BE IT ORDAINED by the Lenoir City Council in regular session assembled on June 6th, 2023.

Section 1. That the following amounts are hereby appropriated for the operation of the government of the City of Lenoir and its activities for the fiscal year beginning July 1, 2023, and ending June 30, 2024.

<u>Fund</u>	<u>Estimated Revenues</u>	<u>Fund Balance Appropriated</u>	<u>Total Budget</u>	<u>Appropriated</u>
General	\$ 22,066,505	\$ -	\$ 22,066,505	\$ 22,066,505
Water & Wastewater	\$ 10,726,980	\$ -	\$ 10,726,980	\$ 10,726,980
Total	\$ 32,793,485	\$ -	\$ 32,793,485	\$ 32,793,485

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

Legislative	\$ 394,941
Administrative	\$ 724,112
Finance	\$ 900,036
Planning	\$ 621,923
Police	\$ 7,182,620
Fire	\$ 5,027,269
Recreation	\$ 2,060,047
Public Works	
Administrative	\$ 315,506
Cemetery & Grounds	\$ 727,497
Building Maintenance	\$ 397,669
Sanitation	\$ 1,174,271
Streets	\$ 2,160,637
Vehicle Services	\$ 379,977
Total	\$ 22,066,505

**City of Lenoir
 Budget Ordinance
 Fiscal Year July 1, 2023– June 30, 2024**

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

<u>DEPARTMENT/DIVISIONS</u>	<u>APPROPRIATION</u>
Admin/Engineering	\$ 655,510
Utilities Maintenance	\$ 496,892
Rhodhiss Water Treatment Plant	\$ 2,542,385
Water Distribution	\$ 2,575,508
Wastewater Collection	\$ 1,333,258
Wastewater Pretreatment	\$ 202,468
Gunpowder Wastewater Plant	\$ 1,031,034
Lower Creek Wastewater Plant	\$ 1,889,925
Total	<u>\$ 10,726,980</u>

Section 4. There is hereby levied for the fiscal year ending June 30, 2024, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2023, and of registered vehicles in accordance with G.S. 105-330.3(a)(1) for the purpose of raising the revenues from the current year's listed and registered property as set forth in the foregoing estimates of the General Fund revenues and in order to finance the foregoing General Fund appropriations.

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

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

Said General Fund tax rates are based on an estimated total appraisal value of real and personal property for the purpose of taxation of \$2,440,656,474 with an assessment ratio of one hundred percent (100%) of appraised value and estimated collection rate of 97.17%. Said collection rates are based on the actual 2021-2022 collection rates.

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

Fund	<u>Estimated Revenues</u>	<u>Fund Balance Appropriated</u>	<u>Total Budget</u>	<u>Appropriated</u>
Special Downtown District	\$ 236,900	\$ -	\$ 236,900	\$ 236,900
Tourism Development	\$ 90,000	\$ -	\$ 90,000	\$ 90,000
TOTAL	<u>\$ 326,900</u>	<u>\$ -</u>	<u>\$ 326,900</u>	<u>\$ 326,900</u>

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2023– June 30, 2024**

Section 6. There is hereby levied for the fiscal year ending June 30, 2024, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2023, and of registered vehicles in accordance with G.S. 105-330.3(a)(1) for the purpose of raising the revenues from the current year's listed and registered property set forth in the foregoing estimates of Special Downtown District Fund revenues and in order to finance the foregoing Special Downtown District Fund appropriations.

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

Said Special Downtown District tax is based on an estimated total appraised value of property for the purpose of taxation of \$ 16,980,550 with an assessment ratio of one hundred percent (100%) of appraised and registered real and personal property value. The estimated collection rate is 97.17%.

Section 7. It is estimated that \$90,000 in revenue will be available in the Tourism Development Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024.

Section 8. Water & Sewer rates are established to be effective July 1, 2023 according to the following schedule:

Water Inside Corporate Limits	
0 -1,000 gallons	\$11.74
Over 1,000 gallons	\$3.71 per 1,000 gallons
Sewer Inside Corporate Rates	
1 - 1,000 gallons	\$10.29
Over 1,000 gallons	\$4.36 per 1,000 gallons
Water Outside Corporate Limits	
0 - 1,000 gallons	\$23.48
Over 1,000 gallons	\$7.43 per 1,000 gallons
Sewer Outside Corporate Limits	
0 -1,000 gallons	\$20.59
Over 1,000 gallons	\$8.73 per 1,000 gallons
Resale Water	
\$2.48 per 1,000 gallons	
Resale Sewer	
\$4.31 per 1,000 gallons	

City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2023– June 30, 2024

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

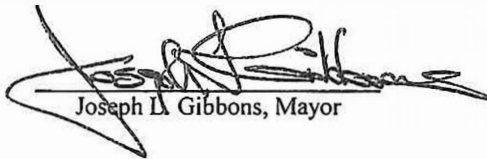
Section 10. The City Manager and Finance Director shall notify the City Council of any items of over-expenditure or shortfalls in revenue on a timely basis throughout the fiscal year. Request for appropriations not contained in the Budget Ordinance will be presented to Council after a review of the necessary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

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

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

Adopted this 6th day of June, 2023.

SEAL


Joseph D. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

Capital Project Ordinance for the City of Lenoir

American Recovery Plan Capital Project – Revised 6-6-23

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 American Recovery Plan Capital Project to include the expenditure of local funds for the capital items and project administration for the American Recovery Plan Capital Project. The project will be funded by federal funds.

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:

Item	Amount
Capital Improvements/Equipment	2,680,268.15
Premium Pay	647,422.85
Sanitation Truck	285,000.00
Master Planning	160,000.00
Culvert Repair for Greenway	<u>62,000.00</u>
	3,834,691.00

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

Federal Funding	3,834,691.00
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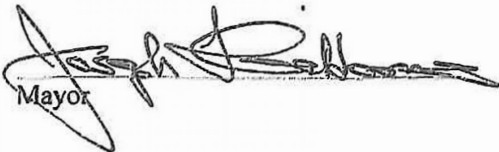
Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Project Ordinance.

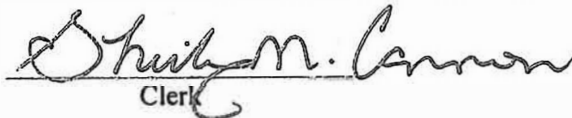
Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

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 6th day of June, 2023.


Mayor


Clerk

**2022-2023 Fiscal Year
Budget Amendment 23-2
Tuesday, June 6, 2023**

ITEM 1: ALLOCATE FUNDING TO THE GENERAL FUND FOR REVENUES EXCEEDING BUDGETED AMOUNTS.

Account Number	Department	Increase	Decrease
3200	MV TAX	160,000.00	
3837	ABC REVENUE	128,000.00	
3231	SALES TAX ART 39	249,625.00	
3232	SALES TAX ART 40	181,532.00	
3233	SALES TAX ART 42	117,237.00	
3235	SALES TAX HOLD HARMLESS	192,106.00	
3236	SALES TAX SEC 32.19	42,500.00	
3316	POWELL BILL	63,000.00	
3430	FED FORT	29,740.00	
3831	INTEREST EARNED	370,000.00	
	TOTAL REVENUE INCREASE	1,533,740.00	

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

Account Number	Department	Increase	Decrease
4110	LEGISLATIVE	85,000.00	
3839	INSURANCE REIM	27,000.00	
4120	ADMINISTRATION	80,000.00	
4130	FINANCE	55,000.00	
4260	BUILDING MAINTENANCE	48,000.00	
4270	ENGINEERING	250,000.00	
4310	POLICE SUPPORT	370,000.00	
4311	POLICE DETECTIVE		40,000.00
4312	POLICE PATROL		100,000.00
4340	FIRE SUPPORT	12,740.00	
4341	FIRE SUPPRESSION	48,000.00	
4342	FIRE PREVENTION/TRAINING	12,000.00	
4510	STREET ADMIN	10,000.00	
4511	STREET MAINTENANCE		10,000.00
4512	STREETS TRAFFIC CONTROL	100,000.00	
4710	SANITATION	363,000.00	
4740	CEMETERIES	35,000.00	
4910	PLANNING	28,000.00	
6120	RECREATION ADMIN	25,000.00	
6122	MULBERRY	25,000.00	
6123	MLK CENTER	20,000.00	
6130	GROUNDS	20,000.00	
4920	MAIN STREET	70,000.00	
		1,683,740.00	150,000.00
	TOTAL EXPENDITURE CHANGES	1,533,740.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	-	

**2022-2023 Fiscal Year
Budget Amendment 23-2
Tuesday, June 6, 2023**

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

Account Number	Department	Increase	Decrease
7130	RHODHISS PLANT		75,000.00
7131	WATER DISTRIBUTION		125,000.00
7132	WATER RESOURCES	15,000.00	
7133	ADMINISTRATION	225,000.00	
7140	WASTEWATER COLLECTIONS		50,000.00
7141	WASTEWATER PRETREATMENT	10,000.00	
7142	GUNPOWDER PLANT	460,000.00	
7143	LOWER CREEK PLANT		460,000.00
	TOTAL EXPENDITURE CHANGES	710,000.00	710,000.00
	NET EFFECT ON THE WATER FUND BUDGET	-	

ITEM 4: ALLOCATE ARP FUNDING FOR REVENUE REPLACEMENT.

Account Number	Department	Increase	Decrease
3457	ARP REVENUE REPLACEMENT		399,575.00
4710	SANITATION (GARBAGE TRUCK)	285,000.00	
6130	GROUPS (CULVERT)	62,000.00	
3833	DOWNTOWN MASTER PLAN	52,575.00	
	TOTAL EXPENDITURE CHANGES	399,575.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	399,575.00	

ITEM 5 : ALLOCATE FUNDING FOR LTDA.

Account Number	Department	Increase	Decrease
4990	OCC TAX REV	75,000.00	
4940	LTDA EXP.	75,000.00	
	TOTAL EXPENDITURE CHANGES	75,000.00	
	NET EFFECT ON THE LTDA BUDGET	75,000.00	

ITEM 6: ALLOCATE FUNDING TO THE GENERAL FUND FOR EXPENDITURES FOR RURAL CENTER BUILDING REUSE GRANT.

Account Number	Department	Increase	Decrease
3326	RURAL CENTER GRANT	555,000.00	
4110	LEGISLATIVE	555,000.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	555,000.00	

ITEM 7: ALLOCATE FUNDING TO THE POLICE FOR REVENUES EXCEEDING BUDGETED AMOUNTS.

Account Number	Department	Increase	Decrease
	REVENUE		
3430	FORFEITURE	7,400.00	
3430	ABATEMENT CHARGES	62,000.00	
3430	NUISANCE CHARGES	14,000.00	
	EXPENDITURE		
4310	FORFEITURE EXP.	83,400.00	
	NET EFFECT ON THE GENERAL FUND BUDGET	83,400.00	

CITY OF LENOIR
2023 UNIFOUR CONSORTIUM HOME PROGRAM
CAPITAL PROJECT BUDGET ORDINANCE

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

Section 1. The project authorized is the HOME project described in the work statement contained in the Grant Agreement (#M23-DC370208) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY 2023 Unifour Consortium HOME Program (City of Lenoir, is the lead entity).

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

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

Revenue from HOME Grant	\$1,200,690
Anticipated Program Income	<u>300,000</u>
Total Revenues	\$1,500,690

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

Downpayment Assistance (HOME Funds)	\$ 91,121
Multi-Family(From Program Income Funds)	270,000
Program Income Administration	30,000
HOME CHDO (From HOME Grant HOME Funds Allocation)	420,000
Multi-Family Housing	569,500
General Program Administration	<u>120,069</u>
Total Expenditures	\$1,500,690

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

regulations.

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

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

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

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

Adopted this the 6th day of June, 2023.



Joseph L. Gibbons, Mayor


Shirley M. Cannon, City Clerk

CITY OF LENOIR
2023 COMMUNITY DEVELOPMENT BLOCK GRANT
CAPITAL PROJECT BUDGET ORDINANCE

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

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#B-23-MC-37-0022) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY-2023 CDBG Entitlement Program.

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

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

Revenues

Community Development Block Grant	\$142,691
Total Revenues	\$142,691

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

Expenditures

Public Facilities (Lenoir High School)	\$114,152
Program Administration	28,538
Total Expenditures	\$142,691

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

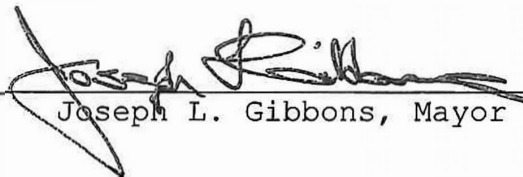
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Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

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

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

Adopted this the 6th day of June, 2023.



Joseph L. Gibbons, Mayor



Shirley M. Cannon, City Clerk

CITY OF LENOIR
2021 HOME-ARP
CAPITAL PROJECT BUDGET ORDINANCE

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

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#M21-DP370208) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY-2021 HOME-ARP Program.

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

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

Revenues

HOME-ARP Grant	\$4,182,773.00
Total Revenues	<u>\$4,182,773.00</u>

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

Expenditures

Supportive Services	\$2,927,953.10
Tenant Based Rental Assistances	627,409.95
Administration and Planning	<u>627,409.95</u>
Total Expenditures	\$4,182,773.00

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

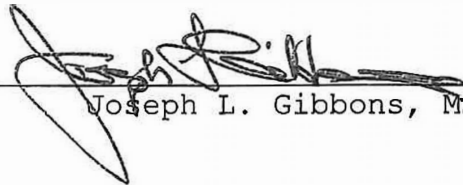
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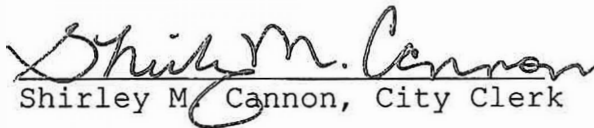
Section 8. The Budget Officer is directed to include a detailed analysis of past and future cost and revenues on this grant project in every budget submission made to this Board.

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

Adopted this the 1st day of July, 2022.



Joseph L. Gibbons, Mayor


Shirley M. Cannon, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING CHAPTERS 1, 3, 5, 10, 12, 13, AND 18 OF THE LENOIR CITY CODE RELATED TO ANIMALS, NUISANCES, OFFENSES AND MISC PROVISIONS, STREETS AND SIDEWALKS, PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, the state legislature recently adopted SB300, the Criminal Justice Reform bill, which went into effect on December 1, 2021 and decriminalizes certain local ordinances related to the regulation of animals, nuisances, and offenses related to loitering, soliciting, and firearms; and

Whereas, SB 300 also removed the presumption in 160A-175(b) that any violation of a local ordinance is a misdemeanor under G.S. 14-4, requiring instead that cities must specify by ordinance if a violation is punishable as a misdemeanor or infraction under G.S. 14-4; and

Whereas, Chapters 1, 3, 5, 10, 12, 13, and 18 of the Lenoir Code of Ordinances contain regulations that have been decriminalized under SB300, prompting the necessity to amend the ordinances to remove language related to criminal penalties; and

Whereas, Chapters 3 and 12 of the Lenoir Code of Ordinances contain regulations that pertain to nuisance cause by noise and roaming of dogs, which needed clarification for enforcement action; and

Whereas, Chapter 13 of the Lenoir Code of Ordinances, "Offenses and Miscellaneous Provisions" contains prohibitions related to the discharge of firearms within the City Limits (Sec.13-6), Firebombs (Sec. 13-7) and Consumption of Alcoholic Beverages on City Property (Sec. 13-9), but does not specifically declare violations to constitute misdemeanors under G.S. 14-4 as is now required by the amendments to 160A-175(b) contained in SB 300; and

Whereas, the Lenoir Police Department has historically enforced the aforementioned local prohibitions through charging violators under G.S. 14-4, and although such charges are rare, the City Council finds it to be necessary to retain the ability to charge violators when warranted to ensure the public

health, safety, and general welfare and to protect the resident's rights to quiet enjoyment of their homes; 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 1 of the Code of Ordinances, City of Lenoir, North Carolina, "General Provisions" is hereby amended to read as follows:

Sec. 1-15. - Civil and criminal penalties.

~~(g) Failure to abate a violation in the specified time period for abatement given pursuant to subsection (a) shall constitute a misdemeanor infraction pursuant to G.S. 14-4, except that no criminal penalties may be imposed under this subsection for violations of Chapter 9 'Flood Damage Prevention,' Chapter 18, Article V 'Driveways,' Chapter 19, 'Subdivisions,' Appendix A: 'Zoning,' Appendix C: 'Phase II Stormwater Ordinance,' or any other ordinance specified in G.S. 160A-175(b1). This section is adopted pursuant to G.S. 160A-175(b).~~

~~(h) Penalties imposed under this section may be recovered by the city in a civil action in the nature of debt.~~

SECTION 2 Chapter 3 of the Code of Ordinances, City of Lenoir, North Carolina, "Animals" is hereby amended to read as follows:

ARTICLE II. - DOGS

Sec. 3-27. - Running at large.

(a) No dog owner or person who otherwise is exercising responsibility or control over the dog in question, shall may permit his their dog to ~~run at large~~ be on the streets or sidewalks of the city, or upon the private

property ~~of another~~ unless under the control of the owner or ~~a member of his immediate family either by leash, collar, chain or otherwise~~ their responsible person either by leash, collar, chain or otherwise.

(b) The county dog warden shall order the owner of any dog found running at large to place the dog under proper control or confinement.

(c) Any person owning, harboring, walking, in possession of or in charge of a dog which defecates on public property, public park property, public right-of-way or any private property without the permission of the private property owner, ~~shall~~ must remove all feces immediately after it is deposited by the dog. All feces removed in accordance with this section shall be placed in a suitable bag or other container that closes and disposed of in a lawful manner. ~~Violation of subsection (c) may be punishable by a civil citation of \$50.00 per occurrence.~~

(d) A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

Sec. 3-28. - ~~Penalty Reserved~~

~~The owner of any dog who shall knowingly suffer or permit his dog to run at large on the streets, sidewalks, or upon private property or to occupy unsafe or unsanitary conditions shall be in violation of this article and shall be guilty of a misdemeanor, punishable upon conviction by a fine or imprisonment as provided by G.S. 14-4.~~

ARTICLE IV. – DEER

Sec. 3-50. – Urban archery deer hunting.

The purpose of this article is to reduce urban deer populations through voluntary participation in the North Carolina Urban Archery Deer Hunting Program, which is regulated by the North Carolina Wildlife Resources Commission. For the purposes of this section, deer hunting related to this program is permitted within the corporate limits of the City of Lenoir only in accordance with the following provisions:

~~(l) A violation of any of the provisions of this section shall constitute a misdemeanor offense pursuant to G.S. 14-4.~~ A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

SECTION 3. Chapter 5, Article I of the Code of Ordinances, City of Lenoir, North Carolina, “Business Regulation, Licensing, and Taxation” is hereby amended to read as follows:

Sec. 5-5. – Regulations.

(e) ~~Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

SECTION 4. Chapter 10, Article I of the Code of Ordinances, City of Lenoir, North Carolina, "Housing" is hereby amended to read as follows:

Sec. 10-5. – Violations; penalty.

- (a) No owner of any dwelling or dwelling unit shall fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the inspector duly made and served as provided in this chapter, within the time specified in the order, and each day that the failure, neglect, or refusal to comply with the order continues shall constitute a separate and distinct offense. No owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 10-32 to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (b) ~~The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. 14-4.~~ (b) A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

SECTION 5. Chapter 12, Article I of the Code of Ordinances, City of Lenoir, North Carolina, "Nuisances" is hereby amended to read as follows:

Sec. 12-1. – Designation of nuisances.

(c) ~~Any person violating, failing, refusing or neglecting to comply with any of the provisions of this section shall be subject to a civil penalty. This provision is adopted pursuant to and in accordance with G.S. 160A-175(e). Failure to abate a violation may also constitute a misdemeanor or infraction pursuant to G.S. 14-4, as provided in section 1-15(h) of the Lenoir City Code. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

(d) ~~Any nuisance violation that constitutes an immediate and substantial risk of harm shall constitute a misdemeanor offense pursuant to G.S. 14-4.~~

Sec. 12-2. – Noise.

(b) Without limiting the generality of subsection (a) of this section, the following acts within the city shall be unlawful:

- (4) The owning, keeping, or maintenance of any animal which, ~~by causing frequent, loud or long continued noise,~~ shall disturb the comfort or repose of persons dwelling in the vicinity of the

place where the animal is kept habitually or repeatedly barks, howls, whines, yelps, or otherwise produces any sounds which cause serious annoyance to neighboring residents, or which interfere with the reasonable use and enjoyment of premises occupied by such residents, or which interfere with the reasonable use and enjoyment of public streets, sidewalks or other public areas, is a violation of this section.

(c) Any person creating unlawful noise as described in this section shall be guilty of a misdemeanor, punishable upon conviction by a fine or imprisonment as provided by G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

Sec. 12-11. - ~~Procedures in article not exclusive.~~Reserved.

~~The procedures set forth in this article shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this article shall not prevent the city from proceeding in a criminal action against any person violating the provisions of this article as provided in G.S. 14-4.~~

SECTION 6. Chapter 13 “Offenses and Miscellaneous Provisions,” Article VI of the Code of Ordinances, City of Lenoir, North Carolina, “In General” is hereby amended to read as follows:

ARTICLE VI. – IN GENERAL

Sec. 13-6. Firearms.

~~(d) Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

Sec. 13-7. Firebombs. Reserved.

~~(a) No person shall manufacture, possess, transport or use any molotov cocktail or other firebomb.~~

~~(b) No person or group of persons shall possess all the items or materials needed to manufacture molotov cocktails or other firebombs, with intent to manufacture such, other than on his or their premises.~~

~~(c) The provisions of this section shall be cumulative to any other ordinance or general statute of the state on this subject.~~

~~(d) Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4.~~

Sec. 13-9. Consumption of alcoholic beverages on city property.

~~No consumption of alcohol on city property.~~ No person ~~shall~~may consume alcoholic beverages, fortified or unfortified wine, or malt beverages, as defined in state statutes, or offer the same for consumption by

another person, on the premises of any property owned or occupied by the city except pursuant to a valid North Carolina alcoholic beverage control permit and upon approval of the city. ~~Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

Sec. 13-16. Loitering for purpose of engaging in drug-related activities.

(d) No arrest or charge is permitted hereunder unless the circumstances established probable cause to believe that the person intended to violate one or more of the provisions of the North Carolina Controlled Substances Act. ~~A violation of this section shall subject the offender to the penalties set forth in G.S. 14-4A.~~

(e) A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.

Sec. 13-17. Solicitation and begging prohibited.

(d) Penalty. ~~A violation of this section is a misdemeanor as set forth in G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

Sec. 13-19. Weapons prohibited on city property.

(f) ~~Any person in violation of the prohibitions of this section 13-19 shall be guilty of a misdemeanor pursuant to N.C.G.S. 14-4. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~ Any firearm, handgun or other weapon possession in violation of the provisions of this section is and are declared to be contraband, to be disposed of in accordance with applicable North Carolina law.

SECTION 7. Chapter 18 "Streets and Sidewalks," Article I of the Code of Ordinances, City of Lenoir, North Carolina, "In General" is hereby amended to read as follows:

ARTICLE I. – IN GENERAL

Sec. 18-2. Trespassing on or under bridges.

(a) *Prohibited actions.* It ~~shall be~~ is unlawful for any person to loiter upon or under any bridge within the city.

(b) *Enforcement.* ~~Enforcement of this section is authorized for any law enforcement officer with jurisdiction to arrest in the city. The offense is a misdemeanor offense of second degree trespassing, G.S.~~

14-159.13-*Signage*. Each bridge will be posted at both entrances notifying potential violators by sign "No Trespassing. Police Authorized to Arrest under G.S. 14-159.13 and 14-4."

~~(c) *Signage*. Each bridge will be posted at either entrance notifying potential violators by sign "No Trespassing. Police Authorized to Arrest" under G.S. 14-159.13. A violation of this ordinance is a misdemeanor under N.C. General Statute § 14-4.~~

SECTION 8. 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 9. 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 10. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, 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 6th day of June, 2023.

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 _____ day of _____ and this _____ day of _____, 2023.

DONE, THE SECOND READING AND PUBLIC HEARING, 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 _____ day of _____, 2023.

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

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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 DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition was received on May 16, 2023 by the City of Lenoir City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Lenoir deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lenoir that:

The City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of his/her investigation.

This the 6th day of June, 2023.

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

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D. F. STEVENS
C. D. THOMAS

CERTIFICATE OF SUFFICIENCY

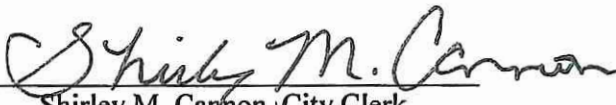
To the City Council of the City of Lenoir, North Carolina:

I, Shirley Cannon, City Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the City primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Lenoir, this the 6th day of June, 2023.

SEAL


Shirley M. Cannon, City Clerk

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL





CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the area described herein has been received;
and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the
sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lenoir, North
Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be
held at the City/County Chambers, 905 West Avenue, Lower Level, Lenoir, NC on Tuesday,
June 6, 2023 at 6:00 p.m.

Section 2. The area proposed for annexation is described in Attachment #1.

Section 3. Notice of the public hearing shall be published in the Lenoir News Topic, a
newspaper having general circulation in the City of Lenoir, at least ten (10) days prior to the date
of the public hearing.

This the 6th day of June, 2023.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk



SCHEDULE A

1173

TRACT #2

(Being a part of that property as described at Deed Book 144, at Page 302.)

BEGINNING on a new 3/4 inch iron pipe, a new corner for the Roberts property, said BEGINNING POINT being located South 27 degrees 22 minutes 48 seconds East 581.85 feet from a P.K. Nail in the center of SR 1715, at the intersection of the center line of SR 1712, being also located South 64 degrees 55 minutes 30 seconds East 832.04 feet from a P.K. Nail set in a power pole; thence from the POINT OF BEGINNING and with 4 new lines for the Roberts property: North 85 degrees 51 minutes 47 seconds West 91.11 feet to a new 3/4 inch iron pipe; North 76 degrees 05 minutes 04 seconds West 356.79 feet to a new 3/4 inch iron pipe; North 07 degrees 31 minutes 56 seconds East 170.12 feet to a new 3/4 inch iron pipe; North 19 degrees 58 minutes 07 seconds West, passing a new 3/4 inch iron pipe on line at 157.88 feet and continuing on the same bearing 30.00 feet, for a total distance along this bearing of 187.88 feet to a point in the center of SR 1715; thence with the center of SR 1715 North 68 degrees 21 minutes 07 seconds East 45.02 feet to a point in the center of the road, a corner with that property belonging to Herbert Eller (Deed Book 488, Page 478 and Deed Book 509, Page 457); thence leaving the road and with the Herbert Eller property for 3 calls: South 19 degrees 58 minutes 07 seconds East, passing a new 3/4 inch iron pipe on line at 35.81 feet and continuing on the same bearing 164.40 feet, for a total distance along this bearing of 200.21 feet to a new 3/4 inch iron pipe; South 72 degrees 52 minutes 26 seconds East 118.81 feet to an existing 3/8 inch iron pipe; North 49 degrees 46 minutes 52 seconds East 349.82 feet to a new 3/4 inch iron pipe; thence leaving the Eller property and with a new line for the Roberts property South 01 degrees 28 minutes 54 seconds West, passing a new 3/4 inch iron pipe on line at 449.91 feet and continuing on the same bearing 7.19 feet, for a total distance along this bearing of 457.10 feet to the POINT OF BEGINNING, containing 2.865 ACRES gross, by coordinates.

Subject to a part of a 45 foot wide right of way crossing the above described property, being more particularly described as follows:

BEGINNING on a new 3/4 inch iron pipe which is the same as the POINT OF BEGINNING of the above described 2.865 ACRES tract; thence from the POINT OF BEGINNING and with 4 new lines for the Roberts property; North 85 degrees 51 minutes 47 seconds West 91.11 feet to a new 3/4 inch iron pipe; North 76 degrees 05 minutes 04 seconds West 356.79 feet to a new 3/4 inch iron pipe; North 07 degrees 31 minutes 56 seconds East 170.12 feet to a new 3/4 inch iron pipe; North 19 degrees 58 minutes 07 seconds West, passing a new 3/4 inch iron pipe on line at 157.88 feet and continuing on the same bearing 30.00 feet, for a total distance along this bearing of 187.88 feet to a point in the center of SR 1715; thence with the center of SR 1715 North 68 degrees 21 minutes 07 seconds East 45.02 feet to a point in the center of the road, a corner with that property belonging to

1174

Herbert Eller (Deed Book 488, Page 478 and Deed Book 509, Page 457); thence with the Herbert Eller property South 19 degrees 58 minutes 07 seconds East, passing a new 3/4 inch iron pipe on line at 35.81 feet and continuing on the same bearing 164.40 feet, for a total distance along this bearing of 200.21 feet to a new 3/4 inch iron pipe, a corner with the Herbert Eller property; thence leaving the Eller property and with 3 new lines for the Roberts property: South 07 degrees 31 minutes 56 seconds West 163.53 feet to a new 3/4 inch iron pipe; South 76 degrees 05 minutes 04 seconds East 402.26 feet to a new 3/4 inch iron pipe; South 01 degrees 28 minutes 54 seconds West 7.19 feet to the POINT OF BEGINNING.

Being the same property as conveyed by Helen Roberts Watson et al to Inez Roberts Morrison by deed dated December 29, 1993 and recorded in Book 1101 Page 1164 Caldwell County Registry.

DRAFTSMAN DID NOT ABSTRACT
TITLE OR PERFORM A CLOSING
ON THIS PROPERTY AND MAKES
NO WARRANTIES AS TO TITLE.