

**LENOIR CITY COUNCIL
TUESDAY, APRIL 16, 2024
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Jonathan Beal, Todd Perdue, Ralph Prestwood, Kimmie Rogers, David Stevens, Crissy Thomas, City Manager Scott Hildebran, City Clerk Shirley Cannon and City Attorney Timothy Rohr.

ABSENT: Councilmember Ike Perkins.

CITY STAFF: In attendance was Finance Director Donna Bean, Fire Chief Norman Staines, Assistant Fire Chief Kenny Nelson, Main Street & Economic Development Director Brenda Floyd, Police Chief Brent Phelps, Planning Director Hannah Williams, Parks & Recreation Director Phil Harper, Public Services & Public Utilities Director Jeff Church, Public Services & Public Works Director Jon Hogan and Communication Director Joshua Harris.

Also in attendance was News-Topic Reporter Shelby Powell.

I. CALL TO ORDER

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

**CONGRATULATIONS; CITY MANAGER
SCOTT HILDEBRAN & WENDY HILDEBRAN;
BOSTON MARATHON:**

- B. On behalf of City Council, Mayor Gibbons congratulated City Manager Scott Hildebran for competing in the 2024 Boston Marathon races. Mr. Hildebran participated in the 5K race and finished well. Also, Mayor Gibbons congratulated Wendy Hildebran for participating in the Boston Marathon which is a total of 26.2 miles. Mrs. Hildebran also finished well and completed the race with a faster time than last year.

**SYMPATHY
EXTENDED:**

- C. On behalf of City Council, Mayor Gibbons extended condolences to the family of former Mayor David Barlow who passed following a brief illness. Mr. Barlow previously served as Mayor of Lenoir from November 2, 1999 through December 2011. Prior, he served as a member of City Council from 1981 – 1985 and 1995 through November 1999.

Mayor Gibbons asked everyone to keep Mr. Barlow's family in their thoughts and prayers during this difficult time.

2023 ANNUAL REPORT;

POLICE DEPT.: D. Chief of Police Brent Phelps presented an overview of the Department's 2023 Annual Report to City Council.

A copy of the full report is available online at www.cityoflenoir.com/police.

Chief Phelps stated the Department has used the National Incident-Based Reporting System (NIBRS) since 2017 and reviewed the highlights of the report.

Chief Phelps reported there was a 6% reduction in crimes against society and no homicides were committed in 2023. There was a 21% decrease in domestic cases and 222 individuals were involuntarily committed. Chief Phelps clarified the Jonas House is not set up to receive patients that are involuntarily committed. He stated there were 140 overdoses which is 13% less than 2022 and Officers administered the drug Narcan 69 times and saved 62 lives.

In addition, Chief Phelps pointed out there were 1,241 vehicle crashes, 3,568 vehicle stops and 2,102 citations issued with 1,194 warnings. The Investigations Division recovered \$794,206 in stolen property including vehicles. There were \$4,610,078 illegal narcotics seized and \$790,756 in cash and property seized. Also, there were 1,895 criminal cases and 207 nuisance cases of which 97 properties were owner abated and the City abated 30.

The Communications Center processed 40,329 CAD calls and there were 24,176 service calls. Chief Phelps shared there were 27, 218+ citizen contacts with 51 use of force incidents which equals to .19%. He pointed out a use of force could be a strike, use of pepper spray or taser, or pointing a weapon. He further explained if an Officer points his weapon, he is required to fill out a form which goes through 5 levels of supervisors before he receives the report.

Chief Phelps shared all Officers have body cameras and noted they will be receiving upgrades in the near future. Next, he explained the company Extra Duty Solutions schedules Officers for off-duty assignments with 3,042 total hours being scheduled in 2023 which is equivalent to 1.39 full-time employees. Chief Phelps stated if an assignment is outside of the Department's policy, Extra duty Solutions will call and Police Department Staff will make a decision whether to accept or decline the assignment.

In addition, 51,542 evidence items have been collected to date, 12 ABC permits were issued, 30 background checks were conducted, and they received 125 crime stoppers tips. The Department completed 8,887 training hours and 31 Officers received professional certificates.

Chief Phelps reviewed 2023 personnel and structure changes in the Department. He stated 16 full-time employees were hired and explained 5 left within 6 months. Next, Chief Phelps shared the Department lost 17 employees which includes 9 full-time officers, 2 full-time trainees, 3 full-time telecommunicators, and 3 part-time telecommunicators. Out of the 17 that left, he mentioned that 3 Officers retired and 2 opted to stay part-time.

A brief discussion was held regarding whether the City can recoup any costs from Officers that leave following their training. Chief Phelps stated he spoke with an attorney and the School of Government (SOG) about this issue and reported since

the bulk of their costs comes from salaries, the Department decided not to pursue this issue.

Chief Phelps briefly discussed succession planning and shared that 3 senior Officers retired in 2023 and 13 employees were promoted into supervisory roles during the year. The Department obtained 4 additional positions through the Caldwell County School System to place School Resource Officers (SRO's) in all of the City's elementary schools. Chief Phelps further described the improvements made to the facility including painting, new carpet and desks. Also, he reported they have added additional card readers and purchased a new Drone with forfeiture funds.

Mayor Gibbons thanked Chief Phelps for the good report and for all the Department does in keeping the citizens of Lenoir safe every day.

PROCLAMATION; MOTORCYCLE SAFETY & AWARENESS MONTH:

- D. On behalf of City Council, Mayor Gibbons read and presented a proclamation to Chief Phelps proclaiming the month of May as "Motorcycle Safety and Awareness Month" throughout the City of Lenoir.

Chief Phelps stated Lenoir does has a motorcycle community and pointed out the purpose of the proclamation is to educate the public which helps keep the cyclists and citizens safe.

On behalf of City Council, Mayor Gibbons thanked Chief Phelps for all that the Officers do every day to keep the citizens safe.

PROCLAMATION; INTERNATIONAL FIREFIGHTERS' DAY:

- E. On behalf of City Council, Mayor Gibbons read and presented a proclamation to Fire Chief Norman Staines proclaiming Saturday, May 4, as "International Firefighters' Day" throughout the City of Lenoir.

Chief Staines stated the United States Fire Administration reports that 80 firefighters died in the line of duty in 2023. Currently, there have been 22 firefighter deaths in 2024.

Chief Staines stated the Lenoir Fire Department prepares and responds to medical calls, motor vehicle accidents, structure fires and lost subjects. In 2023, the Fire Department responded to 3,386 calls for service with an average response time of 3:39 minutes. In addition, he reported Staff completed 19,610 training hours in 2023 and completed 52 fire prevention presentations with an estimated 4,898 citizens participating in these presentations. Also, Staff installed 80 smoke detectors in homes as requested by residents.

Chief Staines thanked Mayor Gibbons, City Council, and City Manager Hildebran for the recognition and support provided to the Fire Department. He commended all of the Department's 58 firefighters for their dedication and outstanding service to the City.

Mayor Gibbons thanked Chief Staines and all of the firefighters for everything they do each day to keep the citizens and community safe.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the 2024 Budget Retreat held on Tuesday, March 26, 2024 as submitted.
- B. Minutes: Approval of the minutes of the City Council meeting of Tuesday, April 2, 2024 as submitted.
- C. Resolution; Water & Sewer Capital Improvements Plan: Approval of a Resolution to adopt the Water & Sewer Fund Capital Improvements Plan (CIP) as presented by City Staff. Adoption of this resolution is to meet the requirements of any future funding applications through the NCDEQ Division of Water Infrastructure SRF loan or grant funding programs or other available funding sources. (A copy of the resolution and the Water & Sewer CIP are attached to these minutes as information.)
- D. Contiguous Annexation Petition: Approval of a Resolution Directing the City Clerk to check the Annexation Petition for Sufficiency for property located at the intersection of Hopedale Drive and Providence Lane (NCPIN#2757372828) and to call for a public hearing to be held on Tuesday, May 7 for consideration of approval of the annexation petition. The parcel is within Lenoir's ETJ (Extra Territorial Jurisdiction), zoned as R-15 Single-family and is contiguous with the Lenoir City limits. (A copy of the resolution is attached to these minutes as information.)
- E. General Counsel Agreement; City Attorney: Approval of the General Counsel Agreement between the City of Lenoir and the law firm of Wilson, Lackey, Rohr, & Hall, P.C. as submitted. (A copy of the agreement is attached to these minutes as information.)
- F. Proclamation; Motorcycle Safety & Awareness Month: Approval of a proclamation proclaiming the Month of May as "Motorcycle Safety & Awareness Month throughout the City of Lenoir. (A copy of the proclamation is attached to these minutes as information.)
- G. Proclamation; International Firefighters' Day, May 4: Approval of a proclamation proclaiming Saturday, May 4, 2024 as International Firefighters' Day throughout the City of Lenoir. (A copy of the proclamation is attached to these minutes as information.)

Upon a motion by Councilmember Perdue, City Council voted 6 to 0 to adopt items A through G on the Consent Agenda as described above and as submitted.

IV. REQUESTS AND PETITIONS OF CITIZENS

INFORMATION; FORT

DEFIANCE:

- A. Mr. Gabe Pipes, Site Director at Fort Defiance, addressed City Council regarding new information discovered by Appalachian State University (ASU) students as related to the enslaved population that once existed at the house. Mr. Pipes also invited City Council to a VIP Reception on Monday, April 29 beginning at 6:00 p.m. at Fort Defiance.

Mr. Pipes stated he was recently employed by Fort Defiance and gave a brief background of the property. He stated William Lenoir began building the home in 1788 and finished it in 1792. He shared the historic site has a number of original furnishings and artifacts. Mr. Pipes stated the house has been restored to its original state and emphasized it is a beautiful home.

In addition, Mr. Pipes reported students from ASU have reviewed over 1,000 documents that contain exciting and new information about Fort Defiance and several of their displays will

be shown during the summer. The students are also trying to locate the cemetery and slave quarters that were on the property. Also, he mentioned that Dr. Leslie McKesson, ASU Professor, discovered during the study that she is a descendant of the enslaved population that once lived at Fort Defiance.

Mr. Pipes stated when the student's reports are finished, he will return and share their findings about Fort Defiance with City Council.

Mr. Pipes stated a Lunch and Learn event will be held on June 8 regarding the Overmountain Victory Trail (OVMT). On July 4, an 18th Century Style Picnic will be held on the grounds, and on August 10, a local historian will discuss the effects on the property from WWII.

On behalf of City Council, Mayor Gibbons thanked Mr. Pipes for the good report and stated the Council looks forward to having him come back.

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

EMPLOYEE LITTER

- SWEEP:** 1. The City of Lenoir Employee Litter Sweep will be held on Thursday, April 25 from 9:00 a.m. – 12:00 p.m.

BOOTLEGGER 100

- BICYCLE RACE:** 2. The Bootlegger 100 Bicycle Ride/Event will be held on Saturday, April 20 from 8:00 a.m. – 6:00 p.m. The event begins and ends in downtown Lenoir.

LENOIR BICYCLE

- FESTIVAL:** 3. The Lenoir Bicycle Festival will be held on Saturday, April 20 in downtown Lenoir from 10:00 a.m. – 4:00 p.m. Additional information is available on the City's website at cityoflenoir.com/events.

BOARD OF

- ADJUSTMENT:** 4. The Board of Adjustment will meet on Monday, April 22 at 5:30 p.m. in the City/County Chambers.

COMMITTEE OF

- THE WHOLE:** 5. The Committee of the Whole will meet on Tuesday, April 23 at 8:30 a.m. at City Hall, Third Floor Conference Room.

NCLM CITY

- VISION CONF.:** 6. The North Carolina League of Municipalities City Vision Conference will be held on Tuesday, April 23 through Thursday, April 25 at the Benton Convention Center in Winston Salem.

NCDOT SPRING LITTER

- SWEEP:** 7. The NCDOT Spring Litter Sweep event ends on Saturday, April 27. The public is encouraged to participate.

**FOOTHILLS REGIONAL
AIRPORT AUTHORITY:**

8. The Foothills Regional Airport Authority will meet on Wednesday, May 1 at noon at the Airport Facility.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

**NCLM VOTING
DELEGATES:**

- A. City Council recommended that Mayor Joe Gibbons be appointed to serve as the City of Lenoir's voting delegate and Councilmember Jonathan Beal as the Alternate voting delegate at the North Carolina League of Municipalities (NCLM) Annual Business Meeting at the 2024 City Vision Conference that will be held at the Benton Convention Center, Winston-Salem.

Upon a motion by Councilmember Perdue, City Council voted unanimously to appoint Mayor Joe Gibbons to serve as the City of Lenoir's voting delegate along with Jonathan Beal as the alternate voting delegate at the NCLM's Annual Business meeting at the 2024 City Vision Conference as recommended by Council.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

CLOSED

- SESSION:** A. Mayor Gibbons stated City Council will enter into closed session and read the following statement:

City Council will enter into closed session as authorized by N.C. Gen. Stat. § 143-318.11(a)(3) to consult with the City Attorney Timothy Rohr to preserve attorney-client privilege. City Council will consider and give instructions to the Attorney regarding the possible settlement of an existing lawsuit. The parties to that existing lawsuit are David Williams, Doris Williams, and CresCom Bank. It is expected that the City Council will take action in open session at the conclusion of the closed session.

Upon a motion by Councilmember Thomas, City Council voted unanimously to enter into closed session.

OPEN

- SESSION:** B. Upon a motion by Councilmember Prestwood, City Council voted unanimously to re-enter into open session.

Upon a motion by Councilmember Prestwood, City Council voted 5 to 1 with Councilmember Perdue voting against to approve the settlement between the City of Lenoir vs. David and Doris Williams and Crescom Bank, 21CVS 1082 Caldwell County File number as follows:

- A. Deposit a total of \$55,000 with the Clerk of Court's office.
B. Authorize the Williamses to widen their driveway access as described in the recent report from McGill Associates at their expense.

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 7:17 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

RESOLUTION BY THE LENOIR CITY COUNCIL

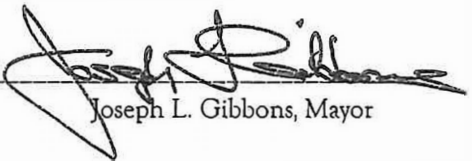
- WHEREAS, The City of Lenoir has a current Capital Improvement Plan (CIP) for the Water and Sewer Enterprise Fund that spans 10-years, and
- WHEREAS, The City of Lenoir annually updates its 10-Year Water and Sewer CIP, and
- WHEREAS, The City of Lenoir held a City Council Budget Retreat on March 26, 2024 to present the 10-Year Water and Sewer CIP, and
- WHEREAS, Applications for funding submitted to the NC Department of Environment Quality (DEQ) Division of Water Infrastructure (DWI) may earn points if the Applicant has a CIP adopted by the City Council within two years of the application date.

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

That City of Lenoir does hereby adopt the Capital Improvements Plan (CIP) as updated for the Fiscal Year 2024-25 budget, as presented at the March 26, 2024 City Council Budget Retreat.

Adopted this the 16th day of April, 2024 at Lenoir, North Carolina.

SEAL



Joseph L. Gibbons, Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Lenoir does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the adoption of the 10-Year Capital Improvement Plan, as regularly adopted at a legally convened meeting of the City Council of the City of Lenoir duly held on the 16th day of April, 2024; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of April, 2024.



Signature

Shirley Cannon, City Clerk

Printed Name and Title

Table 1
City of Lenoir
Water and Sewer Fund
Capital Improvements Plan - 2024

Water Improvements

Project Number	Project Description	10-Yr CIP Cost	Current 2024	Year 1 2025	Year 2 2026	Year 3 2027	Year 4 2028	Year 5 2029	Year 6 2030	Year 7 2031	Year 8 2032	Year 9 2033	Year 10 2034	Years 11-15 2035
Vehicles and Equipment														
	Distribution System Vehicles and Equipment	548,500	175,000	227,500	56,000			62,000	64,000		68,000	71,000		
	Water Treatment Vehicles and Equipment	941,900	82,000	318,900	57,000	139,000	166,000	49,000	50,000	52,000	54,000	56,000		
	Water Resources Vehicles and Equipment	25,500	120,000	25,500										
Subtotal - Water Vehicles and Equipment		1,515,900	377,000	571,900	113,000	139,000	166,000	111,000	114,000	52,000	122,000	127,000	-	-
Distribution System														
1	Finley Water System Improvements	8,300,000		6,300,000	2,000,000									
2	Major Pressure Reducing Valve Vaults	710,000			350,000	360,000								
3	Joycetown Water Improvements	170,000				170,000								
4	Valdese System Interconnect	17,000,000			17,000,000									
5	Morganton Blvd Water Line - Phase 1	1,000,000			1,000,000									
6	Morganton Blvd Water Line - Phase 2	2,470,000			2,470,000									
7	US 321 Utility Relocations	780,000				780,000								
8	Whitnel Transmission Line Replacement - to Sawmills	6,060,000					6,060,000							
9	Walt Arney Road Water Line Replacement	640,000					640,000							
10	Hudson Tank Pump Upgrades	590,000					590,000							
11	Pleasant Hill Road Water Improvements	750,000						750,000						
12	Whitnel-Cajahs Water Pump Station	2,370,000								2,370,000				
13	Water System Interconnect #1	3,940,000										3,940,000		
14	Zacks Fork to Cottrell Hill Water Supply Loop	-												1,650,000
15	Whitnel Transmission Line Replacement - to Whitnel	-												13,010,000
16	Divisional Valve Replacements	564,000		100,000	130,000		110,000	110,000		114,000				
17	Water Line Replacements	2,800,000					609,000		700,000		700,000		800,000	
Water Treatment														
18	AWIA Compliance Projects	-	100,000											
19	Flash Mix Basin Repairs	450,000	500,000	450,000										
20	Residual Systems Upgrade	2,340,000					2,340,000							
21	Retrofit all Cahah Pumps and Switchgear	250,000						250,000						
22	Add 3rd Whitnel Finished Water Pump and VFD	1,040,000						1,040,000						
23	Add 3rd Raw Water Pump and VFD	1,250,000						1,250,000						
24	Filter Valve Upgrades	1,770,000						1,770,000						
25	Finished Water Pump Station Upgrades	1,250,000						1,250,000						
26	Backwash Supply Improvements	350,000						350,000						
27	Operations Building Upgrades	2,010,000						2,010,000						
28	Sedimentation Basin Repairs	1,980,000									1,980,000			
29	Clearwell Replacement	4,020,000									4,020,000			
30	Generator and Electrical System Loop	-												3,400,000
Subtotal - Water Infrastructure Improvements		64,854,000	600,000	6,850,000	22,950,000	1,310,000	10,340,000	8,780,000	700,000	2,484,000	6,700,000	3,940,000	800,000	18,060,000
Total - Water Improvements		66,369,900		7,421,900	23,063,000	1,449,000	10,506,000	8,891,000	814,000	2,536,000	6,822,000	4,067,000	800,000	18,060,000
Current Year (FY24) CIP: Water Improvements			977,000											
10-Yr CIP: Water Improvements FY25-34		66,369,900		7,421,900	23,063,000	1,449,000	10,506,000	8,891,000	814,000	2,536,000	6,822,000	4,067,000	800,000	18,060,000
Capital Project funded or partially funded using external source(s). ARPA, Direct Allocation, etc.														
Capital Project funded or partially funded using debt issue(s)														

Table 1
City of Lenoir
Water and Sewer Fund
Capital Improvements Plan - 2024

Wastewater Improvements

Project Number	Project Description	10-Yr CIP Cost	Current 2024	Year 1 2025	Year 2 2026	Year 3 2027	Year 4 2028	Year 5 2029	Year 6 2030	Year 7 2031	Year 8 2032	Year 9 2033	Year 10 2034	Years 11-15 2035
Vehicles and Equipment														
	Collection System Vehicles and Equipment	1,563,000	153,000	115,000	744,000	104,000		112,000	116,000	120,000	124,000	128,000		
	Wastewater Treatment Vehicles and Equipment	135,250	40,000	135,250										
Subtotal - Wastewater Vehicles and Equipment		1,698,250	193,000	250,250	744,000	104,000	-	112,000	116,000	120,000	124,000	128,000	-	-
Collection System														
1	East Harper Avenue Sewer Replacement	550,000		550,000										
2	Boxwood St Sewer Relocation	390,000				390,000								
3	Pennion to Hwy 18 Sewer	1,100,000					1,100,000							
4	Main Street (Valway to 321) Sewer Replacement	1,100,000					1,100,000							
5	Rehab Blairs Fork Outfall	860,000					860,000							
6	Gunpowder Creek Interceptor Replacement	3,340,000					3,340,000							
7	Zacks Fork Sewer Replacement	2,270,000					2,270,000							
8	Meadowood Upstream Sewer Replacement	1,780,000								1,780,000				
9	Meadowood Lift Station Improvements	520,000								520,000				
10	Golf Course Sewer Replacement	4,290,000											4,290,000	
11	Manhole Improvements	670,000	180,000			210,000		220,000		240,000				
12	Sewer Line Replacements	5,000,000						1,000,000		2,000,000		2,000,000		
Wastewater Treatment														
13	LCWWTP Recycle Water Pump/Lines	-	20,000											
14	Bar Screen Replace at GPWWTP	-	200,000											
15	Influent Repairs at LCWWTP	-	20,000											
16	Lower Creek WWTP Bypass Screen	550,000				550,000								
17	Lower Creek WWTP Mixers	1,610,000			1,610,000									
18	Lower Creek WWTP Diffusers and Concrete Repairs	2,460,000			2,460,000									
19	Septage Receiving Station / Vactor Dump	640,000					640,000							
20	Lower Creek WWTP Equalization Basin	3,780,000					3,780,000							
21	Lower Creek WWTP Treatment Improvements	7,630,000							7,630,000					
Subtotal - Wastewater Improvements Infrastructure		37,600,000	420,000	550,000	4,070,000	1,150,000	13,090,000	1,220,000	7,630,000	4,540,000	-	2,000,000	4,290,000	-
Total - Wastewater Improvements		39,298,250		800,250	4,814,000	1,254,000	13,090,000	1,332,000	7,746,000	4,660,000	124,000	2,128,000	4,290,000	-
Current Year (FY23) CIP: Wastewater Improvements			613,000											
10-Yr CIP: Wastewater Improvements FY25-34		40,236,250		800,250	4,814,000	1,254,000	13,090,000	1,332,000	7,746,000	4,660,000	124,000	2,128,000	4,290,000	-

☐ Capital Project funded or partially funded using external source(s). ARPA, Direct Allocation, etc.
☐ Capital Project funded or partially funded using debt issue(s)

Total Water and Wastewater Capital Improvements Plan

Current Year (FY24) CIP: Total Water/Wastewater		1,590,000												
10-Yr CIP: Total Water and Wastewater		106,608,150	8,222,150	27,877,000	2,703,000	23,596,000	10,223,000	8,560,000	7,196,000	6,946,000	6,195,000	5,090,000	18,060,000	



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
T. H. PERDUE
J. I. PERKINS
R. S. PRESTWOOD
K. R. ROGERS
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 April 16, 2024 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

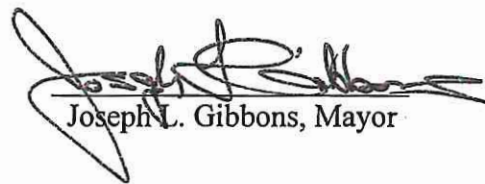
WHEREAS, the City Council of the City of Lenoir deems it advisable to proceed in response to this request for annexation.

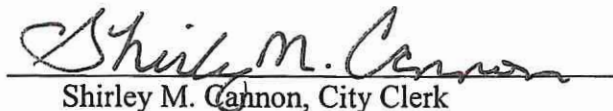
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lenoir that:

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 16th day of April, 2024.

Attest:


Joseph L. Gibbons, Mayor


Shirley M. Cannon, City Clerk



**GENERAL COUNSEL AGREEMENT
BETWEEN
WILSON, LACKEY, ROHR & HALL, P.C.
and
THE CITY OF LENOIR,
A NORTH CAROLINA BODY CORPORATE**

THIS CONTRACT, made and entered into on the date it is executed by the last of the parties, by and between the City of Lenoir, a body corporate and politic existing under the laws of North Carolina (hereinafter referred to as the "City") and Wilson, Lackey, Rohr & Hall, P.C. (hereinafter referred to as the "Firm");

Whereas, the City wishes to retain Wilson, Lackey, Rohr & Hall, P.C. as its attorney and counselor at law, as required by N.C. Gen. Stat. § 160A-173, section 4.3 of the City of Lenoir Charter, and section 2-96 of the Code of Ordinances for the City of Lenoir.

NOW, THEREFORE, for and in consideration of the sums and mutual agreements contained herein, the parties hereto agree as follows:

1. The City does hereby retain Wilson, Lackey, Rohr & Hall, P.C. as its attorney and counselor at law.
2. This contract exists and continues for an initial period beginning May 1, 2024 through December 1, 2025. Either party may terminate this contract at any time, with or without cause, upon 60 days' notice to the other party of the terminating party's intent to terminate this contract. Unless terminated by either party, this contract will automatically renew for successive one year terms.
3. The City will pay a retainer to Firm in the sum of \$1,500.00 each month, payable on the 1st day of each month. The retainer fee is for and in consideration of the following services:
 - a. Continuous availability for representation of the City both in and out of court, and availability for the performance of any legal services for the City. Time spent on representation and the performance of any legal services for the City by Firm will be billed at the hourly rates listed in section 4 of this contract, except for the regular monthly business meeting of the City.
 - b. Attendance and participation as legal counsel at the regular twice-monthly business meetings of the City as necessary, not including special, work-session, emergency, or other meetings of the City.

- c. The City will refer to the Firm all legal matters arising in the course of the business of the City and will notify the Firm of all meetings of the City and provide the Firm with a copy of agenda in advance of said meetings.
4. For such services rendered by the Firm which are not covered by the monthly retainer, the City will pay to the Firm the sum of \$300.00 per hour for attorneys and \$150.00 per hour for paralegals/legal assistants. Time will be charged in minimum units of .10 of an hour. The time charged may include, but is not limited to, court appearances, travel time, telephone conferences, office conferences, legal research, depositions, review of file materials and documents sent or received, preparation for trials, hearings, and conferences, drafting of pleadings, instruments, office memoranda, and correspondence, and other duties as laid out in section 2-97 of the Code of Ordinances for the City of Lenoir. Firm will use its discretion in staffing to provide services in the most economical manner possible. All time spent on the City's behalf, including time spent in telephone and email communications, will be charged to the City. Said hourly fee may be modified at the end of each term of the contract by agreement of the parties.
5. The City will reimburse Firm all actual expenses the Firm incurs in the course of such employment, including but not limited to copying costs, court fees, travel, and the cost of lodging and meals incurred while attending conferences or meetings of the NC Association of Municipal Attorneys or other similar groups, together with the annual dues for any such association. City will not be charged an hourly rate for time spent by Firm attending conferences or meetings of the NC Association of Municipal Attorneys or other similar groups.
6. For all matters regarding legal advice directly to the Lenoir Police Department, Firm will have no obligation to provide services to City and City will obtain other counsel for such services if Firm determines that it has a conflict in any such matter. This provision does not prohibit Firm from representing City on any matter where the Lenoir Police Department is a party to an Agreement or is impacted by the matter at issue, so long as Firm in its sole discretion accepts such representation of City.
7. It is understood and agreed by and between the parties hereto that the Firm will be responsible for all legal services performed pursuant to this contract and that it will perform any and all legal services requested that are within the scope of reasonable and sound legal practice. The Firm will bill to the City such services or expenses enumerated herein or performed in accordance with this agreement on a monthly basis and the City will pay for the services or expenses so billed within 30 days of receipt.

Tuesday, April 16, 2024

Minutes-City of Lenoir Council Meeting

The City executed this contract by the authority of the majority vote of the City Council meeting in regular session.

IN TESTIMONY WHEREOF, the parties have executed this contract in duplicate originals, one of which is retained by each party.

ATTEST:

CITY OF LENOIR

Shirley Cannon
Shirley Cannon, City Clerk

BY:

Joseph Gibbons
Joseph Gibbons, Mayor

WILSON, LACKEY, ROHR & HALL, P.C.

BY:

David S. Lackey
David S. Lackey, President

Pre-Audit Certificate:

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

By: Denna Bean
Chief Financial Officer

Date Signed: 4-22-24

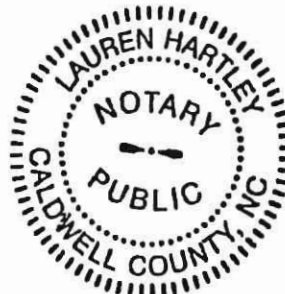
NORTH CAROLINA
CALDWELL COUNTY

I, Lauren Hartley, a Notary Public of the County and State aforesaid, certify that Joseph Gibbons personally came before me this day and acknowledged that he is Mayor of the City of Lenoir, a North Carolina Body Corporate, and that by authority duly given and as the act of the City of Lenoir, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by Shirley Cannon as its Clerk.

Witness my hand and official stamp or seal, this 22nd day of April, 2024.

My Commission Expires: 8/16/2026

Lauren Hartley
Notary Public



NORTH CAROLINA
CALDWELL COUNTY

I, Michelle L. Turvaille, a Notary Public of the county and state aforesaid, do hereby certify that David S. Lackey personally appeared before me this day and acknowledged that he is President of WILSON, LACKEY, ROHR & HALL, P.C., a North Carolina Professional Corporation, and that he, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 22 day of April, 2024.

My Commission Expires: 5-15-26

Michelle L. Turvaille
Notary Public





PROCLAMATION

Motorcycle Safety & Awareness Month

May 2024



WHEREAS, the growth in popularity of motorcycle riding and touring, combined with the many scenic destinations in our state and the year-long riding season, have led to North Carolina having one of the largest populations of motorcycle enthusiasts in the nation; and

WHEREAS, more and more residents of the City of Lenoir are taking up this mode of transportation to commute to and from their places of employment; and

WHEREAS, many motorcyclists undergo specialized training by attending professionally taught motorcycle operator training courses with emphasis on skills, traffic laws, and proper safety equipment; and

WHEREAS, it is the responsibility of all motorists to be aware of motorcyclists and extend to them the same courtesy as any other vehicles on our roadways.

NOW, THEREFORE, BE IT RESOLVED, that I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council, do hereby proclaim the month of May as "Motorcycle Safety and Awareness Month" throughout the City of Lenoir.

WITNESS, my hand and seal this the 16th day of April, 2024.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

PROCLAMATION

IN HONOR OF

INTERNATIONAL FIREFIGHTERS' DAY

WHEREAS, International Firefighters' Day is observed each year on May 4th to honor and remember past firefighters who have lost their lives while serving their communities, to express gratitude to those that have served in this line of work and to show support and appreciation for those who presently serve; and

WHEREAS, regardless of the language a firefighter speaks, or the country in which he or she works and resides, all firefighters fight against the same enemy - fire; and

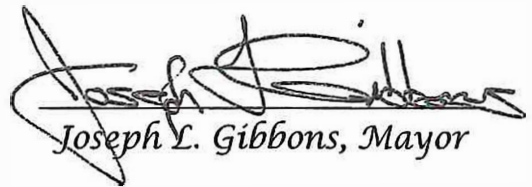
WHEREAS, firefighters follow a long line of tradition and honor that inspires them to help colleagues, neighbors and strangers alike; and

WHEREAS, the demands of firefighting are accompanied by both personal and physical tolls that all firefighters knowingly accept while risking their lives to protect the lives of others.

NOW, THEREFORE, be it resolved that by the virtue of the authority vested in me as Mayor of City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, I do hereby proclaim Saturday, May 4th, 2024, as **"International Firefighters' Day"** throughout the City of Lenoir and encourage all citizens to show support and appreciation to our City, County, and State firefighters who protect our lives and property so diligently throughout the year and by remembering past firefighters who dedicated their lives to preserve our safety.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 16th day of April, 2024.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

