

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

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

ABSENT: Councilmember Todd Perdue.

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 Major Andy Wilson, Planning Director Hannah Williams, Parks & Recreation Director Phil Harper, Public Services & Public Utilities Director Jeff Church, Public Services & Public Works Director Jon Hogan, Communication Director Joshua Harris and Intern Kate Starr.

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.

**PRAYERS FOR
COUNTRY:**

- B. On behalf of City Council, Mayor Gibbons asked everyone to pray for our country due to the assassination attempt on former President Donald Trump that occurred this past weekend in Butler, Pennsylvania during a public gathering. Mayor Gibbons also asked everyone to keep the family of the firefighter that was killed in the line of fire in their thoughts and prayers along with several other individuals that were injured during the tragic shooting.

**COMMENDED; CITY
STAFF & VOLUNTEERS:**

- C. On behalf of City Council, Mayor Gibbons commended City Staff and volunteers that participated during the 21st Annual Blackberry Festival held on Saturday, July 13 in downtown Lenoir. Mayor Gibbons also expressed appreciation to those who helped coordinate the successful event including Brenda Floyd, Main Street & Economic Development Director, Matthew Anthony, former Event Coordinator, Kaylynn Horn, former Economic Development & Main Street Director, Parks and Recreation Staff, Public Works Staff, Duke Moore & Building Maintenance Staff, Public Services, Sanitation Division for maintaining city streets, and Fire & Police personnel for providing safety and security during the festival.

Mayor Gibbons also thanked Parks & Recreation Staff for the great Fourth of July fireworks display along with Police & Fire personnel. Mayor Gibbons shared he has received a lot of positive comments regarding the great things that are happening this summer in Lenoir.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

REZONING; 420 VIRGINIA

STREET:

- A. A public hearing was held to consider rezoning the property located at 420 Virginia Street, NCPIN#2749338334 from I-2 (Heavy Industrial) to R-6 (High-Density Residential) as requested by property owner Marcella Hines and based on the following consistency statement and Staff's recommendations: The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it protects the distinctive residential character of Lenoir's neighborhoods from the encroachment of inappropriate non-residential development. This rezoning also helps to standardize and move this area towards practical zoning.

Mayor Gibbons opened the public hearing to receive public comments regarding the rezoning permit.

Hannah Williams, Planning Director, addressed City Council and reported the Planning Board has approved this request. Director Williams stated the applicant is requesting this zoning change to build a small cottage in the rear and to subdivide into two lots. The existing single family home is legally nonconforming to the I-2 zoning district, but to further develop the property for residential uses, the property must have a residential zoning district.

Director Williams explained the property is located on Virginia Street between Greer Place and Bradford Street and the single-family home on the property pre-dates the Lenoir zoning code (circa 1978).

Director Williams further shared the property abuts an apartment complex on Lutz Street, as well as a multi-family development along Virginia Street (three duplexes.) Additionally, there are two large industrial buildings across the street that are owned by David Farthing which make up the business, Carolina Custom Cabinets. The property also touches the Lenoir Public Works/Public Utilities complex which also shares space with Bernhardt Furniture.

Director Williams stated in the 2007 Comprehensive Plan's Future Land Use Map, the property was identified as a "transitional industrial site" and in the vicinity of existing high-density residential. Director Williams pointed out it is unlikely that industrial uses will expand along this side of Virginia Street into existing residential areas.

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

Upon a motion by Mayor Pro-Tem Stevens, City Council voted 6 to 0 to adopt the rezoning for property located at 420 Virginia Street, NCPIN#2749338334 from I-2 (Heavy Industrial) to R-6 (High-Density Residential) based on the consistency statement listed above and as recommended by City Staff.

SPECIAL USE PERMIT;

111 FAIRVIEW DRIVE NW:

- B. Special Use Permit; 111 Fairview Drive NW: A quasi-judicial public hearing was held to consider the requested Special Use Permit (SUP) as submitted by Dawn Curtin for a proposed child care center with offices and a meeting space in the B-6 district for property located at 111 Fairview Drive, NCPIN 2749130104 and NCPIN 2749120839 and based on the findings on page 5 of the submitted Staff Report and subject to the

following four (4) conditions:

1. The applicant must maintain the street yard landscaping along Fairview Drive where it abuts residential zoning and add exterior doors to the classrooms as is required for egress. A zoning permit will be required.
2. Any new lighting for the daycare use shall be fully cut-off and shielded so as to eliminate and minimize light spill-over onto adjacent residential properties.
3. Valid permits and inspections must be obtained for this use, including and any other federal, state, or local regulations that applies.
4. The applicant must obtain zoning and sign permits from the Lenoir Planning Department within two years of the issuance of the SUP. All proposed changes must adhere to Section 817 (B-6 Transitional Business District Design Standards) of the Lenoir Zoning Ordinance.

Mayor Gibbons opened the public hearing to receive public comments regarding the Special Use Permit application and asked City Attorney Rohr to explain the procedures for a quasi-judicial public hearing.

Attorney Rohr reminded City Council they are acting more as judges when considering a Special Use Permit request. He stated Council cannot have any pre-conceived opinion about the case, discuss it with anyone, or visit the proposed site. Attorney Rohr said if they have, Council should disclose it at this time.

In addition, Attorney Rohr stated Council would receive sworn testimony along with evidence and if an applicant meets the requirements for a Special Use Permit, Council is required to approve the permit.

Hannah Williams, Planning Director was sworn in by the City Clerk. Director Williams submitted the Staff Report as evidence to be included in the minutes of the meeting and also clarified the Planning Board recommended approval of the Special Use Permit as well.

Director Williams addressed City Council and stated the property is owned by Fairview Presbyterian Church and under contract by the Enola Group to do business as a daycare. She reported the church does not meet at the site. The applicants are planning to have six (6) classrooms in the fellowship hall to use as a daycare center. They will have an attendance of 48 children ranging in age from infant to five-years old and the hours of operation are 7:30 a.m. – 5:00 p.m. Monday through Friday. Director Williams verified their request meets the guidelines for a Special Use Permit and noted the permit should be granted along with including the four (4) additional conditions as listed above.

Councilmember Stevens asked whether sidewalks are needed. Director Williams stated there is an established driveway and parking already at the site and no sidewalks will be needed.

Director Williams further stated there is landscape on the subject property that will need to be maintained by the property owners. In addition, she reported the applicants will reuse the existing signage.

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

Upon a motion by Councilmember Thomas, Council voted 6 to 0 to adopt the Special Use

Permit for property located at 111 Fairview Drive and the four (4) conditions as described above and as recommended by City Staff and the Planning Board.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, June 18, 2024 as submitted.
- B. Minutes: Approval of the closed session minutes of the City Council meeting of Tuesday, June 18, 2024 as reviewed by the City Attorney, City Council and City Manager.
- C. Minutes: Approval of the Committee of the Whole minutes of Tuesday, June 25, 2024 as submitted.
- D. Resolution; Caldwell County Animal Care & Enforcement Ordinance: Staff recommends approval of a resolution affirming support for Caldwell County to enforce the Animal Care and Enforcement Care Ordinance within the City limits of Lenoir in order to comply with new regulations set in play by the state of North Carolina. (A copy of the resolution is hereby attached to these minutes as reference.)
- E. Resolution; Lead Service Line Identification Inventory: The North Carolina Department of Environmental Quality has offered a Drinking Water State Revolving Fund – Lead Service Line Replacement (DWSRF-LSLR) loan in the amount of \$500,000 to conduct a Lead Service Line Identification Inventory. Staff recommends approval of the resolution and required acceptance documents as submitted. (A copy of the resolution is attached to these minutes as reference.)
- F. Proposal; Field Inspections: Staff recommends approval of the company Duke's proposal to conduct field inspections to assist in the completion of the Lead Service Line Inventory Project as required by the Environmental Protection Agency (EPA.) Duke's proposal for visual inspection of service lines is at a rate of \$75.00 per line on the customer side and \$75.00 per line on the utility side. (A copy of Duke's proposal is attached to these minutes as reference.)
- G. Construction Contract; MLK Improvements: Staff recommends awarding the construction contract for the Martin Luther King Jr. Recreation Center Facility Improvements project (exclusive of tennis court resurfacing) to Precision Contracting Company for a contract price of \$203,417.00. Precision Contracting Company is appropriately licensed to perform the work, has successfully completed past projects with the City of Lenoir, and is the lowest, responsive, responsible bidder. (A copy of the bid tab is attached to these minutes as information.)

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

IV. REQUESTS AND PETITIONS OF CITIZENS

DOWNTOWN RESTROOMS:

- A. Ms. Janet Huntsinger, 3340 Plateau Road, Newton, NC addressed City Council about the downtown restrooms. Ms. Huntsinger stated she and Rick Wakefield purchased the property and stage area located at 117 Main Street. Ms. Huntsinger stated they have been working with the City regarding the condition and maintenance of the restrooms located on the property.

Ms. Huntsinger asked Council to consider letting them take over the maintenance and cleaning of the restrooms and remarked they have been working with the City to have

the restrooms open on a regular basis.

Ms. Huntsinger said they are proposing the City revise the 30-year lease to allow them to keep the bathrooms open for the public and emphasized they will maintain them.

Mr. Rick Wakefield, 529 Hibriten Drive, Lenoir, NC addressed City Council and explained he has been in business for six years. He asked City Council to consider his proposal to take over cleaning the restrooms and emphasized he was already cleaning the restrooms several times a day plus checking them during the night. Mr. Wakefield stated he wants his employees to have an available restroom and further mentioned he plans to open the stage area for entertainment, weddings, etc. in the future.

Mayor Gibbons stated the City would take this request under advisement.

COMMENDED;

CITY STAFF: B. Jennifer Indicott, 107 Main Street, commended City Staff, the Fire & Police Departments, Sanitation Division and others for their hard work and professionalism during the Blackberry Festival.

Ms. Indicott also asked City Council to consider expanding the Social District to seven days per week. She remarked the Blackberry Festival was a huge success and pointed out she did four times more business than in 2023.

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

SUMMER CONCERT

- SERIES:**
1. A Summer Concert Series will be held on Friday, July 19 from 7:00 p.m. – 10:00 p.m. with the band Red Dirt performing on the downtown stage. The band Southern Thunder will perform on Friday, July 26.

JUMP STREET

MUSIC FESTIVAL:

2. The Jump Street Music Festival will be held on Friday, July 26 & Saturday, July 27 at the Martin Luther King, Jr. Center beginning at 6:00 p.m.

MOVIE NIGHT; FORMER

LHS AUDITORIUM:

3. The movie Kung Fu Panda will be shown at the former LHS auditorium on Saturday, July 27 beginning at 7:00 p.m.

HARAMBEE

- FESTIVAL:**
4. The annual Harambee Festival will be held the week of August 3 through August 9 at the Martin Luther King, Jr. Center (MLK). Events will be held daily.

B. Items for Council Action

**ACCEPTANCE OF OFFER
TO PURCHASE; SEALED AIR:**

1. Staff recommends Acceptance of an Offer to Purchase the Fire Pump and Fire Pump Premises in the amount of \$1,000 as submitted by Seth Bradshaw, Plant Manager, Sealed Air Corporation. The Fire Pump and Fire Pump Premises are located at 2001 International Boulevard, Hudson Township, Caldwell County, NC, NCPIN#2766197237 and Parcel ID Number 03-30-1-10. The metes and bounds are included in their submitted documents along with a map of the property.

The legal advertisement for the Notice of Offer to Purchase Real Property will be published 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 resolution authorizing the upset bid process and a copy of the legal notice are attached to these minutes as reference.

Upon a motion by Mayor Pro-Tem Stevens, Council voted 6 to 0 to accept the Offer to Purchase as described above and as recommended by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

COMMENDED;

- CITY STAFF:**
- A. Councilmember Perkins thanked Brenda Floyd, Main Street & Economic & Development Director for all of her hard work in coordinating the Blackberry Festival. Councilmember Perkins also thanked Lester Whittington, MLK Center Manager and staff for all of their assistance and hard work in organizing the 50th Anniversary of Harambee which is the oldest running festival in the City. The event is scheduled to begin on August 3 through August 9 with all events to be held at the MLK Center. He further shared that Harambee means to "pull together" and pointed out the festival is for everyone. Mr. Perkins invited City Council and everyone to attend and support the festival.

UNITY PARK & COMMUNITY GARDENS

TOMATO BLAST EVENT:

- B. Councilmember Kimmie Rogers reminded everyone to attend "A Tomato Blast Event" at Unity Park & Community Gardens on Thursday, July 25 from 5:00 p.m. - 7:00 p.m. The North Carolina Cooperative Extension – Caldwell Center Master Gardeners shared samples of fresh tomatoes from the garden and blueberry snow cones made with syrup from blueberries in the garden. Local artists Kay and Patrick Crouch provided music for the event.

X. ADJOURNMENT

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

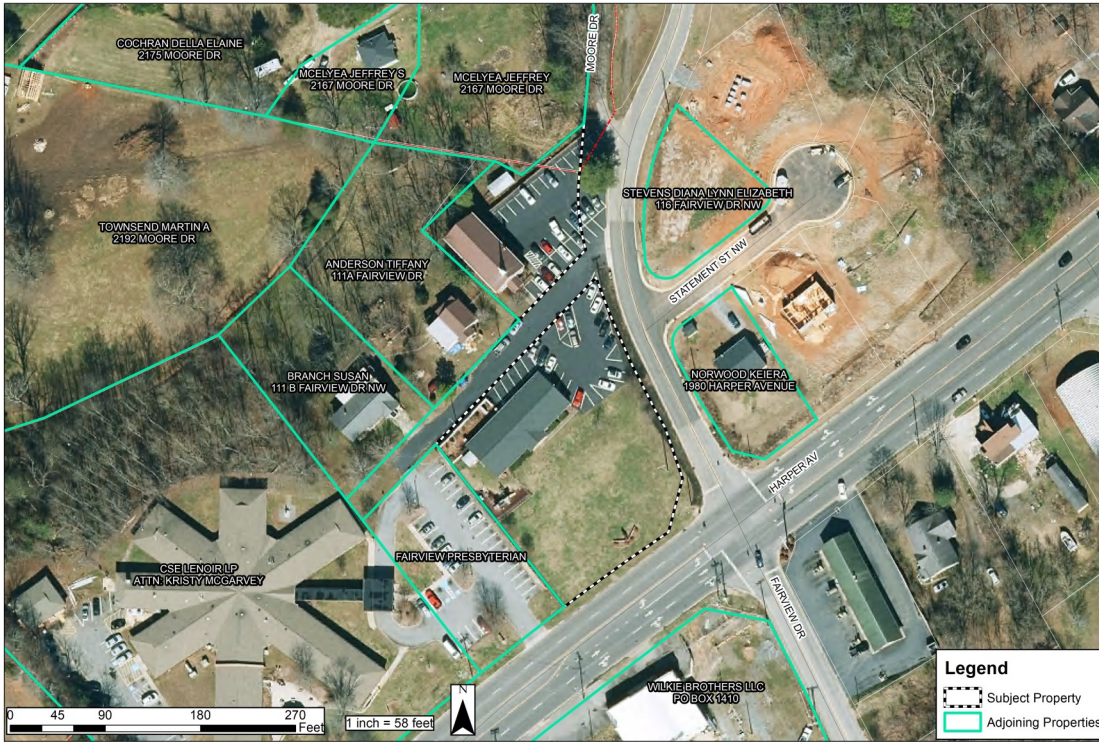
Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



Staff Report Special Use Permit CASE NUMBER SUP #1/24

LOCATION MAP/AERIAL PHOTOGRAPH



Parcel addresses and owner information shown for all properties required to receive notice of these proceedings.

SUMMARY

Owner

Fairview Presbyterian Church
The Enola Group, Inc. (under contract)

Applicant

Dawn Curtin

Location

111 Fairview Drive NW

NC PIN

2749130104, 2749120839

Project Planner

Hannah Williams, AICP, CZO

Matt Duchan

Updated July 10, 2024

Applicant's Request:

The applicant is requesting a Special Use Permit for a childcare center with offices and a meeting space in the B-6 (transitional business) zoning district.

Staff Recommendation:

Approval of the request.

Planning Board Recommendation:

Approval of the request

Public Comment:

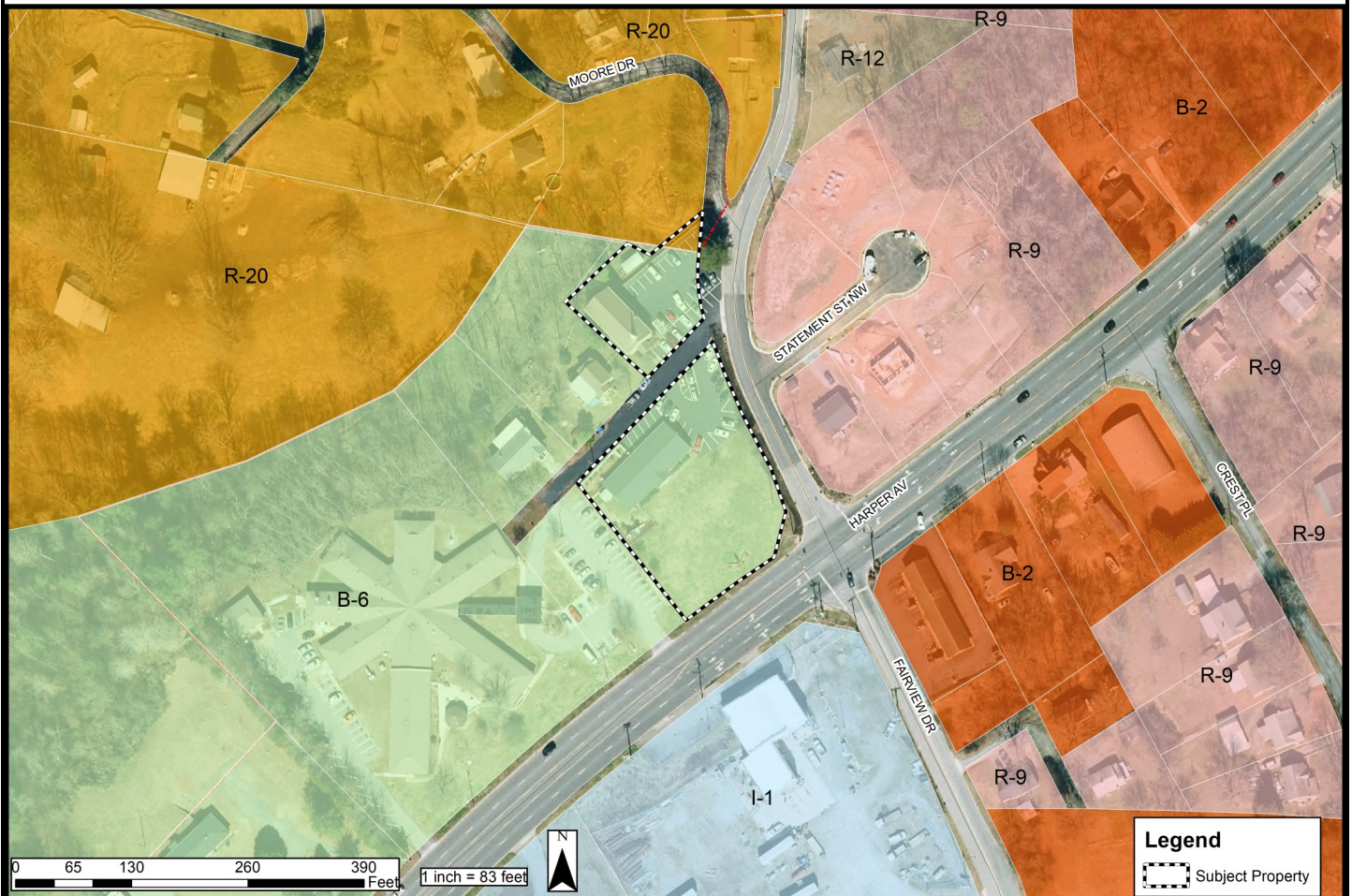
None.

Planning Board Meeting: Scheduled for June 24, 2024. Notices were mailed to adjacent property owners on June 14, 2024.

City Council (Public Hearing): Scheduled for July 16, 2024. Notices were mailed to adjacent property owners on July 5th, 2024.

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

ZONING MAP



BACKGROUND AND ANALYSIS

Intent of Special Use Permits

Special uses are recognized in the zoning ordinance as uses which may be compatible with an area depending on the specific details of the project, its surroundings, and the level of services available to the site, but are not permitted "by right" in the zoning district. The special use permit process gives the City sufficient flexibility to determine whether a specific land use on a given site will be compatible with the environment and the Comprehensive Plan. Through the approval of a Special Use Permit, the Planning Board and City Council may set conditions or use limitations, thereby establishing a realm of acceptability for the particular use that will be neither arbitrary nor capricious, and will promote the spirit and character of the surrounding neighborhood. The process requires the Planning Board to review and make a recommendation to the City Council on the request. The City Council must then decide whether or not to issue a Special Use Permit following a quasi-judicial hearing.

Intent of the Zoning District

Article V of the Lenoir Zoning Code states:

B - 6 (Transitional Business) District is intended to serve the needs of the traveling public as well as provide convenience goods and services to surrounding residential neighborhoods. This district is further intended to promote commercial activity in a high-volume traffic corridor that is in close proximity to well established, economically healthy residential neighborhoods, and as such requires design and performance standards to ensure commercial development occurs at compatible intensities, with appropriate architectural standards and buffering/screening requirements. Areas zoned B-6 tend to be already developed with medium density single family homes and a variety of multi-family uses, and are experiencing pressure for commercial expansion due to their close proximity to major transportation facilities. This district promotes incremental change to accommodate the conversion of existing structures into offices and low intensity retail or service uses, along with new development of non-residential uses, while allowing single family residences to remain as permitted land uses as the areas undergo gradual change.

Subject and Surrounding Properties

The subject property is around 1.25 acres in size, and is comprised of two parcels. The north parcel features the former Fairview Presbyterian Church of Lenoir, while the south parcel features Beall Hall, the congregation's fellowship hall. Fairview Presbyterian no longer meets here and the buildings are currently for sale.

The surrounding area has a diverse mix of zoning. While the subject property is zoned B-6, to the direct north of the site is R-20 (low-density residential) and to the east is R-9 (medium-density residential). B-2 (general business) is found both south and east of the R-9 district, while I-1 (light industrial) zoning is found just south of the site, where Wilkie Construction operates. The area just west of the site is Gateway Rehabilitation and Healthcare. Bonnie Mist Car Wash is located directly diagonal to the site at 1979 Harper Avenue. Traveling further north on Fairview Drive is West Lenoir Baptist Church, zoned O-I (Office-Institutional) and then R-R (rural-residential zoning). The majority of the remaining surrounding area is single-family housing. The driveway that runs between the church and the fellowship hall is shared by two single-family developments. While the right-of-way is public, the driveway is privately maintained. Gateway Rehabilitation is accessed off of Harper and doesn't use the driveway.

Proposed Use

The applicant intends to turn the fellowship hall into a childcare facility. The hall includes six classrooms, an existing kitchen, and a director's office. Each classroom will be outfitted with an exterior door as is required to meet the two means of egress requirement for daycare rooms per NC Building Code. The church building will be converted into offices. The applicant does not intend to make any changes to parking and will maintain existing fencing and landscaping on the property. The childcare facility will operate from 7:30am-5pm Monday to Friday and will enroll up to 48 children up to five (5) years of age. No major changes will be made to the property nor the buildings. The applicant intends to remove the steeple from the church, and is required to maintain existing street yard landscaping along Fairview Drive (Sec. 712 Buffering and Screening standards, Lenoir Zoning Code). Technically, this use abuts residential zoning to the north (Statement Court subdivision) and would be required to install a landscape screening buffer (Sec. 712 Buffering and Screening standards, Lenoir Zoning Code). However, since the existing church buildings and layout are not changing, and due to sight triangles and visibility issues at the busy intersection, street yard landscaping is sufficient.

BACKGROUND AND ANALYSIS (CONT'D.)

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan lays out policy goals regarding adaptive reuse. In the 2007 Comprehensive Planning Process, one of the citizens' biggest concerns was vacant and underused properties. Turning a vacant church property into a childcare facility that could serve up to 48 families would address those citizens' concerns and help to further develop the area.

SITE PHOTOS



Above: View of Beall Hall (fellowship hall) from front of property



Above: Back of Beall Hall where exterior doors will be required for egress



Above: Driveway between Beall Hall and the church; accesses two residences and serves as back entrance to Gateway Rehabilitation



Above: Side of Beall Hall from parking lot

SITE PHOTOS CONT'D.



Above: Front and side view of church



Above: Front view of church



Above: View of driveway and Fairview Drive from Beall Hall

FINDINGS

No Special Use Permit shall be approved unless the Planning Board and City Council find that:

1. The proposed special use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *The existing buildings sufficiently conform to B-6 zoning and design standards. The applicant does not intend to make any major changes to the exterior of the buildings. Exterior doors will be added to meet zoning requirements.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *The applicant will utilize the existing driveway from the Fairview Drive entrance. Off-street parking is large enough that it will limit traffic congestion in the neighborhood.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *The existing parking spaces will accommodate the applicant's parking needs and will be in compliance with the zoning ordinance.*
4. The establishment of the special use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *Occupying the currently vacant buildings will improve the surrounding properties. Only minor changes are needed to meet childcare requirements, which are to include adding exterior doors to all of the daycare rooms and spaces as is required by NC Building Code to meet the minimum two (2) means of egress.*
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *The fencing separating the adjoining properties will remain. Streetyard landscaping along Fairview Drive is required and other existing trees and shrubs will be maintained.*
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *The applicant will use the existing signage incorporating the name and logo of the childcare facility. Any exterior lighting will be incidental to the needs of the daycare use and will be designed to be fully cut off and shielded from residential properties.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *Applicant will maintain the architectural appearance of the church and fellowship hall, and will likely remove the church steeple to reflect the church building's planned use as an office space. All changes made in the future will conform to B-6 zoning and design standards.*
8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed special use will not be harmful or annoying to surrounding properties. *Hours of operation are 7:30am-5pm Monday through Friday. Enrollment will be up to 48 children ages 0-5 years. The office space will be located in the church building. This will be a positive improvement to the neighborhood with no harmful effects.*

STAFF RECOMMENDATIONS

Staff recommends approval of the requested Special Use Permit for the proposed childcare facility, with the following conditions:

1. *The applicant must maintain the street yard landscaping along Fairview Drive where it abuts residential zoning, and add exterior doors to the classrooms as is required for egress. A zoning permit will be required.*
2. *Any new lighting for the daycare use shall be fully cut-off and shielded so as to eliminate and minimize light spill-over onto adjacent residential properties.*
3. *Valid permits and inspections must be obtained for this use, including and any other federal, state, or local regulation that applies.*
4. *The applicant must obtain zoning and sign permits from the Lenoir Planning Department within two years of the issuance of the SUP. All proposed changes must adhere to Sec. 817 (B-6 Transitional Business District Design Standards) of the Lenoir Zoning Ordinance.*

PLANNING BOARD RECOMMENDATIONS

Approval of the request, subject to the findings of fact and the conditions as recommended by staff.

APPENDIX A—APPLICANT’S SITE LAYOUT & PHOTOS

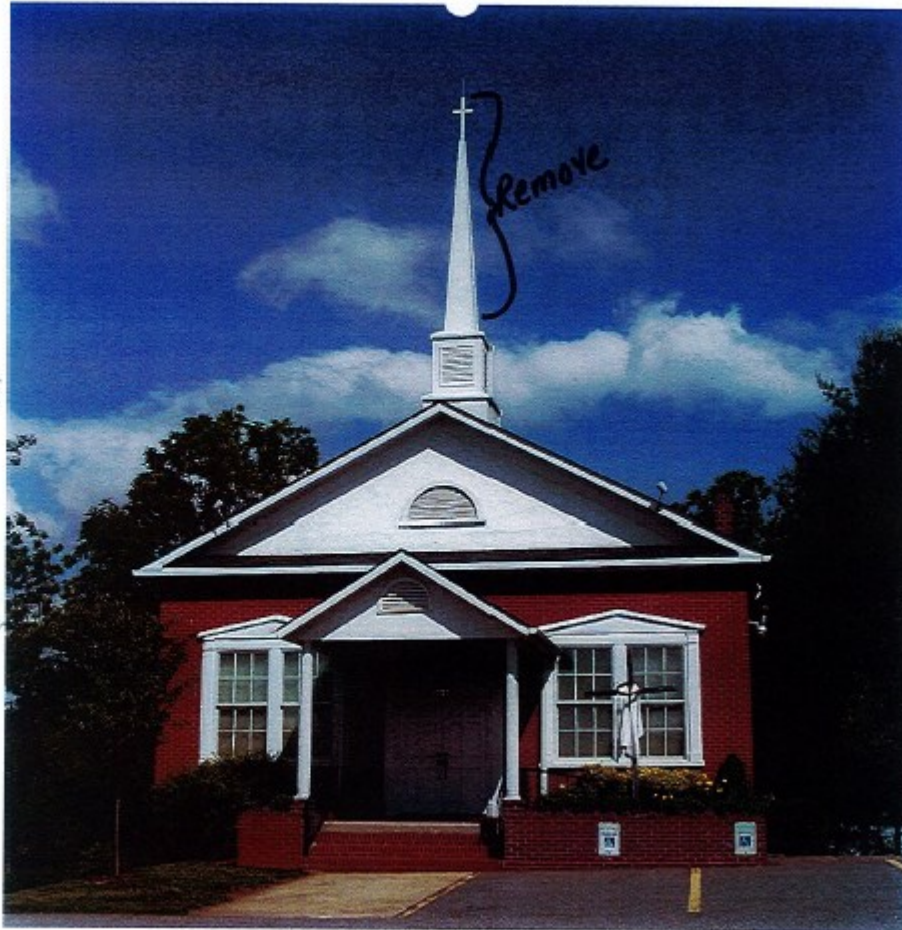


The childcare facility will be accessible via a driveway off of Fairview Drive. There is a fence that separates the Church (converted office space) from abutting residential property. The childcare facility will be on the southern parcel in the fellowship hall (Beall Hall). A fence separates the childcare facility from Gateway Rehabilitation.



The building above will have six (6) classrooms, a kitchen (already existing), as well as the director’s office. Each classroom will have an exterior door added as required by NC Building Code. No major changes will be made to the existing building.

APPENDIX A CONT'D.—APPLICANT PHOTO



Church will be remodeled for staff offices and a dedicated meeting space. No major architectural or exterior changes will be made other than removal of the steeple.

APPENDIX B—APPLICANT'S RESPONSES

SPECIAL USE APPLICATION—PAGE 2

The Planning Board shall not recommend and the City Council shall not grant a request for a Special Use unless the requested use is (1) not detrimental to the public health or general welfare; (2) is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; and (3) will not violate neighborhood character and not adversely affect surrounding land uses. To that end, the ordinance specifies criteria and standards that, when satisfied, allow the granting of the Special Use. In the spaces below, provide your responses as to how you believe your proposed project satisfies each of the standards. (Attach additional sheets as necessary.)

The Planning Board and City Council must find that ALL of the standards are met and may impose specific conditions to assure that the proposed use and its location will be harmonious with the area in which it is located and with the spirit of the zoning ordinance and to insure that the proposed use will not be detrimental to surrounding environment and property values.

Criteria for SUP approval

- (1) The proposed special use will comply with all height, yard, lot and area requirements and other regulations for the district in which it is located unless otherwise specified.

No major plans to make changes to the exterior of the buildings. Exterior doors will be added to meet zoning requirements.

- (2) All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences.

We will utilize existing driveway from Fairview Dr. entrance. See photo

- (3) Off-street parking will be provided in compliance with Section 1000 and off-street loading will be provided in compliance with Section 1001 of Lenoir's Zoning Ordinance.

The existing parking spaces will accommodate our parking needs and will be in compliance with zoning ordinance.

- (4) The establish of the special use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district.

Occupying the buildings will improve the surrounding property. Only minor changes needed to meet childcare requirements.

- (5) Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties.

The fencing separating the adjoining properties will remain. The existing trees and shrubs will be maintained.

- (6) Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties.

We will use the existing signage incorporating our name and logo

- (7) The exterior architectural appearance and function plan of any proposed building or structure will not vary greatly from any buildings or structures already constructed or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity.

We will maintain the architectural appearance of the church and fellowship hall. May need to remove steeple.

- (8) The type, size, hours of operations, location of the use upon the site, and intensity of the proposed special use will not be harmful or annoying to surrounding properties.

Hours of operation are 7:30am-5:00pm Monday through Friday. Enrollment will be up to 48 children ages 0-5 yrs. office space in the church. This will be a positive improvement to the neighborhood with no harmful effects.

APPENDIX C—CURRENT OWNER AUTHORIZATION LETTER



Greenway Presbyterian Church

415 Pennell Street NE
Lenoir, North Carolina 28645



Church Phone (828) 758-4694
greenwaypresbyterian@gmail.com

May 31, 2024

To whom it may concern,

We are in the process of selling the property at 111 Fairview Dr. Lenoir NC which includes the church and fellowship hall to The Enola Group Inc. It is our understanding that they intend to change the use of the fellowship hall to house a childcare center and the sanctuary into office space. We do approve of this change of use and support their plan for the property once they retain ownership.

Sincerely,

Rev. Leah Epps, Pastor



CITY MANAGER
SCOTT E. WILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

CITY OF LENOIR
RESOLUTION ADOPTING THE AMENDED CALDWELL COUNTY
ANIMAL CARE ENFORCEMENT ORDINANCES

WHEREAS, the Caldwell County Animal Care Enforcement Division updated its ordinances to comply with new regulations set in place by the State of North Carolina; and

WHEREAS, the Animal Care Enforcement Ordinance states that each municipality within Caldwell County must grant the Caldwell County Animal Care Enforcement Division power to enforce the provisions of its ordinance within the limits of the municipality; and

WHEREAS, any ordinance that is inconsistent with the amended Animal Care Enforcement Ordinance shall be repealed; and

NOW, THEREFORE, LET IT BE RESOLVED THAT, the City of Lenoir adopts the Caldwell County Animal Care Enforcement Ordinance as amended on May 13, 2024; and

BE IT FURTHER RESOLVED THAT, the City of Lenoir grants permission for the Caldwell County Animal Care Enforcement Division to operate and enforce the provisions of the amended Animal Care Enforcement Ordinance within the limits of Lenoir.

Adopted this 16th Day of July, 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. M. PERDUE
J. I. PERKINS
R. S. PRIESTWOOD
K. A. ROGERS
D. F. STEVENS
C. D. THOMAS

**RESOLUTION BY LENOIR CITY COUNCIL TO ACCEPT AN
OFFER OF FUNDING**

WHEREAS, the North Carolina Department of Environmental Quality Division of Water Infrastructure has offered a Bipartisan Infrastructure Law Drinking Water State Revolving Fund (BIL DWSRF) loan in the amount of \$500,000 for the development of a Lead Service Line Identification Inventory as required by the US EPA, and

WHEREAS, the City of Lenoir intends to complete said project in accordance with the EPA Revised Lead and Copper Rule.

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

That City of Lenoir does hereby accept the Bipartisan Infrastructure Law Drinking Water State Revolving Fund (BIL DWSRF) Loan offer of \$500,000.

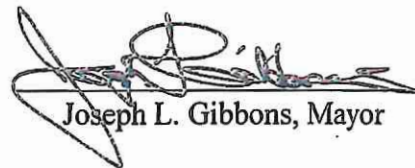
That City of Lenoir does hereby give assurance to the North Carolina Department of Environmental Quality that all specified in the loan offer Section II-Assurance will be adhered to.

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

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

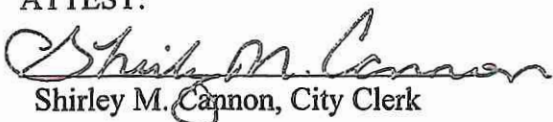
Adopted this the 16th day of July, 2024.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk





**LEAD AND COPPER RULE REVISIONS (LCRR) SERVICE LINE
INVENTORY DEVELOPMENT**

CITY OF LENOIR | JUNE 20, 2024

Page 1

		DUKE'S ROOT CONTROL, INC. 400 Airport Road, Elgin, Illinois 60123 O: 800.447.6687 www.dukes.com bids@dukes.com			
PROPOSAL SUBMITTED TO: City of Lenoir		DATE 6/20/2024		PHONE	
STREET (Business address)		JOB / PROJECT NAME Service Line Material Field Inspections			
CITY, STATE AND ZIP CODE		JOB LOCATION Lenoir, NC			
CONTACT NAME		DAVIS BACON PREVAILING WAGE QUOTE			
ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	Visual Inspection - Customer Side	1	Each	\$75.00	\$75.00
2	Visual Inspection - Utility Side	1	Each	\$75.00	\$75.00
		-			

GRAND TOTAL:

Per Rates Above

WE PROPOSE hereby to furnish material and labor -- complete in accordance with above specifications, for the sum of:	
Payment terms: 30 Days of Invoice	Dollars: <u>Per Rates Above</u> This proposal shall be incorporated into the service contract when Duke's Root Control Inc. is listed as a subcontractor.
All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents, or delays beyond our control. Maximum allowable interest charge on overdue invoices. Duke's Root Control, Inc. will provide certificate of insurance upon request.	
Authorized Signature: This proposal may be withdrawn by us if not accepted within 30 days.	
ACCEPTANCE OF PROPOSAL : The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Requests for additional services beyond the above outlined scope will be submitted by written change order and payment thereof made accordingly.	
Date <u>7/16/2024</u>	Customer Signature <u>[Signature]</u> Print name/Title <u>Scott H. (id: 604) City Manager</u>

Bid Tabulation



City of Lenoir
Martin Luther King Jr. Recreation Center - Facility Improvements
Lenoir, North Carolina



Item	Description	Wilkie	Precision	Hibriten Construction
1	Exterior Repairs	\$3,180.00	\$12,750.00	No Bid
2	Exterior Cleaning	\$12,400.00	\$14,230.00	No Bid
3	Exterior Painting	\$9,280.00	\$7,988.00	No Bid
4	Gutter Replacement	\$23,417.00	\$36,877.00	No Bid
5	Exterior Door Replacement	\$85,000.00	\$48,116.00	No Bid
6	Concrete and Asphalt Replacement	\$15,000.00	\$3,285.00	No Bid
7	Interior Floor Covering Replacement	\$103,000.00	\$65,936.00	No Bid
8	HVAC Replacement	\$19,475.00	\$7,875.00	No Bid
9	Tennis Court Resurfacing	\$0.00	\$0.00	No Bid
10	Add-Alternate: Tennis Court Net Replacement	\$0.00	\$0.00	No Bid
11	Outdoor Basketball Court Renovation	\$6,417.00	\$6,360.00	No Bid
TOTAL BID		\$277,169	\$203,417	No Bid

Bids are based on the Request for Proposals provided to contractors dated May 22, 2024. Bidding contractors had the opportunity to review the project site and ask questions for clarification of items in the project scope.

CITY OF LENOIR
RESOLUTION AUTHORIZING UPSET BID PROCESS FOR THE FIRE PUMP PREMISES
DESCRIBED IN DEED BOOK 724, PAGE 296

WHEREAS, the City of Lenoir owns certain property, the fire pump premises described as follows in that Special Warrant Deed at Volume 724, Page 296:

Starting at a reference point, a point in the center line on the C and NW Railroad Track, said point also being in the center line of a 40 foot street leading from old Highway 321 in the International Paper Company line: thence two reference lines as follows: South 25°31'09" East 20.00 feet to a point in the center of the railroad track; South 63°09'26" West 50.01 feet to an iron stake on the west right-of-way of the railroad track, the true point of beginning; thence with the right-of-way for two calls South 25°31'09" East 30.90 feet to an iron stake: South 28°41'31" East 9.10 feet to an iron stake; thence leaving the right-of-way for three new calls: South 68°09'26" West 50.50 feet to an iron stake; North 25°31'09" West 40.00 feet to an iron stake; North 63°09'26" East 50.00 feet to an iron stake, the true point of beginning, containing 2,002 square feet by coordinates as surveyed by Western Carolina Surveyors, T. R. Bishop, R.L.S., on the 2nd day of January, 1979; 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, submitted by Sealed Air Corporation of Hudson, NC; and

WHEREAS, Sealed Air Corporation of Hudson, NC has paid the required five percent (5%) deposit on his offer;

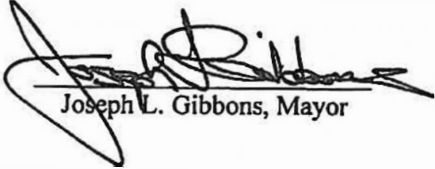
THEREFORE, THE CITY COUNCIL OF THE CITY OF LENOIR RESOLVES THAT:

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. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the city clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the city clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received 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 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 Sealed Air Corporation.

Tuesday, July 16, 2024

Minutes-City of Lenoir Council Meeting

This the 16th day of July, 2024.
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 property described as follows: Caldwell County Deed Book 724, Page 296: Starting at a reference point, a point in the center line on the C and NW Railroad Track, said point also being in the center line of a 40 foot street leading from old Highway 321 in the International Paper Company line: thence two reference lines as follows: South 25°31'09" East 20.00 feet to a point in the center of the railroad track; South 63°09'26" West 50.01 feet to an iron stake on the west right-of-way of the railroad track, the true point of beginning; thence with the right-of-way for two calls South 25°31'09" East 30.90 feet to an iron stake: South 28°41'31" East 9.10 feet to an iron stake; thence leaving the right-of-way for three new calls: South 68°09'26" West 50.50 feet to an iron stake; North 25°31'09" West 40.00 feet to an iron stake; North 63°09'26" East 50.00 feet to an iron stake, the true point of beginning, containing 2,002 square feet by coordinates as surveyed by Western Carolina Surveyors, T. R. Bishop, R.L.S., on the 2nd day of January, 1979.

The 2,002 square feet fire pump is located at 2001 International Boulevard, Hudson, NC and adjacent to NCPIN: 2766197237 and Tax ID# 03 30 1 10. The offered purchase price is in the amount of \$1,000.00 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**