

**LENOIR CITY COUNCIL
TUESDAY, SEPTEMBER 17, 2024
6:00 P.M.**

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

CITY STAFF: In attendance was Finance Director Donna Bean, Fire Chief Norman Staines, Deputy Fire Chief Kenny Nelson, Police Major Andy Wilson, Planning Director Hannah Williams, Economic Development & Main Street Director Brenda Floyd, Parks & Recreation Director Phil Harper, Public Services & Public Works Director Jon Hogan, Director of Special Projects & Grants Jared Wright and Public Information/Communication Director, Joshua Harris.

ABSENT: Police Chief Brent Phelps.

I. CALL TO ORDER

- A. The meeting was opened by a moment of silence and the pledge of allegiance as led by Mayor Gibbons.
- B. On behalf of City Council, Mayor Gibbons asked everyone to keep our nation in their thoughts and prayers and pray for unity for all of our leaders that they will make good decisions for our country.

**PREAMBLE TO THE
CONSTITUTION:**

- C. On behalf of City Council, Mayor Gibbons asked City Attorney Timothy Rohr to recite the Preamble to the Constitution since we are celebrating the 237th anniversary of Constitution Day.

Attorney Rohr recited the Preamble as follows, "We the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Mayor Gibbons and City Council members congratulated Attorney Rohr for the great job and he encouraged everyone to read and study the Constitution. He also reminded Council their oaths of office references their support of the Constitution and how they will maintain the laws of the United States.

**COMMENDED; WEST CALDWELL
HIGH SCHOOL COLOR GUARD:**

- B. Wayne Mihelich, American Legion Post 29 Parliamentarian, presented the West Caldwell Color Guard members who won the National Championship at the National American Legion conference in Los Angeles this year. At the convention, the Color Guard members were asked

to post the colors and retire the colors. In 2023, the group competed against eight schools and was also awarded the championship. He stated the group is still the reigning champions.

Other Post 29 members in attendance were Irv Eurto, Historian, Wesley Woods, Second Vice-Commander, and Woody Smith, member.

Mr. Mihelich shared all of the members of the Color Guard are sons of American Legion members with either their grandfather or father having served. In addition, Mr. Mihelich explained the second category they competed in was (Open Class) where they competed against a female Color Guard who had previously won in this category. Mr. Mihelich pointed out the medallions each member are wearing acknowledges them as distinguished visitors and he further shared each member of the Color Guard was presented with his own personal coin. He mentioned the medallions were presented to them by the Sons of The American Legion.

Mayor Gibbons stated City Council and the City of Lenoir are extremely proud of these young men and their outstanding accomplishments. He thanked them for sharing and for all they are doing for the community and encouraged them to keep moving forward with this program.

GREENWAY PUBLIC TRANSPORTATION; CALDWELL MICRO-TRANSIT SYSTEM:

- C. Mr. Michael Bowman, Executive Director, presented information regarding the Greenway Public Transportation-Caldwell Micro-Transit to City Council.

(A copy of the handout and map/zone is attached to these minutes as information.)

Mr. Bowman stated the Micro-Transit is a same day, on demand, curb to curb, shared ride service. The Micro-Transit currently covers portions of Lenoir and Hudson and he explained the zone they service could potentially grow if data and funding support changes. Service hours are from 7:00 a.m. – 5:00 p.m. Monday through Friday and rides are on a first come/first serve basis. Customers are able to schedule a pickup within 30 minutes from the time a request is made. Also, Mr. Bowman stated that travel training is offered for individuals and groups free of charge.

Mr. Bowman pointed out they will conduct a pilot program and customers may schedule advanced service. The cost will be \$2.50 cash each way and customers may bring an attendant for free. He shared that fees are determined based on what category a customer may be in. Mr. Bowman reported they plan to market/advertise the service on the radio and other social media. He further stated if they are successful with their grant application, they plan to develop an app in order to make it easier for people to schedule services. He shared the grant process may take about a year.

On behalf of City Council, Mayor Gibbons thanked Mr. Bowman for the good report.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

STREET CLOSING ORDER; SHARON STREET BETWEEN SHARON AVENUE & US HWY 321:

- A. A public hearing was held for City Council's consideration of approval to close the

unopened Right-of-way off of Sharon Street between Sharon Avenue and US Hwy 321. The Resolution of Intent was advertised in the Lenoir News-Topic on the following dates:

August 22nd and 29th and September 5th and 12th, 2024 for the street closure consistent with N.C.G.S. 160A-299.

A copy of the Street Closing Order and plat is attached to these minutes as information.

Mayor Gibbons opened the public hearing to receive public comments regarding the Street Closing Order.

Planning Director Hannah Williams explained that neighbors on each side of the road are in favor of closing the right-of-way and have signed the petition. She stated a sign was posted at each end of the right-of-way and Staff mailed a copy of the Resolution of Intent to both property owners that abut the property in addition to all of the residents of the neighborhood.

Director Williams further reported she contacted NCDOT District Engineer Kenny Heavner, PE, and he confirmed that NCDOT has no plans to expand this section of US Hwy 321. Mr. Heavner also reviewed the City's plans for this project and was in agreement with them.

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

Upon a motion by Councilmember Beal, City Council voted 7 to 0 to adopt the Street Closing Order to close the unopened Right-of-way off of Sharon Street between Sharon Avenue and US Hwy 321 pursuant to N.C.G.S. 160A-299 and as recommended by City Staff.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, September 3, 2024 as submitted.
- B. Minutes: Approval of the Committee of the Whole minutes of Tuesday, August 27, 2024 as submitted.
- C. Resolution of Intent; to Close a Portion of Virginia Street: City Staff recommends City Council adopt the Resolution of Intent to close a section of Virginia Street from 815 Virginia Street to 1021 Virginia Street, and call for a public hearing to be held at a Special Meeting at the City County Chambers on Tuesday, October 22, 2024 at 5:00 p.m. The Resolution of Intent will be advertised for four (4) consecutive weeks in the Lenoir News-Topic for the street closure consistent with N.C.G.S. 160A-299 as submitted. (A copy of the Resolution of Intent is attached to these minutes as reference.)

Upon a motion by Councilmember Perdue, City Council voted 7 to 0 to adopt items A through C on the Consent Agenda as described above and as recommended by City Staff.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

Items of Information

PLANNING

- BOARD:** 1. The Planning Board will meet on Monday, September 23 at 5:30 p.m. at the City/County Chambers.

BOARD OF

ADJUSTMENT:

2. The Board of Adjustment will meet on Thursday, September 26 at 5:30 p.m.

COMMITTEE OF THE WHOLE:

3. The Committee of the Whole will meet on Tuesday, September 24 at 8:30 a.m. at City Hall, Third Floor.

FOOTHILLS REGIONAL AIRPORT AUTHORITY:

4. The Foothills Regional Airport Authority will meet on Wednesday, September 25 at noon at the airport facility.

NCDOT FALL LITTER

- SWEEP:** 5. The North Carolina Department of Transportation's Fall Litter Sweep ends on Saturday, September 28.

EMPLOYEE LITTER

- SWEEP:** 6. The City of Lenoir's Employee Litter Sweep day will be held on Thursday, September 26 from 9:00 a.m. – noon.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

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

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

CITY OF LENOIR

STREET CLOSING ORDER

A Resolution Ordering the Closing of unopened Right-of-Way off Sharon Street between Sharon Avenue and US-321

WHEREAS, on the 6th day of August, 2024, the City Council of the City of Lenoir directed the City Clerk to publish the Resolution of Intent of the City Council to consider the closing of Sharon Street between Sharon Avenue and US-321, in the Lenoir News-Topic newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the City of Lenoir Council Chambers, 905 West Avenue, on Tuesday, September 17, 2024; and

WHEREAS, the Lenoir City Council on the 6th day of August, 2024 ordered the City Clerk to notify all persons owning property abutting on that portion of property located on Sharon Street between Sharon Avenue and US-321, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent, and

WHEREAS, the City Clerk has advised the City Council that a letter was sent to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing Sharon Street between Sharon Avenue and US-321 would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the City Clerk has advised the City Council that adequate notices were posted on the applicable streets as required by G. S. 160-A299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any

objections that they might have with respect of the closing of said street in the public hearing held on Tuesday, September 17; and

WHEREAS, it now appears to the satisfaction of the City Council that the closing of Sharon Street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision at which the street is located, will as a result of the closing, be thereby deprived of a reasonable means of ingress and egress to his property.

NOW, THEREFORE, Sharon Street between Sharon Avenue and US-321, is specifically being hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the adjacent property owners in accordance with the provisions of G.S.160A-299.

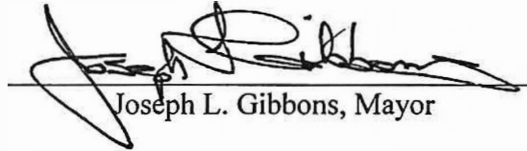
There is reserved a public utility easement to the City of Lenoir.

The Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all rights, title and interest in Sharon Street of the herein closed street (with provision for reservation of easements of the City of Lenoir for utility purposes) in accordance with the provision of G. S. 160A-299 (c).

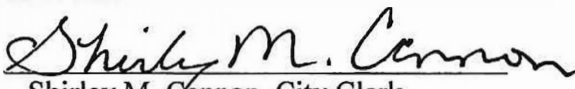
The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds for Caldwell County a certified copy of this resolution and order.

This is the 17th day of September, 2024.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

RESOLUTION OF INTENT

A Resolution Declaring the Intention of the Lenoir City Council as Petitioned by the Adjacent Property Owners to Consider the Closing Virginia Street between 815 and 1021 Virginia St

WHEREAS, G.S. 160A-299 authorizes the Lenoir City Council to close public streets and alleys; and

WHEREAS, the Lenoir City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of Virginia Street between 815 and 1021 Virginia Street; and

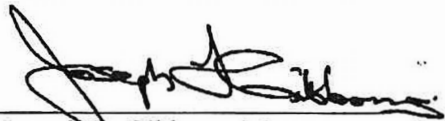
NOW, THEREFORE BE IT RESOLVED by the Lenoir City Council that:

- (1) A meeting will be held at 5:00 p.m. on the 22nd day of October, 2024, in the City/County Chambers, 905 West Avenue, to consider a resolution closing Virginia Street Right-of-Way.
- (2) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the News-Topic, or other newspaper of general circulation in the area.
- (3) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
- (4) The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Any person with a disability needing special accommodations should contact the City Clerk's office 72 hours prior to the scheduled meeting time.

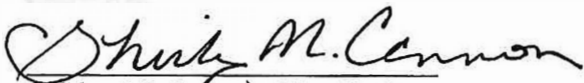
Adopted this the 17th day of September, 2024.

SEAL



Joseph D. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk