

**LENOIR CITY COUNCIL
TUESDAY, MAY 20, 2025
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Mayor Pro-Tem David Stevens, Jonathan Beal, Todd Perdue, Ike Perkins, Ralph Prestwood, Kimmie Rogers, City Manager Scott Hildebran, City Clerk Shirley Cannon and Attorney Dylan Laws who filled in for City Attorney T.J. Rohr.

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

ABSENT: Councilmember Crissy Thomas, City Attorney Timothy Rohr and Police Chief Brent Phelps.

I. CALL TO ORDER

- A. On behalf of City Council, Mayor Gibbons asked everyone to keep the family of the infant that passed away in Lenoir last week in their thoughts and prayers. He also asked everyone to continue to keep the mother of Jared Wright, Director of Special Projects & Grants in their thoughts and prayers as she undergoes tests and to continue to keep Councilman Todd Perdue and wife Kathryn in their thoughts and prayers.

**SPECIAL RECOGNITION; RICK
OXFORD, WPCOG:**

- B. On behalf of City Council, Mayor Gibbons read and presented a resolution to Rick Oxford, Plan Administrator with the Western Piedmont Council of Governments (WPCOG) upon his retirement following 45 years of dedicated and outstanding service to the citizens and community.

On behalf of City Council, Mayor Gibbons also presented Mr. Oxford with a framed key to the City. Mayor Gibbons commended Mr. Oxford for his assistance with helping around 3,000 families with affordable housing.

Mr. Oxford thanked City Council for the recognition and stated it was an honor and a pleasure to work for the City of Lenoir. He shared that he grew up in Lenoir and he began his career in local government by working for the City of Lenoir. Mr. Oxford stated he upgraded 50 homes in the West End area and he has seen a lot of changes. He further said that Lenoir has the best Mayor and City Council he has ever worked for.

**SPECIAL RECOGNITION;
PUBLIC WORKS WEEK:**

- C. On behalf of City Council, Mayor Gibbons read and presented a proclamation to Jon Hogan, Public Services and Public Works Director proclaiming the week of May 18 through May 24, 2025 as “National Public Works Week” throughout the City of Lenoir. The theme for this year is “People, Purpose, Presence” highlighting the vital role of public works professionals in serving their communities.

Mayor Gibbons thanked the Public Works staff and remarked they were always on the job when needed.

Director Hogan introduced several of his staff members that were present and thanked them for all of their hard work. He further commended them for their amazing talent and cited several of their accomplishments. Director Hogan expressed his appreciation and thanks to all of his staff members.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**CONDITIONAL ZONING REQUEST;
229 WILSON STREET NW:**

- A. A public hearing was held to consider approval of a Conditional Zoning Request by Ordinance as submitted by applicant John Ghencian, Eurostar Construction, Inc. for property located at 229 Wilson Street NW, NC PIN #2759088451 to re-zone the subject property to a Conditional Zoning district #12, to allow for a revised setback to accommodate a new rear property line.

As background information, the subject property consists of two properties, one with newly renovated apartments, and the other with the original hospital building. The applicant’s plans for redeveloping the rear of the apartments parcel have changed and future developments would be more manageable if the hospital building were on a separate parcel. The proposed rear setback is 5 feet for both proposed parcels.

Mayor Gibbons opened the public hearing and recognized Hannah Williams, Planning Director.

Director Williams stated the applicant was in the audience if anyone has any questions. She also stated that B-6 zoning requires a 10-foot setback, but reiterated the conditional zoning will have a five-foot setback on all sides. Additionally, Director Williams shared the Planning Board reviewed the application at the April meeting and based on the Consistency Statement and conditions, the Board was in approval of the Conditional Zoning request.

Director Williams read the proposed seven special conditions listed in the Ordinance as follows:

1. Concept Plan. Subject to any modifications expressly contained in the text of the ordinance, development and maintenance of the Property must be consistent with the concept plan attached to this ordinance as Exhibit “B” (hereinafter the “Concept Plan”). In the event of a conflict between the text of this ordinance and the Concept Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Concept Plan.
2. Variances. Zoning variances to the standards of the default zoning district not modified by this ordinance may be approved pursuant to the procedures set forth in Appendix A, Article XIII. Section 1312.1 of the Lenoir City Code.

3. Modification. The special conditions specific to the CZ-12 zoning district may only be modified by application for a zoning map amendment following the procedures outlined in Appendix A, Article VIII, Section 820 of the Lenoir City Code.
4. Permitted/Special Uses. All uses permitted within the B-6 zoning district.
5. Setbacks. The rear setback for this district is 5'.
6. Access. A cross-access agreement must be recorded at the Caldwell County Register of Deeds prior to recording the minor subdivision separating Lots 1 and 2 to facilitate shared vehicular and pedestrian access to and from both lots.
7. Lighting. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.

Consistency Statement

The proposed Conditional Zoning Ordinance is consistent with the adopted Comprehensive Plan because it entitles the subject property to be used efficiently and as separate development sites. Since minimal demolition is proposed, this zoning ordinance does not change the character of the neighborhood as built, and enables two separate buildings to be legally conforming to applicable zoning and building codes. On the City of Lenoir Future Land Use Map, this area is identified as Existing High Density Residential and does not identify a future land use category. However, this conditional zoning ordinance accommodates future residential development that will not impede on other uses in the B-6 zoning district. This use, in the general scheme of all properties in this area of Lenoir, does not hardly affect the intended uses that were bound for this parcel and surrounding parcels. The proposed Conditional Zoning Ordinance is reasonable and in the public interest because it relaxes regulation for residential or mixed use construction and makes more efficient use of the City's existing infrastructure investments by providing infill opportunities.

A copy of the Ordinance, Staff Report and map are attached to these minutes as reference.

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 6 to 0 to approve the Conditional Zoning Request and the seven conditions as submitted by John Ghencian, Eurostar Construction, Inc. and as based on the Consistency Statement listed above for property located at 229 Wilson Street NW, NC PIN #2759088451 to re-zone the subject property to a Conditional Zoning district (CZ-12), and to allow for a revised setback to accommodate a new rear property line as submitted.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, May 6, 2025 as submitted.
- B. Fireworks Authorization Permit: Approval of an application for a Fireworks Display Permit as submitted by Chris Jacobs, Fire Marshall, City of Lenoir. The date of the display is Saturday, July 5, 2025 beginning as 9:30 p.m. at Lenoir Optimist Park and will be conducted by Skyworks Pyro (JECO Pyrotechnics) Inc. for the City of Lenoir Recreation Department. (A copy of the Certificate of Insurance which has been verified is attached to these minutes as information.)
- C. Resolution: Approval of a resolution presented to Rick Oxford, Plan Administrator, WPCOG in honor and recognition of his retirement following 45 years of dedicated and outstanding service to the citizens and community as submitted. (A copy of the resolution is attached to these minutes as information.)

- D. Proclamation; National Public Works Week: Approval of a proclamation proclaiming the week of May 18 through May 24, 2025 as "National Public Works Week" throughout the City of Lenoir as submitted. (A copy of the proclamation is attached to these minutes as information.)
- E. Location Approval; Rotary Peace Pole at TH Broyhill Park: Staff recommends approval of placing a Rotary Peace Pole at the TH Broyhill Park as requested by Charles Beck, President of the Lenoir Rotary Club. A Peace Pole is a monument that displays the message *May Peace Prevail on Earth in different languages on each of its four or six sides. There are estimated over 250,000 Peace Poles in every country in the world dedicated as monuments to peace. The pole will have languages in English, Spanish, Vietnamese, American Sign Language and Braille.*
- F. Capital Project Budget Ordinance; Hospital Avenue Sidewalk Project: Approval of a Capital Project Budget Ordinance in the amount of \$3,469,863.56 for the Hospital Avenue Sidewalk Project as submitted. (A copy of the Capital Project Budget Ordinance is attached to these minutes as information.)

Mr. Beck explained the background of the Peace Pole and shared that Caldwell Rotary has placed one Pole at the Hudson Uptown Building (HUB) and following Council's approval, this will be their second pole which is to be placed at the T.H. Broyhill Walking Park.

Upon a motion by Councilmember Perdue, City Council voted 6 to 0 to approve items A through F on the Consent Agenda as submitted.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

BUDGET WORK

SESSION: 1. City Council will conduct a Budget Work Session on Thursday, May 22 at 6:00 p.m. at City Hall, Third Floor Conference Room. An additional work session will be held on Thursday, May 29 if necessary.

HOLIDAY

CLOSING: 2. City offices will be closed on Monday, May 26 in observance of Memorial Day.

MEMORIAL DAY

SERVICE: 3. American Legion Post 29 will host a Memorial Day service on Sunday, May 25 beginning at 5:00 p.m. on the stage area downtown.

COMMITTEE OF THE WHOLE:

4. The Committee of the Whole will meet on Tuesday, May 27 at 8:30 a.m. at City Hall, Third Floor Conference Room.

FOOTHILLS REGIONAL AIRPORT AUTHORITY:

5. The Foothills Regional Airport Authority will meet on Wednesday, May 28 at the airport facility.

NEON NIGHT

RIDE: 6. The Neon Night Ride will be held on Friday, May 30 from 8:30 p.m. – 10:30 p.m. at the Rotary Soccer Complex.

B. Items for Council Action

FY2025-2026

PROPOSED BUDGET:

1. City Manager Scott Hildebran presented the FY2025-2026 recommended Annual Budget for the City of Lenoir to City Council and further requested that City Council call for a public hearing to be held on Tuesday, June 3 to consider approval of the recommended budget.

Mr. Hildebran reminded Council the budget is based on City Council's priorities that were established at the annual Budget Retreat in February and as listed below.

2025 CITY COUNCIL PRIORITIES

1. Continue efforts to offer competitive compensation and benefits for employees to improve recruitment and retention.
2. Develop options to increase code enforcement and improve beautification in three primary areas:
 - Abandoned and neglected housing
 - Dilapidated commercial properties
 - Appearance of downtown buildings
3. Update the Lenoir Comprehensive Pedestrian Plan and improve walkability.
4. Evaluate long-term Downtown parking needs.
5. Continue to fund and support the Water and Sewer Capital Improvements Plan.

A copy of the budget is on file in the City Clerk's office and available for review on the City's website at www.cityoflenoir.com/budget.

City Manager Hildebran stated the proposed budget totals \$25,241,845 and is balanced with the property tax rate of 46¢ per \$100 of assessed property value, a reduction of 11¢ per \$100 and is the lowest tax rate in over 25 years. The budget maintains the current Rescue Readiness Tax Rate of 85¢ per \$100 of assessed value for a total tax rate of 46.85¢ cents per \$100. The recommended budget includes an increase in planning fees. All other fees and charges remain unchanged.

Mr. Hildebran reported that under North Carolina law, each county must conduct a countywide revaluation of all real property (land, buildings, and other permanent improvements) within the county at least every eight years for tax assessment determination. He stated the purpose of revaluation is to re-establish equity among properties that may have appreciated or depreciated in value at different rates since the county's revaluation in 2021. In 2025, Caldwell County completed the real property revaluation process. He noted that personal property and motor vehicles are assessed for taxation every year.

Mr. Hildebran shared that based on the revaluation, there was a 44.88% increase in assessed values for real property while personal property values decreased by approximately 10%. He explained how the general statute provides instruction on how the rate is to be calculated and based on the revaluation information from Caldwell County, the estimated revenue-neutral property tax rate equals 45.05¢ per \$100.

Additionally, Mr. Hildebran shared that almost 79% of the General Fund's revenue is comprised of property tax (44%), sales tax (25%) and franchise tax revenue (10%). The remainder comes from a combination of state-shared revenue, investment earnings, and sales and services.

Mr. Hildebran stated the recommended General Fund Budget includes borrowing for a new ladder fire truck utilizing the Rural Economic Development Loan and Grant (REDLG) program with a 7-year, 0% interest rate loan through Blue Ridge Energy. The budget does not use any fund balance.

Downtown Municipal Service District

Mr. Hildebran reported the proposed Downtown Municipal Service District budget totals \$271,550 and is balanced with the downtown tax rate of 18¢ per \$100 assessed district property value and with the use of general funds. He shared that based on the revaluation information from Caldwell County, the estimated revenue-neutral property tax rate for the municipal service district equals 17.39¢ per \$100 of assessed value.

Water and Sewer Fund

Mr. Hildebran stated the proposed Water and Sewer Fund budget totals \$13,263,721 and includes a 2.3% increase in water and sewer rates. The City has traditionally used the annual Consumer Price Index – South Region for All Urban Consumers (CPI) as a gauge and guide when considering increases in water and sewer rates. This year the CPI was 2.3% in February Of 2025. The average increase for a customer with 5,000 gallons of usage per month would be \$1.28 per month.

The Water and Sewer Fund budget utilizes a retained earnings appropriation of \$1,300,000 for capital as recommended in our Water and Sewer Capital Plan developed by McGill Associates.

Multi-Year Capital Projects

Mr. Hildebran stated that over the past few years, the City of Lenoir has received substantial funding for multi-year capital projects that take an extended period of time to complete. The funding has been received from a variety of sources – the American Rescue Plan, State-directed appropriations, Community Development Block Grant (CDBG), numerous other grants and private donations.

Mr. Hildebran shared the proposed operating budget does not specifically allocate any of this funding. Staff will present budget amendments and/or capital project ordinances as funds are obligated for these capital projects.

A comprehensive list of projects and funding sources is included in the proposed budget for information.

Budget Highlights

Mr. Hildebran stated the key components of this budget are:

- Core Services are continued with revenue projections estimated in a realistic, conservative manner. The projections include consideration for the continued uncertainties of the future economic environment.
- Employee Compensation: As the top strategic priority, the budget includes a COLA of 3.75% for all employees and funds our holiday longevity bonus program. The budget funds the mandated increase in the NC Local Governmental Employees' Retirement System (LGERS) employer contribution rate, effective July 1, 2025. The law enforcement rate will increase from 15.10% to 16.10%, while the non-law enforcement rate will move from 13.60% to 14.35%. The City's group health insurance premiums will increase by approximately 27%, while maintaining the current plan benefit levels. The cost of the City's property and liability insurance will increase by 14% while the

workers' compensation insurance was basically flat.

- Street Resurfacing: The budget allocates \$420,000 to implementation of our Pavement Plan and includes \$137,750 in funding for strategic paving for various Council priorities.
- Downtown: Funding is included to support our Downtown Master Plan, to expand downtown decorations, and to add planters. The Downtown attendant's position has been re-organized to increase visibility and service to the Downtown District.
- Code Enforcement: The budget includes more than \$100,000 for building demolitions, foreclosures and \$35,000 in funding for contracted Western Piedmont Council of Governments (WPCOG) Code enforcement in response to the City Council's priorities.
- Technology: There is funding for computer and information technology upgrades throughout the organization to enhance and improve operations and security.
- Environmental: The outsourcing of management and oversight of our Federal Phase II Stormwater Program to the WPCOG Stormwater Partnership continues and the budget funds an ongoing mapping of our stormwater system.
- The budget funds all debt obligations.

The Recommended General Fund capital investments total \$1,560,725, a decrease of \$163,525 from FY2024-2025. Staff will use capital funding for various projects and purchases including:

- Ladder Fire truck replacement
- Trucks and utility terrain vehicles (UTV) for various departments
- Equipment upgrades and vehicle replacements for the Police Department
- Automated garbage truck replacement
- Mulberry Recreation Center Improvements

A complete list of General Fund capital purchases is included in the budget package.

Water and Sewer Fund

The recommended Water and Sewer Fund capital investments total \$3,024,000, an increase of \$1,102,150 from the previous year which is primarily due to the Ridge Street Sewer Replacement.

Water and Sewer Fund capital projects include:

- Repairs and building renovations at the Water Treatment Plant
- Renovations at the Public Services building
- Replacement pick-up trucks
- Ridge Street and East Harper Avenue sewer replacement
- Raw pump and valve replacements

A complete list of Water and Sewer Fund capital purchases is included in the budget package.

In conclusion, Mr. Hildebran recapped the Recommended FY2025-2026 Budget is balanced and addresses Council's goals and priorities.

Mr. Hildebran thanked Donna Bean, Finance Director, Department Directors, Joshua Harris, Communication Director, Team Lenoir and City Council for your engagement, collaboration, and contributions on this important policy document. He emphasized our primary goal, each and every day, via our employee-led customer service initiative, remains to provide "*Service Beyond Measure.*"

Mayor Gibbons and City Council expressed their appreciation to Mr. Hildebran for his outstanding leadership, hard work and all that he does for the City of Lenoir. Mayor Gibbons further stated he appreciates City Council and Staff's efforts in how well they work together.

Motion

Upon a motion by Mayor Pro-Tem Stevens, Council voted 6 to 0 to schedule a public hearing on Tuesday, June 3 at 6:00 p.m. to consider adoption of the recommended FY2025-2026 Annual Budget as presented and as recommended by City Manager Hildebran.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

ANNUAL ANNOUNCEMENT; BOARD

APPOINTMENTS/RE-APPOINTMENTS:

- A. Mayor Gibbons announced a list of individuals' names to be appointed/re-appointed to the City's Authorities/Boards/Commissions for various term lengths. These appointments will be placed on the June 3 City Council Agenda for Council's consideration of approval.

ABC BOARD (3-Year)

Jerry Brooks (2028)

Foothills Airport Authority (2-Year)

Joe Gibbons (2027)

Lenoir Housing Authority (5-year)

Hunter Greer (2030)

Business Advisory Board (3-year)

Margaret Forney (2028)

Darrin McKinney (2028)

John Moore (2028)

Sean Williams (2028)

Planning Board/Historic Preservation Commission (3-year)

Curtis Baker (2028)

Sharon Bryant (ETJ) (2028)

Dontrell Parson (2028)

Joey Petrack (2028) *new appointment

Board of Adjustments (3-year)

Sharon Bryant (ETJ) (2028)

Michael Careccia (Alternate) (2028)

Recreation Advisory Board (4-year)

Application Pending (2027)

Application Pending (2027)

James Robertson (2028)

Scott Barnett (2028)

Michael Dineen (2029)

Rick Pierce (2029)

Lenoir Tourism Development Authority (4-year)

Jesse Plaster (2029)

Matthew Underwood (2029)

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 6:55 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, DESIGNATING CERTAIN LAND GENERALLY LOCATED OFF WILSON STREET AND NEWLAND PLACE, SOUTHEAST OF HOSPITAL AVENUE, NORTH OF PENNTON AVENUE, AND COMPRISED OF 1.46 ACRES, MORE OR LESS, AS CONDITIONAL ZONING DISTRICT #12 (CZ-12) ON THE CITY'S OFFICIAL ZONING MAPS; DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

Whereas, at its regularly scheduled meeting of April 28, 2025, the Lenoir Planning Board considered zoning application case number CZ-12, requesting the Conditional Zoning district designation, for approximately 1.46 acres of land, described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

Whereas, the property was the original location of the Caldwell Memorial Hospital, which was later expanded and converted into Hilltop Nursing Home; and

Whereas, the current owner converted the former nursing home expansion into seven apartment units and desires to separate the apartments from the rest of the original hospital building; and

Whereas, based upon the evidence presented to the Lenoir Planning Board, including the information and analysis contained in the staff report for application case number R 4-25 and subject to certain conditions, the Lenoir Planning Board recommended that the Lenoir City Council approve said conditional zoning application and adopt an ordinance in accordance therewith; and

Whereas, the Lenoir Planning Board has found that approval of the application is consistent with the City's adopted Comprehensive Plan; and

Whereas, the Lenoir City Council hereby finds that this ordinance is consistent with the intent and purpose of the Conditional Zoning designation as established by Appendix A, Article V, Section 502, Lenoir City Code; and

Whereas, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are in the best interest of the public health, safety, and welfare; and

NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. ZONING. After due notice and public hearing, and pursuant to Appendix A, Article XIV of the Lenoir City Code, and other relevant portions of the Lenoir City Code, the zoning designation for the

Property is hereby changed from the B-6 Transitional Business district to Conditional Zoning district on the City's Official Zoning Map (to be denoted as "CZ-12"), as depicted in Exhibit "B" to this ordinance.

SECTION 2. OTHER DEVELOPMENT LAWS. Except as expressly provided otherwise by this ordinance, the CZ-12 zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the B-6 Multi Family zoning district.

SECTION 4. SPECIAL CONDITIONS. The Conditional Zoning district for the Property is subject to the following special conditions:

1. **Concept Plan.** Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the concept plan attached to this ordinance as Exhibit "B" (hereinafter the "Concept Plan"). In the event of a conflict between the text of this ordinance and the Concept Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Concept Plan.
2. **Variances.** Zoning variances to the standards of the default zoning district not modified by this ordinance may be approved pursuant to the procedures set forth in Appendix A, Article XIII, Section 1312.1 of the Lenoir City Code.
3. **Modification.** The special conditions specific to the CZ-12 zoning district may only be modified by application for a zoning map amendment following the procedures outlined in Appendix A, Article VIII, Section 820 of the Lenoir City Code.
4. **Permitted/Special Uses.** All uses permitted within the B-6 zoning district.
5. **Setbacks.** The rear setback for this district is 5'.
6. **Access.** A cross-access agreement must be recorded at the Caldwell County Register of Deeds prior to recording the minor subdivision separating Lots 1 and 2 to facilitate shared vehicular and pedestrian access to and from both lots.
7. **Lighting.** All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.

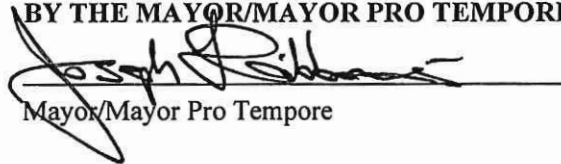
SECTION 5. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, the 8th and 15th days of May, 2025.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 20th day of May, 2025.

BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:


Mayor/Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA:


City Clerk

****[Remainder of page intentionally left blank.]****

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

Exhibit "A"

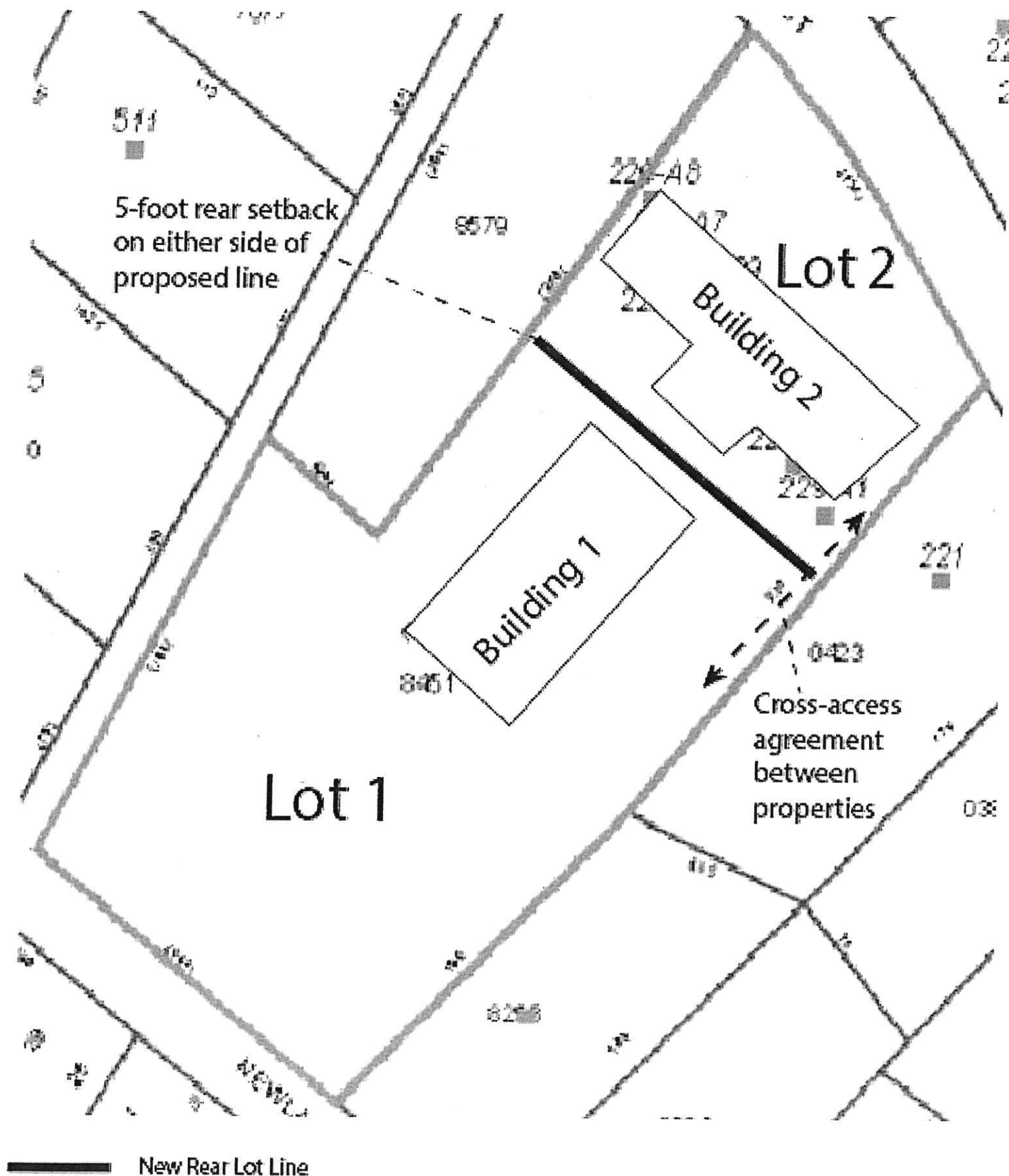
TRACT I:

BEGINNING on an iron pin in the intersection of a 15 foot alley and Newland Street and runs with the Northeast margin of Newland Street as follows: South 51 deg. East 59.2 feet. South 55 deg. 30' East 100 feet, in all 159.2 feet to an iron pin, a new corner in Rudisill's line? thence still a new line North 46 deg. 45* East 166 feet to an iron pin, a new corner; thence still a new line North 42 deg. East 234 feet to an iron pin, a new corner in the Southwest margin of Wilson Street and in Rudisill's line; thence with the margin of said Wilson Street as follows: North 30 deg. West 70 feet, North 44 deg. 30* West 100 feet, in all 170 feet to an iron pin, a new corner in Rudisill's property line and in the Northwest edge of a driveway leading to the old Caldwell Hospital; thence a new line and with the edge of said driveway South 36 deg. 45' West 257 feet to an iron pin in the Southwest edge of a walkway, a new corner; thence still a new line and with the edge of the said walkway North 52 deg. 30' West 67 feet to an iron pin, in the Southeast edge of a 15 foot alley, a new corner; thence with the edge of said 15 foot alley South 30 deg. West 185.3 feet to the point of **BEGINNING**, containing 72,085 SQUARE FEET, or 1.65 acres, more or less. Being the No. 1 lot as shown on the Rudisill plat as prepared by Thomas P. Isbell, surveyor, the Hilltop Rest Home Property.

This lot was conveyed to Warren by W. G. Walsh by deed dated September 30th, 1972, recorded in Book 649 page 244.

Exhibit B

32



Staff Report

CONDITIONAL ZONING REQUEST

CASE NUMBER R #4/25



LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property:

229 Wilson St NW



SUMMARY

Owner

EUROSTAR CONSTRUCTION INC

Applicant

John Ghencian

EUROSTAR CONSTRUCTION INC

Location

229 Wilson St NW

NC PIN

2759088451

Project Planner

Hannah Williams, AICP, CZO

Matt Duchan, CZO

Updated May 9, 2025

Applicant's Request:

The applicant is requesting to re-zone the subject property to a Conditional Zoning district (CZ-12), to allow for revised setback to accommodate a new rear property line. The proposed rear setback is 5' for both proposed parcels.

Staff Recommendation:

Approval, with the conditions outlined in the staff report.

Planning Board Recommendation:

Approval of the request based on the consistency statement on page 7.

Public Comment:

Planning Board Meeting: April 28, 2025. Notices were mailed to adjacent property owners on April 16, 2025.

City Council (Public Hearing):

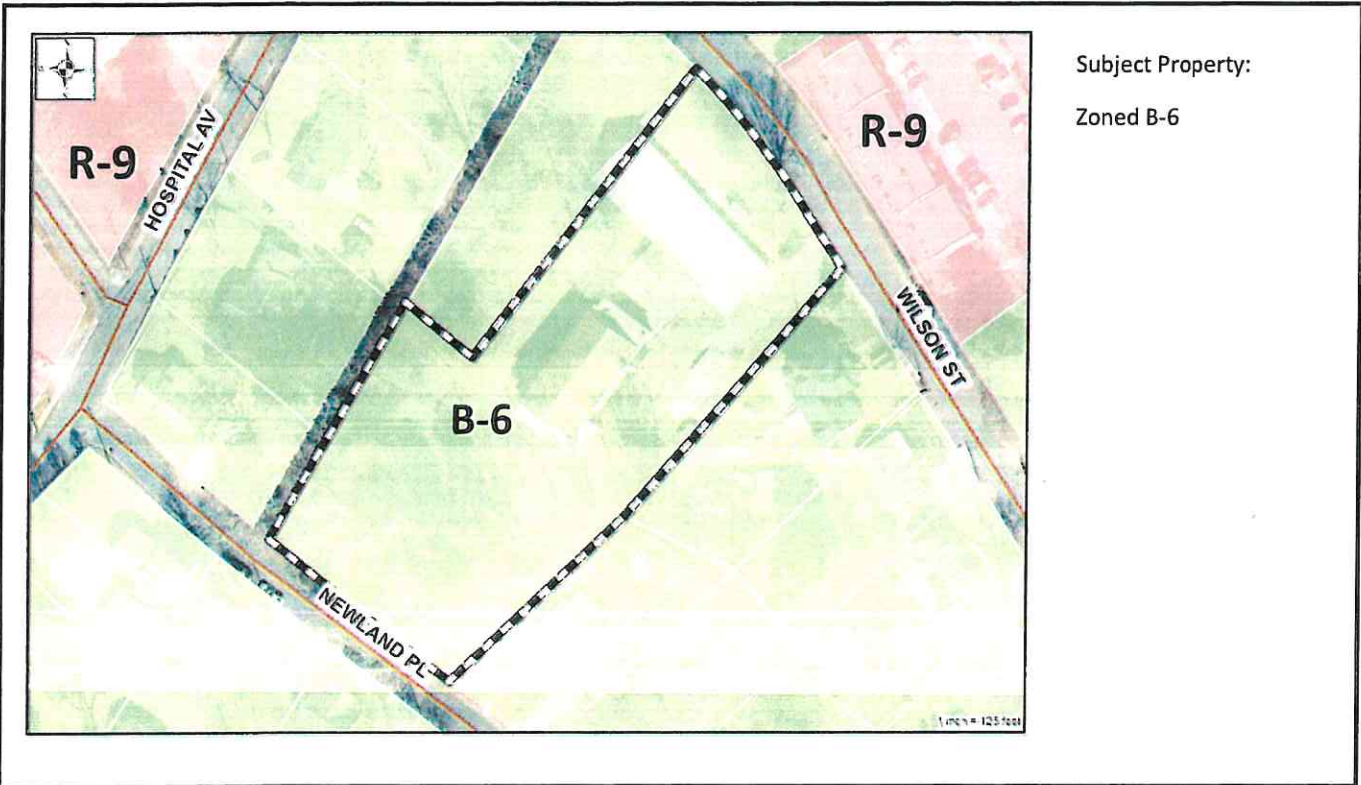
Scheduled for May 20, 2025.

ABUTTING PROPERTY OWNERS NOTIFIED

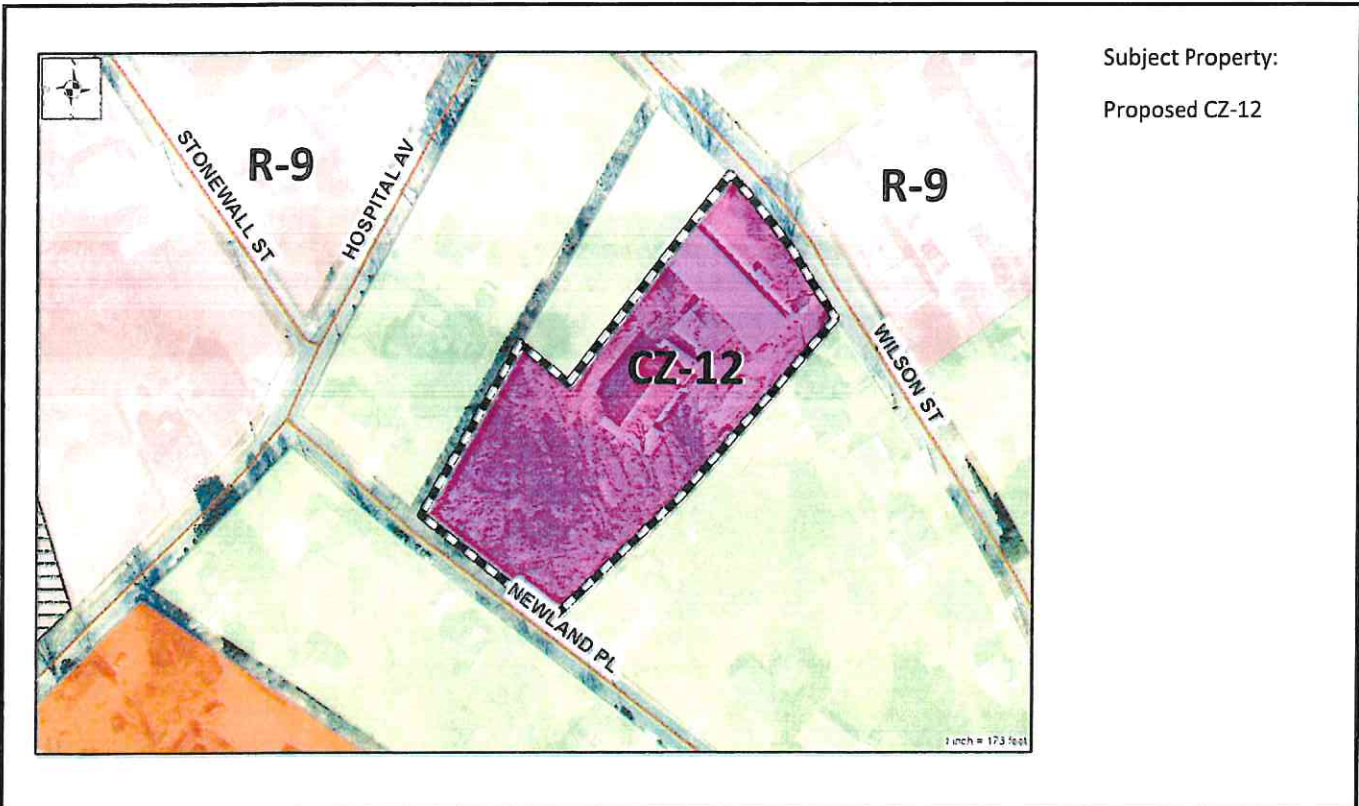


NCPIN	Owner 1	Mailing Address	City	State	Zip	Site Address
2759180423	MENDOZA RUBEN	1695 SCENIC VIEW LN	MORGANTON	NC		28655 221 WILSON ST
2759182785	DG SUMMIT LLC	PO BOX 25168	WINSTON SALEM	NC		27114 226 WILSON ST
2759088298	PINEDA MARTHA I	212 NEWLAND PL NW	LENOIR	NC		28645 212 NEWLAND ST
2759180752	NEELY SYLVIA T	232 WILSON ST NW	LENOIR	NC		28645 232 WILSON ST
2759180717	HIGHTOWER JOSEPH	PO BOX 2877	LENOIR	NC		28645 234 WILSON ST
2759089860	HIGHTOWER JOSEPH	PO BOX 2877	LENOIR	NC		28645 WILSON ST
2759088715	LENTEX INC	4300 KODIAK LN	LITTLE RIVER	SC		29566 503 HOSPITAL AV
2759087677	BURGESS BARBARA ANN	507 HOSPITAL AVE NW	LENOIR	NC		28645 507 HOSPITAL AV
2759087529	VELASQUEZ JORGE L	511 HOSPITAL AVE	LENOIR	NC		28645 511 HOSPITAL AV
2759086570	OXENTINE SONYA	515 HOSPITAL AVE NW	Lenoir	NC		28645 515 HOSPITAL AV
2759086432	BARRERA SELVIN DANILO LOPEZ	3656 CAMEO LN	LENOIR	NC		28645 517 HOSPITAL AV
2759086243	KNIGHT CARL K	219 NEWLAND PL NW	LENOIR	NC		28645 219 NEWLAND ST
2759087118	GORDON NEREIDA	215 NEWLAND PL NW	Lenoir	NC		28645 215 NEWLAND PL NW
2759087164	BLAKE HALLIE	209 NEWLAND PL NW	LENOIR	NC		28645 213 NEWLAND PL NW
2759085385	GUIFARRO ROSMAN GEOVANNY	221 NEWLAND PL NW	LENOIR	NC		28645 221 NEWLAND ST

EXISTING ZONING



PROPOSED ZONING



BACKGROUND AND ANALYSIS

Intent of Conditional Zoning

The City of Lenoir's Zoning Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. Conditional Zoning is intended for use in unique development scenarios when a development proposal does not fit into a conventional zoning district, but may be desirable and compatible with an area depending on the specific details of the project and its surroundings.

The conditional zoning process gives the City sufficient flexibility to determine whether a specific project on a given site will be compatible with the environment and the Comprehensive Plan. Conditional Zoning is a legislative process requiring the Planning Board to review and make a recommendation to the City Council on the request. Each Conditional Zoning district is adopted as an ordinance and is recorded with the Register of Deeds.

Subject and Surrounding Properties

The 1.5 acre subject property is a through-lot at 229 Wilson St NW with additional frontage on Newland Place. It is zoned B-6 (Transitional Business) and is in the East Harper neighborhood. The original building, built in 1886, was Foothills Sanatorium, and later the first location of Caldwell Memorial Hospital. It is a 3 story masonry building with a building footprint of about 3500 SF. (This original building is referred to on the Concept Plan and in the Ordinance as Building 1.)

Around the 1960s, an extension was added to the front of the building, which was eventually the site of Carolina Oaks Nursing Home. This addition is about 7500 SF. The nursing home closed in 2017 and remained vacant until 2021, when the applicant renovated and converted the front of the building into 7 apartments. (This addition building is referred to on the Concept Plan and in the Ordinance as Building 2.)

Like the subject property, all of Wilson Street and the East Harper neighborhood is zoned B-6. The subject property is across the street from Woodcrest Apartments, a 70 unit apartment complex, but the rest of Wilson Street is largely developed with single-family homes. Wilson Street connects to two minor collector streets to the north and south, Hospital Avenue and Pennton Avenue, resulting in quick access to Downtown Lenoir and the US-321 commercial corridor.

Reason for Request

The applicant is seeking to subdivide the property so that the newly renovated apartments in Building 2 are in a separate and disconnected building from the original hospital building (Building 1) in the rear. The applicant's plans for redeveloping the rear of the parcel have changed and it would be more manageable if the Building 2 was on a separate parcel. The applicant is seeking to demolish the connecting corridor between the Building 1 and Building 2, and to add a property line to create two parcels. Both buildings would have a 5' rear setback.



Above shows 10' wide area to be demolished to allow for building separation and new rear lot line.

Zoning Analysis

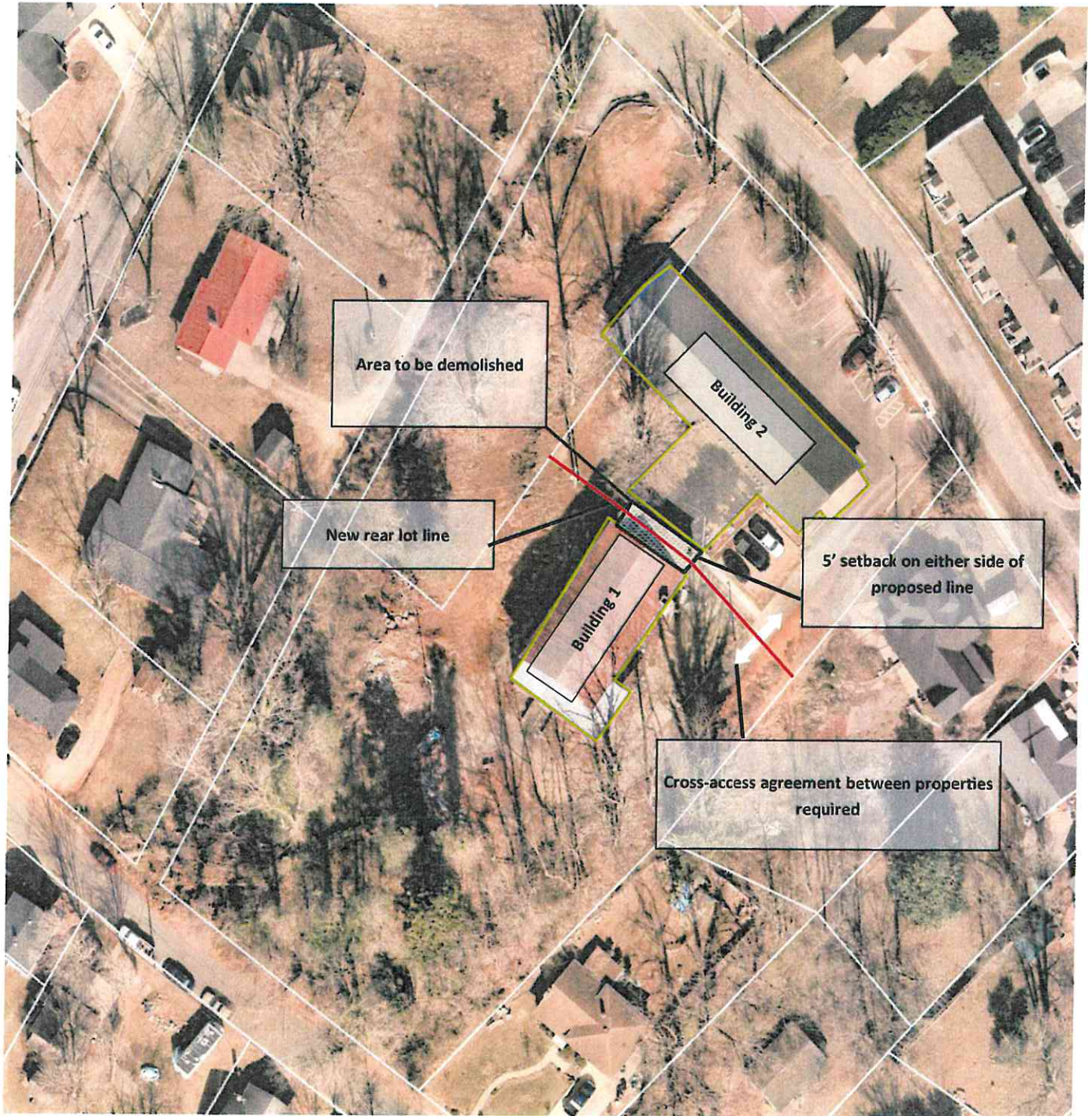
This Conditional Zoning District seeks to alter the setbacks to a proposed rear property line, from a 10' rear setback to a 5' rear setback. The proposed base zoning district is B-6, which is the current zoning district of the site and the majority of Wilson Street. There are no ad-

BACKGROUND AND ANALYSIS (CONT.)

ditional permitted uses or design standards included in the request, so all design requirements and permitted uses shall default to the B-6 district. See below for the permitted uses allowed in B-6. The B-6 zoning district has robust design standards for new construction of multifamily, commercial, and institutional uses, requiring pedestrian-scaled and residentially-sensitive considerations. Building materials, roof design, and parking layout are all subject to review. See Sec. 817 in the zoning ordinance for more information on B-6 zoning design standards.

The applicant's proposed rear setback of 5' is appropriate for this site. Since the front apartment building, Building 2, was built as an addition there is no space for the 20' of separation that the existing rear setback would require. However, separating the two buildings would give more flexibility in developing Building 1 into other uses with less impact to Building 2.

B-6 Standards	
Development Standards	Minimum Lot Size—10,000 SF Setbacks Front: 10' Side Yard: 10' Abutting side Street: 25' Minimum Rear Yard: 10'
Summary of Permitted Uses	• Accessory Structure (Cottage, Apartment) • Attached Dwellings (townhomes) • Dwelling, Single Family • Multifamily, Low-density (7.2 dwelling units per acre) • Family Care Facility (up to 6 residences) • Eating and Drinking (no drive-through) • Office • Retail, Neighborhood and Light • Service, Business and Personal • Studio and Specialty School • Veterinarians (no outdoor kennels)



SITE PHOTOS

Below: Building 2, view from Wilson Street



Below: Building 1



Above: Building 1 from Newland Place (rear)

CONSISTENCY STATEMENT/STAFF RECOMMENDATIONS

Consistency with the Comprehensive Plan/Reasonableness of Amendment

When adopting or rejecting any zoning amendment, City Council must adopt a brief statement describing whether or not the action is consistent with the City's Comprehensive Plan, in accordance with G.S. 160D-605(a), and must also address the reasonableness of any proposed map amendments. Staff offers the following draft statement on the consistency and reasonableness of the request.

The proposed Conditional Zoning Ordinance is consistent with the adopted Comprehensive Plan because it entitles the subject property to be used efficiently and as separate development sites. Since minimal demolition is proposed, this zoning ordinance does not change the character of the neighborhood as built, and enables two separate buildings to be legally conforming to applicable zoning and building codes. On the City of Lenoir Future Land Use Map, this area is identified as Existing High Density Residential and does not identify a future land use category. However, this conditional zoning ordinance accommodates future residential development will not impede on other uses in the B-6 zoning district. This use, in the grand scheme of all properties in this area of Lenoir, does not hardly affect the intended uses that were bound for this parcel and surrounding parcels. The proposed Conditional Zoning Ordinance is reasonable and in the public interest because it relaxes regulation for residential or mixed use construction and makes more efficient use of the City's existing infrastructure investments by providing infill opportunities.

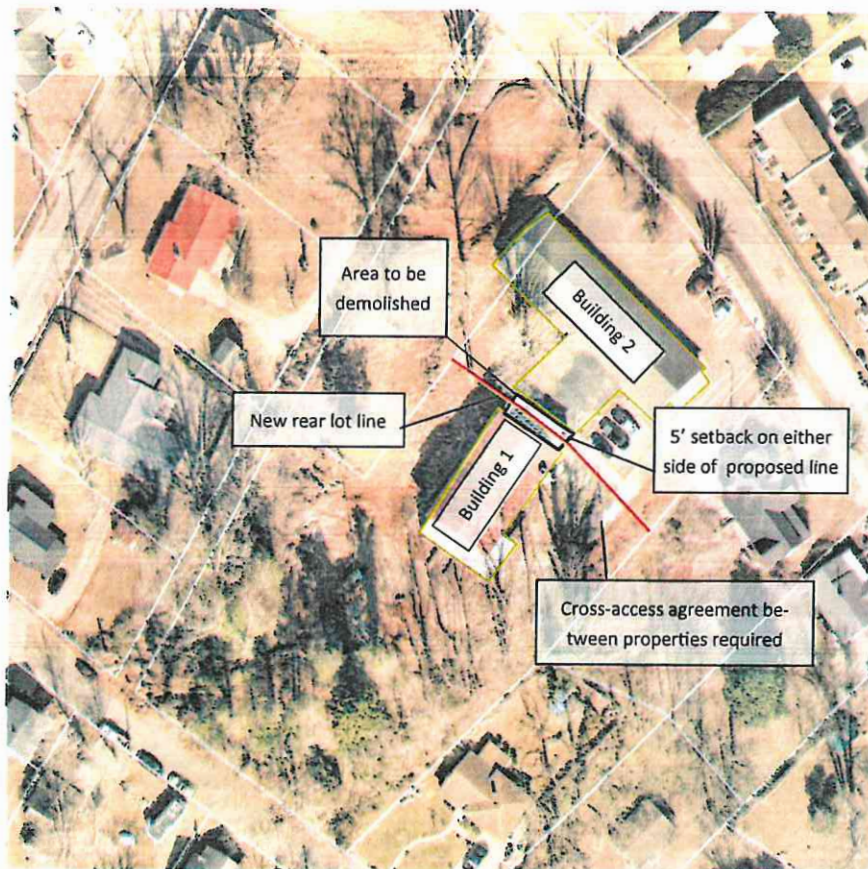
PLANNING BOARD RECOMMENDATIONS

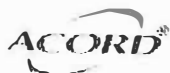
Planning Board recommends approval of the Conditional Zoning District (CZ-12) based on the above consistency statement as presented at the Planning Board Meeting on April 28th.

BACKGROUND AND ANALYSIS (CONT.)

Proposed Conditional Zoning District: CZ-12 Specific Standards

1. **Base Zoning.** Base zoning district is B-6. Any development standards not specifically addressed in the Conditional Zoning Ordinance will default to the B-6 zoning district.
2. **Setbacks.** The rear setback for Building 1 shall be 5 feet. The rear setback for Building 2 shall be 5 feet.
3. **Permitted Uses.** No additional permitted uses.
4. **Design.** No additional design standards.
5. **Lighting.** All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
6. **Access and Parking.**
 - Customers/Residents of the Building 1 will access the site via the existing driveway off Newland Place. Customers/Residences of Building 2 will access the site via Wilson Street.
 - A cross-access agreement between the two properties is required.





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/1/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Ryder Rosacker McCue & Huston (MGD) by Hull & Company
509 W Koenig St
Grand Island NE 68801

CONTACT
NAME Kristy Wolfe
PHONE (A/C, No, Ext) 308-382-2330
FAX (A/C, No) 308-382-7109
E-MAIL kwolfe@ryderinsurance.com
ADDRESS kwolfe@ryderinsurance.com

INSURER(S) AFFORDING COVERAGE

NAIC #

41297

INSURED
JECO Pyrotechnics Inc
195 Rogers Ridge Rd
Newland NC 28657

INSURER A : SCOTTSDALE INS CO

INSURER B :

INSURER C :

INSURER D :

INSURER E :

INSURER F :

COVERAGES

CERTIFICATE NUMBER: 469849169

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L INSR RSR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			CPS1070576	10/25/2024	10/25/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Per occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS / COMP/OP AGG \$
	X COMMERCIAL GENERAL LIABILITY						
	CLAIMS MADE X OCCUR						
	GEN'L AGGREGATE LIMIT APPLIES PER						
	X POLICY						
	PRO						
	LOC						
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Per accident) \$
	ANY AUTO						BODILY INJURY (Per person) \$
	ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED						\$
	RETENTIONS						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATE- TORY LIMITS \$
	ANY PROHIBITION ON THE EXECUTIVE \$						E1 EACH ACCIDENT \$
	EXCEPT MEMBER EXCLUDED BY (Mandatory in NC)						E1 DISEASE - EA EMPLOYEE \$
	If yes, describe under						E1 DISEASE - POLICY LIMIT \$
	DESCRIPTION OF OPERATIONS below:						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Regarding the General Liability coverage, Waiver of Subrogation applies to the entities listed below per attached form CG 24 04 when required by written agreement.

Regarding the General Liability coverage, Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.

Regarding the General Liability coverage, Primary and Non-Contributory coverage applies to the entities listed below per attached form CG 20 01 when required by written agreement.

date of display: 7/5/2025

display location: 720 Mulberry St SW, Lenoir, NC 28645

additional insured: Mulberry Rec. Center; Caldwell County

CERTIFICATE HOLDER

CANCELLATION

City of Lenoir
PO Box 958
801 West Ave NW
Lenoir NC 28645

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



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 honoring Rick Oxford

WHEREAS, Rick Oxford served the City of Lenoir from July 18, 1983, to March 15, 1985, as a Housing Specialist in Community Development; and

WHEREAS, Rick joined the Western Piedmont Council of Governments (WPCOG) in 1985 as Community Development Specialist, was promoted to Community Development Administrator in 1986, and now serves as the Housing Program Manager; and

WHEREAS, the WPCOG is a planning agency supported by voluntary membership of 28 county and municipal governments in the Unifour including Alexander, Burke, Caldwell and Catawba Counties, and the municipalities of Brookford, Cahah's Mountain, Catawba, Cedar Rock, Claremont, Connelly Springs, Conover, Drexel, Gamewell, Glen Alpine, Granite Falls, Hickory, Hildebran, Hudson, Lenoir, Long View, Maiden, Morganton, Newton, Rhodhiss, Rutherford College, Sawmills, Taylorsville and Valdese; and

WHEREAS, Rick was instrumental in creating and directing the Unifour Consortium HOME Program with the City of Lenoir being the Lead Entity for the program representing all 28 local government members of the Consortium; and

WHEREAS, Rick has helped nearly 3,000 families become first-time homebuyers through the HOME Program's Down Payment Assistance program, he has provided more than \$5 million from the HOME program to 14 different Community Housing Development Organizations that support low-income families, and he has loaned \$6.1 million to multi-family housing developers on 23 different projects that created 1,405 housing units; and

WHEREAS, Rick has leveraged more than \$378 million in investments since the HOME program was first funded and has helped thousands of people and families in the Unifour with housing services; and

WHEREAS, Rick has announced his retirement from WPCOG as of May 31, 2025, ending more than four decades of service to the City of Lenoir, Caldwell County, and the Unifour.

NOW THEREFORE BE IT RESOLVED, that I, Joseph L. Gibbons, Mayor, on behalf of the City of Lenoir City Council and all of our citizens, do hereby congratulate Rick Oxford on his retirement and thank him for directing the Unifour Consortium HOME Program and providing much need housing assistance to our residents.

THIS, the 20th day of May 2025.

SEAL

Joseph L. Gibbons, Mayor, City of Lenoir

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
NATIONAL PUBLIC WORKS WEEK
"People, Purpose, Presence,"*

WHEREAS, Public Works Professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Lenoir and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

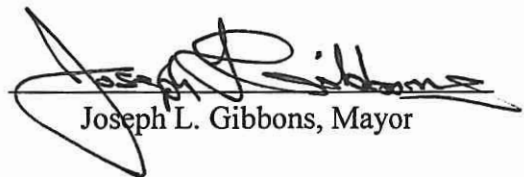
WHEREAS, it is in the public interest for the citizens, civic leaders and children in the City of Lenoir to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2025 marks the 65th annual National Public Works Week sponsored by the American Public Works Association,

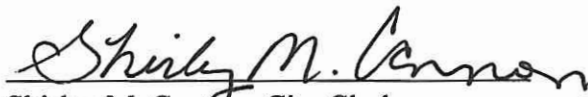
NOW, THEREFORE, I, Joseph L. Gibbons, Mayor, and on behalf of the Lenoir City Council, do hereby designate the week of May 18 through May 24, 2025, as "*National Public Works Week*" and urge all citizens to join with representatives of governmental agencies and the American Public Works Association in activities and ceremonies designed to pay tribute to our Public Works professionals, engineers and administrators and to recognize the substantial contributions they have made to our national health and welfare.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 20th day of May, 2025.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk



Capital Project Ordinance for the City of Lenoir

Hospital Avenue Sidewalks (Originally approved June 6th, 2017)

BE IT ORDAINED by the City Council Members of the City of Lenoir, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized activities for the Hospital Avenue Sidewalk Project to include the expenditure of grant and local funds to engineer, design, acquire rights-of-way, relocate utilities, and construction sidewalks on Hospital Avenue using funding through a Locally Administered Project Program from the Federal Highway Administration.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following revised amounts are appropriated for the project:

DESCRIPTION	ORIGINAL ESTIMATES	CHANGE	CURRENT ESTIMATE
ADMIN AND ENGINEERING	\$133,540.00	\$741,962.56	\$875,502.56
CONSTRUCTION	\$866,460.00	\$1,727,901.00	\$2,594,361.00
TOTAL EXPENDITURES	\$1,000,000.00	\$2,469,863.56	\$3,469,863.56

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

DESCRIPTION	ORIGINAL ESTIMATES	CHANGE	CURRENT ESTIMATE
STATE MATCH - 80% - FEDERAL HIGHWAY ADMINISTRATION FUNDS (BASED ON 11-24 ESTIMATES)	\$800,000.00	\$1,736,000.00	\$2,536,000.00
LOCAL MATCH- 20% + CITY OF LENOIR (BASED ON 11-24 ESTIMATES)	\$200,000.00	\$733,863.56	\$933,863.56
TOTAL FUNDING	\$1,000,000.00	\$2,469,863.56	\$3,469,863.56

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

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

Section 7: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8: Copies of this capital project ordinance shall be furnished to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 20th day of May, 2025.

Mayor

Clerk