

Tuesday, June 3, 2025
Minutes-City of Lenoir Council Meeting

**LENOIR CITY COUNCIL
TUESDAY, JUNE 3, 2025
6:00 P.M.**

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

CITY STAFF: In attendance was Finance Director Donna Bean, Fire Chief Norman Staines, Police Chief Brent Phelps, 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 Ralph Prestwood.

I. CALL TO ORDER

- A. Mayor Gibbons asked everyone to keep the families of those involved in the shooting incident that occurred in Catawba County in their thoughts and prayers. In addition, he asked everyone to keep Jeff Church, Public Services Public Utilities Director in their thoughts and prayers as he will be having surgery on Wednesday.

Next, Mayor Gibbons reported the Reverend Jimmy Norwood celebrated his 90th birthday at the Martin Luther King, Jr. Center and remarked that he was a great supporter of the community and served at several churches. Mayor Gibbons also shared he presented Mr. Norwood with a City flag and a key to the City.

SPECIAL RECOGNITION

JASON PARKER:

- A. On behalf of City Council, Mayor Gibbons read and presented Senior Detective Jason Parker with a resolution upon his 26 years of dedicated and outstanding service to the City of Lenoir, citizens and Police Department.

Mayor Gibbons commended Detective Parker for his long tenure, accomplishments and for protecting the people of the City of Lenoir. He wished Detective Parker all the best.

Police Chief Brent Phelps shared the School Resource Officers (SROs) spoke highly of Jason and he read a text from Mr. Williams, former principal at Hibriten High School. Chief Phelps stated Mr. Williams texted that, following the shooting at Sandy Hook Elementary School, he knew the students and parents would be nervous to bring their students back to school. The day the students were scheduled to return there was a torrential downpour. Mr. Williams said when he arrived at school that Detective Parker was standing on the top of the hill in the pouring rain

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waiting on the students to arrive and he stood there from 6:30 a.m. until 8:30 a.m. to let them know they were safe. Chief Phelps said he shares this story to let others know how an officers' actions can impact people and a situation.

Detective Parker thanked City Council for the recognition and their support and stated he loved his job and it was hard to walk away. He stated he has enjoyed it and he wanted to retire on a positive note. Detective Parker introduced his wife and daughter and thanked them for all of their support.

Chief Phelps and Mayor Gibbons congratulated Detective Parker for his dedicated and outstanding service.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

FY2025-2026 ANNUAL

BUDGET: A. A public hearing was held to receive public comments regarding the Annual Budget for the fiscal year beginning July 1, 2025 through June 30, 2026 for the City of Lenoir. Upon conclusion of the public hearing, Council may take action on adoption of the enclosed FY2025-2026 Budget Ordinance as presented.

Mayor Gibbons opened the public hearing to receive public comments.

A copy of the FY2025-2026 Budget Ordinance is attached to these minutes as information.

City Manager Hildebran stated the only debt included in the budget was for the new fire apparatus and the only fee increase was for planning fees.

Mr. Hildebran thanked Finance Director Donna Bean, City Council and Staff for all of their assistance and input regarding the budget.

Mayor Gibbons thanked Mr. Hildebran and Department Directors for their leadership and hard work. He remarked that City Council does not take it lightly and appreciates everyone taking care of our citizens.

James Patrick Ariztia, 1873 Greasy Creek Road, Lenoir, NC addressed City Council regarding disaster relief funding Lenoir received during Hurricane Helene.

Mayor Gibbons explained the public hearing is for comments related to the recommended FY2025-2026 Annual Budget and informed Mr. Ariztia he could address Council during the public comment period on the agenda (Item IV. Request and Petitions of Citizens.)

Mr. Ariztia shared he did not know anything about the public hearing for the budget and remarked he has questions about the budget as well. City Manager Hildebran gave Mr. Ariztia his copy of the budget for reference.

Joshua Harris, Director of Public Communications also clarified the public hearing was advertised in the News-Topic and on the City's website at cityoflenoir.com.

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

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Upon a motion by Councilmember Beal, Council voted 6 to 0 to adopt the FY2025-2026 Budget Ordinance as presented and as recommended.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, May 20, 2025 as submitted.
- B. Minutes: Approval of the minutes of the City Council Budget Meeting of Thursday, May 22, 2025 as submitted.
- C. Budget Amendments: Staff request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2025 as follows:
 1. Approve the utilization of additional general fund revenues for needed expenditures.
 2. Approve the allocation of general fund expenditures for such obligations as professional service, equipment such as police radios, improvements to the TH Broyhill Walking Park, Wetland's Grant equipment, and for needed repairs for various equipment and buildings during the fiscal year.
 3. Approve the re-allocation of enterprise fund expenditures.
 4. Approve the utilization of additional funds for the Main Street revenue and expenditures for the clock tower. (A copy of the budget amendments is attached to these minutes as information.)
- D. Authorization Resolution: Staff recommends approval of an Authorization Resolution to authorize the City Manager and Finance Director to execute and accept the funding of Session Law 2024-53 Hurricane Helene Disaster Funding Grant for Technical Assistance for Assessments and Design Regionalization Project. This funding will assist in providing funds to aid in design costs for the Lenoir/Valdese water interconnect project. (A copy of the authorization resolution is attached to these minutes as information.)
- E. City Access Easement; CY Real Estate, LLC: Staff recommends City Council authorizing City staff to grant an access easement to CY Real Estate, LLC, Attention: Lenoir Golf Club for a 40-foot wide easement to be used for access and maintenance of property owned by Lenoir Golf Club near Hibriten Drive (SR1178) and Hotel Street, subject to the satisfaction of the City Attorney and City Manager prior to formal execution of the same. (A copy of the easement is attached to these minutes as information.)
- F. McGill Associates, P.a. Environmental Assistance, Task Order #3: Staff recommends execution of Task Order #3 in the amount of \$37,500 as prepared by McGill Associates, P.A. for environmental permitting assistance necessary for the OVT Pavilion site. (A copy of Task Order #3 is attached to these minutes as information.)
- G. Contract Amendment; Maurer Architecture: Approval of a Contract Amendment with Maurer Architecture to accommodate a fee increase due to mechanical Electrical Plumbing (MEP) scope modifications at the LHS Auditorium and Gymnasium and the addition of a dumpster enclosure. (A copy of the contract amendment is attached to these minutes as information.)
- H. Sidewalk Café Permit Renewal; Fercott Fermentables: Approval of a Sidewalk Café Permit as submitted by Fercott Fermentables, 107 Main Street NW with the following conditions:
 1. Current copy of Certificate of Liability Insurance naming the city as the certificate holder must be provided to the Planning Department.
 2. Alcoholic beverages sold and consumed in the Fercott Sidewalk Café shall be in Social District containers, according to the Social District Management and Maintenance Plan. (A copy of the Certificate of Insurance is attached to these minutes as information.)
 3. A 5-foot clear pedestrian path must be maintained to provide access to the public sidewalk adjacent to Main Street.
 4. The sidewalk café shall only operate during Social District hours, as outlined by the Social District ordinance (Sec. 13-92), Lenoir Code of Ordinances.

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- I. Resolution: Approval of a resolution presented to Senior Detective Jason Parker in honor and recognition upon his 26 years of dedicated and outstanding service to the City of Lenoir, citizens and Police Department. (A copy of the resolution is attached to these minutes as reference.)

Upon a motion by Councilmember Thomas, Council voted 6 to 0 to adopt items A through I on Consent Agenda as described above and as recommended.

IV. REQUESTS AND PETITIONS OF CITIZENS

- A. James Patrick Ariztia, 1873 Greasy Creek Road, Lenoir, NC addressed City Council about state funding relief the City of Lenoir and other municipalities received when Hurricane Helene occurred in western North Carolina. Mr. Ariztia inquired who paid for the distribution warehouse that was set up and further asked Council if there were any plans to remove the contaminated debris from Hurricane Helene.

City Manager Hildebran stated the City of Lenoir has an agreement with Caldwell County for debris removal.

Mr. Ariztia shared he feeds the homeless and asked why he could not get approval for two shower stations and a washer and dryer at Yokefellow. Mayor Gibbons and Council responded for Mr. Ariztia to contact Yokefellow.

Mr. Ariztia further commented that several Councilmembers serve on the Board of Directors for Yokefellow. Each Councilmember answered that they do not serve on Yokefellow's Board of Directors in over two years. Mayor Gibbons along with Councilmember Ike Perkins and Crissy Thomas previously served on the Board.

Mr. Ariztia also referred to the agenda item to vacate and close the property at 831 Montclair Circle where a group of homeless individuals are currently living under a deck.

Mayor Gibbons along with City Manager Hildebran informed Mr. Ariztia to contact Caldwell County regarding Hurricane funding and storm debris.

FAMILY EMERGENCY;

JON BEAL: Councilmember Jonathan Beal stated he has a family emergency and must leave the City Council meeting. Mr. Beal left at 6:35 p.m.

Councilmember Perdue made a motion to excuse Councilmember Beal which carried unanimously with a 5 to 0 vote.

V. REPORTS OF BOARDS AND COMMISSIONS

WPCOG; SECOND PUBLIC MEETING:

- A. Jennifer Cannon, Plan Administrator Western Piedmont Council of Governments (WPCOG) held the second public meeting to receive public comments for the FY2025-2029 Consolidated Plan for the City of Lenoir and the Unifour HOME Consortium and the FY2025 Action Plan.

This Consolidated Plan, as required by the U.S. Department of Housing and Urban Development (DHUD), identifies needs, outlines goals, develops action plans, prepares budgets for the City of

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Lenoir and the Unifour HOME Consortium, for the use of Community Development Block Grant (CDBG) funds and HOME funds for the next five years, beginning July 1, 2025 and ending June 30, 2029 as submitted.

Mrs. Cannon explained funding for the Unifour Consortium HOME Program included anticipated program income and revenue from the HOME Grant for a total amount of \$1,284,230.65. The funding for the Community Development Block Grant in the amount of \$136,612.00 is being used for the improvements to the former Lenoir High School. She further reported that \$300,000.00 would be rolled back into the Program Income.

Mayor Gibbons read the following items submitted for City Council's consideration of approval:

1. Capital Project Budget Ordinance: Approval of the FY2025 Unifour Consortium HOME Program in the amount of \$1,284,230.65 as submitted.
2. Capital Project Budget Ordinance: Approval of the FY2025 Community Development Block Grant Program (CDBG) in the amount of \$136,612 as submitted.

Copies of the two Capital Project Budget Ordinances are attached to these minutes as information.

Upon a motion by Councilmember Perdue, Council voted 5 to 0 to approve the two Capital Project Budget Ordinances as described above and as recommended.

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

SUMMER CONCERT

SERIES: 1. The Summer Concert Series will be held on Friday, June 6 with the band Scarlet Darlin performing on the stage area from 6:00 p.m. until 10:00 p.m. The band AI G Friends will play on Friday, June 20.

CRUISE-IN:

2. A Cruise-In event will be held on Saturday, June 7 from 3:00 p.m. – 9:00 p.m. in the downtown area.

CITY/COUNTY

SERVICES COMMITTEE:

3. The City/County Services Committee will meet on Monday, June 9 at the J. E. Broyhill Civic Center.

ECONOMIC DEVELOPMENT

ADVISORY COMMITTEE:

4. The Economic Development Advisory Committee will meet Tuesday, June 10 at 8:15 a.m. at the J.E. Broyhill Civic Center.

LENOIR BUSINESS

ADVISORY COMMITTEE

5. The Lenoir Business Advisory Committee will meet on Thursday, June 12 at 6:00 p.m. at City Hall, 3rd Floor.

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JUNETEENTH CELEBRATION:

6. The City is hosting a Juneteenth Celebration at the Downtown Lenoir Stage on Thursday, June 19, 2025 from 4:00 p.m. to 9:00 p.m. The event is free to the public.

SUMMER CONCERT SERIES:

7. AL G & Friends will be playing Soul, R&B, and Funk at Friday Night Live on Friday June 20, 2025. The concert will be from 7:00 to 10:00 p.m. at the Downtown Lenoir Stage.

NEON NIGHT RIDE:

8. The fourth annual Neon Night Ride will be Friday, June 27, 2025, at the Lenoir Rotary Soccer Complex. The event starts at 8:30 p.m. More details are available at www.cityoflenoir.com/nnr.

ANNUAL BLACKBERRY FESTIVAL:

9. The North Carolina Blackberry Festival will be Friday, July 11, and Saturday, July 12, 2025 in Downtown Lenoir. The festival is open from 5:00 to 9:00 pm on Friday, and from 9:00 am to 9:00 pm on Saturday.

B. Items for Council Action

MINIMUM HOUSING ORDER; 708 RIDGEWAY PLACE:

1. Staff recommends approval of an Order of Abatement by ordinance directing Staff to proceed with the demolition and removal of the structure located at 708 Ridgeway Place SW, Parcel ID 06-201-2-23 and NCPIN #2758148217 as submitted.

A recorded copy of the Order of Abatement is attached to these minutes as information.

City Manager Hildebran stated Staff recommended demolition due to the condition of the property. Pictures showing the condition of the property were included in the agenda packet.

Upon a motion by Councilmember Perdue, City Council voted 5 to 0 to adopt the Minimum Housing Order directing Staff to demolish the property located at 708 Ridgeway Place as submitted and as recommended.

MINIMUM HOUSING ORDER VACATE AND CLOSE; 831 MONTCLAIR CIRCLE:

2. Staff recommends approval of a Minimum Housing Order by ordinance directing Staff to Vacate and Close the property located at 831 Montclair Circle, NCIN#2840503049 directing Staff to proceed with a notice to Vacate and Close the property as submitted.

A recorded copy of the Vacate and Close order is attached to these minutes as information.

Upon a motion by Councilmember Perkins, City Council voted 5 to 0 to adopt the Vacate and Close ordinance as submitted and as recommended.

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VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Annual Board Appointment/Re-Appointments: Mayor recommended a list of individuals to be appointed /re-appointed to the City's Authorities/Boards/Commission for various term lengths. These appointments were announced at the May 20 City Council meeting.

In addition, Mayor Gibbons announced the two remaining Parks and Recreation Advisory Board vacancies will be filled at the June 17th Council Meeting – Melissa Hong and he is discussing the one vacancy with the proposed applicant.

BOARD APPOINTMENTS/RE-APPOINTMENTS

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 Adjustment (3-year)

Sharon Bryant (ETJ) (2028)

Michael Careccia (Alternate) (2028)

Recreation Advisory Board (4-year)

James Robertson (2028)

Scott Barnett (2028)

Michael Dineen (2029)

Rick Pierce (2029)

Lenoir Tourism Development Authority (4-year)

Jesse Plaster (2029)

Matthew Underwood (2029)

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IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

- A. Councilmember Crissy Thomas announced a fundraiser for the Sylvia Greene Scholarship Fund will be held on Saturday, June 14 at 4:00 p.m. at The Campus.

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 6:50 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

**City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2025– June 30, 2026**

BE IT ORDAINED by the Lenoir City Council in regular session assembled on June 3rd, 2025.

Section 1. That the following amounts are hereby appropriated for the operation of the government of the City of Lenoir and its activities for the fiscal year beginning July 1, 2025, and ending June 30, 2026.

<u>Fund</u>	<u>Estimated Revenues</u>	<u>Fund Balance Appropriated</u>	<u>Total Budget</u>	<u>Appropriated</u>
General	\$ 25,241,845	\$ -	\$ 25,241,845	\$ 25,241,845
Water & Wastewater	\$ 11,963,721	\$ 1,300,000	\$ 13,263,721	\$ 13,263,721
Total	\$ 37,205,566	\$ 1,300,000	\$ 38,505,566	\$ 38,505,566

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

Legislative	\$ 417,895	\$ 38,777,116
Administrative	\$ 978,543	
Finance	\$ 1,045,766	
Planning	\$ 571,876	
Police	\$ 8,092,222	
Fire	\$ 6,265,816	
Recreation	\$ 1,700,504	
Public Works	\$ 6,169,223	
Administrative	\$ 301,040	
Cemetery & Grounds	\$ 1,242,833	
Building Maintenance	\$ 461,039	
Sanitation	\$ 1,531,540	
Streets	\$ 2,281,934	
Vehicle Services	\$ 350,837	
Total	\$ 25,241,845	

City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2025– June 30, 2026

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

<u>DEPARTMENT/DIVISIONS</u>	<u>APPROPRIATION</u>
Admin/Engineering	\$ 563,036
Utilities Maintenance	\$ 446,702
Rhodhiss Water Treatment Plant	\$ 2,717,859
Water Distribution	\$ 2,942,820
Wastewater Collection	\$ 3,126,772
Wastewater Pretreatment	\$ 197,139
Gunpowder Wastewater Plant	\$ 899,194
Lower Creek Wastewater Plant	\$ 2,370,199
Total	<u>\$ 13,263,721</u>

Section 4. There is hereby levied for the fiscal year ending June 30, 2026, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2025, and of registered vehicles in accordance with G.S. 105-330.3(a)(1) for the purpose of raising the revenues from the current year's listed and registered property as set forth in the foregoing estimates of the General Fund revenues and in order to finance the foregoing General Fund appropriations.

General Fund.....\$.46 cents tax rate per one hundred dollars assessed valuation.

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

Said General Fund tax rates are based on an estimated total appraisal value of real and personal property for the purpose of taxation of \$3,312,679,013 with an assessment ratio of one hundred percent (100%) of appraised value and estimated collection rate of 97.43%. Said collection rates are based on the actual 2023-2024 collection rates.

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

Fund	<u>Estimated</u>	<u>Fund Balance</u>	<u>Total</u>	<u>Appropriated</u>
	<u>Revenues</u>	<u>Appropriated</u>	<u>Budget</u>	
Special Downtown District	\$ 271,550	\$ -	\$ 271,550	\$ 271,550
Tourism Development	\$ 125,000	\$ -	\$ 125,000	\$ 125,000
TOTAL	<u>\$ 396,550</u>	<u>\$ -</u>	<u>\$ 396,550</u>	<u>\$ 396,550</u>

City of Lenoir
Budget Ordinance
Fiscal Year July 1, 2025– June 30, 2026

Section 6. There is hereby levied for the fiscal year ending June 30, 2026, the following rate of taxes on each one hundred dollars of assessed valuation of taxable property listed as of January 1, 2025, and of registered vehicles in accordance with G.S. 105-330.3(a)(1) for the purpose of raising the revenues from the current year's listed and registered property set forth in the foregoing estimates of Special Downtown District Fund revenues and in order to finance the foregoing Special Downtown District Fund appropriations.

Special Downtown District.....\$.18 cents tax rate per one hundred dollars assessed valuation.

Said Special Downtown District tax is based on an estimated total appraised value of property for the purpose of taxation of \$19,444,444 with an assessment ratio of one hundred percent (100%) of appraised and registered real and personal property value. The estimated collection rate is 97.43%.

Section 7. It is estimated that \$125,000 in revenue will be available in the Tourism Development Fund for the fiscal year beginning July 1, 2025 and ending June 30, 2026.

Section 8. Water & Sewer rates are established to be effective July 1, 2025 according to the following schedule:

WATER	
INSIDE CITY LIMITS	
Usage	New Rate
First 1,000 gallons	12.40
Over 1,000 gallons per 1,000	3.92
OUTSIDE CITY LIMITS	
First 1,000 gallons	24.79
Over 1,000 gallons - per 1,000	7.85
Resale Water Rate: per 1,000 gallons	2.62
SEWER	
INSIDE CITY LIMITS	
Usage	New Rate
First 1,000 gallons	10.86
Over 1,000 gallons - per 1,000	4.60
OUTSIDE CITY LIMITS	
First 1,000 gallons	21.74
Over 1,000 gallons - per 1,000	9.22
Resale Sewer Rate - per 1,000 gallons	4.55

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

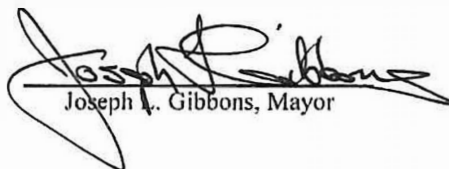
Section 10. The City Manager and Finance Director shall notify the City Council of any items of over-expenditure or shortfalls in revenue on a timely basis throughout the fiscal year. Request for appropriations not contained in the Budget Ordinance will be presented to Council after a review of the necessary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

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

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

Adopted this 3rd day of June, 2025.

SEAL


Joseph A. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

2024-2025 FISCAL YEAR**BUDGET AMENDMENT****JUNE 3, 2025**

Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2025 as follows:

ITEM 1: ADJUSTMENT TO ALLOCATE ADDITIONAL REVENUES.

ACCOUNT #	DEPARTMENT	INCREASE	DECREASE
3000	TAX PENALTIES & INTEREST	35,360.00	
3831	INTEREST EARNED	150,000.00	
3200	MV TAXES	85,000.00	
3231	SALES TAX DIST - ART 39	77,703.00	
3232	SALES TAX DIST - ART 40	57,672.00	
3233	SALES TAX DIST - 42	37,402.00	
3235	SALES TAX DIST - HOLD HARMLESS	63,513.00	
3236	SALE TAX SEC 32.19	13,923.00	
3316	POWELL BILL	92,686.00	
3430	BALLISTIC VEST GRANT	2,500.00	
3430	SRO CONTRACT	20,785.00	
3453	HELENE STORM REVENUE	52,887.00	
3471	ROLL OUT CONTAINERS	10,200.00	
3833	CONTRIBUTIONS FROM BROYHILL	74,110.00	
3839	FIRELINE CHARGES	10,930.00	
3459	FEMA WETLAND GRANT	52,912.84	
NET EFFECT ON GENERAL FUND BUDGET		837,583.84	-

ITEM 2: ADJUSTMENTS TO THE GENERAL FUND TO ALLOCATE ADDITIONAL REVENUE.

ACCOUNT #	DEPARTMENT	INCREASE	DECREASE
4110	LEGISLATIVE	30,000.00	
4120	ADMINISTRATIVE	160,000.00	
4250	VEHICLE SERVICES	35,000.00	
4260	BUILDING MAINT.	25,000.00	
4310	POLICE SUPPORT	255,000.00	
4312	POLICE PATROL	85,000.00	
4340	FIRE SUPPORT SERVICES	52,912.84	
4510	STREET ADMIN	93,285.00	
4511	STREET MAINTENANCE	92,686.00	
4512	STREET TRAFFIC CONTROL		240,000.00
4710	SANITATION	85,000.00	
4740	CEMETERIES		100,000.00
6121	AQUATIC	65,000.00	
6123	MLK Center	18,700.00	
6130	PARKS	180,000.00	
	TOTAL INCREASE/DECREASES	1,177,583.84	340,000.00
NET EFFECT ON GENERAL FUND BUDGET		837,583.84	
NET EFFECT ON THE GENERAL FUND BALANCE		-	-

ITEM 3: ADJUSTMENTS TO THE WATER AND SEWER FUND WITH A ZERO NET EFFECT ON FUND BALANCE.

ACCOUNT #	DEPARTMENT	INCREASE	DECREASE
WATER FUND			
7130	RHODHISS PLANT		125,000.00
7131	WATER DIST.	100,000.00	
7132	WATER RESOURCES	125,000.00	
7133	WATER ADMIN	20,000.00	
7140	WASTEWATER COLLECTION		200,000.00
7143	LOWER CREEK	80,000.00	
	TOTAL INCREASE/DECREASES	325,000.00	325,000.00
NET EFFECT ON WATER AND SEWER FUND BUDGET		-	

ITEM 4: ADJUSTMENTS TO THE MAIN STREET BUDGET.

ACCOUNT #	DEPARTMENT	INCREASE	DECREASE
3833	DONATION FOR CLOCK TOWER	10,000.00	
4920	MAIN STREET	10,000.00	
NET EFFECT ON MAIN STREET BUDGET		10,000.00	

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. PRESTWOOD
K.R. ROGERS
D.F. STEVENS
C.D. THOMAS

**CITY OF LENOIR RESOLUTION FOR SESSION LAW
2024-53 HURRICANE HELENE DISASTER FUNDING
GRANT FOR TECHNICAL ASSISTANCE FOR
ASSESSMENTS AND DESIGN REGIONALIZATION
PROJECT**

WHEREAS, the City of Lenoir has received a grant through North Carolina Session Law 2024-53 Hurricane Helene Disaster Funding for Technical Assistance for Assessments and Design Regionalization Projects, and administered by North Carolina Department of Environmental Quality to assist eligible units of government affected by Hurricane Helene with planning for potential regionalization projects for water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered Session Law 2024-53 funding in the amount of \$350,000 to perform the work detailed in the submitted application, and

WHEREAS, the City of Lenoir intends to perform said project in accordance with the agreed scope of work, involving the partnering systems as part of the project,

NOW, THEREFORE, BE IT RESOLVED BY THE (GOVERNING BODY) OF THE (UNIT OF GOVERNMENT):

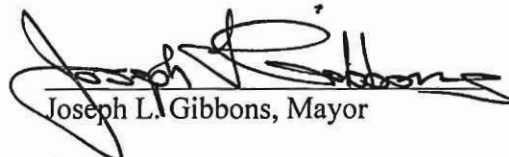
That City of Lenoir does hereby accept the Session Law 2024-53 offer of \$350,000.

That the City of Lenoir does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Scott Hildebran, City Manager and/or Donna Bean, Finance Director, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

1. Project No.: HEL-RTA-04: Water Interconnect -Water Line and Pump Station (co-funded with SRP-D-134-0165)

Adopted this the 3rd day of June 2025 at Lenoir, North Carolina.


Joseph L. Gibbons, Mayor

CITY MANAGER
SCOTT E. HILDEBRAN



CITY OF LENOIR
NORTH CAROLINA

MAYOR
Joseph L. Gibbons

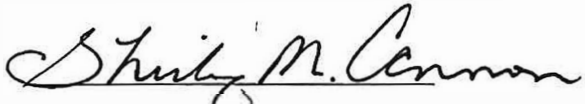
CITY COUNCIL
J.T. BEAL
T.H. PERDUE
J.I. PERKINS
R. PRESTWOOD
K.R. ROGERS
D.F. STEVENS
C.D. THOMAS

ATTEST


Shirley M. Cannon, City Clerk

FORM FOR CERTIFICATION BY THE RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Lenoir, NC does hereby certify: That the above /attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City of Lenoir, City Council duly held on the 3rd day of June 2025; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of June 2025.



Shirley M. Cannon, City Clerk

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

**ACCESS EASEMENT
from the CITY OF LENOIR
to CY REAL ESTATE, LLC, ATTN: LENOIR GOLF CLUB**

NORTH CAROLINA

CALDWELL COUNTY

THIS ACCESS EASEMENT (Easement), made this the ____ day of _____, 2025, from the **CITY OF LENOIR**, a North Carolina municipal corporation ("Grantor"), hereafter referred to as party of the first part;

TO

CY REAL ESTATE, LLC, ATTN: LENOIR GOLF CLUB, a North Carolina limited liability company ("Grantee"); hereafter referred to as party of the second part;

WITNESSETH:

THAT for and in consideration of payment by CY REAL ESTATE, LLC, ATTN: LENOIR GOLF CLUB, to the party of the first part the sum of **ten dollars (\$10.00)**, the receipt of which is hereby acknowledged, the party of the first part has this day bargained and sold, and by these presents does bargain, sell, convey, transfer and deliver unto the party of the second part an access easement to exist in perpetuity granting the right to access, cross, improve, and maintain the real estate hereinafter referred to, at any time it may see fit, in order to provide access to real estate owned by the party of the second part. Through conveyance of said access easement, the party of the first part claims and reserves no liability or responsibility, implied or otherwise, for construction of driveways, culverts, curb cuts, clearing, grading, the placement of fill dirt, seeding and restoration, or permitting, if necessary, for any improvements constructed herein and necessary for use of the access easement by the party of the second part;

The lands affected by the grant of this easement are located in the County of Caldwell, State of North Carolina, and are more particularly described in the following deed or deeds:

Deed to City of Lenoir recorded in Caldwell County Registry in Book 1986, at Page 1872.

The easement hereby granted covers a strip of land forty (40) feet in width, extending from the road right-of-way of Hibriten Drive, also known as North Carolina Department of Transportation Secondary Road 1178, across the real property described above and owned by the party of the first part, to the property line shared with the party of the second part. Said easement shall begin at the end of the guard rail on the southwest side of Hibriten Drive, SR1178, and extend with the road right-of-way to a point 40 feet northwest. Additionally, the easement lines extending perpendicularly from the road right-of-way shall vary in length as necessary to cross the real property of the party of first part, as indicated in the attached **Exhibit A**.

TO HAVE AND TO HOLD said easement unto CY REAL ESTATE, LLC, ATTN: LENOIR GOLF CLUB, its successors and assigns into perpetuity.

The CITY OF LENOIR, the party of the first part, does hereby covenant with CY REAL ESTATE, LLC, ATTN: LENOIR GOLF CLUB, the party of the second part, that the party of the first part will construct no improvements on said access easement without first obtaining written permission and approval from the party of the second part; that it is lawfully seized and possessed of the real estate above described; that it has a good and lawful right to convey said real estate and/or grant an easement encumbering said real estate, or any part thereof; that it is free from all encumbrances; and that it will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

As part of the consideration for this grant, the party of the first part does hereby release any and all claims for damages from whatsoever cause incidental to the exercise of the rights herein granted, provided the use of said easement by the party of the second part is consistent with the intent described herein.

IN WITNESS WHEREOF, said party of the first part has executed this easement in the manner required by law, the day and year first written above.

Name

Title

City of Lenoir (SEAL)

Name

Title

CY Real Estate, LLC, Attn: Lenoir Golf Club

NORTH CAROLINA

CALDWELL COUNTY

I, _____, a Notary Public of the county and state aforesaid, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this _____ day of _____, 2025.

Notary Public

My Commission Expires:



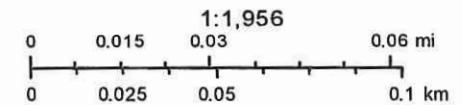
This map is NOT of land survey quality and is NOT suitable for such use.

Owner CITY OF LENOIR
PO BOX 958
LENOIR, NC 28645

Acct Number 107485
Parcel ID 09124 1 23
NCPIN 2759476423

Deferred Val \$0
Assessed Val \$21,700
Calc Acreage 0.767445
Land Units 1 (AC)
Legal Desc BK 1986 PG 1872 YR 20 ST 0.00
Plat Ref 00000/00000
Property Addr HIBRITEN DR

Golf Course Access - Hibriten Drive



September 16, 2024

EXHIBIT A – For Reference Only

(Not-to-Scale, Not Survey Quality)

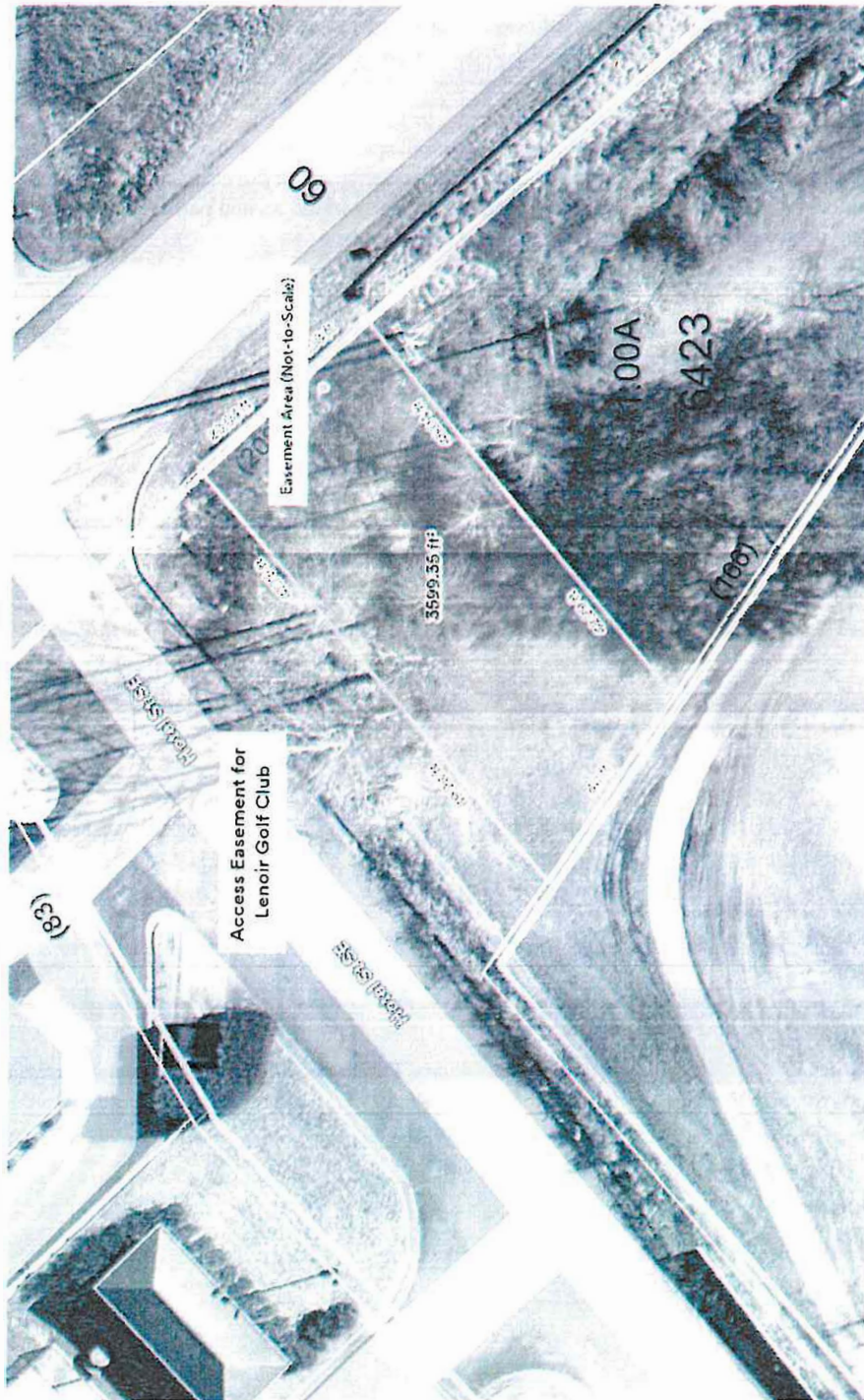


EXHIBIT B

TASK ORDER NO. 3

This **TASK ORDER NO. 3** dated the 3rd, day of June 20__, is a supplement to the **MASTER SERVICES AGREEMENT** between the City of Lenoir, North Carolina, dated **January 7, 2025**, hereinafter referred to as OWNER and McGill Associates, P.A., hereinafter referred to as "ENGINEER". The purpose of this Task Order is to authorize the ENGINEER to provide services for the "PROJECT" entitled:

The Campus – Environmental Assistance

SECTION 1 - PROJECT DESCRIPTION:

The project can generally be described as:

Environmental permitting assistance related to renovation of the existing building and site improvements located at 1129 West Harper Avenue, including pedestrian access and addition of a covered pavilion.

SECTION 2 - SCOPE OF SERVICES:

The Engineer shall provide all professional services (the "Services") for the Project including, performance of the following:

404/401 Permitting Assistance

1. A jurisdictional determination (JD) of the project area will be completed. The JD will include a delineation of the project area by McGill Associates, PA Environmental Specialists performed in accordance with the guidelines and standards of the US Army Corps of Engineers (USACE) – Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0), and the NC Division of Water Resources (NCDWR) – Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11. Any jurisdictional areas found on the property will be flagged and located with Global Positioning System (GPS) accuracy in the field.
2. During the site visit, a Federally listed Threatened and Endangered (T&E) Species survey will be completed in accordance with the Endangered Species Act of 1973. Any listed species occurrence or potential habitat areas found on the property will be flagged and located with GPS accuracy in the field. Based on findings, McGill Associates, PA will coordinate with the US Fish and Wildlife Service.

3. Jurisdictional wetlands and waters and T&E species or potential habitat will be located with sub-meter accuracy utilizing an Arrow 100 submeter Global Navigation Satellite System (GNSS) receiver GPS and the subsequent differential correction of that data. GPS points may demonstrate uncorrectable errors due to topography, vegetative cover, and/or multipath signal error. The provided digital map will be intended for informational purposes only and should not be used to determine precise boundaries, roadways, property boundary lines, nor legal descriptions. The map shall not be construed as an official survey of any data depicted.

4. If necessary, schedule and attend a field verification with USACE and NCDWR to discuss JD, proposed actions, resulting impacts to jurisdictional waters, and Clean Water Act 401/404 permitting requirements.

5. Produce and submit Nationwide 3 Permit Application/Pre Construction Notification package to the NCDWR and USACE with all required drawings, maps, forms, and other supporting documentation based on concurrence with agencies. Coordinate with agencies through permitting process completion.

6. Coordinate with design team and Client regarding permit conditions or mitigation requirements as they may affect final plans or project timeline.

Erosion Control Permitting Assistance

1. Prepare one (1) erosion control permit application, together with erosion control report and supporting calculations for submission to NCDEQ.

2. Address NCDEQ review comments.

3. Prepare one (1) application for NCG01 Certificate of Coverage.

Stormwater Permitting Assistance

1. Provide design and construction details for Stormwater Control Measures (SCM's) in compliance with the City of Lenoir NPDES Phase II Stormwater Ordinance. It is anticipated that one (1) SCM consisting of an underground infiltrating detention system will be needed to satisfy this ordinance.

2. Prepare one (1) stormwater permit application, together with stormwater report, Operation and Maintenance Manual, and supporting calculations for submission to the Western Piedmont Council of Governments (WPCOG) for review.

3. Address WPCOG review comments.

This Scope of Services is based on the following assumptions:

- All information provided to McGill Associates by the Owner will be deemed reliable for use as presented
- This OWNER will provide McGill Associates Personnel access to the project site.
- Stormwater maintenance easements will not be needed due to the SCM being constructed on City property.

SECTION 3 – COMPENSATION

The Owner shall pay the Engineer for services outlined in Task Order No. 3 the following Lump Sum amounts:

404/401 Permitting Assistance	\$16,500.00 Lump Sum
Erosion Control Permitting Assistance	\$ 4,500.00 Lump Sum
Stormwater Permitting Assistance	\$ 7,500.00 Lump Sum

SECTION 4 - MISCELLANEOUS

Except as otherwise provided herein, this Task Order supersedes all prior written or oral understanding of the parties and may only be changed by a written amendment executed by both parties.

SECTION 5 – AUTHORIZATION TO PROCEED

IN WITNESS WHEREOF, and as AUTHORIZATION TO PROCEED the parties execute below this Task Order No. 3 in duplicate originals:

EXECUTED this 3rd day of June, 2025.

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1951

SEAL

McGill Associates, P.A.


Douglas Chapman, PE
Hickory Office Manager

City of Lenoir

By: 
Scott Hildebran
City Manager

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

By: Donna Bean
Donna Bean
Finance Director



5-29-25

Jared Wright
Director of Special Projects & Grants
City of Lenoir
828-757-2153
jwright@ci.lenoir.nc.us

RE: Lenoir High School Redevelopment Project – Additional Services

Dear Jared,

Thank you for our discussion this morning regarding additional services to our original contract. As we discussed, the plumbing and mechanical scope for the gymnasium and auditorium have been expanded from the original scope. Please find the supporting documentation from Atlantec Engineering attached to this letter outlining original scope and scope additions. Also, we are providing dumpster enclosure details for the parking area that were not included in our original scope.

Per the outline above and supporting documentation we are proposing the additional services and 12.5% markup per our AIA B105 to include:

Additional PME fee:	Gymnasium: \$18,000 + 12.5%:	\$20,250
	Auditorium: \$14,000 + 12.5%:	\$15,750
Additional fee for dumpster enclosure:		\$ 1,500

Don't hesitate to reach out with any questions.

Thanks,

Ethan Page

Partner|Architect

Maurer Architecture

115.5 E Hargett St. Suite 300, Raleigh, NC 27601

(direct) 919-238-1784 | (office) 919-829-4969

October 29, 2024
Revised from September 30, 2024
Revised from July 31, 2024

Ethan Page, RA
Partner | Architect
Maurer Architecture
115 ½ E. Hargett St. Suite 300
Raleigh, NC 27601

Re: The Campus
Interior Renovations and Expansion
Former Lenoir High School
Lenoir, NC

Dear Ethan.

Atlantec Engineers is pleased to provide you with a proposal for the following engineering services:

- Our office will provide plumbing, mechanical, and electrical plans.
- Fire alarm design is included. Final preparation of shop drawings will be the responsibility of the fire alarm contractor.
- Fire sprinkler design services are not included.
- Design for voice, data, tv, security, and a/v system wiring, and components is not included. We will detail empty conduits and boxes as detailed by the tenant.
- Auditorium: ~7,000 SQFT / 500 Seats (Sprinklered Building)
 - New ~460 SF accessible ramp / backstage access addition
 - 2 green room ADA restrooms
 - 1 ADA restroom and 1 dressing room on stage level
 - New A-V equipment
 - Motorized blackout curtains
 - Stage lighting and associated infrastructure
 - Scope limitations:
 - HVAC work is limited to new exhaust for the restrooms and conditioned air for the dressing room and hallway for the ramp. We assume the systems for the remainder of the building are adequate and are not included in our scope.
 - We assume any demolition incidental to the above work does not involve relocating major mechanical or electrical equipment.
 - We assume waste and water is adequate for the bathroom addition. New connections will be made to the existing interior piping.
 - No existing PME plans are available. Our design work will be based upon our visual observation of exposed conditions.
 - There will be an A/V consultant for the stage lighting and associated infrastructure. Our office will coordinate with this firm

and detail the necessary conduit and power indicated by the A/V plans.

- The building is currently occupied and operational. We assume the existing electrical service is of adequate size and code complaint. We assume a panel may need to be added for the renovation along with the possible addition of another panel for the A/V requirements. We assume the electrical service can accommodate the addition of these new panels without need for replacement of the service gear.
- We assume the building has a functional, code compliant fire alarm system capable of supporting additional devices.
- **SCOPE ADDITIONS FROM 10/16/2024 Report:**
 - **Plumbing:** Domestic cold-water piping will be removed back to the main entry point of the auditorium basement. A new $\frac{3}{4}$ " domestic cold-water line will be provided at the point of entry to the building with a new $\frac{3}{4}$ " backflow preventor. New domestic cold-water piping will be routed to the new plumbing fixtures and new water heaters in the stage areas.
 - **Mechanical**
 - New outside air duct for approximately 1750 cfm for each of the air handling units would be provided with one or two intake louvers located in the existing window openings of the basement. Louvers would need to be a minimum of 12" above finished grade. With the addition of the outside air, code requires demand control ventilation and CO2 sensors located in the auditorium to modulate outside air to the space.
 - The ductwork in the basement for the air handling unit serving the North side of the auditorium will need to be reworked and routed to a new supply/return riser to accommodate the new roll-up door at the main level stage. Existing duct mounted smoke detectors shall be removed and re-installed as required to accommodate the duct modifications. The ductwork for this unit going from the main level to the upper level shall be removed. New ductwork from the basement to the upper level shall be provided and connected to the upper level duct as required.
 - All new ductwork is to be insulated sheet metal duct with 2" foil backed insulation.
 - The existing gas piping serving the two duct furnaces is to remain.
 - We propose having a pre-tab on supply/return airflows for the system to ensure that the new system is balanced correctly. Pre-tab shall be performed by a certified test and balance professional.
 - We propose removing and reworking the air distribution for the auditorium/balcony and adding new supply diffusers to provide even air distribution throughout. Currently there are only six supply diffusers in the auditorium/balcony which does not seem sufficient.

- **Electrical** The fire alarm panel is an old Simplex 4002, zoned system. Audio/visual devices did not appear to comply with the current code requirements. New Audio/visual devices will have to be installed along with a new fire alarm panel.
- **Gymnasium: ~10,000 SQFT (Currently a Non Sprinklered Building)**
 - ~300 SF warming kitchen addition.
 - ~200 SF elevator/stair addition.
 - New group toilets, dressing rooms, and multipurpose space on main level.
 - New fire alarm and sprinkler system.
 - Retractable basketball goals.
 - Motorized window shades.
 - **Scope Limitations:**
 - We will provide a line items for a grease trap. Other than detailing a grease trap, site design services are not included. We assume the existing water service is of adequate size. Connections to waste and water will be to existing interior piping.
 - Design for a type 1 commercial hood is not included.
 - The information you sent as part of the RFP on the campus stated the gymnasium recently had HVAC upgrades. We would like to obtain copies of these plans and the contact information for the installing contractor.
 - No existing PME plans are available. Our design work will be based upon our visual observation of exposed conditions
 - In addition to the areas of work above, all existing lighting, power, etc. for the remainder of the building will remain with the following exceptions: new lights in the gymnasium and potentially a few additional convenience outlets.
 - We assume the existing electrical service will need to be upgraded.
 - **SCOPE ADDITIONS FROM 10/16/2024 Report:**
 - **Plumbing:** All sanitary waste and domestic hot/cold water piping is to be removed/abandoned from the building. All existing water heaters are to be removed from the building. We recommend having civil provide a new 2" domestic cold water tap/meter and 4" sewer tap to the building. Currently there is only a 1" domestic cold water tap to the building which would not be sufficient for flush valve type fixtures.
 - **Mechanical**
 - All mechanical equipment (fans, heaters, split systems, etc...) shall be removed from the building. General contractor to patch existing wall and roof openings as required.
 - All gas piping to be removed back to the existing 0.5 psi gas meter. Provide new 2.0 psi gas meter. New gas piping will be provided and routed to the new rooftop units, water heater, and split system furnaces.
 - All new natural gas piping is to be schedule 40 black steel.

- New ductwork to be exposed double wall spiral duct in exposed areas and rectangular sheet metal duct with 2" foil backed insulation where dropped ceilings are provided.
 - The new gang toilets and multi-purpose room will be conditioned by an estimated new 4-ton packaged rooftop unit with DX cooling and gas heat. A new roof curb will be provided for unit. The unit will be equipped with 208/3 power, outside air intake hood, demand control ventilation, programmable thermostat, and hot gas reheat for dehumidification purposes. The unit size is based on 200 sqft/ton in the multi-purpose room and 400 sqft/ton in the toilets/storage area.
 - The gymnasium will be conditioned by either one of the following options based on 200 sqft/ton as outlined in the report.
 - The basement would be conditioned by a combination of multiple split system furnaces for a total of 10.5 tons. This space is anticipated as a mix of multipurpose/storage with tonnages based on roughly 300-350 sqft per ton for the multipurpose, and 600 sqft/ton for storage.
- **OVT Pavilion**
 - 4,320 sq. foot outdoor pavilion similar to the pdf document included in your 9/24/24 email.
 - Open area space with lighting, power, ceiling fans, and a wood burning fireplace.
 - A few hose bibs will be detailed. The water line for the hose bibs will be run from the LEOS Building.
 - Only plumbing and electrical design will be provided.
- **LEOS Building Renovation**
 - Renovation of the building as outlined in the pdf document included in your 9/24/24 email. This will be a single tenant building with an area of approximately 4,600 sq. ft. The area will have a small warming kitchen. Design for a grease trap or type 1 commercial hood is not included.
 - Plumbing, mechanical, and electrical design.
 - Fire alarm design as required by code. Final preparation of shop drawings by the fire alarm contractor. The existing fire alarm panel appears to be in good condition.
 - Fire sprinkler design is not included.
 - Design for audio visual systems for the OVT flex space is not included. Theatrical lighting design would be an additional scope that could be provided but is not included in the base scope.
 - This will be considered a single tenant.
 - HVAC design:
 - Reuse the two packages rooftop units as they were relatively new.
 - Depending upon load calculations, possible addition of units for the back of the building which is currently unconditioned.
 - Detail replacement of the existing gas piping which is in poor condition.

- Plumbing would connect to existing interior waste and water services. A new backflow and water heater(s). Will be designed. It is feasible to use the existing water heater. The existing water heater is quite large and appears to be in great condition.
 - Electrical new power and lighting. The existing 250-amp electrical service panel is in good condition. We will plan to reuse this panel. If possible, a feeder from this panel will be run to the OVT Pavilion.
- Phase and deliverables will be as follows:
 - Schematic Design (limited to a written summary of existing systems and proposed systems).
 - Design development
 - 90% review
 - Attend one virtual design review meeting at DD and 95%.
 - 100% permit documents
 - 100% bid and construction documents
- Construction administration services will be limited to submittal review and RFI response. We will provide a per trip charge for requested site observation.

Fees:

- Construction Documents:
(Billed at 15% for SD, 30% for DD, and 55% for CD)
 - Auditorium: \$16,000.00
 - **Additional fee from scope changes from 10/16/24 report:**
 - **\$14,000.00**
 - Gymnasium: \$25,000.00
 - Grease Trap: \$1,200.00
 - **Additional fee from scope changes from 10/16/24 report:**
 - **\$18,000.00**
 - OVT Pavilion: \$6,500.00
 - LEOS Building: \$17,000.00
- Construction administration services:
 - Auditorium: \$3,000.00
 - Gymnasium: \$5,000.00
 - OVT Pavilion: \$1,000.00
 - LEOS Building: \$3,000.00
- Site Observation: \$1,500.00 per trip, per engineer.

Sincerely,

David J. Whitney, PE

Atlantec Engineers, PA

**CITY OF LENOIR
COUNCIL ACTION FORM**

June 3, 2025

I. Agenda Item:

Fercott Fermentables Sidewalk Café – 107 Main St NW

II. Background Information:

See attached application. The sidewalk café must meet all provisions of Sec. 13-3 of the Lenoir City Code. This sidewalk café tables and chairs will be removed while business is closed. Fercott Fermentable's hours are Wednesday to Friday, 4-9PM and Saturday, 2-8PM. This business is in the Social District and is permitted by the City of Lenoir Planning Department to sell alcoholic beverages in the Social District. Alcoholic beverages sold and consumed in the Fercott sidewalk café shall be in Social District containers, according to the Social District Management and Maintenance Plan.

III. Staff Recommendation:

Approval of the sidewalk café permit application as submitted by staff with the following conditions:

1. Current copy of Certificate of Liability Insurance naming the City as the certificate holder must be provided to the Planning Department.
2. All alcoholic beverages sold and consumed in the Fercott sidewalk café shall be in Social District containers, according to the Social District Management and Maintenance Plan.
3. A 5 ft. clear pedestrian path must be maintained to provide access to the public sidewalk adjacent to Main Street.
4. The sidewalk café shall only operate during Social District hours, as outlined by the Social District ordinance (Sec. 13-92, Lenoir Code of Ordinances).
5. Any fixtures aside from the table and chairs shall be subject to the Planning Director's review.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director: _____

Hannah Williams

SIDEWALK CAFE PERMIT APPLICATION

CITY HALL • 801 WEST AVENUE NW • PO BOX 958 • LENOIR, NC 28645

The City of Lenoir allows sidewalk cafes within the downtown Municipal Service District when a permit is approved by City Council, in accordance with Sec. 13-3 of the Lenoir City Code. For questions about this application form or the rules pertaining to sidewalk cafes in the City of Lenoir, please contact the Planning Dept. at 828.610.8442. PERMITS ARE GOOD FOR A PERIOD OF 1 YEAR AND MUST BE RENEWED ANNUALLY.

Submittal Checklist:

- ☐ **Application Form**
- ☐ **Site Plan (including dimensions):**
 - Must show all tables, chairs, walkway areas, and entrances/exits to the restaurant.
 - Must show location and materials of temporary barrier to be erected around the cafe.
 - Must show 5 ft. clear pedestrian path on sidewalk adjacent to cafe area.
- ☐ **Documentation of Public Liability Insurance**
 - Must carry \$1,000,000.00 insuring against personal injury, wrongful death and property damage, including the City as a party insured and insuring the City against any liability resulting from the uses permitted pursuant to Section 13-3 of the Lenoir City Code.
- ☐ **Copies of All Permits and Licenses**
 - County Health Department and any other applicable regulatory agencies
 - Current ABC/ALE permits if the sidewalk cafe intends to serve alcoholic beverages on the public sidewalk. NOTE: revised permits may be required to include the expanded areas.

Permit Information:

Property Address: 107 Main St NW NC PIN: 2749870271

Zoning District: B-3 Located within Municipal Service District? Yes ☒ No ☐

Business Name: Fercott Fermentables

Will ABC permit include sidewalk cafe area? Yes ☐ No ☒ *Not needed w/ Social District rules in place*

Number of seats in Restaurant: 34 Number of seats* proposed for sidewalk cafe: 2-3

*Note: seating in sidewalk café can not exceed 50% of the seating within the restaurant.)

Contact Information:

Jennifer Indicott
Name of Restaurant Operator

107 Main St NW
Street Address

Lenoir NC 28645
City State Zip

Phone Number: 828-394-9069

Fax Number: N/A

Email: fercottfermentables@gmail.com

Owner's Signature:

Jennifer Indicott

By signing, I certify that the information presented in this application is true to the best of my knowledge and I consent to enter into a hold-harmless agreement with the City and comply with all provisions of the City ordinances in the establishment and operation of the sidewalk café described in this application.

OFFICIAL USE ONLY: City Council approved on _____ Permit No. _____

PAGE 2—SIDEWALK CAFE REQUIREMENTS

The City specifically retains the right to revoke or suspend a sidewalk cafe permit if the permittee fails to comply with the following city requirements, is found to have provided false or misleading information in the permit application, or the City otherwise deems it in the interest of the public health, safety, or welfare. The City shall have the right to suspend or prohibit the operation of a sidewalk cafe at any time and for any necessary period of time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades or marches, repairs to the street or sidewalks, or from demonstrations or emergencies occurring the area.

General Requirements

- ☐ Permit is good for a maximum period of 1 year.
- ☐ Sidewalk cafe must be conducted as an accessory or incidental use to a legally established restaurant or other eating and drinking establishment (the "associated restaurant"), located on a contiguous adjacent parcel. The associated restaurant must be under the same management as the sidewalk café and share the same name, food preparation facilities, restroom facilities and other customer conveniences.
- ☐ Sidewalk dining may not constitute more than 50 percent of the total seating capacity of the associated restaurant.

Locational and Operational Requirements

- ☐ Majority of area in which the sidewalk cafe will be operated shall be on the public sidewalk directly in front of the associated restaurant, or to the side of the building if the associated restaurant is located on a corner lot.
- ☐ A 5-ft. wide unobstructed pedestrian path must be maintained at all times within the public sidewalk area and handicapped accessibility shall be provided. A temporary, physical barrier must be erected separating the permitted area from the unobstructed sidewalk.
- ☐ All tables, chairs, and other items shall be placed so as not to present a sight hazard to vehicular traffic or a hazard to pedestrians. Use of public amenities such as benches or seats is prohibited. Furniture material must be commercial grade, sturdy, safe, of quality workmanship, and aesthetically complement the permittee's property and the character of the business district where the furniture will be located.
- ☐ All outdoor dining furniture must be movable. Umbrellas must be secured with a minimum base weight of at least 60 lbs. Tables, chairs and other items (excluding planters) must be removed at the end of each day or during the period of the year when the cafe ceases operation. No materials may be stored in the public right-of-way.
- ☐ Hours of operation may be the restaurant's normal operating hours Monday—Saturday and after 12:00 noon on Sunday.
- ☐ The cafe area shall be maintained in a clean and sanitary manner, including daily sweeping and immediate cleaning and washing any liquid, food, debris, broken glass and other trash from the right-of-way. Overnight storage of trash is prohibited.

Alcoholic Beverages Sales

- ☐ Restaurant must otherwise be able to serve alcoholic beverages for on-premises consumption under state and local law and the sidewalk cafe must be included as part of the premises for which an ABC permit is issued.
- ☐ Signs shall be posted that it is unlawful to remove alcoholic beverages from the sidewalk cafe area. —Social District??
- ☐ The restaurant operator shall not have violated any laws relating to intoxicating beverages or controlled substances for three years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe. No outdoor bar or outdoor preparation of alcoholic beverages is permitted, except that wine may be decanted or beer poured at a table as a part of a meal.
- ☐ Alcoholic beverages must be served and consumed in glasses or cups which bear no markings other than the logo or the name of the business operating the sidewalk cafe.
- ☐ Alcoholic beverages can only be served to and consumed by a customer while that customer is consuming a meal purchased from the business operating the approved sidewalk cafe.

107 Main St NW
Lenoir NC

curb at Street

8 feet
clearance
from seating
to curb for
pedestrian
path

13 feet from window
to curb

city
planter
(brick
box)

outside
dining
table

display
window

Alcove
(fired area)

display
window

107 Main St NW



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/30/2025

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 have **ADDITIONAL INSURED** provisions or 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 Baker & Company Insurance Inc 121 W Plymouth St Bremen, IN 46506	CONTACT NAME: Robyn Goehring PHONE (A/C, No, Ext): 574-546-2685 E-MAIL ADDRESS: robyn@bakerandcompanyinsurance.com FAX (A/C, No): 574-546-3527														
INSURED Fercott Fermentables 107 Main St Nw Lenoir, NC 28645	<table><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A: Liberty Mutual</td><td></td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Liberty Mutual		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES**CERTIFICATE NUMBER:****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	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X		BKS63437918	07/07/2024	07/07/2025	EACH OCCURRENCE \$ 1000000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300000 MED EXP (Any one person) \$ 15000 PERSONAL & ADV INJURY \$ 1000000 GENERAL AGGREGATE \$ 2000000 PRODUCTS - COMP/OP AGG \$ 2000000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

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

Listed as Additional Insured

CERTIFICATE HOLDER**CANCELLATION**

City of Lenoir 801 W Avenue 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
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RESOLUTION

In Recognition of Dedicated Service



WHEREAS, on the 14th of February, in the year 2005, Jason Mark Parker was appointed Patrol Officer II for the City of Lenoir Police Department by Chief Joey Reynolds and has admirably and with great distinction, served the citizens of Lenoir during the tenures of three Police Chiefs;

THAT, prior to being hired by the City of Lenoir, Jason served as a Deputy with the Catawba County Sheriff's Office, a Caseworker for Caldwell County Health and Human Services, and served his country as an Operation Specialist with the United States Navy where he received the following medals and decorations: National Defense, Joint Meritorious Unit Medal, Silver Wreath Award and Southwest Asia Service Medal;

THAT, due to his diligent performance and exemplary leadership skills, Jason was promoted to Master Patrol and School Resource Officer in 2008 and transferred to Investigations in 2013 where he moved up in the ranks to his current position as Senior Detective;

THAT, Jason has been invaluable as a Mentor to new officers and served in a number of capacities to include Financial Crimes, Crime Scene and Homicide Investigations, Special Response Team, Crisis Intervention and Negotiations Team, Evidence Custodian, Gang Investigators Association, Crime Stoppers Program, D.A.R.E. Instructor, and Bike Patrol;

THAT, while working for Lenoir, Jason received the Advanced Law Enforcement Certificate from the NC Criminal Justice Education and Training Standards Commission, completed Police Law Institute, and served on a number of Committees and Task Forces to include NC Anti-Counterfeiting, Money Laundering, and Juvenile Crime Prevention Council;

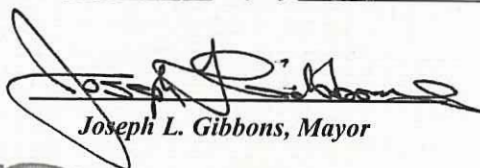
THAT, Detective Parker has played an active, vital role in the community and shown his willingness to go above and beyond what is expected for the department, city, and community. He has received a number of accolades throughout his career to include American Legion Officer of the Year, Golden Ticket Customer Service Award, Certificate of Merit, Hostage Negotiator, 20-year Safe Driver Award, and Caldwell County Rotary Officer of the Year;

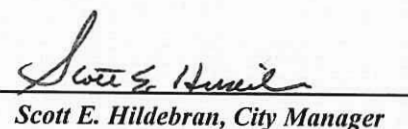
THAT, society and law enforcement has undergone many changes and challenges over the last 26 years, and Jason has stayed abreast through those changing trends to remain an effective leader, role model and mentor to all whom he meets;

THAT, Jason has humbly served the citizens of the City of Lenoir and Caldwell County and will be retiring on June 1, 2025 with over 26 years of creditable service in the North Carolina Local Government Retirement System.

THEREFORE, BE IT RESOLVED, by authority of the Mayor and City Manager, and on behalf of the City Council, that Senior Detective Jason Mark Parker been an exemplary employee and is himself the epitome of the professional Law Enforcement Officer. His contributions to the safety and well-being of the citizens of Lenoir and officers of the Lenoir Police Department will be held in high esteem and in remembrance by this governing body, as well as all persons impacted by his accomplishments, generosity, and compassion for those in need;

THIS, the 3rd day of June, 2025.


Joseph L. Gibbons, Mayor


Scott E. Hildebran, City Manager

CITY OF LENOIR
2025 UNIFOUR CONSORTIUM HOME PROGRAM
CAPITAL PROJECT BUDGET ORDINANCE

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

Section 1. The project authorized is the HOME project described in the work statement contained in the Grant Agreement (#M25-DC370208) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY 2025 Unifour Consortium HOME Program (City of Lenoir, is the lead entity).

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

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

Revenue from HOME Grant	\$ 984,230.65
Anticipated Program Income	<u>300,000.00</u>
Total Revenues	\$1,284,230.65

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

Downpayment Assistance (HOME Funds)	\$ 431,173.00
Downpayment Assistance (From Program Income Funds)	270,000.00
Program Income Administration	30,000.00
HOME CHDO (From HOME Grant HOME Funds Allocation)	147,634.60
Multi-Family Housing	307,000.00
General Program Administration	<u>\$ 98,423.05</u>
Total Expenditures	\$1,284,230.65

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

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

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

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

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

Adopted this the 3rd day of June, 2025.



Mayor



Clerk

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851
SEAL

CITY OF LENOIR
2025 COMMUNITY DEVELOPMENT BLOCK GRANT
CAPITAL PROJECT BUDGET ORDINANCE

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

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#B-25-MC-37-0022) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY-2025 CDBG Entitlement Program.

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

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

Revenues

Community Development Block Grant	\$136,612.00
Total Revenues	\$136,612.00

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

Expenditures

Public Facilities (Lenoir High School)	\$110,994.60
Program Administration	27,322.40
Total Expenditures	\$136,612.00

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

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

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

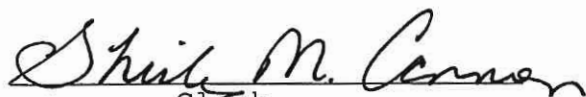
Section 8. The Budget Officer is directed to include a detailed analysis of past and future cost and revenues on this grant project in every budget submission made to this Board.

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

Adopted this the 3rd day of June, 2025.



Mayor



Clerk

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

BK 2136 PG 1571 - 1572 (2)

This document presented and filed:
06/04/2025 10:49:33 AM

Fee \$26.00

Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

**AN ORDINANCE DIRECTING THE MINIMUM HOUSING INSPECTOR TO REMOVE OR
DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN
HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE
SAME MAY NOT BE OCCUPIED.**

WHEREAS, the City Council of the City of Lenoir finds that the dwelling described herein is unfit for human habitation under the City Housing Standards, and that all of the procedures of the Minimum Housing Standards have been complied with; and

WHEREAS, this dwelling should be removed or demolished, as directed by the Minimum Housing Inspector, and should be placard thereon the notice prohibiting use for human habitation; and

WHEREAS, the owners of this dwelling, **MEGAN MONTANA GRAGG**

KAYLA DENISE SHATLEY, CALLIE ANN WHITE, have been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Standards accordance with G.S. 160A-443 (5) pursuant to an order issued by the Minimum Housing Inspector on January 10, 2025 and the owner has failed to comply with the order;

NOW THEREFORE BE IT ORDAINED BY the City Council of the City of Lenoir that:

Section 1. The Minimum Housing Inspector is hereby authorized and directed to place a placard containing the following:

"This building is unfit for human habitation: the use or occupation of this building for human habitation is prohibited and unlawful."

on the building located at the following address: **708 Ridgeway PI SW**

Parcel-ID 06-201-2-23

Lenoir, North Carolina

NCPIN 2758148217

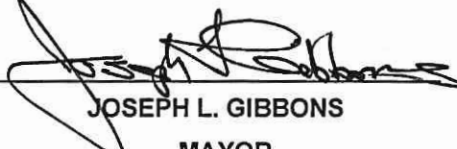
Section 2. The Minimum Housing Inspector is hereby authorized and directed to proceed to remove or demolish the described above dwelling in accordance with this Order, and in accordance with the City of Lenoir Minimum Housing Code, and NCGS 160D-1203.

Section 3. The cost of demolition and improvement of the lot shall be a tax lien on the real property as provided by G.S. 160D-1203 (7).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall be likewise unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. A copy of this ordinance shall be recorded in the Register of Deeds of Caldwell County, North Carolina, and indexed in the name of the property owner or owners in the grantor index.

Adopted this the 3rd day of June, 2025.



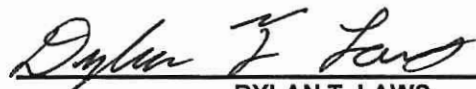
JOSEPH L. GIBBONS
MAYOR

ATTEST:



SHIRLEY M. CANNON
CITY CLERK

APPROVED AS TO FORM:



DYLAN T. LAWS
ATTORNEY

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

BK 2136 PG 1573 - 1574 (2)

This document presented and filed:
06/04/2025 10:49:34 AM

Fee \$26.00



10107442

Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

City of Lenoir ✓

AN-ORDINANCE DIRECTING THE LENOIR HOUSING INSPECTOR TO CAUSE THE PROPERTY HEREIN DESCRIBED TO BE VACATED AND CLOSED AND FURTHER DIRECTING THAT A PLACARD BE POSTED ON THE MAIN ENTRANCE OF EACH UNIT INDICATING THEREON THAT IT IS UNFIT FOR HUMAN HABITATION AND THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, The property at 831 Montclair Cir is developed with a single family home, which have been the subject of numerous and ongoing neighborhood complaints for the past two years, *and*

WHEREAS, On February 5, 2025 Code Compliance Officer served an administrative warrant at the above referenced property, where during the search substandard housing conditions were observed, including tenants living without water and power, a collapsing deck under which tenants are residing in tents, holes in roof and walls of house, and other deteriorating conditions on the property, *and*

WHEREAS, Following the hearing, the Code Compliance officer determined the units to be "Deteriorated" and ordered on February 14, 2025 that the violations be abated, or that the units be vacated and secured within 30 days, *and*

WHEREAS, the owner has failed to comply with the Housing Officer's Order to Abate the violations within the time prescribed, and has not taken the necessary actions to vacate and secure the property; *and*

WHEREAS, Sec. 10-33 of Lenoir's Minimum Housing Ordinance, "Failure to Comply with Order," states that "if the owner fails to comply with an order to repair, alter, or improve, or to vacate and closing the dwelling, the [Housing Inspector] may cause the dwelling to be repaired, altered, or improved, or to be vacated and closed, and the public officer may cause to be posted on...any dwelling so closed a placard with the following words: 'This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.'" And further states, "the duties...set fourth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the [Housing Inspector] to proceed

NOW THEREFORE BE IT ORDAINED BY the City Council of the City of Lenoir that:

Section 1. The Minimum Housing Inspector is hereby authorized and directed to place a placard at the main entrance of each dwelling with the following words:

"This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

Section 2. The Minimum Housing Inspector is hereby authorized and directed to proceed to vacate and secure the described above dwelling(s) in accordance with this Order, and in accordance with the City of Lenoir Minimum Housing Code.

Section 3. Any costs incurred to vacate and close the units shall be a tax lien on the real property.

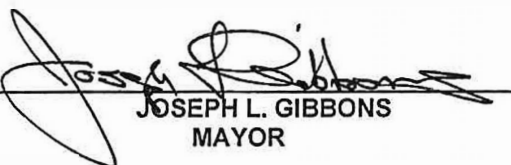
Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall be likewise unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. The owner shall have a period of one year to make the repairs, as originally ordered by the Housing Inspection. Units may be re-opened only after an inspection by the Housing Inspector.

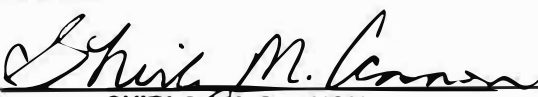
Section 5. A copy of this ordinance shall be recorded in the Register of Deeds of Caldwell County, North Carolina, and indexed in the name of the property owner or owners in the grantor index.

Section 6. This ordinance shall become effective upon adoption.

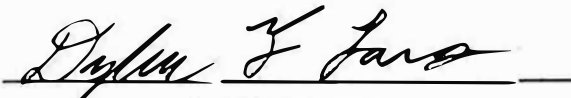
Adopted this the 3rd day of June 2024.


JOSEPH L. GIBBONS
MAYOR

ATTEST:


SHIRLEY M. CANNON
CITY CLERK

APPROVED AS TO FORM:


DYLAN T. LAWS
ATTORNEY

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851
SEAL