



AGENDA

**CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, JUNE 17, 2025
6:00 P.M.**

I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Special Recognition: On behalf of City Council, Mayor Gibbons will present a resolution to Lieutenant Christopher Robinson who retired from the Lenoir Police Department with 27 years of creditable service in the North Carolina Local Government System.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. Rezoning; 824 Lower Creek Drive: A public hearing will be held to consider a rezoning request as requested by Marty Waters, Applicant, Kestral Holdings, LLC for property located at 824 Lower Creek Drive NE to be rezoned from (CZR-15) Conditional Zoning to B-1 Neighborhood Business as submitted. The Planning Board is in approval of the proposed rezoning based on the following consistency statement:

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan's future land use map identifies this parcel as "existing medium density residential" in yellow, flanked by "existing non-residential" and "existing high residential density" zones to the south and west and existing medium residential density" to the north and east. The proposed rezoning is consistent with the goals and policy concepts of the Comprehensive Plan, as this would establish and reinforce the presence of either non-residential, lower intensity uses or residential uses should the applicant decide to pursue that route.

- B. Special Use Permit; Water Tower Improvements; 345 Finley Avenue: A quasi-judicial public hearing will be held to consider a Special Use Permit to install an updated water tower with improved water pressure at city owned property located at 345 Finley Avenue, NCPIN #2840908724 and the three (3) conditions listed below and on page 7 of the Staff Report.
 - 1. Any new lighting for the water tower use shall be fully cut-off and shielded so as to eliminate and minimize light spill-over onto adjacent residential properties.
 - 2. Valid permits and inspections must be obtained for this use, including and any other federal, state, or local regulation that applies.
 - 3. The applicant must obtain zoning from the Lenoir Planning Department within two years of the issuance of the Special Use Permit (SUP). All proposed changes must adhere to Sec. 819(5-2) North Main Overlay District) of the Lenoir Zoning Ordinance.

The Planning Board is in approval of the proposed Special Use Permit based on the following consistency statement:

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan lays out policy goals regarding its Public Services, and Public Utilities is one of several public services the City of Lenoir provides. The comprehensive plan acknowledges and encourages utility infrastructure improvements as necessary “depending on the nature of that growth and development.” This project falls in line with necessary improvements to infrastructure in conjunction with Lenoir’s growth and change.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the City Council minutes of the meeting of Tuesday, June 3, 2025 as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, May 27, 2025 as submitted.
- C. Closed Session Minutes: Approval of the closed session minutes of Tuesday, May 27, 2025 as reviewed by the City Council and City Manager.
- D. Budget Amendment: Request for amendments to be made to the annual Budget Ordinance for the Fiscal Year ending June 30, 2025 as follows:
 - 1. Approve the reallocation of general fund expenditures for such obligations as needed repairs for various equipment and buildings during the fiscal year as well as professional services for various projects.
 - 2. Approve the reallocation of enterprise fund expenditures such as equipment and contracted services.
 - 3. Approve the funding for Main Street expenditures.
- E. Resolution: Approval of the resolution presented to Lieutenant Christopher Robinson in honor and recognition of 27 years of service to the Police Department, City of Lenoir and its citizens.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

- 1. The City of Lenoir is hosting a Juneteenth Celebration at the downtown Lenoir Stage on Thursday, June 19, 2026 from 4:00 to 9:00 p.m. The event is free to the public.
- 2. AL G & Friends will be playing Soul, R& B, and Funk at Friday Night Live on Friday, June 20, 2025. The event is free to the public.
- 3. The Planning Board will meet on Monday, June 23, 2025 at the City/County Chambers.
- 4. The Committee of the Whole will meet on Tuesday, June 24 at 8:30 a.m. at City Hall, Third Floor Conference Room.
- 5. The fourth annual Neon Night Ride will be on Friday, June 27, 2025 at the Lenoir Rotary Complex. The event starts at 8:30 p.m. More details are available at www.cityoflenor.com/nnr.
- 6. The Foothills Regional Airport Authority will meet on Wednesday, June 25, 2025 at noon at the airport authority.
- 7. City Council will not meet on Tuesday, July 1 due to the holiday week. The next City Council meeting will be held on Tuesday, July 15 at 6:00 p.m. at the City/County Chambers.
- 8. The annual Fireworks Display will be held on Saturday, July 5, 2025 beginning at 9:30 a.m. Optimist Park. Please note date change.

9. The North Carolina Blackberry Festival will be on Friday, July 11 and Saturday, July 12 in downtown Lenoir. The festival is open from 5:00 to 9:00 p.m. on Friday and from 9:00 a.m. to 9:00 p.m. on Saturday.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Annual Board Appointment/Re-Appointments: Mayor Gibbons will present the following individuals to be appointed/re-appointed to the City's Authorities/Boards/Commissions for various term lengths.

Caldwell Railroad Commission

David Stevens (2027)

Todd Perdue (2027)

Parks and Recreation Advisory Board

Melissa Hong (2027)

Rebecca Hites (2027)

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT



RESOLUTION

In Recognition of Dedicated Service



WHEREAS, on the 12th of December, in the year 2002, Christopher Alan Robinson was appointed Patrol Officer II for the City of Lenoir Police Department by Chief Jack Warlick and has admirably and with great distinction, served the citizens of Lenoir during the tenures of four Police Chiefs;

THAT, prior to being hired by the City of Lenoir, Chris held a position as Corporal in the Special Police Division at Catawba Memorial Hospital, where he was assigned as Training Officer and Bike Patrol Supervisor. He also worked for Granite Falls Police Department for nearly three years;

THAT, due to his diligent performance and exemplary leadership skills, Chris served on the department's Traffic Team for nearly five years before being promoted to Platoon Sergeant in 2009. He transferred to Investigations and Supervised the Narcotics Division in 2014 before being promoted to Lieutenant in 2015, where he served in a number of capacities including Road Patrol, Logistics and Training Coordinator;

THAT, Lieutenant Robinson has been invaluable as a Recruiter, Mentor to new officers and served on many Oral Assessment Boards at other agencies. He has been a member of our Special Response Team and served as Field Training Officer, Advanced Traffic Crash Reconstructionist, Child Passenger Safety Seat Senior Technician, Safe Kids Secretary, Fraternal Order of Police President and Crisis Intervention Team. He has been instrumental in developing and instructing classes in Basic Law Enforcement, Citizens Police Academy, Driving, General and State Mandated In-Service;

THAT, while working for Lenoir, Chris received the Advanced Law Enforcement Certificate from the NC Criminal Justice Education and Training Standards Commission, completed First Line Supervision, FBI Command College and Police Law Institute and served on a number of Committees;

THAT, Lieutenant Robinson 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 and awards throughout his career to include the City of Lenoir Golden Rule for excellent Customer Service, Officer of the Year, Certificate of Merit, and completed the FBI-Law Enforcement Executive Development Association Trilogy Program;

THAT, society and law enforcement has undergone many changes and challenges over the last 27 years, and Chris has stayed abreast through those changing trends to remain an effective leader, role model and mentor to all whom he meets;

THAT, Chris has humbly served the citizens of the City of Lenoir and Caldwell County and will be retiring on June 1, 2025 with 27 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 Lieutenant Christopher Alan Robinson 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 _____ day of _____, 2025.

Joseph L. Gibbons, Mayor

Scott E. Hildebran, City Manager

CITY OF LENOIR

COUNCIL ACTION FORM: June 17, 2025

I. Agenda Item:

Public hearing for R 5-25.

Applicant Marty Waters is requesting to re-zone the subject property (824 Lower Creek Dr) to B-1 (neighborhood business) to allow for a variety of development opportunities where only residential and an office use is permitted via Special Use District.

II. Background Information:

The applicant is requesting a zoning change from CZ/R-15 to B-1 in order renovate or replace the current Farm Bureau building for future office space, restaurant space, or pursue an opportunity to create multi-family housing. The subject property has a legacy conditional zoning designation and only allows for permitted uses in R-15 and the office use that was established in 1980 and reapproved via special use district in 2007. The property is now considered a legacy conditional zoning district because special use districts are no longer constitutional in the state of North Carolina. The applicant is currently in the due diligence period to acquire the property from Caldwell County Farm Bureau.

III. Staff and Planning Board Recommendation:

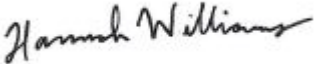
Planning Board recommends approval of the proposed rezoning based on the following consistency statement:

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan's future land use map identifies this parcel as "existing medium density residential" in yellow, flanked by "existing non-residential" and "existing high residential density" zones to the south and west and "existing medium residential density" to the north and east. The proposed rezoning is consistent with the goals and policy concepts of the Comprehensive Plan, as this would establish and reinforce the presence of either non-residential, lower intensity uses or residential uses should the applicant decide to pursue that route.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____



Staff Report

Zoning Amendment

CASE NUMBER R #5-25

LOCATION MAP/AERIAL PHOTOGRAPH



SUMMARY

Owner

Caldwell County Farm Bureau
(Matthew Bowman)

Applicant

Kestrel Holdings LLC
(Marty Waters)

Location

824 Lower Creek Dr NE

NC PIN

2850706818

Project Planners

Hannah Williams, AICP, CZO
Matt Duchan, CZO

Description of Request:

The applicant is requesting to rezone the subject property (.6 AC) from CZ-L/R-15 (legacy conditional zoning with R-15 base zoning) to B-1 (neighborhood business) to consider several different development options on the property.

Staff Recommendation:

Approval of the request, based on the consistency statement on page 8.

Planning Board Recommendation:

Approval of the request, based on the consistency statement on page 8.

Public Comment:

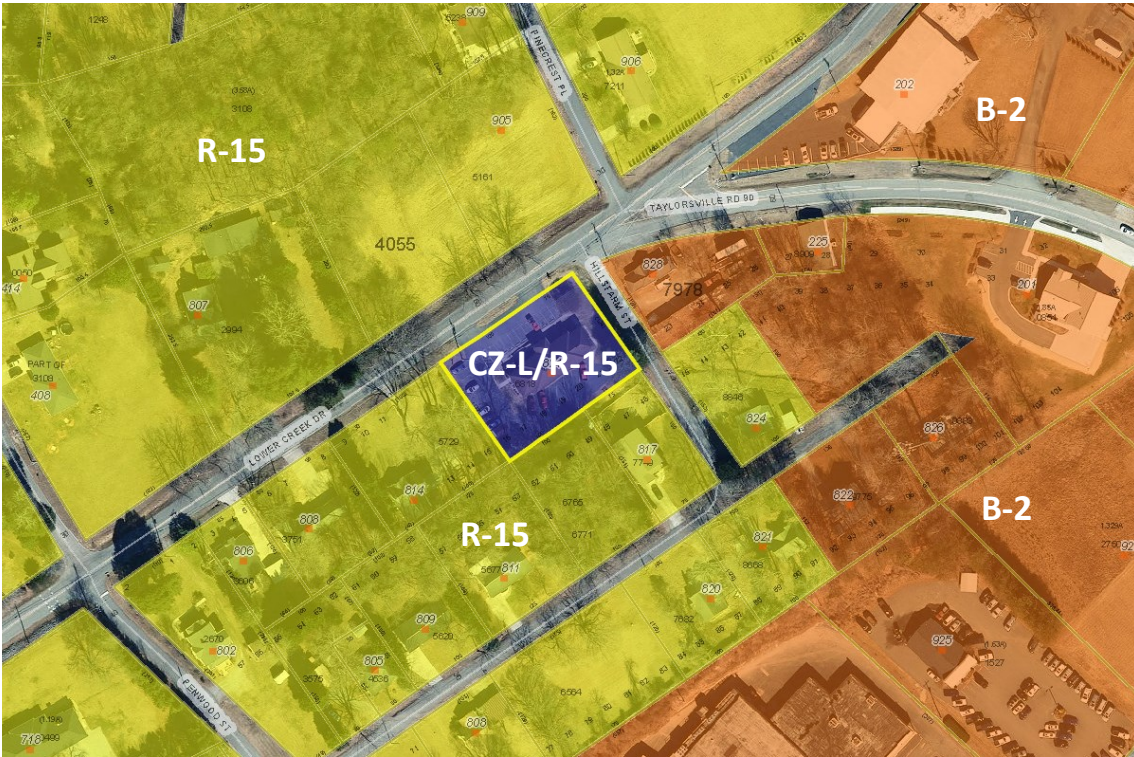
Planning Board Meeting: May 19, 2025.
Notice of the meeting was mailed to the

owners of all adjacent parcels (identified on map above) May 9, 2025.

City Council (Public Hearing): Scheduled for June 17, 2025.

EXISTING AND PROPOSED ZONING MAPS

Existing Zoning: CZ-L/R-15



Proposed Zoning: B-1



BACKGROUND AND STAFF ANALYSIS

Zoning Map Amendments

The City of Lenoir 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. The zoning map cannot be changed until the Planning Board reviews the request and makes a report to City Council on the proposed change and the City Council holds a public hearing to consider the request.

Reason for Request

The applicant is requesting a zoning change from CZ/R-15 to B-1 in order to renovate or replace the current Farm Bureau building for future office space, restaurant space, or pursue an opportunity to create multi-family housing. The subject property has a legacy conditional zoning designation and only allows for permitted uses in R-15 and the office use that was established in 1980 and re-approved via special use district in 2007. The property is now considered a legacy conditional zoning district because special use districts are no longer constitutional in the state of North Carolina. The applicant is currently in the due diligence period to acquire the property from Caldwell County Farm Bureau.

Intent of the Zoning Districts

CZ-L or SUD (Legacy Conditional Zoning District or Special Use Districts) were intended for use in situations where conventional zoning standards were inadequate to facilitate a particular desirable development. A special use district would permit specific use(s) to be allowed and override base zoning. Special use districts were applied as overlay districts and all uses within an SUD were considered "special uses." As soon as the legislative SUD overlay was approved (usually within the same meeting), a quasi-judicial "special use permit" could be approved for whatever use the applicant was requesting that wasn't allowed under the conventional zone.

R - 15 Residential (Single-family) District is intended to accommodate low density single-family residences and compatible land uses. R-15 is normally serviced by public water and sewer facilities. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

B - 1 (Neighborhood Business) District is intended to serve the needs of the surrounding residential neighborhoods by providing convenience goods and services which cater to the everyday needs of the residents. These areas are usually located on small parcels within established neighborhoods, allowing structures built as neighborhood businesses prior to the establishment of zoning to continue to be improved and re-used to suit the changing needs of the neighborhood. It is the intent of this district to protect the integrity of the surrounding residential neighborhoods; and therefore the B-1 district should not normally be extended or new areas established.

Subject and Surrounding Properties

The subject property at the intersection of Hillsfarm Street and Lower Creek Drive approaching Taylorsville Road is .52 acres and can be accessed via Taylorsville Road from Wilkesboro Boulevard where it becomes Lower Creek Drive, or from the West coming from Powell Road. This property is the current location of Caldwell Farm Bureau, but will be vacant in the coming months as Farm Bureau changes location. In 2007, this property was approved to operate as the office for Caldwell Farm Bureau through SUD 8-07.

There is ample parking in the front, side, and rear totaling around 30 parking spaces, with the rear spaces accessible from Hillsfarm Street. The subject property is located adjacent to several residences including those along Pinecrest Place, Pennwood Street, and Hillsfarm Street. East of the fork between Taylorsville Road and Lower Creek Drive is Wildwood Hospitality, a specialized furniture repair company. The area immediately surrounding the subject property is zoned R-15, while to the south is the Wilkesboro Boulevard commercial corridor, where the vast majority of properties are zoned B-2. Beginning at the intersection of Tremont Park Drive and Lower Creek Drive, many properties are zoned R-9 (medium-density residential) and four properties at the corner of Woodhaven Street and Lower Creek Drive are zoned B-1.

BACKGROUND AND STAFF ANALYSIS (CONTINUED)

Special Use Districts Pre-2019

In August 2007, the subject property was approved for a Special Use District (SUD 8-07, now known as Legacy Conditional Zoning District, or, CZ-L) when then-owner Jim Arnette applied to bring Caldwell Farm Bureau into compliance in an R-15 zoning district. Arnette originally requested a traditional rezoning to B-1 from R-15, but upon recommendation by the Planning Board, applied for a Special Use District instead. Planning staff had issued a building permit for the current office space in 1980 during which time the property was allegedly zoned for general business. Staff was unable to locate a record confirming that so planning staff and Jim Arnette pursued a compliant zoning designation.

In the present day, conditional zoning districts have superseded special use districts, wherein conditional zoning is a legislative decision that involves creating a new zoning designation to reflect plans and conditions set forth by the applicant and oftentimes suggested by planning staff. More specifically, North Carolina did away with special use/conditional use districts in 2019 through Chapter 160D in the North Carolina General Statutes (NCGS). The standard practice was to use a conventional district but make all its permitted uses special uses in a parallel SUD/CUD (UNC SOG, 2023). Special use districts essentially allowed for property owners to create a blank slate when, if reasonable, their requested use(s) would be approved and run with the land, and *only those uses*. On the other hand, Conditional zoning as we know it today, is an all-encompassing strategy to establish base zoning as well as set conditions (in addition to permitted uses such as parking, lighting, landscaping, density, etc.) that would run with the land in perpetuity, memorialized through a custom zoning ordinance and concept plan.

Zoning Analysis

The applicant is pursuing a rezone back to B-1 (neighborhood business) to have a wider array of development options after he has acquired the property from Caldwell County Farm Bureau. B-1 permits several residential options, as well as daycare centers, boutique/artisan manufacturing, neighborhood business retail, business and personal services, and studios and specialty schools by-right. The Lower Creek area is far less suitable for B-2 (general business) given the surrounding neighborhood context directly adjacent to the site as well as west of the site along and off of Lower Creek Drive. More intense uses allowed in B-2 such as full-service restaurants, light manufacturing, storage facilities, and automotive services would create too much traffic and noise to reasonably suit the neighborhoods adjacent. A B-1 neighborhood business zoning designation bridges the gap between residential neighborhoods and more intensive uses along high-traffic corridors.

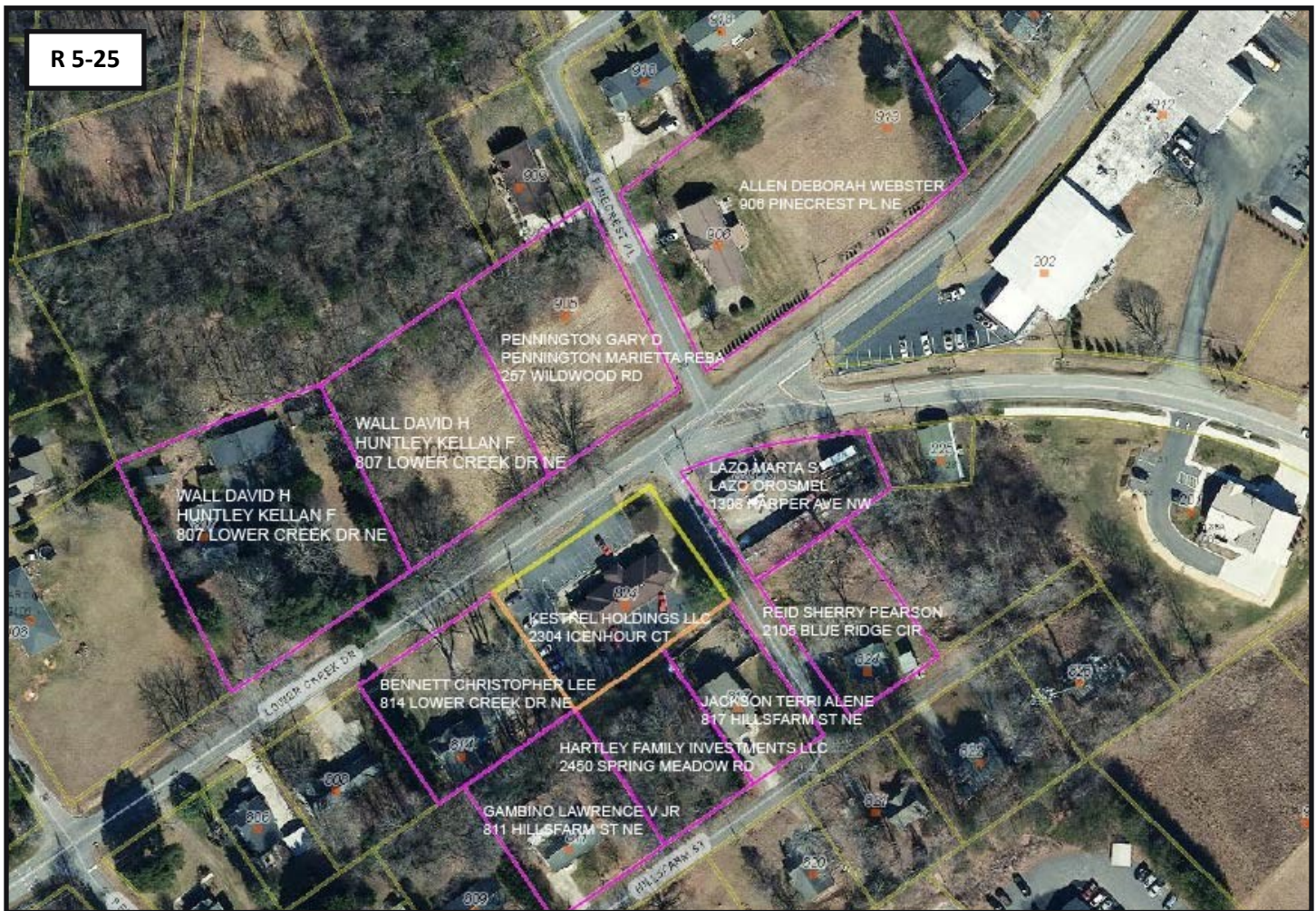
Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan's future land use map identifies this parcel as "existing medium density residential" in yellow, flanked by "existing non-residential" and "existing high residential density" zones to the south and west and "existing medium residential density" to the north and east. Staff finds the proposed rezoning to be consistent with the goals and policy concepts of the Comprehensive Plan, as this would establish and reinforce the presence of either non-residential, lower intensity uses or residential uses should the applicant decide to pursue that route.

Next Steps

Following Planning Board, the rezoning request will be brought before a City Council public hearing and voted on. Pending approval, the applicant will then submit a zoning permit application along with civil and architectural plans as applicable, which will be reviewed by City of Lenoir planning staff.

AERIAL PHOTOGRAPHS (SURROUNDING AREA & PROPERTY OWNERS)



Name	Address	City	State	Zip
Marta & OrosmeL Lazo	1308 Harper Ave NW	Lenoir	NC	28645
Sherry Pearson Reid	2105 Blue Ridge Cir	Lenoir	NC	28645
Terri Alene Jackson	817 Hillsfarm St NE	Lenoir	NC	28645
Hartley Family Investments LLC	2450 Spring Meadow Rd	Lenoir	NC	28645
Lawrence V. Gambino Jr.	811 Hillsfarm St NE	Lenoir	NC	28645
Christopher Lee Bennett	814 Lower Creek Dr NE	Lenoir	NC	28645
David Hamilton Wall & Kellan F Huntley	807 Lower Creek Dr NE	Lenoir	NC	28645
Gary & Marietta Pennington	257 Wildwood Rd	Lenoir	NC	28645
Deborah Webster Allen	906 Pinecrest Pl NE	Lenoir	NC	28645
Kestrel Holdings LLC (Marty Waters)	2304 Icenhour Ct	Lenoir	NC	28645

Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and special uses for each zoning district. The R-15 zoning district allows for residential uses and the office use approved in 2007. The B-1 zoning district allows for many residential and commercial uses.

Comparison of Zoning Districts

	CZ-L/R-15	B-1
Development Standards	Min Lot Size-- 15,000 sq. ft. for non-residential uses; 20,000 sq. ft. for residential uses Setbacks Front: 40' Side Yard: 15' Street Side Yard: 25' Rear Yard: 35'	Min Lot Size - 0 Setbacks Front: 10' Side Yard: 10' Abutting side Street: 10' Rear Yard: 10', 30' abutting residential
Summary of Permitted Uses	Accessory Cottage or Apartment Dwelling, single-family Group Care Facility (1-6 non-related residents) Office/Clinics (SUD 8-07) Special Uses: Bed & Breakfast Communication Towers Cultural and Community Facilities Manufactured Home Parks (existing)	Accessory Cottage or Apartment Bed & Breakfast Day Care Centers Dwelling, Single/Two-Family/Multi-family/Group Eating and Drinking (with or w/o drive through) Manufacturing & Processing (Artisan & Light) Retail (Neighborhood Business) Services (Business & Personal) Studios & Specialty Schools Special Uses: Attached Dwellings (townhomes) Communication Towers Cultural and Community Facilities Eating and Drinking (without drive-through) Flea Markets Group Housing (1-6 non-related residents, no care provided) Planned Residential Development

PROPERTY PHOTOS (824 LOWER CREEK DRIVE)



Front of property facing east on Lower Creek Drive towards Taylorsville Rd. fork



Front of site along Lower Creek Drive (sign behind truck indicating Farm Bureau is moving to Wilkesboro Blvd.



Front of property facing west on Lower Creek Drive in the direction of Lower Creek Elementary and Lower Creek Baptist Church



Rear of property with entry along Hillsfarm Street.

STAFF RECOMMENDATION AND CONSISTENCY STATEMENT

Staff recommends that the Planning Board recommend approval of the request, based on the following consistency statement, and call for a Public Hearing for City Council to consider the request on June 17, 2025:

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan's future land use map identifies this parcel as "existing medium density residential" in yellow, flanked by "existing non-residential" and "existing high residential density" zones to the south and west and "existing medium residential density" to the north and east. Staff finds the proposed rezoning to be consistent with the goals and policy concepts of the Comprehensive Plan, as this would establish and reinforce the presence of either non-residential, lower intensity uses or residential uses should the applicant decide to pursue that route.

PLANNING BOARD RECOMMENDATION

Planning Board recommends approval of the request, based on above consistency statement.

CITY OF LENOIR

COUNCIL ACTION FORM: June 17, 2025

I. Agenda Item:

Public hearing for SUP 1-25.

Applicant Jeff Church (City of Lenoir Public Utilities Director) is requesting a Special Use Permit to install an updated water tower with improved water pressures at the subject property.

II. Background Information:

The applicant intends to construct a second water tower at 345 Finley Avenue to improve water pressure for nearby Lenoir residents. While this is a City-initiated project, public utility projects such as this one require a special use permit in residential neighborhoods. This project is a necessary improvement and establishes a crucial goal towards improving water services in the City of Lenoir.

III. Staff and Planning Board Recommendation:

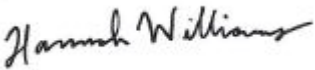
Planning Board recommends approval of the proposed Special Use Permit based on the following consistency statement:

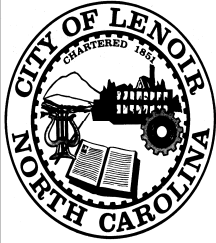
All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan lays out policy goals regarding its Public Services, and Public Utilities is one of several public services the City of Lenoir provides. The comprehensive plan acknowledges and encourages utility infrastructure improvements as necessary "depending on the nature of that growth and development." This project falls in line with necessary improvements to infrastructure in conjunction with Lenoir's growth and change.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____



Staff Report

Special Use Permit

CASE NUMBER SUP #1/25

LOCATION MAP/AERIAL PHOTOGRAPH



SUMMARY

Owner

City of Lenoir

Applicant

Jeff Church
(Public Utilities Director)

Location

345 Finley Avenue

NC PIN

2840908724

Project Planners

Hannah Williams, AICP, CZO
Matt Duchan

Updated May 9, 2025

Applicant's Request:

The applicant is requesting a Special Use Permit to install an updated water tower with improved water pressures at the subject property.

Staff Recommendation:

Approval of the request, subject to the conditions outlined on page 7.

Planning Board Recommendation:

Approval of the request, subject to conditions outlined.

Public Comment:

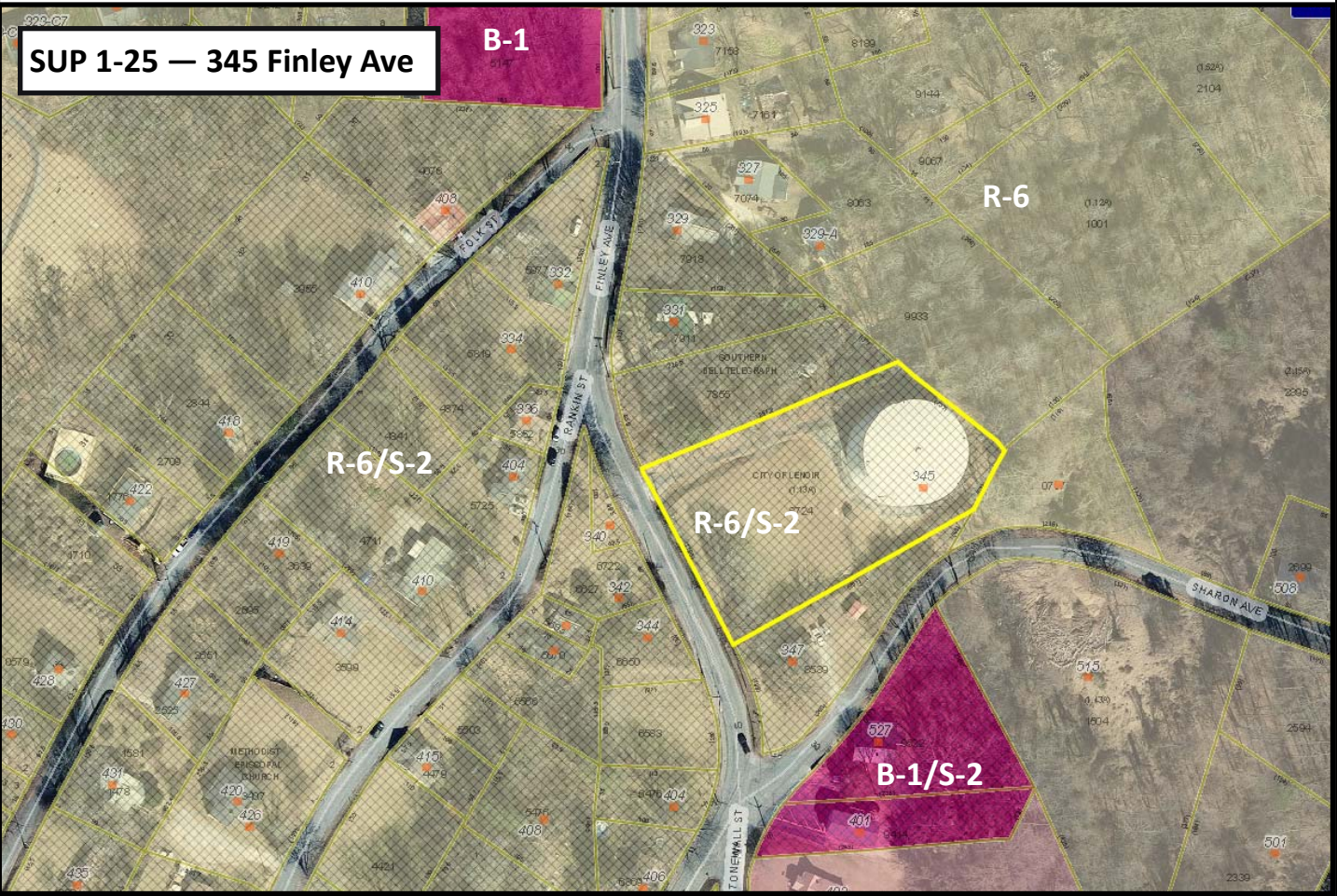
Public Utilities Director Jeff Church and Joel Whitford of McGill briefly discussed specifications and benefits of the proposed water tower.

Planning Board Meeting: May 19, 2025. Notices were mailed to adjacent property owners on May 9, 2025.

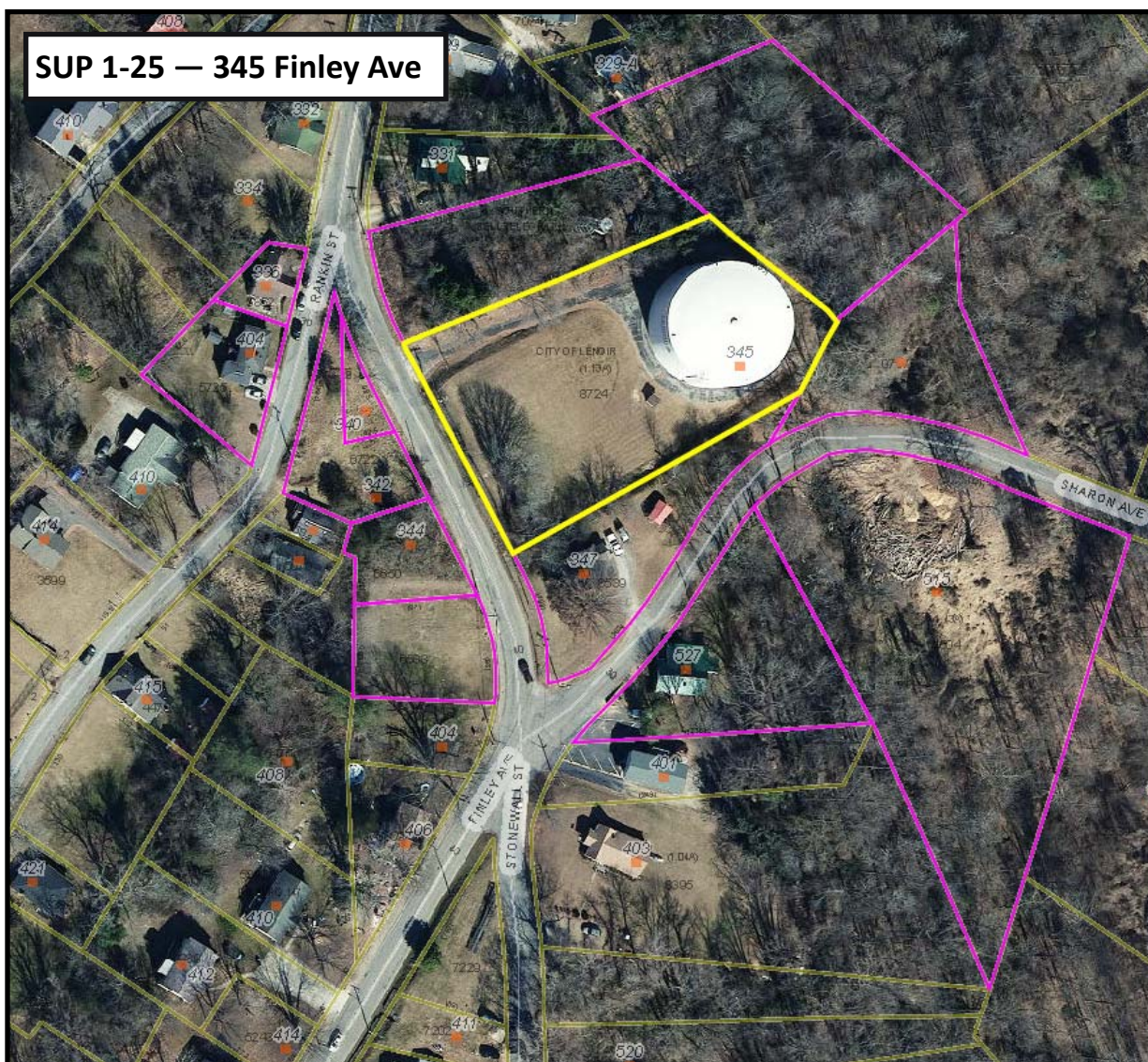
City Council (Public Hearing): Scheduled for June 17th, 2025.

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

ZONING MAP



ABUTTING PROPERTY OWNERS AND SUBJECT PROPERTY



Name	Address	City	State	Zip
Michael J. Joseph	347 Finley Ave	Lenoir	NC	28645
City of Lenoir	PO Box 958	Lenoir	NC	28645
ReepCo Inc	5640 Robardajen Woods	Nebo	NC	28761
Selena Witherspoon	2804 Ophelia Way	Myrtle Beach	SC	29577
EQUITY TRUST CO/FBO 200206057	PO Box 49453	Charlotte	NC	28277
Florence Alexander Estate, C/O Amelia Alexander Lewis	6650 Byrns Pl	McLean	VA	22101
Fred Suddreth Sr.	PO Box 395	N Wilkesboro	NC	28659
Phillip Gary Horton	12152 Moon Shadow Lane	Huntersville	NC	28078
Harry G. Williams Jr., C/O Charles Williams	4236 Memory Ln W	University Place	WA	98466
Tony & Glenda Bowers	336 Finley Avenue	Lenoir	NC	28645
Harold & Gladys Bowers	404 Rankin St NW	Lenoir	NC	28645

BACKGROUND AND ANALYSIS

Intent of Special Use Permits

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

Intent of the Zoning District

Article V of the Lenoir Zoning Code states:

R-6 Residential (Multi-family) District is intended to establish and preserve areas of land within the city for medium and high density residences, including single family, doublewide manufactured homes, duplexes, townhomes, multi-family developments, and other compatible uses at appropriate densities. Higher density multi-family developments are allowed as special uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

S-2 North Main Street Special Overlay District is intended to implement the design standards and permitted uses recommended by the North Main Street Small Area Plan. This district is an overlay district, which works in tandem with the underlying zoning districts in the North Main Special Overlay area to promote orderly and compatible development appropriate to the traditional historic character and overall future vision of the area.

Subject and Surrounding Properties

The subject property is around 1.13 acres in size, zoned R-6/S-2, and currently features one of the City of Lenoir's main water towers for public utilities. The surrounding area is comprised of three zoning districts which include R-6 (high-density residential), B-1 (neighborhood business), and S-2 (North Main Street Overlay District). This property is located adjacent to the Freedman Neighborhood and just south of the Freedman Cultural Center, Horizons Elementary, Lenoir Housing Authority and the MLK Center. The property is located between the intersections of Rankin & Finley and Sharon & Finley. The property was deeded to the then Town of Lenoir in 1928 and was utilized to provide water treatment and storage for the City. The existing water storage tank was later constructed in 1988. The water tower is now a public good provided by City of Lenoir Public Utilities. In 2023, the City of Lenoir was one of 79 municipalities in the state that earned an Area Wide Optimization Award for providing clean drinking water that far exceeded state and federal standards.

Proposed Use

The applicant intends to construct a second water tower at 345 Finley Avenue to improve water pressure for nearby Lenoir residents. While this is a City-initiated project, public utility projects such as this one require a special use permit in residential neighborhoods. This project is a necessary improvement and establishes a crucial goal towards improving water services in the City of Lenoir.

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan lays out policy goals regarding its Public Services, and Public Utilities is one of several public services the City of Lenoir provides. The comprehensive plan acknowledges and encourages utility infrastructure improvements as necessary "depending on the nature of that growth and development." This project falls in line with necessary improvements to infrastructure in conjunction with Lenoir's growth and change.

SITE PHOTOS



Above: View of water tower from Finley Avenue facing east.



Above: Finley Avenue and Rankin Street facing west.



Above: Finley and Rankin intersection facing north.



Above: Finley and Sharon intersection facing south.

FINDINGS

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

1. The proposed special use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *The project proposed by the applicant will comply with all requirements of the R-6/S-2 overlay district.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *The applicant will utilize the existing private driveway onto the site.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *There will be no off-street parking or loading areas necessary.*
4. The establishment of the special use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *The use will provide improved water pressure for residential, business, and emergency purposes including fire flow and drinking water pressures.*
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *Landscaping elements are already established on this existing utilities site, but any newly required plantings will be installed by the applicant upon review of planning staff.*
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *If exterior lighting is needed, it will be designed to reduce glare and mitigate adverse effects. Signage will conform to the Lenoir Sign Ordinance.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *There is an additional elevated water storage tower located adjacent to the existing ground storage tower and new pumphouse will be built.*
8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed special use will not be harmful or annoying to surrounding properties. *The new water tower will not be harmful or annoying to surrounding properties and will only be accessed during normal business hours or in emergency situations as with the existing water tank.*

STAFF RECOMMENDATIONS

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

1. *Any new lighting for the water tower use shall be fully cut-off and shielded so as to eliminate and minimize light spill-over onto adjacent residential properties.*
2. *Valid permits and inspections must be obtained for this use, including and any other federal, state, or local regulation that applies.*
3. *The applicant must obtain zoning from the Lenoir Planning Department within two years of the issuance of the SUP. All proposed changes must adhere to Sec. 819 (S-2 North Main Street Overlay District) of the Lenoir Zoning Ordinance.*

PLANNING BOARD RECOMMENDATIONS

Planning Board recommends approval of the request Special Use Permit for the proposed water tower with the above conditions met.

APPENDIX A—APPLICANT’S RESPONSES

SPECIAL USE APPLICATION—PAGE 2

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

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

Criteria for SUP approval

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

Yes, the project will comply with all requirements.

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

Yes, there is only one private driveway to the site.

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

not applicable

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

No, the use will benefit the community by improving fire flow pressure and drinking water pressure .

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

Yes, the site is an existing utilities site with landscaping elements already established; however, any newly required plantings will be installed.

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

Yes, any permitted signs and proposed exterior lighting will be designed to reduce glare and mitigate adverse effects.

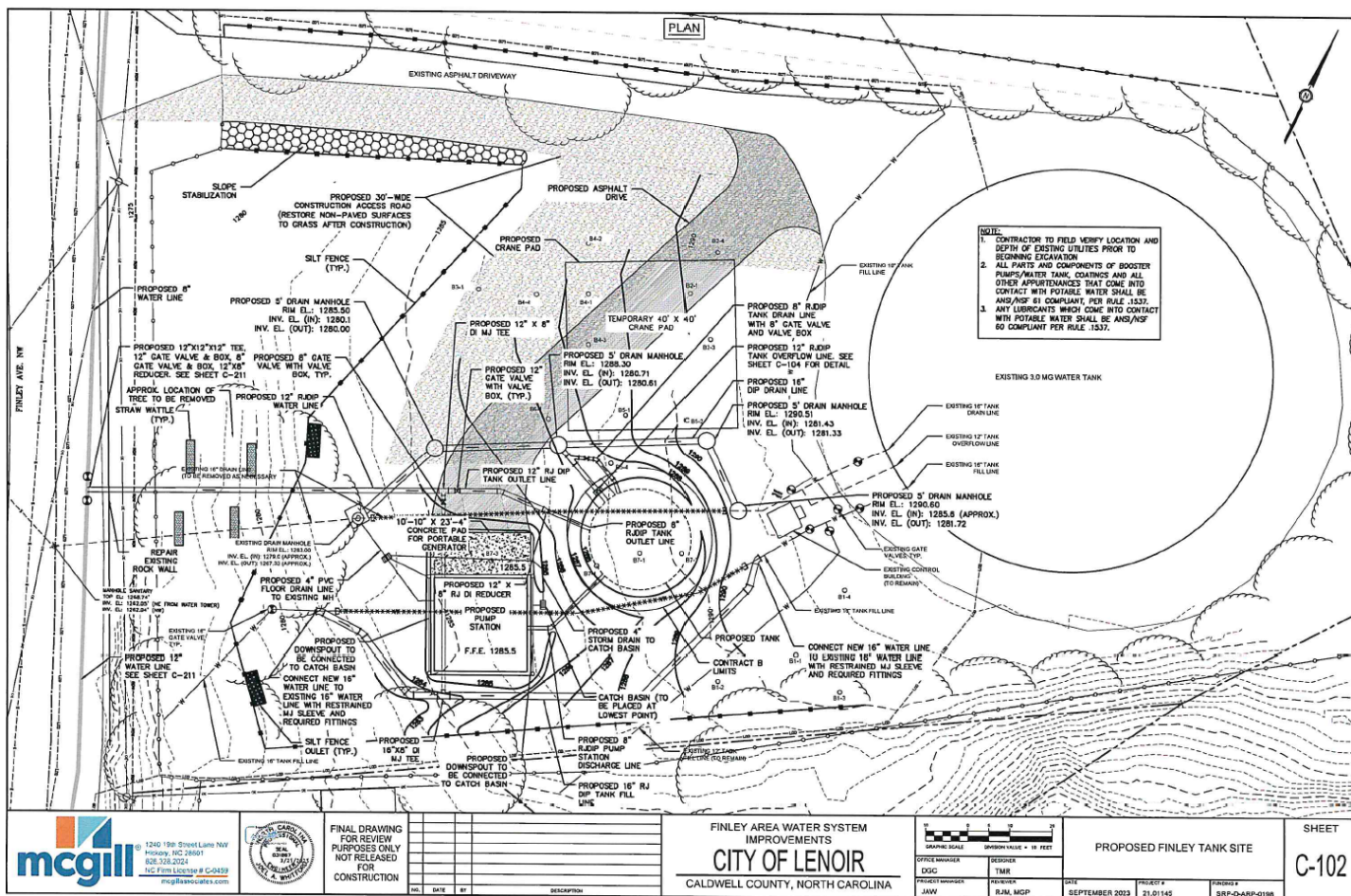
- (7) The exterior architectural appearance and function plan of any proposed building or structure will not vary greatly from any buildings or structures already constructed or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a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

No, there is an additional elevated water storage tank located adjacent to the existing ground storage tank and a new pumphouse

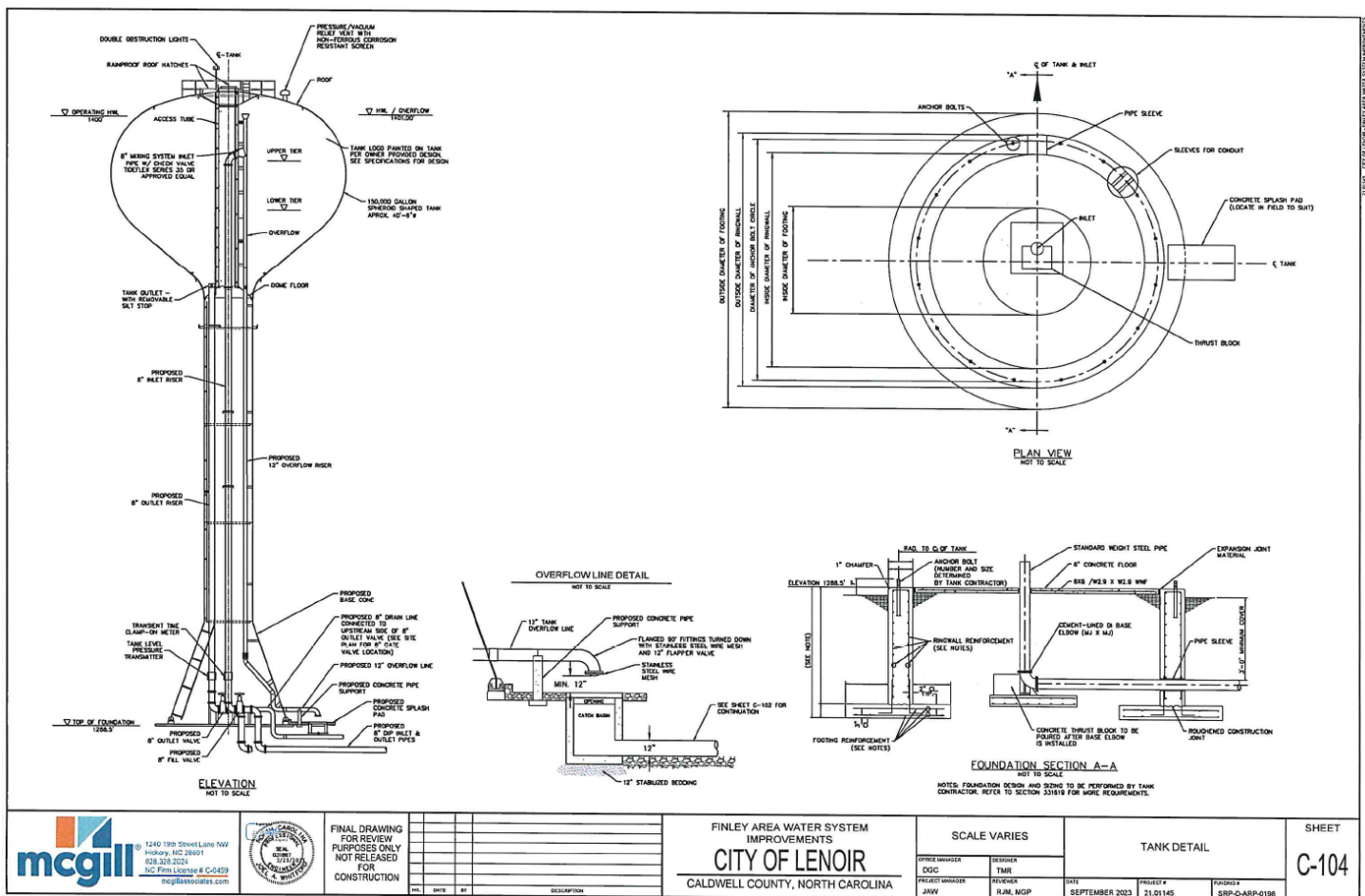
- (8) The type, size, hours of operations, location of the use upon the site, and intensity of the proposed special use will not be harmful or annoying to surrounding properties.

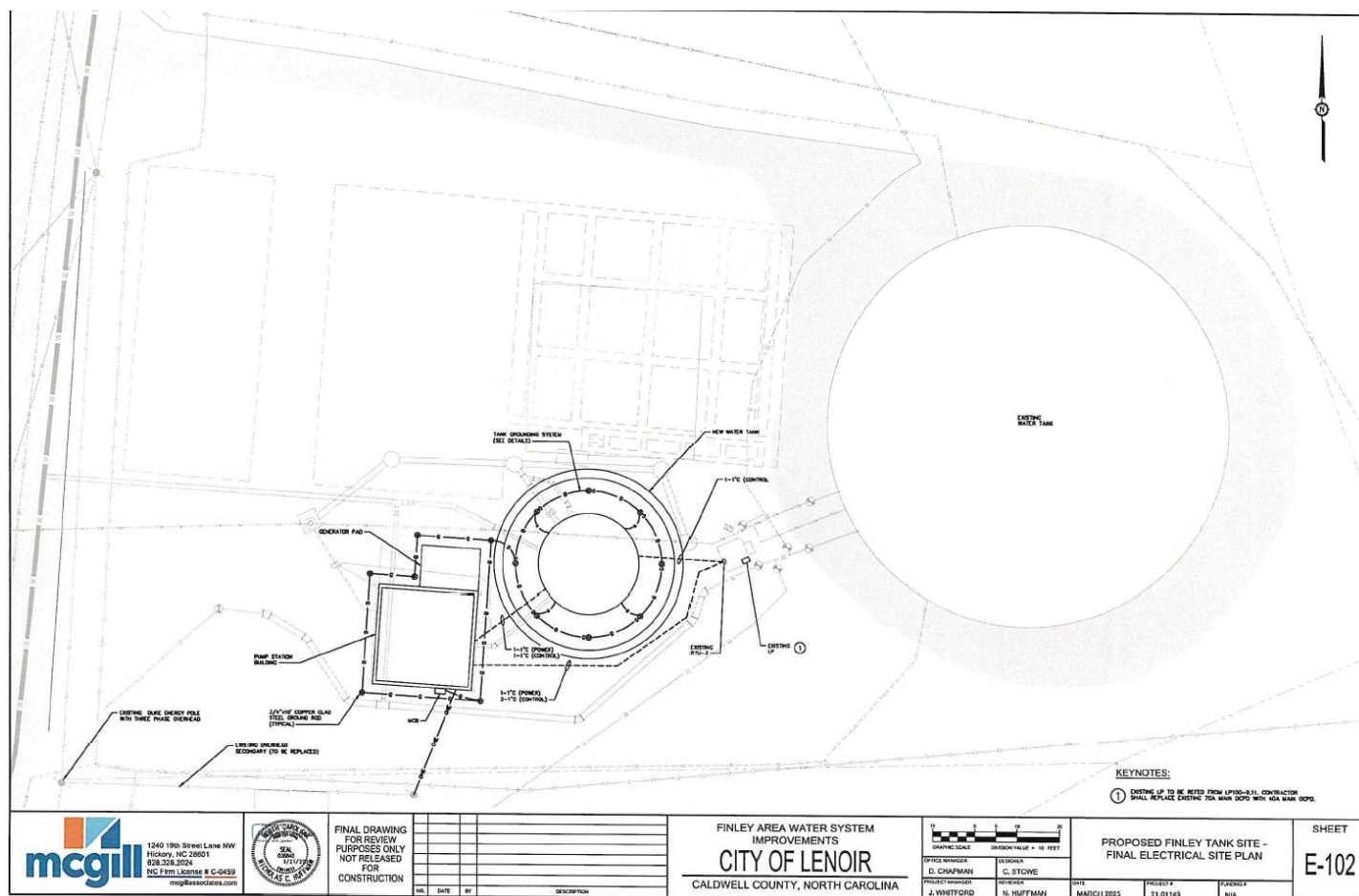
The type, size, hours of operations, location of the new tank will not be harmful or annoying to surrounding properties.

APPENDIX B—APPLICANT-PROVIDED PLANS



APPENDIX B CONT'D—APPLICANT-PROVIDED PLANS





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

Tuesday, June 3, 2025
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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.

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

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.

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

- 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

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

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.

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

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.

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

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)

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

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

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

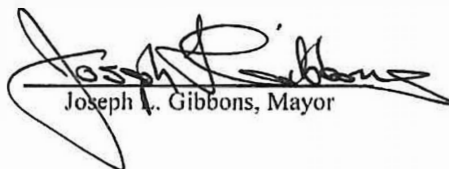
Section 10. The City Manager and Finance Director shall notify the City Council of any items of over-expenditure or shortfalls in revenue on a timely basis throughout the fiscal year. Request for appropriations not contained in the Budget Ordinance will be presented to Council after a review of the necessary 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):

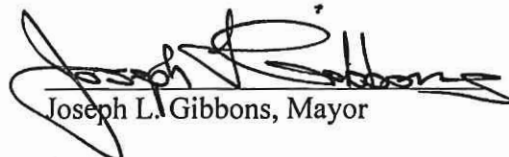
That City of Lenoir does hereby accept the Session Law 2024-53 offer of \$350,000.

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

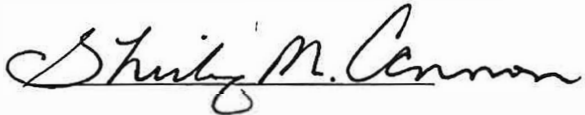
CITY COUNCIL
J.T. BEAL
T.H. PERDUE
J.I. PERKINS
R. PRESTWOOD
K.R. ROGERS
D.F. STEVENS
C.D. THOMAS

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:



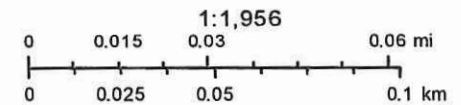
This map is NOT of land survey quality and is NOT suitable for such use.

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)

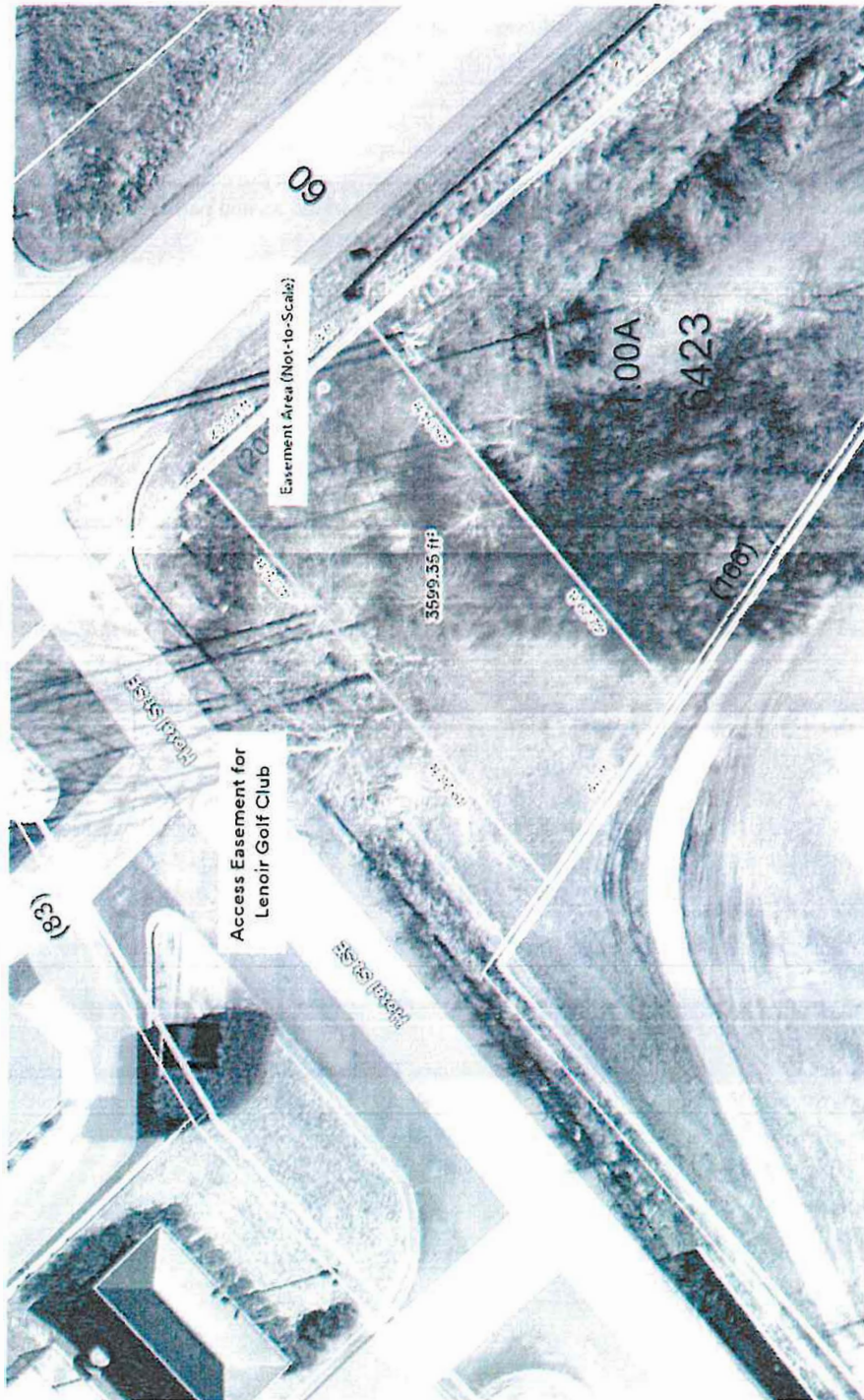


EXHIBIT B

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 FAX (A/C, No): 574-546-3527	
	E-MAIL ADDRESS: robyn@bakerandcompanyinsurance.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Liberty Mutual	
	INSURER B:	
	INSURER C:	
	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 City of Lenoir 801 W Avenue NW Lenoir, NC 28645	CANCELLATION 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
--	--



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;

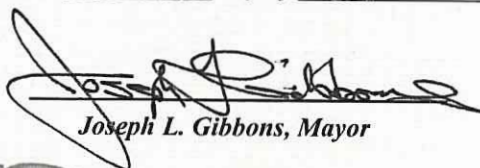
THAT, Detective Parker has played an active, vital role in the community and shown his willingness to go above and beyond what is expected for the department, city, and community. He has received a number of accolades throughout his career to include American Legion Officer of the Year, Golden Ticket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

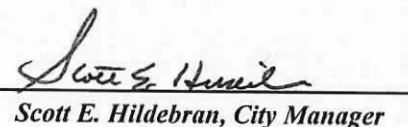
THAT, society and law enforcement has undergone many changes and challenges over the last 26 years, and Jason has stayed abreast through those changing trends to remain an effective leader, role model and mentor to all whom he meets;

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.

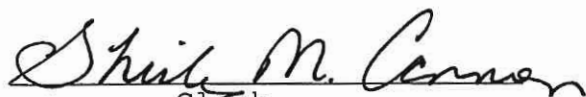
Section 8. The Budget Officer is directed to include a detailed analysis of past and future cost and revenues on this grant project in every budget submission made to this Board.

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

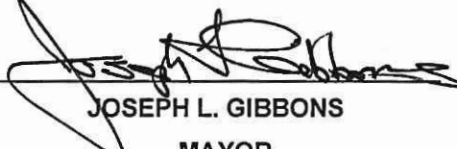
Section 2. The Minimum Housing Inspector is hereby authorized and directed to proceed to remove or demolish the described above dwelling in accordance with this Order, and in accordance with the City of Lenoir Minimum Housing Code, and NCGS 160D-1203.

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.



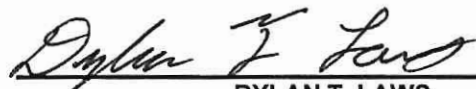
JOSEPH L. GIBBONS
MAYOR

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



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.

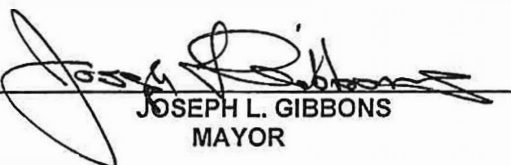
Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall be likewise unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

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.

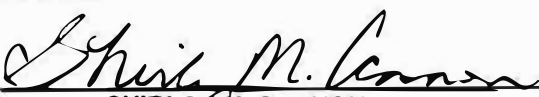
Section 5. A copy of this ordinance shall be recorded in the Register of Deeds of Caldwell County, North Carolina, and indexed in the name of the property owner or owners in the grantor index.

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

Tuesday, May 27, 2025
Minutes-Committee of the Whole

**COMMITTEE OF THE WHOLE
TUESDAY, MAY 27, 2025
8:30 A.M.**

Present: Mayor Joe Gibbons, Mayor Pro- Tem David Stevens, Jonathan Beal, Ralph Prestwood and Kimmie Rogers.

Staff Present: City Manager Scott Hildebran, City Clerk Shirley Cannon, Finance Director Donna Bean, Economic & Main Street Director Brenda Floyd, Downtown Event Planner, Ashley Smith, Planning Director Hannah Williams, Public Services Public Works Director Jon Hogan, Public Services Public Utilities Director Jeff Church, Parks & Recreation Director Phil Harper, Assistant Fire Chief Norman Staines. Police Chief Brent Phelps, Major Andy Wilson, Director of Special Projects & Grants Jared Wright, and Communications Director Joshua Harris.

Absent: Todd Perdue, Ike Perkins and Crissy Thomas.

I. CALL TO ORDER

Mayor Pro-Tem David Stevens welcomed everyone and called the meeting to order.

II. CITIZEN COMMENT

III. FY2025-26 BUDGET FOLLOW UP

- A. City Manager Hildebran asked City Council if anyone has any questions regarding the recommended FY2025-26 Budget. He stated the budget is available for review online at www.cityoflenoir.com/budget.

IV. PUBLIC SAFETY

- A. Update; Police Department: Police Chief Brent Phelps presented the following report.

1. Nuisance Code Enforcement Case: Chief Phelps stated the Police Department contacted Attorney Angie Clark, Alcohol Law Enforcement Agency (ALE) for assistance regarding a Nuisance Code Enforcement case involving the Red Roof Inn.

Chief Phelps reported there have been 33 overdoses at the hotel but no deaths have occurred. However, Chief Phelps reported there have been several deaths in the woods behind Red Roof Inn. He stated a meeting with the owner of the property is scheduled in the near future. He stated the goal is not to seize the property but to go through the civil court process where stipulations may be placed on the property and the owner. Chief Phelps further said the Police Department's goal is to clean up the property before any deaths may occur.

Tuesday, May 27, 2025
Minutes-Committee of the Whole

Attorney Angie Clark, Alcohol Law Enforcement Agency (ALE) discussed retaining outside Counsel for this issue. Next, she referred to the issues of overdoses/crimes and emphasized there was a very real risk that the City of Lenoir could be held liable.

Chief Phelps explained the owner was absent from the property a lot of the time and allows this type of activity to occur. He reiterated there is a greater chance of legal fees for the City. Chief Phelps asked for support from City Council for this proposed action. He reported ALE has not lost any nuisance cases and said this is a strong case.

Councilmember Prestwood asked if the City could force the owner to sell in order to slow the problem down. Chief Phelps stated individuals have rented rooms there using FEMA vouchers and he would like to resolve the issue if possible. Chief Phelps stated Attorney Clark could use temporary restraining orders (TRO's) and injunctions plus she could ask for additional assistance from ALE if necessary.

Motion

Upon a motion by Councilmember Beal, City Council voted 4 to 0 to retain outside Counsel as recommended.

2. Resolution; Surplus Property: Approval of a resolution to declare the following police weapon and police badge of Senior Detective Jason Parker, upon retirement, as surplus and no longer have any additional use to the City of Lenoir (Sig Sauer P-320 Pistol, Serial Number 58J478013) as per N.C.G.S. §20-187.2 and as recommended by the Police Department.
3. Resolution; Surplus Property: Approval of a resolution to declare the following police weapon and police badge of Lieutenant Christopher Robinson, upon retirement, as surplus and no longer have any additional use to the City of Lenoir (Sig Sauer P-320 Pistol, Serial Number 58J472243) as per N.C.G.S. §20-187.2 and as recommended by the Police Department.

Copies of the surplus resolutions are attached to these minutes as information.

City Council will recognize Senior Detective Jason Parker at the June 3 City Council meeting and Lieutenant Christopher Robinson at the June 17 City Council meeting.

Motion

Upon a motion by Councilmember Beal, City Council voted 4 to 0 to adopt a surplus resolution to declare the police weapon and police badge of Senior Detective Jason Parker as surplus and to adopt a surplus resolution to declare the police weapon and badge of Lieutenant Christopher Robinson as surplus as recommended by the Police Department.

B. Update; Fire Department: Fire Chief Norman Staines presented the following report:

- Chief Staines stated the Fire Department was again approved to participate in the "Smoke Detector Saturday" program. They received the maximum of 36 detectors and will focus on areas that they have experienced the most fires from May 2024 to May 2025. The detectors will be installed from June 1st to 7th.
- Staff are working on their annual hydrant tests and inspections that are required as a part of the ISO rating process. Staff will inspect all hydrants within the City and test 20% of the hydrants.

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- The Department is facing several retirements of two Captains before the end of the year. They also have an opening by a firefighter going to Hickory.

V. PUBLIC SERVICES

A. Public Services Public Works: Public Services Public Works Director Jon Hogan presented updates on the following projects:

1. **LFD Infrastructure Repair (Sinkhole)**: WK Dickson is working on plan amendments based on McGill's utility relocation plans.
2. **Hospital Avenue Sidewalk Project**: Contract documents have been submitted to NCDOT, the Construction Engineering & Inspection (CEI) report was reviewed locally and approved, and those have been submitted to the portal for full review and approval.
3. **Phase II Gateway Project**: Destination by Design is working on bid documents and NCDOT encroachments.
4. **Veteran's Memorial Project**: Markers have been ordered, Director Joshua Harris is providing names.
5. **Clock Tower**: Steel was delivered and Spann began processing and cutting last week.
6. **Greenway Links**:
 - **Zacks Fork Connector Loop**: Project is a little over 50% complete with paving contractor scheduled to be in town this week.
 - **HWY 18 Crossing**: Mattern and Craig are working on NCDOT submittal.
7. **Beautification Projects**:
 - **Main & Creekway**: Complete
 - **HWY321 Sculpture**: Complete
 - **Harper Planters**: Ordered/ Had an issue with color
 - **Downtown**: Currently mulching and river rock installation.
8. **Harper Ave. Streetscape**: Survey work has taken place over the past two weeks. Traffic counts and analysis will begin this week.

B. Public Services Public Utilities: Public Services Public Utilities Director Jeff Church presented updates on the following projects:

1. Finley Avenue Water Project: Bids were received on May 20th for the Finley Avenue Water Project and the low line contractor is TP Howard's Plumbing, Inc. out of Asheville with a bid amount of \$6,092,350. The City only received one tank bid from Caldwell Tanks, Inc. in the amount of \$2,063,700 with a 5% contingency, approximately \$408,000, and soft costs added in the total budget is approximately \$9.4 million. The City has \$6.3 million in appropriations leaving a shortfall of approximately \$3.1 million. McGill Associates is currently assisting the City in requesting additional funds from the State and is working on the certified bid tab/recommendation letter.
2. East Harper and Ridge St / West Ave Sewer Replacements: The bid opening for the combined project was scheduled for Thursday May 8, 2025 and there were no bids received. Staff is currently discussing the separation of the projects and determining an appropriate time to send out the advertisement for the rebid.

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3. Valdese Water Interconnection: The preliminary evaluation is being reviewed internally and following the review, the report will be provided to City staff for their review and discussion.

VI. COMMUNITY DEVELOPMENT

- A. Lenoir Tourism Development Authority: The Lenoir Tourism Development Authority met on May 29. Brenda Floyd, Economic Development and Main Street Director reported on current activities.
- Member Julie Bentley gave birth to a baby girl Lucy last week.
 - The Lenoir Business Advisory Board will meet on Thursday, June 12 at 6:00 p.m.
 - Two individuals completed the Main Street Site Visit which is part of the accreditation process.
 - A Memorial Day Celebration will be held on Sunday, May 25 from 5:00 p.m. until 7:00 p.m. downtown with a gun salute and dueling taps.
 - The Neon Night Ridge has been rescheduled for June 27 at the Rotary Soccer Complex.
 - Two individuals completed the Main Street Site Visit which is part of the accreditation process.
 - Friday Night Live Concerts begin on June 6 with the band Scarlet Darlin performing.
 - The Annual Blackberry Festival will be held on Friday, July 11 and Saturday, July 12 in downtown Lenoir.
 - A ribbon cutting will be held on Friday, May 30 at 5:00 for the Cork and Barrel and Banquet Shop.
 - The Splash Pad and Rotary Peace Pole are slated to be installed soon.
 - Planning will be participating with Caldwell Council for the 5-America 250 for 2026.
 - Winifred Rhea is the new summer Intern for the Planning Department and Main Street.
- B. Planning Board: The Planning Board met on Monday, May 19 at the City/County Chambers. Hannah Williams, Planning Director presented a report of current projects.
- There are two public hearings scheduled for the June 17, City Council meeting. One is for a Special Use Permit for the Finley Avenue Water Tank project and the second public hearing is for a rezoning for property located on 824 Lower Creek Drive.
 - Planning Board Sidewalk Subcommittee will hold two listening sessions in June, one on June 2nd with city staff in the 3rd floor conference room, and one on June 9 with downtown business owners at Fercott Fermentables.
 - Director Williams informed Council that the city has permitted 20 single family homes in 2025 so far, and that a new duplex is being built on East Harper Avenue.
- C. Capital Project Budget Ordinance; Change Order #77374: Director Williams presented the Wayfinding Sign Package Change Order #77374 in the amount of \$82,541.77 for City Council's consideration of approval.

Director Williams explained the project is to be funded by an ARC Grant, ARPA Revenue Replacement funds and an allocation from the Lenoir Tourism Development Authority (LTDA). Due to the issues listed on the Council Action Form the bid from Rite Lite Signs, Inc. which was awarded on January 2, 2024 in the amount of \$414,960 needs to be amended to \$497,501.77.

(A copy of Changer Order #77374 and a copy of Council Action Form listing the issues for the increase are attached to these minutes as information.)

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Motion

Upon a motion by Councilmember Beal, City Council voted 4 to 0 to adopt the Capital Project Budget Ordinance Change Order #77374 for the Wayfinding Signs Capital Project in the amount of \$82,541.77 as submitted and as recommended.

- D. Update; Freeze and Nichols: Danny Wilson, Freese and Nichols gave a power point presentation on the Comprehensive Plan draft and the Parks and the Recreation Master Plan draft. Mr. Wilson invited questions, comments, and edits from City Council and Department Directors.

On behalf of City Council, Mayor Gibbons thanked Mr. Wilson for the great presentation.

- E. Parks and Recreation Advisory Board: The Parks and Recreation Advisory Board did not meet in May. Phil Harper, Recreation Director gave the following report:
- Registration continues until the end of the month for the JH Jones Summer Basketball League at the Martin Luther King, Jr. Center for ages 8 – 13.
 - Spring athletics of T- Ball, Baseball and Softball concludes with regular season Friday evening.
 - Pickleball Ladder League plays every other Thursday from 6-8 pm. There are a total of 24 teams.
 - Youth tennis lessons are held on Monday's from 5:30-6:15 pm.
 - Tae Kwon Do lessons are held on Tuesday and Thursday from 5:30-7:30 pm.
 - The shelter and room rentals are going well.
 - Attendance continues to increase with youth/adult open basketball and youth & adult pickleball.

VII. Director of Special Projects and Grants Jared Wright gave the following report:

PROJECT UPDATES

1. **MLK Improvements:** The tennis courts have been resurfaced and the exercise equipment was delivered and set up at the Martin Luther King, Jr. Center (MLK). The Public Works Department removed the landscaping. Exterior paint and gutter color selection is underway. Remaining work includes exterior cleaning and paint, gutters, basketball court restriping, concrete replacement for ADA, and mini-splits for the office and kitchen. The project will be completed by late June.
2. **Update; PARTF Project:**
LAFC Design-Build: The schematic design and planning is complete for the Lenoir Aquatic & Fitness Center (LAFC). Deliverables include(d) SD plans, preliminary schedule, logistics plan for construction phasing, list of subs, and preliminary budget. JM Cope plans to move through design development and advertise for bids in 4 weeks. Staff is estimating to receive the Notice to Proceed (NTP) by August 1, 2025. Longer lead items may include new lockers, whirlpool (note location change) and surprise new element.
3. **Soccer Complex:** Public Works staff are working on landscaping at the picnic shelter and splash pad. A Ribbon-cutting may be delayed until June 14, 2025. Also, additional small recreational elements have been ordered for the Lenoir Aquatic & Fitness Center including concrete cornhole and ping pong boards.
4. **Campus Improvements Project:** The subcontractor outreach event is scheduled for June 4, 2025. The sub pre-qualification process will run for 28 days, permitting submittals are being

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finalized, bid dates will be forthcoming, phasing also being discussed for OVT Pavilion if necessary.

5. **Playground Equipment Replacement:** The ship date for the new playground equipment is June 6, 2025 and the equipment will be installed following delivery. Public Works staff will perform site & preparation work at the West End Park prior to delivery of a new playground set.

GRANTS/FUNDING APPLICATIONS

Update; Great Trails Funding Application: Staff submitted a \$497,994 funding application for the OVT Connector on November 12, 2024. Funding notification awards will be announced no later than June 30, 2025. An environmental document is required by September 2025 and Director Wright is beginning work on formatting the document in case the City of Lenoir is funded. The Western Piedmont Council of Governments (WPCOG) is assisting with the preparation of the document.

- VIII. **Finance and Administration:** Finance Director Donna Bean stated the Financial Summary of April 30, 2025 was presented to City Council at the May 22 City Council Budget Meeting and asked if there were any questions.

1. **Retail Strategies Update and Contract Renewal:** Joshua Davis, Retail Strategies participated in the meeting via Zoom. Mr. Davis presented a power point presentation pertaining to Retail Strategies, the company and their mission. (A copy of the contract is on file in the City Clerk's office.)

Motion

Upon a motion by Councilmember Beal, City Council voted 4 to 0 to approve the Contract Renewal with Retain Strategies for a three-year term as presented.

2. **Caldwell County Incentives Policy/City Policy Update:** City Manager Scott Hildebran informed City Council that Caldwell County is currently revising their incentive policy and he will review the policy with them upon completion.

- IX. **Update; Public Communications:** Joshua Harris, Public Information Director referred to the April 2025 Communication Report. There were 9 news releases, 178 social posts, 667 photos, 3 videos, and 56 web updates. The website had a total of 47,517 views along with 5,254 video views. Social followers total 60,199 and there were 250 new followers this month. Director Harris asked Staff to send him any news/stories they would like to have published.

X. OTHER

- A. **June Calendar:** The calendar for the month of June was provided in the packet as information listing Committee meetings and upcoming events.

X1I. ADJOURN

- A. There being no further business, the meeting was adjourned at 10:35 a.m.

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Attachments

Contract with Attorney Angie Clark

Surplus Resolution (Jason Parker)

Surplus Resolution (Christopher Robinson)

Wayfinding Sign Capital Project Budget Ordinance –Change Order #77374

Retail Strategies Update and Contract Renewal



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

WHEREAS, the City of Lenoir, North Carolina, City Council desires to dispose of certain surplus property of the City of Lenoir to be awarded to Senior Detective Jason Parker upon his retirement from the Lenoir Police Department and Declaring his badge and service weapon as Surplus Property.

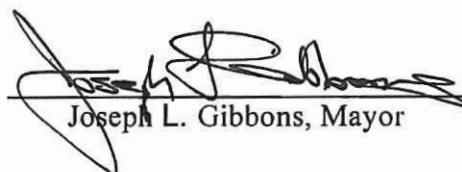
NOW, THEREFORE BE IT RESOLVED,

- 1) the Mayor and City Council of the City of Lenoir acknowledges Jason Parker's loyal and dedicated service to the citizens of Lenoir, and the Mayor and City Council declare the following police weapon and police badge of Senior Detective Jason Parker upon retirement, as surplus and no longer have any additional use to the City of Lenoir {(Sig Sauer P-320 Pistol, Serial Number 58J478013)}
- 2) the Mayor and City Council authorize the City Manager to proceed with the procedures as outlined in N.C.G.S. §20-187.2 regarding the service side arms of retiring members of City law enforcement agencies.

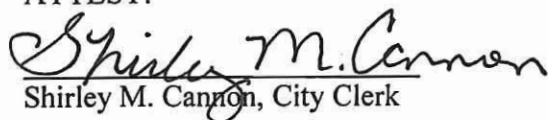
NOW, THEREFORE BE IT FURTHER RESOLVED that, I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council and all the citizens, do hereby wish the very best for Senior Detective Jason Parker in his retirement and commend him for the outstanding example he has set as a dedicated public servant.

Adopted this the 27th day of May, 2025.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk





CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

RESOLUTION

WHEREAS, the City of Lenoir, North Carolina, City Council desires to dispose of certain surplus property of the City of Lenoir to be awarded to Lieutenant Christopher Robinson upon his retirement from the Lenoir Police Department and Declaring his badge and service weapon as Surplus Property.

NOW, THEREFORE BE IT RESOLVED,

- 1) the Mayor and City Council of the City of Lenoir acknowledges Christopher Robinson's loyal and dedicated service to the citizens of Lenoir, and the Mayor and City Council declare the following police weapon and police badge of Lieutenant Christopher Robinson upon retirement, as surplus and no longer have any additional use to the City of Lenoir {(Sig Sauer P-320 Pistol, Serial Number 58J472243)}
- 2) the Mayor and City Council authorize the City Manager to proceed with the procedures as outlined in N.C.G.S. §20-187.2 regarding the service side arms of retiring members of City law enforcement agencies.

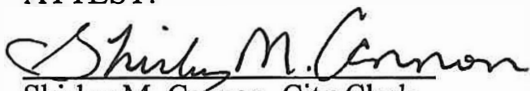
NOW, THEREFORE BE IT FURTHER RESOLVED that, I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council and all the citizens, do hereby wish the very best for Lieutenant Christopher Robinson in his retirement and commend him for the outstanding example he has set as a dedicated public servant.

Adopted this the 27th day of May, 2025.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk



**CITY OF LENOIR
COUNCIL ACTION FORM**

- I. Agenda Item:** Consideration of a change order for the Capital Project Budget Ordinance approved on January 16, 2024 for the Wayfinding Signs Capital Project.
- II. Background Information:** Attached for your consideration is Change Order #77374 to the Capital Project Budget Ordinance for the Wayfinding Signs Capital Project. The project is to be funded by an ARC Grant, ARPA Revenue Replacement funds and an allocation from the Lenoir Tourism Development Authority (LTDA). Due to the issues below, the bid from RiteLite Signs, Inc which was awarded in January 2nd of 2024 in the amount of \$414,960 needs to be amended to \$497,501.77. Once the change orders are finalized, a budget amendment will be presented and additional funding will be allocated.
- Costs for the signs increased due to the increase in cost over the last year of the brushed aluminum used on the signs with the cut out “Create With Us” on city ROW signs. Brushed Aluminum is a premium material sourced from a sub-vendor, not RiteLite, so the cost is out of their control. The cost would be lower if we didn’t need the cut-out because they could use a standard material.
 - When Rite Lite submitted the original bid, they were still under the impression that only city ROW signs could have the artwork embellishments. NCDOT approved the art, so they needed to correct items 3-5 of the attached Change Order #77374 to add the additional art work.
 - RiteLite Signs, Inc. is billing the City a surcharge for the extra project management due to delays from NCDOT. The project was ready for fabrication last year, however, NCDOT’s delayed comments, resulted in the need to re-work the signs and thus the surcharge of \$9,945. (See item 6).
 - There is a possibility of an additional increase that is not accounted for in the current change order due to the hydro-vac holes necessary for install. Based on the field visits last summer, NCDOT estimate 30 holes will need to be hydro-vac which is \$1450 a hole for a total of \$43,500. Ritelite Signs, Inc. wants to wait to charge the City for the holes until install day so they can decide the best option. Once the additional charges have been finalized, a change order will be submitted.

Staff Recommendation: Staff requests for City Council to adopt the Capital Project Budget Ordinance Change Order # 77374 for the Wayfinding Signs Capital Project in the amount of \$82,541.77.

III. Reviewed By:

City Attorney:

Finance Director: *Donna Bean*

Public Works/Public Utilities Director:

Change Order #: 77374

Fabrication Due Date:	
Paint Due Date:	
Assembly Due Date:	
UL / QC Due Date:	
Install Due Date:	



1000 Biscayne Dr
Concord, NC 28027-8402
Ph: (704) 788-7097 Fax: (704) 788-7091
Web: <https://www.ritelitesigns.com>

Due Date:	12/31/2025
Project Manager:	Amy Martin
Salesperson:	Renae Hartsell
P.O. #:	
Production Due Date:	

Description: M&I Wayfinding Signage

Site: City of Lenoir Wayfinding

Site Address: General Delivery
210-B Greer Circle
Lenoir, NC 28645-9999

Site Contact Name:

Phone:

Cell:

Item #	Product	Quantity	Subtotal
5	Wayfinding Sign Description: CO#2 - Add Local Creator Artwork - 23 Tops, 23 Bottoms	23	\$18,032.00
6	Project Management 1 Description: CO#2 - PM Time for DOT Approvals, restake signs, 811's utility locates. - Design time to recreate DOT approved CID's and Shop Drawings.	1	\$9,945.00
7	Installation of Non-Electric Signs Description: * Additional charges to be incurred for Hydrovac Boring as required based on field survey/conditions/obstructions. * \$1,450.00 per hole	1	\$0.00

Change Order Total

Subtotal: \$466,673.00
Taxes: \$30,828.77
Total: \$497,501.77

Change Order #: 77374

Fabrication Due Date:	
Paint Due Date:	
Assembly Due Date:	
UL / QC Due Date:	
Install Due Date:	



1000 Biscayne Dr
Concord, NC 28027-8402
Ph: (704) 788-7097 Fax: (704) 788-7091
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Due Date:	12/31/2025
Project Manager:	Amy Martin
Salesperson:	Renae Hartsell
P.O. #:	
Production Due Date:	

Description: M&I Wayfinding Signage
Site: City of Lenoir Wayfinding

Site Address: General Delivery
210-B Greer Circle
Lenoir, NC 28645-9999

Site Contact Name:

Phone:

Cell:

Item #	Product	Quantity	Subtotal
1	Wayfinding Sign Description: Manufacture & Install: MAJOR Wayfinding Signs	36	\$256,941.00

Shipment	Quantity	Due Date	Shipped Date
77374-SAA	1	12/31/2025	(not set)

Item #	Product	Quantity	Subtotal
1.A	Wayfinding Sign Description: CO #2 - OMIT - Manufacture & Install: MAJOR Wayfinding Signs	36	(\$256,941.00)

Item #	Product	Quantity	Subtotal
1.B	Wayfinding Sign Description: CO #2 - Manufacture & Install: MAJOR Wayfinding Signs per updated design intent (drawing reference forthcoming)	31	\$248,992.00

Item #	Product	Quantity	Subtotal
2	Wayfinding Sign Description: Manufacture & Install: MINOR Wayfinding Signs	19	\$131,780.77

Item #	Product	Quantity	Subtotal
2.A	Wayfinding Sign Description: CO#2 - OMIT - Manufacture & Install: MINOR Wayfinding Signs	19	(\$131,780.77)

Item #	Product	Quantity	Subtotal
2.B	Wayfinding Sign Description: CO#2 - Manufacture & Install: MINOR Wayfinding Signs per updated design intent (drawing reference forthcoming)	23	\$189,704.00

Item #	Product	Quantity	Subtotal
3	Wayfinding Sign Description: CO #1 - Add Local Creator Artwork - 55 Tops, 55 Bottoms	55	\$35,530.00

Item #	Product	Quantity	Subtotal
4	Wayfinding Sign Description: CO#1 - OMIT- Add Local Creator Artwork - 55 Tops, 55 Bottoms	55	(\$35,530.00)

SECTION 00 40 00**BID FORM
LENOIR WAYFINDING
Lenoir, NC**

Bid of: Rite Lite Signs, Inc.
(Name of Bidder)

Address 1000 Biscayne Dr

City State Concord, NC 28027

Phone 704-788-7097

Date 12/4/2023

The undersigned, having carefully examined the Site, the conditions affecting the Work, the Bidding Documents dated June 16, 2022, entitled "Lenoir Wayfinding" prepared by Destination by Design Studios PLLC, Boone, North Carolina, do hereby offer to furnish all labor, materials, tools, equipment, plant transportation, machinery, supplies, taxes and services necessary to complete the Work in compliance with the Contract Documents, including Addenda Nos. 1 issued prior to the Bid Date, which is/are hereby acknowledged, for the following considerations:

Unit Price: Major Wayfinding Sign

(Written) \$ 7,619.00 (includes sales tax)

(Dollars) Seven thousand six hundred nineteen dollars

Unit Price: Minor Wayfinding Sign

(Written) \$ 7,404.00 (includes sales tax)

(Dollars) Seven thousand four hundred four dollars

Note: While the City of Lenoir anticipates completing all signs in one phase the City reserves the right to select only priority signage locations in order to complete a Phase 1 project within available funds. Contractor shall assume a minimum of 25 signs for bidding purposes.

TIME FOR COMPLETION OF THE WORK

The undersigned agrees to commence work within thirty (30) days of acceptance of the bid and complete the project within 240 calendar days of commencing work.

SUPPLEMENTS TO THE BID FORM

The following items shall be supplied with this Bid Form and must be included for the Bid to be considered complete.

1. Bid Security.
2. Bid Envelope (attached).
3. List of at least three projects similar in scope to this project successfully completed by the Bidder including the name of the project, location, scope of work, cost of construction, and owner's name and contact with phone number.
4. Bidder's Statement of Disputes, Litigation, Arbitration, and Surety Completion
5. DBE Identification of Hub Certified/ Minority Business Participation, Affidavit A, Affidavit B.

AGREEMENT TO PROVIDE CONSULTING SERVICES

This Agreement to Provide Consulting Services (this “Agreement”) sets forth the mutual understanding of (the “Client”) Lenoir, North Carolina and Retail Strategies, LLC, an Alabama limited liability company (the “Consultant”) on this 1st day of July 2025 (the “Execution Date”), for the provision of professional consulting services as more fully set forth below.

R E C I T A L S:

The Consultant possesses a high degree of professional skill and experience and is a unique provider of professional consulting services in retail recruitment.

The Client desires to hire the Consultant to provide professional consulting services because of its professional skill and experience.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements set forth in this Agreement, the Client and the Consultant, intending to be legally bound, do hereby agree as follows:

1. **CONSULTING SERVICES.** The Consultant agrees to provide the following professional services to the Client as detailed in Exhibit A (a copy of which is attached hereto and incorporated herein by reference) (the “Services”):

2. **TERM.** The Consultant’s engagement and provision of Services will commence upon the Execution Date as set forth above. The Consultant’s engagement and this Agreement will terminate automatically on the third anniversary of the Execution Date (the “Term”) unless earlier terminated as provided in Section 6 below. At the end of the Term, the Client, acting by and through the Client Representative, may extend the Term at its option for successive periods on such terms and conditions as the Client Representative, acting for and on behalf of the Client, and the Consultant may agree upon in writing.

3. **CONSULTING FEE.**

A. **Consulting Fee.** In consideration for providing the Services, the Client agrees to pay the Consultant a consulting fee (the “Consulting Fee”) in an amount equal to \$110,000. The Consulting Fee will be paid in installments of immediately available funds as follows:

Contract Period	Payment Date	Payment Amount
Year One	July 1 st – Year One Installment January 1 st – Year One Installment	\$17,500 & \$17,5000
Year Two	January 1 st – Year Two Installment July 1 st – Year Two Installment	\$17,500 & \$17,500
Year Three	January 1 st – Year Three Installment	\$20,000 & \$20,000

	July 1 st – Year Three Installment	
--	--	--

- B. **Payment Default.** If the Client fails to pay any portion of the Consulting Fee on the requisite payment date, the Consultant will immediately cease all Services identified in Exhibit A. Additionally, from the date due until paid, the delinquent amount shall bear interest at the rate of one and one-half percent (1.5%) per month. If Consultant shall engage an attorney to collect any unpaid amount due hereunder, or institutes legal action to enforce the provisions of this Agreement, Consultant shall be entitled to receive from Client, in addition to such unpaid amount plus interest, a reasonable attorney fee and all expenses incurred by Consultant as awarded by a court of competent jurisdiction.

4. **CLIENT INFORMATION AND ACCESS.**

- A. To the extent permitted by law, the Client will provide the Consultant with access to relevant personnel, facilities, records, reports, and other information (including any information specified in the Consultant's proposal to the Client) accessible by the Client that the Consultant may reasonably request from time-to-time during the Term. The Client acknowledges and agrees that the Consultant's scheduled delivery of the Services is dependent upon the timely access to such personnel, facilities, records, reports and other requested information.
- B. To facilitate such access and Consultant's delivery of the Services, the Client designates the City Manager (the "Client Representative"), currently Scott Hildebran. The Client Representative will serve as the primary liaison between the Consultant and the Client. The Client Representative will have responsibility for regular communications between the Client and the Consultant, including providing updates in a timely manner through Basecamp. The Client Representative's communications to the Consultant will include information regarding retail growth and development, such as actual and prospective business openings and closings, changes in economic drivers (e.g., significant increases or decreases in workforce of major employers, school enrollments, housing or healthcare services) and changes in the ownership of targeted real estate (e.g., transfers of real estate or changes in the finances of ownership). The Client Representative will also be responsible for disseminating updates relative to consultants' activities related to scope of work to members of local stakeholder groups of the Client (e.g. City Council, Economic Development Boards, and Chamber of Commerce etc.).
- C. The Client hereby authorizes the Client Representative (i) to act on behalf of the Client in the day-to-day administration and operation of this Agreement and the arrangements it contemplates and (ii) to execute and deliver on behalf of the Client, such notices, approvals, consents, instruments, amendments or other documents as may be necessary or desirable to facilitate or assist the Consultant with the provision of the Services.

5. **INTELLECTUAL PROPERTY.** As part of the Services, the Consultant will prepare periodic and final reports including demographic and other research reports that will become the property of the Client upon delivery from the Consultant. Any other reports, memoranda, electronic mail, facsimile transmissions, or other written documents prepared or used by the Consultants in connection with the Services will remain the property of the Consultant. With the Consultant's prior permission, the Client may use other information provided by the Consultant,

such as specifics related to retailers, developers, site information or other “confidential information” for internal purposes while taking reasonable steps to so limit the use of such materials and maintain its confidentiality.

6. TERMINATION.

- A. **By the Client At-Will.** The Client may terminate this Agreement at any time for any or no reason upon delivery of 30 days’ prior written notice to the Consultant. Any portion of the Consulting Fee paid prior to such termination of this Agreement is earned when paid and nonrefundable.
- B. **By the Client Upon the Consultant’s Default.** The Client may notify the Consultant within 90 days of the day that the Client knows or should have known that the Consultant breached this Agreement. The Consultant will have 30 days following receipt of such notice to cure any alleged breach. If the Consultant fails to cure any alleged breach within that 30-day period, then the Client may terminate this Agreement. Within 30 days of such termination of this Agreement, the Consultant will refund a pro rata portion of the installment of the Consulting Fee previously paid for the contract period during which such termination occurs based upon the number of days remaining in such contract period.
- C. **By the Consultant At-Will.** The Consultant may terminate this Agreement at any time for any or no reason upon delivery of 30 days’ prior written notice to the Client. Within 30 days of such termination of this Agreement, the Consultant will refund a pro rata portion of the installment of the Consulting Fee previously paid for the period during which such termination occurs based upon the number of days remaining in such period.
- D. **By the Consultant Upon the Client’s Default.** The Consultant may notify the Client within 90 days of the day that the Consultant knows or should have known that the Client breached this Agreement. The Client will have 30 days following receipt of such notice to cure any alleged breach. If the Client fails to cure any alleged breach within that 30-day period, then the Consultant may terminate this Agreement. Any portion of the Consulting Fee paid prior to such termination of this Agreement is earned when paid and nonrefundable.

7. NOTICES. Any notice or communication in connection with this Agreement will be in writing and either delivered personally, sent by certified or registered mail, postage prepaid, delivered by a recognized overnight courier service, or transmitted via facsimile or other electronic transmission, addressed as follows:

Client: City of Lenoir, NC
801 West Avenue NW
Lenoir, North Carolina
Email: shildebran@ci.lenoir.nc.us
Attention: Scott Hildebran, City Manager

Consultant: Retail Strategies, LLC
2200 Magnolia Ave. South, Suite 100
Birmingham, AL 35205
Email: sleara@retailstrategies.com

Fax: (205) 313-3677

Attention: Stephen P. Leara, Esq – EVP | General Counsel

or to such other address as may be furnished in writing by either party in the preceding manner. Notice shall be deemed to have been properly given for all purposes: (i) if sent by a nationally recognized overnight carrier for next business day delivery, on the first business day following deposit of such notice with such carrier, (ii) if personally delivered, on the actual date of delivery, (iii) if sent by certified U.S. Mail, return receipt requested postage prepaid, on the third business day following the date of mailing, or (iv) if sent by facsimile or email of a PDF document (with confirmation of transmission), then on the actual date of delivery if sent prior to 5 p.m. Central Time, and on the next business day if sent after such time.

8. **INDEPENDENT CONTRACTOR.** The Consultant, in its capacity as a professional consultant to the Client, is and will be at all times an independent contractor. The Consultant does not have the express, implied or apparent authority either (A) to act as the Client's agent or legal representative or (B) to legally bind the Client, its officers, agents or employees.

9. **STANDARD TERMS.**

- A. **Affiliated Services:** Client acknowledges that affiliates of consultant act in the capacity of a real estate brokerage service business and may earn fees for services including brokerage, development, leasing and management fees in the performance of such affiliates services which may encompass a portion of the Project. In no event will the Client be responsible for any such fees, to the extent they are earned pursuant to this paragraph.
- B. **Applicable Laws:** The Consultant will abide by all laws, rules and regulations applicable to the provision of the Services.
- C. **Insurance:** The Consultant will carry all employee insurance necessary to comply with applicable state and federal laws.
- D. **Third Party Beneficiaries:** This Agreement is for the sole benefit of the parties to this Agreement and their permitted successors and assigns. Nothing in this Agreement, whether express or implied, is intended to or will confer upon any other person or entity any legal or equitable right, benefit, or remedy of any nature whatsoever under or by reason of this Agreement.
- E. **Publicity:** The Client agrees that the Consultant may, from time-to-time, use the Client's name, logo and other identifying information on the Consultant's website and in marketing and sales materials.
- F. **Entire Agreement:** This Agreement, together with any exhibits or amendments hereto, constitutes the entire agreement of the parties, as a complete and final integration thereof with respect to its subject matter. Any prior written or oral understandings and agreements between the parties are merged into this Agreement, which alone fully and completely expresses their understanding. No representation, warranty, or covenant made by any party which is not contained in this Agreement or expressly referred to herein has been relied on by any party in entering into this Agreement.

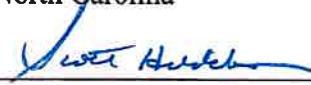
- G. **Further Assurances:** Each party hereby agrees to perform any further acts and to execute and deliver any documents which may be reasonably necessary to carry out the provisions of this Agreement.
- H. **Force Majeure:** Neither party to this Agreement will hold the other party responsible for damages or delay in performance caused by acts of God, strikes, lockouts or other circumstances beyond the reasonable control of the other or the other party's employees, agents or contractors.
- I. **Limitation on Liability; Sole Remedy:** Each party's liability to the other party arising out of or related to this Agreement or the Services will not exceed the amount of the Consulting Fee. The Client's sole remedy in the event of any alleged breach of this Agreement by the Consultant will be the notice, cure, and refund provisions of Section 6(B) of this Agreement.
- J. **Amendment in Writing:** This Agreement may not be amended, modified, altered, changed, terminated, or waived in any respect whatsoever, except by a further agreement in writing, properly executed by a duly authorized officer of the Consultant and the Client Representative, acting for and on behalf of the Client.
- K. **Binding Effect:** This Agreement will bind the parties and their respective successors and assigns. If any provision in this Agreement will be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions will not in any way be affected or impaired thereby.
- L. **Captions:** The captions of this Agreement are for convenience and reference only, are not a part of this Agreement and in no way define, describe, extend, or limit the scope or intent of this Agreement.
- M. **Construction:** This Agreement will be construed in its entirety according to its plain meaning and will not be construed against the party who provided or drafted it.
- N. **Prohibition on Assignment:** No party to this Agreement may assign its interests or obligations hereunder without the written consent of the other party obtained in advance of any such assignment. No such assignment will in any manner whatsoever relieve any party from its obligations and duties hereunder and such assigning party will in all respects remain liable hereunder irrespective of such assignment.
- O. **Waiver:** Non-enforcement of any provision of this Agreement by either party will not constitute a waiver of that provision, nor will it affect the enforceability of that provision or of the remaining terms and conditions of this Agreement.
- P. **Survival:** Section 5 and Section 9(H) will survive termination of this Agreement.
- Q. **Counterparts; Electronic Transmission:** This Agreement may be executed in counterparts, each of which will be deemed to be an original, and such counterparts will, together, constitute and be one and the same instrument. A signed copy of this Agreement delivered by telecopy, electronic transmission or other similar means will be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the Client and the Consultant have caused this Agreement to be executed by their duly authorized officers to be effective as of the Executed Date.

CLIENT:

Lenoir, North Carolina

By: 

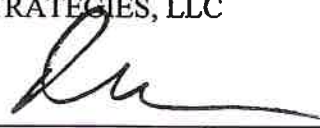
Name: Scott Hildebran

Title: City Manager

Date: 5/27/2025

CONSULTANT:

RETAIL STRATEGIES, LLC

By: 

Name: Robert R. Jolly Jr.

Title: Principal / CEO

Date: 5/27/2025

EXHIBIT A

I. CONSULTANT AGREEMENT

This section outlines what Retail Strategies (the "consultant") will provide to the City of Lenoir, NC (the "client").

A. Research

1. Update Retail trade area using political boundaries, drive times, and radii and custom boundary geographies as needed.
2. Update GAP analysis for trade area (i.e. leakage and surplus) as needed.
3. Update Retail peer market analysis as needed.
4. Update Tapestry lifestyles – psychographic profile of trade area/market segmentation analysis as needed.
5. Update Aerial imagery by trade area.
6. Continued identification of retail prospects to be targeted for recruitment.
7. Monthly updates provided on retail industry trends.
8. Custom on-demand demographic research – historical, current, and projected demographics – to include market trade areas by radius/drive time, and custom trade area

B. Real Estate Analysis

1. Continued monitoring of priority commercial properties for development, re-development, and highest and best use opportunities.
2. Continued identification of priority business categories for recruitment and/or local expansion.
3. Monitor existing shopping centers and retail corridors
4. Active outreach to local brokers and landowners

C. Retail Recruitment

1. Pro-active retail recruitment for targeted zones
2. Will contact a minimum of 30 retailers, restaurants, brokers and/or developers
3. Updates on new activity will be provided to the Client's designated primary point of contact (Sec. II-A) via Basecamp, telephone, or email on a monthly and/or as-needed basis
4. One market visit per calendar year included in the agreement, any travel outside of the agreement shall be approved and paid for by the contracting entity
5. ICSC conference representation- updates provided according to the yearly conference schedule

EXHIBIT A (Continued)

II. CLIENT AGREEMENT

This section outlines what the City of Lenoir, NC (the "Client") will provide for Retail Strategies (the "Consultant").

A. Point of Contact

1. One individual shall be specifically designated by Client and identified to Consultant as the primary point of contact ("POC")
2. POC will be responsible for regular communications between Client and Consultant
3. POC will be responsible for communicating all of Consultants updates and activities to Client as necessary
4. POC will be the primary facilitator of communication as it relates to concerns from board members, city council and/or other decision making community leaders
5. POC will be competent to aid Consultant in navigation of local political landscape
6. POC will have access to Basecamp and will post messages and on –going local updates in a timely manner

B. Information and Material Requested by Consultant:

1. Consultant will provide POC with no less than 3 business days' notice before materials and other information are needed
2. Client/ POC understands that Consultant's ability to stay on schedule will depend on receiving requested information by the requested deadline
3. Client/ POC will provide consultant with ongoing updates related to retail growth and development, including but not limited to: (i) businesses that open, close, or rumors associated, as such; (ii) changes in economic drivers (i.e. significant increase or decrease in employees for major employment, school enrollments, housing or medical); (iii) new ownership of real estate or changes in the owner's personal situation that may affect willingness to sell property
4. Client/ POC will inform Consultant of plans to attend ICSC conferences providing ample time to assist in planning

C. Information and Material Requested by Client:

1. POC will provide Consultant with no less than 3 business days' notice before a full update is needed
2. Client/ POC understand the confidentiality of communication containing retailer specific information and will notify Consultant before sharing such information publicly

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Budget Amendments - Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2025.

II. Background Information:

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

- **Budget Amendment**
 - **Approve the reallocation of general fund expenditures for such obligations as needed repairs for various equipment and buildings during the fiscal year as well as professional services for various projects.**
 - **Approve the reallocation of enterprise fund expenditures such as equipment and contracted services.**
 - **Approve the funding for Main Street Expenditures.**

Staff Recommendation:

Approve as requested

III. Reviewed by:

City Attorney:

Finance Director: *Danna Bean*

Public Works/Public Utilities Director:

2024-2025 FISCAL YEAR**BUDGET AMENDMENT****17-Jun-25**

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

ITEM 1: ADJUSTMENTS TO THE GENERAL FUND WITH A ZERO NET EFFECT ON FUND BALANCE.

ACCOUNT #	DEPARTMENT	INCREASE	DECREASE
4110	LEGISLATIVE	30,000.00	
4120	ADMINISTRATIVE	75,000.00	
4130	FINANCE		50,000.00
4250	VEHICLE SERVICES	10,000.00	
4270	ENGINEERING		15,000.00
4310	POLICE SUPPORT	110,000.00	
4311	POLICE DET.		15,000.00
4312	POLICE PATROL		80,000.00
4341	FIRE SUPPRESSION		50,000.00
4511	STREETS MAINT		45,000.00
4740	CEMETERIES		25,000.00
6120	REC ADMIN	25,000.00	
6130	PARKS	30,000.00	
	TOTAL INCREASE/DECREASES	280,000.00	280,000.00
NET EFFECT ON GENERAL FUND BUDGET		-	-

ITEM 2: ADJUSTMENTS TO THE WATER AND SEWER FUND WITH A ZERO NET EFFECT ON FUND BALANCE.

ACCOUNT #	DEPARTMENT	INCREASE	DECREASE
WATER FUND			
7130	RHODHISS PLANT		50,000.00
7131	WATER DIST.	80,000.00	
7132	WATER RESOURCES	25,000.00	
7133	WATER ADMIN	25,000.00	
7140	WASTEWATER COLLECTION		75,000.00
7141	WASTEWATER PRETREATMENT	25,000.00	
7142	GUNPOWDER		30,000.00
	TOTAL INCREASE/DECREASES	155,000.00	155,000.00
NET EFFECT ON WATER AND SEWER FUND BUDGET		-	

ITEM 3: ADJUSTMENTS TO THE MAIN STREET BUDGET.

ACCOUNT #	DEPARTMENT	INCREASE	DECREASE
3981	TRANSFER FROM GEN FUND	30,000.00	
4920	MAIN STREET	30,000.00	
NET EFFECT ON MAIN STREET BUDGET		30,000.00	



RESOLUTION

In Recognition of Dedicated Service



WHEREAS, on the 12th of December, in the year 2002, Christopher Alan Robinson was appointed Patrol Officer II for the City of Lenoir Police Department by Chief Jack Warlick and has admirably and with great distinction, served the citizens of Lenoir during the tenures of four Police Chiefs;

THAT, prior to being hired by the City of Lenoir, Chris held a position as Corporal in the Special Police Division at Catawba Memorial Hospital, where he was assigned as Training Officer and Bike Patrol Supervisor. He also worked for Granite Falls Police Department for nearly three years;

THAT, due to his diligent performance and exemplary leadership skills, Chris served on the department's Traffic Team for nearly five years before being promoted to Platoon Sergeant in 2009. He transferred to Investigations and Supervised the Narcotics Division in 2014 before being promoted to Lieutenant in 2015, where he served in a number of capacities including Road Patrol, Logistics and Training Coordinator;

THAT, Lieutenant Robinson has been invaluable as a Recruiter, Mentor to new officers and served on many Oral Assessment Boards at other agencies. He has been a member of our Special Response Team and served as Field Training Officer, Advanced Traffic Crash Reconstructionist, Child Passenger Safety Seat Senior Technician, Safe Kids Secretary, Fraternal Order of Police President and Crisis Intervention Team. He has been instrumental in developing and instructing classes in Basic Law Enforcement, Citizens Police Academy, Driving, General and State Mandated In-Service;

THAT, while working for Lenoir, Chris received the Advanced Law Enforcement Certificate from the NC Criminal Justice Education and Training Standards Commission, completed First Line Supervision, FBI Command College and Police Law Institute and served on a number of Committees;

THAT, Lieutenant Robinson 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 and awards throughout his career to include the City of Lenoir Golden Rule for excellent Customer Service, Officer of the Year, Certificate of Merit, and completed the FBI-Law Enforcement Executive Development Association Trilogy Program;

THAT, society and law enforcement has undergone many changes and challenges over the last 27 years, and Chris has stayed abreast through those changing trends to remain an effective leader, role model and mentor to all whom he meets;

THAT, Chris has humbly served the citizens of the City of Lenoir and Caldwell County and will be retiring on June 1, 2025 with 27 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 Lieutenant Christopher Alan Robinson 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 _____ day of _____, 2025.

Joseph L. Gibbons, Mayor

Scott E. Hildebran, City Manager