

# AGENDA



CITY OF LENOIR  
CITY COUNCIL MEETING  
CITY/COUNTY CHAMBERS  
905 WEST AVENUE  
TUESDAY, APRIL 5, 2016  
6:00 P.M.



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## I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Special Recognition; Building Maintenance Staff: Mayor Gibbons will honor and recognize J.R. Goforth, Superintendent, Mike Engstrom, Duke Moore, Keith Throneburg, Danny Snyder and Tommy Pendergrast, Staff of City of Lenoir's Building Maintenance Division, who were recipients of the North Carolina Main Street Champions award at the North Carolina Main Street Conference held in Goldsboro on Friday, March 18.
- C. Special Recognition: Mayor Gibbons will present a proclamation to Regina Jenkins and/or Diane Palmer proclaiming the month of April as "*Fair Housing Month*" throughout the City of Lenoir and Caldwell County.

## II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. Nuisance Declaration Ordinance; 1201 Steel Street: A public hearing will be **resumed** from Tuesday, March 1, 2016 to consider adoption of an ordinance declaring the former Bost Lumber Building located at 1201 Steel Street, PIN# 274-965-0842, as a danger to the public health, safety, morals, and general welfare of inhabitants of the City and a nuisance by the City Council, in accordance with Section 12-12 (15) of the Lenoir City Code. **Note:** Based on action from the property owner and advice from the City Attorney, Staff recommends withdrawal of the proposed ordinance without prejudice.

## III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of minutes from the City Council Meeting of Tuesday, March 15, 2016 as submitted.
- B. Minutes: Approval of minutes from the Committee of the Whole Meeting of Tuesday, March 22, 2016 as submitted.
- C. Proclamation; Fair Housing Month: Approval of a proclamation proclaiming the month of April as "*Fair Housing Month*" throughout the City of Lenoir and Caldwell County.

## IV. REQUESTS AND PETITIONS OF CITIZENS

## V. REPORTS OF BOARDS AND COMMISSIONS

- A. Planning Board: The Planning Board met on Monday, March 28. The Board scheduled the following two public hearings to be held at the City Council Meeting scheduled for Tuesday, April 19:

- 1) Conditional Zoning District for property located at Blowing Rock Boulevard, north of Hospital Avenue, east of Woodland Place and south of Aaron's Rental to allow construction for an approximately 80 room hotel, up to four stories in height. \*Click here to view application for this item: [Planning Staff Report](#).
- 2) Multi-Family Senior-Living Development Conditional Use Permit for property located at 205 Greenhaven Drive at the corner of the intersection with the Walmart Shopping Center & Bo's Family Entertainment for a 60 unit multi-family senior-living development in the General Business (B-2) Zoning District. \*Click here to view application for this item: [Planning Staff Report](#).

B. Rick Oxford, Plan Administrator, Western Piedmont Council of Governments, will hold the first of two public meetings to receive public comments regarding the proposed FY2016 Action Plan of the City of Lenoir and the Unifour HOME Consortium as part of the five-year Consolidated Plan. This plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines goals and action plans of the City of Lenoir and the Unifour HOME Consortium and its use of Community Development Block Grant (CDBG) and HOME funds for fiscal year 2016, beginning July 1, 2016 and ending June 30, 2017. The City of Lenoir serves as the Lead Entity for the Unifour Consortium.

## **VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER**

### **A. Items of Information**

1. The Lenoir Tourism Development Authority will meet on Thursday, April 7 at 3:00 p.m. at City Hall, Third Floor, former Council Chambers.
2. The City/County Services Committee will meet on Monday, April 11 at 11:45 a.m. in the Board Room at CCC&TI.
3. The Parks and Recreation Advisory Board will meet on Monday, April 11 at 6:00 p.m.
4. The Caldwell County Economic Development Commission will meet on Tuesday, April 12 at 8:00 a.m.
5. The Lenoir ABC Board will meet on Tuesday, April 12 at 5:30 p.m. at Lenoir Store #1 located at 123 ABC Court.
6. The annual Caldwell is Hiring Event will be held on Thursday, April 14 beginning at 8:00 a.m. at the J.E. Broyhill Civic Center.
7. The Sister Cities Committee will meet on Thursday, April 14 at 1:30 p.m.
8. The Lenoir Business Advisory Board will meet on Thursday, April 14 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.
9. The NCDOT's annual Litter Sweep Campaign begins on Saturday, April 16 and ends on Saturday, April 30.
10. The Sanitation Division's annual Spring Trash Bash Week begins on Monday, April 18 and ends on Friday, April 22.
11. The City/County Coordinating Committee will meet on Monday, April 18 at 11:30 a.m. at City Hall, Third Floor, former Council Chambers.
12. The annual Google Gravity Games are scheduled for Saturday, April 23 beginning at 9:30 a.m. in downtown Lenoir.
13. The opening day of Youth Baseball is scheduled for Saturday, April 30 at 10:00

a.m.

B. Items for Council Action

1. Order of Abatement; 533 Hill Street: City Staff recommends Council adopt an Order of Abatement directing Staff to abate the minimum housing violations by demolishing the structures on the property of 533 Hill Street, Parcel ID#06-17-3-9 and NCPIN#274-957-2991 and Parcel ID#06-17-3-10, NCPIN#274-957-3826. Note: This property is listed as number one (1) on the City's Minimum Housing Priority List.

**VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY**

**VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR**

- A. Board Re-Appointments: Mayor Gibbons will recommend the following individuals for re-appointment to the City's Authorities/Boards/Commissions at the City Council Meeting scheduled for Tuesday, April 19. **Note: Mayor Gibbons has contacted each of these individuals and they have all asked to be considered for re-appointment in order to serve another term.**

**Lenoir Housing Authority**

Sandy Rossborough

**Lenoir Business Advisory Board**

Mark Transou  
Barbara Weiller  
Glenda Wilson

**Foothills Regional Airport Authority**

Charles Thomas

**IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS**

- A. Closed Session: Pursuant to N.C.G.S. §143-318.11(a), (3), (4), City Council will enter into closed session to discuss attorney-client privilege and economic development.

**X. ADJOURNMENT**



CITY MANAGER  
SCOTT E. HILDEBRAN

CITY OF LENOIR  
NORTH CAROLINA

MAYOR  
JOSEPH L. GIBBONS

CITY COUNCIL  
K. P. EDMISTEN  
T. H. PERDUE  
J. I. PERKINS  
T. J. ROHR  
D. F. STEVENS  
C. D. THOMAS  
B. K. WILLIS

## PROCLAMATION

### FAIR HOUSING MONTH

**WHEREAS**, April 11, 2016 marks the 48<sup>th</sup> anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

**WHEREAS**, the Catawba Valley Association of Realtors is committed to highlighting the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, by continuing to address discrimination in our community, supporting programs that will educate the public about the right to equal housing opportunities, and planning partnership efforts with other organizations to help assure every American of their right to fair housing.

**NOW, THEREFORE, I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, do hereby resolve that April 2015, being *Fair Housing Month*, begins a year-long commemoration of the U.S. Fair Housing Law in the City of Lenoir and urge all citizens to wholeheartedly recognize this celebration throughout the year.**

Adopted this the 5<sup>th</sup> day of April, 2016.

SEAL

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Joseph L. Gibbons, Mayor

ATTEST:

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Shirley M. Cannon, City Clerk



**CITY OF LENOIR  
COUNCIL ACTION FORM**

**I. Agenda Item:**

Public hearing to adopt an ordinance declaring the former Bost Lumber Building, located at 1201 Steel St (NC PIN 2749650842), as a danger to the public health, safety, morals, and general welfare of inhabitants of the City and a nuisance by the City Council, in accordance with Sec. 12-12(15) of the Lenoir City Code.

**II. Background Information:**

Portions of the property at 1201 Steel Street, formally known as Bost Lumber, have become visibly dilapidated and a portion of the building has collapsed. Water infiltration poses threats of mold, bacteria, and fungi. Additionally, the property is unsecured, allowing access to the unsafe conditions in and around the structure.

Sec. 12-12(15) states that proceedings to abate violations(s) may be initiated by the City prior to the nuisance declaration of the City Council after giving written notice thereof. On August 20, 2015, written notice of the violations on the property was provided to the property owner, James C. Sullivan, with an order to abate within 45 days. The owner did not respond to the written notice, and so staff requested that the Council call for a public hearing to consider adoption of an ordinance to declare the present condition of the property a public nuisance. Council called for the hearing on December 18, 2015.

Following the call for the public hearing, staff was contacted by the owners of the property. A public hearing was held on January 6, where staff and the owners requested additional time to work together to develop a plan of action to address the concerns. The public hearing was continued until March 1, and again until April 5. Staff, the owners, and representatives from Preservation North Carolina and the State Historic Preservation Office have since that time been working together to address the long-term viability of the building. Additionally, the owner has taken steps to remove the portion of the structure most at risk for falling, although the debris is still on the subject site. The owner is exploring options for removal.

At this time, staff feels that the nuisance declaration is no longer necessary. While the conditions on the site are still dilapidated, the value of the structure as a historic landmark merits a different approach. Staff will continue to work with the owners and state historic preservation staff to comprehensively address the issues with the building.

**III. Staff Recommendation:**

Withdrawal of the proposed ordinance without prejudice.

**IV. Reviewed by:**

**Planning Director:** 

**LENOIR CITY COUNCIL  
TUESDAY, MARCH 15, 2016  
6:00 P.M.**

**PRESENT:** Mayor Gibbons presiding. Councilmembers present were Edmisten, Perdue, Perkins, Rohr, Stevens, Thomas and Willis. Also in attendance were City Manager Hildebran, City Clerk Cannon and City Attorney Blair.

**I. CALL TO ORDER**

A. The meeting was opened by a moment of silence followed by the Pledge of Allegiance led by Mayor Gibbons.

**COMMENDED; CITY STAFF; DANNY GILBERT**

**& ROB WINKLER:** B. On behalf of City Council, Mayor Gibbons commended Assistant City Manager/Finance Director, Danny Gilbert, for the City being awarded the Certificate of Achievement for Excellence in Financial Reporting for FY2015 from the Government Finance Officers Association (GFOA.)

A copy of the certificate is hereby incorporated into these minutes by reference. (Refer to page 54.)

Mayor Gibbons thanked Mr. Gilbert and his Staff for all their hard work in achieving this award.

C. On behalf of City Council, Mayor Gibbons commended Parks & Recreation Director Rob Winkler, for being chosen to officiate the 1A State Basketball Championship game. Mayor Gibbons stated it was a great honor to be chosen to serve as an official at this level.

**UPDATE; OVERMOUNTAIN VICTORY**

**TRAIL PROJECT:** D. Taylor Gupton, Planning Department, addressed Council and stated that Planning Director Jenny Wheelock and she recently attended the State Tourism Governor's Conference where they presented information regarding the Overmountain Victory Trail Project that the City of Lenoir is a part of. Ms. Gupton reported there was a lot of community interest and engagement for this project which will greatly benefit the City in the future. Ms. Gupton also commented attendance at this conference was great exposure for the City of Lenoir and thanked Staff for all their hard work on this project.

**II. MATTERS SCHEDULED FOR PUBLIC HEARINGS**

**AMENDMENT; CHARTER CODE OF ORDINANCES,  
SECTION 3-50, URBAN ARCHERY DEER HUNTING:**

- A. A public hearing was held to consider amending the Charter Code of Ordinances, Chapter 3, Animals, Article IV., Deer, Section 3-50, Urban Archery Deer Hunting, and to consider adoption of an ordinance to reduce the urban deer population through increased archery hunting opportunities within the corporate limits of the City of Lenoir.

A copy of the ordinance is hereby incorporated into these minutes by reference. (Refer to pages 55 & 56.)

Mayor Gibbons opened the public hearing to receive public comments regarding the proposed amendment.

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

Police Chief Brown reported several citizens have requested the City participate in the Urban Archery Deer Hunting Program which is regulated by the North Carolina Wildlife Commission. He explained this program involves a special 4-week period in late winter in which hunting is allowed inside participating municipalities' corporate limits. Currently, there are fifty-eight municipalities in North Carolina that participate in this program.

Chief Brown further explained the North Carolina Wildlife Commission requires municipalities to submit a letter of intent which has to be renewed annually, but stated Staff feels adoption of the proposed ordinance will allow them to more effectively police this program in addition to educating the public as to what is and what is not allowed inside the corporate limits.

Chief Brown commented the Department's goal is to reduce urban deer population and noted there were twenty-four (24) vehicle accidents in 2015 that were caused by deer. He further clarified for Council that the ordinance would only apply to residents located within the City limits of Lenoir and emphasized that, upon approval, deer hunting would be allowed inside the City limits in accordance with established provisions, which are intended for public safety.

Councilmember Rohr moved to amend Section 3-50 of the proposed ordinance to include language to read as **“for the purpose of urban archery deer hunting only.”** This motion carried unanimously.

City Attorney Blair also cautioned Council that archery is

considered to be a more hazardous sport and may create additional liability for civilians.

City Manager Hildebran reiterated the ordinance contains additional regulations that do not apply outside of the City limits.

Police Chief Brown also reported a copy of the amended ordinance including a map will be posted on the City's website at [www.cityoflenoir.com](http://www.cityoflenoir.com).

Councilmember Rohr expressed his opposition to the proposed ordinance and also commented he would be fine with the City just submitting a letter of intent.

Upon a motion by Councilmember Stevens, Council voted 6 to 1 to approve the amendment to the Charter Code of Ordinances, Chapter 3, Animals, Article IV., Deer, Section 3-50, Urban Archery Deer Hunting, and to adopt an amended ordinance to reduce the urban deer population through increased archery hunting opportunities within the corporate limits of the City of Lenoir **to include language in the ordinance to read as "for the purpose of urban archery deer hunting only"** as recommended by City Staff. Councilmember Rohr voted against this motion.

### III. CONSENT AGENDA ITEMS

A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval:

1. Minutes: Approval of minutes from the City Council Meeting of Tuesday, March 1, 2016 as submitted.
2. Minutes: Approval of minutes from the City Council Budget Retreat of Friday, February 26, 2016 as submitted.

Councilmember Rohr moved to remove Item No. 3 from the Consent Agenda and Councilmember Perdue moved to remove Item No. 4 for further discussion. It was the consensus of the Council to remove these two items.

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to approve items No. 1 and No. 2 on the Consent Agenda as recommended by City Manager Hildebran.

3. **Budget Amendment; Fire Safety Grant:** Approval of a Budget Amendment in the amount of \$266,429.00. The City of Lenoir received a Fire Safety Grant in the amount of \$266,429.00 for equipment. (A copy of the Budget Amendment is hereby incorporated into these minutes by reference. Refer to page 57.)

Councilmember Rohr stated he previously voted against the City applying for this grant, but he was in favor of using the awarded grant money properly.

Upon a motion by Councilmember Rohr, Council voted 7 to 0 to approve the Budget Amendment in the amount of \$266,429.00 for Air Paks for the Fire Department as requested by City Staff.

4. **Change Order #1, Smith Crossroads Improvements Project, Phase II:** Approval of Change Order #1, Smith Crossroads Improvements Project, Phase II, in the amount of \$25,500 to change the design of the slope from 1:1/2.1 to a 2.1 slope which will greatly reduce the possibility of slope failure in the future and improve retaining wall conditions. McGill Associates has reviewed the proposed request and recommends approval and NCODT has concurred with the Change Order as well. (A copy of the Change Order is hereby incorporated into these minutes by reference. Refer to page 58.)

Councilmember Perdue respectfully asked to be recused from voting on the Change Order #1 due to his firm representing the contractor.

Upon a motion by Councilmember Rohr, Council voted 6 to 0 to recuse Councilmember Perdue from discussion regarding this item.

City Manager Hildebran reminded Council the total cost of the project is \$329,000.00 which included a \$28,538.00 contingency fee and \$15,000.000 for administration costs. He clarified that the \$25,500.00 would be deducted from the contingency fee and further stated that Council has to approve an amended contract in order to reflect the use of the contingency funds.

Andy Lovingood, McGill Associates, addressed Council and stated Mountain Crest, LLC, had a geotechnical engineer look at the site and their recommendation was to flatten the slope to a 2-1 slope for stabilization purposes which means an additional 2,800 cubic yards of dirt would need to be removed. This step allowed the contractor to place a berm at the top of the hill and will also make the area easier to maintain in addition to being more aesthetic. Mr. Lovingood reported the amount of fill dirt from this project that was moved to the site of the new Fire Station No. 3 resulted in a savings of around \$50,000.00 to \$60,000.00 for the City. Mr. Lovingood also stated this change creates better conditions for the retaining wall being extended there and pointed out that, due to the timeframe of the project and the amount of work that needed to be done, the decision for the Change Order and the additional improvements had to be made quickly.

Councilmember Rohr expressed his opposition to the proposed Change Order and also referred to discussion from the January 19, 2016 City

Council meeting about how the proposed improvements would make the bank safer, but now additional work has to be completed in order to make the bank even more safer.

Following a brief discussion and upon a motion by Councilmember Stevens, Council voted 5 to 1 to approve Change Order #1 in the amount of \$25,500.00 for the Smith Crossroads Improvements Project, Phase II, as recommended by City Staff. Councilmember Rohr voted against this motion.

#### IV. REQUESTS AND PETITIONS OF CITIZENS

##### BOARD APPOINTMENT

**PROCESS:** A. Mr. Charles Senf, Collettsville Road, re-addressed City Council regarding the City's Board Appointment Process and presented several options regarding how to keep citizens better informed whenever an opening occurs on a board.

Mayor Gibbons stated the City strives to select individuals that are interested in serving the community and mentioned that vacancies are announced at Council meetings. He noted this information will also be posted on the City's website at [www.cityoflenoir.com](http://www.cityoflenoir.com) for the general public.

#### V. REPORTS OF BOARDS AND COMMISSIONS

#### VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

##### A. Items of Information

##### CITY/COUNTY COORDINATING

**COMMITTEE:** 1. The City/County Coordinating Committee will meet on Monday, March 21 at 11:30 a.m.

##### PARKS & RECREATION ADVISORY:

**BOARD:** 2. The Parks & Recreation Advisory Board will meet on Monday, March 21 at 6:00 p.m.

##### COMMITTEE OF THE

**WHOLE:** 3. The Committee of the Whole will meet on Tuesday, March 22 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.

##### HOLIDAY

**CLOSING:** 4. City offices will be closed on Friday, March 25 in observance of Good Friday.

##### PLANNING

**BOARD:** 5. The Planning Board will meet on Monday, March 28 at 5:30 p.m.

**COMMUNITY MEETING;  
PARKS & RECREATION:**

6. Parks & Recreation will host a Community Meeting on Monday, March 28 beginning at 6:00 p.m. to receive public comments regarding the Department's proposed Parks and Recreation Trust Fund Grant application for the Optimist Park site at the Mulberry Recreation Center.

**ANNUAL EMPLOYEE RECOGNITION**

- BANQUET:** 7. The annual Employee Recognition Banquet will be held on Tuesday, March 29 at 6:00 p.m. at the J.E. Broyhill Civic Center.

**FOOTHILLS REGIONAL AIRPORT**

- AUTHORITY:** 8. The Foothills Regional Airport Authority will meet on Wednesday, March 30 at noon.

- CRUISE-IN:** 9. A Cruise-In event is scheduled for Saturday, April 2 from 4:00 p.m. – 9:00 p.m. in downtown Lenoir.

**CALDWELL IS HIRING**

- EVENT:** 10. The annual Caldwell is Hiring Event is scheduled for Thursday, April 14 from 8:00 a.m. – Noon at the J.E. Broyhill Civic Center. There are 1,300 jobs available in Caldwell County and 40 companies are participating in this event.

B. Items for Council Action

**VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY**

**VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR**

**BOARD APPOINTMENT;**

**LENOIR BUSINESS ADVISORY BOARD:**

- A. Mayor Gibbons recommends that John Moore be appointed to serve a three-year term on the Lenoir Business Advisory Board.

Upon a motion by Mayor Pro-Tem Willis, Council voted unanimously to approve the above listed Board Appointment as recommended by Mayor Gibbons.

**IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS**

**UPDATE; NATIONAL LEAGUE OF  
CITIES CONFERENCE:**

- A. Mayor Gibbons reported that he, along with Councilmembers Rohr, Willis, and City Manager Hildebran recently attended the National League of Cities Conference in Washington, DC. While there, they met with the Staff of Congressman Mark Meadows and with Senators Richard Burr and Thom Tillis

regarding issues and projects pertaining to the City of Lenoir, including the City's Brownfield grant assessment application. Mayor Gibbons related the City has already received a letter of support from Congressman Meadows for the Brownfield project.

Mayor Pro-Tem Willis also stated he would present a report to Council in the near future regarding items discussed at the conference. He also mentioned the topic of opioid drug use was brought up and he commended Police Chief Brown for the Police Department's recent partnership with the North Carolina Harm Reduction Coalition (NCHRC) program in order to help individuals in emergency situations who have experienced an overdose by providing an injection of Naloxone (Narcan) which is an effective, prescription medication that reverses an opioid drug overdose.

## **X. ADJOURNMENT**

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

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Joseph L. Gibbons, Mayor

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Shirley M. Cannon, City Clerk



The Government Finance Officers Association  
of the United States and Canada

*presents this*

## AWARD OF FINANCIAL REPORTING ACHIEVEMENT

*to*

**The Honorable Joseph L. Gibbons**

Mayor

City of Lenoir, North Carolina



*The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.*

Executive Director

Date February 16, 2016

**CHAPTER 3 – ANIMALS**

**03/2016**

**ARTICLE IV. – DEER**

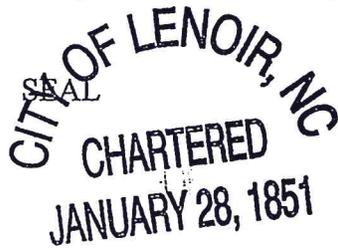
**SEC. 3-50. – Urban Archery Deer Hunting**

The purpose of this ordinance is to reduce urban deer populations through voluntary participation in the North Carolina Urban Archery Deer Hunting Program, which is regulated by the North Carolina Wildlife Resources Commission. For the purposes of this section, deer hunting related to this program is permitted within the corporate limits of the City of Lenoir ONLY in accordance with the following provisions:

- (a) For the purposes of this ordinance, hunting is defined as, “all operations during, immediately preparatory, and immediately subsequent to an attempt, whether successful or not, to kill, pursue, or otherwise reduce to possession any deer.”
- (b) Hunters shall follow all state and local laws, rules, and ordinances when hunting deer within the corporate city limits.
- (c) Hunting with firearms is strictly prohibited. Only archery equipment, as defined by the North Carolina Wildlife Resources Commission, is permitted.
- (d) Hunting dates and times for the Urban Archery Deer Hunting Program, which are established annually by the North Carolina Wildlife Resources Commission, shall apply for the purposes of this ordinance.
- (e) Hunters must have in their possession a valid North Carolina Hunting License showing completion of a hunting safety course.
- (f) Hunting is allowed only on private property. Hunters must have in their possession written permission from property owner(s), dated within one (1) year, to hunt on specific private property; or the hunter(s) must be the property owner(s).
- (g) No hunting is allowed on publicly owned property.
- (h) No hunting is allowed on private property within five-hundred (500) feet of the property line of a school, daycare center, playground, park, or other location where children are likely to be located.

- (i) No hunting is allowed on, from, or across the right-of-way of any public street or highway.
- (j) Hunting is allowed only on a tract or parcel of land which is at least three (3) or more acres. Adjacent tracts or parcels of land may be combined or pooled to meet this requirement, with written permission from each landowner.
- (k) No archery equipment may be discharged unless the hunter/shooter is located at least one-hundred (100) feet within the allowed property line. This one-hundred (100) foot buffer within each property line is an area in which no hunting may occur.
- (l) A violation of any of the provisions of this section shall constitute a misdemeanor offense pursuant to G.S. 14-4.

Adopted this the 15<sup>th</sup> day of March, 2016.



Joseph L. Gibbons, Mayor

SEAL  
ATTEST:

Shirley M. Cannon, City Clerk

Approved as to form:

Edward H. Blair, City Attorney

3/15/2016

**BUDGET AMENDMENT**

<u>Expenditures</u>	<u>BUDGET AMEND.</u>
Fire Suppression OSHA	\$266,429
<b>Total Expenditures</b>	<b><u><u>\$266,429</u></u></b>
<u>Revenues</u>	
Fire Safety Grant	\$266,429
<b>Total Revenues</b>	<b><u><u>\$266,429</u></u></b>

<b>PROJECT:</b>	Smith Crossroads Improvements, Phase II	<b>DATE OF ISSUANCE:</b>	<u>March 8, 2016</u>
<b>OWNER:</b>	City of Lenoir Post Office Box 958 Lenoir, North Carolina 28645	<b>OWNER'S PROJECT NO.:</b>	_____
<b>CONTRACTOR:</b>	Mountain Crest LLC. 1264 Taylorsville Road S.E. Lenoir, NC 28645	<b>ENGINEER:</b>	McGill Associates, P.A. P.O. Box 1136 Hickory, NC 28603
<b>CONTRACT FOR:</b>	Smith Crossroads Improvements, Phase II	<b>ENGINEER'S PROJECT NO.:</b>	<u>08.01014</u>

You are directed to make the following changes in the Contract Documents.

**DESCRIPTION:**

Grade the existing slope on the southbound shoulder of Hwy 321 behind the proposed retaining wall using a 2:1 finished slope. Export 2400 Cubic Yards of the additional material to the proposed Fire Department Site located on Tremont Park Dr. 400 Cubic Yards of material generated shall be used to build a berm at the top of slope that will be used for the property owners landscaping purposes.

**PURPOSE OF CHANGE ORDER:** Incorporate changes to the work into the contract with Mountain Crest LLC.

**ATTACHMENTS (List documents supporting change):** Work Change Directive No. 1; Change Order Request No1 from Mountain Crest LLC.

**CHANGE IN CONTRACT PRICE:**

**CHANGE IN CONTRACT TIME:**

Original Contract Price

Original Contract Time

\$ 285,462.00

90 Days ~~or Date~~ (Final Completion)

Previous Change Order No. 0 to No. 0

Net Change From Previous Change Orders

\$ N/A

N/A Days

Contract Price Prior to This Change Order

Contract Time Prior to This Change Order

\$ 285,462.00

90 Days ~~or Date~~ (Final Completion)

Net Increase (Decrease) of This Change Order

Net Increase (Decrease) of This Change Order

\$ 25,500.00

0 Days (Towards Final Completion)

Contract Price With All Approved Change Orders

Contract Time With All Approved Change Orders

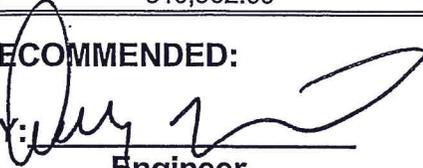
\$ 310,962.00

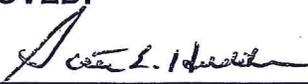
90 Days ~~or Date~~ (Final Completion)

**RECOMMENDED:**

**APPROVED:**

**APPROVED:**

BY:   
Engineer

BY:   
Owner

BY:   
Contractor

Date: 3/9/16

Date: 3/16/2016

Date: 3-9-16

**COMMITTEE OF THE WHOLE  
CITY HALL, THIRD FLOOR  
TUESDAY, MARCH 22, 2016  
8:30 A.M.**

PRESENT: Mayor Pro-Tem Willis presiding. Committee members Gibbons, Edmisten, Perdue, Perkins, Stevens and Thomas.

Staff present was City Manager Hildebran, Assistant City Manager Gilbert, City Clerk Cannon, Communications/ Resource Director Reynolds, Police Chief Brown, Recreation Director Winkler, Planning Director Wheelock, Public Utilities Director Thomas, Public Works Director Beck, Fire Chief Briscoe, and Economic Development Director Horn.

OTHERS: Guy Lucas, *News-Topic* and Destin Hall.

ABSENT: Councilmember Rohr.

I. CALL TO ORDER

A. Mayor Pro-Tem Willis welcomed everyone and called the meeting to order.

B. Destin Hall, Caldwell County's newly elected representative to the North Carolina House of Representatives, thanked City Council for the opportunity to meet with them and present information regarding his background and upcoming position in January. Mr. Hall stated Lenoir is a great place to live and work, but noted the City does have housing issues. He related that he would like to live in the downtown area and would address the issue of economic development for the City. He also advised Council to let him know of any issues they would like addressed in the future.

In addition, Mr. Hall stated he believed in free market capitalism and would like to reduce the regulatory process during his tenure in the House of Representatives.

Mayor Gibbons thanked him for coming and stated the City Council is looking forward to having a great working relationship with him.

II. CITIZEN COMMENT PERIOD

III. COMMITTEE ITEMS

A. Public Utilities/Public Works

1. Update: Public Utilities Director Thomas presented a report on the following items:

- a) Meadowood Sewer Line Replacement Project – Project is 70% complete with 2,000 feet of sewer line remaining to be installed. Mr. Thomas stated these improvements will significantly reduce inflow to the plant.
- b) Gunpowder Creek WWTP Improvements – Project is 99.9% complete, and upon completion, the state will conduct a final inspection of the plant.
- c) Water Treatment Plant Project – Preliminary plans are being submitted to the state for this project which includes sedimentation tanks, lab improvements, along with the chemical feed process. The project will be bid out in January 2017 and take one to two years to complete.
- d) Technical Assistance Grant for the study of the process of sludge at the Lower Creek Wastewater Treatment Plant will be submitted in late March or April.
- e) Broken Water Lines; Hayes Avenue, Hudson – Reported the water line on Hayes Avenue has blown out several times and needs to be repaired.
- f) Brownfields Assessment Grant- Reported the City may be notified in May whether it will receive this grant funding for this project and has also received support from U.S. elected officials.

2. Update; Public Works: Public Works Director Beck reported on the following items:

- a) Smith Crossroads, Phase II – The grading is complete and he reported the outer Southbound lane will be closed during the last 100-150 feet of work on the extension of the retaining wall.
- b) Fire Station No. 3 – Six feet of fill dirt has been placed at the site and a retaining wall will need to be constructed when the final design is complete.
- c) Blue Ridge Memorial Cemetery – Reported a number of vases at the cemetery have been stolen. Camera surveillance is available and Police Department Staff are currently investigating this theft.
- d) Greenway – Piping will need to be replaced where a sinkhole has occurred on the Greenway at the Loop section.
- e) Upcoming Sidewalk Repairs – Reported several of the City's sidewalks need replacing and Staff will be seeking quotes in the spring.
- f) Vacancies – Reported Public Works currently has two vacancies that include a part-time position at the Recycling Center and a Superintendent position at Vehicle Services.
- g) NC Main Street Champions – Reported the Staff of Building Maintenance has received the 2016 North Carolina Main Street Champion Award for a number of projects they have completed for the downtown area.
- h) Powell Road/Lower Creek Drive Re-Alignment Project – This project will begin at the end of the school year as to not interfere with traffic flow.

## V. COMMUNITY DEVELOPMENT

- A. Lenoir Tourism Development Authority: The Lenoir Tourism Development Authority met on Thursday, February 4, 2016. Minutes of the meeting were presented as information.

Communication Director Reynolds reviewed the minutes and distributed copies of the new Trail Map for the Blue Ridge Heritage Trail that the City of Lenoir

is a part of. Ms. Reynolds stated these maps along with copies of the *Explore Caldwell* publication will be available at the visitor centers. She noted this was a great tool to use in the promotion of our area and mentioned the maps will also be used with the City's Certified Retirement project. In addition, Ms. Reynolds stated she was proud that the City was being recognized as a federal region and stated that the City's front line people need to be trained in promoting what the City has to offer.

Mayor Pro-Tem Willis reported the City would be participating in the Biltmore Leadership Training program which focuses on customer service.

- B. Lenoir Business Advisory Board: The Lenoir Business Advisory Board met on Thursday, March 10. Minutes of the February 11 meeting were presented as information.

Economic Development Director Horn reiterated the City's Building Maintenance Staff received the North Carolina Main Street Champion award during the Main Street Conference held in Goldsboro on March 17 & 18. City Council will formally recognize these employees at the April 5 City Council Meeting.

In addition, Ms. Horn reported the annual Google Gravity Games are scheduled for Saturday, April 23 at 9:30 a.m. in downtown Lenoir. Additional information may be found at [www.ncgravitygames.com](http://www.ncgravitygames.com). Also, she stated the second annual Smoking in the Foothills Barbeque Festival will be held on October 14, 15 & 16 in downtown Lenoir. Additional information may be found at [www.smokinginthefoothills.com](http://www.smokinginthefoothills.com).

- C. Sister Cities Committee: The Sister Cities Committee met on Thursday, March 10 but did not have a quorum. Minutes of the February 11 meeting were submitted as information.

Economic Development Director Horn reported the City of Croatia, Italy may be interested in partnering with the City of Lenoir as a Sister City.

- D. Parks & Recreation Advisory Board: The Parks & Recreation Advisory Board met on Monday, March 21. Minutes of the February 11 meeting were presented as information. Recreation Director Winkler reported on the following items:
- 1) Leprechaun Leap (5K) –102 individuals participated in this event with the City of Lenoir being declared the winner of the annual challenge over Caldwell County.
  - 2) Easter Egg Hunt – The event was well attended and over 10,000 Easter eggs were distributed for the participating children.
  - 3) Girls Softball Teams – It will be the first season that Lenoir has been able to offer Girls Softball teams in the City. The City now has two additional fields due to the Optimist Park donation and there are five teams signed up to play.
  - 4) Public Meeting for PARTF Grant Application – A public meeting will be held on Monday, March 28 at 6:00 p.m. at Mulberry Recreation Center to receive

public comments regarding the City's Parks and Recreation Trust Fund Grant (PARTF) application.

- 5) J.E. Broyhill Park – The City is waiting on the Environmental Assessment for the Park and work will begin on the new shelters and bathrooms for the Park upon the City receiving this information.
- 6) Parks & Recreation Department Survey – City residents and non-City residents are encouraged to participate in a survey being distributed by the Department to determine the recreational needs for the City. This information will assist the City in applying for the PARTF grant.

E. Planning Board: The Planning Board will meet on Monday, March 28. Director Wheelock presented information on the following items.

- 1) Director Wheelock stated the Board will consider the following items at its March 28 meeting:
    - a) Proposed Hotel Conditional Zoning District (Blowing Rock Blvd.)
    - b) Conditional Use Permit for Proposed Multi-Family Senior Living Development on Greenhaven Drive
    - c) Sign Code –A workshop may be held during the April Committee of the Whole Meeting. The goal is to make the code easier to for individuals to understand and follow.
    - d) Order of Abatement (Hill Street) – This item will be on the April 5 City Council Agenda for Council's consideration of approval.
- Update; Rails to Trails Project: Director Wheelock reported they were originally granted 180 days to complete this project, but an extension was filed due to the approaching deadline. The project is currently slated for completion by the end of May.

F. Finance & Administration

1. FY2015-16 Financial Update: Assistant City Manager/Finance Director Gilbert presented a financial summary as of February 29, 2016. He reported the General Fund has a balance of \$3,064,342 with 103% of the budgeted tax collection being collected. The sales tax revenue has a balance of \$2,026,756, Water & Sewer Fund \$642,060 and the Downtown District Revenues/Expenditures Over (Under) are (\$91,649.)
2. Update; Stormwater Project: Assistant City Manager Gilbert clarified for Council the City currently does not have any funding allocated for stormwater projects. The goal of establishing a Stormwater Utility Fund is to establish a fee for property and business owners in order to cover the cost of these projects. It was noted that businesses could be assessed a higher fee than homeowners. The City's goal is to prevent any failures before they occur and projects will be rated on a priority basis. However, Mr. Gilbert mentioned the fee may change due to the scope of the project.

Mr. Gilbert further explained the City plans to have a summer intern list all of

the businesses and properties in order to assist with the fee process. He stated the City could include this information in the FY2017-2018 Budget Process following Council's approval and also reported that McGill Associates will assist the City with exploring available grant funding.

#### G. Public Safety

1. Update; Police Department: Police Chief Scott Brown reported on the following items:
  - a) Community Walk; Jason Place – A Community Walk is scheduled for Wednesday, March 30 beginning at 9:00 a.m. for Jason Place.
  - b) A Graduation Ceremony for the current Citizens Academy will be held on Thursday, April 7 at 6:00 p.m. at the Police Department. The Academy has twenty-six participants.
  - c) Presentation; Tsunami Security Camera System –Police Chief Brown presented information regarding a high definition wireless camera (Tsunami) which can record all activity occurring within a block of the downtown square. He stated the purpose of this system is for public safety and noted the Department can set up a command post during events and monitor the downtown area. Chief Brown reported the system will cost \$5,400 annually for a three-year period and will be funded with forfeiture money the Department receives from drug cases.

Chief Brown stated the City of Lenoir will be one of the first municipalities in the state to have this system. He explained the system was designed by Steve Teachout of Ocean 10 Security for safety reasons. The camera will be installed by early April and it takes having wireless access and a Wi-Fi connection to operate it. It was the consensus of the Council to move forward with this project.

3. Update; Fire Department: Fire Chief Briscoe reported on the following items:
  - a) Chief Briscoe reported the Department currently does not have any smoke detectors or carbon monoxide detectors due to grant funds running out. The grant should be renewed in July and the Department is currently placing individuals names on a waiting list for these detectors.
  - b) The Department's new Ladder Truck is currently having repair work done to correct a rotation issue with its turntables. This repair is under warranty.
  - c) An ISO Inspection is scheduled for July 18 – 20. The Department's goal is to maintain its current Level 4 rating with plans to work towards a Level 3 rating upon completion of the proposed Fire Station No. 3. This rating means lower insurance rates for homeowners.
  - d) The Department is currently working with McGill Associates regarding a new "water modeling system" whereby the Department can use the model to tell Staff when to flow a hydrant. It was noted the City has 1,100 hydrants.

- e) Chief Briscoe reported the Department's goal is to get the proposed Fire Station No. 3 project "shovel ready" in order to pursue any available state grant funding.
- f) Chief Briscoe reported Staff has participated in two assessments of downtown buildings for fire code. This step allows the Department to be included before a project is slated to begin in order to assist with any issues regarding the fire code at the site.

## VI. OTHER

- A. Revisions; Board Appointment Process: On behalf of Councilmember Rohr, Mayor Pro-Tem Willis presented three options for Council to consider regarding its current Board Appointment Process:
  - 1) Post any openings on the City's website
  - 2) Place opening on the meeting agenda
  - 3) Include applications with the agenda packet.
- B. April Calendar: By consensus of the Council, the calendar for the month of April was approved by Council with various meetings and events.

## VII. Adjourn:

There being no further business, the meeting was adjourned at 10:36 a.m.

**NOTICE OF PUBLIC MEETING  
CITY OF LENOIR**

Notice is hereby given that the City of Lenoir and the Unifour HOME Consortium will hold a public meeting to receive public input and comments concerning the proposed FY-2016 Action Plan of the City of Lenoir and the Unifour HOME Consortium as part of the five year Consolidated Plan. This plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines goals and action plans of the City of Lenoir and the Unifour HOME Consortium and its use of Community Development Block Grant (CDBG) and HOME funds for fiscal year 2016, beginning July 1, 2016 and ending June 30, 2017.

The public meeting will be held on Tuesday, April 5, 2015 at 6:00pm before the Lenoir City Council in the City/County Chambers on the bottom floor of the Caldwell County Office building located at 905 West Avenue, Lenoir, NC.

A summary of the proposed Action Plan is available for public review at the Lenoir City Hall. There will be a 30-day comment period beginning March 25, 2015, to obtain citizen input before the plan is adopted.

The City of Lenoir has received entitlement status by HUD and receives CDBG funds for carrying out community development activities as described in the Consolidated Plan. The Unifour HOME Consortium is comprised of 28 member local governments located within and including Alexander, Burke, Caldwell and Catawba Counties. The City of Lenoir serves as Lead Entity for this Consortium. The Unifour Consortium has received entitlement status by HUD, and will receive HOME funds to carrying out affordable housing activities as described in the Consolidated Plan.

This meeting is open to the public. Any person with a disability needing special accommodations or non-English speaking persons needing translation services should contact the City of Lenoir at least 48 hours prior to the meeting. For more information contact Rick Oxford at the Western Piedmont Council of Governments at (828) 322-9191 extension 245, or 1-(800) 735-2962 TDD.

PUBLISH: March 25, 2015

\*\*\*\*\*

Please run this ad on March 25, 2015  
Please run one time only  
Use Small Block Ad  
Use HUD and Fair Housing, EEO logos  
Affidavit Required

**Send Bill & Affidavit to:**

Attention: **Rick Oxford**  
**Western Piedmont Council of Governments**  
**Unifour HOME Program**  
**1880 2<sup>nd</sup> Avenue NW**  
**Hickory, NC 28601**

If you need further information contact Rick Oxford at (828) 485-4245.

**CITY OF LENOIR**  
**COUNCIL ACTION FORM**

- I. **Agenda Item:** City staff request that City Council adopt an Order of Abatement directing staff to abate the minimum housing violations by demolishing the structures on the property of 533 Hill St.
  
- II. **Background Information:** The subject structure is unfit for human habitation and attempts to achieve owner abatement have been unsuccessful. See attached time line for detailed information.
  
- III. **Staff Recommendation:** Recommend adoption of the attached ordinance, directing staff to proceed with the demolition and removal of the structure. This property is No. 1 on the minimum housing priority list.

IV. **Reviewed by:**

**City Attorney:** \_\_\_\_\_

**Finance Director:** \_\_\_\_\_

**Planning Director:**                     *D. Wheelock*

**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 owner of this dwelling, **Toua Lee & Xia Thao**, has 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 February 17, 2016 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:

**533 Hill St.**  
**Lenoir, North Carolina.**  
**Parcel-ID 06 17 3 9**  
**NCPIN 2749572991**

**533 Hill St.**  
**Lenoir, North Carolina**  
**Parcel-ID 06 17 3 10**  
**NCPIN 2749573826**

**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 Chapter 160A, Article 19, Part 6.

**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. 160A-443 (6).

**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.

**Section 6.** This ordinance shall become effective upon the passing of 30 days from the final abatement notice (March 18, 2016).

**Adopted this the 5th day of April, 2016.**

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**JOSEPH L. GIBBONS  
MAYOR**

**ATTEST:**

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**SHIRLEY M. CANNON  
CITY CLERK**

**APPROVED AS TO FORM:**

---

**EDWARD H. BLAIR, JR  
CITY ATTORNEY**

Owner: Toua Lee  
Xia Thao.  
Property: 533 Hill St  
NC Pin No. 2749572991 .  
Minimum Housing Violation Time Line

<u>Date</u>	<u>Description</u>
<b>February 2015</b>	Received numerous complaints from neighbors regarding the minimum housing violations at 533 Hill St. Neighbors stated that the home was abandoned and in terrible condition. Due to the over grown vegetation vermin were beginning to enter onto neighboring properties. The initial inspection of the dwelling reveled deterioration in the exterior structural components including foundation, roofing, and siding. Deflection in the roof has led to water penetrating into the dwelling compromising interior components including electrical, plumbing, roofing supports, interior walls, and wall coverings. Upon inspection it was discovered that there were two dwellings located at the address 533 Hill St. Both structures were dilapidated and had the same owners. It was determined based on the buildings tax value and the amount of deterioration that the dwellings were classified as dilapidated.
<b>May 5, 2015</b>	Initial minimum housing violation/hearing notice was mailed to the property owners on this date. Two copies of the letter were mailed one first class and one registered mail. Initial minimum housing letter requested that the property owners contact the housing inspector to set up time for an onsite hearing to discuss the housing violations and abatement procedures of the two dwellings located at address 533 Hill St. The owners contacted the City and explained the properties had been foreclosed on. They presented the City with documents from Bank of America stating the property was in the foreclosure process and was scheduled to be sold at auction. It was decided to postpone further action until the rightful owners could be determined. <b>Certified Mail No. 7013 1710 0000 0855 0163</b>
<b>June 2015 – October 2015</b>	After failing to uncover who the rightful owners by use of Register of Deeds, deed searches, and other investigative tools it was decided to request a title search for the property. The request for the title search was issued along with 5 other properties. Request was sent to City Attorney Ed Blaire on October 26, 2015. The confusion of ownership was due to the documents from Bank of America in 2013 stating that the property was in foreclosure in an attempt to collect a debt. However the ownership of the property never changed and the deed was never transferred to a new owner.
<b>November 2015</b>	The title search for the property was returned and it was confirmed that the property owners were Toua Lee and Xia Thao. According to the title search the foreclosure process fell through. At this time the case was further continued to allow time to finish up previously started minimum housing cases involving tenants living in hazardous conditions. Structures that have tenants living in hazardous conditions take precedence over abandoned dwellings.
<b>February 17, 2016</b>	Order to abate notice was mailed to the listed property owners Toua Lee and Xia Thao. Two copies were sent one by first class mail and one by registered mail. In this notice it specified that the owners of the property must abate the minimum housing violations by demolishing the dwellings and removing it from the property within 30 days of receiving the notification. <b>Certified Mail No. 7015 1520 0000 1313 0241</b>
<b>March 18, 2016</b>	The final determination notice was mailed on this date. Two copies one by first class and one by registered mail. A copy of the notice was also attached to the structure. The notice stated that an ordinance for the demolition of the dwellings at 533 Hill St. will be presented to the City of Lenoir City Council on April 5, 2016. This notice gives the property owners one final chance to demolish the structures within 30 days before the City takes action. <b>Certified Mail No. 7015 1520 0000 1313 0364</b>

April 5, 2016

At this time it is requested that an ordinance be passed for the demolition of the dwellings at 533 Hill St. This demolition will be performed after April 18, 2016 to allow the full 30 days to expire as specified in the final determination notice sent March 18, 2016. Demolition will take place after the above mentioned date and all fees accumulated will be placed as a lien on the property.

Minimum Housing Violation Affidavit  
(533 Hill St)

I, Zach Clark affirm that as the housing inspector for the City of Lenoir I have made every possible attempt to contact the property owners of 533 Hill St. I have exhausted all resources in the effort to find the owners and/or heirs of the property mentioned above. The dwelling is unfit for human habitation and is a health/safety hazard for nearby neighbors. At this time the best course of action to eliminate the minimum housing violations is to demolish the structure and remove all debris from the property.

I swear that everything documented in this packet to be true and correct to the best of my information, knowledge, and belief.

3-23-2016  
Date

Zach Clark  
Zach Clark

STATE OF NORTH CAROLINA  
COUNTY OF CALDWELL

I, the undersigned Notary Public, do hereby affirm that Zach Clark personally appeared before me on the 23 day of March 2016, and signed the above Affidavit as his free and voluntary act and deed.

Regina Sizemore  
Notary Public



Caldwell County Mapping



1 inch = 25 feet

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. Caldwell County and its mapping and software contractors assume no legal responsibility for the information contained on this map or in this website. This map and information are NOT of land survey quality and are NOT suitable for such use.















CITY MANAGER  
W. LANE BAILEY

CITY OF LENOIR  
NORTH CAROLINA

MAYOR  
JOSEPH L. GIBBONS

CITY COUNCIL  
T. H. PERDUE  
J. I. PERKINS  
T. J. ROHR  
D. F. STEVENS  
R. R. STILWELL  
C. D. THOMAS  
B. K. WILLIS

May 5, 2015

Lee Toua  
Thao Xia  
4138 Delta Dr  
Morganton, NC 28655

Certified Mail: 7013 1710 0000 0855 0163

**MINIMUM HOUSING VIOLATION AND  
HEARING NOTICE**

TO: **Lee Toua & Thao Xia**, owner (s) of property located at **533 Hill St (PIN: 2749572991)** in the City of Lenoir, North Carolina.

**Unsafe Buildings: General Statute 160A-426, 160A-446, 160A-429  
North Carolina Code Officials Enabling Act: 160A-412**

Condition of structure is determined as: **Deteriorated** \_\_\_\_\_  
**Dilapidated** XXX

After an investigation promoted by a complaint, several issues with your property must be addressed. As the legal owner, you have ten (10) days to call the City of Lenoir Housing Inspector to establish a hearing date and location that must be held within the specified timeframe.

**The following code violations have been determined:** If further inspection is required, additional violations may be added.

**G.S. 160A-428**

**That the building or structure is in a condition that appears to meet one or more of the following conditions:**

- A. Constitutes a fire or safety hazard.**
- B. Is dangerous to life, health, or other property.**
- C. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.**
- D. Has a tendency to attract person(s) intent on criminal activities or other activities which would constitute a public nuisance.**

The property listed above is in violation of City of Lenoir Minimum Housing Standards. The structure is currently unsecure and is a safety hazard. Due to the structural damage and the overall excessive deterioration the dwelling is being classified as dilapidated. This property must be brought into compliance with the City of Lenoir Minimum Housing Standards. Please contact me to schedule a time for an onsite hearing to discuss what actions will need to take place to abate the current minimum housing violations.

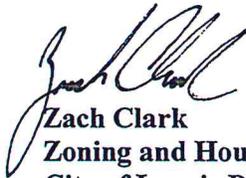
**Stage of the investigation**

**Initial Investigation XXX**

**Final Determination**

**Abatement of these violations must occur within a specified period of time, not to exceed 60 days. Failure to comply will result in actions including, but not limited to, civil penalties, posting, and city abatement. All questions about the violation or procedures to abate them will be addressed at the hearing.**

Sincerely,



**Zach Clark  
Zoning and Housing Inspector  
City of Lenoir Planning Department  
(828) 757-2212**



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lee Toua  
Thao Xia  
4138 Delta Dr  
Morganton, NC 28655

2. Article Number  
(Transfer from service label)

7013 1710 0000 0855 0163

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Address  
*X [Signature]*

B. Received by (Printed Name) C. Date of Delivery  
*Toua Lee* *5-26-15*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com).

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage &		

Sent To: **Lee Toua**

Street, Apt. No., or PO Box No.: **Thao Xia**

City, State, ZIP+4: **4138 Delta Dr**  
**Morganton, NC 28655**

*5-6-14*  
Postmark Here

PS Form 3811, August 2006

7013 1710 0000 0855 0163

# TRUSTEE SERVICES OF CAROLINA, LLC

C/O BROCK & SCOTT, PLLC  
 5431 OLEANDER DRIVE  
 WILMINGTON, NC 28403  
 PHONE: 910-392-4988  
 FAX: 910-392-8587

May 1, 2013

Toua Lee  
 14233 Luscombe Farm Road  
 Charlotte, NC 28278

**Re: NOTICE OF FORECLOSURE SALE**

**Our File No:** 12-14320  
**Mortgagor(s):** Toua Lee and Xia Thao  
**Original Mortgagee:** Bank of America, N.A.  
**Recorded:** July 15, 2005, Book 1557, Page 534  
**Property Address:** 533 Hill Street, Lenoir, NC 28645  
**County:** Caldwell  
**Court Case Number:** 12 SP 433

Dear Sir/Madam:

This office is the Substitute Trustee on behalf of Wells Fargo Bank, N.A., As Trustee for the Certificateholders of Banc of America Alternative Loan Trust 2005-8 Mortgage Pass-Through Certificates, Series 2005-8 in the above referenced foreclosure proceeding. The sale is scheduled to take place on *May 29, 2013 at 11:30AM*.

A copy of the Notice of Foreclosure Sale is enclosed. The sale will be conducted in accordance with the terms set forth in said Notice.

Please do not hesitate to call/contact customer service at 910-392-4988 for any questions you may have.

Sincerely,

Brock & Scott, PLLC

**IN ACCORDANCE WITH THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE RECEIVED A DISCHARGE IN A CHAPTER 7 BANKRUPTCY, WE ARE AWARE YOU ARE NOT PERSONALLY OBLIGATED FOR THIS DEBT. PLEASE BE ADVISED THAT THESE NOTICES ARE REQUIRED FOR FORECLOSURE IN THIS STATE.**



NOTICE OF FORECLOSURE SALE

NORTH CAROLINA, CALDWELL COUNTY

Under and by virtue of a Power of Sale contained in that certain Deed of Trust executed by Toua Lee and Xia Thao to PRLAP, Inc., Trustee(s), which was dated June 29, 2005 and recorded on July 15, 2005 in Book 1557 at Page 534, Caldwell County Registry, North Carolina.

Default having been made of the note thereby secured by the said Deed of Trust and the undersigned, Trustee Services of Carolina, LLC, having been substituted as Trustee in said Deed of Trust, and the holder of the note evidencing said default having directed that the Deed of Trust be foreclosed, the undersigned Substitute Trustee will offer for sale at the courthouse door of the county courthouse where the property is located, or the usual and customary location at the county courthouse for conducting the sale on **May 29, 2013 at 11:30AM**, and will sell to the highest bidder for cash the following described property situated in Caldwell County, North Carolina, to wit:

*All that certain lot or parcel of land situated in Caldwell County, North Carolina and more particularly described as follows:*

*Beginning at a stake in the South margin of (Mt. View Street) now Hill Street, 7 feet West of Calvin Canon's corner and in the West edge of a seven foot alley and runs with said alley South 35° East 64 feet to a stake in Claude Erwin's line; thence with Erwin's line South 65° West 59 feet to a stake, John Peay's line; thence with Peay's line North 35° West 64 feet to a stake in the South margin of said Hill Street; thence with the part of land conveyed by Robert Corpening, widower, to Claude F. Erwin and wife, Ruby Erwin, dated May 30th, 1934 of the record in the Office of the Register of deeds for Caldwell County, in Book 160, Page 019. There is expressly reserved and set apart as West line of the said Calvin C. Cannon's lot.*

*Excepting from above, so much property as has been conveyed by the deed in Book 207, at Page 54.*

*Being that parcel of land conveyed to Toua Lee and Xia Thao from Ann Oakley and Mikeal David Smith by that deed dated 05/25/2005 and recorded 05/26/2005 in Deed Book 1550, at Page 1858 of the Caldwell County, NC Public Registry.*

Save and except any releases, deeds of release or prior conveyances of record.

Said property is commonly known as 533 Hill Street, Lenoir, NC 28645.



GROOME, TUTTLE, PIKE & BLAIR, RLLP  
Attorneys & Counselors at Law  
210 Ridge Street, N.W.  
Post Office Box 776  
Lenoir, North Carolina 28645-0776  
www.lenoirlaw.com

Dickson Whisnant - (1916-1991)  
G.C. Simmons, III - (1943-1989)  
H. Houston Groome, Jr. (Retired)

Telephone (828) 758-0141  
Facsimile (828) 758-5326

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Carroll D. Tuttle  
Fred D. Pike  
Edward H. Blair, Jr.

November 11, 2015

City of Lenoir  
Attention: Zach Clark  
PO Box 958  
Lenoir, NC 28645

Re: Title Search  
533 Hill Street, Lenoir, NC 28645  
PIN: 2749573826  
PIN: 2749572991

Dear Mr. Clark:

At your request, we searched the title to the above referenced property. We discovered that the present owner is Toua Lee and wife, Xia Thao. They received two deeds to the property. The deed recorded in Book 1550, Page 1858, Caldwell County Registry, is for the property "closest" to Hill Street. The parcel ID is 06 17 3 9. The deed recorded in Book 1650, Page 201, Caldwell County Registry, is for the property farthest from the street. Its parcel ID is 06 17 3 10.

In each case there are multiple past due taxes. The property at 06 17 3 9 is subject to a mortgage to the Bank of America, now assigned to Wells Fargo Bank, NA.

It is unknown if there are tenants in the property, but the mortgage suggest that it is multi-family housing.

The address of the owners, according to the tax records, is 4138 Delta Drive, Morganton, NC 28655.

Two standard form title certificates are attached for your consideration.

Very truly yours,

GROOME, TUTTLE, PIKE & BLAIR, RLLP

A handwritten signature in black ink that reads "Fred D. Pike". The signature is written in a cursive style with a large, stylized initial 'F'.

Fred D. Pike

FDP/lw



CITY MANAGER  
SCOTT E. HILDEBRAN

CITY OF LENOIR  
NORTH CAROLINA

MAYOR  
JOSEPH L. GIBBONS

CITY COUNCIL  
K. P. EDMISTEN  
T. H. PERDUE  
J. I. PERKINS  
T. J. ROHR  
D. F. STEVENS  
C. D. THOMAS  
B. K. WILLIS

February 17, 2016

Toua Lee  
Xia Thao  
4138 Delta Dr.  
Morganton, NC 28655

Certified Mail: 7015 1520 0000 1313 0241

**MINIMUM HOUSING VIOLATION  
AND ORDER TO ABATE**

TO: **Toua Lee & Xia Thao**, owner(s) of property located at **533 Hill St.** (PIN: 2749572991) in the City of Lenoir, North Carolina.

**Unsafe Buildings: General Statute 160A-426, 160A-446, 160A-429  
North Carolina Code Officials Enabling Act: 160A-412**

Condition of structure is determined as: **Deteriorated** \_\_\_\_\_  
**Dilapidated** XXX

**The following code violations have been determined:** If further inspection is required, additional violations may be added.

**G.S. 160A-428**

**That the building or structure is in a condition that appears to meet one or more of the following conditions:**

- A. Constitutes a fire or safety hazard.**
- B. Is dangerous to life, health, or other property.**
- C. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.**
- D. Has a tendency to attract person(s) intent on criminal activities or other activities which would constitute a public nuisance.**

After requesting a title search be done on this property it has been determined that a foreclosure process never took place and the rightful owners of the property listed above are Toua Lee and Xia Thao. This property is in violation of the City of Lenoir Minimum Housing Standards. The structure is currently unsecure and is a safety hazard. Due to the amount of structural damage this dwelling is classified as dilapidated. In order to abate the minimum housing violations and the health/safety hazards, the dwelling must be demolished and removed from the property. Abatement of these violations must occur in a specified amount of time, not to exceed 30 days.

Failure to abate the violations by, **March 18, 2016** will result in actions including, but not limited to, civil penalties, postings, and city abatement. If you have any questions concerning the violations or the abatement process please contact me.

**Section 1-15 Civil and Criminal Penalties**

(c) Violation of any provision of this Code not corrected as provided in [this letter] shall subject the offender to a civil penalty in the amount of \$50.00 to \$500.00, in accordance with the citation schedule in subsection (e), to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a period of 72 hours after being cited. The citation shall be in writing, signed by the authorized person issuing the citation, and shall be delivered in person or by mail to the offender.

(e) Civil Penalties Schedule

Violation of any provision of this ordinance shall subject the offender to civil penalties in the following amounts, as applicable. All Civil Penalties must be paid within 72 hours of receipt by the offender.

First Penalty	Second Penalty	Third Penalty	Fourth Penalty	Fifth Penalty	Sixth Penalty	Seventh Penalty	Eighth Penalty	Ninth Penalty	Tenth Penalty
\$50.00	\$50.00	\$50.00	\$100.00	\$100.00	\$100.00	\$250.00	\$250.00	\$250.00	\$250.00

\* If violations continue to exist past the tenth penalty, subsequent penalties shall be \$500.00 each.

(f) Unless otherwise specifically provided in this Code and authorized by state law, no single offense (as described in subsection (d), above) may be punished by a fine or civil penalty in excess of \$500.00.

**Stage of the investigation**

**Initial Investigation**

**Final Determination XXX**

**Abatement of these violations must occur within a specified period of time, not to exceed 30 days. Failure to comply will result in actions including, but not limited to, civil penalties, posting, and city abatement. All questions about the violation or procedures to abate them will be addressed at the hearing.**

Sincerely,



Zach Clark  
 Zoning and Housing Inspector  
 City of Lenoir Planning Department  
 (828) 757-2212



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Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ \_\_\_\_\_
- Return Receipt (electronic) \$ \_\_\_\_\_
- Certified Mail Restricted Delivery \$ \_\_\_\_\_
- Adult Signature Required \$ \_\_\_\_\_
- Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postmark  
Here  
2-17-14

Postage

\$

Total Postage

\$

Sent To Toua Lee  
Street and A/c Xia Thao  
City, State, Z 4138 Delta Dr.  
Morganton, NC 28655



CITY MANAGER  
SCOTT E. HILDEBRAN

CITY OF LENOIR  
NORTH CAROLINA

MAYOR  
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T. J. ROHR  
D. F. STEVENS  
C. D. THOMAS  
B. K. WILLIS

March 18, 2016

Toua Lee  
Xia Thao  
4138 Delta Dr.  
Morganton, NC 28655

**Certified Mail: 7015 1520 0000 1313 0364**

**RE: Minimum Housing Determination  
533 Hill St. Lenoir, NC 28645  
NCPIN: 2749572991**

Toua Lee and Xia Thao,

This letter is to inform the property owners listed above that they have failed to comply with an order given by the housing inspector to abate the minimum housing violations at 533 Hill St. All violations were to be abated within a specified amount of time not to exceed 30 days as instructed in the Minimum Housing Order to Abate notice sent on February 17, 2016. If the minimum housing violations at the dwelling(s) located at the above mentioned address are not abated by method of demolition by April 18, 2016 the City will take action and demolish the structure(s). All expenses acquired during this abatement process will be placed as a lien against the property.

Upon failure of the owner of the dilapidated dwelling to comply with an order of the inspector within the time specified therein, the inspector may submit to the City Council an ordinance ordering the inspector to cause such dwelling to be removed or demolished, as provided in the original order of the inspector. The amount of the cost of vacating and closing, or removal or demolition caused to be made or done by the inspector shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as the lien for special assessment.

This letter is to inform you that the housing inspector will be submitting an ordinance to City Council, as described above. The City Council will consider this ordinance for adoption at the April 5, 2016 City Council Meeting, held in the County Chambers at 905 West Ave in Lenoir. Upon adoption of the ordinance the demolition of the dwelling(s) at 533 Hill St will be scheduled for April 18, 2016.

Sincerely,

Zach Clark  
Zoning and Housing Inspector  
City of Lenoir Planning Department  
(828) 757-2212

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Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ \_\_\_\_\_
- Return Receipt (electronic) \$ \_\_\_\_\_
- Certified Mail Restricted Delivery \$ \_\_\_\_\_
- Adult Signature Required \$ \_\_\_\_\_
- Adult Signature Restricted Delivery \$ \_\_\_\_\_

3/18/16  
Postmark  
Here

Postage

\$ \_\_\_\_\_

Total Postage \$ \_\_\_\_\_

\$ \_\_\_\_\_

Sent To

Toua Lee  
Xia Thao  
4138 Delta Dr.  
Morganton, NC 28655

Street and Apt. #

City, State, ZIP+

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Toua Lec  
 Xia Thao  
 4138 Delta Dr.  
 Morganton, NC 28655



9590 9403 0440 5163 4007 29

2. Article Number (Transfer from service label)

7015 1520 0000 1313 0364

PS Form 3811, April 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Toua Lec*  Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

3/21

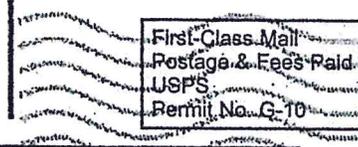
D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Mail Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

UNITED STATES POSTAL SERVICE  
 PIEDMONT TRIAD AREA  
 21 MAR 2015 PM 2 1



First-Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box\*

City of Lenoir  
 P.O. Box 958  
 Zoning & Housing Inspector  
 Lenoir, NC 28645

USPS TRACKING#



95

## **City of Lenoir**

### **Board Reappointments**

Mayor Gibbons will recommend the following individuals for re-appointment to the City's Authorities/Boards/Commissions at the City Council Meeting scheduled for Tuesday, April 19.

**Note: Mayor Gibbons has contacted each of these individuals and they have all asked to be considered for reappointment in order to serve another term.**

### **Lenoir Housing Authority**

Sandy Rossborough

### **Lenoir Business Advisory Board**

Mark Transou

Barbara Weiller

Glenda Wilson

### **Foothills Regional Airport Authority**

Charles Thomas