

**LENOIR CITY COUNCIL
 TUESDAY, MARCH 19, 2019
 6:00 P.M.**

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

ABSENT: Mayor Pro-Tem Ben Willis.

Note: Councilmember Rohr's seat is vacant on City Council due to his accepting the position of City Attorney.

I. CALL TO ORDER

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

LOUANNE

KINCAID: B. On behalf of City Council, Mayor Gibbons asked everyone to keep LouAnne Kincaid, Caldwell County's Public Information Officer, in their thoughts and prayers as she is currently experiencing health issues.

CONGRATULATIONS;

T.J. ROHR: C. On behalf of City Council, Mayor Gibbons congratulated City Attorney T.J. Rohr for placing first in his age bracket at the City's annual Leprechaun Leap 5K/10K race held on Saturday, March 16 at the Aquatic & Fitness Center.

MAIN STREET

AWARDS: D. On behalf of City Council, Mayor Gibbons congratulated Economic Development Director Kaylynn Horn and Main Street Coordinator Kyle Case along with other City Staff and volunteers upon the City of Lenoir winning four awards at the annual North Carolina Main Street Conference held in Salisbury on March 12 through 14.

Mayor Gibbons shared the City won awards for Best Innovation; Best Volunteer Recruitment, Training and Recognition; Best Downtown Special Event or Event Series; and Best Image-Building Campaign. The City also received the prestigious designation of Main Street Champion.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**TABLED; CONDITIONAL USE PERMIT;
 316 LOWER CREEK DRIVE:**

- A. A quasi-judicial public hearing was held to consider a Conditional Use Permit (CUP) as submitted by MC Morgan & Associates, Inc. for property located between Tywood Street and Eastover Circle, NCPIN#2759488961 and NCPIN#2759488577. The applicant is requesting a Conditional Use Permit for

a 68-unit apartment complex in the R-9 and B-2 zoning districts. Staff recommends approval subject to the following conditions:

1. The development shall substantially comply with the site plan on page 8 of the staff report, inclusive of staff's additional notes and clarifications. The maximum number of units shall be 68.
2. The sidewalk along Lower Creek Drive will be 8' wide and straightened for accessibility. A pedestrian connection must be provided from the sidewalks along Lower Creek Drive to the internal pedestrian network.
3. The smaller parcel (NCPIN#2759488577) will be recombined with the larger tract (NCPIN# 2759488961), in compliance with City of Lenoir zoning and subdivision regulations, prior to permitting.
4. The vegetative buffer will be a minimum of 20' wide along the northwestern side property lines where adjacent to single-family residential properties.
5. The architectural standards for articulation through the provision of architectural features as well as the standards for materials and parking lot landscaping found in Section 714 of the Zoning Ordinance shall apply to the entire site, not just the B-2 zoned portions. Primary facades shall be any façade that is visible from Lower Creek Drive or adjacent residential properties.
6. Dumpsters shall be screened on all sides with dumpster enclosures finished to match the principal buildings.
7. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
8. Signage on Lower Creek Drive shall use exterior illumination only (no internal illumination). Exterior lighting shall be directed at the sign face and be fully shielded to prevent light spill-over onto neighboring residential properties.
9. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.
10. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.

City Attorney Rohr explained for the general public that a quasi-judicial public hearing is a hearing where City Council sits as a panel of Judges and receives evidence as presented by individuals that have been sworn in by the City Clerk. In addition, Mr. Rohr stated City Council is not allowed to discuss the conditional use permit among themselves or with anyone else and they cannot visit the proposed property site. Attorney Rohr remarked that Council also needs to remain open minded about the project.

Attorney Rohr further advised Council that if an applicant meets all of the proposed conditions, they are entitled by law to be granted a conditional use permit and Council has to grant that approval. Attorney Rohr explained the applicant also has to adhere to all of the conditions upon approval of the

permit.

Attorney Rohr informed Council they should not interrupt speakers, but wait until the hearing is closed before asking for clarification regarding any comments that were presented.

Mayor Gibbons opened the public hearing to receive public comments regarding the conditional use permit.

The following individuals were sworn in by the City Clerk: Jenny Wheelock, Planning Director, Connie Vermillion, Neena C. Tysinger, Grace Caudle, Teresa Edmisten, Jessie Price, Lida Martinat, Patsy Riddle and Mark Morgan, Applicant.

Planning Director Jenny Wheelock submitted a copy of the Staff Report to the City Clerk as evidence to be included in the record. (A copy of the Staff Report is hereby incorporated into these minutes. Refer to pages 105-119).

Director Wheelock stated the information included in the Staff Report is true and correct to the best of her knowledge.

Director Wheelock reported the Staff Report includes draft findings of fact on page 5 that Council may modify should they choose to do so. She pointed out that 1.95 acres of the subject property is zoned as B-2 (General Business) and 3.27 acres is zoned as R-9 (Residential). Ms. Wheelock explained the applicant has submitted a new site plan and noted the access easement located on Lower Creek Drive also provides access to Wilkesboro Boulevard. She stated the North Carolina Department of Transportation will be reviewing the existing driveway on Lower Creek Drive in the future. In addition, Director Wheelock mentioned the CUP Council approved in 2017 for this property expires in two days. This project was never funded therefore a traffic study was not done at that time. Director Wheelock further explained this property could be developed for a variety of uses as it is currently zoned.

Director Wheelock shared the proposed development includes a clubhouse that will be adjacent to Lower Creek Drive along with (2) three-story units and (3) two-story units. Ms. Wheelock also reviewed the elevation of each facility.

Next, Director Wheelock reviewed the results of an Impact Analysis Report for Traffic showing 3,500 cars travel Lower Creek Drive daily. On Wilkesboro Boulevard, 23,000 cars travel daily west of Lower Creek Drive and 18,000 cars travel east of Lower Creek Drive.

The proposed project of 68 units will average 448 daily trips split between two access points (224 SB/224 NB). This averages a 6.4% increase of traffic and less than a 1% increase for Wilkesboro Boulevard.

The Impact Analysis Report for PM Peak Traffic showed estimates of 39 trips (split between two entrances). The Impact Analysis for Schools for 68 units would generate ~5-11 elementary school students. For the “By-Right” scenario for 25 single family homes would generate ~5 elementary.

The Impact Analysis for Density is as follows:

	<u>B-2</u>	<u>R-9</u>	<u>Combined Site</u>
Acreage	1.95	3.27	5.22
Total Dwelling Units	36	32	68
Density (du/ac)	18.46	9.79	13 du/ac

As directed by Council, Director Wheelock explained a “by right” development refers to projects that are permitted under their current zoning and do not require any legislative action by City Council. They are approved administratively and do not require public hearings.

Director Wheelock stated this project represents the maximum density for this site that would be allowed in the future under the proposed zoning code amendments, and that Mr. Morgan voluntarily revised the site plan to lower the density when the original proposal would have exceeded the proposed density limits. She noted this project meets all of the standards for a CUP and submitted a copy of her power point presentation to the Clerk to be included in the record of the meeting. (Refer to pages 120-137).

Mr. Mark Morgan, MC Morgan & Associates, Inc., 2408 Lake Oak, High Point, NC, submitted a copy of the Engineer’s Traffic Report prepared by Davenport for the property located on Lower Creek Drive between US 64 and Tremont Park Drive and a copy of the Market Study for property located at 316 Lower Creek Drive (Kattz Corner) which was prepared by Gibson Consulting, LLC, to the City Clerk as evidence to be included in the record for this meeting. (Refer to pages 138-227).

Mr. Morgan stated his firm has built apartment complexes across the state of North Carolina and they have worked on Lenoir’s project for nine months. Mr. Morgan also clarified for City Council that he has not built any market rate housing in North Carolina and confirmed his company sells tax credits. Mr. Morgan stated he redesigned the project following a request to make it more residential in character and to meet the City’s requirements as listed in its Comprehensive Plan. He reviewed the amenities for each buildings and noted a site manager and site engineer would be on site daily.

Mr. Morgan emphasized the City of Lenoir has the highest need for additional housing according to his market study dated March 11, 2019. He reported the demand has grown from 1,100 units in 2017 to 1,800 currently which equals an increase of 40%. Mr. Morgan stated the market study was based on an eight-mile radius which ended at the Town of Hudson. Mr. Morgan further stated the statistics came from a report compiled by the Workforce Development Group at the Western Piedmont Council of

Governments.

Mr. Morgan stated he has a process in place for managing apartments and noted the application process is fairly intensive. He commented he has done due diligence regarding multi-family housing and restated several times during the hearing that this project is why he is here and requested Council let him do what he does.

Mayor Gibbons advised all of the speakers to be clear and concise with their comments and to be as brief as possible due to the number of individuals who signed up to speak.

Ms. Teresa Edmisten, 319 Lower Creek Drive, read part of an editorial in the *News-Topic* in 2017 which included a statement that City Council has approved applications for low income housing five times in the past four years. Ms. Edmisten stated there were fifteen low income apartment facilities in Lenoir and pointed out Lenoir's population is only 18,000. She remarked that 14,000 residents couldn't be living in apartments which indicates the other complexes are not full. Ms. Edmisten mentioned that one-third of Lenoir's workforce lives outside of Caldwell County asked where the residents of the proposed complex are going to work.

Ms. Edmisten stated she was a 48-year resident of Lenoir and referred to her property value possibly decreasing due to the proposed complex. She cited the City's Code, Appendix A, Article IX, Special Review Procedures for Conditional Uses which includes language that allows Council to recommend additional conditions/and base their approval on projects not being detrimental to the surrounding environment and property values and remarked that Council could block this project.

Ms. Edmisten stated she called City Hall six times and was told there was no need for regulation regarding this application and also that she could not speak to City Council since it was a quasi-judicial public hearing. Ms. Edmisten remarked the residents did not have any rights and their loyalty to the community did not mean anything. Ms. Edmisten asked Council to consider placing a cap for these types of apartments in the future so this situation doesn't happen to other neighborhoods.

Ms. Neena Tysinger, 311A Lower Creek Drive NE, stated the right-of-way was 35-feet from her driveway which is their designated right-of-way. She also commented her 92-year old father-in-law lived in the neighborhood and expressed concern regarding his ability to remember the driveway to the complex would be there. Ms. Tysinger stated this proposed project is designed better than the last project, but she asked Council to look out for the residents and further asked Council to consider having the clubhouse driveway moved to the other side of the property in order to alleviate the traffic issue for the residents. Ms. Tysinger reported the current apartments

located on Lower Creek Drive only have one entrance.

Ms. Jessie Price, 305 Lower Creek Drive, expressed her anger regarding the project and that the residents didn't feel welcome at the recent Planning Board meeting. She asked who would be their advocate and that no one seemed to care how this project would affect their neighborhood. Ms. Price stated she wouldn't have purchased her home if the low-income apartments were already been located there. In addition, Ms. Price stated it was poor timing by the City to consider amending the Lenoir Zoning Ordinance when this project was before them for consideration.

Ms. Price also cited statistics from a report obtained from the Lenoir Police Department regarding crime at Skyland, Viridian and the 300 block of Lower Creek Drive. She noted there were 40 calls to Skyland Apartments of which 3 were for significant issues. In the 300 block of Lower Creek Drive there were 25 calls of which 4 were for significant issues and the Department received 26 calls from Viridian Apartments of which 22 were significant.

Ms. Connie Vermillion stated her residence is directly across from the proposed property and pointed out there were 37 single family homes, 34 units at Skyland Apartments and 6 townhomes for a total of 77 houses located within a ½ mile from the proposed project. Ms. Vermillion stated the additional 68 units would increase the population of their neighborhood by 88%. Ms. Vermillion remarked there was no other way out of their neighborhood and the project would affect many more people than just the ones located within a 100-foot radius of the proposed site. Ms. Vermillion also reported that Director Wheelock stated this project would not have an impact on the traffic there.

Ms. Grace Caudle, 372 Eastover Circle NE, stated she was a fifty-seven year resident of the neighborhood and it was a great place to live. Ms. Caudle related that one Councilmember stated Council could only consider the cited conditions in the application and she also referred to the City's Code, Appendix A, Article IX, Special Review Procedures for Conditional Uses which includes language that allows Council to recommend additional conditions/and base their approval on projects not being detrimental to the surrounding environment and property values.

Ms. Caudle stated this project would radically change the balance of their neighborhood and reiterated Council should consider the residents instead of the applicant. Ms. Caudle remarked that Council has the ability to block this project.

Ms. Jessie Price shared she had counted cars traveling on Lower Creek Drive and stated the lanes could not handle 9,400 cars daily.

Planning Director Wheelock clarified that the 9,400 cars represents a generic

accepted estimated maximum per lane before traffic was at a standstill, and that 10,000 cars a day is a better number to estimate the maximum traffic load the road can handle before it fails. She clarified that with a daily traffic count of 3,500 cars, the road is not anywhere near maximum capacity.

Mrs. Lida Martinat, 1044 Randolph Circle, stated the residents have worked hard on their presentations and are nice people, but stated this property has been zoned as B-2 and R-9 for many years. Mrs. Martinat remarked she and her husband have given back to the community over the years and have previously donated land for different projects, but now they need the revenue due to medical reasons. Mrs. Martinat asked Council to be fair.

Planning Director Wheelock clarified that Planning Board requested that Staff review the driveway location, which they did and concluded that as proposed the driveway location is acceptable. She further clarified the Fire Code requires two entrances. Also, Ms. Wheelock stated the Developer would have to take care of demolishing the existing buildings on the property and noted that while Caldwell County does not issue demolition permits, environmental standards for removal and disposal would need to be met by any contractors hired to perform the work.

Councilmember Perdue asked how far back from Lower Creek Drive the proposed buildings. Director Wheelock stated she was unsure, but it would default to the R-9 zoning standard which was 35 or 40 ft.

Mr. Morgan stated the setbacks were sixty-feet.

In addition, Councilmember Perdue referred to the pending NCDOT study regarding access management on US Highway 18 and US Highway 321 and stated he wished the Council had the results of that study. Councilmember Perdue further stated that housing was Council's number two priority from their February Planning Retreat.

Councilmember Perdue informed Mr. Morgan that he did not disclose this project would be income assisted housing at any time during his presentation.

At this time, Mr. Morgan affirmed the project is income restricted with a range of income levels, based on the tax credit structure and the income levels of the community.

Mayor Gibbons also clarified for the audience that a Conditional Use Permit was the only time that Council could not discuss projects with the general public. Mayor Gibbons stated he has never failed to return anyone's calls and emphasized that Council was willing to address issues with the public at any given time. Mayor Gibbons stressed that Council cares very deeply about the City and the direction it is taking.

City Attorney Rohr referenced Chapter 41-A, State Fair Housing Act, and cautioned City Council their decision could be considered discriminatory if it is based on the fact the apartments are low income housing. Mr. Rohr explained someone could arguably say Council was in violation of North Carolina law since Council is having a discussion about low income housing. Mr. Rohr advised Council this action may expose you to legal action.

Councilmember Perdue asked City Attorney Rohr if Council was truly bound to approve the conditional use permit if the applicant meets all of the criteria and referred to the section of the City Code that was mentioned by several of the speakers.

City Attorney Rohr informed Council that Staff and the Planning Board have made recommendations along with conditions based on their findings of fact. Mr. Rohr stated that Council would have to present its own findings of fact if they wanted to add additional conditions to the project plus the conditions would have to relate to an issue that Council wanted to address.

Councilmember Beal asked what the income ranges would be.

City Attorney Rohr advised Mr. Beal he was in danger of violating state law asking this type of question.

City Attorney Rohr stated it should not be a factor whether the proposed tenant's salary is \$30,000 or \$200,000.

Councilmember Beal withdrew his question and reserved the right to ask a question at a later time.

Mr. Morgan stressed to Council the development was going to be very nice. There being no further public participation, Mayor Gibbons closed the public hearing and asked Council for action.

Councilmember Perdue asked if a traffic study was done when the previous project was submitted in 2017.

Director Wheelock stated a study was not done due to the project not being funded in 2017 although Council had added that condition, and clarified that the traffic analysis would likely be based on ITE trip generation information, which has been submitted for this project. As information, Director Wheelock mentioned she has requested NCDOT to do a high level feasibility study to on US Highway 18 and US Highway 321 in order to improve traffic safety through access management. That high-level analysis has been completed, and now the access management projects will be scored in the next round of STIP (Strategic Transportation Investment Program) projects. Those projects are ranked based on need and cost, and projects that score well move into more detail design work and are programmed for funding. Ms. Wheelock stated these both of these projects are low cost Projects, which should help

them score higher and be implemented sooner.

Councilmember Perdue stated he feels it is unfair for Council to make a decision at this meeting due to trying to process all of the information that has been presented to Council. He stated he wanted to give this project his due diligence and moved to table this item until the next City Council meeting of Tuesday, April. 2 in order for Council to further review the application.

Councilmember Beal reminded Council they cannot talk to the public about this request outside of the Council meeting. City Attorney Rohr stated he would check with the UNC School of Government to see if Council could discuss the issue further with each other.

Mr. Morgan informed Council he has deadlines to meet and he has been forthcoming with information. He also remarked that he willing gave City Council the copy of the Market Study for free.

At this time, Mayor Gibbons stated in order to be fair to Mr. Morgan he would re-open the public hearing to receive additional comments regarding the proposed conditional use permit.

Mr. Morgan continued his comments by stating this is a commercial real estate project and he has met all of the requirements for this permit. He stated the traffic impact would be low and remarked all of the conditions are fair. Mr. Morgan implored Council to let him do what he does for communities.

Ms. Martinat stated she has been trying to get this project approved for two years and the previous delay is what killed that project. She asked Council to please make a decision and end this delay.

Ms. Edmisten asked for clarification regarding how far back the setbacks would be since Mr. Morgan said he would make them 60-feet. Ms. Edmisten referred to the site plan and pointed out the first building cannot possibly be back 60-feet.

Planning Director Wheelock clarified that the site plan is still conceptual at this stage of review, and in absence of a specific condition addressing setbacks that the default zoning standards for a 35-foot front setback in the R-9 district would be applied at time of permitting. She further advised Council they could make a condition changing it to 60-feet for this project should they wish to do so.

Mr. Morgan informed Council of all of the work that has already been done plus he stated he has invested an additional 20% into the cost by making the front buildings as split buildings in order to transition into the neighborhood. Mr. Morgan stated he would agree to the 60-foot setback, but

he would like the flexibility to do what he does.

There being no further public participation, Mayor Gibbons closed the public hearing for the second time and asked Council for action regarding the application before them.

Councilmember Perdue pointed out that Mr. Morgan has had more time than Council to review the project and stated that Council was elected to be fair and partial. He stated he has several questions relating to the project and wants this permitting process to be done correctly.

Councilmember Stevens stated the issue kept coming back to the traffic problems.

At this time, it was noted by Council that Mayor Pro-Tem Ben Willis would not be able to participate in the vote at the April 2 City Council Meeting due to being absent for the quasi-judicial public hearing.

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

Motion

Upon the motion by Councilmember Perdue, Council voted 5 to 0 to table the conditional use permit request until the next Council Meeting of Tuesday, April 2 in order to allow Council the opportunity to further review the project and submitted information.

ORDINANCE; AMENDING THE LENOIR CITY ATLAS TO REMOVE THE B-4 ZONING CLASSIFICATION & ASSIGN APPROPRIATE NEW ZONING CLASSIFICATIONS:

- B. A public hearing will be held to consider approval of an Ordinance Amending the Lenoir Zoning Atlas to Remove the B-4 Zoning Classification and Assign Appropriate New Zoning Classifications to all B-4 Properties, Providing for Severability, and an Effective Date, based on the Consistency Statement provided. **Note:** Only 37 properties in the City currently have the B-4 zoning classification assigned to them. **Consistency Statement:** The Lenoir City Council finds that the proposed zoning map amendments *are consistent* with the Comprehensive Plan because they facilitate progressive and sound land use policies and strategies to ensure that Lenoir grows fairly, effectively, and efficiently and is related to the adoption of sensible, straightforward zoning standard and procedures that are easily understood by developers and the general public.

A copy of the ordinance is hereby incorporated into these minutes by reference. (Refer to pages 228-238).

Mayor Gibbons opened the public hearing to receive public comments regarding the ordinance to amend the Zoning Ordinance.

Planning Director Wheelock stated one of the main things that the companion zoning ordinance amendments do is to collapse all the uses into categories and streamline the code in order to make them more reasonable and more transparent. In doing that analysis, one zoning district, the B-4 district, was found to be redundant with the B-6 district as far as the purpose and the new list of permitted uses under the consolidated categories. She explained that due to only 37 properties being zoned as B-4, it is more practical in the long-run to change the zoning on these properties than maintain two very similar districts in the revised code. Director Wheelock stated she has worked with all of the property owners to find appropriate zoning classifications, and stated there are several people present who wish to address City Council.

Councilmember Stevens inquired if all of these zonings are transitional.

Director Wheelock referred to Map 1 and stated that while most of the B-4 properties are contemplated to be changed to the B-6 transitional business district, some made more sense as other districts, due to their existing development or the adjacent districts. She pointed out the example in Map 1 Home Health Care parking lot, which is zoned as B-4 instead of B-2. She recommended extending the existing B-2 zoning to include this parking lot. Ms. Wheelock stated the church (Unitarian Universalists) on Map 3 is in an existing spot zone (B-4) and all of the surrounding properties are different. She stated that while staff's initial recommendation had been to change the zoning to R-9 to eliminate the "spot zone" that a change to B-6 in this scenario would be equally appropriate as the church is already a spot zone and the zoning in the area is already diverse with residential, business, and industrial all within a single block. She noted these properties are all non-conforming anyway, and that this would be something to be handled as projects come forward as they are today with the existing zoning.

Director Wheelock further commented, if the owners were interested in rezoning this property to B-2, she recommends including the proper currently zoned R-9 adjacent to Harper Avenue, which had not been noticed or advertised as being subject to a zoning change and could not be addressed with this re-zoning consideration.

Ms. Kathleen Kaminski, representing the Unitarian Universalists of Caldwell County, at 103, 105 and 109 Virginia Street SW, read a statement formally requesting that the property located at 105 Virginia Street SW not be rezoned as R-9 in order to allow the property owners the opportunity to work with the Planning Department to secure a Business Classification appropriate to their current uses and to their site. Ms. Kaminski also mentioned there was an error in the County's GIS system which caused the property owners not to receive a sufficient notice of the public hearing because the first letter was returned to the Planning Department and the second notification was mailed to the church address.

(A copy of the statement is hereby incorporated into these minutes by

reference. Refer to pages 239-240).

Ms. Kaminski further stated the multi-family designation is not an appropriate new zoning classification for their church property. She remarked it seems like the City is taking their property without compensation so therefore they are requesting an appropriate business designation. Ms. Kaminski stated they also want the record to reflect their considered objections.

Mrs. Patsy Riddle, 2350 Lakeside Terrace, stated their property is adjacent to the Lenoir Veterinary Hospital and stressed the only access to the Veterinary Hospital is through their neighborhood. She clarified you can't access this area through Victoria Court. Mrs. Riddle stated the neighbors have had a good relationship with the Veterinary Hospital but pointed out the property may become something else in the future which causes additional concern. She asked Council to take that into consideration when making a decision on this request. Mrs. Riddle also expressed concerns including property value, safety issues, noise control and lighting issues.

Director Wheelock remarked that you can't condition rezoning to straight zoning and pointed out that she and Public Works Director Jared Wright are currently looking at access management standards and exploring classifying streets in the City to allow for more context-sensitive regulations. In addition, Director Wheelock advised Council, should they delay action on this request; the date of the public hearing to amend Appendix A of the Lenoir City Code (Item C.) on the Agenda will have to be changed as it relates to these rezoning amendments. It was noted these proposed amendments are all city initiated.

Director Wheelock referred to Map 3 and stated B-6 zoning is the most like B-4 and recommended against the City Council rezoning just the middle lot to B-2. She stated that the owners could petition the City Council in the future to re-zone their entire property to B-2, which would be consistent with the other zoning at the intersection. The property owners could also initiate a request to change the residential lot at the corner to B-6; but that only the highlighted middle parcel on Map 3 was before the Board for action tonight.

Councilmember Perdue made a motion with the following two changes:

1) Amend the Ordinance in Section 3 to remove 105 Virginia Street as B-4 and add 105 Virginia Street as B-6 to Section 8 of the Ordinance.

2) Remove Lakeside Terrace as B-2 from Map 7 and add as B-6 in Section 8 of the Ordinance.

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

Upon the motion by Councilmember Perdue, Council voted 5 to 0 to adopt the amended Ordinance with the above two (2) changes **in bold** to Amend the Lenoir Zoning Atlas to Remove the B-4 Zoning Classification and Assign

Appropriate New Zoning Classifications to all B-4 Properties, Providing for Severability, and an Effective Date, based on the Consistency Statement provided above as recommended by City Staff.

ORDINANCE; AMENDING APPENDIX A OF THE LENOIR CITY CODE RELATED TO USE AND ZONING DISTRICT PERFORMANCE STANDARDS, REPEALING THE PERMITTED USE CHART, UPDATING USE DEFINITIONS, ESTABLISHING A CHART OF ZONING DISTRICT REGULATIONS, ESTABLISHING A RESIDENTIAL-COMMERICAL ZONING DISTRICT, DELETING THE B-4 ZONING DISTRICT, AND ELIMINATING DUPLICATIVE CODE SECTIONS, PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE:

- C. A public hearing was held to consider adopting an Ordinance Amending Appendix A of the Lenoir City Code Related to Use and Zoning District Performance Standards, Repealing and Replacing the Permitted Use Chart, Updating Use Definitions, Establishing a Chart of Zoning District Regulations, Establishing A Residential-Commercial Zoning District, Deleting the B-4 Zoning District, and Eliminating Duplicative Code Sections, Providing for Codification and an Effective Date.

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

A copy of the Ordinance is hereby incorporated into these minutes by reference. (Refer to pages 241-323).

Planning Director Wheelock clarified for Council the proposed ordinance is not intended to eliminate public input, but rather allows certain projects that currently require Conditional Use Permits but would always meet the standards be allowed “by right,” sets limits on Conditional Use Permits to better define what is and isn’t compatible with the community, and establishes more legislative options for multi-family that gives the City Council options to speak with members of the neighborhood to see whether a project will fit in with the community. Ms. Wheelock stated this is a technical ordinance that has been in the works for a number of years.

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

Upon a motion by Councilmember Perdue, Council voted 5 to 0 to adopt the Ordinance Amending Appendix A of the Lenoir City Code Related to Use and Zoning District Performance Standards, Repealing and Replacing the Permitted Use Chart, Updating Use Definitions, Establishing a Chart of Zoning District Regulations, Establishing A Residential-Commercial Zoning District, Deleting the B-4 Zoning District, and Eliminating Duplicative Code Sections, Providing for Codification and an Effective Date as recommended by City Staff.

REVISED RESOLUTION; AUTHORIZING FILING OF A FINANCING AGREEMENT AS AUTHORIZED BY N.C.G.C. §160A-20 WITH THE N.C. LOCAL GOVERNMENT COMMISSION; METERING PROJECT:

- D. A public hearing will be held to consider adopting an Ordinance Authorizing the Filing of a Financing Agreement as authorized by N.C.G.S. §160A-20 with the North Carolina Local Government Commission (LGC) for approval of the City's Metering Project, the proposed financing contract and other actions not inconsistent with this Resolution.

Note: City Council received an amended resolution prior to the meeting in order to correct the percentage rate from 0% to the correct percentage of 2.952%.

A copy of the Revised Resolution is hereby incorporated into these minutes by reference. (Refer to pages 324-326).

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

City Manager Hildebran reiterated that the correct interest rate is 2.925 percent as outlined on the revised resolution. The City will be borrowing \$4,400,000 at 2.925% for a period of ten years for this project.

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

Upon a motion by Councilmember Thomas, Council voted 5 to 0 to adopt the amended Resolution as authorized by N.C.G.S. §160A-20 with the North Carolina Local Government Commission (LGC) for approval of the City's Metering Project, the proposed financing contract and other actions not inconsistent with this Resolution as presented by City Staff.

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 the minutes of the City Council Meeting of Tuesday, March 5, 2019, as submitted.
2. Minutes: Approval of the minutes of the Committee of the Whole Meeting of Tuesday, February 26, 2019, as submitted.
3. Bid Award; MeterSYS Project: Staff recommends Council award the low bid of \$4,400,000 at a percentage rate of 2.925 percent to US BanCorp for a term of ten (10 years for the City's MeterSYS Project contingent upon approval of the North Carolina Local Government Commission. (A copy of the bid award is hereby incorporated into these minutes by reference. Refer to pages 327-328).

Note: Staff further recommends Council hereby authorize, empower and direct

the City Manager to do all such acts to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as approved.

Upon a motion by Councilmember Stevens, Council voted 5 to 0 to approve the above listed items on the Consent Agenda as presented and as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

FY2019 ACTION PLAN & UNIFOUR HOME CONSORTIUM:

A. Mr. Rick Oxford, Plan Administrator, Western Piedmont Council of Governments, held the first of two public meetings to receive public comments regarding the proposed FY2019 Action Plan 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 2019, beginning July 1, 2019 and ending June 30, 2020. The City of Lenoir serves as the Lead Entity for the Unifour Consortium.

Mr. Oxford stated HUD has not released the funding amounts yet for municipalities and reported the City received \$137,000 in Community Development Block Grant Funds in 2018 and \$1,100,000 in HOME Funds. He stated they are proposing these funds be used for improvements at J.E. Broyhill Park, the Mack Cook Stadium and the former Lenoir High School Auditorium (LHS). In addition, funds will continue to be used for Downpayment Assistance to first time home buyers and non-profit organizations such as Habitat.

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

LENOIR TOURISM DEVELOPMENT

AUTHORITY: 1. The Lenoir Tourism Development Authority will meet on Thursday, March 21 at 4:00 p.m. at City Hall, Third Floor.

LENOIR BUSINESS ADVISORY

BOARD: 2. The Lenoir Business Advisory Board will meet on Thursday, March 21 at 6:00 p.m. at City Hall, Third Floor.

PLANNING

BOARD: 3. The Planning Board will meet on Monday, March 25 at 5:30 p.m.

COMMITTEE OF THE

WHOLE: 4. The Committee of the Whole will meet on Tuesday, March 26 at 8:30 a.m. at City Hall, Third Floor. City Council will conduct a Budget Work Session during this meeting.

EMPLOYEE RECOGNITION

BANQUET: 5. The annual Employee Recognition Banquet will be held on Tuesday, March 26 at 6:00 p.m. at the J.E. Broyhill Civic Center.

FOOTHILLS REGIONAL AIRPORT

AUTHORITY: 6. The Foothills Regional Airport Authority will meet on Wednesday, March 27 at noon.

CRUISE-IN: 7. A Cruise-In Event is scheduled for Saturday, April 6 at 4:00 p.m. in downtown Lenoir.

GRAVITY

GAMES: 8. The North Carolina Gravity Games presented by Google will be held on Saturday, April 13 from 9:30 a.m. – 3:00 p.m. in downtown Lenoir.

HOLIDAY

CLOSING: 9. City offices will be closed on Friday, April 19 in observance of Good Friday.

B. ITEMS FOR COUNCIL ACTION**VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY****VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR****IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS****X. ADJOURNMENT**

A. There being no further business, the meeting was adjourned at 8:45 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor