



# AGENDA

CITY OF LENOIR  
CITY COUNCIL MEETING  
905 WEST AVENUE  
TUESDAY, APRIL 7, 2020  
6:00 P.M.



---

---

## I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance

## II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. Amendment; Code of Ordinances, Section 17, Sanitation: A public hearing will be held to consider amending the City's Code of Ordinances, Section 17, Sanitation, to repeal and replace Chapter 17-Sanitation with the updated chapter, complete with revisions and an updated fee schedule.

## III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, March 17, 2020 as submitted.
- B. Minutes: Approval of the minutes of the FY2020-21 Budget Meeting held during the Committee of the Whole meeting of Tuesday, March 24, 2020 as submitted.
- C. Authorizing Resolution; Grant Application: Staff recommends approval of a Resolution requesting funding from the Department of Transportation's Federal Highway Administration – Recreational Trails Program as submitted.
- D. Title VI Nondiscrimination Resolution and Policy Statement: Staff recommends approval of a Resolution to Adopt a Title VI Policy for the City of Lenoir to Prohibit Discrimination in Programs and Services and in Activities Receiving Federal Financial Assistance and approval of the City's Title VI Nondiscrimination Policy Statement. **Note:** The purpose of the Policy and Statement is to ensure compliance with Title VI of the Civil Rights Act of 1964. This policy must be submitted to NCDOT.
- E. Amendments; Personnel Policy: Approval of the attached amendments to the City Personnel Policy relating to Federal legislation for the COVID-19 Pandemic.
- F. Proclamation; Fair Housing Month: Approval of a proclamation proclaiming the month of April 2020 as "Fair Housing Month" throughout the City of Lenoir and Caldwell County.
- G. Proclamation; National Public Safety Telecommunicators Week: Approval of a proclamation proclaiming the week of April 12 – April 18, 2020 as "National Public Safety Telecommunicators Week" throughout the City of Lenoir and Caldwell County. This proclamation is in honor of the 20 employees who serve in the e911 Communication Center.

**IV. REQUESTS AND PETITIONS OF CITIZENS**

**V. REPORTS OF BOARDS AND COMMISSIONS**

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

A. Items of Information

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**

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

**I. Agenda Item:**

Hold a *Public Hearing* to consider amending the City of Lenoir Charter Code of Ordinances to repeal the current *Chapter 17 – Sanitation*, in its entirety, and replace with a revised *Chapter 17 – Sanitation*, in order to more effectively prepare for the transition to automated refuse collection beginning in 2020.

This action will also require adoption of an updated *Sanitation Fee Schedule* that includes fees for cart purchase and replacement, fee assessment for additional carts, bulk, white good, and yard waste collection fees, and roll-off dumpster rental. The updated fee schedule also includes fines for violations of the ordinance and a scale of increasing fines for chronic violators.

**II. Background Information:**

In October, 2019, the City of Lenoir began the transition to automated refuse collection by acquiring refuse collection vehicles and hiring a consultant (WPCOG) to assist with collection route design and ordinance revisions necessary to facilitate efficient use of the new equipment. Since that time, route design has progressed, cart procurement has begun, and ordinance review/revision has been completed. The revised ordinance includes updated definitions, conditions for collection, refuse cart requirements for residential and commercial/industrial customers, and provisions for additional services offered by the Sanitation Division, including bulk, white good, and yard waste collection, and dumpster rental. The revised ordinance and fee schedule also addresses fee assessment for customers based on refuse volume and fines for violations.

**III. Staff Recommendation:**

Staff recommends amending the City of Lenoir Charter Code of Ordinances to repeal and replace Chapter 17 – Sanitation with the updated chapter, complete with revisions and an updated fee schedule.

**IV. Reviewed by:**

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

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



**Public Works/Public Utilities Director:** \_\_\_\_\_

## Chapter 17 - SANITATION

### ARTICLE I. - IN GENERAL

#### Sec. 17-1. - Definitions.

The following definitions shall apply to all articles and sections within this chapter. For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*Building material scraps.* Scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign or other structure, including but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber, or any other similar material used in construction or the containers or wrappings therefor.

*Bulk pickup.* Acceptable refuse that will not or cannot be placed in a City roll-out refuse or yard waste container.

*City.* The City of Lenoir

*Garbage.* Putrescible animal, vegetable wastes resulting from the handling, preparation, cooking and consumption of food. All cans, glassware, crockery, bags and other containers in which matter has been kept or stored.

*Park or community facility.* A park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the City and devoted to active or passive recreation.

*Person.* Any person (citizen, property owner or tenant), firm, partnership, association, corporation, company or organization of any kind.

*Plastic bag.* A bag formed of plastic materials with a mil thickness of not less than 1.5 which will contain refuse in a bundle to be loaded and deposited of along with the refuse it contains.

*Private premises.* Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

*Public place.* Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

*Receptacle, Refuse.* A sturdy weatherproof container with a spring-loaded self-closing lid or chute so placed on the property to permit patrons of the establishment to deposit refuse into the receptacle without getting out of the vehicle.

*Recyclables.* Any material that which would otherwise become municipal solid waste, and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products. Recyclable materials, such as, but not limited to paper, plastic and glass.

*Refuse.* All putrescible and nonputrescible solid waste (except body waste) not excluding any, but including, waste such as trash, debris, rubbish, garbage, litter, ashes, street cleanings, junk, small dead animals, industrial and commercial waste.

*Refuse - Industrial.* Sawdust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic or other waste materials from processing plants, factories or manufacturing operations.

*Roll-off dumpster.* A 20 cubic yard dumpster leased by the City to sanitation account holders for accepted refuse.

*Roll-out refuse container.* A sturdy weatherproof roll-out receptacle that holds refuse that the City owns and leases to an account holder at a rate determined by the City Council, further specified on the City's fee schedule.

*Solid fill material.* Any materials which is inert and will not undergo further decomposition to include brick, block, broken curb, stone, dirt, mortar and plaster.

*Tree trimmings.* Tree limbs, leaves, large shrubbery trimmings and cuttings and all other trimmings from the natural growth of trees.

*Vehicle.* A device in, upon, or by which any person or property is or may be transported or drawn upon a highway, water, or tracks.

*Yard waste.* Solid waste solely consisting of vegetative matter resulting from landscaping maintenance including grass, small shrubbery, weeds, and plants clippings.

*Yard waste container.* A sturdy weatherproof roll-out receptacle that holds yard waste and can be purchased from the City at a rate determined by the City Council, further specified on the City's fee schedule.

**State Law reference—** Regulation of trash and garbage, G.S. 160A-192; public enterprise services, G.S. 160A-311 et seq.

#### **Sec. 17-2. – Collection of fees, rates, schedules and frequency of pickup.**

(a) The City shall determine rates, fees, schedules and frequency of pickup. All are subject to change based on the City's discretion. The City of Lenoir Public Works Department reserves the right to change the collection schedule at any time.

(b) The City shall reserve the right to discontinue or deny garbage collection service to any resident of the city who violates any provision of this ordinance; however, such resident shall continue to be assessed garbage collection and disposal fees in the manner set forth in this chapter.

(c) The charges for waste collection and disposal per month per unit shall be prescribed annually by the City Council in the City's budget for the fiscal year.

(d) The charges prescribed by the City Council shall apply to each residence or business in the City that can be served within the limitations noted. Commercial or Industrial entities that contract with private refuse collectors will not be assessed solid waste fees.

(e) The monthly charge shall be billed by the City to each unit each month and shall be payable with the City's water and sewer billing within the time limit fixed for the payment of the utility bill.

(f) If such charge shall not be paid as provided hereinbefore, then the City may discontinue further collection and removal of such waste from the unit involved and the further retention of such waste on the property involved shall be unlawful and shall subject the resident of the unit and the owner of the properties to all applicable health and sanitation regulations and laws.

#### **Sec. 17-3. - Private service.**

Any establishment that operates principally as a commercial or industrial entity may choose to contract with any private refuse collection contractor for the purposes of refuse storage and collection provided other sections of this article are complied with. This option does not preclude commercial or industrial entities from meeting other requirements of the City of Lenoir Charter Code of Ordinances, including but not limited to *Appendix A – Zoning*.

**Sec. 17-4. – Burning or burying garbage or refuse.**

It shall be unlawful to burn or set fire to or bury any garbage for the purpose of disposal. Fines will be accessed as specified in Sec.17-29.

**Secs. 17-5. – Service to disabled persons.**

(a) For disabled persons or those requiring special consideration, rollout containers will be collected on a scheduled collection day provided that prior approval has been granted by the City, based upon an exemption form submitted to and approved by the Public Works Director or his designee.

(b) The City reserves the right to periodically verify the need to continue special services to disabled residents that have been approved to receive such services. The City may from time to time continue or discontinue such service, as appropriate.

(c) The Public Works Director or his designee and the resident will determine the proper location of rollout containers for disabled residents.

**Secs. 17-6.—17-20. - Reserved.**

**ARTICLE II. - REFUSE COLLECTION**

**Sec. 17-21. - Collection frequency and conditions for collection.**

(a) No person shall place or cause to be placed any loose refuse on the ground, unless specified otherwise below, or allow such to accumulate beside buildings longer than is reasonably necessary to remove and deposit same in approved containers as required herein.

(b) City refuse collectors shall not enter into buildings or leave the designated street right-of-way for the purpose of gathering and collecting refuse without prior approval of the Public Works Director or his designee. Approval shall be granted or denied based on the conditions set forth in Sec. 17.5.

(c) All refuse shall have the liquid drained therefrom and shall be wrapped in paper or other material before it is placed in the container for curbside collection.

(d) Ashes and cinders shall be placed in a separate container and no ashes shall be deposited in any container until they are cold.

(e) It shall be unlawful to remove or discard clothing, bedding, mattresses, springs, or other solid waste from homes or other places where highly infectious diseases have recently occurred unless performed under the supervision and direction of the Caldwell County Health Department. Such solid waste shall not be placed at curbside for collection and disposal by the City but shall be disposed of by the resident in a manner that conforms with all applicable local, state, and federal regulations.

(f) It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering such item(s) inoperable and incapable of reuse or without safeguarding the disposal thereof by placing them in a secure container so as to avoid the possibility of causing injury to collection personnel.

(g) Animal feces must be double bagged and securely tied before placing in the rollout cart for collection.

(h) Soiled baby diapers must be double bagged and securely tied before placing in the rollout cart for collection.

(i) All commercial businesses or industrial establishments shall use either refuse containers contracted through a private collection entity for refuse storage and disposal or City roll-out containers.

Such refuse shall be at the volume comparable to a residential sanitation account, unless specified in (k) below. All properly placed roll-out refuse container/s will be picked up on the designated day.

(j) Establishments in the downtown area, bounded by Norwood, Ridge, Ashe, Willow and College shall place roll-out containers on the street between 10:00 a.m. and 12:00 noon on Monday, Wednesday and Friday only. No collections will be made for this area on Tuesday, Thursday and Saturday.

(k) All bulk pickup will be collected, as defined below, on a prearranged and "as needed" schedule. Persons shall contact the City to establish needed pickup. A fee will be assessed for bulk pickup, as defined on the City's fee schedule.

#### **Sec 17-22. – Refuse storage, roll out container/s.**

(a) Residential sanitation accounts - Every person producing or having refuse on residential property shall use the refuse container/s provided by the City to store all refuse from one collection cycle to the next. Only one container per residential address will be provided. Further containers, not to exceed three, may be leased from the City for a monthly rate, as specified on the City's fee schedule.

(b) Commercial/Industrial sanitation accounts –Only two containers per commercial or industrial establishment will be provided. Further containers, not to exceed six, may be leased from the City for a monthly rate, as specified on the City's fee schedule.

(c) Refuse containers shall not weigh more than 100 lbs. when filled. All refuse shall be placed in the container and container/s shall be placed in a location that provides five feet of clear space around the container – including, but not limited to mailboxes, other containers, landscaping, and cars, or in a location designated by sanitation personnel, and placed with lid opening toward the street or collection will not occur.

(d) City will perform maintenance on the City leased containers as needed, however the lessee is responsible for the wellbeing of the container. No markings shall be placed on the containers by the lessee, i.e. not limited to numbers, letter, and colors. Should a container become damaged or missing due to negligence, the replacement cost for the container will be assessed to the lessee. Continual negligence will result in a fine, reference Sec.17-29. The lessee is responsible to notify the City of needed maintenance.

(e) Refuse containers shall be placed for collection in the designated collection area by 7:30 a.m. on the designated collection day. Containers not properly placed for collection will not be serviced. Refuse containers shall not be placed on the street right-of-way (including sidewalks) for more than 24 hours following collection. A fine will be assessed as referenced in Sec. 17-29 (a).

(f) Should roll-out containers continually become overloaded the sanitation account holder will be required to lease additional containers, not to exceed the maximum as referenced in Sec. 17-22 (a) and (b). Should the maximum number of containers be reached, and the problem remains, then the sanitation account holder will be subject to fines as defined in Sec. 17-29 (a).

#### **Sec.17-23. - Refuse - organic plant based materials.**

(a) Tree limbs and trimmings shall not be placed on any street, including within the curb and gutter or sidewalk that will obstruct free passage of persons and/or vehicles. Tree limbs and trimmings shall not exceed six feet in length or four inches in diameter. The City will only collect tree limbs and trimmings that do not exceed six feet in length or six feet in depth, or five feet in height. Blunt or cut end of limbs shall face the same direction and be placed toward the street. Tree limb and trimming material shall not be placed in refuse or yard waste roll-out containers.

(b) Roll-out containers previously purchased from the City's sanitation department may be used exclusively for yard waste, subject to subsection (d) below. New yard waste roll-out containers may be

purchased from the City at a rate specified on the City's fee schedule. Sanitation account holders are responsible for the maintenance and wellbeing of the yard waste roll-out container.

(c) Leaves will be collected with vacuum trucks when raked in piles to the front or side street property line from October 15 to January 15 only; dates are subject to change based on City's discretion. Leaf accumulations at any other time outside the above date shall be put in yard waste roll-out containers separate from refuse and be placed on the front or side street property line to be collected during the designated yard waste collection cycle.

(d) All shrubbery and lawn clippings shall be put in a yard waste roll-out container separate from refuse and be placed on the front or side street property line to be collected during the designated yard waste collection cycle. Bagged yard waste will not be collected.

**Sec. 17-24. – Refuse – code enforcement.**

(a) For any refuse allowed to accumulate over a period of time on a vacant or abandoned lot, building, or structure, where any enforcement agency requires that the property be cleaned and cleared of refuse and/or excessive yard waste and debris, the owner shall be responsible for disposing of the refuse as directed by the agency.

(b) City staff will not collect refuse of any type on properties where solid waste fees are not being paid. Solid waste account holders in good standing may arrange for the City to collect refuse from vacant or abandoned properties provided other requirements of this chapter are met.

**Sec. 17-25. - Refuse - contractor.**

The City will not collect refuse resulting from home building, demolition, and landscape or building improvements performed by contractors, or those persons or firms hired to perform work at any property in the City where said work generates refuse of this type and kind. The responsibility for removal and disposal rests with the contracting agency creating the refuse or the property owner. When a property owner or tenant makes the improvement on the property or the leased property, the City will collect the refuse provided it is in compliance with section 17-23. With the exception of landscape plant material, all other refuse shall be considered bulk pickup and will be subject to a fee. Property owners and/or tenants are responsible to notify the City when bulk pickup is needed.

**Sec. 17-26. –Refuse – whitegoods.**

The City will collect white goods, such as but not limited to, refrigerators, washing machines, and dishwashers. The City will not pickup microwaves. White goods shall be considered bulk pickup and will be subject to a fee. Property owners and/or tenants are responsible to notify the City when bulk pickup is needed.

**Sec. 17-27. – Roll-off dumpster.**

The City will lease and deliver a roll-off dumpster for the collection of acceptable refuse to a sanitation account holder for a period not to exceed two weeks at a rate specified on the City's fee schedule. The dumpster will be placed in an accessible location at the discretion of the driver. Upon completion of the lease, or when notified by the renter, the City will obtain the dumpster and dispose of the collected refuse. Landfill tipping fees shall be the responsibility of the renter and will be assessed after disposal. The City will not lease to unpaid sanitation account holders. At the discretion of the Public Works Director or his designee, parties seeking a rental period longer than two weeks will be considered on a case-by-case basis. All applicable fees will apply for rental periods longer than two weeks.

**Sec. 17-28. - Materials not collected.**

Sanitation account holders shall not discard any of the following items below within refuse roll-out containers, yard waste roll-out containers, roll-off dumpsters or any other refuse containers, or placed on the curb to be collected as a bulk pickup request:

- (a) Used passenger cars, buses, trucks, boats or any vehicle designed to be self-propelled or pulled,
- (b) Tires,
- (c) Batteries,
- (d) Hazardous waste such as, but not limited to, paint thinner, paint, ammonia, and industrial cleaners,
- (e) Florescent light bulbs,
- (f) Large cardboard shipping cartons for collection, if the material is not flattened and bundled to prevent scattering,
- (g) Electronics,
- (h) Tree stumps,
- (i) Microwaves,
- (j) Building materials, and
- (k) All other items not listed that are determined to be highly inflammable, combustible, poisonous or explosive material which could present a hazard to the health or safety of sanitation personnel and equipment.

Sanitation account holders are encouraged to recycle batteries, light bulbs, cardboard and electronics by depositing these materials at the City's designated recycling collection site.

**Sec. 17-29. - Violations.**

(a) Any person violating, failing, refusing or neglecting to comply with any provisions of this article shall be assessed a penalty of \$50.00 each and every day during which such violation continues and shall be a separate and distinct offense.

(b) Chronic violators of sec 17-22 (e) and (f) are subject to increase fines, if back to back violations occur within a 90 day period – \$50.00 dollars for the first violation, \$100.00 dollars for the second violation, and \$150.00 dollars for the third violation.

(c) All fines are to be paid within 30 days of each issued citation.

**Secs. 17-30. – 17-40. – Reserved.**

(Code 1977, Amendments 2011, April 2020)

**City of Lenoir Sanitation**  
**Fee Schedule 20/21**

Service	Frequency	Rate
<b>TRASH COLLECTION</b>		
Refuse collection	Monthly	10.00
Residential refuse rollout container (one provided)	Once	Free
Commercial/Industrial refuse rollout container (two provided)	Once	Free
Additional refuse rollout containers <ul style="list-style-type: none"> <li>• Residential - not to exceed a total of 3 containers – 1 provided and 2 additional</li> <li>• Commercial/Industrial – not to exceed a total of 6 containers – 2 provided and 4 additional</li> </ul>	Monthly rental	5.00 each
Replacement rollout container	Flat fee	60.00
Bulk pickup	Once per month	Free
	Additional pick-up per month	25.00 each pickup
White Goods	Flat fee per single item	25.00
	Multiple items	25.00 + 15.00 per item over one
Roll-off dumpster rental (20 cubic yard) <ul style="list-style-type: none"> <li>• In addition to the 2 week flat fee, renter shall pay \$5 per day + any and all landfill tipping fees after dumpster has been collected and dumped</li> </ul>	2 week – flat fee + daily rental	50.00 + 5.00 per day + tipping fees
<b>YARD WASTE</b>		
Yard waste collection	Monthly	Free, unless otherwise specified
Yard waste rollout container (green can) <ul style="list-style-type: none"> <li>• Grass clippings, small shrubs and leaves</li> </ul>	Purchase – Flat fee	60.00
Leaf collection <ul style="list-style-type: none"> <li>• During leaf season</li> <li>• Placed in rollout container</li> </ul>	-3 total loose leaf collections -weekly container collection	Free
Brush and Limbs	6'X6'X5' or less	Free
	Greater than 6'X6'X5'	25.00 per load
<b>FINES</b>		
Fines – Chapter 17 City Ordinance <ul style="list-style-type: none"> <li>• Containers shall not be placed on the street right-of-way (includes sidewalks) for more than 24 hours following collection.</li> <li>• Burning and burying of refuse and debris</li> <li>• Placement of debris in right of way</li> <li>• Contractor materials</li> <li>• Overloading rollout containers</li> <li>• All fines are to be paid within 30 days of each issued citation.</li> </ul>	Upon violation – per day	50.00
Chronic Violator Fines <ul style="list-style-type: none"> <li>• Back to back violations occur within a 90 day period.</li> <li>• All fines are to be paid within 30 days of each issued citation.</li> </ul>	First violation	50.00
	Second violation	100.00
	Third violation	150.00



Additional information:  
Shelby

<b>Solid Waste:</b>	
<b>Service:</b>	<b>Monthly Fee</b>
<b>A-One Can Picked Up Once a Week</b>	<b>\$12.13</b>
<b>B-Two Cans Picked Up Once a Week</b>	<b>\$26.82</b>
<b>C-Four Cans Picked Up Once a Week</b>	<b>\$77.54</b>
<b>D-Three Cans Picked Up Twice a Week</b>	<b>\$102.90</b>
<b>E-Four Cans Picked Up Twice a Week</b>	<b>\$128.25</b>
<b>J-Two Cans Picked Up Twice a Week</b>	<b>\$52.17</b>
<b>J-Three Cans Picked Up Once a Week</b>	<b>\$52.17</b>
<b>Miscellaneous Charges:</b>	
<b>Replace 96-Gallon Rollout Can</b>	<b>\$70.00</b>

Lexington

<b>RECYCLING &amp; WASTE COLLECTION:</b>	
Residential Rollout Container Deposit (per container).....	\$50.00
Commercial Rollout Container Purchase Fee (per container) .....	\$50.00
Used Rollout Container Purchase Fee (per container upon availability) .....	\$30.00
Residential Rollout Container Replacement Fee (per container) <sup>1</sup> .....	\$55.00
Residential Rollout Service (per container per month).....	\$15.00
Residential Additional Rollout (per container per month).....	\$5.00
Commercial Rollout Service (per container per pickup) .....	\$15.00
White Goods (per item) .....	\$25.00
Used Tires (per tire).....	\$10.00
Administration Fee.....	\$200.00
Special pickup/Disposal (per hour plus tipping fee, 1 hour minimum) .....	\$150.00
Disposal of Non-containerized Household Garbage & Trash (per hour plus tipping fee, 1 hour minimum) .....	\$150.00
Yard Waste Collection Non-compliance Fee.....	\$50.00
Failure to Remove Container from Street or Curb <sup>2</sup> .....	\$50.00 <sup>3</sup>

<sup>1</sup>No fee charged if damaged rollout returned.  
<sup>2</sup>Per City Code 10-56(1), all containers must be removed from street for curb by midnight on collection day.  
<sup>3</sup>Per City Code 1-12, Penalty for Violation of City Code, minimum \$50.

Fuquay Varina

<b>SECTION XI: FEE SCHEDULE FOR FY 2019-2020 (N-19-32)</b>		
<b>Refuse Disposal Fees:</b>		<b>EX. E</b>
Garbage Cart Fee	\$ 75.00	per cart
Solid Waste Fee (Residential and Commercial)	\$ 14.25	per month
White Goods Pickup Fee	\$ 10.00	per appliance
Electronic Pickup Fee	\$ 10.00	per visit
Replacement Fee For Damaged or Lost Garbage Cart	\$ 75.00	
Replacement Fee For Recycle Cart	\$ 75.00	
Recycle Fee (Commercial)	\$ 14.25	per month plus \$75 per cart up to two carts
Recycle Cart Fee (New Construction Location)	\$ 75.00	per cart
Recycle Cart Fee (Add'l Residential Cart)	\$ 25.00	per cart
Bulk Trash Pickup Fee	\$ 125.00	per ea. pickup after first in a fiscal year

Morganton

<b>City of Morganton</b>			
<b>FY 2019-2020 FEE SCHEDULE</b>			
	<b>Adoption or last change date</b>		<b>FY 19-20</b>
<b>PUBLIC WORKS FEES AND CHARGES</b>			
<b>Flushing Private Lots</b>	06/30/2000	\$	100.00
<b>Sweeping Private Lots (per hour charge)</b>	07/01/2016	\$	50.00
<b>Snow Removal (per hour charge)</b>	07/01/2016	\$	120.00
<b>Solid Waste Collection - Non-Residential (per cubic yard)</b>	07/01/2006	\$	4.50
<b>Solid Waste Collection - Residential (per month)</b>	07/01/2017	\$	12.00
<b>Curbside Rubbish</b>	07/01/1993	\$	25.00
<b>Furniture / Appliances</b>	07/01/1993	\$	25.00
<b>Construction / Demolition Debris - Plus Disposal Fee</b>	07/01/2016	\$	50.00
<b>Limb / Brush Waste</b>			
Up to pickup truck size load	07/01/2019		no charge
Excess size load (per truck load)	07/01/2019	\$	100.00
Limbs/Brush with household trash mixed in (plus additional charge for Burke Co. disposal fee)	07/01/2019	\$	50.00
Diameter/length greater than 4in/10ft - charge determined by Public Works Director plus Burke Co disposal fee	07/01/2019		
<b>Leaves</b>			
Bagged leaves - curbside	07/01/2019		no charge
Loose leaves - October through January	07/01/2019		no charge
Loose leaves - February through September	07/01/2019	\$	25.00
<b>Grass / Trimmings</b>			
Bagged trimmings less than 25 pounds - curbside	07/01/2019		no charge
Bagged trimmings more than 25 pounds - curbside (per bag)	07/01/2019	\$	25.00
Loose trimmings - October through January	07/01/2019		no charge
Loose trimmings - February through September	07/01/2019	\$	25.00
<b>Special Collection Fees</b>			
Batteries (per battery collected)	07/01/2016	\$	25.00
Block, Brick, Rock, or Concrete - For Handling and Removal. There is an additional fee of \$12.50 per ton for Burke Co. disposal.		\$	25.00
Litter / Scattered Garbage or Trash (per site clean up)	07/02/2001	\$	50.00
Tire Collection Mounted on Rims (charge is per tire w/ rim)	07/02/2001	\$	15.00
Truck Usage / Good Habit Rabbit - For delivery and removal plus an additional charge for Burke Co. disposal	07/02/2001	\$	25.00
Wood Products Too Large to Grind - This includes handling and removal plus Burke Co. disposal charge	07/01/2016	\$	50.00
<b>Simply Green - optional third party recycling collection, per month charge</b>	06/01/2019	\$	10.00

**LENOIR CITY COUNCIL  
TUESDAY, MARCH 17, 2020  
6:00 P.M.**

**PRESENT:** Mayor Gibbons presiding. Councilmembers present were Beal, Perdue, Thomas, Willis and Attorney David Lackey, filling in for City Attorney T.J. Rohr.

Councilmember David Stevens and City of Lenoir Department Directors participated in the meeting via a conference call.

**ABSENT:** Councilmembers Ralph Prestwood, Ike Perkins, City Attorney T.J. Rohr and City Clerk Shirley Cannon.

**I. CALL TO ORDER**

- A. The meeting was opened by a moment of silence followed by the Pledge of Allegiance as led by Mayor Gibbons.
- B. On behalf of City Council, Mayor Gibbons asked everyone to keep families in our local community and around the world in their thoughts and prayers as all communities are dealing with the impact of the coronavirus. Mayor Gibbons also shared City Council was observing the orders given by Governor Roy Cooper to limit no more than ten (10) people in attendance at events to try and prevent further spread of the virus. Governor Cooper also directed restaurants to close their dining rooms and limit food orders to take out, delivery service only, or pick up via a drive through if available.

In addition, Mayor Gibbons reported an Action Plan was being put into effect for the City of Lenoir and will be available on the City's website at [www.cityoflenoir.com](http://www.cityoflenoir.com). Also, he announced all of the City's Parks and Recreation facilities are currently closed to the public plus the public school system has closed.

**UPDATE; CALDWELL COUNTY  
HEALTH DEPARTMENT:**

- C. Anna Martin, Caldwell County Health Director, presented an update regarding steps Caldwell County has put in place to help prevent the spread of the coronavirus. Ms. Martin stated statistics are constantly changing, but reported there are 62 cases of the virus in North Carolina and none has been reported in Caldwell County at this time. The United States has 4,226 cases and 75 deaths have occurred. The virus is spread via inhaling droplets by an infected person who is coughing and it is being recommended for everyone to stay 6-feet apart and practice social distancing. It is also recommended everyone thoroughly wash their hands following touching surfaces plus refrain from touching their face.

Ms. Martin reported symptoms of the coronavirus include a fever, cough and

shortness of breath. She recommended that everyone contact their primary physician first if you suspect you have the virus before going into the office. She clarified that someone may accompany you to the doctor, but they will not be allowed to go back with you while you are being checked.

Ms. Martin also advised everyone to call the Health Department if they have been in contact with an infected person so Staff may perform a nasal swab test to determine if they are positive for the virus. Staff will be available in the parking lot to do the testing so individuals will not have to come inside the facility. Staff will also visit patients at their homes to perform the test. She reiterated public schools are closed for two weeks and restaurants are doing takeout orders only or some delivery service.

Councilmember Perdue inquired if the Health Department has an adequate number of test kits and how are Emergency Management Personnel being protected.

Ms. Martin reported they have adequate testing supplies, but they are limited as to what number they may receive from the state and LabCorp. She also stated they are using telemedicine but should someone need an appointment, they will open up a slot to see them.

City Manager Hildebran stated the City is following state and professional association's guidelines.

Ms. Jeanie Walker, Nurse, Caldwell County Health Department, reported that a face mask is like a surgical mask but offers more protection.

On behalf of City Council, Mayor Gibbons thanked Ms. Martin and Ms. Walker for coming and the good report. Ms. Martin also thanked City Council for their support and reiterated everyone should follow the guidelines that have been put in place.

## **II. MATTERS SCHEDULED FOR PUBLIC HEARINGS**

### **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 3, 2020 as submitted.
2. Minutes: Approval of the closed session minutes of the City Council meeting of Tuesday, March 3, 2020.
3. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, February 25, 2020 as submitted.
4. Minutes: Approval of the closed session minutes of the Committee of the Whole meeting of Tuesday, February 25, 2020.

5. Amendments; Baton Water Resale Purchase Agreement: Staff recommends City Council approval of the amendment to the Water Sales Agreement with Baton Water Corporation, Inc. to provide up to 600,000 gallons of drinking water per day maximum daily flow at the applicable wholesale water rate. A copy of the amendments are hereby incorporated into these minutes by reference. (Refer to pages 31-33).

Upon a motion by Councilmember Perdue, Council voted 4 to 0 to approve the above listed items on the Consent Agenda, as recommended by City Manager Hildebran.

#### **IV. REQUESTS AND PETITIONS OF CITIZENS**

#### **V. REPORTS OF BOARDS AND COMMISSIONS**

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

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

##### **PLANNING BOARD:**

1. The Planning Board, in their capacity as the Historic Preservation Commission, will meet on Monday, March 23 at 5:30 p.m. at City Hall, Third Floor, former Council Chambers. \*Mr. Hildebran stated the meeting is subject to change.

##### **COMMITTEE OF THE**

**WHOLE:** 2. The Committee of the Whole will meet on Tuesday, March 24 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers. This meeting will be a budget work session for City Council. \*Mr. Hildebran stated the meeting is subject to change.

##### **CANCELLED; FOOTHILLS REGIONAL AIRPORT AUTHORITY:**

3. The Foothills Regional Airport Authority has cancelled their meeting of Wednesday, March 25.

##### **B. ITEMS FOR COUNCIL ACTION**

##### **ENGINEERING SERVICES AGREEMENT AND TASK ORDER**

##### **NO. 1; MATTERN AND CRAIG ENGINEERS:**

1. City Staff recommends approval of the Engineering Services Agreement, Task Order Edition, with Mattern and Craig, Inc. and execution of Task Order No. 1 for Mattern and Craig, Inc. to provide on-call traffic and traffic and transportation engineering services in accordance with terms contained in the Master Agreement.

A copy of Task Order No. 1 is hereby incorporated into these minutes by reference. (Refer to pages 34-35).

City Manager Hildebran explained that Mattern and Craig, Inc. will be on a call basis with the City and clarified the City does not have to pay a retainer upfront. Public

Works Director Jared Wright further reported the City would receive quotes on a project by project basis or hourly rates.

Upon a motion by Councilmember Willis, Council voted 4 to 0 to approve the Engineering Services Agreement, Task Order Edition and execution of Task Order No. 1 with Mattern and Craig, Inc. as described above and as recommended by City Staff.

### **SIDEWALK CAFÉ LEASE; SIDE STREET POUR HOUSE AND GRILL:**

2. City Staff recommended renewal of the Side Street Pour House and Grill's annual Sidewalk Café Permit with the following conditions:
  - A. The applicant must coordinate with the City's Public Works Director prior to modifying or installing any support structures for lights or awnings or modifying any enclosure fencing.
  - B. String lights installed over the sidewalk café are limited to white, non-blinking lights.
  - C. All provisions of Sec. 13-3(C) shall continue to apply to the use and operation of the sidewalk café area.

A copy of the permit, map, and certificate of insurance is hereby incorporated into these minutes by reference. (Refer to page 36-38).

Upon a motion by Mayor Pro-Tem Thomas, Council voted 4 to 0 to renew the Side Street Pour House and Grill's annual Sidewalk Café Permit and the three conditions as described above and as recommended by City Staff.

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

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

### **UPCOMING BOARD ANNOUNCEMENTS:**

- A. Mayor Gibbons announced he is currently working on filling several vacancies on the City's Authorities/Boards/Commissions as well as several board re-appointments and will be submitting recommendations to City Council in the near future.

### **MAIN STREET AWARDS:**

- B. Mayor Gibbons announced the City of Lenoir's Main Street won three awards at the Main Street Conference held recently in New Bern. The Public Works Sanitation Division won the North Carolina 2020 Main Street Champion Award for the City. Other awards included the Best Endangered Properties Rescue Effort: The Little Building with the Big Impact-Dayvault's Drug Store and the North Carolina Gravity Games won the Best Downtown Special Event Series.

Mayor Gibbons stated the City is proud of these awards and would honor everyone involved at a later date. On behalf of City Council, he thanked Kaylynn Horn, Main

Street Director, Kyle Case, Main Street Coordinator, and all City Departments for all of their hard work in achieving this recognition.

**PROCLAMATION; STATE OF EMERGENCY:**

- C. Mayor Gibbons presented a proclamation to Council to declare a state of emergency for the coronavirus disease 2019 (COVID-19) effective 8:00 a.m. on Wednesday March 18 and to remain in effect until modified or rescinded.

(A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to pages 39-40).

Mayor Gibbons emphasized the City is putting procedures in place and announced that City Hall will also be closed to the general public beginning Wednesday, March 18. He stated citizens will have the option to pay online or leave payments in the available drop box. Also, a number of City services are available online or citizens may contact any City department directly for any questions they may have. Contact information for Staff is also available on the website.

City Manager Hildebran also reported the surrounding counties of Watauga Wilkes, and Catawba along with the City of Hickory, Granite Falls, and Hudson, have declared a state of emergency. Caldwell County will implement a state of emergency on Wednesday, March 18 at effective at 8:00 a.m.

Mayor Gibbons stated the City will keep the general public aware of any plans the City anticipates putting in place pertaining to the coronavirus.

**UPDATE; KEN HAIR, FIRE CHIEF:**

- D. Ken Hair, Fire Chief, informed Council the Fire Department is following the North Carolina Emergency Management Services protocol and they have masks on order for personnel. The Department will be also limit access to the general public.

**UPDATE; BRENT PHELPS, CHIEF OF POLICE:**

- E. Brent Phelps, Chief of Police, shared the Police Department is looking at ways to take care of Staff and reported they have set up hand washing stations in the building. He further shared the front doors of the facility may be locked. In addition, officers are sanitizing patrol cars after any contact with citizens and he clarified officers would still be responding to emergency calls. He explained Staff is currently discussing ways to limit their actions with the public while still providing services.

In addition, Chief Phelps stated the Department has not seen an increase in calls for service. He stated Staff is evaluating the situation daily and commended City Council and Staff for all they are doing to protect the citizens and Staff of the City of Lenoir.

**UPDATE; JARED WRIGHT,  
PUBLIC WORKS DIRECTOR:**

F. Jared Wright, Public Works Director, stated the Department is committed to following the necessary guidelines, but pointed out that Sanitation personnel will still provide services to the citizens of Lenoir during this time.

**UPDATE; RADFORD THOMAS,  
PUBLIC UTILITIES DIRECTOR:**

G. Radford Thomas, Public Utilities Director, stated Public Works and Public Utilities were working together and stressing to Staff to follow the current guidelines. He also mentioned they would be discussing Staffing levels since the water treatment plant operates on a 24 hour schedule.

**UPDATE; KENNY STORY,  
RECREATION DIRECTOR:**

H. Kenny Story, Recreation Director, reported the public is cooperating while all the parks and recreation facilities are currently closed and also shared Staff is following protocol.

Mayor Gibbons advised everyone to err on the side of caution during these uncertain times.

**IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS**

**X. ADJOURNMENT**

A. There being no further business, the meeting was adjourned at 6:46 p.m.

---

Shirley M. Cannon, City Clerk

---

Joseph L. Gibbons, Mayor

## AMENDMENT TO AGREEMENT

### City of Lenoir – Baton Water Corporation Water Sales Agreement

THIS AMENDMENT TO AGREEMENT made this \_\_\_\_ day of March 2020, by and between Baton Water Corporation (herein after referred to as “Baton”) and the City of Lenoir (herein after referred to as “Lenoir”)

(Original Agreement Approved by Lenoir City Council on January 16, 2018)

This agreement shall be amended as specified below:

#### Current Item 2, Page 2 -

Lenoir agrees to provide and sell to Baton up to 500,000 GALLONS (FIVE HUNDRED THOUSAND GALLONS) of potable water maximum daily flow, measured through metered connections which are located, prescribed and maintained by Lenoir, at or above minimum State of North Carolina and Federal Standards for Public Water. Such maximum daily flow shall be based on a thirty (30) day average daily flow. Such maximum daily flow to be reviewed every five (5) years.

#### Amended Item 2, Page 2 -

Lenoir agrees to provide and sell to Baton up to 600,000 GALLONS (SIX HUNDRED THOUSAND GALLONS) of potable water maximum daily flow, measured through metered connections which are located, prescribed and maintained by Lenoir, at or above minimum State of North Carolina and Federal Standards for Public Water. Such maximum daily flow shall be based on a thirty (30) day average daily flow. Such maximum daily flow to be reviewed every five (5) years.

#### Current Item 3, Page 2 –

Baton agrees to use best efforts not to exceed the above maximum daily flow provided for in Section 2 of this agreement, unless Lenoir expressly agrees that said maximum daily purchase(s) may exceed 500,000 gallons for a specified period of time.

#### Amended Item 3, Page 2 -

Baton agrees to use best efforts not to exceed the above maximum daily flow provided for in Section 2 of this agreement, unless Lenoir expressly agrees that said maximum daily purchase(s) may exceed 600,000 gallons for a specified period of time.

Current Item 6, Page 2 -

The initial Base Water Rate charged to Baton for water purchases shall be \$2.17 per one thousand gallons of water provided by Lenoir to Baton. In the event the average daily flow during any monthly billing period exceeds the maximum daily flow of 500,000 gallons, the following surcharges (The "Surcharge Rate") will apply to the overage:

- (500,001) to (550,000) gallons – \$2.39/1000 gallons
- (550,001) to (600,000) gallons – \$2.63/1000 gallons
- (600,001) gallons or more – \$2.89/1000 gallons

Over the term of this agreement or any extension thereof, Lenoir may, at its sole discretion, increase the Base Water Rate and /or the Surcharge Rate as it deems necessary. Lenoir shall not increase said rates to Baton more than one time during any fiscal year of twelve (12) months ending on June 30 of each year. Lenoir agrees to notify Baton in writing of planned increases with an explanation of the factors used to determine set increase in rates at least ninety (90) days prior to June 30 of any fiscal year, with rate increases that are to become effective on July 1 of that same year.

Amended Item 6, Page 2 –

The initial Base Water Rate charged to Baton for water purchases shall be \$2.22 per one thousand gallons of water provided by Lenoir to Baton. In the event the average daily flow during any monthly billing period exceeds the maximum daily flow of 600,000 gallons, the following surcharges (The "Surcharge Rate") will apply to the overage:

- (600,001) to (650,000) gallons – \$2.45/1000 gallons
- (650,001) to (700,000) gallons – \$2.70/1000 gallons
- (700,001) gallons or more – \$2.97/1000 gallon

Over the term of this agreement or any extension thereof, Lenoir may, at its sole discretion, increase the Base Water Rate and /or the Surcharge Rate as it deems necessary. Lenoir shall not increase said rates to Baton more than one time during any fiscal year of twelve (12) months ending on June 30 of each year. Lenoir agrees to notify Baton in writing of planned increases with an explanation of the factors used to determine set increase in rates at least ninety (90) days prior to June 30 of any fiscal year, with rate increases that are to become effective on July 1 of that same year.

IN WITNESS WHEREOF, the parties have executed this Amendment on the day and year first above written.

CITY OF LENOIR, NORTH CAROLINA

By: \_\_\_\_\_  
Joseph L. Gibbons, Mayor

(SEAL)

Attest:  
By: \_\_\_\_\_

Shirley M. Cannon, City Clerk

BATON WATER CORPORATION

By: \_\_\_\_\_  
\_\_\_\_\_, Board Chair

(SEAL)  
Attest:

By: \_\_\_\_\_  
\_\_\_\_\_, Secretary

This agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

By: \_\_\_\_\_  
\_\_\_\_\_, Finance Officer

By: \_\_\_\_\_  
\_\_\_\_\_, Finance Director

## TASK ORDER No. 001

20 Minutes-City of Lenoir Council Meeting  
Tuesday, March 17, 2020

34

This is Task Order No. 001  
consisting of 2 pages.

### Task Order

---

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated **March 17, 2020** ("Agreement"), Owner and Engineer agree as follows:

#### 1. Background Data

- a. Effective Date of Task Order: **March 17, 2020**
- b. Owner: **City of Lenoir**
- c. Engineer: **Mattern & Craig, Inc.**
- d. Specific Project (title): **General Engineering Services (GES)**
- e. Specific Project (description): **Transportation & Traffic Engineering Services On-Call**

#### 2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are:

**Provide engineering assistance to the Planning & Public Works Departments for Transportation & Traffic Engineering related services as requested. These services shall be defined by City staff on an hourly basis to be reported and invoiced monthly in accordance with the Fee Schedule attached as Exhibit C. Or, by lump sum as defined by subsequent Task Order defining a specific project scope of service and contract fee amount.**

- B. Other Services

Engineer shall also provide the following services, if required in conjunction with project identified under this GES contract: General Civil Engineering, Stormwater & Drainage, Field Survey, and Structural Engineering.

- C. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

#### 3. Additional Services – *Not Used*

#### 4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement.

#### 5. Task Order Schedule – *Not Used*

#### 6. Payments to Engineer

- A. Owner shall pay Engineer for hourly services rendered under this Task Order per Fee Schedule attached as Exhibit A.

---

Task Order Form

EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition.  
Copyright © 2014 National Society of Professional Engineers, American Council of Engineering Companies,  
and American Society of Civil Engineers. All rights reserved.

7. Consultants retained as of the Effective Date of the Task Order: Mattern & Craig, Inc. 35

8. Other Modifications to Agreement and Exhibits: *None*

9. Attachments: *None*

10. Other Documents Incorporated by Reference: *None*

11. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is **March 17, 2020**.

OWNER: City of Lenoir

ENGINEER: Mattern & Craig, Inc.

By:

By:

Print Name: Scott Hildebran  
Title: City Manager  
Date Signed: March 17, 2020

Print Name: Randy W. Beckner, PE  
Title: Principal  
Date Signed: March 17, 2020

Firm's Certificate No. : C-1154

State of : North Carolina

Address for Owner's receipt of notices:

Address for Engineer's receipt of notices:

City of Lenoir  
PO Box 958  
Lenoir, NC 28645

Mattern & Craig  
231 16th Avenue NE  
Hickory, North Carolina 28601

DESIGNATED REPRESENTATIVE  
(Paragraph 8.04):

DESIGNATED REPRESENTATIVE  
(Paragraph 8.04):

Jared Wright

Brian Newman, PE

Title: Director of Public Works

Title: Office Manager

Phone Number: (828) 757-2183

Phone Number: (828) 838-4139

E-Mail Address: jwright@ci.lenoir.nc.us

E-Mail Address: brnewman@matternandcraig.com

Task Order Form



# SIDEWALK CAFE PERMIT APPLICATION

## CITY OF LENOIR PLANNING DEPARTMENT

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

The City of Lenoir allows sidewalk cafes within the downtown Municipal Service District when a permit is approved by City Council, in accordance with Sec. 13-3 of the Lenoir City Code. For questions about this application form or the rules pertaining to sidewalk cafes in the City of Lenoir, please contact the Planning Department at 828.757.2200. PERMITS ARE GOOD FOR A PERIOD OF 1 YEAR AND MUST BE RENEWED ANNUALLY.

### Submittal Checklist:

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

### Permit Information:

Property Address: 128 Main St. NC PIN: \_\_\_\_\_

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

Business Name: Side Street Pour House & Grill

Will ABC permit include sidewalk café area?  Yes  No

Number of seats in Restaurant: 100 Number of seats\* proposed for sidewalk café: 24

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

### Contact Information:

Name of Restaurant Operator: Kevin Eller

Street Address: 2606 Keys Pl

City: Lenoir State: NC Zip: 28645

Phone Number: 828-234-4535

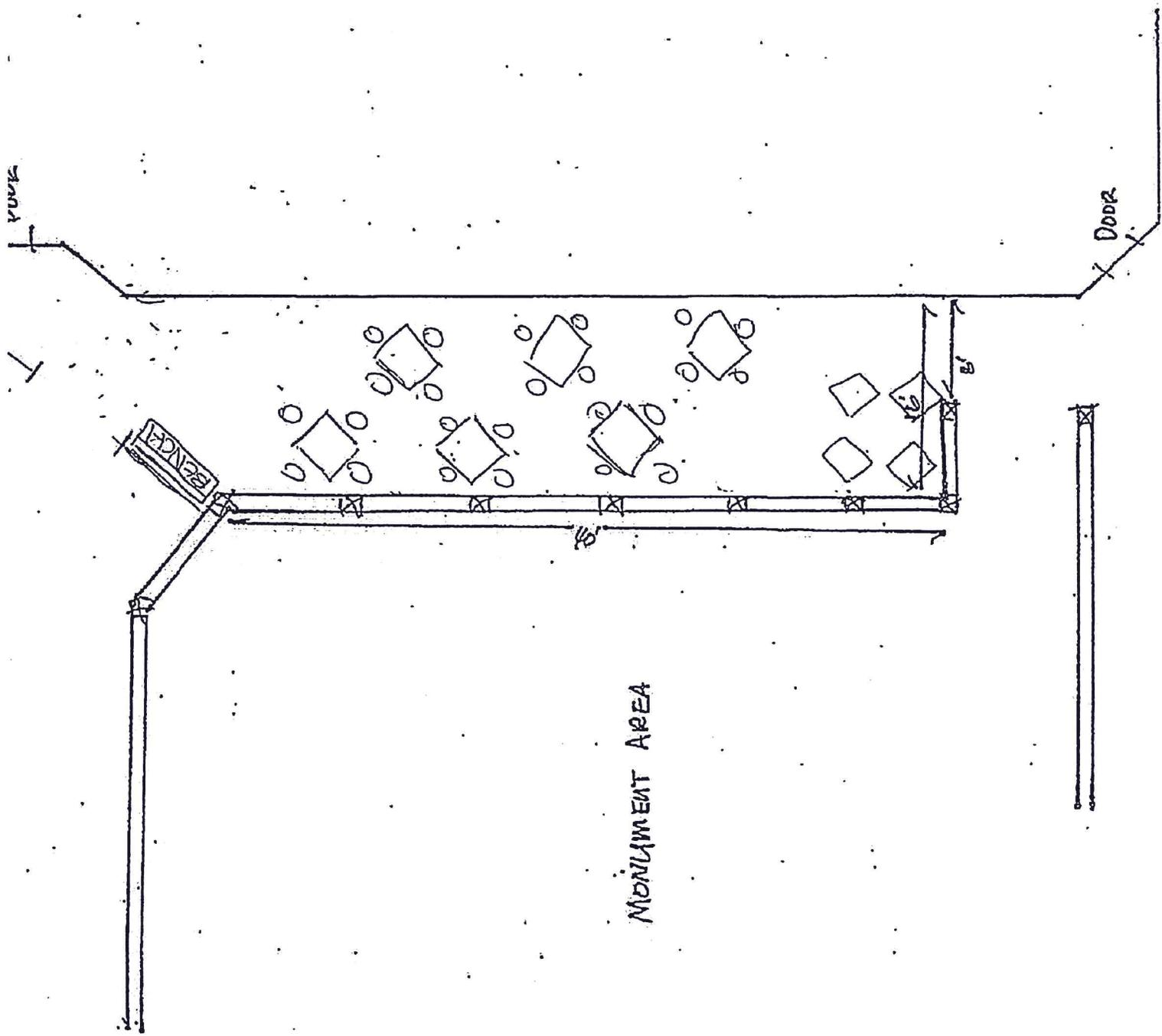
Fax Number: \_\_\_\_\_

Email: kevin.eller@yahoo.com

Owner's Signature: \_\_\_\_\_

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

OFFICIAL USE ONLY: City Council approved on \_\_\_\_\_ Permit No. \_\_\_\_\_







*Signed  
on: 3/17/20*

CITY MANAGER  
SCOTT E. HILDEBRAN

CITY OF LENOIR  
NORTH CAROLINA

VS

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

**A PROCLAMATION FOR THE DECLARATION OF A STATE OF EMERGENCY  
CORONA VIRUS DISEASE 2019 (COVID-19)**

**WHEREAS**, the World Health Organization declared the Coronavirus Disease 2019 ("COVID-19") a global pandemic on March 11, 2020; and

**WHEREAS**, the Governor of the State of North Carolina declared a State of Emergency on March 10, 2020 to coordinate the State's response and protective actions to address the COVID-19 public health emergency and to provide for the health, safety, and welfare of residents and visitors; and

**WHEREAS**, the North Carolina Department of Health and Human Services confirmed the number of cases of COVID-19 in North Carolina continues to rise; and

**WHEREAS**, the North Carolina Department of Health and Human Services confirmed cases of COVID-19 in western North Carolina; and

**WHEREAS**, City of Lenoir citizens travel to and from those counties and the residents of those counties travel to and from Lenoir regularly, increasing the risks for exposure of COVID-19; and

**WHEREAS**, as a result of the above-described emergency, I have determined that there is an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property, and public safety authorities will be unable to maintain public order or afford adequate protection for lives or property; and

**WHEREAS**, declaring a State of Emergency and imposing the restrictions and prohibitions ordered herein is necessary to maintain order and protect public health, safety, and welfare, and to secure property.

**NOW, THEREFORE**, pursuant to the authority vested in me as the Mayor of the City of Lenoir under Article IA of Chapter 166A of the North Carolina General Statutes and Chapter 7, Civil Emergencies of the City of Lenoir Code of Ordinances:

Section 1. A State of Emergency is hereby declared within the jurisdiction of the City of Lenoir.

Section 2. I hereby authorize the City Manager and/or his designee(s) to take appropriate protective action to prevent the spread of COVID-19, including implementing restrictions, modifications, or alterations to any City operations, services, or facilities, and to take other



protective measures as he deems appropriate, and consistent with guidance from the Center for Disease Control and Prevention and in accordance with executive orders issued by the President of the United States and the Governor of North Carolina.

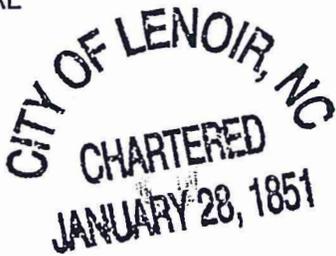
Section 3. I hereby order all City law enforcement officers and employees and all other emergency services personnel subject to our control to cooperate in the enforcement and implementation of the provisions of this Declaration, all applicable local ordinances, state and federal laws, and the Caldwell County Emergency Operations Plan.

Section 4. I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with Clerk to the City Council of the City of Lenoir and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

Section 5. This declaration shall take effect on March 18<sup>th</sup>, 2020 at 8:00 AM/PM and shall remain in effect.

DECLARED this the March 17<sup>th</sup>, 2020 at 6:00 AM/PM until modified or rescinded.

SEAL



SEAL

A handwritten signature in black ink, appearing to read "Joseph L. Gibbons".

Joseph L. Gibbons, Mayor

**MINUTES****CITY COUNCIL  
FY2020-21 ANNUAL BUDGET RETREAT  
CITY HALL, MARCH 24, 2020  
8:30 A.M.**

PRESENT: Mayor Gibbons, Councilmembers Beal, Perdue, Perkins, Stevens, and Willis.

Councilmember Ralph Prestwood and Mayor Pro-Tem Crissy Thomas participated via telephone.

City Manager Hildebran, City Clerk Cannon, Public Information Officer Harris, and Finance Director Bean.

Participating via teleconference in the second floor conference room at City Hall were Police Chief Brent Phelps, Fire Chief Ken Hair, Public Works Director Jared Wright, Public Utilities Director Radford Thomas and Recreation Director Kenny Story.

**I. CALL TO ORDER**

- A. Mayor Gibbons welcomed everyone and called the meeting to order. He asked Fire Chief Ken Hair and Public Works Director Jared Wright to share what steps their Departments were implementing regarding the Coronavirus outbreak.

Fire Chief Hair stated they have implemented some mitigation measures to help with the Coronavirus and are following the City's Action Plan. He reported that as of Sunday evening, Caldwell County Emergency Services issued new dispatch protocols for fire department first responders to help limit possible exposure. For now, the department is only responding to cardiac/respiratory arrest, child birth, choking, multi-casualty incidents and medical calls only when the Emergency Management Service deems more help is necessary. Also, he pointed out they have a limited supply of Personal Protective Equipment (PPE) and don't know when their supply will get replaced.

Public Works Director Wright stated Staff is continuing with distancing requirements and minimizing exposure and public contact. They have also implemented a 5-person crew size limit and are avoiding employee gatherings greater than 5 employees (breaks, lunch, etc.). The crews are utilizing recommended Personal Protective Equipment (PPE) as well and are performing two daily facility surface cleanings.

In addition, Police Chief Phelps and Public Utilities Director Thomas echoed similar measures.

City Manager Hildebran stated that Governor Roy Cooper has also established a limit of 10 individuals at events and 50 people at gatherings. All public schools will remain closed through April 25. In addition,

Mr. Hildebran stated the City is also making necessary changes to its personnel policy and working with the UNC School of Government regarding guidelines in establishing a list of essential and non-essential personnel. Mr. Hildebran also recommended that Council authorize him to make decisions regarding personnel policy revisions.

### **Motion**

Upon a motion by Councilmember Perkins, Council voted 7 to 0 to authorize City Manager Hildebran to make personnel decisions on behalf of the City of Lenoir during the Coronavirus outbreak and City Council will take action at a future meeting.

### **General Comments**

City Manager Hildebran stated that Joshua Harris, Public Information Officer, will be sending information out via the City's website and on social media to the general public regarding information that is relevant about the coronavirus situation.

Councilmember Willis strongly recommended that it is extremely important for the City to also document everything that is being done by the City pertaining to the virus outbreak at this time.

City Manager Hildebran also shared City Attorney Rohr has researched virtual meetings procedures. He reported that state legislation is outdated and does not address the legality of virtual meetings and pointed out the City cannot violate the general statutes. Also, he mentioned there is an issue with authenticating who is actually voting during these types of meetings.

Mr. Hildebran stated that Staff will continue to explore options for future meetings.

- B. **Proposed FY2020-2021 Budget Calendar:** City Manager Hildebran presented the proposed FY2020-2021 Budget Calendar to City Council for their review. A public hearing to formally approve the budget will be held on Tuesday, June 2. (A copy of the Budget Calendar is attached to these minutes as information).

### **Motion**

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to approve the FY2020-2021 Budget Calendar as presented.

- C. **Review; FY2020-21 Council Goals:** City Manager Hildebran referred to the list of City Council's goals/priorities for 2020-21 and asked Council if there were any additional questions or concerns they wished to discuss further.

## **2020 Council Budget Priorities**

### **1. Employee Recruitment/Retention:**

- Continue efforts to offer competitive compensation and benefits for employees
- Increase Employee Engagement
- Incentivize/Reward Efficiencies

### **2. Housing:**

- Continue Minimum Housing & Code Enforcement (acquire tracking software)
- Pursue Market Rate Housing
- Market City-owned Properties to Sell
- Encourage Downtown Living
- Continue to promote shovel-ready areas such as Hibriten Mountain, Stonecroft, Huntington Woods, Summerhill, Parkview, Heritage Hills (Woodbine/Williamsburg) & Georgetown Estates
- Work with WPCOG Vacant & Substandard Housing Task Force

### **3. Community Beautification:**

- Develop & Implement Branding/Wayfinding Signage
- Support Code Enforcement (including Strategic Foreclosures)
- Work on Commercial Blight (city-wide & downtown)
- Address Major Visibility Issues (city entry corridors)
- Develop West End Area Neighborhood Plan
- Implement North Main Area Plan & Fairfield South Plan

### **4. Healthy Infrastructure:**

- Technology/Cybersecurity/Digital Services
- Street Paving
- Sidewalks/Greenway/OVT
- City Facilities/Fleet
- Water/Sewer Improvements
- Stormwater Improvements
- Downtown 2-Way Traffic Implementation
- Bike/Ped Plan

### **5. Economic Development**

- Encourage Public/Private Partnerships
- Continue Work with Caldwell EDC

### **6. Public Engagement**

- State of the City Presentations
- Market Quality of Life Amenities
- Neighborhood Meetings
- Walk-throughs

Mr. Hildebran stated the City's budget will be very fluid in FY2020-21 due to the coronavirus pandemic and informed Council that Staff may have a number of budget amendments to present during the fiscal year for their consideration of approval.

### **Water & Sewer Fund Capital Improvements Plan (CIP)**

- D. Next, Radford Thomas, Public Utilities Director, reviewed the Water & Sewer Fund Capital Improvements Plan (CIP) for FY2020. The CIP Plan lists projects in priority order which the City is able to update via grants or low interest loans. As information, he explained the numbers on the CIP Plan that are the same color indicate funding is based on a financing packaging while the additional colors signifies funding is based on a debt package.

(A copy of the Water and Sewer Fund CIP list is attached to these minutes as information. Refer to page).

Director Thomas stated he plans to focus on year 1 and 3, but pointed out the CIP plan is subject to change due to the City's needs and finances. He stated \$45,000 was spent on roof replacements in FY2020 along with \$50,000 for vehicles. Director Thomas stated the following expenditures were budgeted for Year 1 (FY2021) of the CIP Plan:

- Water System Improvements	\$4,700,000
- Major Pressure Reducing Valve Vaults	\$ 300,000
- Hudson Valve Insertions	\$5,175,000

The Water System Improvements are slated for the West End area on Finley Avenue because the elevation of the water tank located there affects the water pressure of area residents. Director Thomas also mentioned the City may submit an application for a State Revolving Loan (SRF) for funding assistance due to the number of low to moderate income homes in the Finley area.

Director Thomas further shared that service may have to be temporarily suspended to about one-half of the homes in the Town of Hudson when the valve insertion improvements project is scheduled to begin. In addition, he stated the City would have to comply with the America's Water Infrastructure Act (AWIA) in FY2022. As information, this act was signed into law on October 23, 2018 and requires community (drinking) water systems serving more than 3,300 people to develop or update risk assessments and emergency response plans (ERPs). The law specifies the components that the risk assessment and ERPs must address, and establishes deadlines by which water systems must certify to EPA completion of the risk assessment and ERP.

Director Thomas reviewed the remaining items on the CIP list and explained each project. He reported a major overhaul of the Lower Creek Waste Water Treatment Plant is planned for FY2026 and stated the City is trying to address projects for the next three to four years. He restated proposed projects are based upon resources.

### **Water and Sewer Cash Flow Summary**

- E. Director Thomas reported the City has been working hard over the past several years to retire debt in the Water and Sewer Fund and remarked the City is in a good position. He stated the City will begin contributing money into a Capital Resource Fund in FY2022 in order to have funding available to pay for some future projects.

Councilmembers Stevens and Willis commended City Staff for the great shape the City is in and for their forethought in preparing for long-term projects via the CIP list.

City Manager Hildebran referred to the Water and Sewer Debt Service Summary and mentioned the total debt payments for FY2021 is \$1,281,939 (Water) and \$839,019 (Sewer) for a total debt of \$2,120,958. (A copy of the Summary is attached to these minutes as information).

### **Water Rate Comparison Chart**

F. City Manager Hildebran reviewed the Water Rate Comparison Chart for March 2020 which is based on 5,000 gallons usage per month and reported the City of Lenoir is competitive with its rates.

(A copy of the chart is attached to these minutes as information).

The current SE Consumer Price Index (CPI) is 1.9% as of February 2020 and our consultant recommended the City increase its water & sewer rates by 1.9%. Mr. Hildebran suggested the City not increase water or sewer rates for FY2020-2021 and that the current rates remain in effect through June 30, 2021. However, Mr. Hildebran reminded Council that the City may have to raise rates more than normal during the 2021-2022 budget. City Council was in consensus to have City Manager Hildebran educate the public through social media that there may be more of an increase in the City's water and sewer rates next year.

### **Motion**

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to have the City's current water and sewer rates remain in effect until June 30, 2021 and to notify the general public that next year's rates may potentially increase.

G. **Financial Summary:** Finance Director Bean presented a financial summary as of February 29, 2020 and reported the City is in good financial shape with a current year General Fund balance of \$2,093,865.86 and a current year water/sewer fund balance of \$1,739,093.36. The City has collected 81% of its budgeted revenue and the Downtown District Fund Over/Under balance is (\$119,402.43) due to some expenditures. In addition, she reported revenue in the Water & Sewer Fund has increased from last year and mentioned the Department has several ongoing projects.

A copy of the financial summary is attached to these minutes as information.

H. **Direct and Overlapping Property Tax Rates:** Mr. Hildebran informed Council the City's health insurance provider (Medcost) provided by the North Carolina League of Municipalities (NCLM) has notified the City there would be an 8% increase which was reduced to 6% for FY2020-2021, but he shared that Medcost did not increase their rates in FY2019. Mr. Hildebran informed Council the City could save an additional 2% or \$40,000 should City Council authorize him to proceed with renewing the City's insurance with the North Carolina League of Municipalities and eliminating the City's current insurance broker minimizing the increase to 4%.

In addition, Mr. Hildebran emphasized that City Staff has worked very hard on negotiating insurance rates.

### **Motion**

Upon a motion by Councilmember Willis, Council voted 7 to 0 to authorize City

Manager Hildebran to renew the City's insurance with the North Carolina League of Municipalities and the City's health insurance with Medcost. City Council further approved cancelling the City's contract with its current insurance broker for additional savings as recommended by City Manager Hildebran.

- I. **Solid Waste Fee:** City Manager Hildebran referred to the chart of Solid Waste Fees for the past ten years and reminded Council the City increased its solid waste fee by \$1.00 in FY2019-20 for a total fee of \$10.00. (A copy of the Solid Waste Fee Chart is attached to these minutes as information). The solid waste fee for the City of Lenoir will remain the same for FY2020-21.
- J. **Budget Amendment 2020-04; Rollout Cart Procurement; Sanitation Division:** City Manager Hildebran reviewed Budget Amendment #2020-04 in the amount of \$425,000.00 for the purchase of 9,000 rollout carts from the preferred vendor, Rehrig Pacific Company (Charlotte area sales region), to be distributed to solid waste customers for use with automated collection. Director Wright shared he began researching cart compatibility with new and existing equipment along with vendor options in January 2020.

This pricing is offered through an existing cooperative purchasing agreement (OMNIA Partners). The City of Lenoir is a member of this organization. In addition, the delivery fees include bulk shipping, distribution of carts to customers, and electronic assignment of carts to physical addresses through QR or barcode scanning. The City of Lenoir will retain an editable database of cart identification properties for our records once distribution is complete.

A copy of the budget amendment is attached to these minutes as information.

Public Works Director Jared Wright clarified that should a resident move, the City owned carts would remain at that address. He further shared there is a maximum of three carts per residence should a property owner want to purchase two additional carts in addition to the cart provided by the City of Lenoir. Director Wright also advised Council he would be submitting a proposed ordinance amendment at the April 7 City Council meeting.

#### **Motion**

Upon a motion by Councilmember Willis, Council voted 7 to 0 to approve Budget Amendment #2020-04 in the amount of \$425,000.00 for the purchase of 9,000 roll-out carts from the preferred vendor, Rehrig Pacific Company, Charlotte, NC, as described above and as recommended by City Staff.

- K. **Fund Balance History:** City Manager Hildebran reviewed the City's Fund Balance history. (A copy of the Fund Balance Evaluation is attached to these minutes as information).

Mr. Hildebran reported the City's ending fund balance as of June 30, 2020 is \$8,866,330.00 or 58% of the recommended budget amount. However, after the purchase of the carts for the Sanitation Department, the percentage is 51.21%. Expenditures during FY2019-20 include the ARC Grant Match, three Automated Garbage Trucks and the purchase of Garbage Carts for a total expenditure amount of \$963,000.00.

- L. **General Fund Projections:** City Manager Hildebran reviewed the City's General Fund Projections for FY2020-2021 through FY2026-2027. He stated the list includes several CIP projects along with an anticipated 3% COLA for employees next year, but he pointed out everything is dependent upon economic conditions. Mr. Hildebran reported the total Financing Package is \$365,000 while the Debt Service package is \$256,706.

A copy of the general fund projections is attached to these minutes as information.

Finance Director Bean also reviewed the City's General Fund CIP list of approved projects for FY2026-FY2027 and reiterated several items may have to be moved out farther on the schedule while others will be contingent upon funding.

Director Bean further shared the proposed CIP includes funding to meet ADA compliance in order to show the City is making improvements toward the state's guideline requirements. Also, she remarked the budget contains funding for IT updates throughout the City.

M. **Outstanding Items for FY2020-2021**

Next, Mr. Hildebran reviewed a list of Outstanding Items for FY2020-2021 which include workers comp, general liability, health insurance (6% rate increase), retirement system (1.2% contribution), compensation/cola/personal leave addition and termination of lease (Public Works/Public Utilities Building-Bernhardt).

N. **Personal Leave Day**

City Manager Hildebran also recommended that City Council consider approval of a 1-day personal leave for employees each year which may be for any use such as birthday, holiday, school visit, etc. Upon approval, this leave would become effective on July 1, 2020. This item will be presented to City Council at a later date. Also, Mr. Hildebran mentioned the state has an innovation reward program and the City may review their program and submit a recommendation to City Council in the future as a way of rewarding City employees that submit an innovative idea.

O. **Termination of Lease (Public Utilities/Public Works Building-Bernhardt Ind.**

City Manager Hildebran presented information regarding a leased garage space which is a standalone office/garage building with an interior wash bay, complete with an oil/water separator as submitted by Public Works Director Wright and Public Utilities Director Thomas. A map of the facility was also shared with Council. Sometime after the City moved into the Public Works/Public Utilities facilities in 1993, a lease agreement was entered into by the City of Lenoir and Bernhardt Furniture for the standalone building. To date, Bernhardt continues to occupy this space and use it as their truck garage.

Public Works Director Wright and Public Utilities Director Thomas led a discussion regarding regulatory concerns and the crowding issues at Public Works. They also referenced the number of equipment that currently needs to be stored under a shed and protected from weather conditions. Director Thomas pointed out you could drive through the wash bay and mentioned Staff does collect the runoff. Director Thomas shared that during a stormwater audit conducted by the EPA/NCDEQ in late 2018, the Public Works and Public Utilities Facility was identified as a potential source of surface water pollution due to the size of our fleet, garage operations (vehicle storage while

awaiting maintenance), and general vehicle and equipment washing procedures.

Director Wright reported the City has partnered with the Western Piedmont Council of Governments (WPCOG) to administer the City's MS4 Stormwater Program and compliance efforts. The Stormwater Management Plan (SWMP) has, as required by EPA and NCDEQ, included measures for pollution prevention from public facilities and operations including the current Public Works and Public Utilities facility. Along with the requirement for this facility to apply for a separate general industrial stormwater discharge permit (application submitted March 2020), containment of vehicle and equipment wash water or contracting with commercial wash sites that have water recycling capability will be necessary. The current leased building contains the necessary equipment and inside space to meet these requirements.

As information, Mr. Hildebran stated the City receives \$1,100.00 monthly from Bernhardt for the lease agreement.

### **Motion**

Following a brief discussion and upon a motion by Councilmember Perdue, Council voted 7 to 0 to terminate the annual lease agreement between the City of Lenoir and Bernhardt Industries as of December 31, 2020.

## **II. ADJOURN**

There being no further business, the meeting was adjourned at 10:05 a.m.

### **Attachments**

FY2020-21 Budget Calendar  
Water and Sewer Fund Capital Improvements Plan  
Water and Sewer Cash Flow Summary  
Water Rate Comparison Chart  
General Fund Projections  
Fund Balances Handout  
Outstanding Items Handout

**CITY OF LENOIR**  
**BUDGET CALENDAR**  
**FY2020-2021**

---

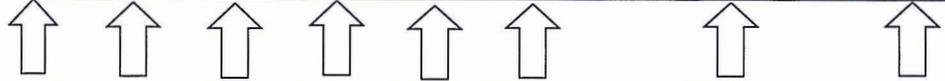
May 19, 2020	City Manager presents recommended budget to City Council. (City Clerk will have a copy of the proposed budget available for the public after presentation.)
May 21, 2020	Budget Work Session – 6:00 p.m., Third Floor, City Hall
May 26, 2020	Committee of the Whole – 8:30 a.m., Third Floor, City Hall (Budget Work Session if necessary)
May 28, 2020	Budget Work Session – 6:00 p.m., Third Floor, City Hall *if necessary
June 2, 2020	Public Hearing for recommended FY2020-21 Budget at City Council Meeting at 6:00 p.m. Earliest possible date to adopt FY2020-21 Budget. (City Clerk will have a copy of the final budget available for the public within five business days.)
June 16, 2020	City Council
June 23, 2020	Committee of the Whole Meeting

**TABLE 1  
CITY OF LENOIR  
WATER AND SEWER FUND  
CAPITAL IMPROVEMENTS PLAN - 2020**

PROJECT NUMBER	PROJECT LOCATION	COST	2020	YEAR 1 2021	YEAR 2 2022	YEAR 3 2023	YEAR 4 2024	YEAR 5 2025	YEAR 6 2026	YEAR 7 2027	YEAR 8 2028	YEAR 9 2029	YEAR 10 2030	YEARS 11+ 2031+
	<b>WATER IMPROVEMENTS</b>													
	<b>DISTRIBUTION SYSTEM</b>													
1	ROOF REPLACEMENT	45,000	45,000											
2	WATER SYSTEM IMPROVEMENTS	4,700,000		4,700,000										
3	MAJOR PRESSURE REDUCING VALVE VAULTS	640,000		300,000					340,000					
4	HUDSON VALVE INSERTIONS	100,000		100,000										
5	WHITNEL TRANSMISSION LINE REPLACEMENT- PHASE 1	4,930,000			4,930,000									
6	WALT ARNEY ROAD WATER LINE REPLACEMENT	550,000					550,000							
7	HUDSON TANK PUMP UPGRADES	500,000				500,000								
8	PLEASANT HILL ROAD WATER IMPROVEMENTS	1,110,000										1,110,000		
9	ZACK FORKS TO COTTRELL HILL WATER SUPPLY LOOP	0												1,550,000
10	WHITNEL TRANSMISSION LINE REPLACEMENT- PHASE 2	0												12,300,000
11	DIVISIONAL VALVE REPLACEMENTS	911,000			90,000	92,000	95,000	98,000	101,000	104,000	107,000	110,000	114,000	
	<b>BERNHARDT TREATMENT PLANT</b>													
12	FLASH MIX BASIN REPAIRS	450,000			450,000									
13	AWIA COMPLIANCE PROJECTS	400,000			100,000	100,000	100,000	100,000						
14	FILTER VALVE REPLACEMENTS	680,000				680,000								
15	FINISHED WATER PUMP STATION EXPANSION	870,000					870,000							
16	BACKWASH SUPPLY	290,000					290,000							
17	OPERATIONS BUILDING UPGRADES	1,780,000							1,780,000					
18	GENERATOR AND ELECTRICAL SYSTEM LOOP	0												2,640,000
	VEHICLES	651,000	50,000	75,000	60,000		58,000	48,000	70,000	140,000	50,000	50,000	50,000	
	<b>WATER IMPROVEMENTS SUBTOTAL</b>	<b>18,607,000</b>	<b>95,000</b>	<b>5,175,000</b>	<b>5,630,000</b>	<b>1,372,000</b>	<b>1,963,000</b>	<b>246,000</b>	<b>2,291,000</b>	<b>244,000</b>	<b>157,000</b>	<b>1,270,000</b>	<b>164,000</b>	<b>16,490,000</b>
	<b>WASTEWATER IMPROVEMENTS</b>													
	<b>COLLECTION SYSTEM</b>													
19	CROSSROADS SHOPPING CENTER TO LENOIR GOLF CLUBHOUSE SEWER	2,775,000		2,775,000										
20	MANHOLE IMPROVEMENTS	1,270,000			500,000	180,000	180,000		200,000		210,000			
21	PENNTON TO HWY 18 SEWER	920,000				920,000								0
22	ZACKS FORK REPLACEMENT	1,970,000					1,970,000							0
23	MAIN STREET SEWER REPLACEMENT	950,000					950,000							
24	REHAB BLAIRS FORK OUTFALL	750,000					750,000							0
25	GOLF COURSE SEWER REPLACEMENT	3,120,000						3,120,000						0

**TABLE 1  
CITY OF LENOIR  
WATER AND SEWER FUND  
CAPITAL IMPROVEMENTS PLAN - 2020**

PROJECT NUMBER	PROJECT LOCATION	COST	2020	YEAR 1 2021	YEAR 2 2022	YEAR 3 2023	YEAR 4 2024	YEAR 5 2025	YEAR 6 2026	YEAR 7 2027	YEAR 8 2028	YEAR 9 2029	YEAR 10 2030	YEARS 11+ 2031+
26	GUNPOWDER CREEK INTERCEPTOR REPLACEMENT	3,100,000							3,100,000					
27	EAST HARPER AVENUE SEWER REPLACEMENT	500,000								500,000				
28	MEADOWOOD UPSTREAM SEWER REPLACEMENT	1,660,000											1,660,000	
29	MEADOWOOD LIFT STATION IMPROVEMENTS	440,000								440,000				
	<b>LOWER CREEK TREATMENT PLANT</b>													
30	SEPTAGE RECEIVING STATION / VACTOR DUMP	510,000					510,000							
	LOWER CREEK WWTP CONCRETE REPAIRS	500,000			500,000									
31	OTHER LOWER CREEK WWTP NEEDS	7,400,000									7,400,000			
	SEWER CAMERA SYSTEM	125,000		125,000										
	VEHICLES	668,000	50,000	75,000	45,000	50,000		48,000			400,000			
	<b>WASTEWATER IMPROVEMENTS SUBTOTAL</b>	<b>26,658,000</b>	<b>50,000</b>	<b>2,975,000</b>	<b>545,000</b>	<b>1,650,000</b>	<b>4,360,000</b>	<b>3,168,000</b>	<b>3,300,000</b>	<b>940,000</b>	<b>8,010,000</b>	<b>0</b>	<b>1,660,000</b>	<b>0</b>
	<b>TOTAL</b>	<b>45,265,000</b>	<b>145,000</b>	<b>8,150,000</b>	<b>6,175,000</b>	<b>3,022,000</b>	<b>6,323,000</b>	<b>3,414,000</b>	<b>5,591,000</b>	<b>1,184,000</b>	<b>8,167,000</b>	<b>1,270,000</b>	<b>1,824,000</b>	<b>16,490,000</b>



DEBT PACKAGES

	DEBT PKG 1	DEBT PKG 3	DEBT PKG 4	DEBT PKG 5	DEBT PKG 6	DEBT PKG 7	DEBT PKG 9	DEBT PKG 10	
	38,015,000	4,700,000	4,930,000	2,100,000	5,340,000	3,120,000	1,780,000	7,400,000	2,770,000
		DEBT PKG 2				DEBT PKG 8			
		2,775,000				3,100,000			

ANNUAL DEBT

ANNUAL CAPITAL OUTLAY

ANNUAL DEBT	38,015,000	0	7,475,000	4,930,000	2,100,000	5,340,000	3,120,000	4,880,000	0	7,400,000	1,110,000	1,660,000
ANNUAL CAPITAL OUTLAY	7,250,000	145,000	675,000	1,245,000	922,000	983,000	294,000	711,000	1,184,000	767,000	160,000	164,000

**CITY OF LENOIR WATER AND SEWER FUND  
CASH FLOW SUMMARY - 2020**

	<b>ESTIMATE 2020</b>	<b>YEAR 1 2021</b>	<b>YEAR 2 2022</b>	<b>YEAR 3 2023</b>	<b>YEAR 4 2024</b>	<b>YEAR 5 2025</b>	<b>YEAR 6 2026</b>	<b>YEAR 7 2027</b>	<b>YEAR 8 2028</b>	<b>YEAR 9 2029</b>	<b>YEAR 10 2030</b>
WATER ANNUAL OPERATING REVENUE	\$6,349,193	\$6,474,046	\$6,601,375	\$6,731,229	\$6,863,658	\$6,998,714	\$7,136,449	\$7,276,916	\$7,420,170	\$7,566,266	\$7,715,261
SEWER ANNUAL OPERATING REVENUE	\$3,169,961	\$3,231,229	\$3,293,702	\$3,357,402	\$3,422,355	\$3,488,585	\$3,556,117	\$3,624,978	\$3,695,193	\$3,766,790	\$3,839,795
WATER & SEWER ANNUAL NON-OPERATING REVENUE	4,000	5,000	6,000	6,000	6,000	6,000	7,000	7,000	7,000	8,000	9,000
WATER REVENUE INCREASE *		1.9%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
SEWER REVENUE INCREASE		1.9%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
WATER & SEWER NEW REVENUE	\$176,223	\$372,549	\$580,592	\$800,899	\$1,034,043	\$1,280,623	\$1,541,260	\$1,816,605	\$2,107,336	\$2,414,159	
<b>TOTAL REVENUE</b>	<b>\$9,523,154</b>	<b>\$9,886,498</b>	<b>\$10,273,626</b>	<b>\$10,675,223</b>	<b>\$11,092,912</b>	<b>\$11,527,342</b>	<b>\$11,980,189</b>	<b>\$12,450,154</b>	<b>\$12,938,968</b>	<b>\$13,448,391</b>	<b>\$13,978,215</b>
WATER OPERATING EXPENDITURES	\$3,133,438	\$3,211,774	\$3,292,069	\$3,374,370	\$3,458,729	\$3,545,198	\$3,633,828	\$3,724,673	\$3,817,790	\$3,913,235	\$4,011,066
SEWER OPERATING EXPENDITURES	\$2,741,897	\$2,878,944	\$2,950,918	\$3,024,691	\$3,100,308	\$3,177,816	\$3,257,261	\$3,338,693	\$3,422,160	\$3,507,714	\$3,595,407
CAPITAL OUTLAY	\$938,775	\$675,000	\$1,245,000	\$922,000	\$983,000	\$294,000	\$711,000	\$1,184,000	\$767,000	\$160,000	\$164,000
DEBT SERVICE	\$1,778,111	\$2,207,492	\$2,285,711	\$2,803,622	\$3,121,377	\$3,491,180	\$3,762,389	\$3,884,533	\$4,140,454	\$4,396,375	\$4,032,524
TRANSFER TO CAPITAL RESERVE FUND	\$0	\$0	\$400,000	\$400,000	\$390,000	\$400,000	\$400,000	\$280,000	\$400,000	\$400,000	\$400,000
<b>NET INCOME</b>	<b>\$930,932</b>	<b>\$813,287</b>	<b>\$99,928</b>	<b>\$150,539</b>	<b>\$39,497</b>	<b>\$619,149</b>	<b>\$215,711</b>	<b>\$38,255</b>	<b>\$391,564</b>	<b>\$1,071,068</b>	<b>\$1,775,218</b>
UNRESTRICTED NET ASSETS	\$5,288,313	\$6,101,601	\$6,201,529	\$6,352,068	\$6,391,565	\$7,010,714	\$7,226,425	\$7,264,680	\$7,656,244	\$8,727,311	\$10,502,529
UNRESTRICTED NET ASSETS / TOTAL EXPENDITURES	61.55%	67.25%	60.96%	60.35%	57.82%	64.27%	61.43%	58.53%	61.02%	70.51%	86.07%
CAPITAL RESERVE FUND	\$704,870	\$704,870	\$1,104,870	\$1,504,870	\$1,894,870	\$2,294,870	\$914,870	\$1,194,870	\$94,870	\$494,870	\$194,870
RESIDENTIAL INSIDE 5,000 GAL WATER CHARGE ^	\$23.86	\$24.31	\$24.80	\$25.30	\$25.80	\$26.32	\$26.84	\$27.38	\$27.93	\$28.49	\$29.06
RESIDENTIAL INSIDE 5,000 GAL SEWER CHARGE ^	\$24.88	\$25.35	\$25.86	\$26.38	\$26.90	\$27.44	\$27.99	\$28.55	\$29.12	\$29.70	\$30.30

\* FEBRUARY 2020 CPI URBAN SOUTH 12 MONTH AVERAGE IS 1.9%.

WATER RATE COMPARISONS – March – 2020  
5,000 GALLONS USAGE PER MONTH  
[www.efc.unc.edu/RatesDashboards/nc.html](http://www.efc.unc.edu/RatesDashboards/nc.html)

<u>SYSTEM</u>	<u>WATER</u>	<u>SEWER</u>	<u>TOTAL</u>
Forest City	\$22.37	\$23.12	\$45.49
Morganton	\$15.25	\$33.23	\$48.48
Lenoir	\$23.86	\$24.88	\$48.74
Valdese	\$39.30	\$11.62	\$50.95
N. Wilkesboro	\$28.98	\$23.99	\$52.97
Hickory	\$24.77	\$32.26	\$57.03
Two Rivers Utilities **(Gastonia)	\$26.20	\$36.40	\$62.60
Statesville	\$24.16	\$38.71	\$62.87
Cherryville	\$33.58	\$30.52	\$64.10
Granite Falls	\$33.40	\$31.83	\$65.25
Shelby	\$25.42	\$41.42	\$66.84
Lexington	\$28.56	\$38.41	\$66.97
Taylorsville	\$33.95	\$33.95	\$67.90
Boone	\$34.20	\$34.20	\$68.40
Lincolnton	\$29.99	\$46.97	\$76.96
Siler City	\$41.00	\$37.25	\$78.25
Blowing Rock **(Bi-monthly)	\$39.38	\$39.38	\$78.76
Newton	\$34.07	\$44.95	\$79.02
Thomasville	\$34.90	\$50.30	\$85.20

CITY OF LENOIR  
GENERAL FUND PROJECTIONS

	2020-2021	2021-2022 (\$1 SW- Tax Revaluation**)	2022-2023 (.01 PT)	2023-2024 (\$1 SW)	2024-2025	2025-2026	2026-2027
Property Taxes	\$ 8,400,000	\$ 8,500,000	\$ 8,575,000	\$ 8,590,000	\$ 8,605,000	\$ 8,620,000	\$ 8,635,000
Sales Taxes & Hold Harmless	\$ 3,700,000	\$ 3,715,000	\$ 3,730,000	\$ 3,745,000	\$ 3,760,000	\$ 3,765,000	\$ 3,765,000
Franchise Taxes	\$ 2,380,000	\$ 2,385,000	\$ 2,390,000	\$ 2,395,000	\$ 2,400,000	\$ 2,405,000	\$ 2,410,000
Solid Waste	\$ 772,000	\$ 807,000	\$ 807,000	\$ 877,000	\$ 877,000	\$ 877,000	\$ 877,000
Other (Including Financing Sources)	\$ 2,885,380	\$ 2,525,420	\$ 2,530,432	\$ 2,543,783	\$ 2,548,871	\$ 2,548,871	\$ 2,548,871
<b>Total Revenues</b>	<b>\$ 18,137,380</b>	<b>\$ 17,932,420</b>	<b>\$ 18,032,432</b>	<b>\$ 18,150,783</b>	<b>\$ 18,190,871</b>	<b>\$ 18,215,871</b>	<b>\$ 18,235,871</b>
Legislative/Main Street	\$ 364,959	\$ 364,959	\$ 366,564	\$ 366,586	\$ 367,141	\$ 367,217	\$ 369,788
Administrative	\$ 583,770	\$ 583,770	\$ 586,339	\$ 586,374	\$ 587,867	\$ 593,455	\$ 597,609
Finance	\$ 678,058	\$ 678,058	\$ 681,042	\$ 681,082	\$ 682,923	\$ 688,606	\$ 693,449
Planning	\$ 428,052	\$ 428,052	\$ 429,936	\$ 429,962	\$ 430,677	\$ 431,107	\$ 434,125
Police	\$ 5,939,047	\$ 5,839,047	\$ 5,869,490	\$ 5,869,810	\$ 5,880,245	\$ 5,898,125	\$ 5,941,412
Fire	\$ 4,190,130	\$ 4,134,963	\$ 4,158,230	\$ 4,158,455	\$ 4,168,034	\$ 4,184,202	\$ 4,215,492
Public Works	\$ 3,707,713	\$ 3,657,920	\$ 3,677,015	\$ 3,677,211	\$ 3,686,049	\$ 3,696,735	\$ 3,724,612
Recreation	\$ 1,855,652	\$ 1,855,652	\$ 1,863,817	\$ 1,863,903	\$ 1,865,535	\$ 1,873,823	\$ 1,888,940
Resurfacing	\$ 390,000	\$ 390,000	\$ 400,000	\$ 400,000	\$ 405,000	\$ 405,000	\$ 410,000
New Debt Service (Net)	\$ (234,219)	\$ 15,239	\$ -	\$ 117,400	\$ 117,400	\$ 77,600	\$ (39,556)
<b>Total Expenditures</b>	<b>\$ 18,137,380</b>	<b>\$ 17,932,421</b>	<b>\$ 18,032,432</b>	<b>\$ 18,150,783</b>	<b>\$ 18,190,871</b>	<b>\$ 18,215,871</b>	<b>\$ 18,235,870</b>
Financing Package	\$365,000	\$560,000	\$595,000			\$550,000	
Debt Service	\$ 256,706	\$ 271,945	\$ 271,945	\$ 389,345	\$ 506,745	\$ 584,345	\$ 544,789
Change in Debt Service Year to Year	\$ (234,219)	\$ 15,239	\$ -	\$ 117,400	\$ 117,400	\$ 77,600	\$ (39,556)
Debt 2013-2014							
Debt 2014-2015							
Debt 2015-2016	\$20,801						
Debt 2016-2017	\$66,664						
Debt 2017-2018	-	-	-	-	-	-	-
Debt 2018-2019	\$129,685	\$131,000	\$131,000	\$131,000	\$131,000	\$131,000	\$131,000
Debt 2019-2020							
New Debt 2020-2021	\$39,556	\$79,112	\$79,112	\$79,112	\$79,112	\$79,112	\$39,556
New Debt 2021-2022		\$61,833	\$61,833	\$61,833	\$61,833	\$61,833	\$61,833
New Debt 2022-2023				\$117,400	\$234,800	\$234,800	\$234,800
New Debt 2023-2024							
New Debt 2024-2025						\$77,600	\$77,600
New Debt 2025-2026							
New Debt 2026-2027							
	\$256,706	\$271,945	\$271,945	\$389,345	\$506,745	\$584,345	\$544,789

<b>Fund Balance Evaluation</b>				
<b>Approval Date</b>	<b>Fund Balance Uses 2019-2020</b>		<b>Amount</b>	<b>Percentage</b>
	Beginning Fund Balance		9,829,330.00	56.77%
Current Year Uses				
5/7/2019	ARC Grant Match		250,000.00	
10/1/2019	Automated Garbage Trucks (2)		258,000.00	
2/4/2020	Automated Garbage Truck		30,000.00	
3/24/20 Requested	Garbage Carts		425,000.00	
	Total		963,000.00	
	Ending Fund Balance		8,866,330.00	51.21%

## FY 2020-2021

Outstanding Items

- Workers Comp
- General Liability
- Health - 6%\*
- Retirement System - 1.2%
- Compensation/COLA/Personal Leave Addition
- Termination of Lease -PU/PW Building (Bernhardt)

Current Funding Commitments - General Fund

- Linkside Connector - \$100,000
- Hospital Avenue Sidewalk - \$200,000
- ARC - Broyhill Site Clean-up/Brownfield Agreement - \$250,000
- Downtown 2-way Traffic Conversion (3-Phases)
  - Phase 1 - \$125,000
  - Phase 2 - \$960,000
  - Phase 3 - \$600,000
- JE Broyhill Park Phase 2 - in-kind

CDGB Funding Commitments

- OVT/Rail/Greenway Trail Segment(s)
- LHS Auditorium/Gym/Field Improvements

Future Outstanding Items - General Fund

- Strategic Milling/Paving (Greenhaven/Finley, Mulberry St., Hospital Ave., etc.)
- Greenway Extensions
- Strategic Foreclosures
- Branding/Wayfinding Signage
- LAFC & MLK Renovations

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

**I. Agenda Item:**

Adoption of a *Resolution* authorizing staff, with assistance from Mattern & Craig, Inc., to apply for grant funding through the Department of Transportation's Federal Highway Administration - Recreational Trails Program during the Spring, 2020, funding cycle.

**II. Background Information:**

City Council and staff have identified a desire to continue construction of trails and greenways, as recreational amenities and alternative multi-modal transportation options, in Lenoir. Through allocated CDBG funding and the City's General Fund, we have recently constructed additional trail sections as part of the OVNHT and our existing greenway network. Google also recently completed a small trail section that featured a pedestrian bridge over Lower Creek. With these recent additions, we have identified gaps in the trail system that, when complete, offer significant opportunities for connectivity between the Morganton Boulevard corridor, the downtown district, and the larger OVNHT trail network identified for future construction. The purpose of this grant application is to secure funding for design and construction of the Morganton Boulevard pedestrian crossing, the greenway connection between the Morganton Boulevard crossing and Lower Creek pedestrian bridge and future trailhead/parking area, and the Harper Avenue/West Avenue/College Avenue crossings adjacent to the proposed historic mill redevelopment project(s). The RTP grant features a maximum award value of \$250,000.00 and requires matching funds of 25%, or \$62,500.00. The current funding cycle for the RTP grant has a pre-application deadline of April 8, 2020, with final application submissions to occur in September, 2020.

**III. Staff Recommendation:**

Staff recommends adoption of a *Resolution* requesting funding from the Department of Transportation's Federal Highway Administration – Recreational Trails Program.

**IV. Reviewed by:**

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

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



**Public Works/Public Utilities Director:** \_\_\_\_\_



CITY MANAGER  
SCOTT E. HILDEBRAN

CITY OF LENOIR  
NORTH CAROLINA

MAYOR  
JOSEPH L. GIBBONS

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

**RESOLUTION REQUESTING FUNDING FROM the DEPARTMENT of  
TRANSPORTATION'S FEDERAL HIGHWAY ADMINISTRATION -  
RECREATIONAL TRAILS PROGRAM**

**WHEREAS**, the Overmountain Victory National Historic Trail (OVNHT) is a 330-mile, Congressionally-designated historic trail that spans four states - Virginia, Tennessee, North and South Carolina - and runs through Lenoir. Congressman James T. Broyhill, a Lenoir native, was instrumental in the congressional designation of the trail, which was officially signed into law in 1980 by President Jimmy Carter, and;

**WHEREAS**, the National Park Service (NPS) for the Southern Campaign of the American Revolution (SCAR) started a concentrated effort to develop master plans to build trails, and reached out to Caldwell County Pathways (CCP) to help build a local coalition to plan a section of the OVNHT that would connect Lenoir and Morganton through a coalition comprised of Caldwell County, Burke County, the City of Lenoir, the City of Morganton, and the Town of Gamewell, and

**WHEREAS**, in 2015, the City of Lenoir and Caldwell County adopted a comprehensive trail master plan for completion of the OVNHT from Lenoir to Morganton as part of the coalition, and this RTP grant will fund implementation of the recommendations from the adopted plan, and;

**WHEREAS**, in 2016, "railbanking" was finalized through the Surface Transportation Board in Washington, D.C., and the city began paving sections of the trail for the establishment of an "interim" trail/multi-use path/greenway, and;

**WHEREAS**, the City Staff is in full support of the OVNHT and FHWA assistance for the development and maintenance of recreational trails in the City of Lenoir.

**NOW, THEREFORE BE IT RESOLVED** by the City of Lenoir that by policy and resolution of the City Council, the City is in full support and endorses the Spring 2020 Recreational Trail Program Grant application to be prepared by Mattern & Craig Engineers.



**BE IT FURTHER RESOLVED** by the City of Lenoir that the City will provide the necessary matching funds (\$62,500 max) toward specific pedestrian and trail improvements within the City of Lenoir contributing to the continued progress of the Overmountain Victory National Historic Trail.

Adopted this the 7<sup>th</sup> day of April, 2020, at Lenoir, North Carolina.

SEAL:

ATTEST:

---

Shirley M. Cannon, City Clerk

---

Joseph L. Gibbons, Mayor

**CITY OF LENOIR  
COUNCIL ACTION FORM**

- I. Agenda Item:** Consideration of Approving a Title VI Nondiscrimination Policy Resolution and Policy Statement
- II. Background Information:** The purpose of this Policy and Statement is to ensure compliance with Title VI of the Civil Rights Act of 1964. The North Carolina Department of Transportation (NCDOT) Office of Civil Rights is requiring that municipalities enact a formal Title VI Policy. Title VI of the Civil Rights Act of 1964 states that no person shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The 1987 Civil Rights Restoration Act extended these protections to all NCDOT programs and activities, whether federally-assisted or state-funded. Additional categories of protection have been enacted including sex, sexual orientation, low-income, limited English proficiency, age, disability, and religion/creed. The Title VI Policy must be submitted to NCDOT. This standard resolution has been adopted by several other North Carolina municipalities.
- III. Staff Recommendation:** Approve the attached Title VI Nondiscrimination Resolution and Policy Statement.
- IV. Reviewed by:**
- City Attorney:**
- City Manager:**
- .



CITY MANAGER  
SCOTT E. HILDEBRAN

CITY OF LENOIR  
NORTH CAROLINA

MAYOR  
JOSEPH L. GIBBONS

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

**RESOLUTION TO ADOPT A TITLE VI POLICY FOR THE CITY OF LENOIR  
TO PROHIBIT DISCRIMINATION IN PROGRAMS AND SERVICES AND IN  
ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

**WHEREAS**, in 1964, Congress enacted the Civil Rights Act of 1964, which included that section labeled Title VI which prohibits discrimination in any activity which is financed by federal funds or receives federal financial assistance; and

**WHEREAS**, since the adoption of Title VI, additional federal regulations and court decisions have further refined the definition of "federal financial assistance" and what entities are affected and controlled by Title VI; and

**WHEREAS**; the City of Lenoir has no formal policy in place for defining and preventing discrimination in the activities and for the entities Title VI affects; and

**WHEREAS**, the interpretation and application are not intuitive or readily understood, requiring an understanding of what "federal financial assistance" might be in any particular situation and what persons or entities must comply with Title VI; and

**WHEREAS**, a policy and procedure for reporting violations will provide guidelines for the City, City Departments and private persons and companies doing business with the City and receiving federal financial assistance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lenoir, North Carolina, that the attached "Title VI Policy" is hereby adopted as the official policy of the City of Lenoir for applying, reporting and enforcing Title VI of the Civil Rights Act of 1964.

**IT IS FURTHER RESOLVED** that the City Manager is authorized to implement this policy and it shall remain in effect unless otherwise amended and/or rescinded.

SEAL

Adopted this 7th day of April, 2020.

\_\_\_\_\_  
Joseph L. Gibbons, Mayor

ATTEST:

\_\_\_\_\_  
Shirley M. Cannon, City Clerk





CITY MANAGER  
SCOTT E. HILDEBRAN

CITY OF LENOIR  
NORTH CAROLINA

MAYOR  
JOSEPH L. GIBBONS

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

**Title VI Nondiscrimination Policy Statement**

It is the policy of the City of Lenoir to ensure that no person, shall, on the ground of race, color, national origin, limited English Proficiency, income-level, sex, sexual orientation, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City of Lenoir program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities.

The following practices are hereby prohibited throughout the City of Lenoir to comply, at a minimum, with Title VI and related requirements:

- Denying to an individual any standard service, financial aid, or other program benefit without good cause;
- Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- Subjecting a person to segregation or separate treatment in any part of a program;
- Restrictions in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;
- Methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual or other integral activities;
- Acts of intimidation or retaliation, including threatening, coercing, or discrimination against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because s/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing;
- Discrimination in any employment resulting from a program, a primary objective of which is to provide employment.

To assure that appropriate program measures are implemented and monitored, the Risk Management Coordinator has been designated as the City of Lenoir's Title VI Coordinator.

Adopted: April 7, 2020



**CITY OF LENOIR  
COUNCIL ACTION FORM**

- I. Agenda Item:** Consideration of Approving Amendments to the City Personnel Policy relating to Federal legislation for the COVID-19 Pandemic.
- II. Background Information:** On March 18, 2020, President Donald Trump signed the Family First Coronavirus Response Act (FFCRA) after this legislation was passed by the U.S. Senate and U.S. House of Representatives. FFCRA becomes effective April 1, 2020 subject to implementation guidelines from the U.S. Department of Labor.

Enclosed please find amendments to the City Personnel Policy implementing the newly signed FFCRA Act as well as providing employees additional paid emergency administrative leave. Further, there is an amendment outlining policy/procedures for alternative work arrangements.

Pursuant to City Council action at the March 24, 2020 meeting granting the City Manager authority to establish personnel policies related to any federal legislation for COVID-19 subject to later Council approval, formal action is now requested to approve these policy amendments. I should note that the FFCRA and additional paid emergency leave amendments which will expire on June 30, 2021.

- III. Staff Recommendation:** Approve the attached amendments to the City Personnel Policy relating to Federal legislation for the COVID-19 Pandemic.
- IV. Reviewed by:**

**City Attorney:**

**City Manager:**

**TO:** All City Staff  
**FROM:** Scott Hildebran, City Manager   
**DATE:** March 26, 2020  
**SUBJECT:** FAMILIES FIRST CORONAVIRUS RESPONSE ACT: LEAVE  
POLICY (EFFECTIVE April 1, 2020)

---

The City of Lenoir is taking proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the City's goal during any such time to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

At this time, the City of Lenoir is classifying all full time employees as essential and will continue to operate but will remain closed to the public until we are given future direction by the State or Federal Government. During this time, please follow the CDC guidelines for social distancing and hygiene while utilizing this time to take care of projects, clean facilities or help other departments who have needs.

The City of Lenoir is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

Per new federal legislation, the Families First Coronavirus Response Act, the City of Lenoir will provide eligible employees with emergency paid sick leave under certain conditions.

## **Emergency Sick Leave Guidance**

### **Eligibility**

All full-time & part-time employees are eligible for emergency paid sick leave under the Act.

### **Reason for Leave**

You may take emergency paid sick leave if you are unable to work (or telework) because:

1. You are subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. You have been advised by a health care provider to self-quarantine because of COVID-19;
3. You are experiencing symptoms of COVID-19 and are seeking a medical diagnosis;

4. You are caring for an individual or are advised to quarantine or isolate;
5. You are caring for a child whose school or place of care is closed, or whose childcare provider is unavailable, due to COVID-19 precautions; or
6. You are experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

### **Duration/Compensation**

Employees are entitled to:

- **Full-time employees:** 80 hours of pay at their regular pay rate. However, when caring for a family member (for reasons 4, 5, or 6 above), sick leave is paid at two-thirds the employee's regular rate. (Employees will be able to use accrued paid leave to supplement the one-third that is unpaid.)
- **Part-time employees:** Pay for the number of hours the employee works, on average, over a two-week period.

Paid leave under this policy is limited to \$511 per day (\$5,110 in total) where leave is taken for reasons 1, 2, or 3 described above (generally, an employee's own illness or quarantine); and \$200 per day (\$2,000 in total) where leave is taken for reasons 4, 5, or 6 (care for others or school closures).

Just as with inclement weather, if you do not feel safe coming to work and you do not meet the above criteria, you may take your compensatory, sick, or vacation leave to cover your time away from work.

### **Leave Rules**

You may elect to use emergency paid sick leave before using any compensatory or accrued paid leave.

No leave provided by the City before April 1, 2020 may be credited against your leave entitlement. In addition, emergency paid sick leave cannot be carried over after December 31, 2020.

### **Requesting Leave**

If you need to take emergency paid sick leave, provide notice to your supervisor and the Human Resources Department as soon as possible. Normal call-in procedures apply to all absences from work.

### **Retaliation**

The City will not retaliate against employees who request or take leave in accordance with this Act.

### **Expiration**

The provisions of this Act expire on December 31, 2020.

### **Eligibility**

All full-time & part-time employees are eligible for emergency paid sick leave.

If you need additional information to determine your eligibility under this Act, please contact the Human Resources Department.

# EMPLOYEE RIGHTS

## PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

### ▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅓ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### ▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

### ▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

<ol style="list-style-type: none"><li>1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;</li><li>2. has been advised by a health care provider to self-quarantine related to COVID-19;</li><li>3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;</li><li>4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);</li></ol>	<ol style="list-style-type: none"><li>5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or</li><li>6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.</li></ol>
---	---

### ▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

For additional information  
or to file a complaint:

**1-866-487-9243**

TTY: 1-877-889-5627

[dol.gov/agencies/whd](https://dol.gov/agencies/whd)



WH1422 REV 03/20

**TO:** All City Staff  
**FROM:** Scott Hildebran, City Manager   
**DATE:** March 26, 2020  
**SUBJECT:** Additional Paid Emergency Administrative Leave

---

## **Additional Emergency Administrative Leave Policy**

### **Reason for Leave**

In an effort to be equitable, all full-time City employees would receive 80 hours of Paid Emergency Administrative Leave. This paid leave is in addition to the provisions of the Families First Coronavirus Response Act. This leave will be available for use until 6/30/2021. The leave cannot be carried forward and will not be paid out should the employee leave employment with the City of Lenoir.

Should individuals need to take leave, they must use their 80 hours of Emergency Administrative Leave first. Then employees will need to use their compensatory time, accrued vacation/sick, or unpaid leave, in that order. For new employees and employees who have exhausted all other paid accrued types of leave, the City will advance 40 hours of sick and 40 hours of vacation leave. All negative balances due to advances should be cleared by 6/30/2021. Should an employee leave employment with the City of Lenoir, all advanced leave balances will be deducted from their final paycheck.

---

The City of Lenoir wants to keep our employees and our citizens as safe and healthy as possible. We highly encourage our employees to follow all guidance and recommendations by the CDC, the State of NC, and our local Health Department and Emergency Management officials. Some of these items include: social distancing, utilizing appropriate hand washing techniques and avoiding large gatherings when possible. To avoid unnecessary exposure, the City asks that children not accompany employees to work. Also, if you are planning to travel outside of the County, please discuss your plans with your Supervisor. At this time, we highly discourage unnecessary travel outside of our immediate area.

## **Telework Guidance**

### **Reason**

During this time of emergency, it may be necessary to allow a limited number of employees to telecommute. This will be evaluated on a case by case basis. Employees who telecommute must adhere to guidance from Human Resources, their supervisors, IT, and the City Manager.

## **ALTERNATIVE WORK ARRANGEMENTS**

To establish policy and procedures to allow employees to work an alternative work schedule during times of state or local emergency conditions the City of Lenoir has the following guidance.

- a) In the event of an emergency event such as a weather disaster, pandemic, or other conditions, the City of Lenoir may allow or require an employee temporarily adhere to an alternative work arrangement to ensure business continuity.
- b) Temporary alternative work arrangements can be defined as working remotely (telecommuting), working a flexible work schedule, working a compressed workweek, or working a combination of these. The City of Lenoir recognizes temporary adaptations to traditional work scheduling can benefit both employees and the City by allowing employees to be contributing members of the workforce while balancing work and home lives during times of emergency.
- c) For any employee (line staff, supervisor, or director) to be assigned an alternative work arrangement, there must be a valid, justified reason, and all work must be preapproved by the Department Head/City Manager. Justifications may include, but are not limited to critical deadlines, staffing shortages, on-call activities, federal/state deadlines/requirements, or other factors deemed critical by the management team.
- d) Any work from home approval during an emergency event when the agency remains open requires approval.

### **FLEXIBLE WORKPLACE DEFINITIONS:**

- a) **Compressed workweek** - The employee's workweek is compressed into fewer days such as four 10-hour days, three 12-hours days, etc.
- b) **Flexible work schedule or flex time** - Employees are allowed to take advantage of a range of starting and ending times for the workday with all workers present during specified "core hours".
- c) **Telecommuting / work from home** - Employees work at home or from some other off-site location during part or all their scheduled hours. Telecommuters stay in contact through telephone, computer, fax, and periodic visits to the worksite.

### **PROCEDURES:**

- In the event of an emergency, the City of Lenoir may require certain employees to work an alternative work arrangement. These employees will be advised of such requirements by the Department Head. Preparations should be made well in advance to allow remote work in emergency circumstances. This includes completing an assessment of appropriate equipment needs, such as hardware, software, phone, Wi-Fi, and data lines. The Information Technology (IT) department is available to review these equipment needs with employees and to provide support to employees in advance of emergency telework situations. IT minimum expectation include:

- Creating service tickets for suspected phishing attempts;
  - Double-checking that e-mails, voicemails, text messages, etc. are legitimate and from reliable sources;
  - Utilizing two-factor authentication whenever possible;
  - Updating and maintaining strong passwords for all accounts;
  - Not conducting City business over a public Wi-Fi network.
- c) For voluntary alternative work arrangements, either the employee or Department Head or designee can initiate a temporary alternative work agreement during emergency circumstances. The employee and Department Head will discuss the job responsibilities and determine if the job is appropriate for an alternative work arrangement, including equipment needs, workspace design considerations and scheduling issues.
- d) An alternative work agreement will be prepared by the Department Head and signed by the employee, the Department Head and the City Manager and a copy provided to Human Resources. Positions approved to work from home temporarily will be determined on a case by case basis.
- d) The employee will establish an appropriate work environment within his or her home or other approved location for work purposes. The City of Lenoir will not be responsible for costs associated with the setup of the employee's remote office, such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space.
- e) The City of Lenoir will determine the equipment needs for each employee on a case-by-case basis. Equipment supplied by the organization is to be used for business purposes only.
- f) Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office.
- g) Employees approved for an alternative work arrangement shall record their worktime.
- h) Employees on Family and Medical Leave Act (FMLA) leave are not authorized to work at home during FMLA leave.
- i) An alternative work arrangement may be a reasonable accommodation under the Americans with Disabilities Act for a temporary period upon review and approval of the Human Resource Department in consultation with the Department Head and City Manager.

- j) All City of Lenoir policies and procedures should be followed when working an alternative work arrangement.
- k) Employees should not assume any specified period for emergency alternative work arrangements, and the City of Lenoir may require employees to return to regular, in-office work at any time.
- l) As a public agency, minimum office coverage is always required when the agency is open. The City Manager or designee will determine what minimum office coverage is during times of emergency events. During these periods, alternative work arrangements will still require prior approval and be subject to all established procedures.

*Minimum Expectations include:*

- Employee is responsible for maintaining the same levels of productivity as if he or she were at the City's business premises, except as otherwise agreed to by the employee's Department Head.
- Employee must be available as needed to be in contact with the City management and staff and other third parties as necessary in the course of conducting City business.
- Subject to applicable law, employee agrees to comply with all other existing job requirements as are in effect at the City's business locations.
- Telecommuting is not a substitute for childcare, and as such, the employee's priority during the telecommuting hours must be on work. Department Heads may establish procedures to ensure an employee is available to work during telecommuting period, with the exception of the meal break.

Approved temporary work arrangements will remain in effect until rescinded by the Department Head or City Manager. These arrangements are expected to be short term, and the City of Lenoir will continue to monitor guidance from health officials and the need for remote work arrangements.

## TEMPORARY ALTERNATIVE WORK AGREEMENT

It is the expectation of the City of Lenoir that employees report to work daily as required by their job description. An alternative work arrangement is the exception and not the rule for employment with the City. However, there are times when both exempt and non-exempt employees may have to modify work assignments to meet the needs of the City and/or employee.

General considerations for a temporary alternative work agreement include:

- Successfully completed probationary period;
- Occupy a position where an alternative work agreement, is feasible;
- Have consistently met established productivity levels and received, at a minimum, ratings of meets expectations on the most recent performance evaluation;
- Show evidence of being self-motivated and responsible and able to work independently;
- Moreover, in some cases, may not be in a position with supervisory responsibilities over others.

*While these factors are important, they may be waived at the discretion of Department Head for temporary periods when authorized by the City Manager.*

### **Employee Responsibilities:**

- Using the required form, prepare a work plan to be completed with an estimate of the time required.
- Track all time worked - enter worktime into your daily time sheet provide to supervisor weekly.
- Remain in contact with the supervisor throughout time of work, responding to communications in a timely manner.
- Provide daily summary of accomplishments to supervisor.
- Any hours in excess of your regular work hours must first be approved by your supervisor.
- Any hours totaling less than your regular assigned work schedule per week must be balanced by utilizing your comp time, vacation, and/or sick time.
- Work with IT to ensure technology needs are in place before commencing work from home assignment.
- Notify other departments of the work arrangements to avoid misdirection of customers.
- Utilize a calendar and out of office messaging to ensure your schedule is known and understood by others.
- Participate in any meetings or conference call as scheduled.

### **Supervisor Responsibilities:**

- Review criteria above to ensure the alternative work arrangement is appropriate.
- Ensure employee has adequate work plan and tools to do work remotely in a productive manner.
- Assist with any set up needs including IT resources.
- Ensure confidentiality of work materials will be protected.
- Provide daily supervision including review of employee work product and daily activities.
- Review and/or enter employee time on departmental timesheet ensuring that any overtime worked has been approved prior to being worked, ensuring the total regularly scheduled hours are accounted for and turn in the timesheet to HR/Payroll in a timely manner.
- Review remote work plan at least weekly.
- Revoke right to work alternative work arrangement if adequate work product is not produced or employee does not meet any other above requirement.

<b>Department:</b>	<b>Position/Title:</b>
<b>Employee:</b>	<b>Supervisor Signature:</b>
<b>Employee Signature:</b>	<b>City Manager's Signature:</b>
<b>Start Date:</b>	<b>End Date (if known):</b>



Daily Log			
Name:		Date:	
Title:		Department:	

Task	Start Time	End Time	Total Time	Notes
<b>Totals</b>				

Please submit copy to HR with timesheet.



OFFICE OF THE MAYOR  
Joseph L. Gibbons

# City of Lenoir

## North Carolina

### PROCLAMATION

### FAIR HOUSING MONTH

**WHEREAS**, April 11, 2020 marks the 52<sup>nd</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 2020, 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 7<sup>th</sup> day of April, 2020.

SEAL

---

Joseph L. Gibbons, Mayor

ATTEST:

---

Shirley M. Cannon, City Clerk



Post Office Box 958 • Lenoir, North Carolina 28645-0958 • (828) 757-2200





# PROCLAMATION

*In Recognition of*

***Public Safety Telecommunicators Week***

***April 12 – 18, 2020***



*Whereas, the Lenoir Police Department Telecommunicators play a vital role in the protection of human life and property in our community; and*

*Whereas, the Lenoir Police Department Telecommunicators have been successfully serving the public safety communication needs of the City of Lenoir throughout the year; and*

*Whereas, while enduring long hours, abnormal schedules, and handling frequent life and death emergencies, Telecommunicators set high standards in performing their duties in a dedicated, diligent, and compassionate manner; and*

*Whereas, Telecommunicators provide a critical communication link between the residents and Emergency Responders; and*

*Whereas, these individuals efficiently coordinate emergency services to ensure the health and safety of our residents, visitors, and travelers in our community, 24-hours a day, seven days a week; and*

*Whereas, our Public Safety Communications personnel serve the public daily in countless ways without due recognition by the beneficiaries of their services;*

*Therefore Be It Resolved, that I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council, do hereby proclaim and declare the week of April 12 – April 18, 2020*

***“National Public Safety Telecommunicators Week”***

*in the City of Lenoir, in honor of the men and women whose diligence and professionalism keep our city and first responders safe.*

*Witness, my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.*

SEAL

\_\_\_\_\_

***Joseph L. Gibbons, Mayor***

ATTEST:

\_\_\_\_\_  
***Shirley M. Cannon, City Clerk***