



AGENDA

CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
MONDAY, MAY 4, 2020
6:00 P.M.



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, April 7, 2020 as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, April 28, 2020 as submitted.
- C. Proclamation; Motorcycle Safety & Awareness Month: Approval of a proclamation proclaiming the month of May as “Motorcycle Safety & Awareness Month” throughout the City of Lenoir and Caldwell County”. **Note:** The American Motorcyclist Association (AMA) initially launched Motorcycle Safety & Awareness Month in the early 1980’s and it was adopted by many state motorcycle rights organizations, government entities and AMA-sanctioned clubs and continues to be observed each May.
- D. Proclamation; Peace Officers’ Memorial Week: Approval of a proclamation proclaiming the week of May 10 - 16 as “Peace Officers’ Memorial Week” throughout the City of Lenoir and Caldwell County. Also, Wednesday, May 13, 2020 is observed as “Peace Officers’ Memorial Day”. **Note:** A moment of silence and a virtual candle will be posted on Wednesday, May 13, 2020 in lieu of any formalized gathering due to COVID-19.
- E. Proclamation; Celebrate Drinking Water Week: Approval of a proclamation proclaiming the week of May 3 - 9 as “Celebrate Drinking Water Week” throughout the City of Lenoir and Caldwell County. **Note:** For more than 40 years the American Water Works Association and its members have celebrated Drinking Water Week which is a unique opportunity for both water professionals and the communities they serve to recognize the vital role water plays in our daily lives.
- F. Proclamation; “National Public Works Week:” Approval of a proclamation proclaiming the week of May 17 – 23 as “National Public Works Week” throughout the City of Lenoir and Caldwell County. **Note:** The American Public Works Association (APWA) announced the theme for this year is the Rhythm of Public Works which challenges our members and their citizens to think about their communities as a symphony of essential services, working in concert to create a great place to live. Every community has a rhythm, a heartbeat that reflects its essence and tempo of life.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

1. The City/County Services Committee will meet on Monday, May 11 at 11:45 a.m.
2. The Caldwell County Economic Development Commission will conduct a conference call meeting on Tuesday, May 12 at 8:00 a.m.
3. The Planning Board will meet on Monday, May 18 at 5:30 p.m. at the City/County Chambers. Please note date change due to the Memorial Day holiday.
4. City Council will conduct a Budget Work Session on Thursday, May 21 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers. If necessary, additional budget work sessions are scheduled on Tuesday, May 26 at 8:30 a.m. at the Committee of the Whole meeting and on Thursday, May 28 at 6:00 p.m. All budget work sessions will be held at City Hall.
5. City offices will be closed on Monday, May 25 in observance of Memorial Day.
*Memorial Day Service?

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Announcements; Board Re-Appointments: Mayor Gibbons will announce the following individuals for consideration of re-appointment to the City's Authorities/Boards/Commissions. These re-appointments will be presented to Council for consideration of approval at the May 19 City Council Meeting.

Lenoir Business Advisory Board

Mark Transou

Parks & Recreation Advisory Board

Darrell Lipford

Foothills Regional Airport Authority

Charles Thomas

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

**LENOIR CITY COUNCIL
TUESDAY, APRIL 7, 2020
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Todd Perdue, David Stevens, Crissy Thomas, Ben Willis and City Manager Scott Hildebran.

Department Directors present were Public Works Director Jared Wright and Communications Director Joshua Harris.

VIA TELECONFERENCE:

Participating via teleconference were Councilmembers Jonathan Beal, Ike Perkins, Ralph Prestwood, City Attorney T.J. Rohr and City Clerk Cannon.

Department Directors participating via teleconference were Fire Chief Ken Hair, Police Chief Brent Phelps, Recreation Director Kenny Story, Planning Director Jenny Wheelock, Economic Development Director Kaylynn Horn and Public Utilities Director Radford Thomas.

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 thanked Fire and Police personnel along with all City Departments and the Caldwell County Emergency Management Services Staff for everything they are continuing to do in order to keep everyone safe during this difficult time. Mayor Gibbons encouraged the public to follow Governor Roy Cooper's guidelines by practicing safe distancing and sheltering in place except for people classified as essential workers.

Mayor Gibbons shared that he has also spoken with several business owners about possibly limiting the number of customers in their stores at one time as another precaution to keep people safe. Mayor Gibbons further suggested that everyone consider placing an electric candle in their windows as a symbol of hope as we go through this time of crisis.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**AMENDMENT; CODE OF ORDINANCES,
SECTION 17, SANITATION:**

- A. A public hearing was 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.

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

Public Works Director Jared Wright reviewed a power point presentation highlighting the purpose and plans for the revision.

(A copy of the power point, amended Chapter 17-Sanitation and fee schedule are hereby incorporated into these minutes by reference. Refer to pages 45-61).

Director Wright emphasized the City's goal is to prepare citizens for the transition to automated refuse collection, establish conditions for refuse collection, including bulk, yard debris, white goods, and dumpster rental, standardize refuse carts, cart placement, and the allowable number of carts for each customer plus clarify ordinance violations. The fees will be updated to reflect the level of service each customer is receiving. The ordinance also outlines a "Special Pick-Up" provision for disabled persons. It is important to note the ordinance includes language that no discarding of household goods from homes with highly infectious diseases is allowed unless under the direction and supervision of the Caldwell County Health Department. The ordinance also prohibits burning or burying of garbage.

In addition, Director Wright reminded Council the City is providing customers with their first cart at no charge, but additional carts may be rented by the homeowner and/or business owner. However, the ordinance does place a limit based on customer type (residential/commercial/industrial). He reported cart deliveries will begin on May 4 through May 11 and the first areas to be serviced with automated trucks will begin on May 11 through May 18. The capacity of | the refuse container is 95gallons. The collection schedule for downtown is Monday, Wednesday and Friday. Director Wright mentioned the proposed ordinance also defines roll-off dumpster use which was previously not included in the ordinance.

Highlights of the proposed fee schedule are as follows:

- Standard fee remains \$10/month
- Additional carts: \$5/month
- Bulk pickup: 1 free/month, \$25 each additional pickup
- Whitegoods: \$25 (1), \$15 (each additional item)
- Yard waste – brush: 6' x 6' x 5' free, \$25 each pile above volume limits
- Fines: \$50, \$50/\$100/\$150 for chronic violators

The target date for total implementation of the project is July 1st. Director Wright stated the City would send out information through newspaper and social media to educate the public and reported that information packets would be delivered to customers who may not have internet access in order to make sure everyone is aware of this important change for sanitation service pickup.

Mayor Gibbons thanked Director Wright for the great job the City has done in moving this project forward and remarked the City will address any issues as they occur.

There being no further public participation, Mayor Gibbons closed the public

hearing and asked Council for action.

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to approve the amendment to Chapter 17, Sanitation, of the City's Code of Ordinances as presented and as recommended by City Staff.

III. CONSENT AGENDA ITEMS

- A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval:
1. Minutes: Approval of the minutes of the City Council meeting of Tuesday, March 17, 2020 as submitted.
 2. 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.
 3. Authorizing Resolution; Grant Application: Staff recommends approval of a Resolution requesting funding from the Department of Transportation's Federal Highway Administration-Recreation Trails Program as submitted. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to pages 62-63).
 4. Title VI Nondiscrimination Resolution and Policy Statement: Staff recommends approval of a Resolution to Adopt a Title VI Policy Statement 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. The purpose of the Policy and Statement is to ensure compliance policy and will be submitted to NCDOT as required. (A copy of the resolution and policy is hereby incorporated into these minutes by reference. Refer to pages 64-65).
 5. Amendments; Personnel Policy: Approval of amendments to the City Personnel Policy relating to Federal legislation for the COVID-19 Pandemic. (A copy of the amendments are hereby incorporated into these minutes by reference. Refer to pages 66-76).
 6. 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. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 77).
 7. 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. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 78).

Upon a motion by Mayor Pro-Tem Thomas, Council voted 7 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****HOLIDAY CLOSING:**

1. City offices will be closed on Friday, April 10 in observance of Good Friday.

CALDWELL COUNTY ECONOMIC DEVELOPMENT

- COMM.:** 2. The Caldwell County Economic Development Commission will conduct a call-in meeting on Tuesday, April 14 at 8:00 a.m.

PLANNING

- BOARD:** 3. The Planning Board in their capacity as the Historic Preservation Committee may possibly conduct their regularly scheduled meeting on Monday, April 27 at 5:30 p.m.

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

- A. There being no further business, the meeting was adjourned at 6:54 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

Sanitation Ordinance Revision April 2020



CITY OF LENOIR
PUBLIC WORKS DEPARTMENT



PURPOSE



- Prepare for the transition to automated refuse collection
- Establish conditions for refuse collection, including bulk, yard debris, white goods, and dumpster rental
- Standardize refuse carts, cart placement, and the allowable number of carts for each customer
- Clarify ordinance violations
- Update fees to reflect level of service

ORDINANCE COMPARISON

Sec. 17-1 - Definitions



CURRENT

- References commercial and non-commercial handbills, newspaper
- States refuse container capacities as 32, 60, or 70 gallon

PROPOSED

- Defines building material, bulk pick-up, recyclables, and yard waste
- Updates container definition (roll-out container)
- Also defines roll-off dumpster (previously not included)

ORDINANCE ADDITIONS

Sec. 17-2 through 17-5



- Includes clarification for collection schedule, monthly solid waste fee billing, and suspension of service for non-payment
- Describes private service option for commercial or industrial customers
- Prohibits burning or burying of garbage
- Outlines “Special Pick-up” provision for disabled persons

ORDINANCE ADDITIONS

Sec. 17-21



- **Collection frequency and conditions for collection**
 - No loose trash
 - No entering into buildings for collection
 - ****RECENT ADDITIONS**** No discarding of household goods from homes with highly infectious diseases unless under the direction and supervision of the Caldwell County Health Department
 - Conditions for discarding hypodermic needles, animal and human feces
 - Clarifies collection for Downtown properties (M, W, F)
 - Establishes bulk pick-up by appointment only

ORDINANCE ADDITIONS

Sec. 17-22

■ Roll-out carts

- Requires customers to use roll-out carts provided by the City
- Places limits on the number of carts based on customer type (residential/ commercial/ industrial)
- Offers maintenance for City-provided carts for normal wear and tear
- Establishes a time limit for cart placement



ORDINANCE ADDITIONS

Sec. 17-23



■ Yard Waste

- Size limitations on brush piles (6' x 6' x 5')
- Use of existing roll-out containers as yard waste containers
- Loose leaf collection periods and yard waste collection outside of "leaf season"

ORDINANCE ADDITIONS

Secs. 17-24 through 17-29



- Sec. 17-24 – Refuse code enforcement: addresses nuisance properties and clarifies that refuse will NOT be collected where solid waste fees are not being paid
- Sec. 17-25 – States that City will not collect refuse (building material or yard debris) when generated by a contractor
- Sec. 17-26 – Whitegoods: Clarifies white good (typical appliance) collection and associated fees
- Sec. 17-27 – Roll-off dumpster rental policies
- Sec. 17-28 – Materials not collected (encourages recycling of applicable materials)
- Sec. 17-29 – Updates ordinance violation fees: \$10 (current) to \$50-\$100-150 (proposed)

UPDATED FEE SCHEDULE

■ Highlights

- Standard fee remains \$10/month
- Additional carts: \$5/month
- Bulk pickup: 1 free/month, \$25 each additional pickup
- Whitegoods: \$25 (1), \$15 (each additional item)
- Yard waste – brush: 6’ x 6’ x 5’ free, \$25 each pile above volume limits
- Fines: \$50, \$50/\$100/\$150 for chronic violators



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

Service	Frequency	Rate
TRASH COLLECTION		
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"> • Residential - not to exceed a total of 3 containers – 1 provided and 2 additional • Commercial-Industrial – not to exceed a total of 6 containers – 2 provided and 4 additional 	Monthly rental	5.00 each
Replacement rollout container	Flat fee	60.00
Bulk pickup	Once per month	Free
White Goods	Additional pick-up per month	25.00 each pickup
	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"> • 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 	2 week – flat fee + daily rental	50.00 + 5.00 per day + tipping fees
YARD WASTE		
Yard waste collection	Monthly	Free, unless otherwise specified
Yard waste rollout container (green can) <ul style="list-style-type: none"> • Grass clippings, small shrubs and leaves 	Purchase – Flat fee	60.00
Leaf collection <ul style="list-style-type: none"> • During leaf season • Placed in rollout container 	-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
FINES		
Fines – Chapter 17 City Ordinance <ul style="list-style-type: none"> • Containers shall not be placed on the street right-of-way (includes side walks) for more than 24 hours following collection. • Burning and burying of refuse and debris • Placement of debris in right of way • Contractor materials • Overloading rollout containers • All fines are to be paid within 30 days of each issued citation. 	Upon violation – per day	50.00
Chronic Violator Fines <ul style="list-style-type: none"> • Back to back violations occur within a 90 day period • All fines are to be paid within 30 days of each issued citation 	First violation	50.00
	Second violation	100.00
	Third violation	150.00

SCHEDULE & QUESTIONS

- **Schedule:**
 - **May 04- 11:** Cart deliveries to begin
 - **May 11-18:** First areas serviced with automated trucks
 - **May – June:** Additional areas added to automated collection routes
 - **July:** Total implementation



Jared Wright, Public Works Director
828-757-2183

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 assessed 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 consider 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
TRASH COLLECTION		
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"> Residential - not to exceed a total of 3 containers – 1 provided and 2 additional Commercial/Industrial – not to exceed a total of 6 containers – 2 provided and 4 additional 	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"> 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 	2 week – flat fee + daily rental	50.00 + 5.00 per day + tipping fees
YARD WASTE		
Yard waste collection	Monthly	Free, unless otherwise specified
Yard waste rollout container (green can) <ul style="list-style-type: none"> Grass clippings, small shrubs and leaves 	Purchase – Flat fee	60.00
Leaf collection <ul style="list-style-type: none"> During leaf season Placed in rollout container 	-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
FINES		
Fines – Chapter 17 City Ordinance <ul style="list-style-type: none"> Containers shall not be placed on the street right-of-way (includes sidewalks) for more than 24 hours following collection. Burning and burying of refuse and debris Placement of debris in right of way Contractor materials Overloading rollout containers All fines are to be paid within 30 days of each issued citation. 	Upon violation – per day	50.00
Chronic Violator Fines <ul style="list-style-type: none"> Back to back violations occur within a 90 day period. All fines are to be paid within 30 days of each issued citation. 	First violation	50.00
	Second violation	100.00
	Third violation	150.00



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
T. H. PERDUE
J. I. PERKINS
R. 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.

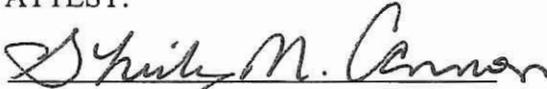


Minutes-City of Lenoir Council Meeting
Tuesday, April 7, 2020
BE IT FURTHER RESOLVED by the City of Lenoir that the City will provide the necessary matching funds (\$62,500 max) toward specific pedestrian and trail improvements within the City of Lenoir contributing to the continued progress of the Overmountain Victory National Historic Trail.

Adopted this the 7th day of April, 2020, at Lenoir, North Carolina.

SEAL

ATTEST:


Shirley M. Cannon, City Clerk


Joseph L. Gibbons, Mayor

CITY MANAGER
SCOTT E. HILDEBRANCITY OF LENOIR
NORTH CAROLINAMAYOR
JOSEPH L. GIBBONSCITY COUNCIL
J. T. BEAL
T. H. PERDUE
J. I. PERKINS
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. HILDEBRANCITY OF LENOIR
NORTH CAROLINAMAYOR
JOSEPH L. GIBBONSCITY 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



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

► 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



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.

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.

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

Daily Log			
Name:		Date:	
Title:		Department:	

Task	Start Time	End Time	Total Time	Notes
Totals				

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 52nd 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 7th day of April, 2020.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk



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 7th day of April, 2020.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, APRIL 28, 2020
8:30 A.M.**

PRESENT: Committee members, Beal, Gibbons, Perkins, Prestwood, Stevens and Willis.

City Manager Hildebran and City Clerk Cannon.

VIA TELECONFERENCE:

Mayor Pro-Tem Crissy Thomas presided over the meeting via teleconference. Others include Todd Perdue, Fire Chief Hair, Finance Director Bean, Police Chief Phelps, Recreation Director Story, Main Street Director Horn, Planning Director Wheelock, Public Utilities Director Thomas, and Public Works Director Wright.

ABSENT: Joshua Harris, Public Information Officer.

I. CALL TO ORDER

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

II. CITIZEN COMMENT PERIOD

III. COMMITTEE ITEMS

A. Public Utilities/Public Works

1. Update; Public Utilities: Director Radford Thomas presented information on the following items:
 - Biosolids Project at Lower Creek WWTP is coming along on schedule at this point. The new belt press has been delivered and Staff is expecting the new dryer to be shipped and delivered in June. Also, the construction to enclose the dryer building is coming along very well.
 - The Metering Project is moving along well and Staff is working with MeterSYS and the contractor to get more meter installers on the project in order to pick up the pace on new meter installations. The network is working well and Staff is already able to use data from the meter reading network to proactively address leak issues and customer concerns about high usage.
 - The Utilities Department is operating as normal under the current COVID-19 protocols with using staggered shifts for reporting to work and observing social distancing as much as possible. Also, personal protective equipment (PPE) has been made available to everyone along with plenty of hand sanitizer.
 - The AWIA Risk and Resiliency analysis is currently underway.
2. Update; Public Works: Director Jared Wright presented the following information:
 - a) Sanitation Conversion Update: Manufacturing of new rollout carts is underway, with deliveries expected to begin next week. Distribution to solid waste customers will

follow within the next two weeks. Director Wright stated that the procurement/manufacture/delivery process has gone smoothly and quickly.

- b) **Street Resurfacing:** The paving contractor has completed resurfacing of two additional streets within the last several days, and we are nearing completion of planned resurfacing for the 2019-20 fiscal year. We have had a few quality control issues with the latest paving, but it appears to be related to a poor asphalt product blend. These issues will be corrected as warranty items with no additional cost to the City.
- c) Crews are continuing with maintenance activities as necessary. These activities include brush removal (increase in volume associated with home improvements-COVID-19), mowing, and ditch clearing.
- d) Public Works Staff continues to discuss future projects with consultants, including the Hwy 18/Morganton Boulevard greenway crossing. City Council adopted a resolution of support to pursue RTP grant funding for this project at the April 7 Council meeting. The pre-application deadline was waived by the funding authority, and we intend to continue the submittal process with deadlines in July and September, 2020.
- e) The renovation of first floor at City Hall should be completed this week. Building Maintenance Staff is awaiting delivery/installation of the collection counter and counter surfaces.

IV. COMMUNITY DEVELOPMENT

- A. The Lenoir Tourism Development Authority (LTDA): The LTDA meeting for March was cancelled and the Board did not in April. Economic Development Director Kaylynn Horn reported the 365 Tourism Conference has been cancelled, but in its place Staff has participated in several very informative webinars from VISIT NC. These webinars have shared considerable information, resources and tips regarding the current crisis and the state of affairs of the hospitality industry which is quite concerning.
- B. The Lenoir Business Advisory Board (LBAB): The LBAB did not meet in March due to attendance at the North Carolina Main Street Conference in New Bern, NC. Overall the Board had a delegation of 17 people who participated and helped the City happily accept three North Carolina Main Street awards this year. The Board received an award for the North Carolina Gravity Games for Best Event Series and an award for The Little Building with the Big Impact – Dayvault Drug Store property for Best Endangered Property Rescue. The Board also received the North Carolina Main Street Champions award for the City of Lenoir Public Works Sanitation Division.

Staff has been continually updating our small business COVID-19 Crisis tips and resources pages on our Downtown Lenoir website and participating in numerous webinars to keep up with and stay informed on the rapidly changing and ever evolving stimulus packages as they are rolled out. This has been a very well-received and much appreciated resource site for the small businesses.

Staff has been working on several back burner administrative projects such as the downtown property inventory and historic descriptions, reviewing bylaws and grant practices, etc. Alongside these projects, Staff has implemented the Downtown Virtual Takeout Bingo Challenge to encourage foot traffic to our restaurants and establishments

currently offering takeout services. This promotion wraps up the first week in May.

Staff has also launched the first TOGETHER at HOME Virtual Concert Series which was held on April 20 and featured Patrick and Kay Crouch and several other performers who graciously donated their time and their talents to entertain, encourage and unite our community. This virtual music concert was appreciated by many people in our community. Staff is also in the process of scheduling the second concert within this series.

During the National Volunteer Week, the amazing Downtown Lenoir volunteers baked just over 2,500 cookies for the Essential Cookies for Essential Workers promotion. These cookies were distributed to the frontline essential workers in the community. The volunteers are to be highly commended for their time and generosity.

Another Zoom meeting is scheduled with the organizers of the Caldwell Farmers Market and Seth Nagy, the Caldwell County Extension Director for the NC State Cooperative Extension Agency. Staff will be continuing discussion regarding when to schedule the first Caldwell County Farmers' Market held in Downtown Lenoir this year and what practices and procedures will be required regarding social distancing and public safety.

Staff continues to work with Destination by Design on the City's Branding project. The project is moving forward with great success and Staff hopes to conclude in the very near future.

- C. Planning Board: The Planning Board held a teleconference meeting on Monday, April 27. Planning Director Jenny Wheelock presented the following information:
1. Rezoning Request: The Planning Board will submit a request to City Council to call for a public hearing for Tuesday, May 19 to consider a rezoning request for property located on Melview Place in the Extra Territorial Jurisdiction (ETJ) (behind Lenoir Industrial Park) to be rezoned from I-1 (Light Industrial) to R-R (Rural Residential), in order to facilitate construction of a single-family home on family-owned land.
 2. Blue Bell Mill Project: Planning Director Wheelock reported a Certificate of Appropriateness for the Blue Bell rehabilitation project to convert the Blue Bell industrial building into multi-family units was approved unanimously by the Lenoir Planning Board at their meeting on Monday, April 27, acting in their capacity as the Lenoir Historic Preservation Commission. The Commission is the final decision making authority, so the project will be able to start the permitting process.
 3. Update; N.C.G.S.§160D Land use Law: Planning Director Wheelock gave a presentation summarizing required updates resulting from the newly adopted land use legislation for North Carolina, Chapter 160D. This new law incorporates previous statutes for land use regulation for Counties (previously 153A) and Cities (previously 160A). Director Wheelock reviewed the required changes that the City must adopt by January 1, 2021 (conflict of interest standards, updated terminology, procedural updates) as well as some changes the City may choose to adopt (allowing for administrative modifications to development approval; eliminating Planning Board

review of quasi-judicial special use permits).

A copy of the power point presentation and handouts are attached to these minutes as information.

Following general discussion, City Council reached a general consensus that administrative modifications should be explored in a draft ordinance, but that the Planning Board should remain in its advisory capacity for Special Use Permits. Noticing requirements will be changed to reflect what is required by the new statute for those types of cases, eliminating the need for published notification in some instances.

Director Wheelock stated she will work with the City Attorney and other Department Directors to present a draft ordinance to City Council later this year.

D. Financial and Administration

1. March Financial Summary: Finance Director Donna Bean reviewed the Financial Summary as of March 31, 2020. The over/under balance in the General Fund is \$2,213,437.71, Downtown District (\$134,268.32), and Water & Sewer Fund \$1,732,319.85. (A copy of the March financial summary is attached to these minutes as information).

Director Bean stated the City won't know the exact impact of the effect of the coronavirus on our local economy/revenue until later on in the year.

2. Job Description; Senior IT Specialist: Finance Director Bean presented a job description for a Senior IT Specialist to replace Burl Sprouse who accepted the position of Technology Solutions Administrator with the Piedmont Triad Regional Council (PTRC) located in Kernersville, NC. The PTRC is one of 16 regional councils in North Carolina and serves as the lead regional organization for the Piedmont Triad region representing 74 member governments in a 12 county area. Mr. Sprouse will continue to assist the City during the transition period. (A copy of the job description is attached to these minutes as information).

Director Bean reviewed the essential job functions and the minimum qualifications or standards required to perform the essential job functions and recommended Council approve the job description.

Motion

Upon a motion by Councilmember Willis, Council voted 7 to 0 to approve the job description for a Senior IT Specialist as presented and as recommended by City Staff.

- E. Parks & Recreation Advisory Board: The Parks & Recreation Advisory Board did not meet in April. Recreation Director Kenny Story presented the following information:
 - No current activities are taking place at this time.
 - Trash has become a problem at the J.E. Broyhill Walking Park and along the Greenway. Also, Staff has found some needles at the Walking Park and the Police

Department is patrolling this area more often.

- Staff continues to sanitize all facilities daily and has also been doing some cleanup work around the facilities.
- Parks & Ground Staff is hard at work mowing and doing other projects that are scheduled this time of year.
- Staff at the Aquatic & Fitness Center is working on getting the outdoor pool ready which was scheduled to open on Saturday, May 23. However, following a brief discussion by Council at the Committee of the Whole meeting today, they were in consensus to hold off on opening the pool at this time.
- Caldwell County School buses have been parked at the Martin Luther King, Jr. Center and the J. E. Broyhill Walking Park to provide Wi-Fi for students who don't have access to the Internet. Caldwell County Schools and the Education Foundation are in charge of this project.
- All events and activities have been canceled until at least June 1, 2020. Note: Director Story stated he is talking with other Directors around the area and state on what they are doing about programs, activities and events.

- F. Update; Public Communications: A report was not given at this time. (A copy of the March 2020 Communications Report is attached to these minutes as information).

As information, during the month of March, there were 9 news releases, 12 photos, 2 videos, 204 social posts, 30 notify me requests, 17 questions & answers and 1 e-sign up. The website experienced 73,927 views and reached people via Facebook and Twitter.

V. PUBLIC SAFETY

A. Police Department

1. Update: Police Chief Brent Phelps reported on the following items:
 - The Department is in the process of hiring new officers. Two new patrol officers began working in the last two weeks and Staff plans to start two additional officers within the next two to three weeks.
 - Patrol Officers made a significant arrest on Saturday, April 25 by catching five individuals stealing additional mowers from Corriher Tractor.
 - The Department's stock of Personal Protection Equipment (PPE) is in good shape with current levels on hand.
 - Staff has increased our patrol presence at the J. E. Broyhill Walking Park and at the greenways.
 - Staff has been working with some of the businesses based on the Governor's Executive Order and we are asking for voluntary compliance from the business owners.

B. Fire Department

1. Update: Fire Chief Ken Hair reviewed the Quarterly Report for January, February and March. He stated Staff participated in 4,633 training hours, conducted 69 inspections and responded to 5 structure fires. In addition, he reported they received 400 medical

calls and 64 service calls. There were a total of 673 incidents for the quarter. (A copy of the report is attached to these minutes as information).

VI. OTHER

- A. May Calendar: By consensus of the Council, the calendar for the month of May was approved listing various meetings and events.

City Council will meet on Monday, May 4 at 6:00 p.m. in the City/County Chambers.

Note: This date was chosen due to a previous conflict when Council adopted their annual meeting schedule in October 2019.

VII. Adjourn:

There being no further business; the meeting was adjourned at 10.08 a.m.

Attachments

March Financial Summary

Job Description for SR. Information Technology Specialist

Quarterly Report-Fire Department

Power Point-N.C.G.S. §160D Land Use

Handout-G.S. Chapter 160D Checklist of Changes to Local Ordinances and Practices.



**City of Lenoir
Financial Summary
As of 3/31/2020**



General Fund					
	2019-2020 Budget	3/31/2020	% of Budget	Change from Previous Year	3/31/2019
Total Revenue	\$ 18,403,707.96	\$ 15,664,315.81	85%	\$ 827,021.05	\$ 14,837,294.76
Expenditures	\$ 18,403,707.96	\$ 13,450,878.10	73%	\$ 809,201.09	\$ 12,641,677.01
Over/Under	\$ -	\$ 2,213,437.71		\$ 17,819.96	\$ 2,195,617.75

Downtown District					
	2019-2020 Budget	3/31/2020	% of Budget	Change from Previous Year	3/31/2019
Revenues	\$ 183,736.00	\$ 19,333.36	10.5%	\$ (37,917.71)	\$ 57,251.07
Expenditures	\$ 183,736.00	\$ 153,601.68	84%	\$ 18,957.41	\$ 134,644.27
Over/Under	\$ -	\$ (134,268.32)		\$ (56,875.12)	\$ (77,393.20)

Water/Sewer Fund					
	2019-2020 Budget	3/31/2020	% of Budget	Change from Previous Year	3/31/2019
Revenues	\$ 8,941,688.00	\$ 7,098,040.76	79%	\$ 149,057.13	\$ 6,948,983.63
Expenditures	\$ 8,941,688.00	\$ 5,365,720.91	60%	\$ 516,729.19	\$ 4,848,991.72
Over/Under	\$ -	\$ 1,732,319.85		\$ (367,672.06)	\$ 2,099,991.91

CITY OF LENOIR
FINANCE
SR. INFORMATION TECHNOLOGY SPECIALIST
(Revised: 4-15-2020)

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

GENERAL STATEMENT OF THE JOB:

Under general supervision, performs advanced level of technical work in design, installation, maintenance, and support activities for PC hardware/software, voice/data communications, application software, databases, and servers. Work involves networking computer systems throughout City departments, inter-departments and outside agencies. Employee is compensated on a salary basis; is employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field; the employee's primary duty consists of the application of systems analysis techniques and procedures including the design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; or the design, documentation, testing, creation or modification of computer programs related to machine operating systems; or a combination of the of duties which requires the same level of skills. Work involves planning systems, development, and enhancements of systems, installing and evaluating PC and network hardware and software, overseeing projects and implementations. Employee is responsible for training users of computer systems. Employee reports to the Finance Director.

ESSENTIAL JOB FUNCTIONS

- Responsible for infrastructure and network developments, upgrades, installations, support, and maintenance of city's fiber network, wireless network & computer systems;
- Comprehensive understanding of servers, routers, switches, firewalls, virtualization, database and software management, phone systems, antivirus, network security, WIFI, website maintenance assistance, applying updates, service packs and patches and managing outsourced vendor contracts;
- Coordinates with user departments to determine needs; discusses and resolves problems;
- Purchases, installs, repairs, and maintains network hardware, software & individual computer stations;
- Maintains VOIP telephone system;
- Responsible for network security, back-up, redundancy, and disaster recovery which includes monitoring and ensuring the disaster recovery plans including critical communications during utility outages and emergency events;
- Installs and configures PC's and application software;
- Comprehensive knowledge of networked computer system hardware and software in a MS Windows environment with Active Directory management; including incorporation of best business practices and knowledge of municipal ordinances and statutes;
- Comprehensive knowledge of FreeNAS Storage Operating System and PFSense firewall software.

- Troubleshoots and resolves network or telecommunication wiring and installation problems which requires a comprehensive knowledge of the nature of functions and problems in the networked and virtual user environment;
- Responsible for development, maintenance, and integrity of databases;
- Maintains and corrects problems with computer hardware and peripheral devices;
- Adds, removes, and maintains users of the network operation system which provides user access and ensures user connectivity to City departments;
- Responsible for task relating to network monitoring, operations, installation, and/or maintenance for local, off-site, and/or remote locations;
- Consults with external agencies linked to computer and communication services;
- Ensures network security, performance and reliability where top level support and quick response resolution to technical outages is paramount. This includes addressing system alert notifications from monitoring devices and applications with strong emphasis on preventive maintenance;
- Ensures all phases of help desk support are properly coordinated, monitored, logged, tracked, and resolved appropriately;
- Assists in the planning and evaluation of existing network systems and makes recommendations which includes analyzing and making recommendations for system and application upgrades and replacements;
- Participates in planning telecommunications specification for new building, renovations, or new construction;
- Coordinates scheduling for telecommunications services installation;
- Coordinates and supervises work of staff;
- Installs and maintains the camera systems for the City;
- Offer support to Downtown WI-FI contractor
- Maintains the City's email to provide an important communications tool for employees.
- Develops technology solutions to address user needs

ADDITIONAL JOB FUNCTIONS AND ABILITIES

- Ability to effectively plan, coordinate and leverage financial and personnel resources for optimal service delivery, including during enterprise wide project implementations that stretch beyond the daily workload;
- Ability to adjust to rapidly changing technologies and business environment, which requires leading and facilitating continual education and adaptation of IT personnel and city workforce;
- Comprehensive knowledge of contract negotiation and management including discernment of advantages of outsourced services versus in-house solutions; advanced project and budget management skills;
- Ability to analyze, troubleshoot and effectively communicate problem resolution, including facilitating critiques of diverse business processes in order to effectively match with appropriate technological solutions;
- Ability to communicate and present complex technical ideas effectively, both orally and in writing;
- Ability to apply innovative and creative problem solving skills; analytical ability and inductive thinking to adapt technology solutions, policies, procedures and methods to fit unusual and

complex situations;

- Ability to engage, represent, motivate and lead professional and technical personnel;
- Ability to recognize contractual and legal implications and involve appropriate officials and counsel;
- Ability to communicate with others tactfully, courteously, effectively and firmly both orally and in writing;
- Ability to establish and maintain extraordinary team oriented working relationships with City officials, subordinates, co-workers and when necessary, the media, stakeholders, and citizens.
- Interviews, hires, trains, evaluates performance, coaches, counsels, disciplines, promotes, and recognizes department staff
- Ensures due diligence and compliance for any outsourced service delivery, system upgrades, security and network monitoring;
- Provides user training and technical support, critical system data backups, redundancy and disaster recovery;
- Engaged management of multiple IT project initiatives simultaneously without sacrificing timely resolution of 24/7 Help Desk work order support;
- Prepares and monitors IT operational and project budgets; including cost forecasting, auditing and routine monitoring to ensure cost benefit of ongoing support contracts and technological initiatives;
- Facilitates research, vendor selection, contract negotiation and manages hardware and software implementation projects;
- Performs other related tasks as required.

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Education: Bachelors degree in computer science with a major in information technology, computer science, or related field or any combination of education and experience equivalent to a degree from an accredited college or university which provides the required knowledge, skills and abilities needed for this position. Must have at least three years experience in the installation, operations, maintenance of computer network and would prefer considerable experience as a computer systems analyst, programmer, or systems administrator, and considerable network experience; or an equivalent combination of education and experience.

Special Requirements:

Microsoft Certified Engineer certification preferred.

VMWare certification preferred

Valid North Carolina driver's license required

Physical Requirements: Must be physically able to operate a variety of machinery and equipment including computers, printers, copiers, calculators, MDT, cameras and printers, etc. Must be able to exert 20 to 50 pounds of force on occasion. Physical demand requirements are in excess of those for sedentary work. Work usually requires walking or standing to a significant degree and frequently requires the ability to move objects; work requires climbing, stooping, kneeling, crouching, reaching, pushing, pulling, lifting, fingering, grasping, and repetitive motions; vocal communication is required

for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for depth perception, preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, operation of machines, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the working is subject to inside and outside environmental conditions.

Currently used by the City of Lenoir:

- LANs & WAN technology
- VMware, hubs/switches/routers/bridges
- TCP/IP protocols
- Linux
- MS Office 2010
- 0365 Email
- Digium Phone System
- VOIP,
- GIS,
- Ubiquiti Wireless Technology
- FreeNAS Storage Operating System
- PFSense Firewall Software
- Spiceworks Work Order Tracking System
- 150 computers
- 350 Active Directory /User Directory
- 135+ cameras
- 30 servers
- 145 IP Phones/214 extensions
- 300 cellular devices

NCGS 160D

{ Technical Changes to NC Land Use Law
{ (previously found in 160A and 153A)

- ⌘ Re-organization and consolidation of the enabling legislation for City (160A) and County (153A) planning and zoning
- ⌘ Local ordinances must be changed to update references, definitions, terms, and practices by January 1, 2021
- ⌘ Good news: Not much real change for us

160D: Overview

- ⌘ Eliminated the option of the Legislative Special/Conditional Use District combined with a Quasi-Judicial Special/Conditional Use Permit. (We already got rid of this when we adopted procedures for “Conditional Zoning”)
- ⌘ Requires a “reasonably recent” comprehensive plan by 1/1/2022 in order to enforce zoning
- ⌘ Updated Term: Conditional Use Permits must now be called Special Use Permit (to eliminate confusing between legislative “Conditional Zoning” and quasi-judicial “Special Use Permits”)
- ⌘ “Permit Choice” Rule applies to all subsequent permits a development needs – applicants can choose to follow old or new rules at time of application.
- ⌘ In General: Clarify legal procedures, more explicitly state what local governments can and cannot do, more “CYA” type requirements, codifies best practices and case law

Highlights of “Changes”

- ⌘ Adopt broaden “conflict of interest” standards for governing and advisory boards and staff
- ⌘ Board Members must take “oath of office” before starting duties
- ⌘ Inspections: must enter during reasonable hours, must have consent or an administrative search warrant
- ⌘ Must make a note on the Future Land Use map when a zoning map amendment is approved that is not consistent with the map
- ⌘ Must allow administrative decisions to be appealed to the Board of Adjustment; clarifies required notice/hearing procedures when this happens
- ⌘ Must require that applicants for any development approval be made by a person with a property interest or contract to purchase the property
- ⌘ Applicants who choose to travel under old regulations (using “permit choice rule”) don’t have to wait for final action on rule changes
- ⌘ Must obtain landowner’s written consent to conditions on a quasi-judicial development approval for them to be enforceable

Local Governments *Must*

- ⌘ Parcels in two jurisdictions: Owner and both jurisdictions may agree to apply one jurisdiction's rules across entire parcel (property specific – can't be adopted generally)

- ⌘ Can require conditions in Conditional Zoning cases that are beyond normal scope of authority (ex: design standards on single family homes), when applicant signs written consent to the conditions.

- ⌘ Administrative Modifications: May authorize staff to make “minor modifications” to Conditional Zoning, special use permits, and other development approvals (must define what a “minor” modification is, must follow a standard approval process). Changes to use or density cannot be deemed “minor.”
 - ⌘ Discussion: As general practice, changes between concept plans and final civil drawings are normal – staff looks to conditions of approval
 - ⌘ More formal standards/definitions seem to be required for this after 1/1/2021
 - ⌘ Could also apply to zoning standards – allowing a 10% modification to setbacks or height standards (as an example) without needing a variance.

Local Governments *May*

- ⌘ May have Planning Board serve as preliminary review for quasi-judicial decisions, but:
 - ⌘ PB can't conduct an evidentiary hearing
 - ⌘ Must be an informal preliminary discussion of application
 - ⌘ Forum/recommendation *can't* be used as the basis for a decision by the Council

- ⌘ UNC SOG recommends against sending quasi-judicial to an advisory board beforehand

- ⌘ Could assign authority to approve Special Use Permits to Planning Board, or could remove Planning Board from the process.
- ⌘ If Council wants to keep same procedure, staff recommends eliminating notice requirements for advisory meeting.

Discussion: Planning Board and QJ Cases

- ⌘ Make noticing requirements consistent with statutory requirements
- ⌘ Clarify rules re: Variances and the Board of Adjustment
- ⌘ Update “vested rights” section
- ⌘ Ensure Housing ordinance is aligned with current/new rules
- ⌘ Ensure Subdivision ordinance is aligned with current/new rules
- ⌘ Eliminate privilege license requirements

Other “clean up” amendments needed...

- ✓ Chapter 1 - GENERAL PROVISIONS 3
- ✓ Chapter 2 - ADMINISTRATION 13
- ✓ Chapter 3 - ANIMALS 2
- ✓ Chapter 4 - BUILDINGS AND BUILDING REGULATIONS 16
- ✓ Chapter 5 - BUSINESS REGULATION, LICENSING AND TAXATION 1
- ✓ Chapter 6 - CEMETERIES 2
- ✓ Chapter 8 - FIRE PREVENTION AND PROTECTION 4
- ✓ Chapter 9 - FLOOD DAMAGE PREVENTION 1
- ✓ Chapter 10 - HOUSING 14
- ✓ Chapter 11 - MOTOR VEHICLES AND TRAFFIC 1
- ✓ Chapter 12 - NUISANCES 2
- ✓ Chapter 13 - OFFENSES AND MISCELLANEOUS PROVISIONS 2
- ✓ Chapter 16 - POLICE 1
- ✓ Chapter 17 - SANITATION 1
- ✓ Chapter 18 - STREETS AND SIDEWALKS 2
- ✓ Chapter 19 - SUBDIVISIONS 1
- ✓ Chapter 21 - WATER AND SEWER 4
- ✓ APPENDIX A - ZONING 7
- ✓ STATE LAW REFERENCE TABLE 1

Almost every chapter of the Code contains a 160A reference

.....

- ⌘ Planning Staff to draft omnibus ordinance to update Code (focus will be on development-related ordinances)
- ⌘ Workshop as needed with Committee of the Whole
- ⌘ Coordinate with City Attorney and other Department Heads – should all updates be in omnibus, can some references be incorporated into other planned updates?
- ⌘ Planning Board to Review (statutory requirement to review changes to Zoning chapter – must be heard at November Planning Board meeting to meet deadline for adoption!)
- ⌘ Public Hearing at City Council to adopt
- ⌘ Updates to Comprehensive Plan by 1/1/2022

Next Steps...Clock is Ticking!

9189308-
AICP credits
*3 hrs of CZO credit
should be coming

G.S. Chapter 160D Checklist of Changes to Local Ordinances, Policies, and Practices

This checklist outlines provisions in the new Chapter 160D of the North Carolina General Statutes (hereinafter G.S.) as well as related statutory changes that will be incorporated into Chapter 160D. The changes to the statutes affect the language of local ordinances, the options for local decision processes, and the administrative practices related to development regulations.

This checklist is one piece of a larger set of resources and training materials, including an explanatory book, *Chapter 160D: A New Land Use Law for North Carolina*. Each item on this checklist is described more thoroughly in those additional resources. Section headers in this checklist note the corresponding chapter and section of the Chapter 160D book [in brackets]. Check nc160D.sog.unc.edu for additional resources and training.

The checklist has specific notations, which are accompanied by specific icons, as follows:

- Denotes **legislative changes** for which local governments *must* take action (statutory citations are in parentheses)
- Denotes **permissive legislative changes** for which local governments *may* take action
- Denotes **notable legislative changes** that do not require local action but of which local governments must *be aware*

*For items noted with an asterisk, local governments do not have authority for the change until January 1, 2021, unless legislation authorizes earlier effectiveness. Noted changes may be incorporated into ordinances and policies, but they must not be effective until 2021. All other changes may be adopted and effective immediately.

I. Terminology and Citations [Chapter 1, Section III]

- Must** update any references to provisions in G.S. Chapter 160A or 153A to indicate relevant provisions in Chapter 160D. (See appendixes B and C in the Chapter 160D book.)
- Must** align ordinance terminology with Chapter 160D terminology for *conditional zoning* and *special use permits*; must delete use of the terms *conditional use permit*, *special exception*, *conditional use district zoning*, and *special use district zoning*. (See G.S. 160D-102.)
- Must** ensure that ordinance definitions for the following terms are not inconsistent with definitions provided in state law and regulation: *building*, *dwelling*, *dwelling unit*, *bedroom*, and *sleeping unit*. (S.L. 2019-111, § 1.17.)
- May** align ordinance terminology with Chapter 160D terminology, including for the following terms: *administrative decision*, *administrative hearing*, *determination*, *developer*, *development*, *development approval*, *development regulation*, *dwelling*, *evidentiary hearing*, *legislative*

decision, legislative hearing, planning and development regulation jurisdiction, and quasi-judicial decision. (G.S. 160D-102.)

II. Geographic Jurisdiction [Chapter 2, Section I]

- *For extension of extraterritorial jurisdiction (ETJ), a municipality **must** provide mailed notice thirty days prior to ETJ hearing; municipality **may** hold one hearing (with single mailed notice) regarding ETJ and initial zoning amendment. (G.S. 160D-202(d).)
- Municipality **may** hold hearings in anticipation of change in jurisdiction. (G.S. 160D-204.)
- *For a parcel in two jurisdictions, the owner and the jurisdictions **may** agree for development regulations from one jurisdiction to apply to the entire parcel. (G.S. 160D-203.)
- *In ETJ, the county **may** elect to exercise development regulations that the municipality is not exercising. (G.S. 160D-202(b).)

III. Boards [Chapter 2, Section II]

A. In General

- Must** adopt broadened conflict-of-interest standards for governing and advisory boards. (G.S. 160D-109.)
- Must** keep minutes of proceedings of each board. (G.S. 160D-308.)
- Must** have each board member take an oath of office before starting his or her duties. (G.S. 160D-309.)
- Must** update ETJ population estimate, at least with each decennial census (also calculation for proportional representation is simplified and process for appointment is clarified). (G.S. 160D-307.)
- Must** provide proportional representation for ETJ on preservation commission if any districts or landmarks are designated in the ETJ. (G.S. 160D-307.)
- May** have detailed rules of procedure for each board; **may** be adopted by governing board; if not, then **may** be adopted by individual board; if adopted, **must** maintain board rules of procedure (by clerk or other officer as set by ordinance) and **must** post board rules of procedure to website, if the jurisdiction has a website. (G.S. 160D-308.)
- May** establish reasonable procedures to solicit, review, and make appointments; governing board typically makes appointments but may delegate that appointment-making authority. (G.S. 160D-310.)
- May** establish additional advisory boards related to development regulations. (G.S. 160D-306.)

B. Planning Board

- May** assign to planning board the coordination of citizen engagement for planning. (G.S. 160D-301.)
- May** assign planning board to serve as preliminary forum for review and comment on quasi-judicial decisions, provided that no part of the preliminary forum or recommendation may be used as a basis for the deciding board. (G.S. 160D-301.)

C. Board of Adjustment

- May** assign board of adjustment to hear and decide matters under any development regulation, not just zoning. (G.S. 160D-302.)
- May** assign duties of housing appeals board to board of adjustment. (G.S. 160D-305.)

IV. Land Use Administration [Chapter 2, Section III]

A. In General

- Must** incorporate new staff conflict-of-interest standards into ordinance or policy. (G.S. 160D-109.)
- Must** maintain in paper or digital format current and prior zoning maps for public inspection. (G.S. 160D-105.)
- Must** maintain in paper or digital format any state or federal agency maps incorporated by reference into the zoning map. (G.S. 160D-105.)
- May** enact ordinances, procedures, and fee schedules relating to administration and enforcement of development regulations. (G.S. 160D-402(b).)
- May** charge reasonable fees for support, administration, and implementation of development regulation; **must** use any such fees for that purpose, not for other purposes. (G.S. 160D-402(d).)

B. Enforcement

- Must** issue notices of violation (NOVs) in conformance with statutory procedures (must deliver to permittee and landowner if different; may deliver to occupant or person undertaking the activity; delivery by hand, email, or first-class mail; may be posted onsite; administrator to certify NOV for the file.) (G.S. 160D-404(a).)
- If inspecting, **must** enter the premises during reasonable hours and upon presenting credentials; **must** have consent of premises owner or an administrative search warrant to inspect areas not open to the public. (G.S. 160D-403(e).)
- For revocation of development approval, **must** follow the same process as was used for the approval. (G.S. 160D-403(f).)
- May** perform inspections for other development approvals to ensure compliance with state law, local law, and the terms of the approval; **must** perform (or contract for) inspections for building permits. (G.S. 160D-1113; -403(e).)

- **May** perform inspections for general code compliance and enforcement (inspections unrelated to a development approval). (G.S. 160D-402(b).)
- **May** require a certificate of compliance or occupancy to confirm that permitted work complies with applicable laws and terms of the permit; still **must** require certificate of occupancy for work requiring a building permit. (G.S. 160D-403(g).)
- **May** issue stop-work orders for illegal or dangerous work or activity, whether related to a permit or not. (G.S. 160D-404(b).)
- **May** continue to use general enforcement methods, including civil penalties, fines, court-ordered actions, and criminal prosecution. (G.S. 160D-404(c).)
- △ Be aware that a local government must bring a court action in advance of the applicable five- and seven-year statutes of limitation. (G.S. 1-51 and -49; established prior to Chapter 160D.)

V. Substance of Zoning Ordinance [Chapter 3, Section I]

- **Must** maintain current and prior zoning maps for public inspection (local government clerk or other office may be the responsible office); **may** adopt and maintain in paper or digital format. (G.S. 160D-105.)
- **Must** eliminate conditional-use-district zoning; existing conditional-use-district zoning converts to conditional district on January 1, 2021. (G.S. 160D-703; S.L. 2019-111, § 2.9(b).)
- ***May** incorporate maps officially adopted by state or federal agencies (such as flood-insurance rate maps (FIRMs)) into the zoning map; **may** incorporate *the most recent officially adopted version* of such maps so that there is no need for ordinance amendment for subsequent map updates; **must** maintain current effective map for public inspection; **may** maintain in paper or digital format. (G.S. 160D-105.)
- ***May** require certain dedications and performance guarantees for zoning approvals to the same extent as for subdivision approvals. (G.S. 160D-702.)
- **May** use form-based codes. (G.S. 160D-703(a)(3).)
- **May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define “minor modification” by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)
- **May** apply zoning standards jurisdiction-wide, not just on a zoning-district-by-zoning-district basis. (G.S. 160D-703(d).)
- ***May** regulate development over navigable waters, including floating homes. (G.S. 160D-702(a).)

VI. Substance of Other Development Ordinances [Chapter 3, Section II]

- Must** conform subdivision performance guarantee requirements with statutory standards. (S.L. 2019-79 (S.B. 313), to be incorporated into G.S. Chapter 160D.)
- Must** conform subdivision procedures for expedited review of certain minor subdivisions. (G.S. 160D-802, established prior to G.S. Chapter 160D.)
- Must** exempt farm use on bona fide farm in ETJ from city zoning to the same extent it would be exempt from county zoning; Chapter 160D clarifies that other municipal development regulations may still apply. (G.S. 160D-903(c).)
- Must** not exclude manufactured homes based on the age of the home. (G.S. 160D-910.)
- *Must** follow standardized process for housing-code enforcement to determine owner's abandonment of intent to repair and need for demolition. (G.S. 160D-1203(6).)
- May** adopt moratoria for development regulations (subject to limitation on residential uses); moratoria do not affect rights established by permit choice rule. (G.S. 160D-107.)

A. Historic Preservation

- Must** follow standard quasi-judicial procedures for preservation certificates of appropriateness. (G.S. 160D-947(c).)
- Must** frame preservation district provisions as "standards" rather than "guidelines." (G.S. 160D-947(c).)
- *May** choose for appeals of preservation commission decisions to go directly to superior court rather than to board of adjustment. (G.S. 160D-947(e).)

B. Development Agreements

- Must** process a development agreement as a legislative decision. (G.S. 160D-105.)
- Must** have a local government as a party to a development agreement (a water and sewer authority may enter an agreement as a party, but not independently). (G.S. 160D-1001(b).)
- May** consider a development agreement concurrently with a rezoning, subdivision, or site plan; **may** consider a development agreement in conjunction with a conditional zoning that incorporates the development agreement. (G.S. 160D-1001(d).)
- *May** address fewer topics in development agreement content (list of mandated topics is shortened). (G.S. 160D-1006.)
- May** mutually agree with a developer for the developer to provide public improvements beyond what could have been required, provided such conditions are included in the development agreement. (G.S. 160D-1006(d).)
- May** include penalties for breach of a development agreement in the agreement or in the ordinance setting the procedures for development agreements; either party may bring legal action seeking an injunction to enforce a development agreement. (G.S. 160D-1008.)

VII. Comprehensive Plan [Chapter 4, Section I]

- Must** adopt a comprehensive plan by July 1, 2022, to maintain zoning (no need to re-adopt a reasonably recent plan). (G.S. 160D-501(a).)
- Must** adopt a plan or a plan update following the procedures used for a legislative decision. (G.S. 160D-501(c).)
- Must** reasonably maintain a plan. (G.S. 160D-501(a).)
- May** coordinate a comprehensive plan with other required plans, such as Coastal Area Management Act (CAMA) plans. (G.S. 160D-501(a).)
- May** coordinate with other local governments, state agencies, or regional agencies on planning processes. (G.S. 160D-503(a).)

VIII. Legislative Decisions [Chapter 4, Section II]

A. Notice

- Must** follow applicable procedures for legislative decisions under any development regulation authorized under Chapter 160D, not just zoning; **must** adopt any development regulation by ordinance, not by resolution. (G.S. 160D-601.)
- For zoning-map amendments, **must** provide notice not only to immediate neighbors but also to properties separated from the subject property by street, railroad, or other transportation corridor. (G.S. 160D-602.)
- For zoning-map amendments, **must** provide posted notice during the time period running from twenty-five days prior to the hearing until ten days prior to the hearing. (G.S. 160D-602(c).)
- For extension of ETJ, **may** use single mailed notice for ETJ and zoning-map amendment pursuant to statutory procedures. (G.S. 160D-202.)
- For zoning-map amendments, **may** require applicant to notify neighbors and hold a community meeting and **may** require report on the neighborhood communication as part of the application materials. (G.S. 160D-602(e).)

B. Planning Board Comment

- Must** refer zoning amendments to the planning board for review and comment; **must** not have governing board handle planning board duty to review and comment on zoning amendments. (G.S. 160D-604(c), (e).)
- Must** have planning board consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency. (G.S. 160D-604(d).)
- May** refer development regulation amendments (other than zoning) to the planning board for review and comment. (G.S. 160D-604(c).)

C. Plan Consistency

- When adopting an amendment to the zoning ordinance, **must** adopt a brief statement describing whether the action is consistent or inconsistent with approved plans. (G.S. 160D-605(a).) (**This eliminates the 2017 requirement that statements take one of three particular forms.*)
- May** adopt plan-consistency statement when acting upon the zoning amendment or as a separate motion. (G.S. 160D-605(a).)
- *May** meet the requirement for plan consistency even without formal adoption of a written statement if the minutes of the governing board meeting reflect that the board was fully aware of and considered the plan. (G.S. 160D-605(a).)
- May** concurrently consider a comprehensive plan amendment and a zoning amendment; must not require a separate application or fee for plan amendment. (G.S. 160D-605(a).)
- Must** note on the applicable future land use map when a zoning-map amendment is approved that is not consistent with the map; the future land use map is deemed amended when an inconsistent rezoning is approved. (G.S. 160D-605(a).) (*This clarifies that a rezoning inconsistent with a plan does not amend the text of the plan, but it does amend the future land use map.*)
- *For** a future land use map that is deemed amended, if it is a CAMA plan, then such amendment is not effective until it goes through the CAMA plan-amendment process. (G.S. 160D-501.)
- Must** adopt a statement of reasonableness for zoning-*map* amendments; for such statements, **may** consider factors noted in the statutes; ***may** adopt a statement of reasonableness for zoning-*text* amendments. (G.S. 160D-605(b).)
- May** consider and approve a statement of reasonableness and a plan-consistency statement as a single, combined statement. (G.S. 160D-605(c).)

D. Voting

- *Must** permit adoption of a legislative decision for development regulation on first reading by simple majority; no need for two-thirds majority on first reading, as was required for cities under prior law. (G.S. 160A-75; S.L. 2019-111, § 2.5(n).)

E. Certain Legislative Decisions

- Must** prohibit third-party down-zonings; **may** process local government–initiated down-zonings (S.L. 2019-111, Pt. I.)
- Must** obtain applicant’s/landowner’s written consent to conditions related to a conditional-zoning approval to ensure enforceability. (S.L. 2019-111, Pt. I.)
- May** use purely legislative conditional zoning and/or quasi-judicial special use permitting; **must** not use combined legislative and quasi-judicial process, such as conditional-use-district zoning. (G.S. 160D-102.)

- With applicant's written consent, **may** agree to conditional-zoning conditions that go beyond the basic zoning authority to address additional fees, design requirements, and other development considerations. (S.L. 2019-111, Pt. I.)
- **May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define "minor modification" by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)

IX. Quasi-Judicial Decisions [Chapter 4, Section III]

A. Procedures

- **Must** follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. (G.S. 160D-102(28).)
- **Must** hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case; the evidentiary hearing **must** have testimony under oath; **must** establish written findings of fact and conclusions of law. (G.S. 160D-406.)
- Board chair **must** rule at the evidentiary hearing on objections to inclusion or exclusion of administrative material; such ruling **may** be appealed to the full board. (G.S. 160D-406(d).)
- **Must** allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments; **may** allow non-parties to present competent, material, and substantial evidence that is not repetitive. (G.S. 160D-406(d).)
- **May** continue an evidentiary hearing without additional notice if the time, date, and place of the continued hearing is announced at a duly noticed hearing that has been convened; if quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no notice. (G.S. 160D-406(b).)
- **May** distribute meeting packet to board members in advance of the evidentiary hearing; if this is done, then **must** distribute the same materials to the applicant and landowner at the same time; **must** present such administrative materials at the hearing and make them part of the hearing record. (G.S. 160D-406(c).)
- **May** have the planning board serve as a preliminary forum for review in quasi-judicial decisions; if this is done, the planning board **must** not conduct a formal evidentiary hearing but **must** conduct an informal preliminary discussion of the application; the forum and recommendation **must** not be used as the basis for the decision by the board—the decision **must** still be based on evidence presented at the evidentiary hearing. (G.S. 160D-301.)
- **May** require recordation of special use permits with the register of deeds. (G.S. 160D-705(c).)
- △ **Be aware** that the definition of *close family relationship* as used for conflicts of interest includes spouse, parent, child, brother, sister, grandparent, or grandchild (including step, half, and in-law relationships). (G.S. 160D-109(f).)

- △ **Be aware** that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (S.L. 2019-111, § 1.9.)

B. Certain Quasi-Judicial Decisions

- Must** not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. (S.L. 2019-111, Pt. I.)
- Must** obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability. (S.L. 2019-111, Pt. I.)
- Must** set a thirty-day period to file an appeal of any administrative determination under a development regulation; **must** presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)
- *May** adjust variance standards to provide for reasonable accommodation under the federal Fair Housing Act. (G.S. 160D-705(c).)
- May** use purely legislative conditional zoning and/or quasi-judicial special use permitting; **must** not use combined legislative and quasi-judicial process, such as conditional-use-district zoning. (G.S. 160D-102.)
- May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define "minor modification" by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)

X. Administrative Decisions [Chapter 4, Section IV]

A. Development Approvals

- Must** provide development approvals in writing; **may** provide in print or electronic form; if electronic form is used, then it **must** be protected from further editing. (G.S. 160D-403(a).)
- Must** provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property. (G.S. 160D-403(a).)
- Must** provide that development approvals run with the land. (G.S. 160D-104.)
- For revocation of development approval, **must** follow the same process as was used for the approval. (G.S. 160D-403(f).)
- May** require community notice or informational meetings as part of the decision-making process for administrative development approvals (quasi-judicial and legislative decisions already had notice and hearing requirements). (G.S. 160D-403(h).)
- May** set expiration of development approvals if work is not substantially commenced; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).) **Be aware** that legislation will clarify the provisions on duration of development approvals. (G.S. 160D-403(c); S.L. 2019-111, § 1.3.)

- **May** set expiration of development approvals if work is discontinued; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).)
- **May** authorize administrative staff to approve minor modifications of development approvals and conditional-zoning approvals; if this is done, then **must** define “minor modifications” by ordinance and **must not** include modification of permitted use or density of development; major modifications **must** go through full applicable approval process. (G.S. 160D-403(d); -703(b); -705(c).)

B. Determinations

- **Must** provide written notice of determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner. (G.S. 160D-403(b).)
- **May** designate an official to make determinations for a particular development regulation. (G.S. 160D-403(b).)
- **May** require owner to post notice of determination on the site for ten days; if such is not required, then owner has option to post on the site to establish constructive notice. (G.S. 160D-403(b).)

C. Appeals of Administrative Decisions

- **Must** allow administrative decisions of any development regulations (not just zoning) to be appealed to the board of adjustment, unless provided otherwise by statute or ordinance. (Appeals relating to erosion and sedimentation control, stormwater control, or building-code and housing-code violations are not made to the board of adjustment unless specified by local ordinance.) (G.S. 160D-405.)
- **Must** set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)
- **Must** require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.)
- **Must** pause enforcement actions, including fines, during the appeal. (G.S. 160D-405.)
- **May** assign the duty of hearing appeals to another board; if this is done, such board must follow quasi-judicial procedures. (G.S. 160D-405.)
- **May** designate that appeals be filed with the local government clerk *or* another official. (G.S. 160D-405.)

XI. Vested Rights and Permit Choice [Chapter 5, Section I]

A. Vested Rights

- Must** recognize that building permits are valid for six months, as under prior law. (G.S. 160D-108(d)(1).)
- Must** recognize the default rule that development approvals are valid for twelve months, unless adjusted by statute or local rule. (G.S. 160D-108(d)(2).)
- Must** identify site-specific vesting plans (formerly site-specific development plans) with vesting for two to five years, as under prior law, except for specified exceptions. (G.S. 160D-108(d)(3); -108(f).)
- Must** recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions (160D-108(d)(4); -108(f).) (The previously authorized phased-development plan is obsolete and should be deleted from ordinance.)
- May** provide for administrative determination of vested rights and for appeal to the board of adjustment. (G.S. 160D-108(c), -405.)
- Be aware** that a person claiming vested rights may bring an original civil action in court, skipping administrative determination and board of adjustment consideration. (G.S. 160D-405(c).)
- Be aware** that vested rights run with the land, except for state-permitted outdoor advertising permits that run with the owner of the permit. (G.S. 160D-108(g); S.L. 2019-111, Pt. I.)

B. Permit Choice

- Must** not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 160D-108(b).)
- Be aware** that if a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies; but **may** require the applicant to comply with new rules if the applicant delays the application for six months. (G.S. 160D-108(b); S.L. 2019-111, Pt. I.)
- Be aware** that an application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application. (S.L. 2019-111, Pt. I.)

XII. Judicial Review [Chapter 5, Section II]

A. Declaratory Judgments

- △ **Be aware** that an individual may bring a declaratory judgment action to challenge legislative zoning decisions, vested rights claims, and challenges to land use authority related to administrative decisions, subject to specified procedures. (G.S. 160D-1401.)
- △ **Be aware** that other civil actions may be authorized—Chapter 160D does not limit availability of other actions. (G.S. 160D-1404.)

B. Appeals of Quasi-Judicial Decisions

- ***Must** update ordinance to address appeals of certificates of appropriateness for historic landmarks and historic districts; default rule is that such appeals go straight to court; local government may opt for such appeals to go to the board of adjustment, as under prior statutes. (G.S. 160D-947.)
- **Must** provide that appeals of certificates of appropriateness must be filed within thirty days after the decision is effective or written notice is provided, the same as for appeals of other quasi-judicial decisions. (G.S. 160D-947; -1405.)
- △ **Be aware** that on appeal a party may request a stay of the approval or enforcement action. (G.S. 160D-1402(e).)
- △ **Be aware** that a local government may seek a stay in favor of itself (to prevent development under an approval). (G.S. 160D-1402(e).)
- △ **Be aware** that if, in the absence of a stay, an applicant proceeds with development, the person does so at his or her own risk. (G.S. 160D-1402(f).)
- △ **Be aware** that on appeal, the superior court now must allow for supplementing the record on questions of standing, conflicts of interest, constitutional violations, or actions in excess of statutory authority. (S.L. 2019-111, § 1.9.)
- △ **Be aware** that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (S.L. 2019-111, § 1.9.)
- △ **Be aware** of specific judicial instructions for decisions of appeals of quasi-judicial decisions. (S.L. 2019-111, § 1.9.)

C. Subdivision Decisions

- **May** establish a rule that administrative subdivision decisions are appealed to the board of adjustment. (G.S. 160D-1405.)
- △ **Be aware** that appeals of administrative subdivision decisions may be appealed directly to superior court. (G.S. 160D-1403.)
- △ **Be aware** that quasi-judicial subdivision decisions are appealed to superior court in the nature of certiorari. (G.S. 160D-1402.)

TO: Scott Hildebran, City Manager
FROM: Ken Hair, Fire Chief
DATE: April 6, 2020
RE: Fire Department Report for January, February, March 2020

TRAINING AND FIRE PREVENTION:

Training Hours	4,663
Inspections	69
Fire Prevention Education Programs	1

INCIDENT REPORTS BY TYPE SITUATION FOUND: Total Incidents

Fire, structure	5
Fire, vehicle and heavy equipment	4
Fire, brush or grass	12
Fire, trash	2
Fire, other	3
Medical call	400
EMS lift assist	12
Assist Invalid, lift assist	2
10-50, PI	13
10-50, no PI	34
Rescue call	12
Service call, public	64
Cover in assignment	2
Hazardous condition, other, power lines down	7
Hazardous material or spill	9
False alarm, sprinkler malfunction	14
False alarm, smoke or carbon monoxide detector malfunction	34
False alarm, alarm sounded, no fire	13
False alarm, malicious	0
False alarm, other	31
Severe weather or natural disaster, other	0

TOTAL INCIDENTS 673

RESPONSES BY DISTRICTS:

<u>HQ's</u>	<u>STA. 2</u>	<u>STA. 3</u>
400	170	103



City of Lenoir Police

1035 West Avenue NW
Lenoir, North Carolina 28645
(828) 757-2100 • Fax (828) 757-2103



Council Action Form

I. Agenda Item:

II. Background Information:

III. Staff Recommendation:

IV. Reviewed by:

City Attorney: _____	Date: _____
City Manager: _____	Date: _____
Police Chief:  _____	Date: _____



PROCLAMATION

Motorcycle Safety & Awareness Month

May 2020



WHEREAS, the growth in popularity of motorcycle riding and touring, combined with the many scenic destinations in our state and the year-long riding season, have led to North Carolina having one of the largest populations of motorcycle enthusiasts in the nation; and

WHEREAS, more and more residents of the City of Lenoir are taking up this mode of transportation to commute to and from their places of employment; and

WHEREAS, many motorcyclists undergo specialized training by attending professionally taught motorcycle operator training courses with emphasis on skills, traffic laws, and proper safety equipment; and

WHEREAS, it is the responsibility of all motorists to be aware of motorcyclists and extend to them the same courtesy as any other vehicles on our roadways.

NOW, 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 the month of May as "Motorcycle Safety and Awareness Month" throughout the City of Lenoir.

WITNESS, my hand and seal this the 1st day of May, 2020.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk

PROCLAMATION



In Recognition of

Peace Officers' Memorial Week

May 10 – 16, 2020

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week; and

WHEREAS, the members of the law enforcement agency of the Lenoir Police Department play an essential role in safeguarding the rights and freedoms of those inside the City of Lenoir; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the law enforcement agency of the Lenoir Police Department unceasingly provide a vital public service;

NOW 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 call upon all citizens of Lenoir and upon all patriotic, civic and educational organizations to observe the week of May 10 – May 16, 2020, as Police Week. Due to the COVID-19 pandemic virus currently gripping our nation and community, social gatherings that normally observe this memorial have been cancelled. However, a request via social media for a moment of silence and a virtual candle will be posted on Wednesday, May 13, 2020 in lieu of any formalized gathering;

FURTHERMORE, I proclaim and call upon all citizens of the City of Lenoir to recognize May 15, 2020, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty. Let us recognize and pay respect to the survivors of our fallen heroes.

WITNESS, my hand and seal this the _____ day of _____, 2020.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

PROCLAMATION
IN CELEBRATION OF
DRINKING WATER WEEK

WHEREAS, water is our most valuable natural resource; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, any measure of a successful society - low mortality rates, economic growth and diversity, productivity, and public safety are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of the City of Lenoir and Caldwell County is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues by getting to know their water;

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, I do hereby proclaim the week of May 3 – 9, 2020 as *“Celebrate Drinking Water Week”* throughout the City of Lenoir and Caldwell County.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 4th day of May, 2020.

SEAL.

Joseph L. Gibbons, Mayor

ATTEST:

Shirley 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

PROCLAMATION
NATIONAL PUBLIC WORKS WEEK

WHEREAS, Public Works infrastructure, facilities and services are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Lenoir, North Carolina; and

WHEREAS, Such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers and employees at all levels of government who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, It is in the public interest for the citizens, civic leaders and children in Lenoir, North Carolina to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, The year 2020 marks the 60th annual National Public Works Week sponsored by the American Public Works Association;

NOW, THEREFORE, I, Joseph L. Gibbons, Mayor, and on behalf of the Lenoir City Council do hereby designate the week of May 17 – 23, 2020 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this 4th day of May, 2020.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk



Board Announcements

Lenoir Business Advisory Board

Mark Transou

Parks and Recreation Advisory Board

Darrell Lipford

Foothills Regional Airport Authority

Charles Thomas