



# AGENDA

CITY OF LENOIR  
CITY COUNCIL MEETING  
905 WEST AVENUE  
TUESDAY, AUGUST 18, 2020  
6:00 P.M.



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## I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance

## II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. A public hearing will be held to consider approval of an amendment to the City's Code of Ordinances, Section 12-1, Designation of Nuisances by Ordinance as related to raccoons and other "disease vector" species. **Note:** The proposed ordinance changes expand on the existing nuisance declarations and clarify the intent of the ordinance to apply to all nuisance species, including rabies-vector species. The changes in the proposed ordinance are noted in "strike-through/underline" format.

City Council may defer action until the August 25 Committee of the Whole meeting in order to comply with remote meeting guidelines.

## III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, August 4, 2020 as submitted.

## 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 Planning Board will conduct a virtual meeting on Monday, August 24 at 5:30 p.m.
2. The Committee of the Whole will meet on Tuesday, August 25 at 8:30 a.m.
3. The Foothills Regional Airport Authority will conduct a virtual meeting on Wednesday, August 26 at noon.
4. City offices will be closed on Monday, September 7 in observance of Labor Day.

### B. Items for Council Action

1. Authorizing Resolution; Project Echo: If Council wishes to proceed with the grant submittal, City Council should adopt the enclosed Authorizing Resolution for a NC Department of Commerce Building Reuse Grant Submission for "Project Echo".

**Note:** The Caldwell County Board of Commissioners will consider the project on August 17, 2020 for local financial incentives representing the required five percent local government grant match.

2. Authorizing Resolution; State Loan/Grant Assistance: Staff recommends approval of an Authorizing Resolution to authorize the City Manager to file an application with the state of North Carolina for a state loan and/or grant to aid in the construction of the Finley Area Water System Improvement Project.

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

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

- A. Appointments; Authorities/Boards/Commissions: Mayor Gibbons will recommend the following individuals for appointment/re-appointment to the City's Authorities/Boards/Commissions. **Note:** These recommendations were announced at the August 4 City Council meeting.

<b><u>Re-Appointments</u></b>		<b><u>Term</u></b>
Lenoir Business Advisory Board	Patrick Longano	4-year
Planning Board	Lucy McCarl	4-year
Board of Adjustments	Lucy McCarl	3-year
Lenoir Housing Authority	Charlie Rivens	3-year
<b><u>New Board Appointments</u></b>		
Planning Board	Kent Greer	4-year
Lenoir Business Advisory Board	Darren McKinney	2-year
	Gonzalo Vasquez	2-year
Lenoir Housing Authority	John Francis	3-year

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

## **X. ADJOURNMENT**

**CITY OF LENOIR**

**COUNCIL ACTION FORM**

**August 18, 2020**

**I. Agenda Item:**

Amendments to Chapter 12: Nuisances, related to raccoons and other “disease vector” species.

**II. Background Information:**

Chapter 12 addresses nuisances within the City, including noise, public nuisances, and abandoned and junked motor vehicles. Chapter 12 covers most of the items that the Lenoir Police Department’s Nuisance Abatement Officer enforces on a day-to-day basis, sometimes in conjunction with the Lenoir Planning Department.

While Chapter 12 specifically addresses conditions which may harbor and/or become a breeding ground for mosquitos, rats, snakes, or other pests, it was recently brought to the attention of staff that the ordinance does not specifically address other species that may also harbor disease and/or create a public nuisance.

A “Disease Vector” species is a living organism that can pass diseases to humans (and their domestic pets). Mosquitos and rodents, which are specifically addressed already in the ordinance, are two of the most common species that can carry harmful diseases. However, the ordinance is silent on rabies-vector species, which include raccoons, foxes, skunks, and bats. From time-to-time, staff encounters conditions on a property where the owner or tenant is actively encouraging and/or harboring these types of species (usually by providing a habitat and/or feeding the animals). The proposed changes expand on the existing nuisance declarations and clarify the intent of the ordinance to apply to all nuisance species, including rabies-vector species.

A proposed ordinance with changes noted in “strike-through/underline” format is attached.

**III. Staff Recommendation:**

Adoption of the attached ordinance

**IV. Reviewed by:**

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

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

**Planning Director:** \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,  
NORTH CAROLINA, AMENDING CHAPTER 12 - NUISANCES,  
RELATED TO DISEASE VECTOR SPECIES, PROVIDING FOR  
SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**Whereas**, Chapter 12 currently addresses nuisance conditions related to harboring pests or creating breeding grounds for the same, but does not specifically address rabies-vector species; and

**Whereas**, From time-to-time staff fields complaints related to raccoons, bats, and other rabies-vector species, in addition to the more common complaints related to other disease-vectors and pests such as mosquitos, rats, and snakes, which are already specifically addressed in the nuisance ordinance; and

**Whereas**, Property conditions that harbor snakes, rats, and mosquitos may be different than conditions promulgating rabies-vector species, but the control of all of these types of nuisances is vital to maintaining a healthy and safe community; and

**Whereas**, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are in the best interest of the public health, safety, and welfare; and

**NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:**

**SECTION 1.** Chapter 12 of the Code of Ordinances, City of Lenoir, North Carolina, “Nuisances” is hereby amended to read as follows:

**ARTICLE 1. – IN GENERAL**

**Sec. 12-1. Designation of nuisances.**

- (a) No occupant or owner of any building, structure, dwelling, dwelling unit or vacant lot of land shall place, leave or allow anything which is unsightly as to create a nuisance, including but not limited to the following:
- (1) Refuse, debris, dead animals, stagnant water, rubbish, decayed vegetables and fruits, and household garbage;
  - (2) Stables, lots or shelters for animals causing an offensive odor;
  - (3) Appliances, including but not limited to any icebox, refrigerator, stove, dishwasher, freezer, clothes washer or dryer, or television;
  - (4) Machinery, to include but not be limited to, any mowers or parts thereof or any used vehicle part, or other item which is either in a wholly or partially wrecked, junked, dismantled or inoperative condition and which is not enclosed within a building (this section shall not apply to authorized junk dealers);

- (5) Used equipment, including but not limited to worn-out furniture or building materials which are not being used during construction; or
  - (6) Outside storage of wood products being used as firewood which are not stacked.
- (b) This section shall apply to any item that may cause injury to the health, safety or general welfare of any other person, or that is unreasonably detrimental to neighboring properties. All properties within the city limits shall remain clean and in such order as to not harbor or attract disease vector species and pests (including but limited to rodents, snakes, mosquitos, cockroaches, raccoons, skunks). ~~rats or any other vermin. This section shall apply to any such item which remains on the same property of the same occupant for a period not less than 15 days. This section shall not apply to authorized junk dealers.~~
- (c) Any person violating, failing, refusing or neglecting to comply with any of the provisions of this section shall be subject to a civil penalty. This provision is adopted pursuant to and in accordance with G.S. 160A-175(c). Failure to abate a violation may also constitute a misdemeanor or infraction pursuant to G.S. 14-4, as provided in Sec. 1-15(h) of the Lenoir City Code.
- (d) Any nuisance violation that constitutes an immediate and substantial risk of harm shall constitute a misdemeanor offense pursuant to G.S. 14-4.
- (e) The Lenoir Planning Department and the Lenoir Police Department shall have the authority to enforce the provisions of this Chapter.

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## ARTICLE II. – PUBLIC NUISANCES

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### Sec. 12-12. Nuisances declared.

(a) The following enumerated and described conditions are hereby found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare to the inhabitants of the city or are unsightly, unattractive and contribute measurably to visual blight within the city, and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful.

- (1) Any condition which is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats, snakes, or other pests or disease vectors, including but not limited to raccoons, bats, and skunks, or has the potential for becoming a breeding ground or harbor for such pests;
- (2) A growth of weeds, grasses and/or other vegetation on one's residential, business, or vacant lot which is over 12 inches in height on the average. It will be the responsibility of the owner to cut and remove all weeds and other overgrown vegetation as often as necessary so as to comply with the provisions of this section. This provision shall not apply to lots greater than one acre. Lots that are larger than one acre will only be required to be maintained to this provision if and only if adjacent property is occupied by a

dwelling, commonly used structure or building and said dwelling, structure, or building is within a distance of 100 feet to the adjacent property line. If this occurs then the owner will be responsible for cutting and removing all overgrown vegetation within a 20-foot border along occupied lots and street frontage. This provision will not apply to wooded vacant lots that are more than 75 percent covered with mature trees, or property that consist of ravines, creek banks, or severe slopes which may cause the maintenance process to be dangerous or unsafe. Furthermore this provision will not apply to vacant lots that are larger than three acres in size;

- (3) A place of vines, shrubs or other vegetation over eight inches in height when such vines, shrubs or vegetation are a focal point for any other nuisance enumerated in this Code; provided, the nuisance herein defined by this subsection shall be cleared and cut only when it is necessary to abate any other nuisance described in this section;
- (4) A place of growth of noxious vegetation, including poison sumac (*Rhus vernix*), poison ivy (*Rhus radicans*) or poison oak (*Rhus Toxicodendron*), in a location likely to be accessible to the general public;
- (5) Any hedge, shrubbery, tree or plant along any street, alley or sidewalk planted closer than 18 inches or extending closer than 12 inches or lower than 14.5 feet to such street, alley or sidewalk, or any of the above-mentioned vegetation that obscures clear vision for a distance of 15 feet from the intersection of one street with another;
- (6) An open place of collection of water for which no adequate natural drainage is provided and where insects tend to breed or which is or is likely to become a nuisance or a menace to public health;
- (7) A collection place, storage or accumulation of lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating and air conditioning supplies or material or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) unless such conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued building permit;
- (8) A collection place, storage or accumulation for garbage, garbage bags, food and kitchen waste, litter, animal waste, trash and refuse or any other rotten or putrescible matter of any kind;
- (9) Hides, dried or green, provided the same may be kept for sale in the city when thoroughly cured and odorless;
- (10) Deteriorated or dilapidated sheds, outbuildings, garages or other uninhabited structures which have collapsed, partially collapsed or are likely to collapse; or pose a danger of fire, is or is likely to become a breeding place or habitat for rats, mice and other pests; or present a risk of injury to neighborhood children who are likely to be attracted to the place or to adjacent property and property owners;
- (11) The use of carports, open porches, decks, open garages and other outdoor areas that are visible from the streets as a storage or collection place for boxes, appliances, furniture (not including outdoor furniture), tools, equipment, junk, garbage, old, worn out, broken or discarded machinery and equipment, cans, containers, household goods or other similar conditions that increase the likelihood of a fire; may conceal dangerous conditions; may be a breeding place or habitat for mice, rats or other pests; or create an unattractive condition or visually blighted property;

- (12) The placement, storage or use of upholstered sofas, couches, chairs or other indoor furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacturer used on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets or sidewalks;
- (13) A collection place, storage or accumulation of old, worn out, broken or discarded machinery, vehicle parts, junk, tires, tire rims and tubes, metal products, old clothes, rags, furniture, stoves, refrigerators, appliances, cans and containers, household goods, mattresses, boxes, paper, plumbing or electrical fixtures, glass products, brush, limbs, fencing materials, wood products (not including firewood);
- (14) Any improper or inadequate drainage on private property which causes flooding, interferes with the use or endangers in any way the streets, sidewalks, parks or other municipal property of any kind;
- (15) Failure to clean or clear a public street of mud and debris related to a construction, timbering, or other similar land use project within 12 hours after notification by the city for major and minor thoroughfares or within 24 hours after such notification for collector and local streets; however, if it is found by the city that the situation is causing a clear and present danger or hazard to traffic or the general public, such cleaning or clearing may be required to take place as soon after notification as practicable; and
- (16) Any other condition specifically declared to be a danger to the public health, safety, morals and general welfare of inhabitants of the city and declared to be a public nuisance by the city council. Proceedings to abate the violation(s) may be initiated by the city prior to the nuisance declaration of the city council after giving written notice thereof. Such notice shall state the condition existing, the location of the violation and that the city council will be requested, after public hearing at which the person notified may appear and be heard, to declare that the conditions existing constitute a danger to the public health, safety, morals, and general welfare of the city inhabitants and a public nuisance. After such declaration by the city council, in the form of an ordinance, the condition will be abated as provided for in this chapter.
- (17) Property owners are required to maintain any area of their property which is located between a public sidewalk and the curb of a paved street in accordance with the guidelines set forth in this section.

(b) Appeal from a notice of violation initiated by the city council shall be made to county superior court within 30 days following the issuance of such order.

**SECTION 2. SEVERABILITY.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**SECTION 3. CODIFICATION.** The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

**SECTION 4. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

**DONE, THE PUBLIC NOTICE**, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_ and this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE**, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:**

\_\_\_\_\_  
Mayor/Mayor Pro Tempore

**ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA:**

\_\_\_\_\_  
City Clerk

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**LENOIR CITY COUNCIL  
TUESDAY, AUGUST 4, 2020  
6:00 P.M.**

**PRESENT:** Mayor Joe Gibbons presiding. Councilmembers present were Ike Perkins, Jonathan Beal, David Stevens, Ben Willis and City Manager Scott Hildebran.

Staff present was Communications Director Joshua Harris.

**ABSENT:** Mayor Pro-Tem Crissy Thomas and Councilmember Ralph Prestwood.

**OTHERS PRESENT:**  
Brent Phelps, Police Chief, Ken Hair, Fire Chief and Jared Wright, Public Works Director.

**VIA TELECONFERENCE:**  
Participating via teleconference were Councilmember Todd Perdue, City Attorney T.J. Rohr and City Clerk Shirley Cannon.

Department Directors participating via teleconference were Donna Bean, Finance Director, Kenny Story, Recreation Director, Jenny Wheelock, Planning Director, Kaylynn Horn, Economic Development Director, and Radford Thomas, Public Utilities Director. Garrett Stell, News-Topic, also participated via teleconference.

**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. Mayor Gibbons asked everyone to continue to pray for our leaders across the state and nation and also reminded everyone to continue following the protocols established for the COVID-19 virus which include wearing a mask, social distancing and washing your hands. He stated the main goal is for everyone to stay safe. Mayor Gibbons also requested that everyone pray for the Caldwell County School System and the students regarding the challenges they may face upon returning to school.

In addition, Mayor Gibbons asked everyone to remember the communities that were devastated and the families of victims from the recent Hurricane Isaias that occurred in North Carolina/South Carolina.

**SPECIAL RECOGNITION; FIREFIGHTER OF THE YEAR & POLICE OFFICER OF THE YEAR, AMERICAN LEGION POST 29:**

- C. Mr. Irv Eurto, American Legion Post 29, introduced Post Commander Wayne Mihilech, who stated he was pleased to present these awards and to express the American Legion's gratitude not only to these individuals for their selfless service, but also to the Departments for their general excellence and all they do to make the community a safer place. Mr. Eurto stated the Department

Directors were asked to select someone that met the criteria for the award.

Mr. Wayne Mihilech announced the Firefighter of the Year for the City of Lenoir is Lieutenant James Greer. He presented the plaque to Chief Hair who presented it to Lieutenant Greer. Chief Hair stated it was a privilege to nominate Lieutenant Greer and the Department was most grateful to have him on Staff. Chief Hair shared that Lieutenant Greer has a background in electrical engineering and installed the lighting at Headquarters and at Station No. 3.

In addition, Chief Hair stated Lieutenant Greer mentors future firefighters and has previously served in the U.S. Marines Corps and N.C. Forest Service. He stated Lieutenant Greer was an asset to the City and reiterated the Fire Department was most honored to have him.

Next, Mr. Mihilech presented the Police Officer of the Year award to Chief Phelps to present to Officer Chris Maher. Chief Phelps explained it was difficult to select just one individual, but Chris Maher was chosen for his concern for others. Chief Phelps gave an example of how Officer Maher assisted a lady and her children following a domestic dispute by filling her car with gas and he commended him for going above and beyond in his duties. Chief Phelps also shared he received around four calls last month from citizens complimenting Officer Maher. Chief Phelps further commended him for his professionalism and pointed out how his actions reflect well on the City and the Police Department.

Mr. Eurto reported the Caldwell County Emergency Medical Technician (EMT) will be recognized at a later date.

On behalf of City Council, Mayor Gibbons expressed appreciation to Lieutenant Greer and Officer Maher for all they do for the citizens of Lenoir and Caldwell County. Mayor Gibbons also thanked American Legion Post 29 for their support and service to the community.

On behalf of Post 29, Mr. Mihilech also commended Firefighter Greer and Officer Maher for going above and beyond in their duties and service to the community.

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

### **III. CONSENT AGENDA ITEMS**

- A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval:
  - 1. Minutes: Approval of the minutes of the City Council meeting of Tuesday, July 21, 2020 as submitted.
  - 2. FY2019 Tax Collector's Settlement and FY2020 Tax Collection Charge Report: Staff recommends approval of the FY2019 Tax Collector's Settlement

and FY2020 Tax Collection Charge as recommended by City Staff. (Copies of these reports are on file in the Finance Director's Office).

3. Amendment; Charter Code of Ordinances; Traffic, Appendix A: A public hearing was held on Tuesday, August 7, 2020, to receive public comments regarding amending the Code of Ordinances, Traffic, Appendix A, to include the proposed section 101.A, On-Street Parking Only in Designated Spaces consistent with the attached memorandum. Staff recommends approval of the submitted ordinance. (A copy of the memorandum is hereby incorporated into these minutes by reference. Refer to pages 149-153).

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

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

##### **RECYCLING; CITY**

- LIMITS:** A. Mr. Rocky Canupp, 412 Swanson Drive, presented a proposal to City Council regarding recycling pickup within the City limits of Lenoir and explained ways it may benefit the community, economy and environment.

A copy of the power point presentation is hereby incorporated into these minutes by reference. (Refer to pages 154-160).

Mr. Canupp thanked City Council for their time and for allowing him to present this information about recycling.

On behalf of City Council, Mayor Gibbons thanked Mr. Canupp for the good report and stated Council would take his proposal under consideration.

##### **COMMENTS; CONFEDERATE**

##### **MONUMENT:**

- B. Mr. Jeffrey Bryant, 259 Sullivan Avenue, Hudson, NC, addressed City Council regarding the Confederate monument located on the square in downtown Lenoir. Mr. Bryant stated he was a member of the Sons of Confederate Veterans and a descendant of a Confederate soldier. He spoke in favor of keeping the monument in its current location.

In addition, Mr. Bryant shared his great, great, grandfather helped General Harper place a time capsule in the original base of the monument prior to the placement of the monument in the center of the square in Lenoir. Mr. Bryant emphasized the monument has always been a way to remember the brave young men who died in the war and all those that served our country. Mr. Bryant also stated he was proud of his ancestor's service along with his service to Caldwell County. Mr. Bryant pointed out that history cannot be rewritten or erased by moving monuments or destroying them. He respectfully asked City Council to consider keeping the monument in its current location in order to honor all those brave young men that served their country and lived to return home plus the many individuals who didn't.

On behalf of City Council, Mayor Gibbons thanked Mr. Bryant for sharing his comments.

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

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

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

#### **AUGUST**

**CALENDAR:** 1. By consensus of the Council, the August calendar was approved listing various meetings and events.

#### **CANCELLED; CITY/COUNTY SERVICES COMMITTEE:**

2. The City/County Services Committee cancelled its meeting of Monday, August 10.

**EDC:** 3. The Caldwell County Economic Development Commission will conduct an electronic meeting on Tuesday, August 11 at 8:00 a.m.

#### **LENOIR BUSINESS ADVISORY**

**BOARD:** 4. The Lenoir Business Advisory Board will conduct an electronic meeting on Thursday, August 13 at 6:00 p.m.

#### **PARKS & RECREATION ADVISORY**

**BOARD:** 5. The Parks & Recreation Advisory Board will conduct an electronic meeting on Monday, August 17 at 6:00 p.m.

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

#### **STREET NAMING; OFF OF JACOB LANE:**

1. Staff recommends four (4) private streets located off of Jacob Lane, for the previously approved expansion of R&D Manufactured Home Park, be named as follows: Harrow Lane, Haystack Lane, Plow Lane and Furrow Lane. The street names proposed for the park have been verified by the Planning Department to meet all the conventions for street naming.

Upon a motion by Councilmember Willis, Council voted 5 to 0 to approve Staff's recommendation to name the four (4) private streets as Harrow Lane, Haystack Lane, Plow Lane and Furrow Lane as described above and as recommended by City Staff.

#### **AMENDMENTS; CHAPTER 12-1; DESIGNATION OF NUISANCES:**

2. Staff recommends Council call for a public hearing to be held on Tuesday, August 18, 2020 to consider amending the City's Code of Ordinances, Chapter 12-1, Designation of Nuisances, as related to raccoons and other "disease vector species. The proposed changes expand on the existing nuisance declarations and clarify the intent of the ordinance to apply

to all nuisance species, including rabies-vector species.

Mr. Hildebran clarified for Council this ordinance would apply to the entire City and not just one neighborhood.

Upon a motion by Councilmember Perkins, Council voted 5 to 0 to schedule a public hearing to be held on Tuesday, August 18, 2020 to consider amending the City's Code of Ordinances, Chapter 12-1, Designation of Nuisances, as described above and as recommended by City Staff.

## VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

## VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

### BOARD ANNOUNCEMENTS; BOARD RE-APPOINTMENTS:

- A. On behalf of City Council, Mayor Gibbons presented the following list of individuals for consideration of approval to the City's Authorities/Boards/Positions:

<u>Board Re-Appointments</u>		<u>Term</u>
<b>Lenoir Business Advisory Board</b>	<b>Patrick Longano</b>	<b>4-year</b>
<b>Planning Board</b>	<b>Lucy McCarl</b>	<b>4-year</b>
<b>Board of Adjustments</b>	<b>Lucy McCarl</b>	<b>3-year</b>
	<b>Richard Hedrick*Retiring off of Board</b>	
<b>Lenoir Housing Authority</b>	<b>Charlie Rivens</b>	<b>3-year</b>
	<b>Ron Smith*Retiring off of Board</b>	
<u>New Board Appointments</u>		
<b>Planning Board</b>	<b>Kent Greer</b>	<b>4-year</b>
<b>Lenoir Business Advisory Board</b>	<b>Darren McKinney</b>	<b>2-year</b>
	<b>Gonzalo Vasquez</b>	<b>2-year</b>
<b>Lenoir Housing Authority</b>	<b>John Francis</b>	<b>3-year</b>

Mayor Gibbons stated everyone is doing a great job and has agreed to serve another term. He also stated that Richard Hedrick and Ron Smith will be recognized for their tenure at a later date.

These appointments/re-appointments will be submitted to City Council for their consideration of approval at the August 18 City Council meeting.

## IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

### EXPRESSION OF APPRECIATION; CHARTER COMMUNICATIONS:

- A. Councilmember Ben Willis reported the Education Foundation hosted Charter Communications and other cable providers at an event today to recognize their

contribution to community service for providing food to families through the Caldwell County School System. He also commended the City of Lenoir for providing Wi-Fi at the City's Recreation Centers, on school buses and in the downtown area for children that would not have access to it otherwise.

## **X. ADJOURNMENT**

A. There being no further business, the meeting was adjourned at 6:42 p.m.

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Shirley M. Cannon, City Clerk

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Joseph L. Gibbons, Mayor

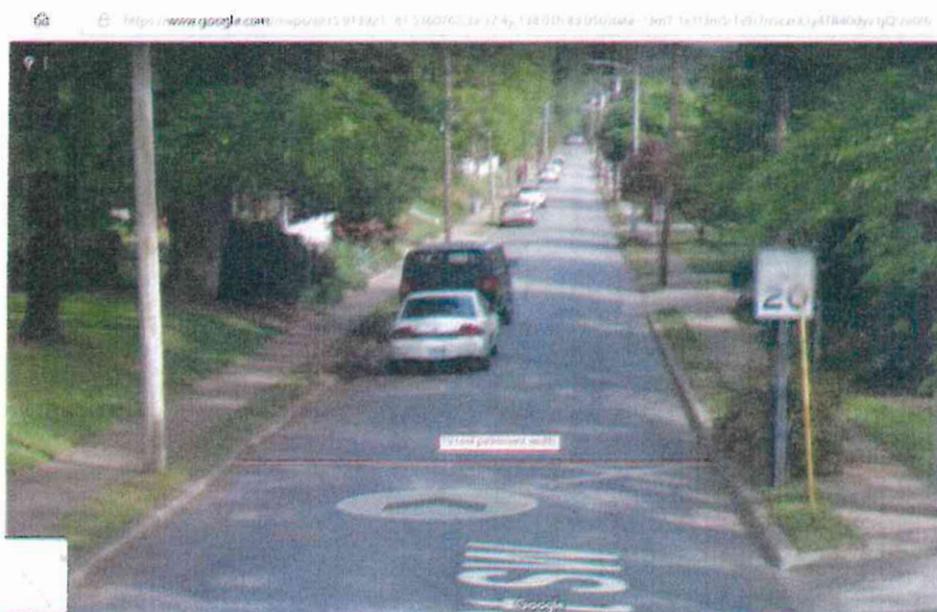
**City of Lenoir**  
**Public Works Department****DEPARTMENT MEMORANDUM****DATE: June 12, 2020****Mr. Scott Hildebran, City Manager****Mr. Brent Phelps, Police Chief****RE: Norwood Street – On-street parking assessment**

This memorandum outlines efforts of the Public Works Department to identify suitable areas to allow on-street parking on the one-way portion of Norwood Street, specifically in the blocks south of College Avenue to a point 1,000 feet south of the intersection of College Avenue and Norwood Street.

The study area was identified by City staff as the section of Norwood Street with higher housing density, driveways, and potential conflicts with vehicular traffic exiting driveways and vehicles parked on the street. In early 2020 the City of Lenoir Police Department conducted a traffic and parking study on Norwood Street, and this memorandum should be used as a supplement to those findings.

**Background – Roadway and Parking Space Dimensions**

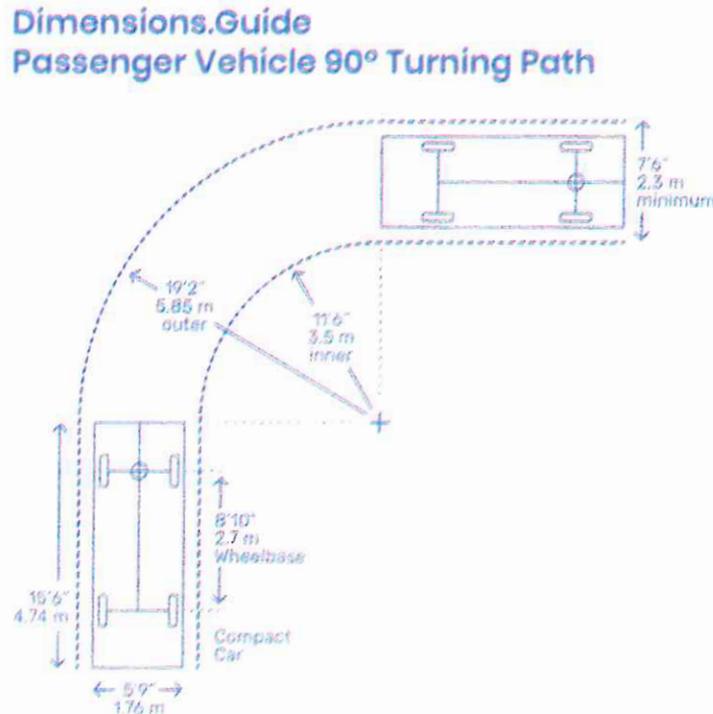
The section of Norwood Street within the study area features a paved street surface with curb and gutter on each side. The street right-of-way in this area is 50 feet, however the actual pavement width measures 19 feet. This measurement was taken from curb face to curb face since the gutter pan on each side of the street has been paved over and functions as part of the useful travel lane.



Parking space dimensions used for space identification in the study area were 9 feet x 18 feet. The 9 feet width requirement is a common dimension for on-street parallel spaces and off-street parking stalls. The 18 feet length may not fully accommodate larger trucks and SUV's, but is acceptable for most passenger vehicles. These dimensions were used to maximize possible spaces in the study area while still offering adequate width for passenger vehicles within the space.

### Parking Space Identification

One of the concerns identified with current on-street parking conditions in the study area was conflicts between parked cars on the eastern side of the street (by ordinance, parking is only allowed on the eastern side), and backing movements from vehicles exiting driveways on the western side of the street. In an effort to minimize these conflicts, turning movements from all western-side driveways were modeled and measured on-site. The turning radius used for this modeling was 15 feet (assumed center of backing vehicle – 11+' near edge, 19+' far edge, see example below).



Staff also attempted to prevent conflicts with traffic exiting eastern side driveways by establishing a sight triangle between the nearest proposed parking space and the northern edge of each driveway. A 15 feet horizontal leg measured at the curb/driveway interface was used for this dimension (see graphic below).



Using each of the above criteria, 15 feet turning radii for driveways on the western side of the street, and 15' site triangles for driveways on the eastern side, staff identified non-encroachment zones for proposed parking spaces. These zones were avoided during parking space layout. The work resulted in identifying a potential for 17 marked spaces within the 1,000 feet study area. The general space locations are shown on the attached maps, however the maps are for illustrative purposes only and are not to scale. Additionally, please note that many of the areas shown with two spaces between non-encroachment zones do not use the entire available area, so marked spaces may be shifted north or south by several feet. These areas can easily accommodate two spaces but will not allow for a third marked space.

Public Works staff is prepared to work with the Police Department to initiate necessary ordinance revisions and complete space marking should City Council decide to perform these improvements.

Respectfully submitted,

City of Lenoir  
Public Works Department

JARED WRIGHT  
Public Works Director

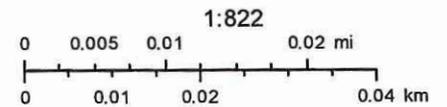
# Norwood 1

Minutes-City of Lenoir Council Meeting  
Tuesday, August 4, 2020



May 29, 2020

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





# Lenoir Recycling Pickup Proposal

Rocky Canupp II

## Current Recycling Programs in Lenoir

- ▶ Residents are encouraged to visit the recycling center located at Pennton Ave. for all of their recycling needs, with the exception of household hazardous waste.
- ▶ If residents would like to have scheduled pickups from their home, they will need to contact Simply Green and set up a contract.

## Environmental Impact in Lenoir

- ▶ The landfills are continuing to overflow with recyclables because of the lack of sustainable recycling options to the residents.
- ▶ By there being more and more recyclables in the landfills, we are not saving valuable energy/materials that could be used to reduce the need for virgin materials that are used in factories located in Lenoir; which will ultimately reduce carbon emissions in the city.
- ▶ This will continue to happen until there is a viable option for free recycling pick ups at the residents' houses. It is one thing to go to school and learn about, "reduce, reuse, recycle," but it is another thing to put it into action in your own home. The environmental impact is generational and we must teach our residents the need to "reduce, reuse, recycle."

## Thank You!

- ▶ Thank you for listening to me and allowing me to propose a new way to provide recycling to all residents. If I can be of any assistance, please let me know. I would like to get involved in any kind of initiatives with the city to promote recycling and the need to do so. My contact information is below.
  
- ▶ [Rocky.Canupp@outlook.com](mailto:Rocky.Canupp@outlook.com)
- ▶ **980-258-3124**

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

- I. Agenda Item:** Authorizing Resolution for NC Department of Commerce Building Reuse Grant Submission for “Project Echo”
- II. Background Information:** The Building Reuse Program under the Rural Grants/Programs Section of the North Carolina Department of Commerce provides grants to local governments to support the following activities that will spur economic activity that will create jobs:
- The renovation of vacant buildings
  - The renovation or expansion of a building occupied by an existing North Carolina company wishing to expand in their current location
  - The renovation, expansion or construction of health care entities that will lead to the creation of new, full-time jobs.

The City is currently working with the Caldwell County Economic Development Commission to apply for a Building Reuse Grant to provide funds to assist in the development and implementation of “Project Echo”. The grant request will be for \$500,000.

The proposed project entails a well-established manufacturing company (new to Caldwell County but not new to the industry) looking to locate a manufacturing operation in Lenoir.

The company would invest over \$1,500,000 in the building and equipment and expects to create up to 90 full-time jobs. The expected average wage of \$43,000 will exceed the Caldwell County average private sector wage of \$40,124. The jobs are 100% new jobs, not jobs relocated from another location.

The Caldwell County Board of Commissioners will consider the project on August 17, 2020 for local financial incentives representing the required five percent local government grant match.

- III. Staff Recommendation:** If Council wishes to proceed with the grant submittal, City Council should adopt the enclosed Authorizing Resolution for NC Department of Commerce Building Reuse Grant Submission for “Project Echo”.
- IV. Reviewed by:**
- City Attorney:**  
**City Manager:**

## Project Echo Authorizing Resolution

**Whereas,** Deborah Murray, Executive Director of the Caldwell County Economic Development Commission, has been working with a company to locate a manufacturing operation in Lenoir and;

**Whereas,** the Building Reuse Grant requires a local government to serve as the formal applicant for these incentive grant dollars on behalf of the company, and

**Whereas,** this project will result in the creation of additional jobs and private investment at the Lenoir facility and;

**Whereas,** The City of Lenoir wishes to assist in this expansion by serving as the local government applicant for a Rural Building Reuse Grant for the project

**Now Therefore Be It Resolved, By The City of Lenoir:** that the City Council of Lenoir supports the Project Echo in the City; and

**BE IT FURTHER RESOLVED** that The City of Lenoir shall serve as the project applicant for the Building Reuse Grant; and

**BE IT FURTHER RESOLVED** that The City of Lenoir will meet the local government 5% match requirement through the Caldwell County Local Jobs Incentive for the project; and

**BE IT FURTHER RESOLVED** that Scott E. Hildebran, City Manager, and successors so titled, is hereby authorized to execute and file applications on behalf of the City of Lenoir with the North Carolina Department of Commerce for grant assistance in the development of the project described above; and

**BE IT FURTHER RESOLVED** that the City of Lenoir has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and the grants pertaining thereto.

Adopted this the 18 day of August 2020, in Lenoir North Carolina.

SEAL:

ATTEST:

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Shirley M. Cannon, City Clerk

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Joseph L. Gibbons, Mayor

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

**I. Agenda Item:** Resolution to Authorize an Application for State Loan/Grant Assistance for Improvements to the Finley Area Water System Improvement Project

**II. Background Information:** The City of Lenoir recently completed a study of the current water distribution system in the Finley area of the City. For some time there have been concerns with low water pressure in this area and the need to make improvements to the water distribution system to address these concerns. The study identified several alternatives and it has been determined that the best and most cost effective alternative for improvements would cost an estimated \$4,900,000.00. This project has been identified on the Water and Sewer CIP for several years and is currently identified on the CIP in year 2021.

The next step in the process is to submit an application to the state for funding assistance for the project. The resolution authorizes the application for state loan/grant funds which will be sufficient to cover construction, related engineering, inspections, and administration of the project. Applications are due to the state at the end of September 2020.

**III. Staff Recommendation:** Staff recommends approval of the resolution to authorize an application for state loan/grant assistance for the improvements to the Finley Area Water System.

**IV. Reviewed by:**

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

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

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

## RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water distribution system projects, and

WHEREAS, The **City of Lenoir** has need for and intends to construct a drinking water distribution system project described as the Finley Area Water System Improvements project, and

WHEREAS, The **City of Lenoir** intends to request state loan and/or grant assistance for the project,

### NOW THEREFORE BE IT RESOLVED, BY THE CITY OF LENOIR CITY COUNCIL:

That **City of Lenoir**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the **City of Lenoir** to make scheduled repayment of the loan, to withhold from the **City of Lenoir** any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Scott Hildebran, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2020 at Lenoir, North Carolina.

SEAL

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

**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting City Clerk of the City of Lenoir does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of the City of Lenoir duly held on the \_\_\_\_ day of \_\_\_\_\_, 2020; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Signature

Shirley M. Cannon, City Clerk

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Printed Name and Title

**Appointments; Authorities/Boards/Commissions**

Mayor Gibbons will recommend the following individuals for appointment/re-appointment to the City's Authorities/Boards/Commissions. **Note:** These recommendations were announced at the August 4 City Council meeting.

<b><u>Re-Appointments</u></b>		<b><u>Term</u></b>
Lenoir Business Advisory Board	Patrick Longano	4-year
Planning Board	Lucy McCarl	4-year
Board of Adjustments	Lucy McCarl	3-year
Lenoir Housing Authority	Charlie Rivens	3-year
<b><u>New Board Appointments</u></b>		
Planning Board	Kent Greer	4-year
Lenoir Business Advisory Board	Darren McKinney	2-year
	Gonzalo Vasquez	2-year
Lenoir Housing Authority	John Francis	3-year