

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

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

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

## 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.

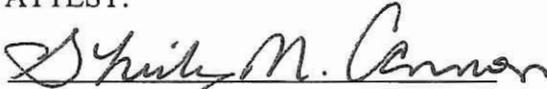


Minutes-City of Lenoir Council Meeting  
Tuesday, April 7, 2020  
**BE IT FURTHER RESOLVED** by the City of Lenoir that the City will provide the necessary matching funds (\$62,500 max) toward specific pedestrian and trail improvements within the City of Lenoir contributing to the continued progress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

Adopted this the 7<sup>th</sup> 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

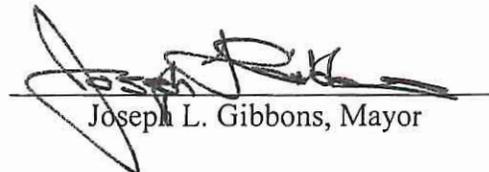
**WHEREAS**, a policy and procedure for reporting violations will provide guidelines for the City, City Departments and private persons and companies doing business with the City and receiving federal financial assistance.

**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.

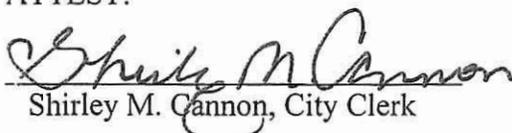
SEAL

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

### ► ENFORCEMENT

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



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

For additional information  
or to file a complaint:  
**1-866-487-9243**  
TTY: 1-877-889-5627  
[dol.gov/agencies/whd](https://dol.gov/agencies/whd)



**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.

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



Daily Log			
<b>Name:</b>		<b>Date:</b>	
<b>Title:</b>		<b>Department:</b>	

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

Please submit copy to HR with timesheet.



OFFICE OF THE MAYOR  
**Joseph L. Gibbons**

# City of Lenoir North Carolina

## PROCLAMATION

### FAIR HOUSING MONTH

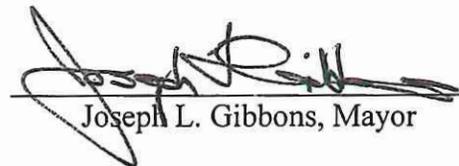
**WHEREAS**, April 11, 2020 marks the 52<sup>nd</sup> anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

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

**NOW, THEREFORE, I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, do hereby resolve that April 2020, being *Fair Housing Month*, begins a year-long commemoration of the U.S. Fair Housing Law in the City of Lenoir and urge all citizens to wholeheartedly recognize this celebration throughout the year.**

Adopted this the 7<sup>th</sup> day of April, 2020.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk



# 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 7<sup>th</sup> day of April, 2020.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk