

**LENOIR CITY COUNCIL
TUESDAY, MARCH 16, 2021
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Jonathan Beal, Ike Perkins, Ralph Prestwood, David Stevens and Ben Willis. City Manager Scott Hildebran and Communications Director Joshua Harris were also in attendance at the meeting.

ABSENT: Councilmember Todd Perdue.

VIA TELECONFERENCE:

Participating via teleconference were Mayor Pro-Tem Crissy Thomas, City Attorney T.J. Rohr, and City Clerk Shirley Cannon.

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

Also participating via teleconference was Kara Fohner, *News Topic*.

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.

**SYMPATHY EXTENDED;
LESTER WHITTINGTON:**

- B. On behalf of City Council, Mayor Gibbons extended sympathy to Lester Whittington upon the recent loss of his brother, Joseph Patrick Derr. Mayor Gibbons asked everyone to keep the Whittington family in their thoughts and prayers during this difficult time.

**MAIN STREET AWARD;
DAVID AND ALLISON MAURER:**

- C. On behalf of City Council, Mayor Gibbons extended congratulations to Architect David Maurer and his wife Allison upon their receiving a North Carolina Main Street award for the renovation of the property located at 818 Harper Avenue. The first floor of the building was renovated for commercial use and the second floor was converted into an apartment.

MAIN STREET CHAMPION AWARD;

- JESSE PLASTER:** D. On behalf of City Council, Mayor Gibbons extended congratulations to Jesse Plaster who also received the North Carolina Main Street Champion award. Mr. Plaster has renovated two buildings in the downtown area and is

currently working on two additional buildings including five market-rate apartments.

UPDATE; COVID-19:

- E. On behalf of City Council, Mayor Gibbons encouraged everyone to continue to remember the front line and essential workers that are either working in the COVID-19 vaccination program or the healthcare industry in their thoughts and prayers. Mayor Gibbons shared the number of new COVID-19 cases reported daily in the County continues to decline.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval.
 - 1. Minutes: Approval of the minutes of the City Council meeting of Tuesday, March 2, 2021 as submitted.
 - 2. Minutes: Approval of the minutes of the City Council Planning Retreats held on Tuesday, February 23, and on Thursday, February 25, 2021 as submitted.
 - 3. Renewal; Sidewalk Café Permit: Approval of the request to renew the Side Street Pour House Grill Sidewalk Café Permit as submitted. (A copy of the permit, monument map and certificate of liability insurance are hereby incorporated into these minutes by reference. Refer to pages 83-85.)

Upon a motion by Councilmember Willis, Council voted 6 to 0 to approve the above listed items on the Consent Agenda as presented and as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

- A. Items of Information

**PLANNING
BOARD:**

- 1. The Planning Board will meet virtually on Monday, March 22 beginning at 5:30 p.m.

**COMMITTEE OF THE
WHOLE:**

- 2. The Committee of the Whole will meet virtually on Tuesday, March 23 at 8:30 a.m. for a budget work session.

**FOOTHILLS REGIONAL
AIRPORT AUTHORITY:**

3. The Foothills Regional Airport Authority will meet virtually on Wednesday, March 24 at noon.

**HOLIDAY
CLOSING:**

4. City offices will be closed on Friday, April 2 in observance of Good Friday.

**NCDOT ANNUAL LITTER
SWEEP CAMPAIGN:**

5. The North Carolina Department of Transportation's (NCDOT) Annual Litter Sweep Campaign will be held from Saturday, April 10 through Saturday, April 24. NCDOT will supply all the necessary materials to any civic or volunteer organization that wishes to coordinate a litter sweep campaign for their neighborhood. Interested individuals may contact NCDOT's District Office in Hudson in order to schedule an event.

Joshua Harris, Communications Director for the City of Lenoir, reported he plans to coordinate an employees' litter sweep campaign to be held on Wednesday, April 14. Mr. Harris will also be sending out a press release with details for this event in the near future. Councilmember Ben Willis suggested that members of Council try to participate along with City Staff in this cleanup effort. In addition, Mr. Willis reported Caldwell County Schools are also planning to sponsor an event.

As information, Parks and Recreation Director Kenny Story explained that debris flows down the stream bed located beside of the Aquatic & Fitness Center and reported Staff removed two large tractor tires from the stream last Friday. Councilmember Stevens mentioned there was also an old abandoned water heater found there. A brief discussion followed by Council regarding how litter is becoming much more of an issue during this pandemic in areas throughout the City and Caldwell County.

On behalf of City Council, Mayor Gibbons commended City Staff for all their efforts in keeping the City clean and safe for the citizens of Lenoir.

B. ITEMS FOR COUNCIL ACTION

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

BOARD RE-APPOINTMENTS:

- A. Mayor Gibbons recommended that Council approve the following list of individuals for re-appointment to serve a three-year term on the Board of Adjustments. These individuals were announced at the March 2 City Council meeting.

Board of Adjustments – 3 year terms

James Bradshaw

Tim Scobie

Upon a motion by Councilmember Prestwood, Council voted 6 to 0 to approve the recommendation for James Bradshaw and Tim Scobie to serve a three-year term on the Board of Adjustments as presented by Mayor Gibbons.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

COMMUNITY VIDEOS; STRAIGHT

TALK: A. Councilmember Ike Perkins informed everyone that he hosts a program called “Straight Talk” each Thursday at 7:00 p.m. on YouTube for the purpose of discussing current events with area civic and community leaders.

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 6:23 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



SIDEWALK CAFE PERMIT APPLICATION

CITY OF LENOIR PLANNING DEPARTMENT

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

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

Submittal Checklist:

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

Permit Information:

Property Address: 128 Main St. NC PIN: _____

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

Business Name: Side Street Pour House & Grill

Will ABC permit include sidewalk café area? ☒ Yes ☐ No

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

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

Contact Information:

Kevin Eller
Name of Restaurant Operator

2606 Kays Pl
Street Address

Lenoir NC 28645
City State Zip

Phone Number: 828-234-4535

Fax Number: _____

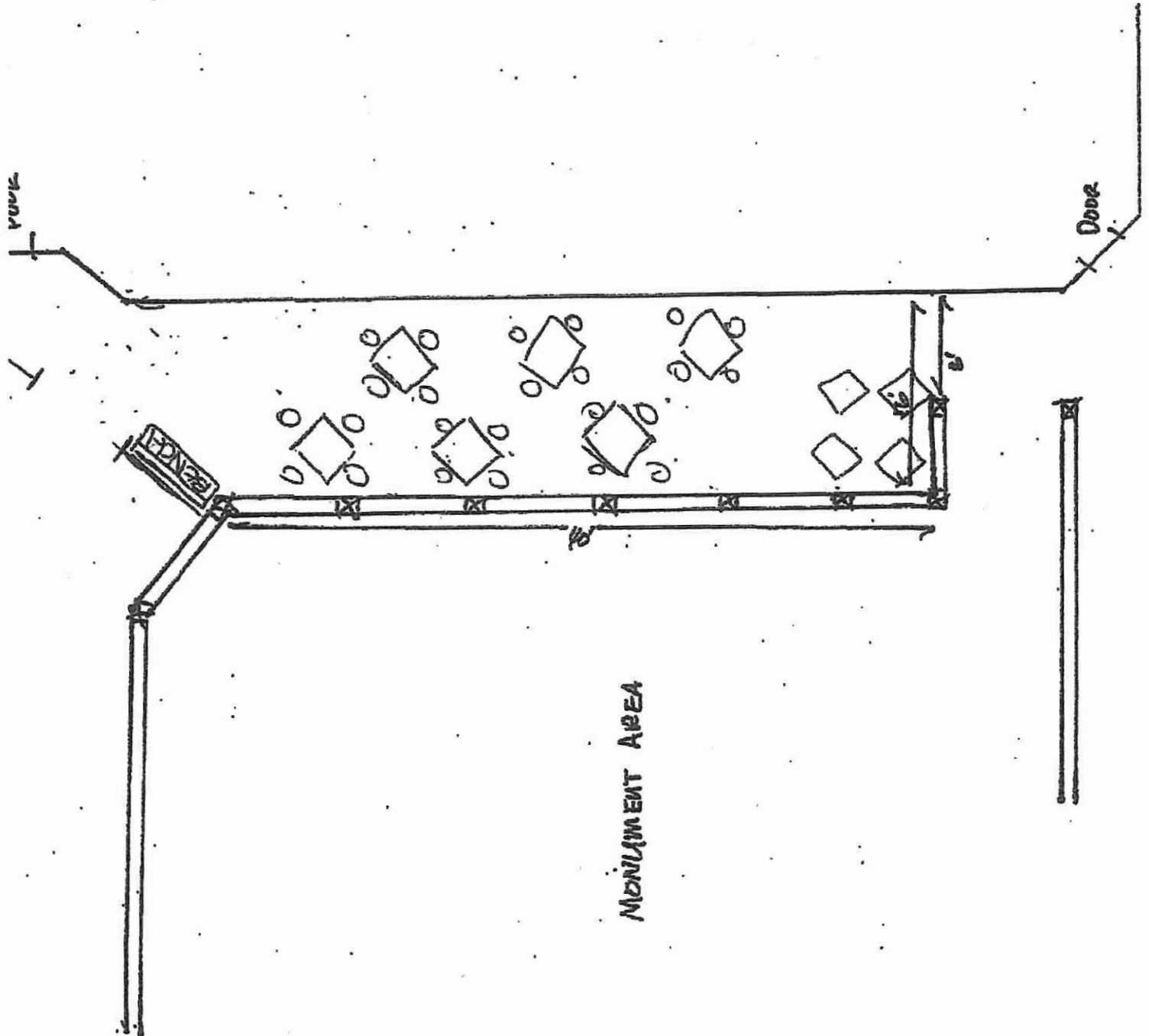
Email: kevin.eller@yahoo.com

Owner's Signature:

[Signature]

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

OFFICIAL USE ONLY: City Council approved on _____ Permit No. _____



DATE (MM/DD/YYYY)
02/28/2020

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Reliable Insurance Agency Inc 512 Mulberry Street SW Lenoir NC 28645		CONTACT NAME: Kimmie Rogers PHONE (A/C No, Ext): 828-758-2364 FAX (A/C No): 828-758-1736 E-MAIL ADDRESS: kimmie@reliableinsurance.biz	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Nautilus Insurance Company	
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

INSURED
 Side Street Entertainment DBA Side
 Street Pour House & Grill
 PO Box 850
 Lenoir NC 28645

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X		NN1019289	03/30/2020	03/30/2021	EACH OCCURRENCE \$1,000,000
	☒ COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000
	☐ CLAIMS-MADE ☒ OCCUR						MED EXP (Any one person) \$5,000
							PERSONAL & ADV INJURY \$1,000,000
							GENERAL AGGREGATE \$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMPIOP AGG \$2,000,000
	☒ POLICY ☐ PRO-JECT ☐ LOC						\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	☐ ANY AUTO						BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Restaurant.
 Certificate holder is listed as Additional Insured per form CG2026 (4/13).

CERTIFICATE HOLDER

City of Lenoir
 Po Box 958
 Lenoir NC 28645

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Danielle D Wade