



AGENDA
CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, NOVEMBER 2, 2021
5:00 P.M.



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance

II. MATTERS SCHEDULED FOR PUBLIC HEARING

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, October 19, 2021 as submitted.
- B. Minutes: Approval of the closed session minutes of the City Council meeting of Tuesday, October 19, 2021 as reviewed by the City Attorney, City Council and City Manager.
- C. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, October 26 as submitted.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITYMANAGER

A. Items of Information

1. The City of Lenoir's annual fall leaf pickup service begins on Monday, November 1 and ends on Monday, January, 31, 2022.
2. The City/County Services Committee will meet on Monday, November 8 at noon.
3. The Caldwell County Economic Development Commission will meet on Tuesday, November 9 at 8:00 a.m.
4. The National League of Cities (NLC) virtual City Summit begins on Monday, November 15 and ends on Thursday, November 18. Participating in this event are Mayor Joe Gibbons, Councilmember Ben Willis, City Attorney Timothy J. Rohr and City Manager Scott Hildebran.
5. City offices will be closed on Thursday, November 11 in observance of Veterans Day. City offices will also be closed on Thursday, November 25 & Friday, November 26 in observance of Thanksgiving.
6. The Lenoir Business Advisory Board will conduct a virtual meeting on Thursday, November 18 at 6:00 p.m.
7. The Planning Board will meet in person on Monday, November 22 at 5:30 p.m.
8. The 7th Annual Drive-By Community Turkey Tuesday will be held on Tuesday, November 23 beginning at 5:00 p.m. at the Martin Luther King, Jr. (MLK) Center located at 313 Greenhaven Drive. The event is hosted by Councilmembers Ike Perkins and Crissy Thomas.

9. The Christmas Parade will be held on Friday, December 3 at 6:00 p.m. in downtown Lenoir.

B. Items for Council Action

1. Ordinance Amendments; First Reading: This is the first reading of an Ordinance amending Chapters 1, 2, 5, 9, 13 and APPENDIX C of the Lenoir Code of Ordinances, to address updates prompted by recent legislative changes to the General Statutes and request to call for a public hearing to be held on Tuesday, December 7 for the second reading of the Ordinance. Staff will recommend approval of the Ordinance following the second reading.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Board Re-Appointment; Lenoir Housing Authority: Mayor Gibbons will recommend that Ben Boaz be re-appointed to serve a 3-year term on the Lenoir Housing Authority. This re-appointment was announced at the October 19 City Council meeting.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

**LENOIR CITY COUNCIL
TUESDAY, OCTOBER 19, 2021
6:00 P.M.**

- PRESENT:** Mayor Joe Gibbons presiding. Councilmembers present were Mayor Pro-Tem Crissy Thomas, Todd Perdue, Ike Perkins, Ralph Prestwood, David Stevens and Ben Willis. City Attorney T. J. Rohr and City Manager Scott Hildebran were also present.
- ABSENT:** Councilmember Beal and Communications Director Joshua Harris.
- ZOOM:** City Clerk Shirley Cannon along with Fire Chief Ken Hair, Police Chief Brent Phelps, Recreation Director Kenny Story, Economic Development Director Kaylynn Horn, Finance Director Donna Bean, Planning Director Jenny Wheelock, Public Works Director Jared Wright and Public Utilities Director Radford Thomas participated via Zoom.

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;
PAUL BROYHILL FAMILY:**

- B. On behalf of City Council, Mayor Gibbons extended condolences to the family of Paul H. Broyhill who passed away on Tuesday, October 5, at the age of 97. Mayor Gibbons asked everyone to keep the Broyhill family in their thoughts and prayers during this difficult time.

Mayor Gibbons stated Mr. Broyhill was a true pillar of the community and his influence on the City of Lenoir cannot be overstated. Mayor Gibbons remarked Mr. Broyhill also helped to make Broyhill Furniture a household name across the country and he helped put the City of Lenoir on the map as the Furniture Capital of the South.

In addition, Mr. Broyhill, along with his brother, U.S. Senator Jim Broyhill, were instrumental in establishing Caldwell Community College & Technical Institute (CCC&TI). Mr. Broyhill also donated millions of dollars to support education and many other charitable causes through the work of the Broyhill Family Foundation.

In 1992, Mr. Broyhill built and gifted the T.H. Broyhill Walking Park to the City and the Broyhill Family Foundation has continued to provide assistance to help maintain and improve the park ever since.

Mayor Gibbons further expressed appreciation for everything Mr. Broyhill has done for the City of Lenoir, our community and our residents and noted he will be missed and remembered by everyone.

SYMPATHY EXTENDED; CITY MANAGER

SCOTT HILDEBRAN's FATHER:

- C. On behalf of City Council, Mayor Gibbons extended condolences to City Manager Scott Hildebran on the passing of his father, Daniel Edward Hildebran on Monday, October 18.

Mayor Gibbons asked everyone to keep Mr. Hildebran and his family in their thoughts and prayers during this difficult time.

- D. On behalf of City Council, Mayor Gibbons asked everyone to continue to pray for the doctors, nurses, healthcare workers and the community along with all the people that are currently hospitalized as well as those that have lost family members due to the COVID-19 virus. Mayor Gibbons encouraged everyone to continue to be safe and to wear a mask during this time.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, October 5, 2021 as submitted.
- B. Request for Meeting Time Change: City Council recommends moving back the time of the November 2 Council Meeting to 5:00 p.m. in lieu of the regular scheduled time of 6:00 p.m. due to election night. As a reminder, there will only be one meeting in November.

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

IV. REQUESTS AND PETITIONS OF CITIZENS

STAND DOWN EVENT; J.E.

BROYHILL CIVIC CENTER:

- A. Mr. Stanley McCormick, NC Works Career Center, addressed City Council about the Stand Down Event scheduled for Wednesday, November 10 from 9:00 a.m. – 1:00 p.m. at the J.E. Broyhill Center.

Mayor Pro-tem Crissy Thomas will serve as the first Emcee for this event. Caldwell Community and Technical Institute along with a number of other partners help sponsor this event which is open to active and retired veterans and their spouses from Caldwell and surrounding counties. The Caldwell County Health Department will also be present to administer the Covid-19 vaccine to anyone who wishes to participate in this vaccination clinic.

Mr. McCormick remarked the Stand Down Event began in 2015 as a way to provide services to veterans in a safe, secure and friendly environment. He mentioned the Veterans Administration will have counselors available as well as a mobile unit. Masks and social distancing will be required. Mr. McCormick stated their goal is to help veterans be a success.

Mr. McCormick thanked City Council for their support and invited them to attend this event. Councilmember Stevens commented he volunteered to help serve food that day.

Mayor Gibbons mentioned that Mr. Irv Eurto, American Legion Post 29, also invited City Council to attend the Veterans Day Ceremony at the Veterans Plaza on the square on Thursday, November 11 at 11:00 a.m. Mayor Gibbons is one of the guest speakers for this event.

On behalf of City Council, Mayor Gibbons thanked Mr. McCormick for the good report.

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 on Monday, October 25 at 5:30 p.m. at the City/County Chambers

VIRTUAL DOWNTOWN HAUNTED HALLOWEEN

- MYSTERY HEIST:** 2. The Downtown Association is hosting a virtual Haunted Halloween Mystery Heist from Monday, October 25 through Sunday, October 31. Teams of up to ten (10) people can play for a prize pot of \$1,500.00 cash money. Visit downtownlenoirnc.com to register for this event.

COMMITTEE OF THE WHOLE:

3. The Committee of the Whole will meet on Tuesday, October 26 at 8:30 a.m.

FOOTHILLS REGIONAL AIRPORT

- AUTHORITY:** 4. The Foothills Regional Airport Authority will meet on Wednesday, October 27 at noon.

ANNUAL FALL LEAF

- PICKUP:** 5. The City of Lenoir's annual fall leaf pickup service begins on Monday, November 1 and ends on January 31, 2022.

ANNUAL TURKEY

- TUESDAY:** 6. The 7th Annual Drive-By Community Turkey Tuesday will be held on Tuesday, November 23 beginning at 5:00 p.m. at the Martin Luther King, Jr. Center to assist families in need.

B. ITEMS FOR COUNCIL ACTION

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

**BOARD ANNOUNCEMENT; LENOIR
HOUSING AUTHORITY:**

- A. Mayor Gibbons announced that Ben Boaz will be presented for re-appointment to serve a three-year term on the Lenoir Housing Authority at the November 2 City Council meeting.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

**CLOSED
SESSION:**

- A. Pursuant to N.C.G.S. §143-318.11(a),(4), and upon a motion by Councilmember Willis, which carried unanimously, City Council entered into closed session to discuss economic development.

**OPEN
SESSION:**

- B. Upon a motion by Councilmember Stevens, City Council voted unanimously to re-enter into open session.

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 6:40 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, OCTOBER 26, 2021
8:30 A.M.**

PRESENT: Councilmembers Todd Perdue, Ike Perkins, Ralph Prestwood, David Stevens and Ben Willis. *Councilmember Jonathan Beal participated via Zoom.

Mayor Joe Gibbons arrived at the meeting at 9:40 a.m.

ABSENT: Mayor Pro-Tem Crissy Thomas, Police Chief Brent Phelps and Parks & Recreation Director Kenny Story.

STAFF PRESENT: City Manager Scott Hildebran, City Clerk Shirley Cannon and Public Information Officer, Joshua Harris.

VIA ZOOM: Finance Director Donna Bean, Fire Chief Ken Hair, Recreation Administrative Assistant, Maria Swanson, Economic Development Director Kaylynn Horn, Downtown Event Coordinator, Matthew Anthony, Planning Technician Hannah Williams, Fire Chief Ken Hair, Police Captain Andy Wilson, Public Utilities Director Radford Thomas, and Public Works Director Jared Wright.

I. CALL TO ORDER

A. Councilmember Todd Perdue welcomed everyone and called the meeting to order.

II. CITIZEN COMMENT PERIOD

III. COMMITTEE ITEMS

A. Public Utilities: Public Utilities Director Radford Thomas reported on the following items:

- Staff has completed two tours for other organizations interested in the new Gryphon Dryer system at the Wastewater Treatment Plant.
- The metering project is still underway.
- Interconnection Project Study – McGill will present a final draft for the Interconnection Project Study within the next few weeks.
- Reported he has the final draft for the Whitnel Waterline Replacements Project, Phase I.
- EPA Assessment Grant –final Brownfields assessment ended September 30 and all grant funds have been expended. It was noted the City's contact with EPA is pleased with the progress made. An additional assessment grant will be applied for regarding the City owned property on Virginia Street.
- McGill Associates submitted a letter of interest to FEMA to apply for a Building Resilient Infrastructure and Communities (BRIC) grant. The City is allowed to submit an application for construction to remove containers and install an equalization basin which will provide a better and safer place to receive waste from other areas. Director Thomas stated this is a \$6,000,000 project at 70% grant funding with a 30% City match. He clarified the new basin

will be located behind the building on the left at the WWTP. Director Thomas reiterated the City should receive notification about the grant funding by next spring which will be available in October 2022.

- Smith Crossroads Sewer Line Replacement Project – Director Thomas reported this project will begin across the golf course around the parking lot. Following negotiations with individuals at the golf course regarding an easement, he recommends offering \$45,000 in exchange for an easement agreement which is necessary to complete this project.

Following a brief discussion, City Council was in consensus to move forward with acquiring the easement at a cost of \$45,000.00. The project bid will probably go on the December 7 agenda for consideration of approval.

- Update; Turbidity Issue – Director Thomas stated Bud Chapman with McGill is working on recommendations/changes (especially on the communication side) that need to be made at the plant should another incident like this occur in the future. Staff has also reviewed the process internally and will implement the necessary changes. Director Thomas explained our area received six (6) inches of rainfall which came from the north on Friday, October 8 creating a high turbidity issue requiring residents to have to boil their water for one minute for food use. As information, the turbidity of water is a measurement of how clear or cloudy it is. The cloudier the water, the higher its turbidity. He shared the turbidity number was over 300 by 7:00 a.m. Saturday morning and it is normally around 14.

Director Thomas stated if Staff is required to provide a “boil notice” as required by the NC Division of Water Quality, residents have to be notified in a short amount of time thereby the reason for the code red call to a number of residents early Saturday morning. City Manager Hildebran commented the City received a large amount of calls and Communications Director Joshua Harris will be adding additional information on the City’s website to better inform the general public in the future. Director Harris shared he would be creating an Emergency Communication Plan for the website and further shared Caldwell County’s code red program covers the entire County while the City’s program covers the City of Lenoir. He also mentioned updates should have been posted throughout the day as well. Also, Director Harris encouraged citizens to sign up for the code red program and enter their cell phone numbers as their point of contact.

Councilman Willis asked for information to be included in the City’s plan about what is safe for animals to consume as he received several calls from the public asking this question.

Much discussion centered on better ways to notify the public with City Council in consensus to spend additional funds to better educate the public. Director Harris shared he could also add a section on the application for water service directing customers to sign up for the code red program. Also, it was mentioned that educational flyers could be sent out with the monthly water statements.

Director Thomas continued to explain the turbidity situation for Council by stating the situation also changed very quickly causing Staff to have to shut the plant down before the water came into contact with the filters. He remarked Staff will continue to work on how to better address these types of situations and communications procedures in the future.

Director Thomas emphasized the Department's first priority is public health and safety and mentioned that several surrounding areas also experienced the same issues regarding their distribution systems due to the heavy rainfall. In addition, Director Thomas clarified that if turbidity is in the water, it doesn't necessarily mean that bacteria is also in the water. He remarked people could take showers and wash their hands, but stated they should not drink the water or cook with the water unless it has been boiled first.

On behalf of City Council, Councilman Todd Perdue commended Public Utilities Director Radford Thomas and Staff for the great job they did in handling the turbidity issue that occurred throughout the City's water system.

B. Public Works: Public Works Director Jared Wright reported on the following items:

- Paving was delayed by the weather and he is working on obtaining an updated paving schedule from the contractor.
- Street crews are working on road repairs at Blue Ridge Memorial Park and will be doing extensive patching and overlays.
- Survey work has begun for the Greenway at Waterlife Church.
- McGill has submitted drawings for a retaining wall, etc. for the Hotel Street project and can begin construction once a Notice to Proceed has been issued for this project.
- Staff is waiting on final resolutions from property owners for four (4) parcels for right-of-ways or easements for the Hospital Avenue Sidewalk project.
- Public Works has also submitted a letter of interest to FEMA for a Bric grant for the replacement of the Arrowood Bridge. It was noted the bridge is still safe to travel on. Director Wright stated they have made it through the letter of intent phase with FEMA.
- Reported every property owner will receive three (3) leaf pickups and mentioned the trucks have been picking up leaves for two weeks, but will begin the designated routes on Monday, November 1.
- The annual Luminary Display will be held on December 10 with a rain date of December 17. Traditional candles will be used this year in lieu of LED lights.
- Reported a Supervisor vacancy in the Vehicle Services Department.

IV. COMMUNITY DEVELOPMENT

A. The Lenoir Business Advisory Board (LBAB) conducted a virtual meeting on Thursday, October 18, 2021. Minutes of the September 9 meeting were submitted as information.

Kaylynn Horn, Economic Development Director, gave the following report:

- Extended a thank you to Director Wright and Public Works Staff for their assistance in placing the fall arrangements on the square.
- Reported a number of property acquisitions have occurred downtown and several property owners have interest in a façade grant through the National Main Street program.
- The cruise-in events and local farmer's markets have ended, but a small cruise-in will be held in December for the purpose of a toy drive.
- The Downtown Lenoir Association is hosting a virtual Haunted Halloween Mystery Heist from Monday, October 25 through Sunday, October 31. Teams of up to 10 people can play for a prize pot of \$1,500 cash money. For rules and registration visit www.downtownlenoirnc.com. Downtown Event Coordinator Matthew Anthony played the app he created for the Haunted

Halloween Mystery Heist and explained how it worked. The clues unlock whenever a player gets close to a site.

- Participating merchants will also host an Elf on the Shelf game from November 24 through December 24.
- Carriage rides will also be available for the first time on December 13 through 15 and December 20– 22 in the downtown area.
- A meeting will be held to plan for the annual Christmas parade this year. However, Director Horn pointed out local bands may be used instead of the Winston Salem Marching band due to a significant increase in the cost of providing their transportation plus food costs.
- The American Legion Post 29 will host a Veterans Day Ceremony on Thursday, November 11 at 11:00 a.m. at the Veterans Plaza on the downtown square.
- Director Horn reported the theme for downtown shopping is “Shine on Shop Small.”
- The annual Light Show will begin on the square on Saturday, November 27 and will end in January.

C. Planning Board: The Planning Board met on Monday, October 25. Hannah Williams, Planning Technician, gave the following report:

- A rezoning request for Lenoir First Wesleyan Church will be presented at the December 7 Council meeting. The applicant is requesting to change to B-2 General Business zoning which has multi-uses.
- The Comprehensive Plan has to be updated by June 2022 and will include information about Extra-Territorial Jurisdictions (ETJ's) and future land uses.
- Planning Director Wheelock is currently working on an ordinance for code enforcement (Criminal vs Civil) which requires two readings. This item will be presented at the November 2 meeting with the second reading and public hearing to be held at the December 7 meeting. City Attorney T.J. Rohr has also reviewed and worked on compiling this ordinance.

D. Parks & Recreation Advisory Board: The Recreation Advisory Board met on Monday, October 18. Minutes of the meeting were submitted as information. Maria Swanson, Administrative Assistant, Recreation Department, presented the following report on behalf of Recreation Director Kenny Story:

- Fall baseball season ended on Monday, October 25.
- Youth basketball registration for boys & girls ages 4-15 began on Monday, October 25 and will end on November 19th. This is the first basketball registration since the pandemic began last year.
- The Appalachian State Baseball clinic was held on September 29 and had 70 players participate. The clinic was a huge success and received many positive comments. Coach Kermit Smith, ASU, has requested to host a camp at Mulberry Recreation Center in the spring.
- New LED lighting was installed in the Mulberry Recreation Center gym last week and a new sign was installed at Wilson Park.
- Roof repairs are complete at the Martin Luther King, Jr. Center, but work continues on the roof at the Lenoir Aquatic and Fitness Center.
- High school swim meets will begin on November 19,
- A citizen generously donated funds for new decorative trash cans at the T. H. Broyhill Walking Park.

- A request for Phase II bids for the improvements project at the former LHS Auditorium will be sent out within the next two weeks. The project includes roof repairs, painting, replacement of broken window panes in the stage area, new HVAC system and conversion of existing auditorium lights to LED lighting. This item may be presented for Council action at the December 7 meeting.
- Foothills Performing Arts held their first plays at the LHS Auditorium on October 8-10 and October 15-17 which were well attended. A Christmas play will be held as well.

E. Financial and Administration

1. Finance Director Donna Bean reviewed the Financial Summary as of September 30, 2021. She stated the City is in good financial shape and remains on track with its budget. The over/under balance in the General Fund is \$11,296,198.68 Downtown District (\$18,237.61), and Water & Sewer Fund \$888,917.81.

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

Director Bean stated the City is on target with its budget and has expended 25% for expenditures from the General Fund. Some differences are due to employee salary increases and capital items. In addition, she reported the revenue difference is due to a major taxpayer change, but Staff had already anticipated that difference. Director Bean also mentioned that sales tax revenue remains steady.

In addition, Director Bean stated the Downtown District's budget is lower overall, but remains on target. Expenditures are lower in the Water and Sewer Fund's budget due to capital items and major items that were purchased previously.

2. Position Reclassifications: Director Bean reported that, due to reorganizations in the Water Department and input received from Public Utilities Director Radford Thomas, the following recommendations are submitted for Council's consideration of approval.

A. Lab Supervisor title change to Assistant Superintendent-Treatment Plant Operations

Director Bean explained this change would provide needed assistance to the Water Treatment Plant Superintendent with record keeping, training, safety and laboratory tasks. The pay grade for this position would increase from 18 to 21.

B. Utility Code/Metering Coordinator to Utility Maintenance Pipe Mechanic

Director Bean reported this change would better reflect the needs of the department after the transition to automated meter reading. It is requested to convert this Utility Code/Metering Coordinator position to a Utility Maintenance Pipe Mechanic. The pay grade would decrease from 18 to 17. She further stated this change would improve efficiency, and help with succession planning. The total cost for these two personnel changes is an additional \$3,090, but funds are available in the budget to cover this cost.

Motion

Upon a motion by Councilmember Willis, Council voted 6 to 0 to approve the two position reclassification recommendations as presented by Finance Director Bean.

C. FY2021 Holiday Bonus

Director Bean reported this is the sixth year the City has been able to provide the \$250.00 holiday bonus to employees. Upon approval, the bonus will be given to employees on Wednesday, November 17.

Director Bean stated the City employs 258 full-time employees and the cost of the bonus will be \$78,000. She informed Council she has identified \$131,000 within the budget which consists of lapsed salaries, cost savings due to not holding any events, and funding from cancellations. The proposed bonus also does not require any additional funding from the budget. It was also noted the bonus serves as a morale booster for employees and they look forward to receiving it.

City Council reported they always receive more positive comments from employees regarding the bonus than any other issue.

Motion

Upon a motion by Councilmember Stevens, Council voted 6 to 0 to approve the \$250.00 Holiday Bonus for employees as recommended by City Staff.

F. Public Communications: A copy of the September 2021 Communications Report was presented to Council as information.

Director Harris reported the City's Notice to Boil Water received over 12,000 views on the City's Facebook page. There were 6 news releases, 100 photos, 2 videos, 91 social posts, 23 notify me requests, 23 questions & answers and 6 e-sign ups. The website experienced 32,929 views and reached 66,650 people via Facebook and Twitter. Also, there were 271 new followers and 1,095 video views.

V. PUBLIC SAFETY

A. Police Department

1. Update; Police Department: Police Captain Andy Wilson reported on the following items.

- The Department is wrapping up its in-service training which includes driving and firearms.
- A training audit will be conducted on Wednesday, October 27.
- The Department is currently going through the process to promote an officer to Lieutenant.
- The Code Enforcement officer is staying very busy addressing complaints and is doing a great job.

2. Update; Fire Department: Fire Chief Ken Hair reviewed the Departments Quarterly Report for July, August and September and presented the following report:

- Reported the Department was honored to have their story of the Strip Mall fire that occurred in February, 2021 published in Firehouse Magazine which is a national publication. The article was written by Chief Billy Goldfelder based upon accounts of some of the Department's staff that were on the scene. Chief Goldfelder requested to write this article due to the smoke explosion that occurred (based upon the social media video that was seen) which sparked his interest. The article is written as a case study to help other departments that may encounter a similar fire.

- Reported that staff at Station No. 2 spent time to beautify the grounds at their facility by removing some overgrown bushes and plan to plant smaller, more manageable greenery soon.
- The Department selected Captain Jonathan Wright as this year's "Firefighter of the Year." Captain Wright was presented an award from American Legion Post 29 at the August 17 City Council meeting along with the Police Department's Officer of the Year.
- Staff at Fire Station No. 1 installed lighting on the front of the facility to accent and make visible at night the sculpture donated by Kue King titled "Wherever Flames May Rage" plus the signage depicting this facility and our Department patch.
- The Department received a safety grant from the North Carolina League of Municipalities which was used to purchase turnout gear storage lockers for Station No. 1 and a battery operated extrication tool for Station No. 2.
- On September 1, it was decided by Dr. McClinton (Caldwell County's Medical Control Director) and CCEM to stop fire department's First Responders from responding to known COVID positive patients in an effort to control COVID outbreaks in the fire departments. Note: The only time our staff should be responding to known COVID positive patients is for cardiac arrest patients and when EMD advises they need extra help on the scene.
- Two consultants with Geo-Tech along with Public Works Director Jared Wright reviewed the sinkhole situation at Station No. 1 in order to create a plan to mitigate the situation. The crack monitors that were installed previously have not moved which is a good sign.
- The Tower Truck received significant damage to its basket which has to be certified before it can be used. The truck has been taken back to Sutton in Ohio for repairs which are \$72,360.00.
- The Department's two Quick Response Vehicles have been taken to the vendor to have equipment and signage installed.
- A business owner donated funds which were used to purchase thermal imaging for every firefighter which will provide them with additional safety.
- Reported October is Fire Prevention Month and Staff has been busy conducting events at local schools.

VI. OTHER

- A. November Calendar: By consensus of the Council, the calendar for the month of November was approved listing various committee meetings.

VII. Adjourn

There being no further business; the meeting was adjourned at 9:50 a.m.

Attachments

September Financial Summary



**City of Lenoir
Financial Summary
As of 9/30/2021**



General Fund					
	2021-2022 Budget	9/30/2021	% of Budget	Change from Previous Year	9/30/2020
Total Revenue	\$ 18,594,890.00	\$ 15,893,797.80	85%	\$ (87,490.93)	\$ 15,981,288.73
Expenditures	\$ 18,594,890.00	\$ 4,597,599.12	25%	\$ 198,881.41	\$ 4,398,717.71
Over/Under	\$ -	\$ 11,296,198.68		\$ (286,372.34)	\$ 11,582,571.02
Downtown District					
	2021-2022 Budget	9/30/2021	% of Budget	Change from Previous Year	9/30/2020
Revenues	\$ 184,638.00	\$ 19,384.21	10%	\$ (4,017.14)	\$ 23,401.35
Expenditures	\$ 184,638.00	\$ 37,621.82	20%	\$ (2,754.29)	\$ 40,376.11
Over/Under	\$ -	\$ (18,237.61)		\$ (1,262.85)	\$ (16,974.76)
Water/Sewer Fund					
	2021-2022 Budget	9/30/2021	% of Budget	Change from Previous Year	9/30/2020
Revenues	\$ 9,629,744.00	\$ 2,604,487.83	27%	\$ 181,532.55	\$ 2,422,955.28
Expenditures	\$ 9,629,744.00	\$ 1,715,570.02	18%	\$ (478,898.67)	\$ 2,194,468.69
Over/Under	\$ -	\$ 888,917.81		\$ 660,431.22	\$ 228,486.59

CITY OF LENOIR
COUNCIL ACTION FORM
November 2, 2021

I. Agenda Item:

First reading of an Ordinance amending Chapters 1, 2, 5, 9, 13 and APPENDIX C of the Lenoir Code of Ordinances, to address updates prompted by recent legislative changes to the General Statutes.

II. Background Information:

The attached ordinance makes necessary amendments to Lenoir's Code of Ordinances to address general good housekeeping/statutory compliance, and more specifically as follows:

Changes to Board Procedures/Rules:

Following the adoption of new rules for appointed boards as a part of the omnibus ordinance to address the changes required by the new statutes regulating development under NCGS Chapter 160D, staff conducted an audit of all of the boards created under the authority in Chapter 160D, and is recommending a handful of surgical code amendments to address discrepancies found between the general practice and adopted procedures of individual boards.

Changes prompted by SB 300, the Criminal Justice Reform Bill:

SB300 placed restrictions on local governments' previous broad authority to enforce local ordinances with criminal (misdemeanor) penalties under G.S. 14-4. Specifically, local governments may no longer impose criminal penalties on certain types of ordinances (see amended language in 160A-175(b1), attached), and cannot impose any criminal penalties unless the local ordinance specifically states the provision is subject to criminal penalties.

SB300 places an additional requirement that no ordinances that introduce "new" criminal penalties may be adopted on first reading. Three code sections in the attached ordinance trigger this requirement: language is proposed to retain the ability to charge criminal penalties for violating laws relating to discharging firearms (Sec. 13-6), fire bombs (Sec. 13-7), and the consumption of alcohol on city property (Sec. 13-9).

Other Good Housekeeping Changes:

SB300 decriminalizes ordinances that pertain to the regulation and licensing of businesses and trades adopted under the general authority of G.S.160A-194. Chapter 5 of the Lenoir Code of Ordinances contains most of the City's regulations on businesses and trades. However, many of these code sections contained outdated references to state statutes that have since been repealed, adopted criminal penalties pursuant to the general authority of G.S. 14-4 when more specific and relevant statutes apply, or otherwise contained problematic citations or regulations. Proposed amendments remove references to privilege licenses, update regulations related to pawnbrokers and precious metal dealers to reference Chapter 66, Article 45 instead of the old statutes in G.S. 91A, and delete problematic local regulations on practitioners of legitimate therapeutic massage, which are now regulated by a state licensing board. (To read the current regulations [use this link.](#))

III. Staff Recommendation:

Adoption of the attached ordinance.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director: *DW Wheelock*

Excerpt from SB300, as adopted:

"§ 160A-175. Enforcement of ordinances.

...

(b) ~~Unless the Council shall otherwise provide,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a city ordinance is may be a misdemeanor or infraction as provided by G.S. 14-4. G.S. 14-4 only if the city specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

- (1) Any ordinance adopted under Article 19 of this Chapter, Planning and Regulation of Development, or its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings.
- (2) Any ordinance adopted pursuant to G.S. 160A-193.1, Stream-clearing programs.
- (3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing businesses, trades, etc.
- (4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising.
- (5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors.
- (6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on regulating cisterns and rain barrels.
- (7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis.
- (8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines.
- (9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations.
- (10) Any ordinance regulating trees.

...."

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH
CAROLINA, AMENDING CHAPTERS 1, 2, 5, 9, 13 AND
APPENDIX C OF THE LENOIR CITY CODE RELATED TO
ADVISORY BOARDS, PRIVILEGE LICENSES, AND CIVIL AND
CRIMINAL PENALTIES, PROVIDING FOR SEVERABILITY,
CODIFICATION, AND AN EFFECTIVE DATE.**

Whereas, the state legislature recently adopted SB300, the Criminal Justice Reform bill, which goes into effect on December 1, 2021 and decriminalizes certain local ordinances related to development regulations, the regulation and licensing of businesses and trades, stream clearing programs, outdoor advertising, setbacks, curb cuts, and trees; and

Whereas, SB 300 also removed the presumption in 160A-175(b) that any violation of a local ordinance is a misdemeanor under G.S. 14-4, requiring instead that cities must specify by ordinance if a violation is punishable as a misdemeanor or infraction under G.S. 14-4; and

Whereas, Chapters 1, 9, and Appendix C of the Lenoir Code of Ordinances contain regulations that have been decriminalized under SB300, prompting the necessity to amend the ordinances to remove language related to criminal penalties; and

Whereas, Chapter 5 of the Lenoir Code of Ordinances, “Business Regulation, Licensing, and Taxation,” contains regulations pertaining to levying and collecting Privilege License Taxes (Article II) and the licensing of massage parlors (Article IV) that are inconsistent with state statutes, as they have been amended; and

Whereas, Chapter 5 contains provisions regulating Secondhand Precious Metals Dealers (Article V) and Pawnbrokers (Article VII), but doesn’t contain accurate references to the statutory authority granted by Chapter 66, Article 45 for the regulation of such businesses, when such a reference would clarify that these regulations are not decriminalized by SB300; and

Whereas, Chapter 13 of the Lenoir Code of Ordinances, “Offenses and Miscellaneous Provisions” contains prohibitions related to the discharge of firearms within the City Limits (Sec.13-6), Firebombs (Sec. 13-7) and Consumption of Alcoholic Beverages on City Property (Sec. 13-9), but does not specifically declare violations to constitute misdemeanors under G.S. 14-4 as is now required by the amendments to 160A-175(b) contained in SB 300; and

Whereas, the Lenoir Police Department has historically enforced the aforementioned local prohibitions through charging violators under G.S. 14-4, and although such charges are rare, the City Council finds it to be necessary to retain the ability to charge violators when warranted to ensure the public

health, safety, and general welfare and to protect the resident's rights to quiet enjoyment of their homes; 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 1 of the Code of Ordinances, City of Lenoir, North Carolina, "General Provisions" is hereby amended to read as follows:

Sec. 1-15. - Civil and criminal penalties.

(g) Failure to abate a violation in the specified time period for abatement given pursuant to subsection (a) shall constitute a misdemeanor infraction pursuant to G.S. 14-4, except that no criminal penalties may be imposed under this subsection for violations of Chapter 9 "Flood Damage Prevention," Chapter 18, Article V "Driveways," Chapter 19, "Subdivisions," Appendix A: "Zoning," Appendix C: "Phase II Stormwater Ordinance," or any other ordinance specified in NCGS 160A-175(b1). This section is adopted pursuant to G.S. 160A-175(b).

SECTION 2. Chapter 2, Article V of the Code of Ordinances, City of Lenoir, North Carolina, "Boards, Commissions and Departments" is hereby amended to read as follows:

ARTICLE V. - BOARDS, COMMISSIONS AND DEPARTMENTS

DIVISION 1. - GENERALLY

Sec. 2-186. - Rules of procedure; minutes required.

- (a) Rules of procedure that are consistent with the provisions of G.S. 160D, article 3 may be adopted by the governing board for any or all boards created pursuant to the same. In the absence of action by the governing board, each board created under G.S. 160D, article 3 is authorized to adopt its

own rules of procedure that are consistent with the provisions of this article and G.S. 160D. A copy of any adopted rules of procedure shall be maintained by the city clerk, and posted to the city's website.

(b) Each board shall keep minutes of its proceedings.

Sec. 2-187. – Appointment Terms; Vacancies.

Unless otherwise specified by ordinance, all board terms start on July 1 of the first year of the term and end on June 30 of the last year of the term. Vacancies shall be filled for the remainder of the term. Initial board appointments should be for staggered terms, such that only a portion of the board is up for re-appointment/expiration in any given year.

Secs. ~~2-187~~188—2-195. - Reserved.

DIVISION 5. - RECREATION AND PARKS ADVISORY BOARD

Sec. 2-251. - Board established; composition.

There is established a recreation and parks advisory board for the city. It shall consist of not less than nine members, appointed by the ~~mayor and~~ city council. A maximum of two members may reside outside the city limits. One member shall be under the age of 19, except that if no qualified youth applicants are available to serve, Council may appoint an adult member to fill a youth member's seat, when necessary to achieve at least 9 members on the Board, and may appoint a youth member as an additional seat on the board at any time in accordance with Sec. 2-252, such that the intent of this Section is achieved. The director of parks and recreation and any members of the city council may serve on this board in an ex officio manner.

Sec. 2-252. - Terms of members; vacancies.

Members of the board shall be appointed for ~~staggered terms up to four~~ four-years terms; however the City Council may appoint certain members for less than four years to create staggered terms such that the board members' terms do not all expire at the same time. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Additional members may be

added at any time throughout the year, for the remaining period of the term. Terms of office of initial appointees shall be staggered as designated by the advisory board upon original appointment.

Sec. 2-253. ~~— Officers~~Proceedings of the Board.

The board shall adopt rules of procedure in accordance with the provisions of this article and of NCGS Chapter 160D, Article III. The board shall elect a chairman and vice chairman. The director, or his designee, shall serve as secretary to the board. The term of the chairman and vice chairman shall be determined by the rules of procedure adopted by the board.

Sec. 2-254. - Meetings generally.

The board shall hold at least one monthly meeting, unless there is no business to come before the board, and all meetings shall be open to the public. Other meetings may be called by the board as necessary. The time and location of regular meetings shall be established by the board in the rules of procedure.

Sec. 2-255. - Attendance at meetings.

Faithful and prompt attendance at board meetings shall be considered a prerequisite for the maintenance of membership on the board, and the City Council may relieve board members with poor attendance of their duties. ~~; therefore, any board member absent for a period of three consecutive meetings, either on a regular or irregular scheduled basis, but not including special or called meetings, shall automatically be relieved of his duties as a board member. Such absence shall be reported to the city council for further action or replacement by the chairman of the board. The council, for justifiable absence such as jury duty, sickness, etc., may waive such dismissal.~~

DIVISION 6. - BOARD OF ADJUSTMENT

Sec. 2-271. - Establishment of a board of adjustment.

A board of adjustment is hereby established. Said board shall consist of six regular members and two alternate members. Five regular members shall be citizens of the City of Lenoir, appointed by the mayor, and approved by the city council. One regular member shall be a citizen of the City of Lenoir's extra-territorial planning jurisdiction (ETJ), nominated by the mayor and city council, and approved by the Caldwell County Board of Commissioners. Two alternate members shall be members of the City of Lenoir or its ETJ, and approved by the appropriate body of government. Regular and alternate members shall be appointed for three-year terms; however, the governing board may appoint certain members for less than

three years so that the terms of all members shall not expire at the same time. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.

Preference for appointments to the Board of Adjustment shall be given to current and recent past members of the Planning Board, particularly those members who have demonstrated high levels of attendance, participation, and competency with quasi-judicial cases in their advisory role on the Planning Board. When a Planning Board member is appointed the Board of Adjustment, they are hereby deemed to be serving in an ex officio capacity. Ex officio members shall have all the same rights and privileges as regular board members, including contributing to the calculation of a quorum, voting, and participating.

SECTION 3. Chapter 5, Article II of the Code of Ordinances, City of Lenoir, North Carolina, “License Taxes” is hereby repealed and sections 5-26 through 5-40 are reserved for future codification.

SECTION 4. Chapter 5, Article IV of the Code of Ordinances, City of Lenoir, North Carolina, “Massage Parlors” is hereby repealed and sections 5-106 through 5-123 are reserved for future codification.

SECTION 5. Chapter 5, Article V of the Code of Ordinances, City of Lenoir, North Carolina, “Secondhand Precious Metals” is hereby amended to read as follows:

Sec. 5-143. - Records of transactions.

- ~~(a) Every secondhand precious metal business dealer shall maintain consecutively numbered records of each precious metals transaction, pursuant to the requirements of the Dealer’s Permit and G.S. 66-410. keep a tightly bound book, not looseleaf, with pages numbered in sequence, in which there shall be legibly written at the time of any transaction with a nonlicensee involving the purchasing of, trading for or acquiring of ownership of any secondhand article made, in whole or in part, of gold or silver or platinum, the following information:~~
- ~~(b) An account and description of each item, article, or thing purchased, traded for or taken in, including, if applicable, the manufacturer's name, the model, the model number, the serial number, and any engraved number, initials or marking;~~
- ~~(c) The date of the transaction;~~
- ~~(d) The name and residence of the person involved in the transaction with the secondhand precious metal business, along with the person's date of birth and general physical description, including hair color and approximate height and weight; and~~
- ~~(e) A notation whether the item, article, or thing is stored on the licensed premises or elsewhere.~~
- ~~(f) The book required by this section shall be a permanent record to be kept at all times on the premises of the secondhand precious metal business. Such book shall be made available, during regular business hours, to any law enforcement officer. The full and accurate filing with the police department of the records required under the provisions of this article by a licensee which~~

~~is also a licensed pawnbroker shall constitute compliance with the filing provision of G.S. 91A-7 for any transaction subject to the provisions thereof.~~
~~(g) Such book need not be kept longer than three years by the licensee.~~

Sec. 5-145. - Purchasing from juvenile.

No secondhand precious metal ~~business-dealer~~ or employee or agent thereof shall purchase from any juvenile under 18 years of age any ~~secondhand~~ article made, in whole or in part, of precious metal, gold or silver or platinum without the written consent of the juvenile's parent or guardian or presentation of proof of ownership.

Sec. 5-146. - Penalties. Violation of any provision of this article by any person shall constitute a Class 2 misdemeanor as provided in G.S. 66-413 and, upon conviction, a violator shall be punished by a fine or imprisonment in the discretion of the court. Each violation shall constitute a separate and distinct offense.

State Law reference— Similar provisions, G.S.~~44-4~~ 66-405 through 66-414.

Secs. 5-147—5-160. - Reserved.

DIVISION 2. — LICENSEDEALER'S PERMIT

Sec. 5-161. - Required.

No person shall operate a secondhand precious metal business unless such person shall have first applied for and received a ~~privilege license dealer permit~~ from the ~~city revenue collector~~ Chief of Police, or his or her designee, pursuant to G.S. 66-407. A separate ~~license permit~~ shall be required for each location, place or premises used for the conduct of a secondhand precious metal business, and each ~~license permit~~ shall designate the location, place or premises to which it applies. In addition, such business shall not be carried on or conducted in any other place than that designated in or by such ~~license permit~~. For the purposes of this Division, any references to a license for a precious metal business is deemed to mean the same as the Dealer's Permit required by this section.

Sec. 5-162. - License Permit fee.

Pursuant to G.S. 66-407, the annual fee for a Dealer's Permit is one hundred eighty dollars (\$180) to provide for the administrative costs of the Lenoir Police Department, including the purchase of required forms and the cost of conducting the criminal history record check of the applicant.

~~(a) The fee for the license required by this article shall be as follows:~~

- ~~(1) First year \$ 100.00~~
- ~~(2) Each successive year 50.00~~

- (b) ~~This fee will include the issuance of the city-owned permanent record book and/or additional books when needed, which shall be turned into the police department when the precious metals business ceases.~~

Sec. 5-164. - Investigation of applicant.

Any person applying to the ~~revenue collector~~Lenoir Police Department for a ~~license to conduct the business of a secondhand precious metal dealer~~dealer's permit shall also report to the police department and must furnish his or full name and any other names used during the preceding 5 years, current address and all addresses used during the preceding 5 years, physical description, age, state driver's license number (if applicable), and ~~social security number to record of any felony convictions and record of other convictions during the preceding five years and any other information required by G.S.66-407 or by the Chief of Police in order to assist in an investigation of his or her criminal record and character.~~ In addition, the applicant will be photographed and fingerprinted in order to facilitate the investigation.

Sec. 5-165. - Denial or revocation.

- (a) No ~~license permit~~ shall be issued to any applicant if any of the persons required to be investigated under section 5-164 has been convicted of any felony or of a crime involving fraud, theft, or receiving or possession of stolen property in the five years immediately preceding the date of the license application.
- (b) The conviction of any person required to be investigated under section 5-164 for any felony or for any crime involving fraud, theft, or receiving or possessing stolen property or for any violation of this article shall constitute grounds for immediate revocation by the city council of the ~~privilege~~license dealer's permit issued to such ~~secondhand precious metal business person~~.

Sec. 5-166. - Use of unlicensed premises.

No secondhand precious metal business shall make use of any property or premises, not included within the premises designated in or by the ~~license Dealer's Permit~~ required by this article, for the display of any secondhand article, made in whole or in part, of ~~gold or silver or platinum~~precious metals, or for the conduct of a secondhand precious metal business. This article does not prohibit the storage or safekeeping of any such secondhand article off of the licensed premises.

SECTION 5. Chapter 5, Article VII of the Code of Ordinances, City of Lenoir, North Carolina, "Pawnbrokers" is hereby amended to read as follows:

ARTICLE VII. – PAWNBROKERS [6]

Footnotes:

--- (6) ---

State Law reference—~~Limited city authority to adopt regulations concerning pawnbrokers, G.S. 91A-12~~
Similar provisions in G.S. 66-385 through 66-399.

Sec. 5-236. - Prohibitions.

A pawnbroker shall not:

- (1) Accept a pledge from a person under the age of 18 years;
- (2) Make any agreement requiring the personal liability of a pledgor in connection with a pawn transaction;
- (3) Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor under this article;
- (4) Fail to exercise reasonable care to protect pledged goods from loss or damage;
- (5) Fail to return pledged goods to a pledgor upon payment of the full amount due the pawnbroker on the pawn transaction. If such pledged goods are lost or damaged while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with merchandise of like kind and equivalent value. If the pledgor and pawnbroker cannot agree as to replacement, the pawnbroker shall reimburse the pledgor in the amount of the value agreed upon pursuant to G.S. ~~91A-7(b)~~66-391(b);
- (6) Take any article in pawn, pledge or as security from any person, which article is known to such pawnbroker to be stolen, unless there is a written agreement with local or state police;
- (7) Sell, exchange, barter or remove from the pawnshop any goods pledged, pawned or purchased before the earlier of seven days after the date the pawn ticket record is electronically reported in accordance with G.S. 66-391(d) or 30 days after the transaction, earlier than 48 hours after the transaction, except in case of redemption by the pledgor or for items purchased for resale from wholesalers;
- (8) Operate more than one pawnshop under one license, and each shop must be at a permanent place of business; or
- (9) Take as pledged goods any manufactured home, recreational vehicle or motor vehicle, other than a motorcycle.

Sec. 5-237. - Penalties.

- (a) Pursuant to G.S. ~~91A-11~~ G.S. 66-396, every person, their guests or employees, who shall knowingly violate any of the provisions of this article shall, on conviction thereof, be deemed guilty of a misdemeanor and shall be fined a sum not to exceed \$500.00 for each offense, and at the discretion of the court, may be imprisoned for a period of time not to exceed six months. If the violation is by an owner or major stockholder or managing partner of the pawnshop, and the violation is knowingly committed by the owner, major stockholder or managing partner of the pawnshop, the license of the pawnshop may be suspended at the discretion of the court.
- (b) Subsection (a) of this section shall not apply to violations of section 5-236(6), which shall be prosecuted under the state criminal statutes.
- (c) In addition to the penalties set forth in subsections (a) and (b) of this section, violation of any of the provisions of this article shall also result in revocation of the license.
- (d) Any contract of pawn, the making or collecting of which violates any provisions of this article, except as a result of accidental or bona fide error of computation, shall be void, and the licensee

shall have no right to collect, receive or retain any interest or fee whatsoever with respect to such pawn.

DIVISION 2. - LICENSE

Sec. 5-251. - Required.

It is unlawful for any person to establish or conduct a business of pawnbroker unless such a person has procured a license to conduct business in compliance with the requirements of this article. ~~The license required by this article is in addition to the privilege license required in this chapter.~~ The application fee for the license required shall be as established by the ~~city's fees and charges manual~~ City Council.

Sec. 5-253. - Application.

Every person desiring to engage in the business of pawnbroker within the corporate limits of the city shall make application to the ~~collections division of the finance department~~ Lenoir Police Department for a license to conduct such business. Such application shall include the following:

Sec. 5-257. - Appeal procedure.

- (a) If, after reviewing an application for a pawnbroker's license, the ~~revenue collector~~ Police Chief determines that the applicant is not eligible, the ~~revenue collector~~ Police Chief shall give the applicant written notice that his or her application has been denied. The notice of denial shall specify the reason for the denial and shall give the applicant ten days in which he or she may respond to the notice. The notice shall be delivered in one of two ways:
 - (1) By personally delivering the letter to the applicant; or
 - (2) By mailing the letter by registered or certified mail, return receipt requested, to the address specified in the license application.
- (b) The applicant may, within ten days after the day on which notice is served, make a written request for a conference. The request shall specify the applicant's objections to the denial. If the applicant fails to request a conference within the time period specified, the denial shall become final.
- (c) If the applicant requests a conference, the conference shall be held within ten days of the date the request is received. If, after hearing the applicant's objections, the ~~revenue collector~~ Police Chief still finds the applicant to be ineligible for a pawnbroker's license, the denial shall become final.

- (d) At such time as there is a change in the condition on which the denial was based (e.g., if ten or more years have passed since the applicant's conviction of a felony), the applicant may submit a new application.

This appeal procedure shall also apply in case of revocation of a permit.

SECTION 6. Chapter 9 of the Code of Ordinances, City of Lenoir, North Carolina, "Flood Damage Prevention" is hereby amended to read as follows:

Sec. 9-28. - Penalties for violation.

~~Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor.~~ Any person who violates this chapter or fails to comply with any of its requirements shall be subject to civil penalties in accordance with Section 1-15 of the Lenoir Code of Ordinances. ~~shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense.~~ Nothing herein contained shall prevent the City of Lenoir from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 9-47. - Duties and responsibilities of the floodplain administrator.

The floodplain administrator shall perform, but not be limited to, the following duties:

- (16) Issue stop work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the floodplain administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the person doing or in charge of the work. The stop work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. ~~Violation of a stop work order constitutes a misdemeanor.~~

Sec. 9-48. - Corrective procedures.

- (5) Failure to comply with order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be subject to civil penalties in accordance with Section 1-15 of

~~the Lenoir Code of Ordinances. guilty of a misdemeanor and shall be punished at the discretion of the court.~~ A violation of this subsection is a civil violation and does not constitute a misdemeanor or infraction.

SECTION 7. Chapter 13 of the Code of Ordinances, City of Lenoir, North Carolina, “Offenses and Miscellaneous Provisions” is hereby amended to read as follows:

Sec. 13-6. - Firearms.

(a) Subject to subsections (b) and (c), no person may fire, discharge or shoot within the city any rifle, shotgun, handgun or other firearm, or similar contrivance, nor may any person brandish or display in a threatening manner any of the foregoing.

(b) Subsection (a) shall not apply to:

- (1) Law enforcement officers acting in the discharge of official duties;
- (2) Persons acting pursuant to the lawful direction of a law enforcement officer;
- (3) Persons using force in defense of themselves or others as set out in N.C. Gen. Stat. §§ 14-51.2 and 14-51.3; or
- (4) Persons engaged in otherwise lawful activity in legally established shooting galleries or ranges.

(c) (1) The use of firearms or other weapons within the city shall be lawful with a special firearms/weapons permit that has been issued by the chief of police or his/her designee for the purpose of disposing of certain destructive animals, fowls, snakes, or vermin, that are generally considered to be a menace to public health and that have become a nuisance upon a person's premises.

(2) A request for said special firearms/weapons permit must be submitted on a form provided by the city and signed by the applicant and shall contain a clear and concise description of the animal(s) to be disposed of; the place such animals are located; description of property damaged; and type of weapon and ammunition requested to be used. The request must also be accompanied, if applicable, by a Wildlife Depredation Permit issued by the North Carolina Wildlife Resources Commission.

(3) Such use of firearms or weapons must be done in accordance with the terms of the special firearms permit which shall specify on its face the date and time of issuance and expiration; the purpose(s), date(s), time(s), and place(s) for which such firing is authorized; and the type of weapon and ammunition authorized to be used.

(4) Applicants for a special firearms/weapons permit must disclose any history of criminal activity, drug/alcohol use, or domestic violence, and must submit to a background investigation to be conducted by the police department. Applicants must also possess a valid hunting license and/or hunter safety certificate issued by the North Carolina Wildlife Resources Commission.

(5) Nothing herein shall be construed to prohibit the chief of police or his/her designee from denying, revoking, or restricting such permit for the safety or well-being of the neighborhood or community.

(D) Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4.

State Law reference— Assaults with firearms, G.S. 14-34 et seq.; use of force in defense of person, G.S. 14-51.3; offenses against public peace, G.S. 14-269 et seq.; shooting at trains, G.S. 14-280; letting young child fire weapon, G.S. 14-316; authority to regulate firearms, G.S. 160A-189; wildlife taken for depredations, 15A NCAC 10B .0106.

Sec. 13-7. - Firebombs.

- (a) No person shall manufacture, possess, transport or use any molotov cocktail or other firebomb.
- (b) No person or group of persons shall possess all the items or materials needed to manufacture molotov cocktails or other firebombs, with intent to manufacture such, other than on his or their premises.
- (c) The provisions of this section shall be cumulative to any other ordinance or general statute of the state on this subject-
- (d) Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4.
- ~~(e)~~(e)

Sec. 13-9. - Consumption of alcoholic beverages on city property.

No consumption of alcohol on city property. No person shall consume alcoholic beverages, fortified or unfortified wine, or malt beverages, as defined in state statutes, or to offer the same for consumption by another person, on the premises of any property owned or occupied by the city except pursuant to a valid North Carolina alcoholic beverage control permit and upon approval of the city. Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4.

State Law reference— G.S. 18B-300(c), city may by ordinance regulate alcohol consumption on city property; unauthorized possession/use, G.S. 18B-301(f); G.S. 18B-102(a), possession or consumption of alcoholic beverages unlawful except as authorized by ABC law.

SECTION 8. Appendix C of the Code of Ordinances, City of Lenoir, North Carolina, “Phase II Stormwater Ordinance” is hereby amended to read as follows:

502 - REMEDIES AND PENALTIES

The remedies and penalties provided for violations of this ordinance, ~~whether civil or criminal~~, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order. A violation of this ordinance is a civil violation and does not constitute a misdemeanor or infraction.

(A) Remedies.

(B) Civil Penalties. Violation of this ordinance shall follow the procedure for notice of violation and civil penalty schedule outlined in Section 1-15 of the Lenoir City Code. If the violation of the ordinance causes the City of Lenoir to incur a penalty for violation of its Phase II Stormwater permit, civil penalties may be assessed up to the full amount of penalty to which City of Lenoir is subject.

~~(C) Criminal Penalties. Violation of this ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.~~

SECTION 8. 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 9. 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 10. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 2nd day of November, 2021.

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 _____, 2021.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2021.

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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Board Appointment (Announced at the October 19, 2021 City Council Meeting)

Lenoir Housing Authority

Ben Boaz

3-year term