

**LENOIR CITY COUNCIL
TUESDAY, OCTOBER 18, 2022
6:00 P.M.**

PRESENT: Mayor Pro-Tem Crissy Thomas presiding. Councilmembers present were Jonathan Beal, Kent Greer, Todd Perdue, Ike Perkins, David Stevens, City Manager Scott Hildebran, City Clerk Shirley Cannon and City Attorney T.J. Rohr.

Mayor Joe Gibbons participated in the meeting via Zoom.

ABSENT: Councilmember Ralph Prestwood.

STAFF PRESENT: Police Chief Brent Phelps, Fire Chief Ken Hair, Public Services Director Radford Thomas, Public Utilities Operations Manager Jeff Church, Public Works Operations Manager Jonathan Hogan, Planning Director Jenny Wheelock, Planner & GIS Coordinator, Hannah Williams, Economic Development Director Kaylynn Horn, Communications Director Joshua Harris, and Main Street Engagement Coordinator Matthew Anthony.

Cady Davis, *News-Topic* Reporter, was also in attendance.

I. CALL TO ORDER

- A. On behalf of City Council, Mayor Pro-Tem Crissy Thomas asked everyone to keep Mayor Joe Gibbons in their thoughts and prayers as he recovers from recent surgery.
- B. Mayor Gibbons participated in the meeting via Zoom and thanked everyone for all of their texts, calls, and cards. He stated he was feeling much better and he was glad to be back home in Lenoir.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**UNDERDOWN AVENUE,
LETO PLACE & PAD PLACE:**

- A. A public hearing was held to consider rezoning 15 parcels (4.9 acres) on Underdown Avenue, Leto Place and Pad Place, from I-2 (Heavy Industrial) to R-6 (Multi-Family Residential) based on the following consistency statement:

This request is consistent with policy concepts in the City's Comprehensive Plan to protect neighborhoods from inappropriate non-residential encroachment, and the recommended R-6 zone is consistent with the future land designations on the subject properties of "existing high density residential" and future mixed use with commercial." The change is reasonable and in the public interest because it accommodates existing and future residential development in a convenient location served by city infrastructure.

Mayor Pro-Tem Crissy Thomas opened the public hearing to receive public comments regarding the rezoning request.

Hannah Williams, Planning Technician & GIS Coordinator, addressed City Council and stated the Planning Board is recommending the 15 parcels (4.9 acres) be rezoned from I-2 to R-6 to be consistent with the historic and current residential character of the street. All 15 parcels are currently developed with residential uses, or are intended to be developed with residential uses.

Ms. Williams stated the purpose of the rezoning is to maintain the historic residential property designation as the property was previously owned by Bernhardt Industries and incorrectly zoned for residential. Ms. Williams stated the property needs to be correctly zoned on the City's Official Zoning Map.

There being no further public participation, Mayor Pro-Tem Thomas closed the public hearing and asked Council for action.

Upon a motion by Councilmember Perdue, Council voted 5 to 0 to approve rezoning 15 parcels (4.9 acres) on Underdown Avenue, Leto Place and Pad Place, from I-2 (Heavy Industrial) to R-6 (Multi-Family Residential) based on the consistency statement as described above and as presented by City Staff.

QUASI-JUDICIAL HEARING; SPECIAL USE PERMIT, 212 CHURCH STREET NW:

2. A quasi-judicial hearing was held to consider a Special Use Permit for a ground-floor residential use on the subject property located at 212 Church Street NW. Staff recommends approval of the Special Use Permit for ground floor residential use, based on the findings as listed on Page 6 of the Staff Report, with the following conditions:
 1. Any exterior improvement proposed must meet the standards set forth by the U.S. Secretary of Interior Standards for the Treatment of Historic Properties.
 2. The applicant must obtain a zoning permit from the Lenoir Planning Board Department and a change-of-use permit from the Caldwell County Building Inspector within two years of the issuance of the Special Use Permit.

Note: A quasi-judicial public hearing is a fact-finding hearing where City Councilmembers hear evidence testified to under oath from those with standing and/or from subject matter experts, offering information in support or against a particular case. Council members are not allowed to talk to people who are for or against an application prior to the hearing, or if they do, must disclose those conversations to the board. City Council can only make their decision based on the evidence that is presented at the hearing.

Mayor Pro-Tem Crissy Thomas opened the public hearing to receive public comments regarding the Special Use Permit.

Hannah Williams, Planning Technician and GIS Coordinator was sworn in by the City Clerk.

Ms. Williams pointed out one correction in condition No. 2 which should read as Planning Department instead of Planning Board. She submitted the Staff Report as evidence to be included in the minutes of the meeting. She also referred to Staff's Findings as listed on page 6 of the Staff Report.

Ms. Williams explained the applicant is requesting a Special Use Permit to allow for a ground-floor residential use at the Courtney Warehouse building (212 Church St. NW). She stated the property is located within the boundaries of the Downtown Lenoir National Register Historic District and is zoned B-3 (Central Business District.) In addition, Section 811 of the Lenoir Zoning Ordinance restricts the use of ground floors within the National Register Historic District to "active" uses (such as restaurant or retail), and non-active uses (such as office or residential) are allowed only with an approved Special Use Permit.

A copy of the Staff Report is hereby incorporated into these minutes by reference. (Refer to pages 289-296.)

There being no further public participation, Mayor Pro-Tem Thomas closed the public hearing and asked Council for action.

Following a brief discussion and upon a motion by Councilmember Perdue, Council voted 5 to 0 to approve the Special Use Permit with the above listed conditions as presented and as recommended by City Staff.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, October 4, 2022 as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, September 27, 2022 as submitted.
- C. Minutes: Approval of the closed session minutes of the Committee of the Whole meeting of Tuesday, September 27 as reviewed by the City Manager and City Council.
- D. ADA Transition Plan: Staff recommends City Council adopt the Americans with Disabilities Act (ADA) Transition Plan as submitted. The City of Lenoir contracted with Precision Infrastructure Management to develop an ADA Transition Plan to evaluate the City's adherence to ADA federal guidelines. (A copy of the plan is on file in the Risk Manager's office at City Hall.)
- E. DRL Group; Downtown Master Plan/The Campus Master Plan: Staff requests authorization from City Council to enter into a contract with DRL Group by resolution for the development of the Downtown Lenoir Master Plan featuring The Campus and authorize the City Manager to sign the contract. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 297.) A copy of the Downtown Master Plan/The Campus Master Plan is on file in the Main Street/Economic Development Director's office at City Hall.)

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

ONE-STOP EARLY VOTING:

1. One-Stop Early Voting begins on Thursday, October 20 through Friday, November 4 from 8:00 a.m. – 7:30 p.m. and Saturday, November 5 from 8:00 a.m. – 3:00 p.m. at the Caldwell County Resource Center (Library) located at 120 Hospital Avenue.

CANCELLED;

PLANNING BOARD: 2. The Planning Board scheduled for Monday, October 24 at 5:30 p.m. has been cancelled.

COMMITTEE OF THE WHOLE:

3. The Committee of the Whole will meet on Tuesday, October 25 at 8:30 a.m. at City Hall, Third Floor.

FOOTHILLS REGIONAL AIRPORT AUTHORITY:

4. The Foothills Regional Airport Authority will meet on Wednesday, October 26 at noon at the airport facility.

ANNUAL TRICK OR TRICK & THE MAD HATTERS PUMPKIN

PATCH PARADE: 5. The annual downtown Trick or Treat and the Mad Hatters Pumpkin Patch Parade will be held on Friday, October 28 from 3:00 p.m. to 6:00 p.m. Also, a drive-through Trick or Treat event will be held at the Martin Luther King, Jr. Center beginning at 5:00 p.m.

CRUISE-IN:

6. A Cruise-In event will be held on Saturday, October 29 beginning at 3:00 p.m. in downtown Lenoir.

CITY COUNCIL MEETING

SCHEDULE:

7. City Council will conduct one meeting in November on Tuesday, November 1 at 6:00 p.m. in the City Council Chambers. The Committee of the Whole will also not meet in November. The next City Council meeting will be on Tuesday, December 6 at 6:00 p.m.

B. Items for Council Action

ORDINANCE; SECOND/FINAL READING; ESTABLISHMENT OF A DOWNTOWN SOCIAL DISTRICT:

1. Staff recommends adoption of an Ordinance Amending Chapter 13 of the Lenoir City Code to add Article V "Downtown Social District," directing Staff to Prepare a Management and Maintenance Plan and Detailed Map, and Providing for Severability, Codification and an Effective Date as submitted. A public hearing was held on Tuesday, October 4.

A copy of the resolution is hereby incorporated into these minutes by reference. and the proposed plan is hereby incorporated into these minutes by reference. (Refer to pages 298-302).

Councilmember Ike Perkins thanked Economic Development Director Kaylynn Horn and Downtown Event Coordinator Matthew Anthony for modifying the ordinance to accommodate the citizens.

Upon a motion by Councilmember Beal, City Council voted 5 to 0 to adopt the Ordinance for the Establishment of a Downtown Social District as presented and as submitted by City Staff.

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

A. There being no further business, the meeting adjourned at 6:20 p.m.

Shirley M. Cannon, City Clerk

Crissy D. Thomas, Mayor Pro-Tem



Staff Report

Special Use Permit

CASE NUMBER SUP #1/22

LOCATION MAP/AERIAL PHOTOGRAPH



SUMMARY

Owner

William and Janet Huntsinger

Applicant

Janet Huntsinger

Location

212 Church St NW, behind the Courtney building at 818 West Av NW

NC PIN

2749777562

Project Planner

Hannah Williams

Updated October 5, 2022

Applicant's Request:

The applicant is requesting a Special Use Permit for a ground-floor residential use at the Courtney Warehouse in the National Register Historic District and in the Central Business District (B-3) zoning district.

Staff Recommendation:

Approval of the request, subject to the conditions in this report.

Planning Board Recommendation:

Approval of the request, including conditions proposed by staff.

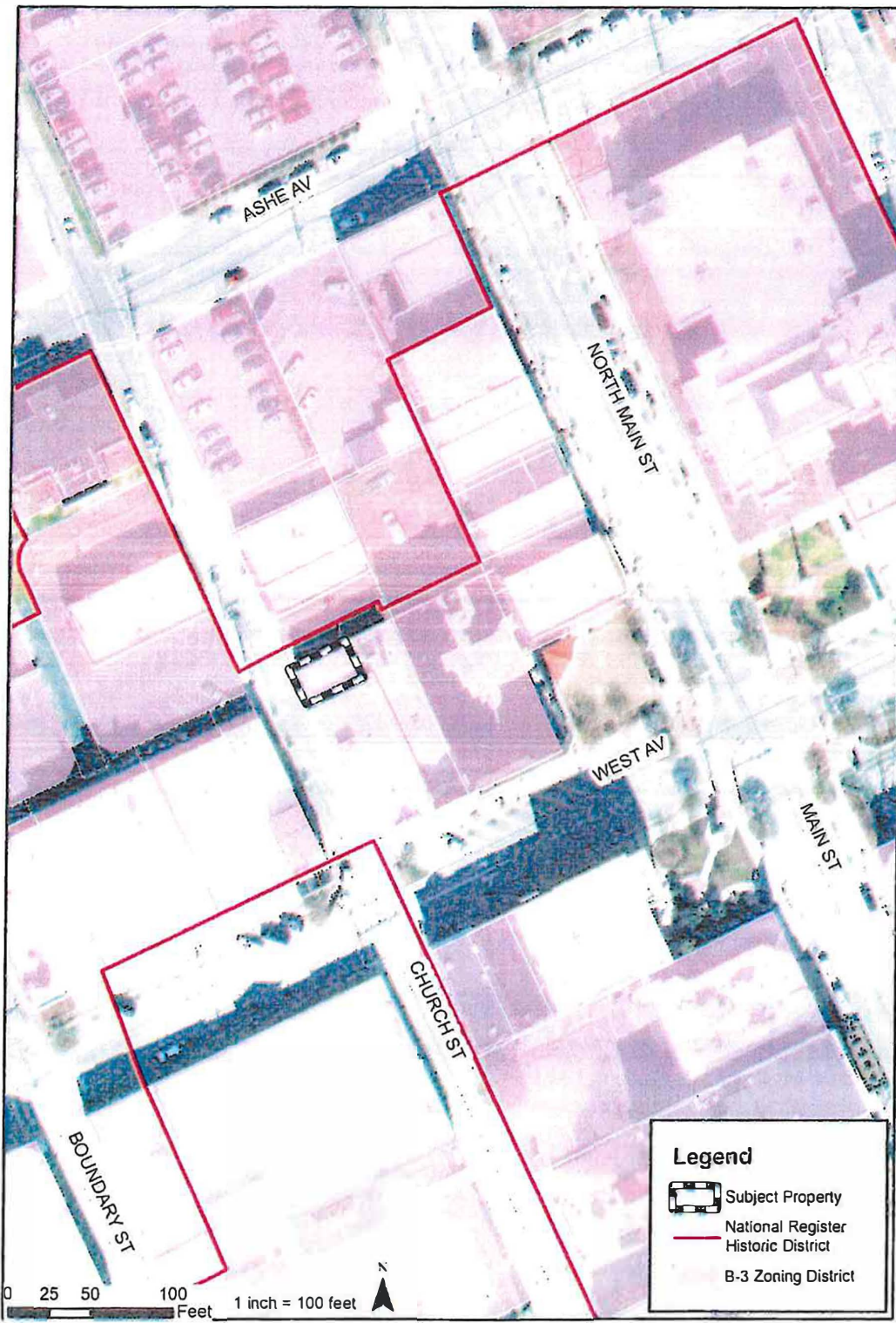
Public Comment: None

Planning Board Meeting: Scheduled for September 26, 2022. Notices were mailed to adjacent property owners on September 16, 2022.

City Council (Hearing): Scheduled for October 18, 2022. Notices were mailed to adjacent property owners on October 7, 2022.

*****This request is considered quasi-judicial. You should not discuss this case with decision makers outside of the scheduled public meeting*****

ZONING MAP



212 Church St NW

Subject
Property

BACKGROUND AND ANALYSIS

Intent of Special Use Permits

Special uses are recognized in the zoning ordinance as uses which may be compatible with an area depending on the specific details of the project, its surroundings, and the level of services available to the site, but are not permitted "by right" in the zoning district. The special use permit process gives the City sufficient flexibility to determine whether a specific land use on a given site will be compatible with the environment and the Comprehensive Plan. Through the approval of a Special Use Permit, the Planning Board and City Council may set conditions or use limitations, thereby establishing a realm of acceptability for the particular use that will be neither arbitrary nor capricious, and will promote the spirit and character of the surrounding neighborhood. The process requires the Planning Board to review and make a recommendation to the City Council on the request. The City Council must then decide whether or not to issue a Special Use Permit following a quasi-judicial hearing.

Intent of the Zoning District

Article V of the Lenoir Zoning Code states:

B - 3 (Central Business) District is applied to the Downtown Core area of the City and is intended to promote the Downtown Central Business District as the city's central hub for financial, professional, cultural, and governmental business by providing a variety of supporting personal services, retail uses, restaurants, and gathering spaces that help support a vibrant, active downtown for people employed in and around the district as well as transient shoppers. The yard requirements within the district are designed to provide for infill development standards that are compatible with the concentrated development patterns commonly found in the historic downtown core. Demolitions of contributing historic structures are strongly discouraged, and the re-use and renovation of with active uses on the ground floor and residential apartments or offices located on upper floors is strongly encouraged. Those commercial activities which require an extensive use of land to market their products such as car dealerships and commercial establishments requiring outside storage are prohibited from the district.

Subject and Surrounding Properties

The subject property is a two-story, brick, Italianate building built in 1888, known as the Courtney Warehouse. This building is a contributing building in the Downtown Lenoir National Register Historic District. The subject building is on Church Street, adjacent to and on the same parcel as the Courtney Department Store, at 818 West Avenue. This building has been vacant for some time, but was built to serve as a warehouse to support the functions of the businesses within Courtney Buildings. It was also once a grocery store and a dry goods store. The current owners also own the Courtney Department Store, where they have established a hair salon on the ground floor. The subject property is also within the Municipal Service District, Lenoir's downtown tax district that supports revitalization projects in Downtown Lenoir. The property is in the primary fire district, which further limits construction materials through the building code.

The Courtney Warehouse is surrounded with other two and three story brick buildings in the downtown core of Lenoir, which are also zoned B-3. Most buildings in this district have their first floor units set up for retail and business uses, with the upper stories used for residential, office, or storage. Across Church Street from the subject property is the Folk Keeper Gallery, an art gallery and shop with a residential dwelling unit on the floors above. Just north of the subject property is a driveway that provides access to the rear of the buildings that face West Avenue.

Proposed Use

The applicant proposes to convert the Courtney Warehouse into a residential dwelling unit. According to the Downtown design criteria in Section 811 of the Lenoir Zoning Code, "first floor uses that are not open to the public (private offices, residential uses, and similar uses)" within the National Register Historic District can only be established with an Special Use Permit. This dwelling unit will be within the existing footprint of the Courtney Warehouse, and no exterior improvements are proposed at this time. The B-3 zoning district does not have setbacks or minimum lot sizes, and the building complies with the required street frontage and

BACKGROUND AND ANALYSIS

building height requirements.

National Register of Historic Places & B-3 Zoning

As stated above, the Courtney Warehouse is a contributing building in the National Register Historic District (see excerpt from the district registration materials on page 5). This designation means that it is a significant structure that helps keep this district historic. In order to maintain the contributing status of the subject property, staff is recommending that any exterior improvement proposed must meet the standards set forth by the US Secretary of Interior Standards for the Treatment of Historic Properties. Additionally, buildings within the Downtown Lenoir National Register Historic District are required to have "active ground floor uses," unless the property is granted an SUP. Active ground floor uses are activities related to retail, restaurant, and some business/personal services. Preserving leasable space for these active uses is important because they add interest to the streetscape and encourage pedestrian activity. These uses usually have a wider range of hours into the evenings and weekends, which attract the public downtown and can increase economic vitality in the area. However, this specific location has not historically been an active ground floor use. It is midblock on Church Street, and is not disrupting a series of active uses on either side. The establishment of a residence here will not hinder the redevelopment of the commercial buildings along West Avenue that are primed for active ground floor uses.

Transportation and Access

The Courtney Warehouse is located between Ashe Avenue and West Avenue on Church Street, a one-way, southbound street. Its front door opens onto the public sidewalk. There is no driveway or parking associated with the building, but there is ample off-street public parking and on-street parking available to this use. In the B-3 district, private off-street parking is not required. Since a single residential unit generates very low traffic trips, parking and traffic generation should not be an issue for this site.

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan lays out several policy goals regarding historic preservation efforts and encourages adaptive reuse of historic buildings. The plan also calls for enhancing walkability and accommodating a range of housing types. The proposed use will adhere to the plan's recommendations for improving downtown Lenoir by reusing a contributing building for residential purposes.

NATIONAL REGISTER OF HISTORIC PLACES REGISTRATION MATERIALS

NRHP Form 10-2002
(2-49)

Instructions to Registrants

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 7 Page 7

Lenoir Downtown Historic District
Caldwell County, NC

Courtney Warehouse
212 Church Street, circa 1888, Contributing Building

Two-story, brick, Italianate, commercial building with a front-gable roof, eave brackets, and corbelled, arched, brick window and door hoods; projecting arches between second-story windows shelter small niches; six-over-six sash; replacement front door; round, louvered gable vent with arched brick hood.

Early accounts of the Courtney business state that "trade in herbs, roots, and country produce became so great" that Marshall M. and R. G. Courtney had a building constructed around 1888 to use as storage space before Marshall built the Courtney Department Store (which faces West Avenue) in 1897.³ The 1902 and 1907 Sanborn maps indicate that this building initially served as a warehouse. By 1913 the building functioned as a grocery store; in 1927 there was a dry goods store at this location. City directory research was inconclusive due to street address changes.

³ Nancy Alexander, *Here Will I Dwell: The Story of Caldwell County* (n.p., 1956), 187.

FINDINGS

No Special Use Permit shall be approved unless the Planning Board and City Council find that:

1. The proposed special use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *There are no minimum setbacks or lot size requirements for the B-3 district. The subject property currently complies with the 80' maximum height requirement. No new construction is proposed, but any future development will have to maintain the B-3 standards.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *There is an existing public alley off of Church Street just north of the lot, which provides vehicular access to the side of the Courtney Warehouse. The front door to the building is accessed directly from the Church Street right-of-way and city sidewalk. The location on the side street allows for this residential use to be established on the ground floor without negatively impacting the active streetscape.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *There is no minimum parking requirement in the B-3 zoning district. There are several nearby on-street parking spaces on Church Street, and city parking lots within one block, which are easily accessible to the subject property.*
4. The establishment of the special use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *The establishment of one dwelling unit at the subject property will have minimal impacts to surrounding properties, and fits in with the transition between the street-level activity uses in the core of the downtown and the lighter uses that step down from the primary downtown streets.*
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *There is no screening or landscaping required in the B-3 zoning district or recommended for this use.*
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *This development is not planning to use a sign. No additional lighting is proposed at this time. Any exterior lighting will be incidental to the needs of the residential use, and will be designed to meet historic preservation principles as a condition of approval.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *The subject property is the Courtney Warehouse built in 1888, and is a contributing building in the historic district. The applicant has not proposed to make exterior changes, so the appearance and character will remain the same.*
8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed special use will not be harmful or annoying to surrounding properties. *The proposed use of the property is a single residential dwelling unit, which is a low impact use. It is across the street from the residential portion of the mixed use building owned by Charlie and Susan Frye (the Folk Keeper Gallery). The establishment of a residence here will not hinder future active ground floor uses in nearby buildings.*

STAFF RECOMMENDATIONS

Staff recommends approval of the requested Special Use Permit for the proposed residential unit, with the following conditions:

1. *Any exterior improvement proposed must meet the standards set forth by the US Secretary of Interior Standards for the Treatment of Historic Properties.*
2. *The applicant must obtain a zoning permit from the Lenoir Planning Department and a change-of-use permit from the Caldwell County Building Inspector within two years of the issuance of the SUP.*

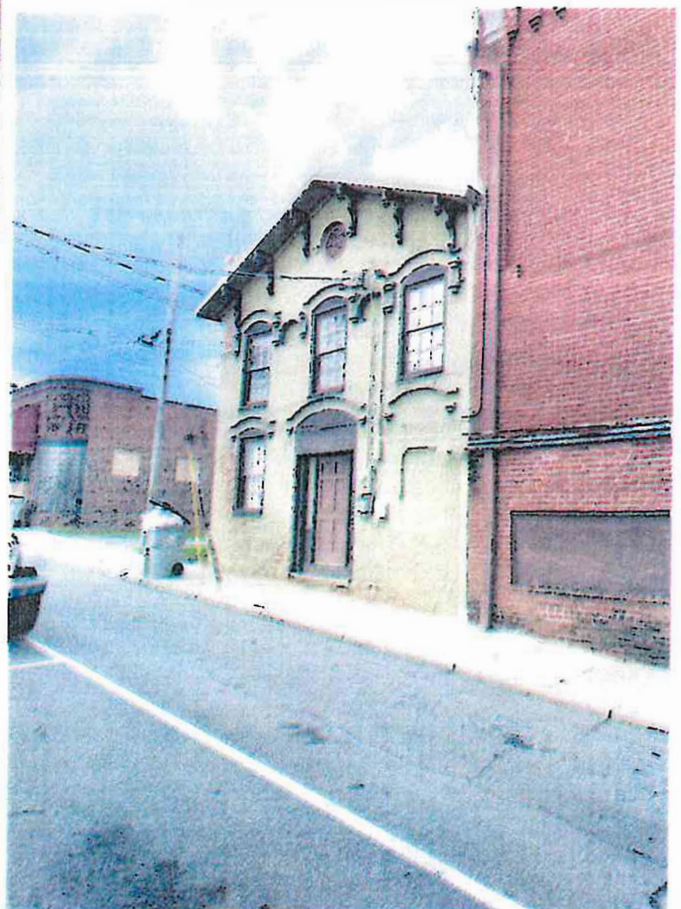
PLANNING BOARD RECOMMENDATIONS

Approval of the request, including conditions proposed by staff.

DETAILED AERIAL MAP



Left: Aerial image of 212 Church St NW.



Right: Front of Courtney Warehouse, facing Church Street.

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**RESOLUTION TO APPROVE THE CONTRACT WITH DLR GROUP TO PRODUCE THE CITY OF LENOIR
2023 DOWNTOWN MASTER PLAN FEATURING THE CAMPUS**

WHEREAS, the City Council has determined that a Downtown Master Plan inclusive of the City owned facilities located on the Historic Lenoir High School Campus need to be examined; and

WHEREAS, proposals were requested from firms interested in contracting with the City of Lenoir to assist in the development of the 2023 Downtown Master Plan featuring The Campus; and

WHEREAS, DLR Group has been selected as the firm most qualified to perform the work necessary to produce the 2023 Downtown Master Plan featuring The Campus:

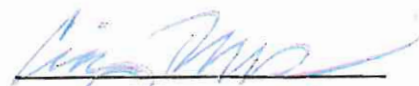
NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

The City Manager for the City of Lenoir is authorized to sign the Contract on behalf of the City with the DLR Group.

Adopted this the 18 day of October, 2022

ATTEST:


Shirley Cannon, City Clerk


Crissy Thomas, Mayor Pro Tem

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING CHAPTER 13 OF THE LENOIR CITY CODE TO ADD ARTICLE V "DOWNTOWN SOCIAL DISTRICT," DIRECTING STAFF TO PREPARE A MANAGEMENT AND MAINTENANCE PLAN AND DETAILED MAP, AND PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, N.C.G.S. 160A-205.4 authorizes local governments to create and designate one or more "social districts" under N.C.G.S § 18B-300.1 within their jurisdictions, and

Whereas, a "social district" under N.C.G.S § 18B-300.1 is "A defined outdoor area in which a person may consume alcoholic beverages sold by" businesses holding one or more permits issued by the Alcoholic Beverage Commission, and

Whereas, local business owners within the Downtown Lenoir have expressed interest in creating a social district within the same general footprint of the City's "open concept beer garden" festivals, and

Whereas, the City desires to limit its "social district" to a walkable geographic area in the downtown where local bars and restaurants can sell alcoholic beverages to be consumed throughout the district, subject to certain rules and limitations, 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 13 of the City of Lenoir Code of Ordinances, *Offenses and Miscellaneous Provisions* is hereby appended to add Article V, Sections 13-91 through 13-92, to read as follows:

ARTICLE V. DOWNTOWN SOCIAL DISTRICT

Section 13-91 – Establishment of the Downtown Lenoir Social District.

The City hereby creates and designates the area located generally north of Harper Avenue, south of Ashe Avenue, west of Mulberry Street, and east of Willow Street, and more specifically depicted on the map titled "Downtown Lenoir Social District Boundaries," which is incorporated here by reference and is filed with the City Clerk as the Downtown Lenoir Social District, as authorized under N.C.G.S. 160A-205.4.

Section 13-92 – General Requirements.

- a) Management: The Social District shall be created, designated and managed in accordance with the requirements contained in N.C.G.S. §§ 160A-205.4 18B-300.1.
- b) Applicable Hours. The Downtown Social District shall be in effect between the hours of 12:00 p.m. and 10:00 p.m., Wednesday through Saturday, except that these hours and days may be extended in conjunction with an approved Special Event Permit when otherwise permitted under the law.
- c) Permit Required: Any business establishment located within or contiguous to the Social District that holds a valid ABC permit and desires to engage as a Social District participant must apply for and obtain a Social District permit from the Lenoir Planning and Community Development Department. The establishment shall be responsible for operating its business in accordance with all City and State ordinances, laws, rules, and regulations governing Social District activities.
- d) Unified Signage Required: Businesses that do not have ABC permits but desire to participate in the Social District must display an official Participating Business sign in a visible location during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign.
- e) Violation; Penalty: Any person who violates any provision of this Article, and any person who aids, abets, encourages, assists in, or contributes to such violation, is guilty of a Class 1 misdemeanor pursuant to N.C.G.S. § 18B-102(b) and may be subject to additional fines and administrative remedies including but not limited to suspension or revocation of the permittee's Social District Permit and/or state ABC permit. State law reference: NCGS § 18B-104.

SECTION 2. MANAGEMENT AND MAINTENANCE PLAN. Staff is hereby directed to create a management and maintenance plan for the Downtown Social District that complies with the provisions of N.C.G.S. § 18B-300.1 and to post the plan and a rendering of the district boundaries on the City's website.

SECTION 3. DETAILED MAP. Staff is hereby directed to submit a detailed map of the Downtown Social District, attached here as "Exhibit A," including the days and hours during which the district is in operation to the North Carolina Alcoholic Beverage Commission.

SECTION 4. 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.

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SECTION 5. 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.

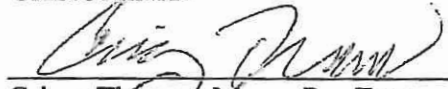
SECTION 6. EFFECTIVE DATE. This ordinance takes effect 45 days after adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 24th day of September and this 1st day of October, 2022.

DONE, THE FIRST READING AND PUBLIC HEARING, 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 4th day of October, 2022.

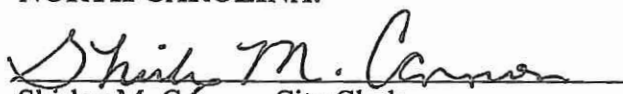
DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 18th day of October, 2022.

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



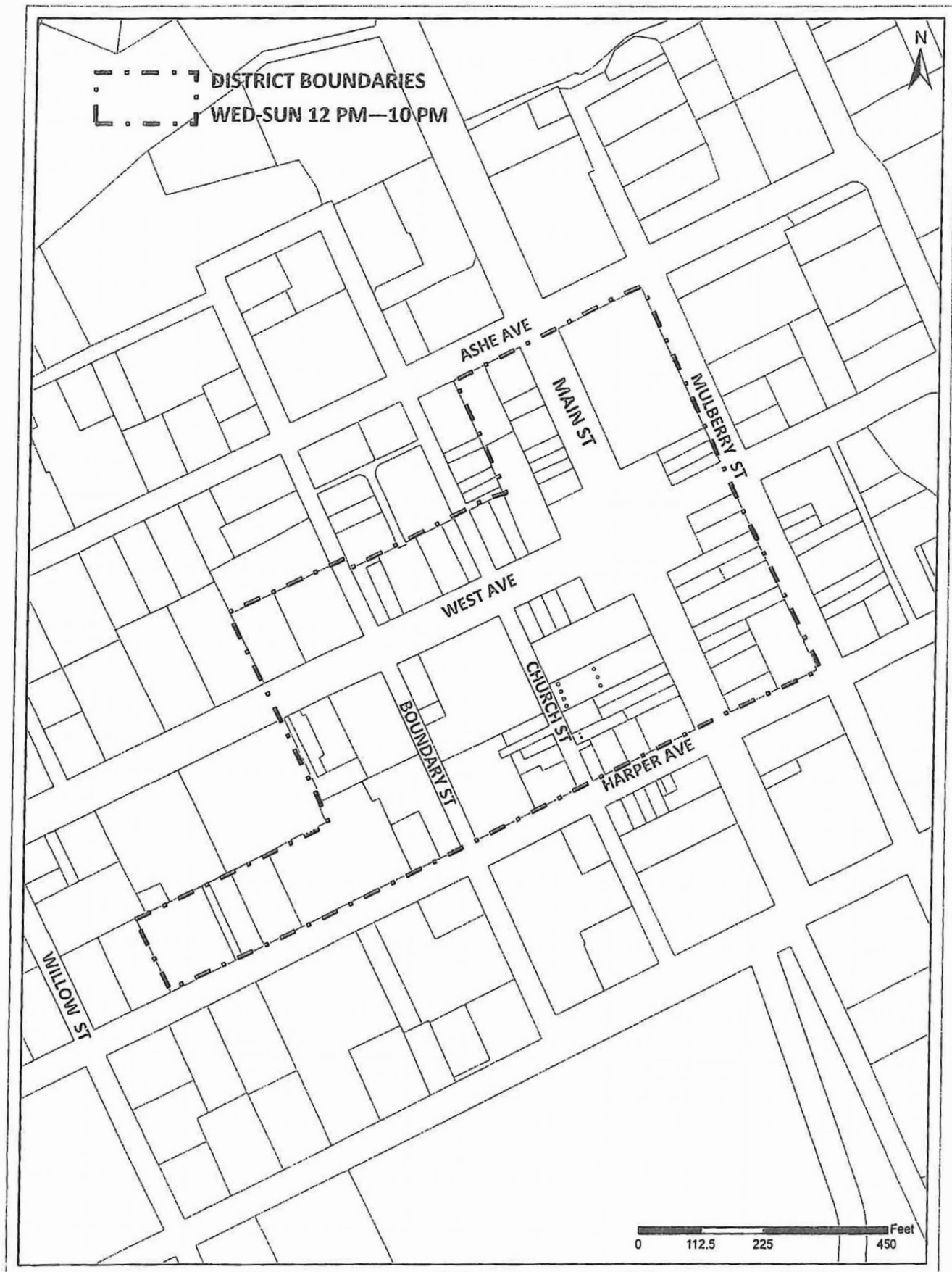
Crissy Thomas, Mayor Pro Tempore

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



Shirley M. Cannon, City Clerk

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EXHIBIT "A"**DOWNTOWN LENOIR SOCIAL DISTRICT BOUNDARIES**

UPDATED OCTOBER 14, 2022