

**COMMITTEE OF THE WHOLE  
CITY HALL, THIRD FLOOR**

**THURSDAY, APRIL 20, 2023**

**8:30 A.M.**

Present: Mayor Joe Gibbons, Mayor Pro-Tem Crissy Thomas, Jonathan Beal, Kent Greer, Ike Perkins, Todd Perdue, Ralph Prestwood, David Stevens and City Attorney Timothy J. Rohr.  
(Note: Mr. Rohr was present during his presentation to City Council.)

Scott Hildebran, City Clerk Shirley Cannon, Finance Director Donna Bean, Main Street & Economic Development Director Kaylynn Horn, Public Services Director Radford Thomas, Public Works Operations Manager Jon Hogan, Public Utilities Operations Manager, Jeff Church, Public Utilities Operations Manager, Ed Evans, Parks & Recreation Director Phil Harper, Interim Fire Chief Kenny Nelson, Police Chief Brent Phelps, Police Major Andy Wilson, Police Lieutenant Chris Bumgarner, Planning Director Hannah Williams, and Communications Director Joshua Harris.

I. Mayor Pro-Tem Crissy Thomas welcomed everyone and called the meeting to order.

II. Code Changes: City Attorney Timothy Rohr stated staff and he reviewed the City of Lenoir's Code of Ordinances regarding changes pertaining to SB300, Criminal Justice Reform. The UNC School of Government previously declared if an ordinance is considered criminal, the ordinance has to state that in the language of the ordinance in each section of the code where the ordinance is listed. Due to revisions in November 2021, the City of Lenoir is generally where it needs to be but parts of the code should be updated. Some changes are needed in Articles 3 and 8 plus there are additional areas that require some clarification. Attorney Rohr recommended that any changes to criminal ordinances go through 2 readings in order to ensure compliance with SB 300.

III. Complaint; Dogs Running Loose

City Attorney Rohr informed Council of a citizen's complaint regarding her neighbor's dogs running loose and led a brief discussion about her request to the city to have owners keep their animals under control. Mr. Rohr will review code sections 3-27 and 3-28 and, if necessary recommend some changes.

IV. Panhandling

Attorney Rohr said the city's current panhandling ordinance prohibits the content of persons' speech and may be problematic under the First Amendment. He recommends the City prohibit behaviors such as blocking sidewalks and roads.

Chief Phelps clarified the Department can take action against panhandling in a public area, but they cannot when it occurs in a private area. He referred to strip malls and pointed out the property owners need to work with Police regarding this issue, including trespassing citations if desired.

Attorney Rohr recommended Council update 1) dogs running at large; 2) standardize language in Section 14-4 throughout the code; and 3) update language pertaining to panhandling. City Manager Hildebran recommended using model language.

Chief Phelps stated he needs direction from City Council on how to move forward regarding loose dogs. Chief Phelps asked Mr. Rohr to clarify which of Lenoir's criminal ordinances are currently written and enforceable, as his officers need to know how to proceed until council amends them. Mr. Rohr said he will review them all and provide guidance.

In addition, Chief Phelps explained if they can identify the owner of a dog, they would contact them about this issue. He also stated Staff works with Caldwell County Animal Control and emphasized the Department is doing all they can do to address the neighbor's complaint.

- V. Presentation; Lenoir Police Department Crisis Team: As background information, Chief Phelps explained there previously was not a support group or team available in the surrounding area to assist officers in the event a crisis should occur. As an example, he referred to the incident that happened in the City of Lenoir over a year ago where a family member shot and killed his siblings, his father and himself. Chief Phelps briefly talked about how this tragedy affected all of those who responded including EMS personnel, firefighters, police officers and other agencies. Next, Chief Phelps stated Lieutenant Chris Bumgarner recently received his degree and license in psychology and stated he asked him to make a model to go by in order to train officers in how to handle stress following a critical event.

Lieutenant Bumgarner shared that more police officers die by suicide than while on-duty. He explained that officers need individual and group crisis support following critical events. Lieutenant Bumgarner reviewed a power point presentation about the new Regional Critical Incident Stress Management Team (CISM) that was recently created.

Lieutenant Bumgarner stated CISM is a method of helping first responders and others who have been involved in critical incidents that leave them emotionally and/or physically affected by those incidents. This is a process that enables peers to help their peers understand problems that might occur after an event. In addition, Lieutenant Bumgarner stated that funding for their initial training was provided by a \$3,500 Community Grant received from Wal-Mart. He stated training in individual crisis intervention and group crisis intervention was provided by an instructor through the International Critical Incident Stress Foundation (ICISF)

Next, he stated the team began in November 2022 with four agencies and 14 officers and has grown to six agencies and 19 officers. The group meets quarterly. Lieutenant Bumgarner shared the members chose the name The Foothills Regional Law Enforcement CISM Team and is the first law enforcement specific team in the state of North Carolina. He further shared the ICISF has acknowledged the Foothills Regional Law Enforcement CISM Team is serving the community as a registered ICISF Team. Services provided are individual peer support, on-scene support services, critical incident stress defusing, critical incident stress debriefing, and follow-up care.

In addition, the ICISF provides training for individuals interested in becoming a part of a crisis management team, or for an organization that is dedicated to helping individuals or groups recover from incidents. A brief discussion was held regarding staff receiving the training as well.

Chief Phelps stated the team would have an impact on the department by being able to talk with each other about stress and being equipped to do a better job taking care of the community.

The mission of the International Critical Incident Stress Foundation, Inc. is to be the leader in providing education, training, consultation, and support services in comprehensive crisis intervention and disaster behavioral health services to emergency responders, and other professions, organizations and communities worldwide.

## VI. Citizen Comment

- A. There were no citizen comments presented at this time.

## VII. Committee Items

- A. Update; Public Services: Public Services Director Radford Thomas gave the following report:

1. Smart Readers; Opt Out Policy: Director Thomas reminded Council the Utilities Department recently completed the installation of Smart Water Meters throughout the Lenoir Utility system. He stated the meters transmit a radio signal that can be read remotely, provide valuable information about the customer's usage and detect any possible issues remotely.

Director Thomas reported some customers may have concerns over the use of the radio signals for meter reading purposes. He explained that, due to these concerns, many utilities, water and electric, are offering an Opt-Out option for the customers who may have these concerns that would allow for the installation of a standard analog meter that would be read manually instead of through the transmission of a radio signal.

Director Thomas explained utilities are assessing additional monthly meter reading fees to offset the additional cost of changing out the meter and manually reading it. The proposed policy establishes the fees for providing this additional service. The initial set up fee is \$125.00 plus a monthly surcharge of \$12.75. In addition, he clarified, if a customer changes their mind, they would be charged a reconnect fee. City Manager Hildebran stated this information would be placed on the City's website.

City Councilmember Beal recommended to have this fee increase along with the City's annual water rate increase. Director Thomas stated the proposed policy commits a customer to a year of service.

A copy of the Opt-Out Policy is attached to these minutes as information.

### Motion

Upon a motion by Councilmember Perkins, City Council voted 7 to 0 to adopt the Smart Water Meter Residential Opt-Out Policy as presented and as recommended by Public Services Director Radford Thomas. Councilmember Perdue participated in the vote via Zoom.

2. Update; Powell Road/Ebel Place Intersections: Jon Hogan, Public Works Operations Manager, presented information regarding the Powell Road and Ebel Place intersections. He explained the current traffic and flow pattern and stated he recommends that drivers be able to make a left turn onto Ebel Place. (A copy of the traffic flow pattern is attached to these minutes as information.)

### Motion

Following a brief discussion, Councilmember Beal made a motion to have a stop sign erected in order for drivers to have the option to turn left onto Ebel Place as presented and as recommended. This motion carried with a 7 to 0 vote. Councilmember Perdue participated in the vote via Zoom.

### B. Update: Public Works/Public Utilities: Public Utilities Operations Manager Jeff Church gave the following report.

1. Mueller Meter Project: 4/14/23: Read Rate = 98.81. Broadcast Remote Firmware Update (BRFU) Update: With resources recently transitioned back onto the issue, there was a significant system crash recently that had “all hands on deck” with Mueller’s tech department that coincided with the City’s billing cycle. The problem was identified and corrected in time for our last billing. Currently, engineering is working on the process allowing for the software for the collectors to properly send the messages. At this time, we don’t have a date for resolution.
2. Asset Inventory and Assessment Grant: The city received a letter of intent to fund the Water and Sewer AIA on 3/27/23. These are two \$200,000 each grants from State Reserve Funds (SRP) from the America Rescue Plan Act (ARPA) that will evaluate our water and wastewater infrastructure. The first milestone for the AIA grant is the submittal of a preliminary project scope that includes a cost estimate and schedule for each major task by May 15, 2023. Another milestone is for staff to put out an RFQ for engineering services for the project. Qualifications are due by May 1.
3. Freeze and Nichols Facilities Assessment Project: 4/12/23: Blue prints have been gathered for the utilities facilities and are provided to the firm. Staff will meet with FNI in the near future to kick off the project.
4. Finley Water Project: Field work is underway, milestone deadlines are updated from the original schedule that was approved by the October 17, 2022, *Letter of Intent to Fund*. 4/18/23: The survey is completed and McGill is reviewing.

| Milestone                                                                                               | Original Deadline | New Deadline     |
|---------------------------------------------------------------------------------------------------------|-------------------|------------------|
| Bid and Design Package Submittal (obtain all necessary permits)                                         | February 1, 2023  | August 1, 2023   |
| Bid and Design Package Approval                                                                         | June 1, 2023      | December 1, 2023 |
| Advertise Project, Receive Bids, Submit Bid Information, <u>and</u> Receive Authority to Award from DWI | October 2, 2023   | April 2, 2024    |
| Execute Construction Contract(s)                                                                        | November 1, 2023  | May 1, 2024      |

5. Crossroads Sewer Project – 4/19/23: The contractor, along with city staff, filled the manholes in Smith Crossroads on the evening of April 18. The contractor will wait approximately one month before coming back and cutting out the existing manhole lids and patching the road.
6. Rhodhiss Flashmix basin the pre-bid meeting was held on Friday, March 17 at the site. There were five contractors present and bids were due April 12; however, numerous contractors have requested an extension. New bid date is Thursday, April 20, 2:00 pm.

7. Lead and Copper: 4/19/23: FNI is scheduled to begin phase 2 work once contract is approved, signed, and returned.
8. First Quarter 2023 Water Update: Raw Water Treated: Daily Avg. 6.223 MG Finished Water Pumped: Daily Avg. 6.176 MG. Plant operated, on average, 23.3 hrs. per day.

2. Public Works Operations Manager Jon Hogan reported on the following items:

**Operational:**

1. A 2<sup>nd</sup> Compost Day will be held on Saturday, April 29<sup>th</sup>.
2. Street Department has completed drainage addition and asphalt repair at Lower Creek Greenway Parking lot.

**Projects:**

1. Hospital Avenue Sidewalk Project – Duke Energy has surveyed and staked the URA and looking to start relocation within the next couple of weeks. Currently the contract has a May let date, but we are still awaiting the Notice to Proceed from NCDOT.
2. LFD Infrastructure Failure (Sinkhole) -Catawba Valley Engineering and WK Dickson are working on package to bid out for bid, based on (1) option for complete replacement and an alternate for pipe repair/rehab. Awaiting WK Dickson report
3. Greenway Culvert (Red Roof) - Working with McGill; Project went out for bid on 2/27. We received one bid, coming in at \$311,000 due to pour in place headwall construction. Working with McGill on options.
4. Smith Crossroads Sign- Traffic Study has been completed. NCDOT is awaiting the sign lighting plan certification from Destination by Design. They are currently working on this.
5. EV Charging Station- PO has been submitted to National Car Charging for the purchase of equipment. Building Maintenance will install service in the next couple of weeks. 2023 Paving - Will assess and prioritize spring/summer paving in the coming weeks.
6. City Hall Improvements: Building quote received. David Coffey should have window quotes this week.
7. LPD Stormwater Issue- Working with Chief Phelps and property owner on issue.
8. Greenway: All greenway connections are currently in design with Mattern and Craig. Street Department has started construction on the Waterlife Connection. Asphalt has been removed and delineator curb has been installed. Painting will begin soon. Next piece will be the Google connection once they complete the stream bank restoration project. Awaiting PED counters for HWY 18 crossing.
9. Pennton Avenue Wetland Project: This project will begin on Monday April 24<sup>th</sup> and will be a joint effort between the City of Lenoir, NC State Stormwater and Hoffman Grading to clean out the wetland and getting back into working condition. The project should be complete by Friday if weather cooperates.

**VIII. Community Development**

- A. Lenoir Business Advisory Board: The Lenoir Business Advisory Board met on Thursday, April 13. Kaylynn Horn, Economic Development Director, presented the following report:

\* Work continues with the DLR Group engaged for the production of the Downtown Lenoir Master Plan featuring The Campus. Another site visit is scheduled May 11 &

12. Work continues on citywide wayfinding, Smith Crossroads signage, and the Downtown Clock Tower. Work continues with property owners interested in the NPS/National Main Street Façade Grant.

\* LBAB Grant committee has had a request for 118 Mulberry St., NW, owned by Ridgeglen Investments, LLC. The building will be used for a dental lab business, office space and a luxury apartment on the top floor, which they intend to initially use as an Airbnb. Having made the match requirement with an approximate \$425,000 rehabilitation investment, the grants committee recommended approval for the local LBAB grant with the \$5,000 award.

\* Staff is preparing for a site visit with EDC & Historic Preservation Committee from Alexander County. They will be coming to downtown Lenoir to learn more about and visit several of our historic preservation success stories and the newly completed tax credit projects in the downtown district and also tour the Blue Bell Mill Project.

\* Events are in full swing. Bootlegger 100 is on April 22 with 300 cyclist registered with lots of overnight stays. The 10<sup>th</sup> Annual Gravity Games are also this month on April 29.

The following are upcoming events:

5/4 – National Day of Prayer Downtown 11:30 – 12:30 p.m.

5/6 – Cruise In Downtown 3-9:00 p.m.

5/13 – Bloom Blast – Downtown

5/29 – Memorial Day Celebration - Downtown

B. Planning Board: The Planning Board will meet on Monday, April 24. Hannah Williams, Planning Director, gave the following report:

- a) The Planning Board will review two ordinance amendments at their next meeting.
- b) Two candidates are scheduled for an interview for the Planner position.

C. Parks & Recreation Advisory Board: The Parks and Recreation Advisory Board met on Monday, April 20. Recreation Director Phil Harper gave the following report:

- \* Barger Ashe has been working on the roof at Mulberry Recreation Center now for three weeks.
- \* Completed quotes on outdoor basketball/tennis courts at MLK Center. For the basketball courts-repainting of boundary lines and poles/backboards and pressure washing of tennis courts – pressure washing only (mold.)
- \* Staff at the Aquatic Fitness Center has been working to get the outdoor pool open by May 27. The hours are from 11:00 a.m. until 6:00 p.m. The pool will also be open on Memorial Day from 11:00 a.m. until 6:00 p.m. as well.
- \* The Mack Cook lights are working and Staff has been trained in turning them off and on. Currently, I am working with David Coffey, Risk Manager, to get the facility ADA compliant and am also looking at a few safety concerns to get this facility up and running.
- \* Looking to take bids on our concession stands at Optimist Park, Mulberry Recreation Center and the Aquatic & Fitness Center.
- \* Youth Baseball/softball games begin tomorrow. We are in desperate need of umpires if anyone knows of someone who may be interested.



- \* Pickleball opened up last Thursday, April 13 at the MLK Center and we had 12 participants. We have three courts lined off at the Center.
- \* Last week was Spring break for the youth and we averaged 60 to 80 youth daily for the week. Big kudo's to Trent from Trent's Barber Shop for bringing the youth pizza at 1:00 p.m. on Friday.

#### IX. Finance and Administration

- A. March Financial Summary: Finance Director Donna Bean reviewed the Financial Summary as of March 31, 2023. The over/under balance in the General Fund is \$3,668,285.74, Downtown District (\$230,199.46) and Water & Sewer Fund \$2,244,514.51.

A copy of the March Financial Summary is attached to these minutes as information.

Director Bean stated the City is on track with its budget and in good financial shape. She also remarked the City's budget is where she anticipated it to be at this time.

- B. Update; Public Communications: Public Information Director Joshua Harris presented the Communications Report for the month of March. Director Harris reported there were 8 news releases, 131 photos, 8 videos, 167 social posts, 28 questions & answers and 1 e-sign up. The website's social reach is 86,552 along with 1,488 video views. There were 45,569 Facebook, Twitter and Instagram followers.

#### X. Public Safety

- A. Update; Police Department: Police Chief Brent Phelps reported the department has hired six new officers and stated two were hired from the Basic Law Enforcement Training (BLET) program at CCC&TI and four were hired from Western Piedmont Community College. In addition, he stated the department's recent restructuring of officers was going well and commended Major Andy Wilson for doing a great job in his new position.

In addition, Chief Phelps stated officers are currently going through training and mentioned their annual report would be presented to Council at the May 23 Committee of the Whole meeting.

As information, Chief Phelps reported a new drug is obtainable which contains an animal tranquilizer and emphasized it doesn't respond to Narcan. In addition, Chief Phelps said a 71-year old man fell on the sidewalk on April 10 and passed away the following day. He reported NCDOT staff and he are reviewing the area where the incident occurred.

- B. Update; Fire Department, Quarterly Report: Interim Fire Chief Kenny Nelson reviewed information in the Department's 1<sup>st</sup> Quarterly Report for January, February and March. Chief Nelson reported an increase in fires and medical calls and stated supply chain issues have held up maintenance on one of the fire trucks. He stated the department is also having issues with the company the City contracted with for the new Fire apparatus. The truck is slated to be delivered in August and he mentioned the fire truck may be in Indianapolis next week for an event. Several staff members

plan to attend in order to have the opportunity to check out the new truck.

Chief Nelson reported the part-time inspectors have been a tremendous help to the department and commended them for all their hard work. He stated two firefighters left the department for different jobs and another went to work at the Granite Falls Fire Department.

#### XI. OTHER

- A. The May calendar was provided in packet as information listing committee meetings and upcoming events.

#### XII. ADJOURN

There being no further business, the meeting was adjourned at 10:50 a.m.

#### Attachments

March Financial Summary  
Presentation-CISM Team  
Smart Reader Residential Opt Out Policy  
Traffic Flow Pattern – Ebel Place



# Regional Critical Incident Stress Management Team

PRESENTATION FOR  
LENOIR CITY COUNCIL

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LT. CHRIS BUMGARNER  
LENOIR POLICE DEPARTMENT

## What is CISM?

- Critical Incident Stress Management (CISM) is a method of helping first responders and others who have been involved in critical incidents that leave them emotionally and/or physically affected by those incidents.
- CISM is a process that enables peers to help their peers understand problems that might occur after an event.

## Agencies Involved

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**November, 2022 (Started with four agencies – total of 14 officers)**

- Lenoir PD (5)
- Hickory PD (4)
- Longview PD (2)
- Morganton Public Safety (3)

**March, 2023 (Added two additional agencies – total of 19 officers)**

- Newton PD (3 officers)
- Claremont PD (2 officers)

# ICISF

- ICISF provides training for individuals interested in becoming a part of a crisis management team, or for an organization that is dedicated to helping individuals or groups recover from incidents.
- The mission of the International Critical Incident Stress Foundation, Inc. is to be the leader in providing education, training, consultation, and support services in comprehensive crisis intervention and disaster behavioral health services to emergency responders, and other professions, organizations and communities worldwide.



International Critical Incident Stress Foundation, Inc.

HELPING SAVE THE HEROES

## Initial Training

- Funding through Community Grant from Wal-Mart of Lenoir (\$3,500).
- Provided by instructor through the International Critical Incident Stress Foundation.
- Officers trained in:
  - Individual Crisis Intervention
  - Group Crisis Intervention





The International Critical Incident Stress Foundation, Inc. (ICISF)  
Acknowledges

**Foothills Regional Law Enforcement CISM Team**

2114

is serving the community as a registered ICISF Team

**RICHARD BARTON**  
Chief Executive Officer

**GEORGE S. EVERLY, JR., PhD, CCISM**  
ICISF Co-Founder

**JEFFREY T. MITCHELL, PhD, CCISM**  
ICISF Co-Founder

# Team Registration

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- Team Name
  - Foothills Regional Law Enforcement CISM Team
- First law enforcement specific team in the state of NC



## Services Provided

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- Individual Peer Support
- On-Scene Support Services
- Critical Incident Stress Defusing
- Critical Incident Stress Debriefing
- Follow-up care

## CISM Team Mission and Goals

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- The **mission** of the CISM Team is to assist personnel in effectively coping with reactions to critical incidents in order to achieve and maintain a healthy and effective workforce.
- **Goals** of the CISM Team include:
  - Promote effective responses to stressful events.
  - Reduce harmful effects following a critical incident by working with those impacted soon after the event.
  - Accelerate the healing process.

## **City of Lenoir Public Utilities Department**

### **Smart Water Meter Residential Opt-Out Policy**

#### **AVAILABILITY:**

Applicable to residential customers who request a water meter that either does not utilize communications to transmit data, or is otherwise required to be read manually, provided that such a meter is available for use by the City of Lenoir Utilities Department. At the City of Lenoir's option, meters to be read manually may be either an advanced meter with the communication capability disabled or other non-communicating meter.

#### **GENERAL PROVISIONS:**

Customers choosing this option will not be eligible for any current or future services or offerings that require the use of an advanced or other communicating meter.

The City of Lenoir may refuse to provide service under this Policy under any of the following conditions:

- If the customer has a history of meter tampering or unauthorized use of water at the current or any prior location.
- If such service creates a safety hazard to consumers on their premises, the public or the City Utility Department personnel or facilities.
- If the customer does not provide the City Utilities Department satisfactory access to its facilities for the purpose of obtaining meter readings or maintaining its equipment.

#### **Rate**

**Initial Set-Up Fee: \$125.00**

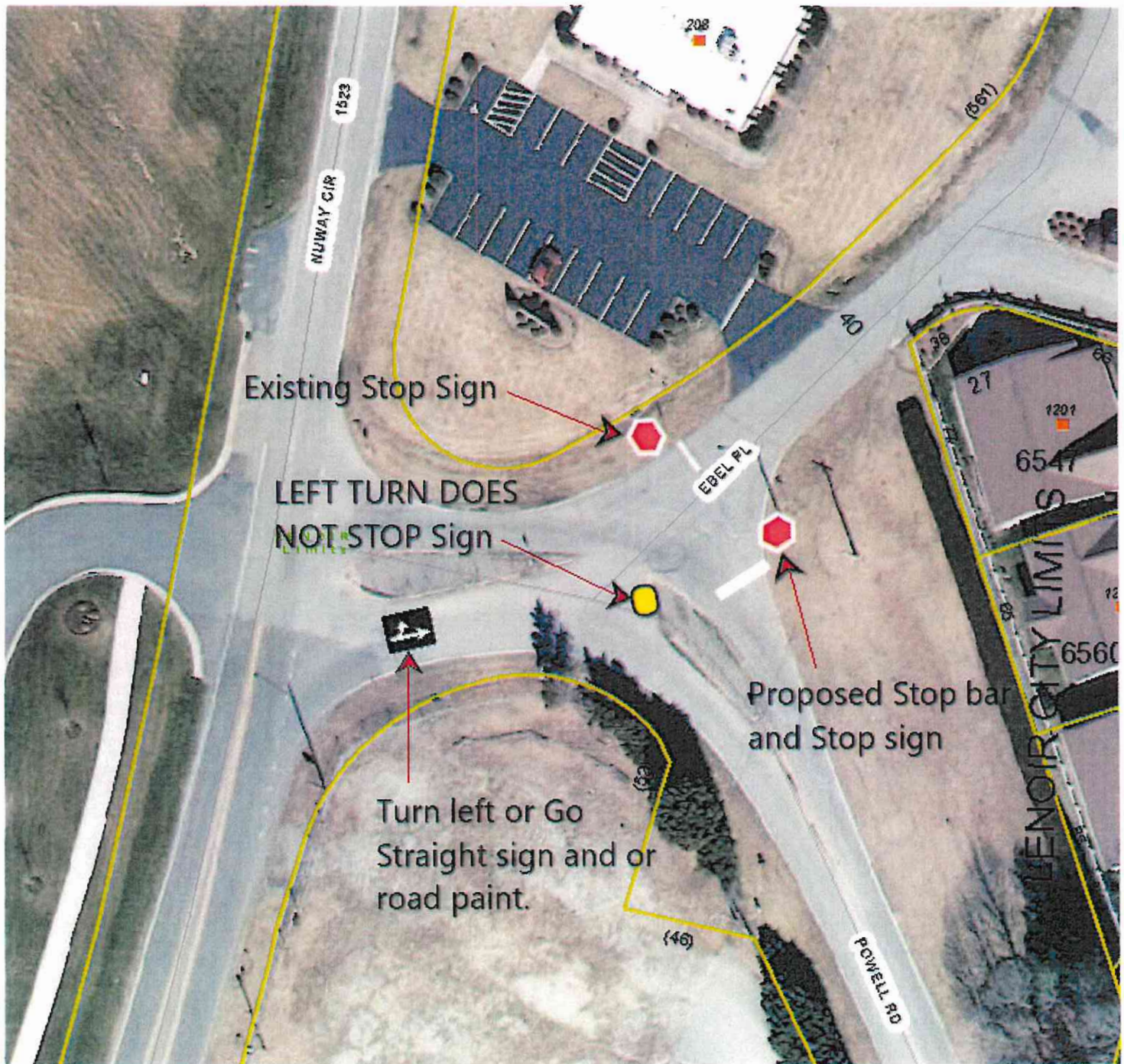
**Monthly Surcharge: \$12.75**

#### **Contract**

The original term of this contract is one year and thereafter until terminated by either party on thirty days' written notice. The City of Lenoir reserves the right to terminate the customer's contract under this Opt-Out Policy at any time upon notice to the customer for violation of any of the terms or conditions of the General Provisions of this Policy. If within the first year, the customer wishes to discontinue service under this Policy, the customer will pay the current Reconnect Fee to reinstate to the standard metering service.

Approved by Lenoir City Council on: April 20, 2023.









**City of Lenoir  
Financial Summary  
As of 3/31/2023**



Committee of the Whole  
Thursday, April 20, 2023

| General Fund      |                     |                  |             |                              |                  |
|-------------------|---------------------|------------------|-------------|------------------------------|------------------|
|                   | 2022-2023<br>Budget | 3/31/2023        | % of Budget | Change from<br>Previous Year | 3/31/2022        |
| Total Revenue     | \$ 20,320,130.00    | \$ 18,906,784.03 | 93%         | \$ 1,677,784.03              | \$ 17,229,000.00 |
| Expenditures      | \$ 20,320,130.00    | \$ 15,238,498.29 | 75%         | \$ 1,663,977.45              | \$ 13,574,520.84 |
| Over/Under        | \$ -                | \$ 3,668,285.74  |             | \$ 13,806.58                 | \$ 3,654,479.16  |
| Downtown District |                     |                  |             |                              |                  |
|                   | 2022-2023<br>Budget | 3/31/2023        | % of Budget | Change from<br>Previous Year | 3/31/2022        |
| Revenues          | \$ 288,220.00       | \$ 40,684.36     | 14%         | \$ 8,047.22                  | \$ 32,637.14     |
| Expenditures      | \$ 288,220.00       | \$ 270,883.82    | 94%         | \$ 146,329.88                | \$ 124,553.94    |
| Over/Under        | \$ -                | \$ (230,199.46)  |             | \$ (138,282.66)              | \$ (91,916.80)   |
| Water/Sewer Fund  |                     |                  |             |                              |                  |
|                   | 2022-2023<br>Budget | 3/31/2023        | % of Budget | Change from<br>Previous Year | 3/31/2022        |
| Revenues          | \$ 10,232,980.00    | \$ 7,831,557.20  | 77%         | \$ 420,450.02                | \$ 7,411,107.18  |
| Expenditures      | \$ 10,232,980.00    | \$ 5,587,042.69  | 55%         | \$ 13,655.20                 | \$ 5,573,387.49  |
| Over/Under        | \$ -                | \$ 2,244,514.51  |             | \$ 406,794.82                | \$ 1,837,719.69  |