

**LENOIR CITY COUNCIL
TUESDAY, OCTOBER 3, 2023
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Mayor Pro-Tem Crissy Thomas, Jonathan Beal, Kent Greer, Todd Perdue, Ike Perkins, Ralph Prestwood, David Stevens, City Clerk Shirley Cannon and City Attorney Timothy Rohr.

VIA PHONE: City Manager Scott Hildebran participated in the Council and Closed Session via phone.

CITY STAFF: In attendance was Finance Director Donna Bean, Fire Chief Norman Staines, Deputy Fire Chief Kenny Nelson, Police Chief Brent Phelps, Planning Director Hannah Williams, Parks & Recreation Director Phil Harper, Public Services Director Radford Thomas, Public Utilities Operations Manager Jeff Church, Public Works Operations Manager Jon Hogan, Downtown Event Coordinator Matthew Anthony and Communications Director Joshua Harris.

I. CALL TO ORDER

- A. The meeting was opened by a moment of silence and the pledge of allegiance as led by Mayor Gibbons.

UPDATE; R.E.S.T.A.R.T.

- PROGRAM:** B. Jason Powell, Director of Caldwell County Restart, stated R.E.S.T.A.R.T. stands for recognize, educate, stabilize, transform, accelerate, rehabilitate, and trust. He reviewed their mission statement and stated their goal is to ultimately reduce overdose deaths.

Director Powell explained R.E.S.T.A.R.T began with a grant application that was approved in September 2021. He explained the Post Overdose Response Team (PORT) was established in June 2023 and their purpose is to help individuals get the assistance and treatment they need. He asked Council if they were aware of the number of fatal overdoses that occur each day in North Carolina and reported the correct answer is 11. He stated there has been a slight increase in overdose cases since 2021.

Director Powell shared a number of statistics and stated the overdose death rate in North Carolina in 2020 was 28 out of 100,000 people. He explained the death rate increased when individuals were isolated during COVID 19 and shared that 77% of these deaths included fentanyl analogs which are medical alterations of the drug. He shared there were 21 overdose deaths in Caldwell County in 2021 and 33 occurred in 2022. As of September 1, 2023, EMS has responded to 149 calls of which 98% were opioid overdoses. Mr. Powell stated 8 deaths were related to opioid overdose. They are currently waiting on the final numbers for 2023 from the Caldwell County Medical Examiner's office as there is a backlog of has a cases to be reviewed.

Director Powell stated there are 204 unique participants that help with PORT and 127 of these are individuals who either used opioids or have opioid disorder. He reported that 36

people agreed to follow up with PORT following treatment. Director Powell pointed out they are building relationships with other counties that have treatment/recovery facilities and 62 people have transferred to one of these facilities in either Burke or Wilkes counties or the cities of Hickory and Asheville.

Director Powell stated they have distributed 216 doses of Narcan in 2023 and have provided 28 doses of Narcan to EMS, 20 doses to law enforcement and 196 doses to the community. A brief discussion was held regarding distribution with Director Powell clarifying that the medical director previously authorized them to be able to distribute Narcan. He also clarified that Narcan is now available for purchase in some area stores.

Next, Director Powell reviewed a map of all the counties in North Carolina that were shown in shaded colors in order to distinguish opioid use. He pointed out there has been a 276% increase in the use of opioids in a one year period and remarked that Caldwell County has a higher percentage of drug use than Mecklenburg County due to Mecklenburg having the resources and facilities to assist people in recovery. Director Powell explained the light green color on the map depicts the times EMS administered one dose of Narcan and the purple marked areas depict when multiple doses were administered. As information, he referred to the drug xylazine which is a large animal tranquilizer that is being used in Caldwell County by individuals in addition to opioids and stressed that Narcan does not work on xylazine.

Director Powell related R.E.S.T.A.R.T makes an impact by meeting an individual where they are and also plays an important role on their road to recovery. He shared there are multi-disciplinary Port specialists and peer support specialists who have also experienced using opioids. Director Powell stated he was a paramedic and a peer support specialist and shared with everyone that he is also a person in recovery. In addition, he mentioned they were in the process of hiring a program coordinator/case worker to further assist individuals.

Director Powell stated prevention and education is key to helping people with this disease. He stated when people finish their treatment and come back, they want to be there to offer support and help. He further shared members of R.E.S.T.A.R.T. can now visit people in hospitals and jail and offer medication therapy to them. He stated the faith community is also a larger part of recovery.

Director Powell announced they were chosen by the Eschelman Institute for Innovation in Chapel Hill to create a platform for a pilot program for a new documentation software program. He reported the Eschelman Institute invests in areas with serious drug problems. He also shared three websites that are available for individuals to access for additional information regarding recovery.

Director Powell stated his office was located on the first floor of the Caldwell County Human Services building and noted they do receive referrals. Individuals may also contact him at restart@caldwellcountync.org. He thanked City Council for the opportunity to share this important information.

On behalf of City Council, Mayor Gibbons thanked Mr. Powell for the great report and Council also invited him to return at a later date to provide an additional update.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, September 19, 2023 as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole Meeting of Tuesday, September 26 as submitted.
- C. RFQ Based-Selection of Engineering Services; Stormwater Planning: Based upon our review, Staff recommends approval to negotiate a service agreement with Freese and Nichols of Charlotte, NC for the engineering services required for the execution and administration of the Stormwater Planning project based upon the final approval of the funding for the project by the Division of Water Infrastructure (DWI) as submitted.
- D. Capital Project Budget Ordinance; Stormwater Planning Grant: Approval to adopt the Capital Project Budget Ordinance for the Stormwater Planning Grant in the amount of \$248,640 as submitted. (A copy of the Capital Project Budget Ordinance is hereby incorporated into these minutes by reference. Refer to page 260.)
- E. Revised Capital Project Budget Ordinance; T.H. Broyhill Walking Park: Staff requests that City Council adopt the revision of the Capital Project Budget for the T.H. Broyhill Walking Park Improvements Capital Project as submitted. (A copy of the Capital Project Budget Ordinance is hereby incorporated into these minutes by reference. Refer to page 261.)
- F. Capital Project Budget Ordinance; AIA Grant-Water Project: Staff requests City Council to adopt the Capital Project Budget Ordinance for the Asset Inventory and Assessment – Water Project in the amount of \$200,000.00 as submitted. (A copy of the Capital Project Budget Ordinance is hereby incorporated into these minutes by reference. Refer to page 262.)
- G. Capital Project Budget Ordinance; AIA Grant-Wastewater Project: Staff requests City Council to adopt the Capital Project Budget Ordinance for the Asset Inventory and Assessment – Wastewater Project in the amount of \$200,000.00 as submitted. (A copy of the Capital Project Budget Ordinance is hereby incorporated into these minutes by reference. Refer to page 263.)
- H. Refuse Truck; Pac Mac Model RL-8: Staff recommends City Council authorize the purchase of the Pac Mac Model RL-8 eight cubic yard rear loading refuse truck from Carolina Environmental Systems, Inc. at a cost of \$147,947.00 and the utilization of the competitive bidding group purchasing exception as the equipment was bid under the group purchasing program. Funding for this equipment was included in the FY20-2024 budget. (A copy of the bid tab is here incorporated into these minutes by reference. Refer to page 264.)

Councilmember Perdue asked if this purchase was a replacement of the sanitation truck that burned or a planned purchase. City Manager Hildebran clarified this purchase is for a replacement truck.

Upon a motion by Councilmember Perdue, City Council voted 7 to 0 to adopt items A through H on the Consent Agenda as described above and as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

TRAFFIC & PARKING ISSUES; CLIFFSIDE PLACE:

- A. Mr. Christopher Carswell, 1311 Cliffside Place, thanked City Council for the opportunity to speak. He stated Cliffside Place is engineered to be a residential street and remarked the street is 14-feet wide which is the minimum width. Mr. Carswell explained a garage located on

the street is creating safety issues due to the overflow of traffic and customers of the garage parking on the street.

Mr. Carswell pointed out the street has become a major transportation route for the garage which has different types of vehicles and cars continually parking on the street. He submitted several photos to Council of the street for their review.

Mr. Carswell stated the residents were frequently blocked in and could not use their own driveway. In addition, Mr. Carswell reported delivery trucks could not make deliveries and said the street is a cluttered mess. Mr. Carswell stated that, due to the cars parked on the street emergency personnel would not be able to get through to residents nor could a fire truck get through if there was a fire.

Mr. Carswell stated the street was unsafe for the residents and mentioned he was at the point of dreading to go home. He respectfully asked City Council to consider putting up No Parking Tow Away Zone signs and asked Council to consider their own neighborhoods.

On behalf of City Council, Mayor Gibbons thanked Mr. Carswell and informed him that this issue on Cliffside has been placed on tonight's agenda for Council's consideration of approval

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

THANK YOU, JASON POWELL;

- R.E.S.T.A.R.T.:**
1. City Manager Hildebran thanked Mr. Powell for coming and sharing this important information about opioids in Caldwell County. Mr. Hildebran stated this is the most challenging issue for the City and we need to get this information out to the general public and continue to work to make a difference.

CITY/COUNTY SERVICES

- COMMITTEE:**
2. The City/County Services Committee will meet on Monday, October 9 at noon at the J.E. Broyhill Civic Center.

- ABC BOARD:**
3. The ABC Board will meet on Thursday, October 12 at 2:00 p.m. via Zoom.

LENOIR BUSINESS

- ADV. BOARD:**
4. The Lenoir Business Advisory Board will meet on Thursday, October 12 at 6:00 p.m. at City Hall, Third Floor.

PARKS & RECREATION

- ADV. BOARD:**
5. The Parks & Recreation Advisory Board will meet on Monday, October 16 at 6:00 p.m. at Mulberry Recreation Center.

EARLY VOTING; MUNICIPAL

- ELECTIONS:**
6. Early voting will begin on Thursday, October 19 from 8:00 a.m. – 5:00 p.m. at the Caldwell Resource Center (former library.)

B. Items for Council Action

**NIGHT PARKING; 600 BLOCK
OF COLLEGE AVENUE:**

1. Staff recommends City Council, as authorized in City Code, Section 11-44. Night Parking, to add the 600 block of College Avenue between Norwood Street and Mulberry Street to City Code, Appendix B, Section 102. Parking prohibited between the hours of 12:00 midnight and 6:00 a.m. Pursuant to City Code, Section 11-34 Signs Required, Staff further recommends authorization for the posting of signs at the discretion of the Public Works Operations Manager.

City Manager Hildebran stated the City has received concerns regarding overnight parking on the street that is affecting area businesses. He recommended Council consider prohibiting night parking on the 600 block of College Avenue between Norwood Street and Mulberry Street and add this street to City Code, Appendix B, Section 102. Parking prohibited between the hours of 12:00 midnight and 6:00 a.m. Pursuant to City Code, Section 11-34 Signs Required, Staff further recommends authorization for the posting of signs at the discretion of the Public Works Operations Manager.

Upon a motion by Councilmember Beal, Council voted 7 to 0 to adopt the Parking prohibited between the hours of 12:00 midnight and 6:00 a.m. as described above and as recommended by City Staff and authorize the posting of signs at the discretion of the Public Works Operations Manager.

**PARKING PROHIBITED;
CLIFFSIDE PLACE:**

2. Staff recommends City Council, as authorized in City Code, Section 11-43, Prohibited, to add Cliffside Place from Hibriten Road to the dead-end of Cliffside to the City Code, Appendix B, Section 101, -Parking prohibited at all times. Pursuant to City Code, 11-34 Signs Required, Staff further recommends authorization for the posting of signs at the discretion of the Public Works Operations Manager.

City Manager Hildebran stated the City has received several complaints and he recommended prohibiting parking at all times from Hibriten Road to the dead-end of Cliffside Place.

Mayor Gibbons asked Mr. Carswell if this action would solve what he and the neighbors wanted Council to do.

In addition, Mayor Gibbons asked Police Chief Brent Phelps if they could move forward with this request. Chief Phelps reported the Department has talked to the owner of the garage who is leasing the building and clarified Staff was ready to move forward following Council's approval.

Upon a motion by Councilmember Stevens, City Council voted 7 to 0 to adopt the recommendation to amend the City Code to add Cliffside Place from Hibriten Road to the dead-end of the road of Cliffside Place to the City Code, Appendix B, Section 101, - Parking prohibited at all times as recommended by City Staff and authorize the posting of signs at the discretion of the Public Works Operations Manager.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

- A. City Attorney Rohr stated the purpose of the closed session is to discuss pending litigation by the City of Lenoir v. David L. Williams, Doris E. Williams and Crescom Bank, 21 CVS 1082, set to start October 24, 2023.

VIII. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

CLOSED

- SESSION:** A. Pursuant to N.C.G.S. §143-318.11(a)(3), and upon a motion by Councilmember Perdue which carried unanimously, City Council entered into closed session to discuss pending litigation by the City of Lenoir v. David L. Williams, Doris E. Williams and Crescom Bank, 21 CVS 1082, set to start October 24, 2023.

OPEN

- SESSION:** B. Upon a motion by Councilmember Stevens which carried unanimously, City Council returned to open session.

IX. REPORT AND RECOMMENDATIONS OF THE MAYOR

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned 7:20 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

Capital Project Ordinance for the City of Lenoir

Stormwater Planning Grant

BE IT ORDAINED by the City Council Members of the City of Lenoir, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized activities for the Stormwater Planning Grant to include the expenditure of grant funds to identified stormwater system priorities that will further position the City to better manage and plan for the operations of the city-wide stormwater system. The project is to be funded by North Carolina Department of Environmental Quality utilizing American Rescue Plan funding.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Planning	\$ 248,640
Total	\$ 248,640

Section 4: The following revenues are anticipated to be available to complete this project:

State Reserve Funds grant utilizing American Rescue Plan Act (ARPA) Grant	\$ 248,640
Total	\$ 248,640

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Project Ordinance.

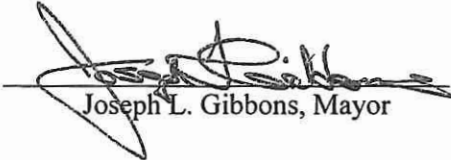
Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 7: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

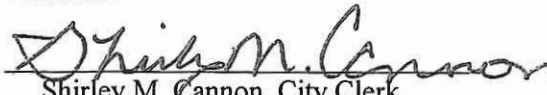
Section 8: Copies of this capital project ordinance shall be furnished to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 3rd day of October, 2023.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

Capital Project Ordinance for the City of Lenoir

TH Broyhill Walking Park Improvements

BE IT ORDAINED by the City Council Members of the City of Lenoir, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted as revised:

Section 1: The project to authorize activities for TH Broyhill Walking Park Improvements Capital Project to include the expenditure of funds for the design, construction, and project administration for the TH Broyhill Walking Park Improvement Capital Project. The project is to be funded by a donation from the Broyhill Family Foundation.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following revised expenditure are appropriated for the project:

Description	Original Budget	Revision	Revised Budget
Broyhill Park Improvements	\$100,000.00	\$100,000.00	\$200,000.00
Total Expenditures	\$100,000.00	\$100,000.00	\$200,000.00

Section 4: The following revised revenues are anticipated to be available to complete this project:

Description	Original Budget	Revision	Revised Budget
Private Donation – Broyhill Family Foundation	\$100,000.00	\$100,000.00	\$200,000.00
Total Revenue	\$100,000.00	\$100,000.00	\$200,000.00

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Project Ordinance.

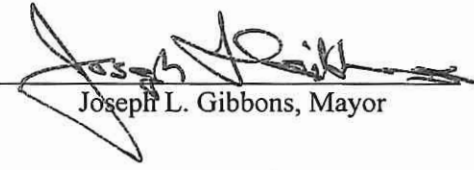
Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 7: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

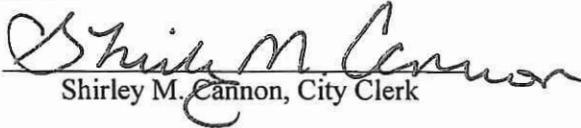
Section 8: Copies of this capital project ordinance shall be furnished to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 3rd day of October, 2023.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

Capital Project Ordinance for the City of Lenoir

Asset Inventory and Assessment Grant - Water Project

BE IT ORDAINED by the City Council Members of the City of Lenoir, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized activities for the Asset Inventory and Assessment Grant - Water Project to include the expenditure of loan grant and local funds to develop and comprehensive asset inventory of the water system. The project is to be funded by North Carolina Department of Environmental Quality State Reserve Grant.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Planning and Design	\$ 200,000
Total	\$ 200,000

Section 4: The following revenues are anticipated to be available to complete this project:

NCDEQ Grant	\$ 200,000
Total	\$ 200,000

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Project Ordinance.

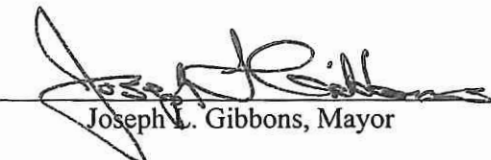
Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 7: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

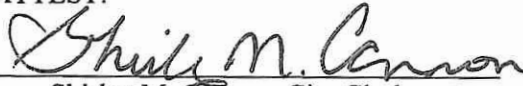
Section 8: Copies of this capital project ordinance shall be furnished to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 3rd day of October, 2023.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

Capital Project Ordinance for the City of Lenoir

Asset Inventory and Assessment Grant - Wastewater Project

BE IT ORDAINED by the City Council Members of the City of Lenoir, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized activities for the Asset Inventory and Assessment Grant - Wastewater Project to include the expenditure of grant funds to prepare a detailed inventory and assessment of the entire wastewater system. The project is to be funded by North Carolina Department of Environmental Quality utilizing American Rescue Plan funding.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Inventory and Assessment	\$ 200,000
Total	\$ 200,000

Section 4: The following revenues are anticipated to be available to complete this project:

NCDEQ ARP Grant	\$ 200,000
Total	\$ 200,000

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Project Ordinance.

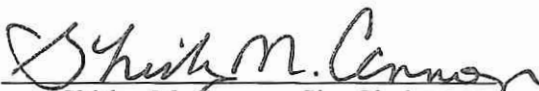
Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

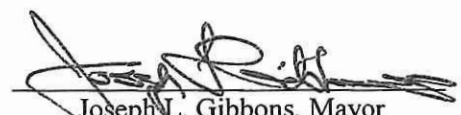
Section 7: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8: Copies of this capital project ordinance shall be furnished to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 3rd day of October, 2023.

SEAL


Shirley M. Cannon, City Clerk


Joseph L. Gibbons, Mayor



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
F. KENT GREER
T. H. PERDUE
J. I. PERKINS
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS

**RESOLUTION BY LENOIR CITY COUNCIL AUTHORIZING THE
WAIVER OF THE BIDDING PROCEDURES AND AUTHORIZING THE
PURCHASE OF A REFUSE TRUCK**

WHEREAS, the City Council of Lenoir approves the use of operating funding to purchase a Pac Mac Model RL-8 eight cubic yard rear loading refuse truck.

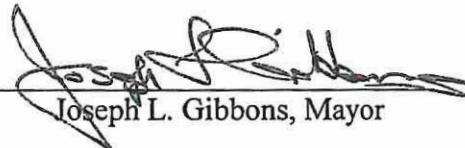
WHEREAS, the City Council of Lenoir approves the waive the formal bidding procedures as allowed by the General Statutes (GS 143-129(e)(3)). This vehicle is on the North Carolina Sheriffs Association (NCSA) contract bid #24-08-0421.

NOW, THEREFORE, BE IT RESOLVED BY THE LENOIR CITY COUNCIL:

City Council approves the purchase of a refuse truck from Carolina Environmental Systems, Inc. in the amount of \$147,947.00 utilizing revenue replacement funding.

Adopted this the 3rd day of October, 2023.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

