



AGENDA

CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, NOVEMBER 7, 2023
5:00 P.M.



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Special Recognition: On behalf of City Council, Mayor Gibbons will present a proclamation to William Williamson, Director of Faith Community Outreach, Amorem, proclaiming the month of November 2023 as National Hospice and Palliative Care Month throughout the City of Lenoir.
- C. Special Recognition: On behalf of City Council, Mayor Gibbons will present a proclamation to Jamie Willis, Executive Director, United Way of Caldwell County, proclaiming Tuesday, November 28, 2023 as "Giving Tuesday" throughout the City of Lenoir. Giving Tuesday is a global giving movement that has been built by individuals, families, organizations, businesses and communities in all 50 states and in countries around the world.
- D. FY2022-2023 Audit Presentation: Cynthia Randolph, C. Randolph, CPA, PLLC, will present the FY2022-2023 Audit Report to City Council.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

II. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, October 17, 2023 as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole Meeting of Tuesday, October 24, 2023 as submitted.
- C. Call for Public Hearing: Staff recommends City Council call for a public hearing to be held on Tuesday, December 5, 2023 to receive public comments regarding approval of the City of Lenoir's Fats, Oil, and Grease (FOG) Ordinance as recommended by City Staff.
- D. Proclamation; National Hospice and Palliative Care Month, November 2023: Approval of a proclamation proclaiming the month of November 2023 as National Hospice and Palliative Care Month throughout the City of Lenoir.
- E. Proclamation; Giving Tuesday 2023: Approval of a proclamation proclaiming Tuesday, November 28, 2023 as "Giving Tuesday" throughout the City of Lenoir.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

1. City offices will be closed on Friday, November 10 in observance of Veterans Day. A Veterans Day service will be held on Saturday, November 11 at 11:00 a.m. at the American Legion Post 29 facility located at 401 Main Street NW. The public is invited to attend.
2. The City/County Services Committee will meet on Monday, November 13 at noon at the J.E. Broyhill Civic Center.
3. The Economic Development Advisory Committee will meet on Tuesday, November 14 at 8:15 a.m. at the Foothills Regional Airport Authority.
4. The annual Light up Lenoir event begins nightly on Thursday, November 16 from 7:00 p.m. – 10:00 p.m. on the square downtown. Also, school performances will be held on Thursday, November 16 from 5:00 p.m. – 7:00 p.m. and visits with Santa will be held from 5:00 p.m. – 7:30 p.m. The public is invited to attend.
5. The City Council will not meet on Tuesday, November 21 and the Committee of the Whole will also not meet in November.
6. The annual Drive-By Community Turkey Tuesday will be held on Tuesday, November 21 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.
7. City offices will be closed on Thursday, November 23 and Friday, November 24 in observance of Thanksgiving.
8. The Planning Board will meet on Monday, November 27 at 5:30 p.m. in the City/County Chambers.
9. The Foothills Regional Airport Authority will meet on Wednesday, November 29 at noon at the Airport facility.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT



National Hospice & Palliative Care Month

November 2023

WHEREAS, for more than 40 years, hospice has helped provide comfort and dignity to millions of people, allowing them to spend their final months at home, surrounded by their loved ones; and

WHEREAS, the hospice model involves an interdisciplinary, team-oriented approach to treatment, including expert medical care, quality symptom control, and comprehensive pain management as a foundation of care; and

WHEREAS, beyond providing physical treatment, hospice attends to the patient's emotional, spiritual and family needs, and provides family services like respite care and bereavement counseling; and

WHEREAS, palliative care delivers expertise to improve quality of life and relief from pain, can be provided at any time during an illness, and hospices are some of the best providers of community-based palliative care; and

WHEREAS, hospice demonstrates how health care can – and should – work at its best for its patient; and

WHEREAS, every year more than 1 million Americans living with life-limiting illness, and their families, receive care from the nation's hospice programs in communities throughout the United States; and

WHEREAS, hospice and palliative care organizations are advocates and educators about advance care planning that help individuals make decisions about the care they want; and

WHEREAS, the Centers for Medicare and Medicaid Services have pledged to put patients first in all of its programs – including hospice – ensuring a coordinated and patient-led approach to care, protecting patient choice and access to individualized services based on a patient's unique care needs and wishes.

NOW, THEREFORE, I, Mayor Joseph L. Gibbons, on behalf of the City of Lenoir City Council, do hereby proclaim November 2023 as National Hospice and Palliative Care Month in Lenoir and encourage citizens to increase their understanding and awareness of care at the end of life, discuss their end of life wishes with their families, and observe this month with appropriate activities and programs.

This the 7th day of November 2023.

SEAL

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

Proclamation Recognizing Giving Tuesday 2023

WHEREAS, Giving Tuesday was created in 2012 as a simple idea: a day that encourages people to do good; and

WHEREAS, Giving Tuesday is a celebration of generosity and volunteerism where people give whatever they are able to give; and

WHEREAS, Giving Tuesday is a day where citizens work together to share commitments, rally for favorite causes, build a stronger community, and think about other people; and

WHEREAS, it is fitting and proper on Giving Tuesday and on every day to recognize the tremendous impact of philanthropy, volunteerism, and community service in the City of Lenoir; and

WHEREAS, Giving Tuesday is an opportunity to encourage citizens to serve others throughout this holiday season and throughout the year.

NOW, THEREFORE, I, Mayor Joseph L. Gibbons, on behalf of the City of Lenoir City Council, do hereby proclaim Tuesday, November 28, 2023, as Giving Tuesday in the City of Lenoir, and encourage all citizens to join together to give back to the community in any way that is personally meaningful.

This the 7th day of November 2023.

SEAL

Joseph L. Gibbons, Mayor



City of Lenoir

Financial Highlights Year Ended June 30, 2023

	<u>2023</u>	<u>2022</u>	<u>Increase (Decrease)</u>
<u>General Fund</u>			
Cash and investments (including restricted cash)	17,742,539	15,966,260	\$ 1,776,279
Total assets	20,168,381	18,314,616	1,853,765
Fund balance	19,211,846	16,965,596	2,246,250
Total revenues	23,704,724	21,256,482	2,448,242
Total expenditures	21,458,474	18,458,847	2,999,627
Other financing sources (uses)	-	(358,760)	358,760
Change in fund balance	2,246,250	2,438,875	(192,625)
Percent of taxes collected	97.8%	97.2%	
Unassigned fund balance as a % of general fund expenditures	79.4%	80.6%	
Total Expenditures by Department:			
<u>General Fund:</u>			
General government	3,893,607	2,760,600	1,133,007
Public safety	11,013,352	10,322,883	690,469
Transportation	2,353,258	1,922,989	430,269
Environmental protection	1,277,557	928,882	348,675
Economic and physical development	688,092	512,426	175,666
Cultural and recreation	2,102,924	1,881,383	221,541
Debt service	129,684	129,684	-
<u>Special Revenue Funds</u>			
Cash and investments (including restricted cash)	3,414,348	3,486,224	(71,876)
Total assets	3,414,348	3,491,706	(77,358)
Fund balance	628,997	301,456	327,541
Total revenues	2,464,665	1,964,693	499,972
Total expenditures	2,137,124	2,247,037	(109,913)
Change in fund balance	327,541	(282,344)	609,885
<u>Enterprise Fund - Water and Sewer</u>			
Cash and investments (including restricted cash)	11,142,203	11,102,496	39,707
Total assets	85,731,247	83,315,337	2,415,910
Net position	60,434,809	59,007,738	1,427,071
Total revenues	10,440,467	9,676,170	764,297
Total expenditures	9,004,117	7,841,591	1,162,526
Nonoperating revenues (expenditures)	(9,279)	(266,354)	257,075
Change in net position	1,427,071	1,568,225	(141,154)

City of Lenoir, North Carolina

Management's Discussion and Analysis
For the Year ended June 30, 2023

**City of Lenoir's Outstanding Debt
Revolving Loans and Installment Purchases**

Figure 7

	Governmental Activities		Business-type Activities		Total	
	2023	2022	2023	2022	2023	2022
Direct Placement Revolving Loans	\$ -	\$ -	\$ 18,504,989	\$ 18,035,740	\$ 18,504,989	\$ 18,035,740
Direct Placement Installment Purchase Contracts	\$ 713,264	\$ 842,948	\$ 2,640,000	\$ 3,080,000	\$ 3,353,264	\$ 3,922,948
Total	\$ 713,264	\$ 842,948	\$ 21,144,989	\$ 21,115,740	\$ 21,858,253	\$ 21,958,688

The above debt of the City of Lenoir decreased by \$100,435 (0.46%) during the past fiscal year.

As mentioned in the financial highlights section of this document, the City of Lenoir has a "AAA" rating from Standard & Poor's, and a "AAA" rating from Moody's Investors Services.

North Carolina general statutes limit the amount of general obligation debt that a unit of government can issue up to 8 percent of the total assessed value of taxable property located within that government's boundaries less statutory deductions for bonds applicable to water systems. The legal debt margin for City of Lenoir is \$205,350,187.

Additional information regarding the City of Lenoir's long-term debt can be found beginning on page 63 of this report.

Economic Factors and Next Year's Budgets and Rates

During fiscal year 2022-2023, the economic indicators for Lenoir followed national trends affecting the worldwide economy. Retail sales tax revenue showed increases over the prior year, which is likely attributed to the taxing of online sales and post-COVID consumer spending, even with the impacts of inflation.

The Hickory-Lenoir-Morganton MSA unemployment rate continued trending downward the past year. The unemployment rate for the Hickory-Lenoir-Morganton MSA was 3.5% as of June 2023 compared to 3.8% in June of 2022. The unemployment rate for Caldwell County remained at 3.4% in June of 2023 and was unchanged compared to June of 2022.

City of Lenoir, North Carolina
Statement of Net Position
June 30, 2023
(Exhibit A)

	Governmental Activities	Business Type Activities	Total Primary Government	Component Units		Total Reporting Unit
				City of Lenoir ABC Board	City of Lenoir LTDA	
Assets						
Cash and cash equivalents	\$ 24,041,820	\$ 10,943,418	\$ 34,985,238	\$ 504,999	\$ 493,247	\$ 35,983,484
Cash and cash equivalents - restricted	349,055	198,785	547,840	-	-	547,840
Taxes receivable (net)	280,621	-	280,621	-	-	280,621
Accounts receivable (net)	1,427,416	604,143	2,031,559	-	19,892	2,051,451
Lease Receivable - Current	19,864	-	19,864	-	-	19,864
Other receivables	742,585	2,172,099	2,914,684	-	-	2,914,684
Inventories	-	195,161	195,161	573,806	-	768,967
Prepaid expenses	-	-	-	4,036	-	4,036
Lease Receivable - Non Current	129,899	-	129,899	-	-	129,899
Capital assets:						
Nondepreciable Capital Assets	4,301,702	7,913,191	12,214,893	155,849	-	12,370,742
Depreciable Capital Assets	19,319,844	61,614,006	80,933,850	174,110	-	81,107,960
Total assets	<u>50,612,806</u>	<u>83,640,803</u>	<u>134,253,609</u>	<u>1,412,800</u>	<u>513,139</u>	<u>136,179,548</u>
Deferred Outflows of Resources	<u>5,177,888</u>	<u>2,090,444</u>	<u>7,268,332</u>	<u>117,323</u>	<u>-</u>	<u>7,385,655</u>
Liabilities						
Accounts payable	558,552	224,186	782,738	388,401	-	1,171,139
Advance from ARPA	2,785,351	-	2,785,351	-	-	2,785,351
Compensated Absences	400,483	71,556	472,039	-	-	472,039
Customer deposits	-	198,785	198,785	-	-	198,785
Long term obligations:						
Due in less than one year	129,684	1,794,334	1,924,018	-	-	1,924,018
Due in more than one year	583,580	19,350,655	19,934,235	-	-	19,934,235
Total OPEB Liability	3,030,480	493,334	3,523,814	-	-	3,523,814
Compensated Absences	433,856	102,973	536,829	-	-	536,829
Total Pension Liability	2,171,469	-	2,171,469	-	-	2,171,469
Net Pension Liability	5,409,085	2,912,585	8,321,670	105,495	-	8,427,165
Total liabilities	<u>15,502,540</u>	<u>25,148,408</u>	<u>40,650,948</u>	<u>493,896</u>	<u>-</u>	<u>41,144,844</u>
Deferred Inflows of Resources	<u>4,199,822</u>	<u>148,030</u>	<u>4,347,852</u>	<u>446</u>	<u>-</u>	<u>4,348,298</u>
Net Position						
Net investment in capital assets	22,908,282	48,382,208	71,290,490	329,960	-	71,620,450
Restricted for:						
Lease (Nonspendable)	7,064	-	7,064	-	-	7,064
Cemetery (Nonspendable)	349,055	-	349,055	-	-	349,055
Stabilization by State Statute	1,995,458	-	1,995,458	-	19,892	2,015,350
Public Safety	176,973	-	176,973	-	-	176,973
Working capital	-	-	-	160,941	-	160,941
Unrestricted	10,651,500	12,052,601	22,704,101	544,880	493,247	23,742,228
Total Net Position	<u>\$ 36,088,332</u>	<u>\$ 60,434,809</u>	<u>\$ 96,523,141</u>	<u>\$ 1,035,781</u>	<u>\$ 513,139</u>	<u>\$ 98,072,061</u>

City of Lenoir, North Carolina

Balance Sheet
Governmental Funds
June 30, 2023
(Exhibit C)

	General	Special Revenue Fund	Non Major Governmental Funds	Total Governmental Funds
Assets				
Cash and cash equivalents	\$ 17,742,539	\$ 3,414,348	\$ 2,884,933	\$ 24,041,820
Cash and cash equivalents-restricted			349,055	349,055
Taxes receivable (net)	280,621			280,621
Accounts receivable (net)	1,252,873		174,543	1,427,416
Lease Receivable	149,763			149,763
Other receivables	742,585			742,585
Total assets	<u>\$ 20,168,381</u>	<u>\$ 3,414,348</u>	<u>\$ 3,408,531</u>	<u>\$ 26,991,260</u>
Liabilities:				
Accounts payable	533,215		25,337	558,552
Advance from ARPA		2,785,351		2,785,351
Total liabilities	<u>533,215</u>	<u>2,785,351</u>	<u>25,337</u>	<u>3,343,903</u>
Deferred Inflow of Resources:				
Leases	142,699			142,699
Unavailable Property Taxes	280,621			280,621
Unspent Grant Funds			2,858,305	2,858,305
Total Deferred Inflows of Resources	<u>423,320</u>	<u>-</u>	<u>2,858,305</u>	<u>3,281,625</u>
Fund balances:				
Non Spendable				
Leases	7,064			7,064
Cemetery Care			349,055	349,055
Restricted				
Stabilization by State Statute	1,995,458			1,995,458
Public Safety	176,973			176,973
Assigned				
To Future Capital Projects			175,834	175,834
To Future Economic Development		628,997		628,997
Unassigned	17,032,351			17,032,351
Total fund balances	<u>19,211,846</u>	<u>628,997</u>	<u>524,889</u>	<u>20,365,732</u>
Total liabilities, deferred inflows of resources, and fund balances	<u>\$ 20,168,381</u>	<u>\$ 3,414,348</u>	<u>\$ 3,408,531</u>	<u>\$ 26,991,260</u>

City of Lenoir, North Carolina

Statement of Revenues, Expenditures and Changes in Fund Balances
Governmental Funds
For the Year Ended June 30, 2023
(Exhibit D)

	General	Special Revenue Fund	Non Major Governmental Funds	Total Governmental Funds
Revenues				
Ad valorem taxes	\$ 10,328,616			\$ 10,328,616
Other taxes and licenses	6,219,334			6,219,334
Unrestricted intergovernmental revenues	2,583,430			2,583,430
Restricted intergovernmental revenues	1,233,329	1,839,933	374,554	3,447,816
Permits and fees	273,267			273,267
Sales and services	1,585,535			1,585,535
Investment earnings	688,402		57,608	746,010
Miscellaneous	225,200	624,732	226,622	1,076,554
Payment from ABC Board	567,611			567,611
Total revenues	23,704,724	2,464,665	658,784	26,828,173
Expenditures				
Current:				
General Government	3,893,607	54,918		3,948,525
Public safety	11,013,352			11,013,352
Transportation	2,353,258			2,353,258
Environmental protection	1,277,557	285,000		1,562,557
Economic and physical development	688,092	1,735,206		2,423,298
Cultural and recreational	2,102,924	62,000		2,164,924
Capital projects			490,076	490,076
Debt service:				
Principal retirement	129,684			129,684
Interest and fees				-
Total expenditures	21,458,474	2,137,124	490,076	24,085,674
Excess (deficiency) of revenues over (under) expenditures	2,246,250	327,541	168,708	2,742,499
Fund balance - beginning	16,965,596	301,456	356,181	17,623,233
Fund balance - ending	\$ 19,211,846	\$ 628,997	\$ 524,889	\$ 20,365,732

City of Lenoir, North Carolina

Enterprise Fund - Water and Sewer Fund

Supplemental Schedule of Revenues and Expenditures -
For the Year Ended June 30, 2023

(Schedule 10, Part III)

Reconciliation from budgetary basis (modified accrual) to full accrual basis:

	2023 Actual
Total revenues and other financing sources on Schedule 11, Part I, Water and Sewer	\$ 10,689,837
Total expenditures on Schedule 7, Part II, Water and Sewer	<u>9,189,135</u>
Revenues and other sources over (under) expenditures and other uses:	<u>1,500,702</u>
Reconciling items:	
Interest Earned - Capital Projects	36
Debt principal	1,679,607
Capital outlay	311,740
Increase in accrued vacation pay	(21,658)
Depreciation expense	(1,856,814)
Increase in Inventory	49,665
Increase in Deferred Outflows-Pensions	690,516
Decrease in Deferred Inflows-Pensions	1,144,332
Increase in Net Pension Liability	(2,111,741)
Increase (Decrease) in deferred outflows of resources - OPEB	25,782
(Increase) Decrease in deferred inflows of resources - OPEB	(40,789)
(Increase) Decrease in OPEB Liability	<u>55,693</u>
Total reconciling items	<u>(73,631)</u>
Change in Net Position (Exhibit G)	<u>\$ 1,427,071</u>

**LENOIR CITY COUNCIL
TUESDAY, OCTOBER 17, 2023
6:00 P.M.**

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

ABSENT: Councilmen Todd Perdue and Ralph Prestwood.

CITY STAFF: In attendance was Finance Director Donna Bean, Fire Marshall Chris Jacobs, Police Chief Brent Phelps, Interim Planning Director Ed Evans, 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.

**SYMPATHY
EXTENDED:**

B. Mayor Gibbons asked everyone to keep the families of Rennie Brantz, former Mayor and Councilman of Boone, Linda Jonas, well-known citizen of Lenoir and Ken Peacock, former Chancellor of ASU in their thoughts and prayers as they passed away recently.

CALDWELL STRATEGIC

PLAN UPDATE: C. Ashley Bolick, Caldwell County Economic Development Director, presented a power point about Caldwell County's Strategic Plan for economic development. Ms. Bolick stated the Economic Development Advisory Committee (EDAC) is in the process of updating the plan and welcomed any feedback Council may have to offer. She stated everyone working together as a team would contribute to the success of the plan. Ms. Bolick also shared that Anthony Starr and Taylor Dellinger with the Western Piedmont Council of Governments (WPCOG) worked with the committee in compiling the plan. Ms. Bolick also shared the names of the members serving on the committee.

A copy of the power point is hereby incorporated into these minutes by reference. (Refer to pages 268-284.)

Ms. Bolick pointed out having a Strategic Plan would help with obtaining grant funding for improvements and assist Staff with knowing where they should spend their time and resources. She announced their four focus groups are; 1) existing industry support; 2) site development & recruitment; 3) public awareness/marketing or branding; and 4) other opportunities for collaboration, education & support.

Ms. Bolick shared the committee intends for the plan to be flexible and evaluated for any changes and/or additions. She also stated they plan to reinstate tours of local businesses in order to better educate our community and youth as to what industries exist in our area.

In addition, Ms. Bolick clarified there are around 1000 acres at the Foothills Regional Airport but only 800 are usable. Promotional ideas include full 30 minute videos which can be broken down into 30 second clips in order to target younger adults. Other opportunities include a team effort-all work together, collaborating with MyFutureNC along with the Center of Rural Innovations. Ms. Bolick stated they also received a grant from Google for this project.

On behalf of City Council, Mayor Gibbons thanked Director Bolick for the good report.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, October 3, 2023 as submitted.
- B. Minutes: Approval of the minutes of the Closed Session of the City Council meeting of Tuesday, October 3 as reviewed by the City Council, City Manager and City Attorney.
- C. Change Order #2; Smith Crossroads Sewer Project: Staff recommends City Council approval of Change Order No. 2 as recommended by McGill Associates for the Crossroads Sewer Improvements to reflect a net increase in the contract amount of \$34,740.00 as submitted. Additional background information is included on the Council Action Form in the agenda packet. (A copy of the change order is hereby incorporated into these minutes by reference. (Refer to page 285.)
- D. 2024 City Council Meeting Schedule: Approval of the 2024 City Council Meeting Schedule followings Council's review as submitted. (A copy of the meeting schedule is hereby incorporated into these minutes by reference. (Refer to pages 286-287.)

Upon a motion by Mayor Pro-Tem Thomas, City Council voted 5 to 0 to adopt items A through D 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

2024 HOLIDAY SCHEDULE:

- 1. The 2024 Holiday Schedule was submitted to City Council as information. (A copy of the holiday schedule is hereby incorporated into these minutes by reference. (Refer to page 288.)

ONE STOP VOTING:

- 2. One Stop voting begins on Thursday, October 19 through Friday, November 3 from 8:00 a.m. – 5:00 p.m. at the Caldwell County Resource Center located at 120 Hospital Avenue (former library) and on Saturday, November 4 from 8:00 a.m. – 3:00 p.m.

**ANNUAL WOOD, FIRE,
SMOKE FESTIVAL:**

3. The annual Wood, Fire, Smoke Festival will be held on Saturday, October 21 from 10:00 a.m. – 7:00 p.m. in downtown Lenoir.

**PLANNING
BOARD:**

4. The Planning Board will not meet on Monday, October 23 due to not having any agenda items.

**COMMITTEE OF
THE WHOLE:**

5. The Committee of the Whole will meet on Tuesday, October 24 at 8:30 a.m. at City Hall, Third Floor.

**FOOTHILLS REGIONAL
AIRPORT AUTHORITY:**

6. The Foothills Regional Airport Authority will meet on Wednesday, October 25 at noon at the airport facility.

**HALLOWEEN
EVENTS:**

7. The downtown Trick or Treat event and the Mad Hatters Pumpkin Patch Parade will be held on Friday, October 27 from 3:00 p.m. – 6:00 p.m.

PARKS & RECREATION

- DEPARTMENT:** 8. The Parks and Recreation Department is also hosting the Run for Your Life 5K on Friday, October 27 from 6:00p.m. – 7:00 p.m. in downtown Lenoir. The movie “The Nightmare Before Christmas” will be shown at the stage area at 6:30 p.m.

CRUISE IN/HALLOWEEN

- EVENT:** 9. A Cruise In & Trunk or Treat Halloween Event will be held on Saturday, October 28 beginning at 3:00 p.m. in the downtown area.

TRUNK OR TREAT;

- MLK CENTER:** 10. A drive through Trunk or Treat will be held on Tuesday, October 31 beginning at 5:00 p.m. at the Martin Luther King, Jr. Center. The public is invited to attend.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

IX. REPORT AND RECOMMENDATIONS OF THE MAYOR

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 6:30 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

Caldwell County Economic Development Strategic Plan

Tuesday, October 17, 2023



Why have a Strategic Plan?

Caldwell County Economic Development Strategic Plan

New EDAC
April 1, 2023

Strategic Plan
Work Session
May 9, 2023

Draft Plan Review
w/ EDAC
June 13, 2023

Caldwell County
Commissioners
Approval
July 10, 2023

Economic Development Advisory Committee



Dr. Mark Poarch



Mark Transou



Janet Aiken



Alan Merck



Richard Boyd



Rick Coffey



Max Dyer



Jimmy Harrison

Economic Development Advisory Committee



Ann Smith



Bonnie Caudle



Chase Winebarger



Jerry Church



Jonathan Greer



Jon Blair



Rick Justice



Ronnie Setzer



Scott Hildebran

Notes for May 9, 2023 Work Session

Threats, Weaknesses, Problems to Address

- 1) Lack of housing (15 votes)
- 2) Lack of building/sites that are ready (11 votes)
- 3) Lack of childcare/impacts labor participation (9 votes)
- 4) Attracting younger employees and professionals (6 votes)
- 5) Lower salaries compared to other counties (6 votes)
- 6) Population decline (5 votes)

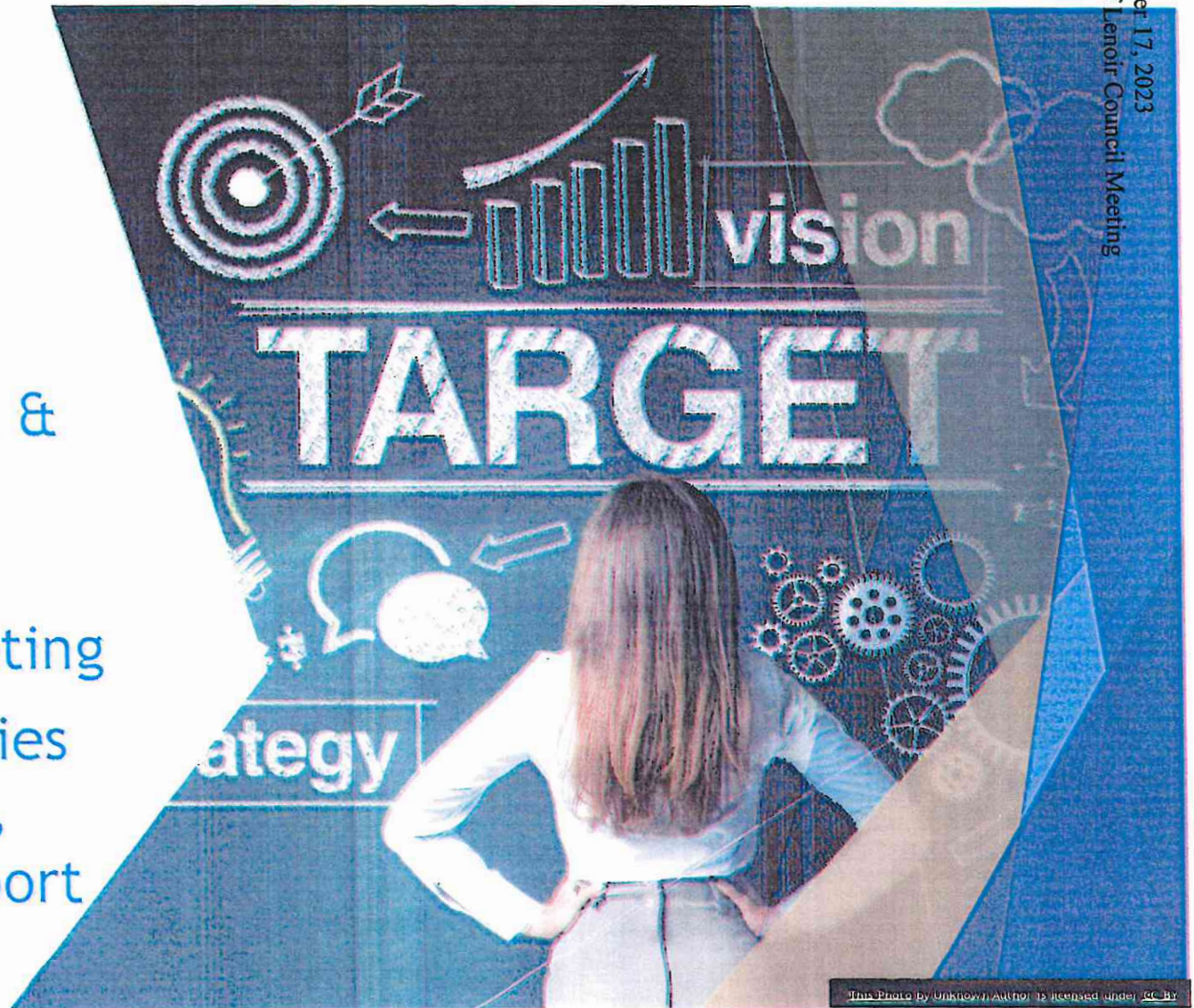
Notes for May 9, 2023 Work Session

Opportunities, Projects, and Priorities

- 1) Support existing industry for job growth (12 votes)
- 2) Find new sites for industrial development (11 votes)
- 3) Help people understand about jobs and training availability (9 votes)
- 4) Utility projects; water/sewer/fiber (7 votes)
- 5) Collaboration between communities (5 votes)
- 6) Make our communities and county attractive; code enforcement, main street (5 votes)

4 Focus Areas

- ▶ Existing Industry Support
- ▶ Site Development & Recruitment
- ▶ Public Awareness/Marketing
- ▶ Other Opportunities for Collaboration, Education & Support



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- ▶ (~) shared strategy/action from January 2020 Caldwell County Comprehensive Plan
- ▶ (*) shared strategy/action from the 2022 Comprehensive Economic Development Strategy (CEDS)
- ▶ (+) aligned with myFutureNC attainment strategies



Existing Industry Support

- ▶ Focus one position within ED on existing industry support
 - ▶ Site Visits
 - ▶ Tool & Resource Development (+)
- ▶ Education awareness Opportunities for Educators
 - ▶ Workforce Wednesday: Connecting Careers to the Classroom



Site Development & Recruitment



Study the feasibility of development at/along the rail and Foothills Regional Airport (*)



Identify potential industrial development sites in the county (*)

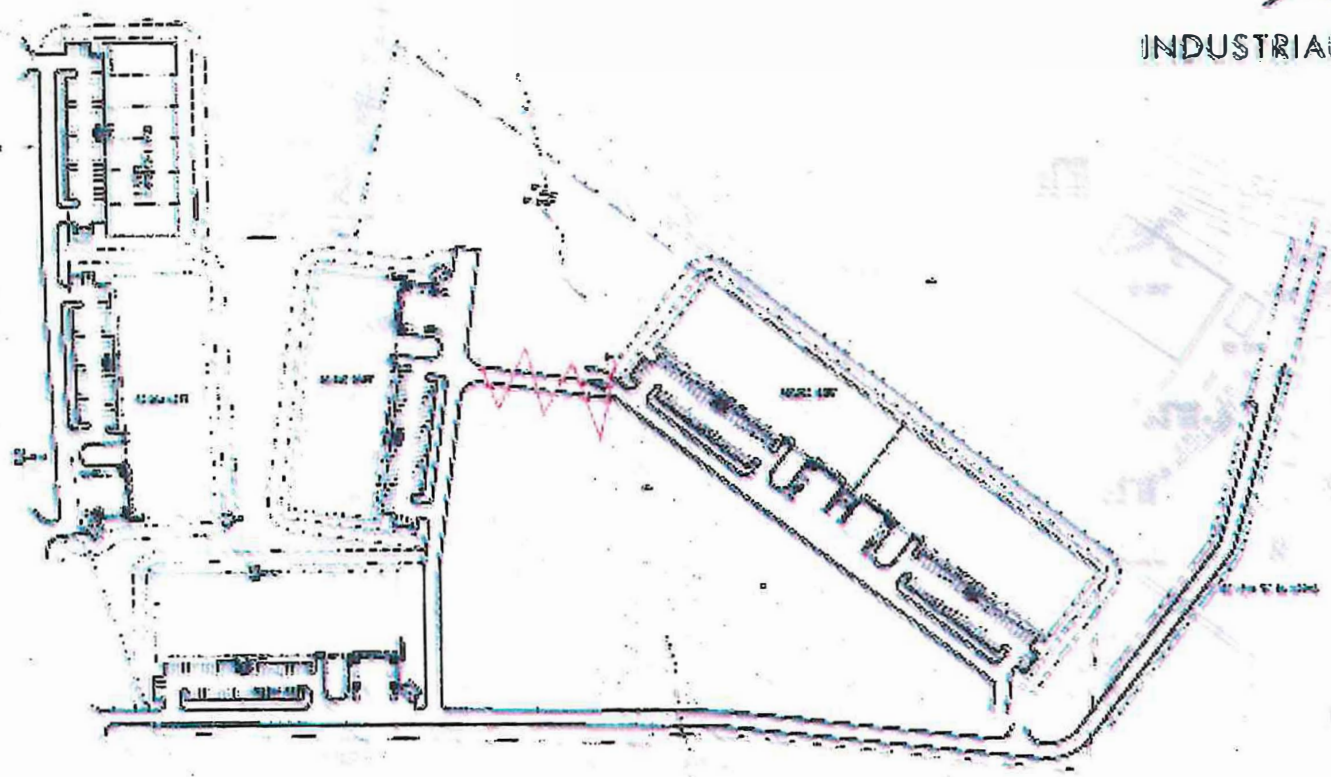


Explore the use of Public, Private, Partnerships (P3) opportunities (*)

EVERGREEN

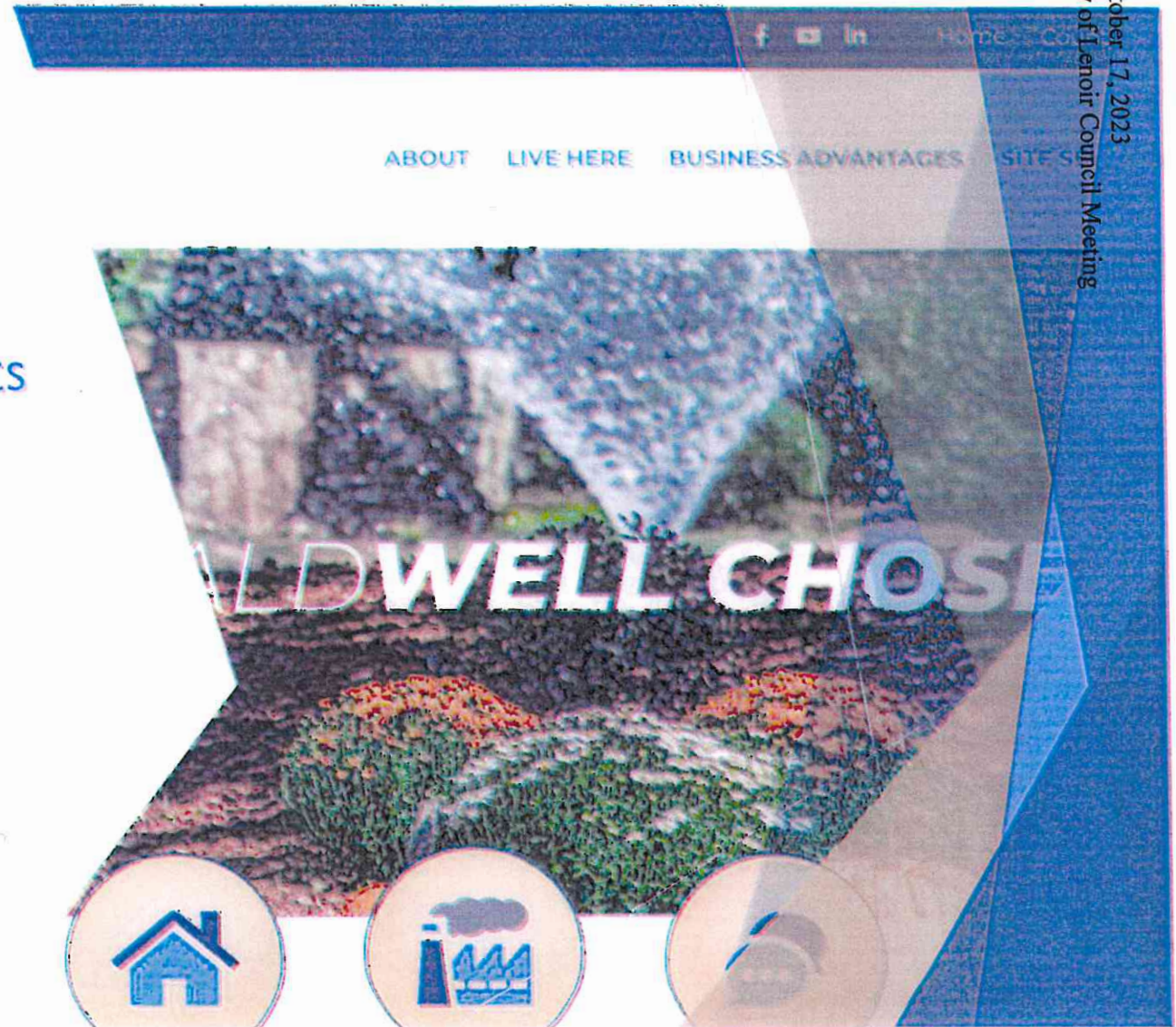


INDUSTRIAL PARK • SAWMILLS



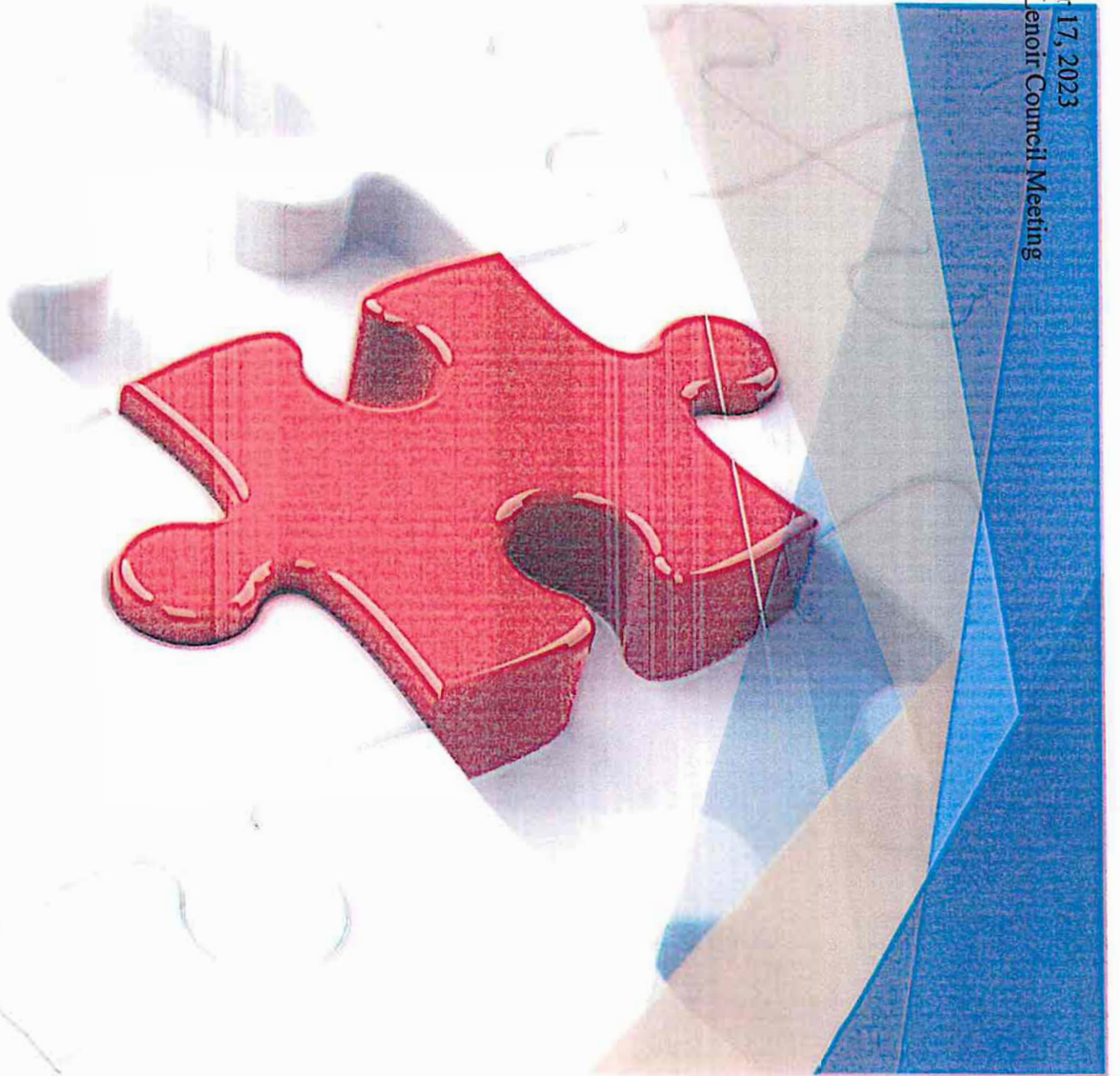
Public Awareness/ Marketing

- ▶ Website Improvements
- ▶ Increase the use of videos
- ▶ Ensure students and parents are aware of career opportunities (*+)



Other Opportunities for Collaboration, Education & Support

- Explore the feasibility of creating a tech hub in Caldwell County
- Promote the development of bicycle and pedestrian facilities connecting communities and area attractions



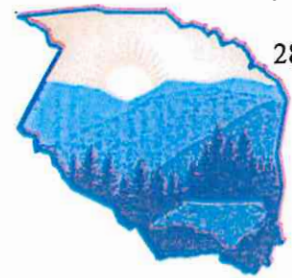
Welcome feedback &
suggestions.

Ashley Bolick

abolick@caldwellcountync.org

828-728-0768

STRATEGIC PLAN Caldwell County NORTH CAROLINA Economic Development



29

283

EXISTING INDUSTRY SUPPORT

Possible Strategies & Actions

- » Focus one position within economic development department on existing industry support
- » Conduct both systematic and as-needed visits with existing industry to identify needs
- » Identify & develop existing industry tools & resources (i.e. Annual Caldwell County Wage & Benefits Survey, Labor Market Alignment Information) +
 - Facilitate business engagement with educational institutions to improve labor market alignment and student outcomes +
 - Business engagement around "earn and learn" opportunities for employees +
 - Promote work-based learning opportunities (i.e. internships, apprenticeships) +
- » Support small business development lending for job creation by working with local agencies that provide loans*
- » Promote/market local area careers; labor market details for the region to a variety of audiences (i.e. students, parents, educators) *
- » Work with school system to identify upcoming K-12 talent to retain workforce
- » Build educational/awareness opportunities for educators (i.e. Workforce Wednesday: Connecting Careers to the Classroom)

Metrics

Number of resources for existing industry; number of participants in work-based learning programs; number of loans; new marketing materials.

Partners

Local Governments, community groups, Workforce Development Board, private sector, youth leadership programs, education systems, lenders, grant agencies.

SITE DEVELOPMENT & RECRUITMENT

Possible Strategies & Actions

- » Study the feasibility of development opportunities at/along both the rail in Caldwell County and at the Foothills Regional Airport**
 - Evaluate existing infrastructure at/along both rail & airport
 - Obtain grant funding for improvements
- » Identify potential industrial development sites in the county, assess the number and size of needed shovel-ready & pad-ready sites in the county. Complete an assessment of existing sites, evaluate regulations and future land use plans *
- » Attend targeted industry site selection events
- » Identify critical utility projects and collaborate in multi-jurisdictional projects ~*
- » Explore the use of Public, Private, Partnerships (P3) opportunities*
- » Explore incentive options that would prioritize who Caldwell County would offer incentives
- » Encourage local government to add website links to the Caldwell County site inventory map
- » Maximize building reuse and site redevelopment opportunities*
- » Use the Western Piedmont Industry Growth Analysis (IGA) for business recruitment*

Metrics

Number of pad-ready sites available/created; new public/private partnerships; identified sites and number of new shovel-ready sites; number of evaluated corridors/rights of way/ rail improvements; number of added links; number of successful grants; number of new recruitments.

Partners

Local Governments, railroad, Foothills Regional Airport, NCDOT, grant agencies, WPCOG, utility departments, private utility companies.

~shared strategy/action from January 2020 Caldwell County Caldwell County Comprehensive Plan

*shared strategy/action from the 2022 Comprehensive Economic Development Strategy (CEDS)

+aligned with myFutureNC attainment strategies

Possible Strategies & Actions

- » Improve the website and social media presence of Caldwell County Economic Development
- » Explore marketing/branding initiatives (i.e. Work in Burke, NC Carolina Core); consider an initiative (perhaps regional) to recruit additional talent
- » Increase the use of videos to promote industry in Caldwell County
- » Promote & support regional assets such as the Manufacturing Solutions Center (MSC), Morganton Campus of the NC School of Science and Math (NCSSM), Appalachian State University, Lenoir Rhyne University, the NC Center of Engineering Technologies (NCCET), community colleges, and other critical economic development assets (educational, recreational, etc.) *
 - » Inform the community of the importance of these assets*
 - » Create new opportunities near campuses, such as retail, hotel, housing, sidewalks, greenways, recreation, and transit*
- » Intentionally focus efforts on disengaged populations +
- » Promote quality of life in county to retain and attract talent ~
 - » Develop informational talking points targeting various audiences (visitors, current residents, prospective residents, business & industry) that can be used consistently throughout the county*
 - » Link the proximity of the county to the idea that we are a region with everything (NC Foothills Experience website, etc.)*
 - » Link the proximity of the county to major metros
- » Ensure students and parents are aware of career opportunities available in the county and educational programs that align with those careers*+
 - » Promote postsecondary attainment to meet specific employer/workforce needs
- » Develop methods to encourage relocation to the county and/or market Caldwell as a destination ~*
 - » Continue to support the veteran population with jobs, living and healthcare resources. Recruit veterans for workforce needs*

Metrics

Website and social media analytics; number of videos created; size of disengaged population; number of marketing materials created

Partners

Local Governments, chamber of commerce, TDAs, private and non-profit partnerships, educational facilities, Caldwell Public TV, Greenway Public Transportation, WPCOG

OTHER OPPORTUNITIES FOR COLLABORATION, EDUCATION & SUPPORT

- » Beautification (i.e. minimum housing, code enforcement, main street programs, placemaking, HWY 321 & gateway entrances) ~
- » Housing (identify housing development opportunities)*
 - » WPCOG Housing Toolkit (policy examples)
 - » Support homebuilders' association
 - » Pursue second phase of UNC SOG DFI housing study to encourage developers to build in Caldwell ~
 - » Unified development ordinances w/ unified planning department
- » Explore the feasibility of creating a tech hub in Caldwell County
- » Promote entrepreneurialism through small business startup and retention efforts
- » Support the expansion of existing childcare centers as well as new centers looking to locate in the county with a emphasis on quality pre-K education~
- » Work to achieve 1.5 to 2% population growth annually to avoid population loss and maintain healthy community growth
 - » Determine how many people are needed to replace population losses and also grow by 1-2% annually
- » Decrease the workforce who commute out of the county for jobs
- » Work with local, state, and federal officials to reduce the approval process time for development – modify processes and ordinances to become more development/business friendly*
- » Evaluate the feasibility of adding public transportation or Travel on Demand for Caldwell County to improve labor force participation ~*
 - » Promote the development of bicycle and pedestrian facilities connecting communities and area attractions
- » Explore increasing and marketing recreational opportunities such as parks, open spaces, and walking trails/sidewalks/greenways that will attract new residents, tourism, and young adult populations back into the region ~

Metrics

number of designated main street programs; number of gateway improvements; number of new housing units; number of childcare providers; population growth

Partners

Local Governments, chamber of commerce, TDAs, private and non-profit partnerships, educational facilities, local veterans' affairs office, NCDOT, WPCOG, MPO, PARTF, Parks/ Rec Departments



PO Box 785
Jefferson NC 28640

Date	6/27/2023	To	Mike Patton, McGill Associates
		From	Sid Carpenter, CGU
<u>Proposed Change Order</u> Crossroads Sewer Lenoir, NC			

1	16 foot of 12" storm drain upstream of MH 20A, 12/2/22	\$	5,400.00
2	11 foot of 24" storm drain upstream of MH 18B, 10/25/22	\$	3,940.00
3	20 foot of 18" storm drain between MH 15 and 16, 9/27/22	\$	7,400.00
4	24" storm drain w/ 9.5' Depth Precast Box	\$	12,500.00
5	Unknown/Unplanned Utilities Exploration: 5 days digging and exploring existing water lines behind gas station in early November 22, unknown 2" waterline repair/ unknown gas	\$	5,500.00
			\$ 34,740.00

This change does not include certain overages and underages of certain items on the contract that will be taken care of via final adjusting change order.

CITY OF LENOIR
LISTING OF
CITY COUNCIL MEETINGS FOR 2024

JANUARY

City Council	Tuesday, January 2	6:00 p.m.
City Council	Tuesday, January 16	6:00 p.m.
Committee of the Whole	Tuesday, January 23	8:30 a.m.

FEBRUARY

City Council	Tuesday, February 6	6:00 p.m.
City Council	Tuesday, February 20	6:00 p.m.
Committee of the Whole	Tuesday, February 27	8:30 a.m.

MARCH

City Council	Tuesday, March 5	6:00 p.m.
City Council	Tuesday, March 19	6:00 p.m.
Committee of the Whole	Tuesday, March 26	8:30 a.m.

APRIL

City Council	Tuesday, April 2	6:00 p.m.
City Council	Tuesday, April 16	6:00 p.m.
Committee of the Whole	Tuesday, April 23	8:30 a.m.

MAY

City Council	Tuesday, May 7	6:00 p.m.
City Council	Tuesday, May 21	6:00 p.m.
Committee of the Whole	Tuesday, May 28	8:30 a.m.

JUNE

City Council	Tuesday, June 4	6:00 p.m.
City Council	Tuesday, June 18	6:00 p.m.
Committee of the Whole	Tuesday, June 25	8:30 a.m.

JULY

City Council	Tuesday, July 16	6:00 p.m.
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***Only one meeting in July.**

AUGUST

City Council	Tuesday, August 6	6:00 p.m.
City Council	Tuesday, August 20	6:00 p.m.
Committee of the Whole	Tuesday, August 27	8:30 a.m.

SEPTEMBER

City Council	Tuesday, September 3	6:00 p.m.
City Council	Tuesday, September 17	6:00 p.m.
Committee of the Whole	Tuesday, September 24	8:30 a.m.

OCTOBER

City Council	Tuesday, October 1	6:00 p.m.
City Council	Tuesday, October 15	6:00 p.m.
Committee of the Whole	Tuesday, October 22	8:30 a.m.

NOVEMBER

City Council	Tuesday, November 5	6:00 p.m.
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***Only one meeting in November**

DECEMBER

City Council	Tuesday, December 3	6:00 p.m.
City Council	Tuesday, December 17	6:00 p.m.

2024 SCHEDULE OF EVENTS**NCLM MEETINGS****Event**

TBA	Town & State Dinner
April 23 - 25	Annual City Vision Conference (Winston-Salem, North Carolina)

NLC MEETINGS**Event**

March 11 - 13	Congressional City Conference (Washington, DC)
November 13 - 16	City Summit (Tampa, Florida)

CITY OF LENOIR

2024 HOLIDAY SCHEDULE

Monday, January 1	New Year's Day
Monday, January 15	Martin Luther King, Jr. Day
Friday, March 29	Good Friday
Monday, May 27	Memorial Day
Thursday, July 4	Independence Day
Monday, September 2	Labor Day
Monday, November 11	Veterans Day
Thursday, November 28	Thanksgiving Holiday
Friday, November 29	
Tuesday, Wednesday, Thursday December 24, 25, & 26	Christmas Holiday

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, OCTOBER 24, 2023**

8:30 A.M.

Present: Mayor Joe Gibbons, Mayor Pro-Tem Crissy Thomas, Jonathan Beal, Kent Greer, Todd Perdue, Ike Perkins, and David Stevens.

Staff Present: City Manager Scott Hildebran, City Clerk Shirley Cannon, Finance Director Donna Bean, Public Services Director Radford Thomas, Planning Director Hannah Williams, Interim Planning Director Ed Evans, Downtown Event Coordinator Matthew Anthony, Parks & Recreation Director Phil Harper, Fire Chief Norman Staines, and Police Major Andy Wilson.

Absent: Councilman Ralph Prestwood, Police Chief Brent Phelps, Public Utilities Operations Manager Jeff Church, Public Works Operation Manager Jon Hogan and Communications Director Joshua Harris.

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

II. Citizen Comments

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

III. Committee Items:

A. Update; Public Services: Radford Thomas, Public Services Director, read the reports as submitted by Public Works Operation Manager Jon Hogan and Public Utilities Operations Manager Jeff Church due to their participating in a class at the UNC School of Government (SOG).

B. Update; Public Works:

1. **Smith Crossroads Gateway Sign:** Documents have all been signed including the temporary construction and permanent maintenance easement. Construction is about 2 weeks out from beginning.
2. **LFD Infrastructure Repair (Sinkhole):** Preliminary survey work has been completed. CVET has completed soft digs and survey work for shoring portion. Golden Leaf application was submitted but has been put on hold until first week in October due to an increase in available funding. Our resubmittal could possibly see funding up to \$2,000,000. Current construction estimate is \$3,708,366. Project is still on schedule.
3. **Hospital Avenue Sidewalk Project:** Asplundh has completed tree work. Duke has relocated poles and is currently moving utilities. According to meeting with NCDOT on 9/25 the additional \$1,640,000.00 in LAPP funding was approved. Will work with DOT to update agreement within the EBS portal.

4. **Greenway; Google Connection, HWY 18 Crossing and PED Counts:** Google has completed stream bank restoration project. Mattern & Craig is working on a bid packet for this Greenway connection which will connect the pedestrian bridge at Google to the future Morganton Boulevard Crossing. We will work with NCDOT on prescribed crossing options. Currently Pedestrian counts are being measured at the Lower Creek Trailhead and Quest Trailhead as part of the Midblock Crossing Application.
5. **Freese and Nichols: 1003 Pennell St. Phase 1 Stormwater:** Documents have been executed to begin Phase 1 which will include a study of the area, historical flood data, current condition analysis, conceptual alternatives and recommendations.
6. **23-02 N.C. Forest Service Urban and Community Forestry Financial Assistance Award - Tree Canopy Cover Assessment: This is Phase 1 of a 3 Phase Forestry Grant Project.**
 - **Phase 1** – Canopy cover assessment completed by the forestry service. Current cost is \$6,932.00 with a 50% shared cost of \$3,466.00.

C. Update; Public Utilities:

1. **Asset Inventory and Assessment Grant (ARPA & SRP):** McGill has begun preliminary work on the AIA studies. Work order records are being reviewed and a list of needed City documents are currently being prepared.
2. **Crossroads Sewer Project:** The original work and punch list work have both been completed except for painting/stripping at Yokefellow donation drop-off entrance. Closeout paperwork is being prepared.
3. **Finley Water Project:** Plans and specs are being prepared for submittal to DWI by the end of this week, September 25-29, 2023. BLE is preparing a proposal to drill additional borings for the potential water tank location.

McGill Engineering requested a 2-month time extension for all project milestones due to pending geotechnical results and to enable existing conditions plans to be updated before finalizing water line layouts.

Current deadlines are summarized below:

- October 2, 2023: bid and design package submittal (all permits obtained)
 - February 1, 2024: bid and design package approval
 - June 3, 2024: advertise project, receive bids, submit bid information, and receive authority to award
 - July 1, 2024: execute construction contract(s)
 - December 31, 2026: receive last reimbursement (statutory, not extendable)
5. **Freeze and Nichols Lead and Copper Inventory Project:** FNI presented on public communication requirements of the revisions to the lead and copper rule (LCRR). There is a target date of January 2024 for publishing LCRR communication. Identifying as much service line material as possible to minimize the magnitude of required public communication effort is a high priority.
 6. **Rhodhiss Flashmix Basin Repairs Project:** McGill has been in contact with a potential bidder to identify work to be performed by the City to allow them to bid the project. McGill is also coordinating those clarifications to the bid documents with SKA and developing a bidding schedule.

IV. Community Development

- A. Update; Events: Matthew Anthony, Downtown Event Coordinator, shared the Wood, Fire, Smoke, Festival held on Saturday, October 21 was a huge success and well attended. He expressed appreciation to City Staff, Fire & Police Departments plus the Main Street volunteers for all of their assistance during the event. He reported several of the vendors were very popular with the crowd. Matthew further stated two façade grant applications were submitted for the Harper office building and the Lenoir Service League building.

Three additional workshops are scheduled for people who wish to purchase and decorate a commemorative tile that will be placed on the new clock tower. The tiles are \$75.00 each.

Upcoming events include the Downtown Trick or Treat event on Friday, October 27 from 3:00 p.m. – 6:00 p.m. The Mad Hatters Pumpkin Patch Parade will be held at 3:00 p.m. with the “Run for Your Life” race following the parade. The movie “the Night before Christmas” will be shown on the downtown stage at 6:30 p.m. Light up Lenoir is scheduled to begin on Thursday, November 16 from 5:00 p.m. – 7:30 p.m. Also, the downtown carriage rides will begin in December.

- B. Planning Board: The Planning Board and Board of Adjustment did not meet in October. Ed Evans, Interim Planning Director, presented a report of current projects. Director Evans led a discussion regarding the absence of a retaining wall and sidewalk at Mavis Tire. He stated Mavis was currently under code enforcement and the City has informed them of the City’s plans to begin levying daily fines. He reported NCDOT has also stated Mavis Tire has to adhere to the original plans for the site and they are also responsible for moving a portion of the guardrail in front of their business.

Director Evans reported the future site for Farm Bureau, which consists of 4 ½ acres, has been graded without the City’s knowledge. He stated the City does not issue grading permits, but we should have been working to improve communication with Caldwell County inspections, NCDOT, and WPCOG and NCDEQ.

1. Vacant Property Maintenance Overview: Interim Director Ed Evans reported there were several downtown businesses with deteriorating conditions. He pointed out the City has a minimum housing ordinance, but currently does not have one for commercial buildings. He stated Caldwell County also does not have the authority to abate existing buildings. Director Evans explained he contacted Tyler Mulligan with the School of Government (SOG) and found out if the City sees conditions that may cause public safety issues, City Council has the authority to abate the property pursuant to N.C.G.S. §160A-193, Abatement of Public Health Nuisances. (A copy of the statute is attached to the minutes as information.

In addition, Director Evans shared a color coded handout from the UNC School of Government (SOG) pertaining to Repair of Nonresidential Buildings: NC Local Government Authority. (A copy of the handout is attached to these minutes as information.)

The handout includes information for 1) Regulation/Order, 2) NCGS Authority, 3) Statutory Standards and 5) Recoup Costs. Green stands for good condition but vacant. Yellow means obviously vacant or visible maintenance deficiencies (not dangerous or hazardous.) Red means a building is dangerous or hazardous but can be repaired at a reasonable cost and black & blue conditions mean the building is in need of demolition or removal.

Director Evans stated developing an ordinance would be a two-month process and the City could use the color coded chart to rank its 13 buildings that need to be addressed.

It was the consensus of City Council to move forward with an ordinance. He further stated that two of these building can be repaired. As information, Director Evans mentioned that two homes are set for demolition this week.

Director Evans shared that today is his last day with the City of Lenoir and stated he has enjoyed working with everyone. He will be returning to his job at Mattern and Craig. Mayor Gibbons and everyone wished him well.

- C. Parks & Recreation Advisory Board: The Parks & Recreation Advisory Board met on Monday, October 16. Phil Harper, Parks & Recreation Director presented the following report:

Director Harper reported that Bernhardt Industries donated mulch to the Department and they are in the process of distributing it at the playgrounds. In addition, a concrete wall is being constructed at the Martin Luther King, Jr. Center. Also, an adult soccer area has been installed at Wilson Field. He said people are also enjoying using the pickleball courts and playing ping pong and tennis.

V. FINANCE & ADMINISTRATION

- A. Update; Donna Bean, Finance Director: September Financial Summary: Director Bean reviewed the Financial Summary as of September 30, 2023. The over/under balance in the General Fund is \$10,524,074.50, Downtown District (\$34,556.65) and Water & Sewer Fund \$730,395.90.

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

Director Bean stated the financials were on track and revenue was where she anticipated it would be.

- B. Personnel Policy Revision; Substance Use: Staff recommends approval to change the guidance in the post-accident testing portion of the Personnel Resolution as submitted. Director Bean explained Staff is recommending changing the word accident to "incident" throughout the document.

A copy of the personnel policy revision is attached to these minutes as information.

Motion

Upon a motion by Councilmember Beal, City Council voted 6 to 0 to adopt the updates to the personnel policy revision for substance use as recommended by Finance Director Bean.

- C. Consideration of Employee Holiday Bonus: Finance Director Bean asked City Council for their consideration of approval of a holiday bonus for City employees this year. Director Bean stated funding would come from former lapsed salaries and insurance and no additional funding is needed from the General Fund. She stated this is the eighth year employees have received a bonus. Employees will receive a \$250.00 bonus check on Wednesday, November 22 following Council's approval. Director Bean remarked the bonus is very much appreciated by employees.

A copy of the holiday bonus request is attached to these minutes as information.

A brief discussion was held by City Council regarding the importance of the City employees and how much they are appreciated.

Motion

Upon a motion by Councilmember Perkins, Council voted to 6 to 0 to approve the holiday bonus of \$250.00 as recommended by Finance Director Bean.

- D. Public Communications: Joshua Harris, Public Information Officer, was not present at the meeting due to currently participating in a course at the UNC School of Government. The communication report for September was included in the agenda packet as information.

VI. Public Safety

- A. Update; Police Department: Andy Wilson, Police Major, referred to the Department's Quarterly Report for July, August & September and stated the numbers were similar to last quarter's information. Major Wilson shared the Department was not currently fully staffed, but they would receive several applicants following their graduation from the Basic Law Enforcement Training (BLET) course.
- B. Update; Fire Department: Norman Staines, Fire Chief, stated the Department's third quarterly report for July, August & September was submitted as information. Chief Staines reported the clock has been ordered for Station No. 1 downtown and mentioned Staff was continuing their training on the new fire truck.

Fire Department Risk Review: Chief Staines said he met with a representative from the North Carolina League of Municipalities (NCLM) and stated the NCLM will be conducting a risk review of the department. Staff will incorporate any recommendations they may suggest.

VII. OTHER

- A. The November calendar was provided in packet as information listing committee meetings and upcoming events.
- B. City Manager Hildebran reviewed the schedule of events City Council will be attending on Friday, October 27.
- C. Councilmembers Ike Perkins and Crissy Thomas informed everyone they are seeking donations of frozen turkeys for the annual Turkey Tuesday event on Tuesday, November 21

beginning at 5:00 p.m. at the Martin Luther King, Jr. Center. Councilman Perkins stated their goal is to give away 400+ turkeys to families in need.

VIII. ADJOURN

A. There being no further business, the meeting was adjourned at 9:58 a.m.

Attachments

N.C.G.S. §160A-193, Abatement of Public Health Nuisances

Repair of Nonresidential Buildings: NC Local Government Authority

September Financial Summary

Bonus Request

Personnel Policy Revision

§ 160A-193. Abatement of public health nuisances.

(a) A city shall have authority to summarily remove, abate, or remedy everything in the city limits, or within one mile thereof, that is dangerous or prejudicial to the public health or public safety. Pursuant to this section, the governing board of a city may order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health or safety. The expense of the action shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes.

(b) The expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. This subsection shall not apply if the person in default can show that the nuisance was created solely by the actions of another.

(c) The authority granted by this section does not authorize the application of a city ordinance banning or otherwise limiting outdoor burning to persons living within one mile of the city, unless the city provides those persons with either (i) trash and yard waste collection services or (ii) access to solid waste dropoff sites on the same basis as city residents. (1917, c. 136, subch. 7, s. 4; C.S., s. 2800; 1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 20; 2001-448, s. 1; 2002-116, s. 3; 2014-120, s. 24(h).)

Tuesday, October 24, 2023
Minutes-Committee of the Whole

UNC School of Government

Tyler Mulligan

Repair of Nonresidential Buildings: NC Local Government Authority

Regulation / Order	NCGS Authority	Statutory standards	Recoup costs
Green Condition: Good condition but vacant			
 Ordinance could require: Vacant property registration	160A-174 & 153A-121 (General ordinance-making power) 160A-194 & 153A-134 (Regulating businesses)	<u>"detrimental"</u> to the health, safety, or welfare of its citizens and the peace and dignity" of the city/county	- Admin fee - Decriminalized civil penalty (GS 160A-175)
Yellow Condition: Obviously vacant or visible maintenance deficiencies (not dangerous or hazardous)			
 Ordinance could require: - Keep bldg. appearance in good repair - Exhibit no evidence of vacancy Failure to comply, obtain: - Injunction or - Court order of abatement Gov't may effectuate if owner cited for contempt for failing to comply with court order	160A-174 & 153A-121 (General ordinance-making power) 160A-194 & 153A-134 (Regulating businesses) In urban redevelopment area: "program of compulsory repair" and "loans therefor" 160A-503 & 160A-512 via 160D-1311	<u>"detrimental"</u> to the health, safety, or welfare of its citizens and the peace and dignity" of the city/county <i>State v. Jones</i> (1982): <u>"aesthetic"</u> considerations may constitute a valid basis for the exercise of the police power" if public benefit outweighs private harm: "protection of property values" "preservation of the character and integrity of the community" "promotion of the comfort, happiness, and emotional stability of area residents"	- Admin fee - Decriminalized civil penalty (GS 160A-175) - Costs of executing court order are mechanic's lien on property (GS 160A-175)
Red Condition: Building is dangerous or hazardous but can be repaired at reasonable cost			
 May order repair only if: 160D-1129: "dangerous and injurious" bldg. with repair cost <50% bldg. "value" (EXCEPT manuf. & warehousing) 160D-1201: "abandoned structure" that is a "hazard" with repair cost that is "reasonable" as determined by local government	160D-1129 (Nonresidential Buildings) 160D-1201 (Minimum Housing for any "abandoned" structure that is a "hazard") In urban redevelopment area: "program of compulsory repair" and "loans therefor" 160A-503 & 160A-512 via 160D-1311	160D-1129: Repair cost LESS than 50% building value & "standards shall address only conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings or structures." OR 160D-1201: Repair cost is "reasonable" (% defined by local govt per GS 160A-443) for "...any abandoned structure which [is] a health or safety hazard [for enumerated reasons]." 	- Admin fee - Civil penalty authorized under GS 160D-1129 but NOT 160D-1201 - Costs become lien collected as special assessment - Costs also lien on owner's other property within city (but not home)
Black & Blue Condition: Building in need of demolition or removal			
 Ordinance can be enacted "to prevent the demolition by neglect of any designated landmark or any [structure] within an established historic district."	160D-949/950 (Delay in demolition of landmarks and buildings in historic district) 40A-3(b)(8) (Eminent domain)	Governing board may establish standards and requirements but ordinance shall "provide appropriate safeguards to protect property owners from undue economic hardship."	General authority to enforce & effectuate ordinances (same as yellow condition) (GS 160A-175)



**City of Lenoir
Financial Summary
As of 9/30/2023**



General Fund					
	2023-2024 Budget	9/30/2023	% of Budget	Change from Previous Year	9/30/2022
Total Revenue	\$ 22,066,505.00	\$ 15,914,303.05	72%	\$ (331,299.86)	\$ 16,245,602.91
Expenditures	\$ 22,066,505.00	\$ 5,390,228.55	24%	\$ 162,973.87	\$ 5,227,254.68
Over/Under	\$ -	\$ 10,524,074.50		\$ (494,273.73)	\$ 11,018,348.23
Downtown District					
	2023-2024 Budget	9/30/2023	% of Budget	Change from Previous Year	9/30/2022
Revenues	\$ 236,900.00	\$ 19,895.58	8%	\$ 1,595.90	\$ 18,299.68
Expenditures	\$ 236,900.00	\$ 54,452.23	23%	\$ (92,359.31)	\$ 146,811.54
Over/Under	\$ -	\$ (34,556.65)		\$ 93,955.21	\$ (128,511.86)
Water/Sewer Fund					
	2023-2024 Budget	9/30/2023	% of Budget	Change from Previous Year	9/30/2022
Revenues	\$ 10,726,980.00	\$ 2,844,074.25	27%	\$ 78,946.31	\$ 2,765,127.94
Expenditures	\$ 10,726,980.00	\$ 2,113,678.35	20%	\$ 348,329.78	\$ 1,765,348.57
Over/Under	\$ -	\$ 730,395.90		\$ (269,383.47)	\$ 999,779.37

Bonus Request							
Cost of Bonus							
2023							
General Fund				Public Utilities			Total
Full Time Employees to Receive Bonus			215			45	260
Amount of Bonus			\$ 250.00			\$ 250.00	
Cost of Bonuses			\$ 53,750.00			\$ 11,250.00	\$ 65,000.00
FICA & Benefits			\$ 12,174.38			\$ 2,548.13	\$ 14,722.50
Gross Cost of Bonuses			\$ 65,924.38			\$ 13,798.13	\$ 79,722.50
Funding Sources	Employee's Salary	FICA & Benefits	Total to Apply Toward Bonuses	Employee's Salary	FICA & Benefits	Total to Apply Toward Bonuses	Grand Total
Budgeted Funds for Salaries Unused Due to Personnel Changes /Retirements/Lapsed Salaries	\$ 27,033.33	\$ 6,123.05	\$ 33,156.38	\$ 27,612.50	\$ 6,254.23	\$ 33,866.73	\$ 67,023.11
Lapsed Health Insurance			\$ 59,078.00			\$ 7,260.00	\$ 66,338.00
Total To Apply Toward Bonuses			\$ 92,234.38			\$ 41,126.73	\$ 133,361.11
(Additional Funds Needed)/Excess	\$ -	\$ -	\$ 26,310.00	\$ -	\$ -	\$ 27,328.61	\$ 53,638.61
To be distributed on 11-22-23 as a check for active employees as of 11-3-23							

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Human Resources Manager

The Human Resources Manager is responsible for the day-to-day implementation of this policy including employee training as it relates to this policy, obtaining informed consent for testing from all final employment candidates, maintaining related documentation, and for identifying employees covered by The Omnibus Act.

Department Managers

All Department Heads are responsible for insuring that supervisors attend training pertaining to the City's substance policy and adhere to its requirements. Department Managers are also responsible for properly applying this policy and taking disciplinary actions that are necessary.

Employees

All City employees are responsible for knowing and adhering to the requirements of this policy. Employees are also expected to share the responsibility of promoting and maintaining a drug-free work environment. Any employee who knows or strongly suspects that another employee is illegally using, under the influence, or is in possession of prohibited substances shall immediately report the facts and circumstances to the supervisor.

Definitions:

APPLICANT is a person who applies for employment with the City of Lenoir, for initial employment or a transfer or promotional opportunity.

COMMERCIAL DRIVER'S LICENSE (CDL) is a license required to operate a commercial motor vehicle which:

- Has a gross vehicle weight rating of 26,001 or more pounds, or;
- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating or more than 10,000 pounds
- Is designed to transport 16 or more passengers, including the driver, or
- Requires a HAZMAT placard regardless of vehicle weight

EMPLOYEE is any person employed in a part-time, full-time, or temporary position with the City of Lenoir. Appointed board members and elected officials are excluded.

EMPLOYEE ASSISTANCE PROGRAM (EAP) is a program of services which include assessment, evaluation, counseling, referral, and follow-up procedures provided to City employees.

MEDICAL REVIEW OFFICER (MRO) is a licensed physician with knowledge of drug abuse disorders whose duties include reviewing and interpreting all positive laboratory test results.

OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991 (Omnibus Act) is a federal law that requires alcohol and drug testing for covered employees in transportation industries. Covered employees with the City of Lenoir include those employees who are required to hold a Commercial Driver's License (CDL) to perform their job duties.

ON-DUTY describes an employee who is engaged in activity on behalf of the City of Lenoir and is being compensated by the City of Lenoir for such activity.

SAFETY SENSITIVE FUNCTIONS include the following:

- Driving
- Waiting to be dispatched

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- Inspecting, servicing, or conditioning equipment
- Being in or on unit unless "off duty" in sleeper berth
- Loading, unloading, or supervising such activities
- Preparing or receiving invoices/bills
- Securing/attending a vehicle following an ~~accident~~ incident
- Repairing or attending a disabled vehicle

SUBSTANCE ABUSE PROFESSIONALS (SAP) determine the level of assistance, if any, required for a CDL driver to be eligible to return to duty after certain drug and alcohol violations.

TRAINED SUPERVISORS are those City of Lenoir supervisors who have completed 2 hours of training on alcohol misuse and controlled substances use.

Employees Affected

All City of Lenoir employees, excluding appointed board members and elected officials, are covered by this policy. Special provisions of this policy, where noted, apply only to employees holding a Commercial Driver's License who are covered under the Omnibus Act.

Prohibited Substances

Prohibited substances as addressed by this policy include the following:

1. Illegally Used Controlled Substances

Using any illegal drug, misusing legally prescribed drugs and using illegally obtained prescription drugs is prohibited. Illegal drugs include, but are not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.

2. Legal Drugs

The appropriate use of prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which adversely affects an employee's ability to perform essential job functions must be reported to supervisory personnel and medical advice must be sought by the employee, as appropriate, before performing work related duties.

3. Alcohol

On-the-job consumption or impairment caused by beverages or other substances such as medications, mouthwash, food, or candy that contain alcohol is prohibited.

Prohibited Conduct

1. Manufacture, Trafficking, Possession, and Use

All employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances. Employees who violate this provision will be subject to disciplinary action. Law enforcement shall be notified, as appropriate, when criminal activity is suspected.

Any employee who is charged with, arrested, or convicted for violating any criminal drug statute shall notify his/her supervisor of such charge, arrest, or conviction as soon as possible. Such notification shall constitute grounds for reasonable suspicion testing as outlined in this policy.

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2. Alcohol Use

No employee shall use or possess alcohol while on duty, shall use alcohol within eight hours of reporting for duty, or shall use alcohol while on call. No employee shall report for duty or remain on duty when his/her breath alcohol concentration (BAC) is 0.02 or greater. No employee required to undergo a ~~post-accident incident~~ test shall use alcohol for eight hours following the ~~accident incident~~, or until he/she undergoes the test, whichever occurs first.

***Note:** Alcohol use prohibitions may be waived for public safety officers when such alcohol use is deemed a bona fide job requirement.*

3. Controlled Substance Use

No employee shall report for duty or remain on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that such use will not impair the employee's ability to perform essential job functions. No employee shall report for duty or remain on duty if the employee tests positive for controlled substances.

4. Non-Compliance with Testing Requirements

No employee shall refuse to comply with the testing requirements. No employee shall provide false information in connection with a test or falsify test results through tampering, contamination, adulteration, or substitution.

5. Improper Application of the Policy

Failure to use and apply all aspects of this policy in an unbiased and impartial manner is prohibited. Any supervisor who knowingly disregards the requirements of this policy or who is found to deliberately misuse the policy in regard to subordinates shall be subject to disciplinary action.

Testing Requirements

1. Pre-employment

All final candidates for employment with the City of Lenoir, including current employees who apply for other City positions or who transfer into safety sensitive positions, are required to undergo post-offer conditional pre-employment controlled substance testing.

2. ~~Post-accident incident~~ Testing

Under City authority, any employee who is involved in an ~~accident incident~~ involving any motorized and/or energized equipment and resulting in injury or property damage must, as soon as practicable, be transported by a supervisor or their designee to the City's contracted medical testing facility to undergo ~~post-accident incident~~ alcohol and controlled substance testing. Until a negative test result can be confirmed, the employee may continue to work so long as no vehicles or motorized/energized equipment are operated.

If the circumstances surrounding the ~~accident incident~~ cause reasonable suspicion for alcohol or controlled substance abuse, the Reasonable Suspicion Testing guidelines should be followed. After review of this policy, if there are still questions about whether or not a test is necessary, please contact the Human Resources Manager or the Risk Manager for more information.

Omnibus Act Employees

Employees covered under the Omnibus Act are required to undergo ~~post-accident incident~~ testing under federal authority when the ~~accident incident~~ meets the following criteria:

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- (1) involves a fatality,
- (2) results in vehicle damage which requires towing and a citation for a moving traffic violation, or
- (3) results in the need for immediate medical attention away from the ~~accident~~ incident scene and a citation for a moving traffic violation.

Accidents ~~Incidents~~ meeting the federal ~~post-accident~~ incident guidelines must be reported and records must be maintained in accordance with the Omnibus Act.

Time Frame for Testing

Alcohol testing should be performed within two hours of the ~~accident~~ incident, but no longer than eight hours after the ~~accident~~ incident. If the test is not given within two hours, the reason must be documented and maintained.

Controlled substance testing is required within thirty-two hours following the ~~accident~~ incident. If not, the reason must be documented and maintained (49CFR382.303). Employees who are subject to ~~post-accident~~ incident testing shall remain readily available for such testing or will be deemed to have refused to submit to testing. After submitting to testing, employees must return to work as soon as possible or once cleared by medical personnel.

3. Random Testing

Due to the safety-sensitive nature of their job duties, random alcohol and controlled substances testing will be required for employees in the following positions:

- Sworn Law Enforcement Officers
- Telecommunications Officers
- Evidence Technicians
- Firefighters
- Employees covered under the Omnibus Act

The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method for randomness. Under the selection process used, each employee shall have an equal chance of being tested each time selections are made. Once notified, randomly selected employees must immediately report to the City's contracted medical testing facility for testing.

Sworn Law Enforcement Officers, Telecommunications Officers, Evidence Technicians, and Firefighters

Each calendar year, a minimum of 15% of the average number of sworn law enforcement officers, telecommunication officers, evidence technicians, and firefighters will be randomly tested for alcohol and controlled substances.

Omnibus Transportation Employee Testing Act

Each calendar year, employees covered under the Omnibus Act will be randomly tested for alcohol and controlled substances at a rate established by the Omnibus Act. These required rates are published annually by the US Department of Transportation.

Random alcohol testing is only authorized under the Omnibus Act during, just preceding, or just after an employee performs safety-sensitive functions.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the City Manager prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Department Head or City Manager.

Examples of unsatisfactory job performance include, but are not limited to, the following:

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of City property or equipment;
- 3) Physical or mental incapacity to perform duties after reasonable accommodation;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Improper use of leave privileges;
- 7) Failure to report for duty at the assigned time and place;
- 8) Failure to complete work within time frames established in work plan or work standards;
- 9) Failure to meet work standards over a period of time; or
- 10) Failure to follow the chain of command to address work-related issues.

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when ~~accidents~~ incidents or inappropriate actions warrant, the supervisor shall meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions shall be noted in the employee's file by the supervisor.

An employee whose job performance is unsatisfactory over a period of time should normally receive at least two documented warnings, one of which may be in the final written warning, from the supervisor before disciplinary action resulting in dismissal is taken by the City Manager. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance

CITY OF LENOIR
COUNCIL ACTION FORM

- I. Agenda Item:** Public Hearing – Consideration of an Ordinance to adopt the City of Lenoir Fats, Oil, and Grease (FOG) Ordinance. (New)
- II. Background Information:** The North Carolina Division of Water Resources conducted an inspection of the City of Lenoir Collection System on September 11, 2023. This inspection was the regular three year inspection to verify the facility is operating in compliance with the conditions and limitations specified in Collection System Permit No. WQCS00035. One area target for improvement is the current grease control program. The program needs to include more details, such as, how frequently grease traps need to be pumped and the enforceable policy defined. As a remedial action, staff recommends the approval of the included FOG ordinance.
- III. Staff Recommendation:** Staff recommends City Council hold a **Public Hearing at the December 5, 2023** Council Meeting to receive public comment on the FOG ordinance and, upon closing the hearing, adopt the resolution approving the FOG ordinance.
- IV. Reviewed by:**
- City Attorney: yes
- Finance Director: _____
- Public Works/Public Utilities Director: Jeff Church

Secs. 21-374—21-380. - Reserved

DIVISION 9. – FATS, OIL, AND GREASE

Sec. 21-381. - Purpose.

This subchapter is intended to aid in the prevention of sanitary sewer blockages and obstructions caused by the introduction, discharge and contribution of fats, oils, greases, grease complexes, scum, sludge, and other organic polar compounds into the City's wastewater collection system or publicly owned treatment works by commercial, industrial, institutional, and ~~all~~ other non-residential activities.

Sec. 21-382. - Definitions.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) *Commercial establishment and industrial establishment.* Any user that has the potential to use, contribute to or otherwise impact the City's wastewater collection system or POTW. Such establishments include, but are not limited to, maintenance facilities, repair facilities and equipment cleaning facilities.
- (b) *Cooking establishment.* Any person primarily engaged in the activities of cooking, preparing, serving or otherwise making available for human consumption any form of foodstuff, and which uses one or more of the following cooking or preparation methods in connection with such activities: cooking or preparation by frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, or any type of cooking or preparation that produces a hot non-potable product in or on a receptacle that requires washing, rinsing, or other form of cleaning. Such establishments include, but are not limited to, restaurants, cafeterias, extended care facilities, school cafeterias (public and private), and day care facilities where meals for more than six children are prepared, served, or otherwise made available for human consumption.
- (c) *Fats, oils, and grease (FOG).* All greases, grease complexes, fats, oils, scum, sludges, and all other organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Such substances are detectable and measurable using analytical procedures established in 40 CFR 136.
- (d) *Grease trap or grease interceptor.* A device that separates and retains waterborne greases before the wastewater, which contains such grease, exits the grease trap or interceptor into the City's wastewater collection system or publicly owned treatment works (POTW). The grease trap or interceptor also collects settleable solids generated by or incidental to commercial, industrial and food preparation activities.
- (e) *Non-cooking establishment.* Any person primarily engaged in the rendering or preparation of pre-cooked foodstuffs that do not require or involve any form of cooking. Such establishments include, but are not limited to, establishments that are primarily engaged in the rendering preparation of cold dairy and frozen foodstuffs.

- (f) *Person*. Any actual person, corporation, partnership, unincorporated association, and any governmental entity or political subdivision and departments and agencies thereof.
- (g) *City*. City of Lenoir, North Carolina, and its utility service area.
- (h) *User*. Any person primarily engaged in any commercial, industrial, institutional or other non-residential activity who has the potential to introduce, contribute, or discharge FOG (or causes or permits the introduction, contribution or discharge of FOG) into the wastewater of the City's wastewater collection system or POTW, including but not limited to any person who introduces, contributes or discharges wastewater into the wastewater collection system or POTW through any mobile source.
- (i) *Wastewater*. Any substance introduced, contributed to, or discharged into the City's wastewater collection system or POTW.
- (j) *Polar Compounds*. Polar compounds are chemical compounds that are held together by polar covalent bonds. The term 'polar compound' can be defined as a chemical species which consists of two or more atoms that are held together by covalent bonds that are polar in nature due to the unequal sharing of electrons.
- (k) *Settleable solids*. Solids which are capable of settling when placed in a period of inactivity or dormancy.

Sec. 21-383. Grease Trap and Interceptor Installation; Maintenance; Record Keeping and Removal.

(A) No later than one year after adoption of this chapter, all users shall install grease traps or interceptors designed to limit the introduction, contribution and discharge of fats, oils, and greases into the City's wastewater collection system or POTW. Grease traps and interceptors with appropriate sampling or inspection points shall be installed at the user's expense whenever any user operates a commercial establishment, industrial establishment, or a cooking establishment grease traps and interceptors must have a minimum capacity of 1,000 gallons or more as required to effect a fats, oils, and grease concentration maximum of 100 mg/l.

(B) Alternative methods of compliance may be approved by the City if the user demonstrates that compliance with this chapter is impossible or impractical at the time of adoption of this chapter as a result of limited space. However, any such proposed alternative method of compliance will be required to meet the performance criteria specified in division (A) of this section, and the user must adequately demonstrate to the satisfaction of the City that the proposed alternative method will satisfy those performance criteria. In addition, any such alternative method must be cleaned at a more frequent interval than is required of grease traps and interceptors under division (E) of this section and in compliance with the proposed method's actual performance criteria. Prior to approval of any such proposed alternative method of compliance, documentation of the proposed method's actual performance criteria must be submitted to the City's Utility Code

Coordinator or Public Services Director or their duly appointed representative for review and approval.

(C) Grease traps and interceptors may also be required in other facilities, as deemed reasonably necessary by the City's designated Utility Code Coordinator or Public Services Director or their duly appointed representative.

(D) Upon the prior written approval of the Public Services Director or their duly appointed representative, non-cooking establishments may be exempted from the requirements of this subchapter after an inspection of the subject premises and submission of adequate supporting documentation, as deemed necessary in the sole and absolute discretion of the Public Services Director or their duly appointed representative. At a minimum, such supporting documentation shall include: a full and detailed description of the operations and activities at the subject premises, and a full and detailed list of all potential sources of fats, oil, and grease at the subject premises.

(E) Users shall empty and service grease traps and interceptors as often as necessary to comply with the performance criteria in division (A) of this section. The default maximum period of time allowed between servicing of grease traps shall be 60 days; however, individual customers may prepare and submit an alternative schedule for review and approval by the Public Services Director or their duly appointed representative. Alternative schedules may be approved based on evaluation of the flow volume, character of the wastewater, and capacity of the grease trap. Once approved, the user must adhere to the alternative schedule. Under-the-counter types of grease traps and interceptors shall be cleaned at least daily, and shall comply with the performance criteria in division (A) of this section. There shall be no reintroduction of wastewater back into the grease trap or interceptor unless and until said wastewater has been proven to contain 100 mg/l or less of fats, oils, and grease. Under no circumstances shall the sludge or scum layer be reintroduced or discharged into the City's wastewater collection system or POTW.

(F) Users shall supply (1) an adequate sampling point downstream of the grease trap or interceptor, prior to mixing with other sanitary flows, and (2) an accessible entry into each chamber of the grease trap or interceptor. The minimum requirement for the sampling point shall be a four-inch vertical clean-out.

(G) Users shall retain detailed records on-site for a minimum of three years reflecting all maintenance carried out pursuant to this ordinance. At a minimum, such records shall contain the following information: date of service, name of the employee involved, and a receipt reflecting all services rendered by the waste hauler.

(H) Users are required to keep the grease trap or interceptor free of inorganic solids such as grit, towels, gloves, cigarettes, eating utensils, and the like, which could clog or settle in the trap or interceptor, thereby reducing the effective volume or capacity of the trap or interceptor.

(I) Users are required to ensure that all waste material removed from grease traps and interceptors is disposed of in a manner that complies with all federal, state and local statutes, rules, regulations, policies and ordinances.

(J) Except as provided herein, for a period of one year following the adoption of this subchapter, no enforcement actions will be taken under this section for failure to achieve the performance criteria specified in division (A) of this section. If, during such period, (1) an obstruction of any of the City's sanitary sewer main(s) occurs and causes a sewer overflow, spill, leak or other event with any environmental impact, and (2) such overflow, spill, leak or other event may be attributed in part or in whole to a particular user, then the City will seek enforcement action under Chapter 21, [Article IV. – Wastewater Discharge](#) For purposes of this section, an overflow, spill, leak or other event shall be deemed to have an environmental impact when (1) such overflow or other event involves an amount of wastewater equal to or in excess of 1,000 gallons, or (2) any amount of wastewater reaches any body of surface water.

Sec. 21-384. - Enforcement.

The City shall enforce this division pursuant to the provisions of this division and [Article IV. – Wastewater Discharge](#) of the Code of Ordinances City of Lenoir, North Carolina.

(A) When any user is found not to be in compliance with this subchapter, the consumer shall be notified, in writing, the corrective action required through administrative remedies, as provided in subsection [21-351](#).

(B) Any user which remains in noncompliance after notice is given and the time prescribed, will be considered in violation of this chapter and may face disconnection of water services until compliance is achieved. In addition, any person who shall continue any violation beyond the time limit provided for in the aforementioned notice of violation (NOV) may be assessed civil penalties as provided in subsection [21-352](#), and/or other available remedies as provided in subsection [21-353](#).

(C) Enforcement of this program shall be administered by the City of Lenoir Public Services Director or their duly appointed representative.

(D) The City of Lenoir Public Services Director or their duly appointed representative is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this chapter. All such rules and policies shall be consistent with the provisions of this chapter and shall be effective upon the date of adoption by the City Council.

Secs. 21-385—21-390. - Reserved