

**LENOIR CITY COUNCIL
TUESDAY, NOVEMBER 7, 2023
5:00 P.M.**

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

CITY STAFF: In attendance was Finance Director Donna Bean, Fire Chief Norman Staines, Deputy Fire Chief Kenny Nelson, Public Services Director Radford Thomas, Planning Director Hannah Williams, Mulberry Center Manager Jacob Guiot and Downtown Event Coordinator Matthew Anthony.

I. CALL TO ORDER

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

**PROCLAMATION;
BURN BAN:**

- B. Norman Staines, Fire Chief, updated City Council regarding the current drought conditions in the City of Lenoir. He shared that 14 counties have already imposed a burn ban and, after much discussion, Fire Marshal Chris Jacobs recommended the City adopt a proclamation proclaiming that all open burning shall be prohibited within the geographical boundaries of the City of Lenoir until further notice. Chief Staines shared Fire Marshall Jacobs reported this is the driest our area has been since 2016. He further shared the proclamation shall become effective at 5:00 p.m. today and shall remain in effect until local conditions indicate that the hazardous period has passed.

This restriction shall extend 100-feet outward from all residential and commercial structures. It was noted the ban does not prohibit outdoor charcoal, pellet or gas grills provided precautions are taken to prevent fire from escaping those appliances.

Public Services Director Radford Thomas reiterated it is extremely dry right now. He explained the Catawba Drought Management Authority issued a Stage 1 Drought for the Catawba Wateree River Basin. He said this is a voluntary restriction and encouraged everyone to cooperate by trying to reduce their water usage by 5% and by washing their vehicles at a car wash where the water is recycled.

**SPECIAL RECOGNITION;
NATIONAL HOSPICE MONTH:**

- C. On behalf of City Council, Mayor Gibbons read and presented 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. Ms. Lisa Caviness with Amorem was also in attendance at the meeting.

Mr. Williamson stated Burke and Caldwell Hospice merged several months ago to become Amorem. He encouraged people to call for their care needs as Staff can provide quality care for their patients and support for families.

Mr. Williamson thanked City Council and the City of Lenoir for all of their support. Mayor Gibbons thanked Mr. Williamson for coming and for all of the services hospice provides to patients and families during their time of need.

SPECIAL RECOGNITION; GIVING TUESDAY:

- D. On behalf of City Council, Mayor Gibbons read and presented a proclamation to Jamie Willis, Executive Director of United Way, 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.

Mrs. Willis expressed appreciation for the recognition and referred to it being like a partnership with the City as the City also provides services to citizens in order to help meet their basic needs. She thanked City Council for the recognition and support.

Mayor Gibbons thanked Mrs. Willis for all United Way does for the community and encouraged everyone to take this opportunity to give back to the community in any way that is personally meaningful to them on this significant day.

CONDOLENCES; FAMILY OF RACHEL B. MUNDAY:

- E. On behalf of City Council, Mayor Gibbons extended sympathy to the family of Councilman Kent and Susan Greer as Susan’s mother, Rachel B. Munday, passed away on Monday, November 4. Mayor Gibbons asked everyone to keep the Greer family in their thoughts and prayers during this difficult time.

FY2022-2023 AUDIT REPORT:

- F. Cynthia Randolph, C. Randolph CPA PLLC, presented the FY2022-2023 Audit Report to City Council. Ms. Randolph thanked and commended Finance Director Donna Bean, City Manager Scott Hildebran and City staff for all of their assistance during the audit process.

Ms. Randolph shared she submitted the audit to the Local Government Commission (LGC) on October 30 and issued a modified opinion due to the audit being a single audit under uniform guidelines. Ms. Randolph stated, due to the City having \$750,000 in federal funding, an auditor has to audit certain larger accounts. She stated she chose to audit the City’s Clean Water Management Trust Fund, the Powell Bill funding and a Building Reuse Grant.

Ms. Randolph stated the City has no significant weaknesses nor any internal control weaknesses. She noted the City has had a good year with no violations. In addition, Ms. Randolph pointed out the LGC publishes a median fund balance as a percentage of general expenditures and for a City the size of Lenoir, in 2023 the median fund balance is 46%. The City’s unassigned fund balance is \$17,032,351 which represents 79.3% resulting in an increase of \$2,246,250 in the General Fund.

Next, Ms. Randolph reported the City's debt decreased by \$100,435 which is outstanding. The City's legal debt margin is \$205,350,187 and its tax collection rate is 97.8%. In the Enterprise Fund – Water and Sewer, the change in net position is \$1,437,071 which is good. Ms. Randolph remarked the City is in excellent financial position and commended City Council, City Manager Scott Hildebran and Finance Director Donna Bean for all of their great work regarding the financials.

On behalf of City Council, Mayor Gibbons also thanked Finance Director Donna Bean, City Manager Scott Hildebran and Staff for their hard work and for how well they work together.

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to accept the FY2022-2023 Audit Report as submitted and as presented by Cynthia Randolph, C. Randolph CPA PLLC.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. 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. Proclamation; Burn Ban: Approval of a proclamation proclaiming that all open burning shall be prohibited within the geographical boundaries of the City of Lenoir until further notice pursuant to the North Carolina State Fire Prevention Code, Fire Code 2018 edition, Section 307 as recommended. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 294.)
- D. Public Hearing; FOG Ordinance Amendments: Staff recommends City Council call for a public hearing to be held on Tuesday, December 5, 2023 to receive public comments regarding approval of amendments to the City of Lenoir's Fats, Oil and Grease (FOG) Ordinance as recommended by City Staff. (A copy of the ordinance is hereby incorporated into these minutes by reference. Refer to pages 295-298.)
- E. 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. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 299.)
- F. Proclamation; Giving Tuesday 2023: Approval of a proclamation proclaiming Tuesday, November 28, 2023 as "#Giving Tuesday" throughout the City of Lenoir. Note: 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. Giving Tuesday inspires people to take collective action to improve their communities, give back in better, smarter ways to the charities and causes they believe in, and help create a better world. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 300.)

Councilmember Stevens clarified that Item No. D. Fog Ordinance is not a new ordinance but proposed amendments to the current ordinance that will be considered at the public hearing on December 5 by Council.

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

Staff.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

HOLIDAY CLOSING

VETERANS DAY: 1. City offices will be closed on Friday, November 10 in observance of Veterans Day. American Legion Post 29 will host a Veterans Day service on Saturday, November 11 at 11:00 a.m. at the American Legion facility located at 401 Main Street NW.

VETERANS WINTER

STAND DOWN: 2. The Veterans Winter Stand Down will be held on Thursday, November 9 from 9:00 a.m. – 1:00 p.m. at the J.E. Broyhill Civic Center.

CITY/COUNTY SERVICES

COMMITTEE: 3. The City/County Services Committee will meet on Monday, November 13 at noon at the J.E. Broyhill Civic Center.

ECONOMIC DEVELOPMENT

ADVISORY COMMITTEE:

4. The Economic Development Advisory Committee will meet on Tuesday, November 14 at 8:15 a.m. at the Foothills Regional Airport Authority.

LIGHT UP

LENOIR: 5. 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.

NEW DOWNTOWN CHRISTMAS

DECORATIONS: 6. On behalf of City Council, Mayor Gibbons thanked Matthew Anthony, Downtown Event Coordinator, Kaylynn Horn, Economic Development Director, Public Works, Public Utilities, and other City Staff for all of their hard work in decorating the downtown area for Christmas.

Matthew Anthony also thanked the Staff of Public Works and Parks & Recreation for their great work in putting up the Christmas decorations. He reported several new decorations were added this year.

MEETING SCHEDULES:

7. City Council will not meet on Tuesday, November 21. The Committee of the Whole will also not meet in November.

ANNUAL COMMUNITY TURKEY

TUESDAY: 8. 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. Center (MLK) located at 313 Greenway Drive. The event is hosted by Councilmembers Ike Perkins and Crissy Thomas.

Councilmember Perkins shared this will be the ninth year they have hosted Turkey Tuesday and remarked they hoped to make this year's event bigger and better. He along with Mayor Pro-Tem Thomas thanked the Police Department for always providing traffic control and keeping everyone safe and to all of the other City departments and volunteers who assist each year in making the event a huge success. He shared they expect a large crowd and thanked the City for allowing them to hold the event again at the MLK Center. Mayor Pro-Tem Thomas encouraged people to arrive a little early as the turkey give away goes pretty quickly.

HOLIDAY

CLOSINGS:

9. City offices will be closed on Thursday, November 23 and Friday, November 24 in observance of Thanksgiving.

PLANNING

BOARD:

10. The Planning Board will meet on Monday, November 27 at 5:30 p.m. in the City/County Chambers.

FOOTHILLS REGIONAL

AIRPORT AUTHORITY:

11. 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 COUNCILMEMBERS

IX. REPORT AND RECOMMENDATIONS OF THE MAYOR

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 5:35 p.m.

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. K. GREER
T. H. PERDUE
J. I. PERKINS
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS

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, 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.

Joseph L. Gibbons, Mayor

SEAL





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

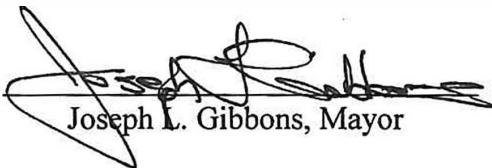
WHEREAS, it is fitting and proper on Giving Tuesday and on every day to recognize the tremendous impact of philanthropy, volunteerism, and community service in the City of Lenoir; and

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

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 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