



AGENDA
City of Lenoir
City Council Meeting
905 West Ave. NW, Lenoir, NC 28645
Tuesday, December 2, 2025 | 5:00 pm



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Oath of Office: The Honorable Chief District Court Judge Robert M. Brady, Retired, will administer the Oath for Office to James I. “Ike” Perkins, Crystal D. “Crissy” Thomas, Jonathan T. Beal and Rebecca C. Dellinger for 4-year terms on City Council.
- C. Mayor Pro-Tem: City Council will nominate and vote on a Councilmember to serve a two-year term as Mayor Pro-Tempore.
- D. Presentation: North Carolina League of Municipalities Risk Management; Law Enforcement Risk Review Process, Chet Effler, NCLM Public Safety Risk Consultant

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. ZOA 3-25 Downtown Sidewalk Use Ordinance; The Sidewalk Subcommittee and Planning Staff have drafted an ordinance and supplementary guidebook for limited commercial use of the public sidewalk in the Municipal Service District. This ordinance expands on the existing sidewalk café ordinance and allows for permitted outdoor displays for other uses beyond eating and drinking establishments. Planning Staff and the Planning Board are in approval of the request.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the City Council minutes of the meeting of Tuesday, November 4, 2025, as submitted.
- B. Minutes: Approval of the City Council Special Meeting minutes of the meeting of Monday, November 10, 2025, as submitted.
- C. Capital Project Ordinance; The Campus Project - Phase One: Staff recommends approval of a Capital Project Budget Ordinance in the amount of \$5,834,316 for The Campus Project - Phase One, as submitted.
- D. Acceptance of an Offer to Purchase Real Property and Notice of Offer to Purchase Real Property; 1340 Fairview Drive SW: Marcus Sims has submitted an offer to purchase 1340 Fairview Drive SW owned by the City of Lenoir in the amount of \$13,000.00 plus advertising costs, NCPIN #2748563698 and Tax ID# 06184-1-7 as submitted. Staff recommends Council accept the offer and direct Staff to advertise in the News-Topic starting a ten (10) day upset bid period as required by N.C.G.S. §160A-269 following Council’s acceptance of the Offer to Purchase. The required 5% bid deposit has been received.

- E. Resolution; Lenoir's Resilient Wastewater Infrastructure Project Hazard Mitigation: Consideration to approve a resolution designating the primary and secondary agents for the Advance Assistance application for Lenoir's Resilient Wastewater Infrastructure Project. NC Hazard Mitigation Grant Program funds are being applied for to construct an equalization basin at the Lower Creek plant and the replacement of sewer lines along Zack's Fork Creek.
- F. Capital Project Budget Ordinance; Request to revise the 2025 Community Development Block Grant due to a mathematic error, as submitted.
- G. Capital Project Budget Ordinance; Lower Creek Wastewater Treatment Plant Process Basin Improvements Project. The City has been tentatively approved to receive Clean Water State Revolving Funds funding in the amount of \$5,600,000. Staff recommends City Council approval of the ordinance, as submitted.

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. The December calendar will be provided to City Council listing various meetings and events.
2. The Lenoir Tourism Development Board will meet on Thursday, December 4 at 4:00 p.m. at City Hall, Third Floor.
3. The Light Up Lenoir event will be held Thursday, December 4 at 5:00 p.m. in downtown Lenoir.
4. The Night of Lights Christmas Parade will be held Friday, December 5 at 6:00 p.m. in downtown Lenoir.
5. The ABC Board will meet on Thursday, December 11 at 2:00 p.m.
6. The annual Luminary Display will be held on Friday, December 12 beginning at 6:00 p.m. at Blue Ridge Memorial Park. A rain date is scheduled for Friday, December 19.
7. Carriage rides are available in downtown Lenoir on Thursday, December 18 through Saturday, December 20 from 6:00-9:00 p.m.
8. The City Council meeting of Tuesday, December 16, 2025, has been cancelled. The next meeting will be held on Tuesday, January 6, 2026.
9. The City offices will be closed Wednesday, December 24 through Friday December 26 in observance of Christmas holiday. City offices will also be closed on Thursday, January 1 in observance of New Year's Day.

- B. Code Amendment; Unauthorized or Improper Use of Public Places/Trespassing Ordinance (First Reading) First reading of an Ordinance amending Chapter 13 Unauthorized or Improper Use of Public Places and Chapter 18 Trespassing and Prohibited Activity Under Bridges and Pedestrian Underpasses of the Lenoir Code of Ordinances, clarifying enforcement and penalties, and authorizing a public hearing to be held on Tuesday, January 6, 2026 for the second reading of the Ordinance.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

A. Councilmember Vacancy.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBER

X. ADJOURNMENT

CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

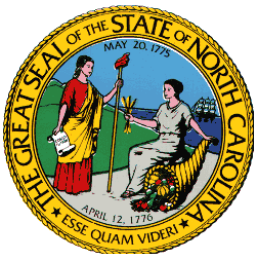
❧ JAMES I. PERKINS ❧

I, *JAMES I. PERKINS* solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, *JAMES I. PERKINS* further swear that I will execute the duties of the office of COUNCIL MEMBER for the City of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.

JAMES I. PERKINS

Sworn to and subscribed before me this 2nd day of December, 2025.



Honorable Robert M. Brady
Chief District Court Judge, Retired

CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

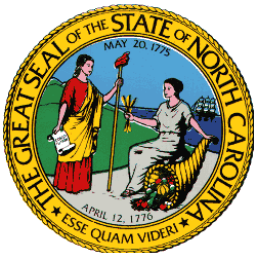
❧ **CRYSTAL D. THOMAS** ❧

I, *CRYSTAL D. THOMAS* solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, *CRYSTAL D. THOMAS* further swear that I will execute the duties of the office of COUNCIL MEMBER for the City of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.

CRYSTAL D. THOMAS

Sworn to and subscribed before me this 2nd day of December, 2025.



Honorable Robert M. Brady
Chief District Court Judge, Retired

CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

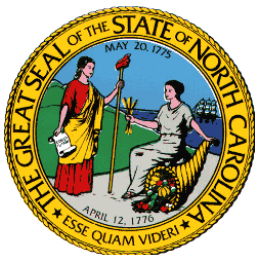
❧ JONATHAN T. BEAL ❧

I, *JONATHAN T. BEAL* solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, *JONATHAN T. BEAL* further swear that I will execute the duties of the office of COUNCIL MEMBER for the City of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.

JONATHAN T. BEAL

Sworn to and subscribed before me this 2nd day of December, 2025.



Honorable Robert M. Brady
Chief District Court Judge, Retired

CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

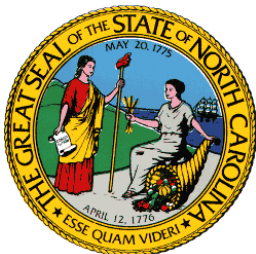
❧ **REBECCA C. DELLINGER** ❧

I, *REBECCA C. DELLINGER*, solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

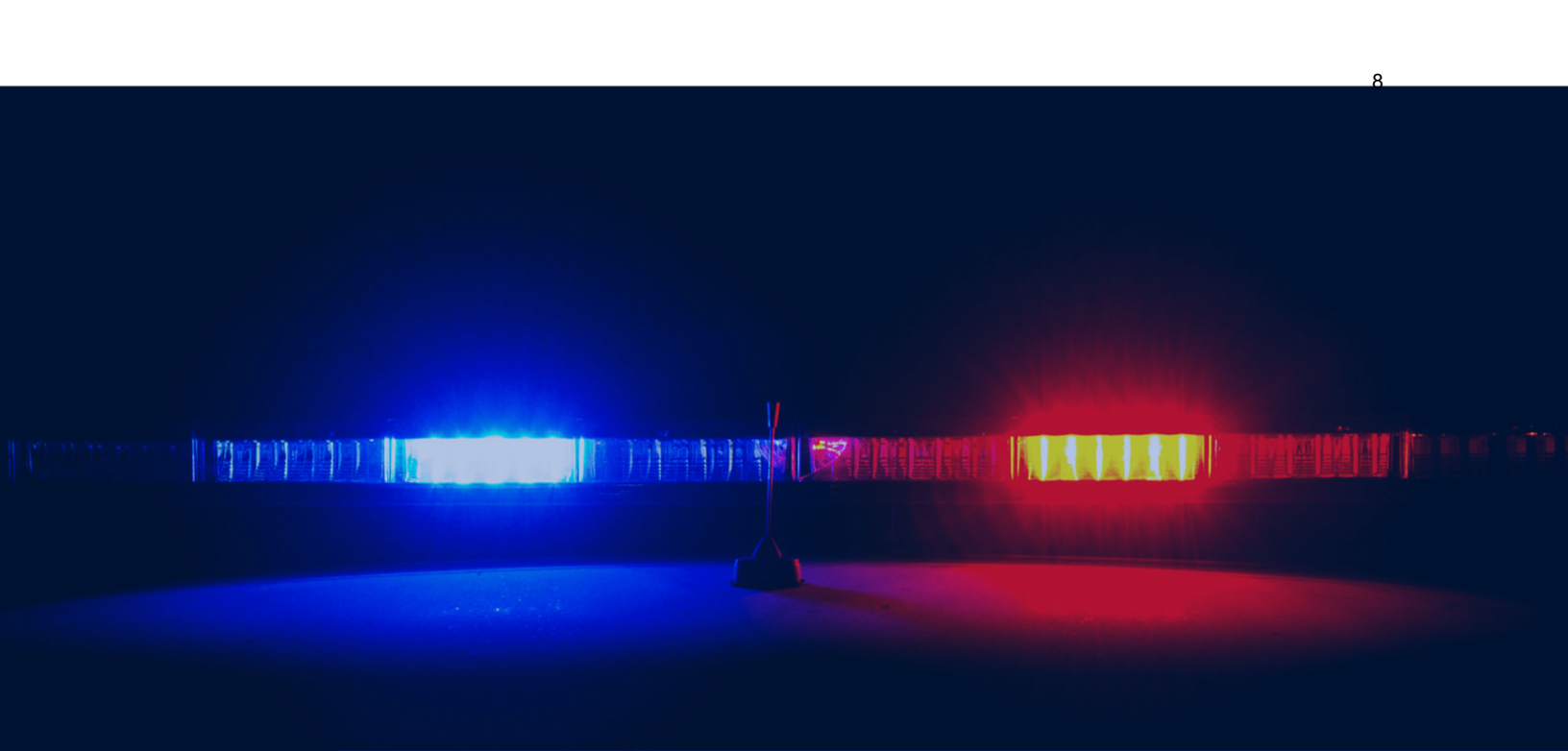
I, *REBECCA C. DELLINGER*, further swear that I will execute the duties of the office of COUNCIL MEMBER for the City of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.

REBECCA C. DELLINGER

Sworn to and subscribed before me this 2nd day of December, 2025.



Honorable Robert M. Brady
Chief District Court Judge, Retired

A photograph of a police car at night with its blue and red emergency lights flashing, casting a glow on the ground.

LAW ENFORCEMENT RISK REVIEW

Executive Summary Report

Lenoir Police Department

Prepared by: Chet Effler, J.D.

**July
2025**





HISTORY

The North Carolina League of Municipalities is a member-driven organization representing the interests of cities and towns across the state. Through their collective efforts, League member cities and towns better serve their residents and enhance their quality of life. For over 100 years, the League has been the united voice for cities and towns striving for a better North Carolina.

Participation in the risk management review starts with a voluntary request from the police departments that are part of the League's property and liability insurance pool. This risk management review is not meant to replace or supplement other industry resources. The North Carolina League of Municipalities encourages agencies to engage in recognized programs that assess law enforcement services based on benchmarks, accountability, industry best practices, and professionalism. This risk management review does not cover all known risks to law enforcement agencies but aims to address specific areas of liability. The risk management review process will evolve as more liability concerns are identified.

ON-SITE AND STANDARD COMMENTS

During the on-site portion of the review, the Lenoir Police Department demonstrated strong organizational leadership, operational readiness, and a commitment to professional excellence. The department's policies and practices reflect a proactive and structured approach to risk management, officer development, and legal compliance.

The agency employs a highly trained evidence technician and enforces secure, limited-access procedures for evidence storage. Monthly audits and clear chain-of-custody procedures support a robust Property and Evidence Management system. The department's firearms training program is instructor-led, safety-centered, and supported by a dedicated agency-owned range.

In-service training is comprehensive and well-documented, utilizing certified instructors across multiple disciplines. The Field Training Program includes rotational assignments, documentation of progress, and a team approach to supervision and evaluation. Internal Affairs investigations are conducted with transparency and consistency, with all complaints entered into a tracking system that complies with SB 300. Criminal allegations are referred to external agencies, and investigative timelines are managed through established command oversight.

The department's Tactical Team and K-9 Unit operate under policies and practices consistent with national standards. Tactical operators are held to physical and training standards prior to deployment,

and equipment is routinely inspected and upgraded. K-9 operations include weekly training, legal case law familiarity, and properly equipped patrol vehicles with kennel safeguards and deployment systems.

Patrol officers interviewed during the review demonstrated clear understanding of use-of-force policies, pursuit termination guidelines, and the First Amendment rights of citizens to record law enforcement activity. Vehicle operations were safe and policy-compliant.

During the review, the department identified intermittent delays in radio communication that may affect response efficiency during critical incidents. Police leadership has acknowledged this concern and is actively evaluating potential technical and operational solutions to ensure uninterrupted communication and officer safety during high-risk operations.

EXECUTIVE SUMMARY

The Lenoir Police Department has successfully completed the North Carolina League of Municipalities Law Enforcement Risk Management Review, reaffirming its commitment to professionalism, public safety, and responsible governance.

By meeting and in many cases exceeding expectations across more than 40 critical standards of performance and risk, the department has proven its dedication to officer safety, legal compliance, and operational transparency. The review highlights effective leadership, strong internal controls, and a culture of continuous improvement rooted in accountability and service.

The department's active approach to risk awareness, personnel development, and adherence to modern policing standards positions it as a strong model for public safety agencies across the state.

Date of Next Review:

Current Completion Date: 07/28/2025

Next Review: 07/28/2028

Chet Effler, Public Safety Risk Management Consultant

North Carolina League of Municipalities





WORKING AS ONE. ADVANCING ALL.



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Version 4.1

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I. ADMINISTRATION SECTION:

1. Supervisor Training:

- A. **Basic Leadership:** The department requires **initial** supervisory training for new sergeants, supervisors, and commanders. This can include documented agency and town policy review/testing. The completion of the NCLM Online-Supervision Training via the NeoGov platform can also be utilized in conjunction with other supervisor training.
- B. **Professional Development:** The department provides structured (internal or external) **annual** training in high liability policy, trends, and supervisory practices for supervisors and commanders. This may include structured internal training and policy review, professional conferences, workshops, lectures, NCLM RMS Training, and other recognized professional training.

Suggested Proof of Compliance: The department seeks professional development for supervisors and command staff, including, but not limited to:

- Management Development Program (MDP)-NCJA
- Administrative Officers Management Program (AOMP)-NCSU
- FBI National Academy (NA)
- Southern Police Institute- University of Louisville
- Law Enforcement Executive Program (LEEP)-NCSU
- Any professionally recognized leadership program or seminar
- IACP Annual Conference
- NCPEA Annual Conference
- NCACP Annual Conference
- FBI National Academy (NA)- Alumni Annual Conference
- Documented high-risk agency and town policy review/testing, and the completion of the NCLM Online Supervision Training
- Any other professionally recognized leadership-training organization

In Compliance?	☒ Yes	☐ No
Agency Policy Number(s) - LPD #300 – 06 / Selection Requirements		
Agency Comments; Has completion of the NCLM Online-Supervision Training been verified, and have certificates printed and maintained in the supervisor's training file? Yes. Most all supervisors from the ranks of Corporal to Chief have participated in the online supervision training through the NCLM. Our most recently promoted supervisors will be completing the training in the near future. Multiple supervisors have attended management training, to include: MDP, AOMP, FBI National Academy, etc.		

Please provide validation of other supervisory training, certificates/transcripts

FBI-LEEDA Supervisor Leadership Institute (SLI)
FBI-LEEDA Command Leadership Institute (CLI)
FBI-LEEDA Executive Leadership Institute (ELI)
Carolina Command College - FBI

Evaluator Comments (To be completed by NCLM Staff):

The Lenoir Police Department prioritizes professional development and leadership training for supervisors, ensuring they are well-equipped for their roles. The department mandates initial supervisory training for new sergeants, supervisors, and commanders, including documented policy reviews and testing. Additionally, the completion of the NCLM Online-Supervision Training via the NeoGov platform is utilized alongside other training programs.

To maintain high standards of leadership, the department offers structured annual training on high-liability policies, emerging trends, and supervisory best practices. Supervisors and command staff participate in various professional development opportunities, such as internal training, policy reviews, conferences, workshops, and lectures. Recognized programs include the Management Development Program (MDP), Administrative Officers Management Program (AOMP), and the FBI National Academy, among others.

Compliance is demonstrated through participation in leadership programs and conferences, including the IACP, NCPEA, NCACP Annual Conferences, and FBI National Academy Alumni events. Supervisors also engage in documented high-risk policy reviews and completion of online supervision training.

The department ensures fairness in its promotional process by establishing clear standards for evaluating and selecting qualified personnel for advancement.

Most supervisors from Corporal to Chief have completed the NCLM online supervision training, with newly promoted supervisors expected to finish the training soon. Multiple supervisors have attended management training programs such as MDP, AOMP, and the FBI National Academy.

Furthermore, participation in advanced leadership courses like the FBI-LEEDA Supervisor, Command, and Executive Leadership Institutes, as well as the Carolina Command College, reinforces the department's commitment to leadership excellence.

Through these efforts, the Lenoir Police Department maintains professionalism and ensures that its leadership remains highly skilled and capable of effectively managing responsibilities.

2. Early Warning System:

The department utilizes a process for the early identification of employees exhibiting symptoms of stress, negative performance, or behavior that could pose liability to the community, agency, and officer.

The system should identify patterns of behavior that might be symptomatic that an individual employee requires an intervention. The department should have a clear disciplinary process or proper intervention in place to address willful or at-fault violations. The system should also include referral options (voluntary or involuntary) to the employee for assistance or counseling when warranted.

It is mandatory that the Early Warning System track, at a minimum, all of the following:

- Biased Based Policing Complaints
- Domestic Violence Misconduct Incidents
- Citizen Complaints
- Incidents involving the use of force
- Internal Affairs Investigations
- Shooting incidents/Discharge of firearms
- Vehicle Accidents/Preventable accidents
- Vehicle Pursuits

In Compliance?	☒ Yes ☐ No
Agency Policy Number(s) LPD #300 – 12 / Personnel Early Warning System	
Agency Comments: Describe the system the agency utilizes and how the system identifies prioritized performance: The purpose of this order is to establish policy and procedures for identifying employees who may be experiencing difficulties in the workplace and to provide resources to assist the employee at the earliest stages of a problem. Additionally, a comprehensive Personnel Early Warning System is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential problem employees and a menu of remedial actions can increase Agency accountability and offer employees assistance in correcting a problem. The system can help reduce instances of the Agency and the employee being faced with investigations of serious cases of misconduct only to find that there was an escalating pattern of less serious misconduct which could have been abated through earlier intervention. To unnecessarily lose an employee from the profession because no measures to detect and assist employees with problems or to correct and / or improve work performance were taken is devastating, not only to the employee, but also to the Agency and the community. Employees are the most important and crucial resource of the Agency. Supervisors will make every effort to identify employees who have issues that negatively impact their ability to effectively do their jobs and will make every effort to help employees to resolve such issues in an appropriate manner, consistent with Agency policy and procedures.	

This policy will be administered through the employee's immediate supervisor and, in those cases involving potential disciplinary problems, coordinated with the Division Commander.

How does the agency track trend and patterns for intervention?

The Division Commander shall be responsible for coordinating all intervention services both within and outside of the Agency, for tracking follow-ups and for maintaining all documents and correspondence relating to these matters in the involved employee's personnel file.

The Support Services Division Commander will insure a review and evaluation of the Personnel Early Warning System is conducted bi-annually to determine the effectiveness of the system. All initial and follow-up reports will be reviewed and input and commentary will be solicited from those employees who have been involved in the system during the previous year. This information will be evaluated and used, if needed, to revise the system in order to make it more responsive to the needs of the employee and the Agency. This review will take place each July and a written report will be prepared by the Support Services Division Commander and presented to the Chief of Police.

Evaluator Comments (To be completed by NCLM Staff):

Early Intervention System against the provided standards, here's an assessment of its compliance:

- Early Identification: The policy explicitly aims to identify employees whose performance warrants review, with a focus on intervention before issues escalate.
- Tracking Patterns of Behavior: The system reviews behaviors that may lead to negative outcomes, including excessive complaints, use of force incidents, and preventable vehicle crashes.
- Disciplinary Process: The procedure includes documentation, reviews, and potential intervention measures such as reassignment, disciplinary actions, and mandatory training.
- Referral Options: The system allows voluntary and involuntary referrals to Employee Assistance Programs, mental health professionals, and targeted training programs.
- Regular Evaluation: A bi-annual review ensures the effectiveness of the Early Intervention System, with reports submitted to leadership for oversight.

Biased based policing policy:

- Tracking Biased-Based Policing Complaints: The Investigations Division Commander is responsible for maintaining data specifically related to biased policing complaints, ensuring that such incidents are recorded and reviewed.
- Intervention & Accountability: Officers who witness biased policing must report incidents, and supervisors are empowered to intervene early, reinforcing the department's ability to track patterns of misconduct.
- Training & Corrective Measures: The policy mandates training in areas such as cultural

diversity, implicit bias, and police ethics, which strengthens early intervention strategies.

Internal Affairs Policy Review:

- **Tracking Internal Affairs Investigations:** The Internal Affairs function explicitly records, registers, and investigates complaints against department employees, ensuring oversight and accountability.
- **Complaint Classification:** The policy differentiates between inquiries, informal investigations, and formal investigations based on severity, helping to identify trends that may warrant early intervention.
- **Disciplinary Process & Corrective Actions:** The department follows a structured review process, documenting sustained complaints and taking disciplinary action when necessary.
- **Confidentiality & Oversight:** The policy ensures proper handling of sensitive investigations and mandates that cases be assigned outside an employee's chain of command for impartiality.

Discharge of Firearm – Use of Force Policy Review:

- **Tracking Shooting Incidents/Discharge of Firearms:** The Use of Force Report ensures that all firearm discharges are documented, reported, and investigated.
- **Incident Response & Accountability:** The procedure mandates immediate medical aid, notification to command staff, evidence preservation, and submission of reports.
- **Criminal & Administrative Investigations:** Firearm discharge incidents leading to serious injury or death prompt State Bureau of Investigation (SBI) involvement, while the department conducts an Internal Administrative Investigation to assess officer conduct and supervision.
- **Substance Testing & Risk Mitigation:** Officers involved in deadly force incidents undergo mandatory drug and alcohol testing, reinforcing accountability measures.

Vehicle Pursuit Policy Review:

- **Tracking Vehicle Pursuits:** The policy provides guidance on when and how pursuits should be initiated, conducted, and terminated, ensuring officers balance enforcement with public safety.
- **Risk Assessment & Safety Protocols:** The policy prioritizes minimizing danger to officers, suspects, and bystanders, reinforcing accountability in pursuit decision-making.
- **Training & Preparedness:** Officers receive annual specialized driver training to ensure they are properly equipped for pursuit situations, enhancing safety measures.

3. Hiring of Newly Certified Officers, Lateral Officers, and Civilian staff

- A. The department meets all requirements of the North Carolina Training and Standards Commission when hiring new officers:
1. All newly certified officers, lateral officers, and civilian staff are required to have a thorough background investigation
 2. The background investigation includes the contact of previous employer(s) (*reason for leaving previous positions*) and checks of criminal, traffic records, and financial/credit checks
 - a. Personnel assigned to conduct applicant background investigations must be trained to conduct such investigations.
 3. Procedures in place that inform new hires and lateral transfer officers on the Brady/Giglio requirements for all sworn personnel:
 - a. Any person who is certified by the Commission or has received a conditional offer of employment and the Department has been notified that the person may not be called to testify at trial based on bias, interest, or lack of credibility shall report and provide a copy of that notification to the Criminal Justice Standards Division within 30 days of receiving the notification.
 4. The background investigation for police applicants additionally includes the applicant:
 - a. Has a medical examination
 - b. Passes a drug screening test
 - c. Is thoroughly interviewed by designated departmental staff
 - d. Successfully completes a psychological examination

In Compliance?	X ☐ Yes	☐ No
Related Agency Policy Number(s) LPD #200-01 / Equal Employment Opportunity and Harassment and #200-05 / Recruitment and Selection of Employees		
Agency Comments: It is the policy of the Lenoir Police Department to develop and maintain an employment process that will identify and recruit personnel who will be an asset to the department. This process shall comply with the criteria as set forth by the North Carolina Criminal Justice Education and Training Standards Commission and shall not discriminate on the basis of race, color, sex, national origin or physical disability. The department meets all requirements set forth by the NC Training and Standards Commission as it relates to the hiring of employees. Backgrounds are completed by officers with a rank of Lieutenant and above, who have either attended Background Investigation training, or have been assigned to the Investigations Division.		
Evaluator Comments (To be completed by NCLM Staff): The Lenoir Police Department has established a comprehensive and policy-driven approach to recruitment, selection, and equal employment opportunity. The Department's Recruitment Policy (SOP 200-05) is detailed, procedurally sound, and reflects compliance with both state-level standards set by the North Carolina Criminal Justice Education and Training Standards Commission and the City of Lenoir's Equal Opportunity Plan. Recruitment and Selection:		

The Department maintains a proactive recruitment strategy, led by the Support Services Division in coordination with the City's Human Resources Department. Job announcements are widely disseminated at least ten business days in advance through both local and state-level channels, including the NC Employment Security Commission. Announcements consistently include essential information such as job duties, minimum qualifications, deadlines, and clear Equal Opportunity Employer language.

A strong emphasis is placed on hiring a workforce that is reflective of the community. Annual review of the Recruitment Plan ensures measurable progress toward this objective, and corrective action is identified when necessary. Assigned recruitment personnel are required to be knowledgeable in equal opportunity, benefits, selection procedures, and applicable employment standards, ensuring consistency and fairness throughout the process.

Selection Process:

The policy outlines a thorough selection procedure, including background investigations, polygraph testing, drug screening, psychological and physical assessments, all of which are administered uniformly and based on job-related criteria. Applicants are kept informed throughout the process, and documentation is carefully managed with secure storage protocols for selection materials, personnel records, and medical files. These practices support both legal compliance and data integrity.

All new hires, including lateral transfers, are subject to a one-year probationary period. The Department also consults with the NC Training and Standards Commission for training requirements of officers with prior law enforcement experience, ensuring regulatory compliance before full duty assignment.

Equal Opportunity and Harassment Policies:

The Department affirms a zero-tolerance stance on discrimination and harassment of any kind, aligning fully with the City of Lenoir's Equal Employment Opportunity Policy. Employment decisions—including hiring, promotion, compensation, and training—are based solely on merit and qualifications, without regard to race, color, religion, national origin, sex, age, disability, or veteran status.

The harassment policy is direct and comprehensive. All complaints are taken seriously and investigated thoroughly. This is indicative of a strong internal culture of accountability and respect.

Fitness for Duty:

The policy also requires that candidates and officers possess the physical and psychological fitness necessary for law enforcement duties. This is reinforced through pre-employment testing and continued monitoring to ensure that employees are capable of performing the essential functions of their roles safely and effectively.

The Lenoir Police Department demonstrates a clear commitment to equity, transparency, and professional standards in its hiring and employment practices. The Department's policies align with risk mitigation best practices, protect against liability, and promote a workforce that is both representative and operationally capable. These policies reflect strong administrative controls and a dedication to continuous improvement in personnel

management.

4. Internal Affairs-Citizen Complaints:

- A. The department maintains policy and procedures regarding the handling and documentation of all complaints.
- B. Policy and practice require any member receiving a complaint to immediately notify a supervising officer.
- C. Policy requires notification of complaint to Chief of Police as soon as practical.
- D. Policy indicating that when an investigation is initiated regarding the complaint, a reasonable time limit for completion is set, and outcomes are communicated to the complainant and officer.
- E. During investigative questioning, an employee will be advised of their Garrity Warning and read the appropriate disclosure.
 - 1. The officer should not be compelled to make a statement during any criminal investigation and shall be treated like any other defendant during a criminal investigation.
- F. The police department will not conduct an internal investigation on other municipal departments within the town. The other municipal department, human resources, and/or a third party will conduct their internal investigations.
- G. Criminal investigations within the police department will be handled by the North Carolina State Bureau of Investigations (NCSBI)
- H. All records of complaints are considered confidential and are accessed by authorized personnel only.

In Compliance? ☒ Yes ☐ No

Related Agency Policy Number(s) LPD #200-03 / Internal Affairs

Agency Comments:

The purpose of this order is to ensure that the integrity of the department is maintained through an internal system, where objectivity, fairness and justice are assured by intensive investigation and review of all complaints and allegations of misconduct involving department personnel.

Complaints against the Lenoir Police Department or its personnel can be made either in person, by mail, email, or by phone at any time. All complaints, including anonymous complaints, shall be investigated.

Should attempt to refer the complainant to an on-duty supervisor and remove themselves from the situation.

1. If an on-duty supervisor is not available, or if the complainant refuses to speak to an on-duty supervisor, that employee must attempt to gather enough information to fill out a Citizens Complaint Form.

2. Once the employee has finished speaking with the complainant, that employee shall immediately notify the on-duty supervisor.

Communication will be maintained with all complainants regarding the status of their complaint.

The department will make information on procedures for registering complaints available to the public. This Information will be given upon request by any employee of the department. Any employee not familiar with the procedures shall refer the requesting individual to a sworn supervisor, who will explain the procedures.

When an employee is being interviewed for administrative purposes, he/she shall be advised of his rights in accordance with State and Federal law.

More serious Internal Affairs Investigations will be handled by a Division Commander, not in the chain of command of the subject employee.

Evaluator Comments (To be completed by NCLM Staff):

Evaluation of Lenoir Police Department Internal Investigations Policy

Overview

The Lenoir Police Department's Internal Investigations Policy (SOP 200-03) demonstrates a comprehensive, structured, and well-documented approach to handling complaints and allegations of misconduct. This policy aligns with national best practices in internal affairs management and reflects a strong commitment to transparency, accountability, procedural justice, and employee rights.

Key Strengths and Best Practice Alignment

1. Accessibility and Transparency

The policy ensures that all individuals—citizens or internal personnel—can file complaints at any time, through multiple accessible channels (in person, phone, email, online). Anonymous complaints are accepted and investigated, reinforcing public trust and procedural fairness.

2. Clear Classification of Investigations

The department uses a tiered system for categorizing complaints (Inquiry, Informal, and Formal Investigations). This structure enhances investigative efficiency and ensures proportional response based on severity, aligning with IACP and CALEA standards.

3. Objective and Independent Oversight

Investigations are assigned outside the subject employee's chain of command to mitigate bias. Serious allegations are escalated promptly to executive leadership (Major or Chief),

and in cases of potential criminal misconduct, immediate notification is mandated.

4. Timeliness and Accountability

Investigations are expected to conclude within 30 days, with required status updates every seven days. Extensions are controlled and must be justified. This demonstrates an appropriate balance between thoroughness and timeliness.

5. Protection of Employee Rights

The policy explicitly outlines employee rights during administrative interviews, including notice of allegations, right to counsel, fair interview conditions, and separation of administrative and criminal investigations. The policy upholds constitutional protections while ensuring internal cooperation, consistent with Garrity v. New Jersey guidelines.

6. Robust Documentation and Confidentiality Controls

All complaints and outcomes are tracked using Citizen Complaint Forms and securely maintained in restricted internal affairs files. Disclosure is tightly controlled, ensuring confidentiality while preserving accountability. Findings are well-defined and categorized to ensure clear outcomes and appropriate disciplinary or corrective measures.

7. Public Information and Outreach

Information about the complaint process is readily available through department personnel, official websites, and social media platforms. This proactive approach enhances transparency and encourages community engagement.

8. Integration with Early Intervention System (EIS)

All complaints are linked to the department's EIS (Policy 300-12), ensuring that patterns of behavior are monitored and addressed before escalation—an essential best practice in personnel risk management.

Conclusion

The Lenoir Police Department's Internal Investigations Policy meets or exceeds contemporary standards for internal accountability systems. The policy reflects best practices as defined by professional law enforcement accrediting bodies and judicial precedent. It effectively balances the need for transparency, due process, operational discipline, and public confidence. Continued implementation, training, and periodic review of this policy will help sustain its integrity and effectiveness over time.

NOTE: The individual who handles Internal Affairs Investigations will be interviewed for this category regarding the above-listed dimensions.

Name of Individual Interviewed:

5. Disciplinary Process:

- A. The department maintains policies and procedures regarding the handling and documentation of employee discipline during the internal affairs process.

- B. Policy and practice require any employee that is the subject of a complaint/internal investigation with the potential for disciplinary action to be notified in an appropriate time frame.
- C. During investigative questioning, employees will be advised of their Garrity rights, and the appropriate disclosure will be documented.
- D. Policy and procedures establish a transparent disciplinary process for job performance and conduct, including pre-disciplinary hearings and final disciplinary hearings with employees.
- E. Procedures establish training as a potential function of discipline to improve employee productivity and effectiveness
- F. Procedures in place if an agency takes punitive actions against an employee, including;
 - 1. Suspension
 - 2. Demotion
 - 3. Dismissal
- G. Procedures in place for an employee to appeal/grieve final discipline ruling
- H. Procedures in place that if an employee is subject to termination, they are afforded the opportunity for a Name Clearing Hearing if applicable.
- I. All records of complaints are considered confidential and are accessed by authorized personnel only.

In Compliance? ☒ Yes ☐ No

Related Agency Policy Number(s) LPD #200-15 / Disciplinary System, LPD #200-03 / Internal Affairs, City of Lenoir Personnel Resolution (Power DMS)

Agency Comments:

It is the policy of the Lenoir Police Department to maintain a fair and equitable system of discipline that includes training, counseling, and punitive action where required. This directive parallels the City's Unsatisfactory Job Performance and Detrimental Personal Conduct Policy. However, the nature of police work and the role of the Lenoir Police Department (LPD) make it imperative that police employees adhere to these guidelines.

All regulations within the Lenoir Police Department fall within three categories. However, the Rules of Conduct contain only suggested guidelines. For violations of Department procedures, supervisory personnel shall review the incident and suggest an offense category based on their review.

Training, including remedial training, is considered an informal corrective action and shall be employed whenever it is determined that an employee's performance can be improved or minor misconduct can be corrected through its use.

Counseling of any employee by an immediate supervisor may be used to resolve minor instances of misconduct or to address work performance issues that need to be corrected.

Punitive disciplinary actions may be administered in a progressive fashion. Although not all inclusive, the following should be taken into account when considering administration of discipline: the seriousness of the incident; the circumstances surrounding the incident; the member's past disciplinary record; the member's past work performance; the impact of the incident on the Department; and, the prognosis for future similar disciplinary problems.

All disciplinary actions, to include counseling, deviations, written reprimands, demotions and suspensions will be recorded in writing. The Disciplinary Form may be utilized for this purpose.

Evaluator Comments (To be completed by NCLM Staff):

Evaluation of the Lenoir Police Department Disciplinary Policy

Overview

The Lenoir Police Department's Disciplinary Policy (SOP 200-15) reflects a structured, fair, and progressive approach to employee accountability. The policy demonstrates alignment with widely recognized best practices in professional policing, particularly regarding procedural justice, transparency, employee development, and proportional discipline. It emphasizes remediation over punishment while preserving the Department's ability to respond decisively to serious misconduct.

Strengths and Alignment with Best Practices

1. Progressive and Proportional Discipline

The policy employs a tiered system (Group I–III offenses) that categorizes misconduct based on severity and recommends escalating responses. This structured framework encourages early correction through counseling and training and escalates consequences for repeated or serious violations—aligning with principles of progressive discipline and procedural fairness.

2. Emphasis on Training and Remediation

The inclusion of training and counseling as formal corrective tools underscores the department's commitment to employee development and performance improvement. Supervisors are empowered to address minor issues promptly, constructively, and without immediate punitive consequences, consistent with community-oriented and guardian-style policing philosophies.

3. Clear Definitions and Procedural Guidelines

The policy provides well-defined disciplinary terms, clear descriptions of misconduct categories, and detailed procedural steps for disciplinary action. This clarity promotes consistency, reduces ambiguity in enforcement, and supports legal defensibility—key tenets of professional and accountable policing.

4. Role of Supervisors and Leadership Accountability

The policy assigns clear responsibilities to supervisors at all levels, particularly first-line supervisors, who are positioned to identify issues early. Their authority to implement immediate interventions—ranging from temporary suspension to counseling—strengthens front-line accountability and operational oversight.

5. Due Process and Documentation Standards

All disciplinary actions require documented statements of allegations, findings of fact, and corrective expectations. Employees are allowed to submit rebuttals or request removals of disputed records, supporting due process and transparency. Final documentation is securely maintained in accordance with North Carolina records retention laws.

6. Flexibility with Safeguards for Serious Conduct

The Chief of Police retains authority for high-level actions such as demotion or termination, with oversight from the City Manager when required. The ability to place employees on administrative leave ("Professional Standards Leave") during investigations, with strict timeframes and written notice, helps preserve departmental integrity while respecting employee rights.

7. Use of Inactive Periods and Performance Reviews

Disciplinary actions expire after 12 months of satisfactory conduct, encouraging employee rehabilitation and offering a clean-slate approach consistent with restorative discipline models. Integration of disciplinary data into performance evaluations further promotes accountability and holistic assessment.

8. Emergency Suspension Protocols

Supervisors may enact temporary suspensions in urgent situations, ensuring immediate risk management while preserving procedural safeguards for longer-term action. Requirements for documentation and equipment recovery further protect departmental resources and operational continuity.

Conclusion

The Lenoir Police Department's Disciplinary Policy adheres closely to contemporary standards in law enforcement discipline. It balances fairness, transparency, and operational needs, while supporting a culture of professionalism and accountability. The policy's structured framework, emphasis on progressive remediation, and strong supervisory involvement provide a foundation for consistent, just, and legally sound disciplinary practices. Continued training on the policy and regular reviews will help ensure its sustained effectiveness and adaptability to evolving organizational and community expectations.

6. Harassment & Discrimination:

- A. A policy that prohibits all harassment, discrimination, and the reporting process in place. Policy also shows procedures for reporting outside to a neutral party when necessary
- B. The policy includes that no employee shall be retaliated against for the reporting of allegations of harassment or discrimination.
- C. The policy directs that the department shall promptly investigate all related complaints
- D. During the investigation, the alleged victim is communicated with and kept informed
- E. Policy and practice include that if the complaint is sustained, immediate action is taken to remedy the matter and to protect the impacted employee
- F. Employees receive **annual** training, related updates, and/or policy review

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #200-01 Equal Employment Opportunity and Harassment, #200-02 Code of Conduct, #200-02(A) Retaliatory Conduct by Employees 200-03 Internal Investigations, #200-05 Recruitment / Selection of Employees, #200-14 Grievance and City of Lenoir Personnel Resolution (Power DMS)	
Agency Comments The related Agency Policies and City Handbook clearly cover the above requests. This is not covered in training on an annual basis, however, it is accessible to all employees at all times. Policies 200-01 and 200-02 are pushed out annually for officers to read. HPD policies and procedures are stored electronically for everyone to access. With this system, we are able to assign this policy out to employees for review annually that would require an individual's electronic signature verifying they have reviewed the document.	
Evaluator Comments (To be completed by NCLM Staff): Lenoir Police Department's Commitment to Best Practices and Ethical Workplace The Lenoir Police Department demonstrates a strong commitment to fostering a professional, respectful, and inclusive workplace through the adoption and enforcement of comprehensive policies that reflect best practices in law enforcement administration. Equal Employment Opportunity and Harassment Policies: The department upholds the City of Lenoir's Equal Employment Opportunity policy, ensuring all employment decisions—ranging from recruitment and hiring to promotion and benefits—are conducted without bias based on race, color, religion, national origin, age, sex, or other protected characteristics. By explicitly prohibiting all forms of harassment, including sexual, racial, religious, or ethnic, and committing to thorough investigations of any allegations, the department fosters a work environment grounded in respect and dignity for all employees.	

Whistleblower and Anti-Retaliation Policy:

Complementing this inclusive foundation, the department's mandatory reporting and anti-retaliation policies further strengthen internal integrity and accountability. Employees bear an affirmative duty to report serious misconduct in good faith, safeguarding the department's ethical standards. Importantly, the department strictly prohibits any retaliatory conduct against employees who report violations, thereby encouraging transparency and protecting whistleblowers from intimidation, harassment, or other adverse actions. Supervisors are tasked with supporting their teams to uphold these principles and maintain a safe, productive work atmosphere.

Best Practices Approach:

Together, these policies reflect the Lenoir Police Department's proactive and principled approach to human resources and organizational ethics. By embedding equal opportunity, zero tolerance for harassment, and protective measures for those who report wrongdoing, the department sets a high standard for workplace fairness, integrity, and mutual respect. This comprehensive framework not only ensures compliance with legal mandates but also promotes a culture where employees feel valued, empowered, and protected—critical elements for effective law enforcement and community trust.

Annual policy review verified? ☒ Yes ☐ No

7. **Biased-Based Policing:**

- A. The department policy clearly defines and prohibits any type of contacts or enforcement by any member related to: "biased-based policing/enforcement practices". This would include using race, ethnicity, gender, religion, or national origin as a reason to restrict a person's liberty where these attributes are not descriptive factors relating to a suspected criminal event
- B. The Department includes **annual** employee policy review, training, and updates regarding this category

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #300 – 14 Unbiased Policing / Criminal Diversion Program	
Agency Comments: Policy 300-14 is pushed out annually for officers to read. LPD policies and procedures are stored electronically for everyone to access. With this system, we are able to assign this policy out to employees for review annually, which would require an individual's electronic signature, verifying they have reviewed the document.	

Evaluator Comments (To be completed by NCLM Staff):**Lenoir Police Department's Unbiased Based Policing Policy**

The Lenoir Police Department's Unbiased Based Policing policy exemplifies best practices in law enforcement by affirming the agency's firm commitment to fair, equitable, and impartial treatment of all individuals. Rooted in guidelines approved by the International Association of Chiefs of Police, this policy prohibits any form of biased policing—defined as discrimination based on personal prejudices related to race, ethnicity, gender, religion, socioeconomic status, or other demographics—across all law enforcement and community service activities.

Key principles of the policy include:

Fair and Impartial Treatment: Officers are mandated to treat all persons equitably under the law, providing consistent enforcement and services regardless of individual demographics. Reasonable accommodations are allowed to address unique circumstances, such as disabilities or health conditions, ensuring humane and appropriate responses.

Strict Prohibition of Biased Policing: Officers must not consider demographic factors in routine law enforcement or community caretaking functions, except when part of a specific, lawful suspect description. Officers must also avoid involvement in cases where personal relationships could compromise objectivity.

Accountability and Reporting: The policy empowers officers to report and intervene in incidents of biased policing. Supervisors are tasked with addressing such reports through training, counseling, or formal disciplinary measures as appropriate. Data on complaints are systematically collected and reviewed to guide ongoing improvements.

Comprehensive Training: The department commits to ongoing training addressing police ethics, cultural diversity, implicit bias, and effective community interaction to prevent biased policing and foster trust.

Support for Diversion Programs: The policy highlights the department's role in referring individuals to social service programs—such as behavioral health and juvenile diversion services—demonstrating a holistic approach to community well-being beyond traditional enforcement.

By embedding these principles into everyday operations, the Lenoir Police Department promotes transparency, fairness, and respect for all community members, setting a commendable standard for unbiased and equitable policing.

Was the annual policy review verified? ☒ Yes ☐ No

8. Proactive Risk Reduction Strategies:

- A. The department utilizes a comprehensive driver's evaluation instrument during field training and for post-accident retraining.
 - i. **Note: The NCLM "Driver Evaluation" form is a recognized standardized instrument.**
- B. A cycle exists for the review and update of the department's policy including legal council approval on new policies:
 - 1. An annual review is preferred; a three-year review is acceptable.
- C. In addition, the agency incorporates at least (1) one of the following:
- D. The department participates in NCLM-sponsored risk-reduction training seminars
- E. The department has participated in an alternate NCLM-approved risk-reduction training session

In Compliance?	☒ Yes	☐ No	
Related Agency Policy Number(s) LPD #400-03 / Patrol Operations Response Procedure			
Agency Comments: Annual Driver Training is conducted in classroom and/or practical format. Currently there are two Specialized Driving Instructors with the department. Both have attended the Safe Driver Training with the NCLM, multiple times			
Evaluator Comments (To be completed by NCLM Staff): Lenoir Police Department Policy on Patrol Operations and Response Procedures Policy Overview: The Lenoir Police Department prioritizes rapid and safe response to emergencies involving potential personal injury or life-threatening situations. The policy ensures maximum protection for both citizens and officers while minimizing risks to the general public. Key Procedures and Best Practices 1. Call Screening and Prioritization: Calls are classified as either routine or emergency based on urgency and danger level. Telecommunicators gather critical details immediately: whether the incident is in progress, weapon involvement, injuries, and suspect descriptions. Listening for background noises and verifying locations ensures accurate assessment and quicker deployment. Emergency calls prompt immediate alerting of officers and supervisors, with essential information prioritized before routine details.			

Risk Reduction Strategy:

By quickly identifying the threat level and relevant details, officers are better prepared and can respond appropriately, reducing exposure to unforeseen dangers.

2. Response Procedures:

Routine Response: Officers drive lawfully and safely, obeying all traffic laws, as there is no imminent threat to life or property.

Emergency Response: Officers use emergency lights and sirens but must balance speed with safety, considering traffic, weather, and pedestrian presence. Officers are required to stop at red lights or stop signs unless it is safe to proceed.

Risk Reduction Strategy:

The policy explicitly prohibits reckless driving, emphasizing “due regard for the safety of others,” protecting officers, citizens, and other road users during responses.

3. Use of Emergency Equipment:

Emergency lights and sirens are only used when warranted—such as during pursuits, emergency calls, traffic stops, or hazardous situations.

Hazard lights supplement emergency lights when vehicles are stopped on roadways to increase visibility and prevent accidents.

Spotlights are used tactically for officer safety, illuminating suspects without blinding drivers or silhouetting officers.

Public address systems help officers communicate safely from a distance during potentially dangerous encounters or crowd control situations.

Risk Reduction Strategy:

Controlled and situational use of equipment prevents unnecessary hazards (e.g., glare, distraction) and enhances officer safety during critical incidents.

Overall Risk Reduction and Safety Highlights

Prioritization and rapid information flow ensure officers are well-informed before arrival.

Balanced driving practices reduce accidents and maintain public safety despite emergency conditions.

Clear guidelines on emergency equipment use enhance officer protection while minimizing risk to bystanders.

Communication tools like public address systems reduce direct confrontations, keeping officers at safer distances.

In summary, the Lenoir Police Department’s patrol and response policy promotes a culture

of preparedness, safety, and risk awareness, carefully balancing rapid emergency response with responsible conduct to protect everyone involved.

Driving Evaluation-NCLM instrument or equivalent verified? ☒ Yes ☐ No

The NCLM Evaluation and/or the current BLET Driver Training score sheets are utilized during the practical portion of training

9. Safety Review:

- A. Accidents resulting in injury are investigated and fully documented
- B. Injury related incidents are reviewed and used for prevention training and shared with employees where root causation factors are identified
- C. The municipality has an established “Safety Employee”, charged with the investigation of accidents in which injury or property damage has occurred with the causative factors identified, documented, and corrective action taken
- D. The department participates in a municipal safety committee that meets regularly to communicate safety concerns and issues.

In Compliance? ☒ Yes ☐ No

Related Agency Policy Number(s) LPD #420 – 01 / Police Vehicle Operations, #420 – 03 / Pursuit Response and City of Lenoir Personnel Resolution (Power DMS)

Agency Comments:

The Platoon Commander documents and reports the injury related incidents. The paperwork is then forwarded to the Support Services Commander, who is charged with reviewing and filing the reports and submitting them to the Risk Manager for the city. The City of Lenoir currently has a safety team and David Coffey is the Risk Manager for the city.

Evaluator Comments (To be completed by NCLM Staff):

Standard 9: Safety Review

The Lenoir Police Department demonstrates a structured and conscientious approach to officer and workplace safety. Injury-related incidents are formally documented by the Platoon Commander and forwarded to the Support Services Commander, ensuring that all incidents are logged, reviewed, and forwarded to the City’s Risk Manager for further evaluation. This process reflects a clear chain of accountability and reinforces the department’s commitment to transparency and risk mitigation.

The City of Lenoir’s designation of a Risk Manager—who reviews incident reports—aligns with best practices in municipal safety oversight. While the role of “Safety Employee” is fulfilled at the city level, the department's collaboration with the city on these matters ensures continuity and cohesion in the handling of workplace injuries and accident investigations.

Participation in the City’s safety team supports broader efforts to address workplace risks. However, to further strengthen this area, the department could consider more formalized integration of root cause analyses and structured post-incident reviews into its training processes. Sharing key lessons learned from incidents with staff would enhance awareness

and foster a culture of proactive risk reduction.

Overall, the department's current procedures reflect a proactive stance on officer safety and risk management. With continued collaboration with city safety personnel and a possible expansion of feedback loops into training, the Lenoir Police Department is well-positioned to maintain and enhance its safety review practices.

10. Training Records:

A. Departmental Training Records

1. All training is fully documented (Certificate of completion, training rosters, etc.)
2. The department records and maintains all training required by federal, state and OSHA mandates; and maintains confidentiality in compliance with law.
3. The department provides annual training on use of force including policy review and case law updates
4. The department provides annual training on bloodborne pathogens
5. The department requires in-service training or refresher training for all sworn and non-sworn personnel in accordance with training by the commission.

B. Driving Training:

1. The department utilizes post-crash evaluation and re-training. "New vehicle orientation training" is provided to familiarize officers with the police vehicle, equipment, and expectations.

C. The department additionally provides any of the following options:

1. Annual classroom and/or track instruction. Class topics may include a review of departmental, pursuit, and emergency response policies, and a review of departmental and national accident trends
2. Annual officer ride-along and evaluation by department trainer/evaluator

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #200-06 Training and Career Development, #400-03 Patrol Operations Response Procedure and #420-03 Pursuit Response	
Agency Comments: It shall be the policy of the Lenoir Police Department to provide a comprehensive training program in order to meet the needs of the agency and its employees. Training has often been cited as one of the most important responsibilities in any law enforcement agency. Training serves three broad purposes. First, well-trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations. Second, training results in greater productivity and effectiveness. Third, training fosters cooperation and unity of purpose. Career development is a structured process that is utilized by an agency to provide opportunities for individual growth and development at all levels. It is designed to promote productive, efficient, and effective job performance and to	

improve the overall level of individual job satisfaction.

Bloodborne Pathogens and Hazardous Materials training is conducted annually.

FEMA ICS training is conducted per guidelines set forth.

Multiple officers within the department are certified and dedicated to the Field Training of new and lateral transfer officers. An established outline of training is utilized for new hires and is conducted over an 11 week span (one week is the equivalent of four 12 hour days). Lateral transfer officers follow the same format, and can be released sooner (based on their ability to respond positively to training).

Use of force policy is reviewed annually during firearms, taser, baton, and SCAT training.

Driver training is conducted annually by certified driving instructors. This includes a classroom discussion portion and/or a practical setting at a local driving range. Training includes pursuit and emergency response driving, as well as cone courses designed to test low speed skills such as backing, parking, turning, etc.

Evaluator Comments (To be completed by NCLM Staff):

Lenoir Police Department Training and Career Development Policy with Departmental Training Standards

After a detailed review of the Lenoir Police Department's "Training and Career Development" policy, the department meets or exceeds all five stated departmental training standards. Below is a summary of findings based on each standard:

1. All training is fully documented (Certificate of completion, training rosters, etc.)

Meets Standard

The policy requires that all training be documented, including:

Lesson plans for each training course (Section VI).

Attendance records, test scores, and performance evaluations (Section IX).

Individual employee training records are maintained and updated regularly (Section VIII).

Employees must submit documentation for external training for inclusion in their records.

2. The department records and maintains all training required by federal, state, and OSHA mandates; and maintains confidentiality in compliance with law.

The policy includes state-mandated and OSHA-related training (e.g., bloodborne pathogens, hazardous materials) for both sworn and non-sworn personnel (Section VII).

Training is provided in accordance with NCCJETSC, OSHA, and state/federal laws.

There is an established system for record retention and oversight by the Training Coordinator, ensuring training compliance.

Although confidentiality is not explicitly detailed, maintaining training files per standard practice would imply legal compliance unless otherwise stated in a separate records retention policy.

3. The department provides annual training on use of force including policy review and case law updates

Meets Standard

Annual in-service training for all sworn officers includes use-of-force policy review and legal updates (Section VII, subsection B.3).

Legal training includes statutory or case law affecting law enforcement operations.

4. The department provides annual training on bloodborne pathogens

Meets Standard

Both sworn and civilian personnel are required to complete annual training on bloodborne pathogens (Section VII, subsections B.3 and B.4).

5. The department requires in-service training or refresher training for all sworn and non-sworn personnel in accordance with training by the commission

Meets Standard

Annual in-service training is mandated for all sworn officers and includes both mandatory and supplemental topics (Section VII).

Civilian employees also undergo annual in-service training.

Field training, shift briefings, remedial training, and specialized training further support a robust refresher training structure in accordance with training commission guidelines (Section VII and XV-XVIII).

Conclusion:

The Lenoir Police Department's Training and Career Development Policy is comprehensive and well-aligned with the required training standards. It includes structured oversight, documentation, required annual trainings (including mandated topics), and systems for both remedial and specialized instruction. The department is clearly committed to maintaining compliance with legal requirements and industry best practices in law enforcement training.

Summary of Lenoir Police Department Vehicle Pursuit Policy

As outlined in the Lenoir Police Department's Standard Operating Procedures Manual (420-03: Pursuit Response), the department has implemented a comprehensive, risk-based vehicle pursuit policy that sets clear standards for initiating, continuing, and terminating pursuits, prioritizing public and officer safety above apprehension.

1. Guiding Principles and Departmental Philosophy

The policy strongly emphasizes that officers must exercise the highest degree of care and caution when engaging in vehicle pursuits. Pursuit is not a default response to flight but must be justified by a compelling need to apprehend, and only when such apprehension outweighs the risks posed by the pursuit itself.

2. Pursuit Authorization Standards

Officers are authorized to initiate or continue a pursuit only under specific conditions, including:

Aggravated Violent Felonies

Violent Felonies

Aggravated Misdemeanors (when identity is unknown)

Traffic Offenses involving a significant and ongoing public safety threat

Officers must possess at least reasonable suspicion, and a shift supervisor must evaluate and approve continued engagement based on the severity of the offense and the risk level involved.

3. Risk Assessment Framework

The department has codified a clear risk assessment matrix to aid decision-making. Risk levels (low vs. high) are determined by factors such as:

Road conditions, visibility, and traffic congestion

Speeds involved (notably speeds >20 mph over the limit)

Presence of pedestrians or children

Experience and emotional state of officers

Type of vehicle (e.g., motorcycles carry higher risk)

Ongoing evaluation of these factors is mandatory throughout the pursuit, and officers are required to disengage if the risks become unreasonable.

4. Procedural Safeguards

To mitigate liability and ensure safety, the policy mandates:

Use of only authorized pursuit-rated vehicles

Required use of lights and sirens

Limit of two police vehicles in active pursuit, unless otherwise directed

Strict limits on civilians in pursuit vehicles

Immediate supervisory notification and oversight

Pursuit discontinuation when communication is lost or other agencies assume control

5. Use of Force & Forcible Stopping

The policy treats maneuvers like ramming, roadblocks, and shooting at vehicles as potential uses of deadly force — permissible only under exigent, life-threatening circumstances. Deployment of tire deflation devices is allowed, but only by trained officers with supervisor approval and proper coordination.

6. Termination Standards

Termination is not only permitted but expected when:

The pursuit poses an increased and unjustifiable danger

The suspect can be safely apprehended later

Supervisory or communications contact is lost

Notably, the policy protects officers from disciplinary action solely for terminating a pursuit based on safety concerns.

7. Training and Accountability

The policy requires:

Annual driving and pursuit training under certified instructors

Training during orientation when a city-owned vehicle is assigned

Mandatory documentation of all pursuits (Post Chase Reports)

Supervisor and command-level review of all incidents

An annual analysis by the Patrol Division Commander to identify trends and address training or policy gaps.

Conclusion

From an evaluator's standpoint, the Lenoir Police Department's pursuit policy reflects a structured, safety-first philosophy that aligns with contemporary best practices in law enforcement. It establishes detailed thresholds for initiating and sustaining pursuits, with accountability measures and clear supervisory control. When implemented properly, this policy provides a solid framework to reduce unnecessary risks, ensure officer discipline, and uphold public trust. However, strict adherence to the policy is critical to its effectiveness, and deviations should trigger immediate review and, where necessary, corrective action.

NOTE: The Training Supervisor will be interviewed for this category regarding the above listed dimensions.

Name of Individual Interviewed:

11. Field Training Program:

- A. The department maintains policies and procedures establishing a field training program for all newly sworn officers, both newly certified officers and in-state lateral transfers.
- B. Policy establishes guidelines for evaluating individuals in training by the field training officers. Examples – Daily Observation Reports, Weekly Observation Reports, etc.
- C. Policy and procedures establish a designated individual who oversees the agency Field Training Program. The agency will ensure that trained, qualified individuals conduct training.
- D. If appropriate, a rotation of individuals in training to different assignments within the agency.
- E. During field training, the agency utilizes the driving evaluation tool (or similar documentation) to ensure the newly trained officer safely operates the vehicle.
- F. Policy establishes a procedure for individuals in training that may require remedial training.
- G. A formal training program is utilized for all new hires supervised by a certified FTO or PTO
- H. During the FTO phase- Instruct new hires and lateral transfer officers on the Brady/Giglio for all sworn personnel.

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #200-06 Training & Career Development	

Agency Comments:

The Lenoir Police Department Field Training and Evaluation Program has been designed to assist new police trainees in their quest to become capable, efficient police officers and to serve the department and the citizens of Lenoir in a responsible, professional manner. Quality training not only enhances the trainee's ability to function in the field, but also produces confident officers that improve the department's service to the community. The initial training provided by a law enforcement agency is critical in nature and has far reaching effects. When a new officer is improperly instructed, inadequately exposed to real-life situations, or is too leniently evaluated by those who rate performance; he/she becomes a liability to our department and a burden to our department's personnel. An inadequately trained police officer is unable to shoulder a fair share of our department's workload, resulting in additional work for others. If an inadequacy exists in any of the critical work/performance areas covered in the Field Training and Evaluation Program, the officer could constitute a threat of serious injury or loss of life situation for him/herself, co-workers, and/or members of the community.

The Lenoir Police Department Field Training and Evaluation Program is made up of an Orientation Period and a Field Training Period. The Orientation Period consists of five (5) days of preparatory training under the supervision of the Training Coordinator. Upon successful completion of Orientation, the Probationary Officer will enter into the Field Training Period, which includes eleven (11) weeks of practical training under the supervision of the Patrols Division Commander. The Field Training Period consists of four (4) phases that will involve three (3) different Field Training Officers. The four phases will be established as follows:

Phase I - Trainee assigned to Primary FTO for a period of three (3) weeks, working his/her appointed shift (day/night).

Phase II - Trainee assigned to Secondary FTO for a period of two (2) weeks, working his/her appointed shift (day/night).

Phase III - Trainee assigned to a different Secondary FTO for a period of two (2) weeks, working opposite his/her appointed shift (day/night)

Phase IV - Trainee assigned to Primary FTO for a period of three (3) weeks, working his/her appointed shift (day/night).

Each phase will cover various topical areas of instruction, each area being included in the Probationary Officers' Training Manual. A training week will consist of four (4) twelve (12) hour workdays.

Evaluator Comments (To be completed by NCLM Staff):
Field Training Program

The Lenoir Police Department maintains a comprehensive and well-structured Field Training and Evaluation Program (FTEP) that reflects a strong commitment to professional development, risk management, and legal compliance. The program ensures that all newly sworn and lateral transfer officers receive consistent, high-quality instruction under the supervision of certified Field Training Officers (FTOs).

The program consists of both an orientation period and a four-phase field training period, with officers rotating through multiple FTOs and various shift assignments. This design ensures broad operational exposure and diverse mentoring, promoting balanced

development and performance evaluation.

Each trainee's progress is thoroughly documented using Daily Observation Reports, which include structured grading on numerous core competencies. Notably, the department evaluates officers daily on both "Driving Skill: Normal Conditions" and "Driving Skill: Moderate/Stress Conditions." The department has further strengthened this area by incorporating the Vehicle Operations Evaluation for Law Enforcement form from the North Carolina League of Municipalities into the FTO Manual, ensuring compliance with standardized risk-reduction protocols.

Regarding legal instruction, the department confirmed that Brady/Giglio obligations are taught explicitly during the Orientation Training Checklist (as outlined on page 12 of the FTO Manual). This instruction takes place during the first week of employment—often before the officer is sworn—underscoring the department's proactive approach to legal compliance and integrity in testimony.

Oversight of the program is clearly defined, with the Training Coordinator managing the orientation phase and the Patrol Division Commander supervising field operations. Remedial training procedures are well-documented and applied when needed, reinforcing accountability and development throughout the process.

With the recent updates to the FTO Manual and the department's existing foundational strengths, the Lenoir Police Department's Field Training Program now meets or exceeds all applicable standards and best practices. This reflects a forward-thinking and responsive training culture committed to operational excellence and public trust.

NOTE: The Training Supervisor will be interviewed for this category regarding the above listed dimensions.

Name of Individual Interviewed:

12. Officer-involved Critical Incident Investigation:

- A. Policy guides the initial incident response to include:
 - 1. First responding supervisor and;
 - 2. Steps to properly secure any evidence
- B. Policy guides the Post Incident Procedures:
 - 1. Administrative leave;
 - 2. Counseling assistance;
 - 3. Family counseling;
 - 4. Department-wide debriefing;
 - 5. Daily stress recognition;
 - 6. Employee Assistance Program (EAP);
- C. Policy requires proper notification to the Criminal Justice Standards Division when an officer is involved in a critical incident.

1. Reporting requirements define "Critical incident" as an incident involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person."
 2. Policy is in place for relieving any employee from the line of duty who has used deadly force (that force substantially likely to cause death or serious bodily injury) or has been involved in any incident that has resulted in the serious injury or death of a person until a preliminary administrative review can be conducted.
- D. The SBI will be contacted by the Chief of Police or District Attorney to investigate and prepare evidence if a sworn law enforcement officer with the power to arrest uses force against an individual in the performance of the officer's duties that results in the death or serious bodily injury of the individual.

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-02 Use of Force	
Agency Comments: The policy covers this topic from the initial response to the post incident levels, to include follow-up with involved officers through de-briefings and counseling assistance. Whenever a member of the department discharges their firearm and injury is inflicted he shall immediately: 1. Determine the physical condition of any injured person and render first aid when appropriate; 2. Request emergency aid; 3. Notify Communications of the incident and location; 4. Communications shall immediately contact the shift supervisor; 5. If the injury is of a serious or of life-threatening nature, the shift supervisor shall ensure the immediate notification of the appropriate Division Commander and the Chief of Police; 6. The Officer shall remain at the scene until the arrival of the appropriate Investigators, unless he or she is injured; 7. If the circumstances are such that the continued presence of the Officer at the scene may cause a more hazardous situation to develop, the commanding Officer at the scene shall have the discretion to instruct the Officer to standby at a more appropriate location; 8. If an Officer's firearm has been discharged, the Officer shall protect his or her weapon for examination and submit the weapon to the appropriate Investigator. At the direction of the Chief of Police, the Officer will be issued a replacement weapon for qualification. 9. The shift supervisor shall: a. Secure the scene of the incident; b. Conduct a preliminary field investigation; c. Assist the Officers involved; Submit a detailed report of the incident to the Chief of Police and assigned Investigators.	

D. In the case of death or serious physical injury, the State Bureau of Investigation and shall be requested to conduct a Criminal Investigation.

Evaluator Comments (To be completed by NCLM Staff):

Officer-Involved Critical Incident Investigation

The Lenoir Police Department demonstrates a strong commitment to transparency, officer wellness, and procedural integrity in the handling of officer-involved critical incidents. Policy 400-02 (Use of Force) and Policy 200-15 (Disciplinary System) collectively establish a comprehensive framework for initial response, post-incident support, and administrative oversight.

Initial Incident Response

The policy provides detailed guidance for first-responding officers and supervisors. Responsibilities include immediate medical aid, scene security, notification protocols, and the preservation of evidence. Supervisors are tasked with conducting a preliminary field investigation and ensuring the weapon used is secured for examination, demonstrating alignment with best practices for incident integrity and chain-of-custody protocols.

Post-Incident Procedures and Officer Wellness

Sections V(B), (C), and (D) of Policy 400-02 outline the department's structured response to the emotional and psychological needs of officers following critical incidents. These include:

Temporary relief from line duties

Access to departmental or external counseling resources

Availability of employee assistance programs (EAP)

Supervisory support and structured administrative reviews

Department-wide debriefing as appropriate

This layered approach supports both individual officer well-being and agency-wide resilience, aligning with recognized officer wellness models and reinforcing the department's commitment to caring for its personnel in the aftermath of traumatic events.

Administrative Leave Clarification

The department has updated Policy 200-15 to explicitly define administrative leave protocols for officers involved in critical incidents. This ensures clarity, procedural fairness, and transparency while allowing time for both internal and external investigations to take place.

Compliance with Notification Requirements

The department has proactively amended Policy 400-02 to include a mandated notification to the North Carolina Criminal Justice Standards Division following any critical incident involving serious injury or death. This update brings the policy into full alignment with the NCLM Risk Review Standards and demonstrates the department's responsiveness and commitment to state-level accountability and oversight.

External Investigation by SBI

In all applicable cases, the policy directs the Chief of Police to notify the State Bureau of Investigation (SBI) to ensure an impartial and independent investigation. This practice helps maintain public confidence and enhances procedural transparency.

Conclusion

The Lenoir Police Department's policies surrounding officer-involved critical incidents are now fully compliant with all NCLM Risk Review Standards. The recent enhancements reflect a proactive and responsible approach to accountability, officer support, and public trust. These updates further demonstrate the department's ongoing dedication to best practices, continuous improvement, and organizational integrity.

13. Property & Evidence Management:

- A. Department maintains proper evidence storage areas with controlled access. Access to evidence storage areas is restricted to authorized personnel only, and is restricted to any unauthorized personnel unless they are escorted.
 - 1. Escorted individuals must sign in and out on access log for proper tracking.
- B. A dedicated and trained evidence custodian / staff, is responsible for the storage and distribution of all evidence
- C. High-risk property and evidence such as guns, drugs, and money **must** be secured in a separate area within the evidence storage area that requires additional security measures.
- D. The policy should include a provision for conducting a criminal history check on any person who is seeking the return of a firearm before the return of the firearm from evidence
- E. Policy shall detail the difference between property and evidence and how items may be released to the owner/complainant. All releases must be documented and signed.

- F. Utilization of evidence auditing is in place, including, at a minimum, semi-annually small random audits
- G. Procedures require a complete inventory when a change of evidence custodian or Chief of Police occurs.
- H. Policy clearly defines the procedures for documenting property and evidence collection into custody. Documentation regarding the disposition of property and evidence in secure custody is also utilized.

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-13 Evidence Collection / Property Control	
Agency Comments: It is the policy of the Lenoir Police Department to collect and preserve evidence in compliance with legal requirements and established techniques. This policy will establish guidelines and procedures for crime scene processing and the collection, preservation, management, laboratory submission, and disposition of physical evidence and property. The transfer of custody of physical evidence must be documented. Extra security measures should be taken for handling exceptional, valuable or sensitive items of property. All items submitted to Property/Evidence Control must be properly tagged and labeled or otherwise packaged and accompanied by a Property/Evidence Receipt Form. The following precautions should be taken handling items such as money, guns, blood and other body fluids, and drugs. All firearms taken into police custody will be examined and checked through NCIC. Police personnel shall run a wanted check on all firearms they encounter in the course of their duties. An annual audit of property held by the agency is to be conducted by a supervisor not routinely or directly connected with control of property. The purpose of this standard is to ensure the integrity of the system, not to require an accounting for every item of property. The annual audit should be a random sampling of property held to satisfy the auditor those policies and procedures are being followed. The Chief of Police names the person appointed to conduct the audit. Unannounced inspections of property storage areas are to be conducted as directed by the Chief of Police, on a minimum of an annual basis Property and Evidence is currently maintained by one full-time civilian technician. One additional civilian employee has recently received training to assist in this area as well. Guns, drugs, and money are secured in a separate vault within the evidence room.	

Evaluator Comments (To be completed by NCLM Staff):**Property & Evidence Management**

The Lenoir Police Department's property and evidence control protocols, outlined in Policy 400-13 (Evidence Collection / Property Control), reflect a robust and well-regulated system that prioritizes chain-of-custody integrity, physical security, and legal compliance. The department demonstrates clear adherence to industry best practices for evidence handling and risk mitigation.

Secure and Controlled Access

The department maintains a dedicated evidence storage area with restricted access. Only authorized personnel, including a full-time civilian evidence technician and a recently trained backup technician, are permitted entry. Any escorted individuals are required to log their entry and exit, ensuring a complete access record and audit trail.

High-Risk Item Security

Guns, drugs, and money are stored in a separate, highly secure vault within the evidence room. This additional layer of security reflects a proactive approach to preventing loss, theft, or tampering of high-risk evidence items.

Trained Custodians and Documentation Protocols

Evidence custodians are trained to manage intake, storage, and release procedures. All submitted items are properly tagged, labeled, and accompanied by a Property/Evidence Receipt Form. Firearms are routinely checked through NCIC, and personnel are required to conduct wanted checks on all firearms encountered in the field, ensuring lawful disposition and officer safety.

Audit and Inspection Processes

The department conducts annual audits of property holdings, overseen by a supervisor who is not regularly involved with property control functions. This independent review ensures objectivity and policy adherence. Additionally, unannounced inspections of the property storage area are conducted annually at the direction of the Chief of Police. These measures are critical to maintaining system integrity and public trust.

Evidence Disposition and Documentation

The policy clearly distinguishes between property and evidence, and outlines procedures for lawful release or disposal. All releases are fully documented and require signatures, ensuring a transparent and defensible process. A provision is also included for conducting criminal history checks before the return of firearms, demonstrating a strong commitment to public safety.

Comprehensive Collection Procedures

Officers are provided with standardized guidelines for the collection, preservation, and submission of physical evidence, including special handling procedures for hazardous or sensitive materials such as drugs, biological samples, and currency. These controls help prevent contamination, safeguard health, and support successful prosecution in criminal cases.

Conclusion

The Lenoir Police Department's property and evidence management policies are thorough, well-documented, and executed with diligence. The systems in place meet or exceed NCLM standards and represent a model of secure, accountable, and legally sound evidence handling. With strong audit practices, trained personnel, and high-risk safeguards, the department has built an evidence program that supports both operational excellence and public confidence.

NOTE: The Evidence Custodian/Supervisor will be interviewed for this category regarding the above listed dimensions.

14. Social Media:

Policy guides officers in the expected behaviors and legal standards for social media activity. Policies further follow the language of the fourth circuit court of appeals regarding the *Liverman v. City of Petersburg* case to ensure policy does not prohibit protected speech that would not impact agency operations. This case references the impact to a department's efficiency based on an employee's social media comments.

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #510-05 Social Media	
Agency Comments: The purpose of this policy is to establish the criteria for the use of social media by the agency and establish guidelines for personal use of social media and how it relates to their official capacity. The department endorses the use of social media to enhance communication, collaboration, and information exchange; streamline processes; foster productivity; and investigative criminal activity and other matters of public safety. This directive covers all forms of social media providing guidance in the use and management. Social media provides a valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This directive identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this directive provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.	

Evaluator Comments (To be completed by NCLM Staff):**Social Media**

The Lenoir Police Department's Social Media Policy (LPD #510-05) reflects a comprehensive and forward-looking approach that balances operational needs, employee rights, public trust, and legal considerations in the digital age. The policy demonstrates alignment with recognized legal standards, including the Fourth Circuit Court of Appeals ruling in *Liverman v. City of Petersburg*, ensuring that protected speech is not improperly restricted while preserving the department's operational integrity and professional image.

Governance and Oversight

The policy clearly distinguishes between personal and official use of social media. All official departmental accounts must be approved by the Chief of Police, and each account is assigned a designated manager responsible for oversight. Departmental pages must include disclaimers, link to official websites, and maintain professional branding unless part of covert operations.

Public Transparency and Legal Compliance

The policy ensures that all social media content is treated as public record, consistent with North Carolina public records laws. It also includes clear language on user-generated content, moderation guidelines, and the department's right to remove inappropriate or offensive posts. This promotes transparency while maintaining control over the department's digital presence.

Official Use for Operations and Outreach

The department actively uses social media for community engagement, public safety messaging, recruitment, and investigations. This demonstrates a modern and strategic use of digital platforms to improve communication and foster public trust. Investigators are encouraged to utilize social media within the bounds of legal and ethical standards.

Personal Use and Employee Conduct

The policy outlines expectations for employees' personal use of social media, emphasizing that officers must avoid posting content that reflects poorly on the department or violates professional standards. Personnel are advised not to post confidential information, use department logos or uniforms without authorization, or associate their personal accounts with official roles. These restrictions are reasonable, narrowly tailored, and consistent with legal precedent on employee speech and departmental efficiency.

Confidentiality, Safety, and Liability

The policy includes strong language discouraging officers from disclosing sensitive information or identifying themselves as law enforcement in ways that could compromise investigations, safety, or operational effectiveness. Officers are cautioned about potential legal liabilities, including defamation and invasion of privacy, and are reminded that privacy settings do not shield content from department or public review.

Monitoring and Enforcement

The policy explicitly reserves the department's right to monitor social media use and establishes a clear process for reporting violations. Supervisors are empowered to take corrective or disciplinary action where necessary, reinforcing accountability and ethical conduct.

Conclusion

The Lenoir Police Department's social media policy is a well-crafted directive that balances free speech protections with the need to maintain professional standards, public confidence, and operational security. By aligning with contemporary legal rulings and best practices, the department sets a strong example of responsible and strategic social media governance in law enforcement.

15. Continuity of Operations Plan:

- A. The department has established plans for situations in which normal operations and procedures are disrupted due to natural and man-made disasters to ensure continuity of operations.
- B. There is an established process by which the plan is activated and when normal operations will resume
- C. There are established processes when decision making authority will be delegated and to whom and for what functions, including the leadership's order of succession
- D. The department has identified alternate operational facilities, methods of communication, alternate processes, equipment, provisions for securing records.
- E. The department maintains a process for backing up electronic data with off-site storage
- F. The department updates, maintains and trains the plan execution with department staff

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-37 Continuity of Operation Plan and #400-18 Critical Incident Management	

Agency Comments:

Provide any directives addressing secondary site relocation/or:

Detail the steps taken to relocate operations and services in the event of a disaster or loss of facility/resources:

Disasters and emergencies could disrupt, paralyze, or destroy the capabilities to preserve government and perform essential governmental functions. Continuity of Operations (COOP) Planning is designed to develop and maintain a program that enables departments to preserve and maintain their capability to function effectively in the event of a disaster or emergency, which could potentially disrupt critical operations and services. The Lenoir Police Department is committed to the safety and protection of the community and its members, its employees, operations, and facilities. This Directive provides the department and its personnel a framework that is designed to minimize potential impact during an event.

A Continuity of Operations (COOP) Plan is an effort within individual departments to ensure continuity of their essential functions during a disaster, emergency, or significant event. A COOP is one component of a comprehensive emergency management program that addresses the preparations for, response to, and recovery from all types of disasters. A COOP is designed to establish policy and guidance as well as provide vital department-specific information to help direct personnel during such events/incidents. To respond effectively to any emergency, it is critical that all City of Lenoir employees, public officials, and departments understand their roles and responsibilities.

Provide any directives or SOP addressing secondary site relocation/or:

Police headquarters is critical to the performance of the department's essential functions; however, we must recognize that normal operations may be disrupted and that there may be a need to perform essential functions from alternate facilities.

1. In the event the Police Department building would be deemed unusable, the Mulberry Recreation Center located at 720 Mulberry Street would be used as an alternate facility.

2. In the event Lenoir Police Department Communications are interrupted (for any reason) service will be immediately transferred to the Caldwell County 911 center.

3. The Department will maintain a process for backing up electronic data, utilizing off-site storage, managed by the City of Lenoir IT Department.

Evaluator Comments (To be completed by NCLM Staff):

Continuity of Operations Plan (COOP)

The Lenoir Police Department has developed a structured and well-considered Continuity of Operations Plan (COOP) that aligns with best practices in emergency preparedness and critical incident management. The plan provides clear guidance for maintaining essential law enforcement functions during natural disasters, major emergencies, or any disruption to normal operations.

Disruption Planning and Essential Services Continuity

The department's COOP framework identifies essential functions and establishes steps to ensure operational continuity during disruptive events. The plan anticipates potential threats to staffing, infrastructure, and communication systems, and outlines practical contingency procedures for maintaining public safety services without interruption.

Activation Procedures and Delegation of Authority

The COOP details the process for activation of the plan and defines when and how the department will resume normal operations. It clearly outlines the chain of command and delegation of authority, ensuring that leadership transitions are seamless and responsibilities are maintained during critical incidents. This includes a defined order of succession for key decision-making roles.

Alternate Facilities and Operational Redundancy

The plan designates the Mulberry Recreation Center as an alternate command facility in the event that police headquarters is rendered unusable. Additionally, it provides for the immediate transfer of emergency communications to the Caldwell County 911 Center, ensuring uninterrupted dispatch capabilities. These alternate locations support continuity and provide redundancy for essential operations.

Data Protection and Off-Site Backup

In partnership with the City of Lenoir IT Department, the department maintains a secure and reliable process for backing up electronic data, including off-site storage. This ensures that critical records, evidence, and communication systems can be recovered quickly and securely during an outage or system failure.

Policy Integration and Staff Training

The COOP is not a standalone document, but part of an integrated emergency management strategy that includes cross-referencing with Policy #400-18 (Critical Incident Management). Training on the COOP is incorporated into department operations, and employees are made aware of their roles and responsibilities during emergency activations. This readiness helps ensure an effective and coordinated response.

Conclusion

The Lenoir Police Department's Continuity of Operations Plan is comprehensive, well-structured, and consistent with risk management standards for public safety agencies. The department's foresight in identifying alternate facilities, safeguarding data, delegating authority, and training personnel demonstrates a high level of operational resilience. These efforts ensure that essential services to the community remain intact during times of crisis and disruption.

II. OPERATIONS SECTION

1. Use of Force and Response to Active Resistance:

- A. The Use of Force policy and procedures are annually reviewed, anytime a new weapons system is adopted by the agency, or when new case law is passed and enacted, or when a senior leadership change occurs.
- B. Policy provides use of force options, for example:
 - 1. Force Options/Controls starting with officer presence, progressing up to, and including deadly force.
 - 2. The policy should stress the use of the reasonable and minimal force necessary to gain control
- C. All officers are trained and certified in the use of all issued force options and follow recertification guidelines to maintain proficiency.
- D. Policy instructs personnel to provide proper medical care to anyone injured by the use of force and to report injury resulting from the use of force.
- E. The Department utilizes a formal use-of-force reporting form that is to be completed by the officer/supervisor when force is used while interacting with a non-compliant individual. Supervisors will review the use of force to ensure legal, training, and policy compliance.
- F. Policy and training reflect that “less-lethal force” devices will not be used on passive resisters or resistant individuals unless the non-compliance or resistance creates an immediate danger and safety risk that can be mitigated by the use of such force options, for example;
 - 1. ECD or pepper spray (note: the U.S. 4th Circuit Court of Appeals has viewed the use of Taser or similar tools as “serious use of force” (Armstrong), and the use must be reasonable and proportional to the event unfolding.
- G. All officers using less-lethal force devices will receive training from a certified instructor in the following:
 - 1. Policy Training on proper use and legal authority for use
 - 2. Initial training and testing
 - 3. Annual training/re-training and testing
- H. Policy specifies that only department-approved weapons and equipment are to be utilized by officers
- I. Duty to Intervene and Report Excessive Use of Force:
 - 1. A law enforcement officer, while in the line of duty, who observes another law enforcement officer use force against another person that the observing officer reasonably believes exceeds the amount of force authorized and who possesses a reasonable opportunity to intervene, shall, if it is safe to do so, attempt to intervene to prevent the use of excessive force. Additionally, the observing officer shall, within a reasonable period not to exceed 72 hours after that, report what the officer reasonably believes to be an unauthorized use of force to a superior law enforcement officer within the agency of the observing officer, even if the observing officer did not have a reasonable opportunity to intervene.

- J. Firing at moving vehicle(s) is prohibited except in self-defense of an officer(s) or the defense of another person(s) when deadly force is authorized, and no other reasonable options exist
- K. Choke, Strangleholds, and neck restraints are prohibited except in the self-defense of an officer(s) or the defense of another person(s) when deadly force is authorized, and no other reasonable options exist
- L. Policy strictly prohibits firing a warning shot.
- M. De-escalation training is instructed and documented annually during firearms training, less-than-lethal training, and when the Police Chief or designee for the Department deems it necessary

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-02 Use of Force and #400-25 Firearms	
Agency Comments: This policy is covered extensively on an annual basis during firearms, Taser, and SCAT training. The Lenoir Police Department defines “force” as “any action beyond that of mere physical control and restraint.” Lenoir Police Officers are authorized to use that force or threat of force that is objectively reasonable and necessary to effect a lawful arrest or lawful detention; to prevent or assist in preventing a crime; to prevent or assist in preventing unlawful escape; to stop violent behavior or the imminent threat of violent behavior; or to effect any other lawful objective. Before using force, Officers should evaluate the situation and use the minimum amount of force necessary to accomplish the law enforcement mission such as bringing the offender, suspect, arrestee, etc. under control. The type and amount of force to be used on the person will be determined by the circumstances at the time, the Officer’s training, experience, and judgment, department policy, and state and federal law. All personnel authorized to use force and carry lethal and less lethal weapons under this policy will be granted access in electronic format and be instructed on this policy before carrying any of the weapons listed in this policy. Training on specific weapons must be satisfactorily completed before Officers are granted final approval to carry or utilize each particular weapon. The issuance of these weapons and such training and instruction shall be documented. Use of excessive force in any situation is prohibited. When a Lenoir Police Department Officer knows that another Law Enforcement Officer is using force which is clearly excessive, they must intercede only when reasonably able or feasible. Options for Officer Control – Control Options Chart Officer Presence and Bearing (center of chart) Verbal Commands and Directions (purple area)	

Physical Control & Restraint / Handcuffs / Leg Irons / Soft Hands (orange area)

Oleoresin Capsicum (OC) / Conducted Electrical Weapon (CEW) (green area)

Impact Devices / Police K-9 / Less Lethal Impact Munitions (LLIM) (light blue area)

Hard Hands • Chemical Agents / Munitions (yellow area)

Lethal Force (red area)

Warning shots are strictly prohibited and shall not be construed to be a part of the Lenoir Police Department's Control Options Chart.

The use of chokeholds or strangleholds (respiratory holds which restrict oxygen flow) are prohibited by officers except during circumstances in which deadly force is justified in accordance with North Carolina General Statute 15A - 401 (d) (2) – Use of Deadly Physical Force as previously described in this policy in Section II - B of the Use of Force policy.

The Vascular Neck Restraint (Carotid Restraint): The carotid restraint, unlike the chokehold, is not a respiratory restraint. It does not restrict oxygen when properly performed. Instead, this restraint, when done at the highest level of pressure to the carotid arteries, cuts off blood flow to the brain and should render a person unconscious, with a recovery time of approximately 20 seconds for the individual. The use of a carotid restraint is prohibited by this agency except during circumstances where deadly force is justified in accordance with North Carolina General Statute 15A - 401 (d) (2) – Use of Deadly Physical Force as previously described in the policy in Section II - B of the Use of Force Policy.

The following actions are prohibited:

- a. Warning shots are prohibited.
- b. Firing from moving vehicle is prohibited.
- c. Firing at a moving vehicle is prohibited except where the immediate probability of serious injury or death exists for a police Officer and/or for an innocent third party if the Officer does not do so. Before discharging a firearm at a moving vehicle, Officers must reasonably believe that the only immediate means of protecting themselves and/or an innocent third party is the use of deadly force.

Evaluator Comments (To be completed by NCLM Staff):**Use of Force and Response to Active Resistance**

The Lenoir Police Department has implemented a comprehensive and well-documented Use of Force policy (LPD #400-02) that aligns with national law enforcement standards, legal precedent, and NCLM Risk Review expectations. The policy reflects a strong commitment to accountability, officer safety, proportional response, and public trust.

Policy Foundation and Clarity

The policy clearly defines use-of-force standards, including the legal thresholds under which force may be applied. It incorporates guidance consistent with *Graham v. Connor* and *Tennessee v. Garner*, ensuring that officers understand the constitutional limits and appropriate application of force. Definitions and terminology are precise, enhancing understanding and enforcement.

Incident Reporting and Review

All uses of force require prompt documentation and supervisory review. Officers must complete detailed reports immediately following any incident involving force, which are then submitted to the chain of command for evaluation. Serious incidents—particularly those involving serious injury or firearm discharge—are subject to elevated review by command staff and often involve State Bureau of Investigation (SBI) notification for independent oversight.

Post-Incident Medical and Administrative Actions

The policy mandates that medical aid be rendered or summoned immediately following any use of force, particularly when injury is suspected. Officers involved in deadly force incidents are subject to administrative protocols including weapon surrender, post-incident debriefing, drug/alcohol testing, and in certain cases, relief from duty pending investigation.

Training and Policy Review

Use of force training is conducted annually and includes legal updates, scenario-based exercises, and reviews of department policy. The department also conducts firearms, Taser, baton, and SCAT training on a recurring basis, reinforcing consistency and preparedness. Policy #400-02 is reviewed with all officers during these training sessions to ensure complete understanding and documentation of compliance.

Accountability and Community Trust

The department's approach demonstrates a strong emphasis on proportionality, de-escalation, and preservation of life. The inclusion of administrative reviews, documentation protocols, and officer wellness procedures speaks to a well-rounded and ethical use-of-force framework.

Conclusion

The Lenoir Police Department's Use of Force policy is clear, thorough, and consistent with NCLM standards and constitutional mandates. The integration of documentation, supervisory oversight, medical attention, training, and independent investigation when appropriate illustrates a best-practice model for force accountability. These procedures not only protect the department and its personnel, but also strengthen community confidence in the agency's commitment to lawful and responsible policing

Annual policy review verified? ☒ Yes ☐ No

2. Less-Lethal Weapons:

- A. Police officers have at least one (1) less lethal force option available (two recommended) to include but not limited to; electronic control devices (ECD), chemical spray (OC), impact weapons, and bola wrap device (BWD) etc.
- B. The department has a current "best practices" policy in place regarding less-lethal options issued to the officers.
- C. The department requires initial certification and annual training on all issued devices
- D. The Department utilizes a formal use of force reporting form that is to be completed by the officer any time force is used with a less-than-lethal device and the report shall be reviewed by a supervisor to ensure policy, training, and legal compliance.

In Compliance? ☒ Yes ☐ No

Related Agency Policy Number(s) LPD #400-02 Use of Force and #400-25 Firearms

Agency Comments:

Officers are certified on and issued Tasers, OC spray, and batons. Training is conducted annually on the topics. The department utilizes a specific Use of Force documentation report that covers all forms of use of force.

The Lenoir Police Department defines "force" as "any action beyond that of mere physical control and restraint." Lenoir Police Officers are authorized to use that force or threat of force that is objectively reasonable and necessary to effect a lawful arrest or lawful detention; to prevent or assist in preventing a crime; to prevent or assist in preventing unlawful escape; to stop violent behavior or the imminent threat of violent behavior; or to effect any other lawful objective. Use of excessive force in any situation is prohibited.

When an Officer uses force, he/she will submit a Use of Force Report by the end of their next tour of duty.

Evaluator Comments (To be completed by NCLM Staff):**Less-Lethal Weapons**

The Lenoir Police Department has established a clearly articulated and well-regulated approach to the deployment and use of less-lethal weapons, reflecting a strong commitment to minimizing injury, promoting de-escalation, and ensuring accountability in use-of-force situations.

Policy Clarity and Weapon Authorization

The department's less-lethal weapons policy outlines the types of approved less-lethal tools issued to officers, including conducted energy weapons (e.g., Taser), batons, chemical agents, and other control instruments. The policy includes specific authorization for use, operational guidelines, and restrictions that comply with state law and established national law enforcement standards.

Training and Certification

All officers are required to receive initial training and annual recertification on each less-lethal weapon they are issued. This training is conducted by certified instructors and includes legal updates, proper deployment techniques, tactical considerations, and medical implications. Officers must demonstrate proficiency in both classroom and scenario-based instruction, reinforcing safe and appropriate usage under real-world conditions.

Deployment and Use Oversight

When less-lethal force is used, officers must complete a Use of Force Report, which is subject to supervisory review. This ensures immediate accountability and identifies any training, equipment, or tactical issues that may need to be addressed. Reports are reviewed as part of a broader pattern recognition strategy, contributing to early intervention and performance management systems.

Medical Attention and Post-Use Procedures

The policy mandates that officers provide or summon medical aid following the use of any less-lethal weapon, especially in instances where chemical or electronic control devices are used. This ensures the health and safety of both the subject and officers, while also supporting defensibility of force decisions.

Risk Management and Public Trust

The department emphasizes the principles of de-escalation and proportionality when selecting force options. The integration of less-lethal tools into the use-of-force continuum reflects a progressive philosophy focused on minimizing harm and maximizing control during volatile encounters. These practices contribute to both officer safety and public confidence in responsible policing.

Conclusion

The Lenoir Police Department's policies and practices regarding less-lethal weapons meet or exceed industry standards for use, training, oversight, and documentation. The department demonstrates a proactive and balanced approach that values both the tactical utility of these tools and the broader goal of preserving life and public trust. This framework supports responsible force decisions while mitigating liability and risk for both officers and the agency.

3. Care and Custody of Suspects:

- A. Policy exists detailing the care, custody, restraint, and transportation of suspects
- B. Policy outlines procedures for providing medical attention to arrestees who report or show symptoms of injury or illness
- C. Policy outlines specific legal procedures regarding juvenile prisoners
- D. Policy guides the handling of persons with disabilities
- E. Proper decontamination policies and procedures exist for individuals exposed to;
 - i. Chemical sprays;
 - ii. Electronic control devices;
 - iii. Impact Weapons;
 - iv. Bola Wrap devices;
 - v. Any other departmental-issued equipment

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-01 Arrests, Booking, Citations, #400-12 Juveniles and #400-02 Use of Force	
Agency Comments: The policies listed below detail the care, custody, restraint, and transport of suspects. (400-01), to include specific legal procedures regarding juvenile prisoners (400-12) and persons with disabilities. The Use of Force policy details documentation procedures for force options used by this agency (400-02).	
Evaluator Comments (To be completed by NCLM Staff): Care and Custody of Suspects The Lenoir Police Department exhibits a high level of professionalism and diligence in the care, custody, and control of individuals under arrest. Departmental policy reflects a strong adherence to constitutional protections, liability reduction practices, and the humane treatment of all persons in custody. Safe and Lawful Handling Procedures The department maintains clear, well-structured policies guiding the transport, supervision, and treatment of suspects from the time of arrest through transfer to appropriate holding facilities or jurisdictional authorities. Officers are trained to ensure suspects' safety,	

dignity, and legal rights are preserved throughout the custody process.

Search and Restraint Protocols

Policies require thorough searches of individuals prior to transport, consistent with officer safety protocols and contraband prevention. Appropriate restraints (e.g., handcuffs) are applied in accordance with department training and subject-specific circumstances (e.g., medical concerns or physical limitations). Documentation and supervisor notification are required in all cases of deviation or elevated risk.

Medical Attention and Special Circumstances

The policy mandates that officers immediately summon medical assistance for any individual showing signs of distress, injury, or requiring medication. Officers are instructed to monitor individuals for symptoms of drug influence, mental health crisis, or physical illness during custody, and to document any medical or behavioral issues observed. This ensures duty-of-care responsibilities are consistently fulfilled.

Documentation and Accountability

Each interaction involving the custody of a suspect is documented through incident reports, transport logs, and officer narratives, which are subject to supervisory review. Any unusual incidents — including injuries, resistance, or use of force during custody — trigger internal review processes to assess procedural compliance and officer conduct.

Training and Legal Compliance

Officers receive training on constitutional requirements related to search and seizure, duty of care, and liability avoidance. These include updates on applicable state law, case law, and risk management practices to ensure custody procedures remain legally defensible and ethically sound.

Conclusion

The Lenoir Police Department's policies and procedures regarding the care and custody of suspects reflect strong adherence to legal, ethical, and operational standards. The department emphasizes safety, accountability, and the respectful treatment of all individuals, regardless of the circumstances of arrest. This standard of professionalism serves to reduce liability, protect officer and detainee welfare, and reinforce community trust.

4. Dealing with Persons of Diminished Capacity:

- A. Officers should be adequately trained in the handling of individuals suspected to be in crisis, individuals with apparent altered mental states or in psychological distress

- B. Officers should be adequately trained in recognizing and responding to individuals that are displaying behavioral health crisis focusing on de-escalation to reduce potential harm.
- C. Procedures for taking individuals into custody and detention should be outlined in the policy and include the following:
 - 1. Protocols for responding – Containment, Announcement, Backup, Medical attention
 - 2. Less-lethal force options should be available when individuals are taken into custody

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-36 Diminished Capacity – Excited Delirium	
Agency Comments: To provide officers with the essential, tactical and processing skills necessary to effectively deal with persons of diminished capacities / excited delirium in a manner that provides the required professional assistance these persons need, as well as, protect the community, safeguard the officers involved in the encounter and enhance the agency's risk management. Symptoms vary and each person with mental illness is different, but all people with mental illness have some of the thoughts, feelings, or behavioral characteristics listed below. While a single symptom or isolated event is not necessarily a sign of mental illness, multiple or severe symptoms may indicate a need for a medical evaluation. Initial Response (CALMS) a. Containment; b. Announcement; c. Lots of Backup; d. Medical Attention; e. Slow Down; Less-lethal force options should be available when individuals are taken into custody	
Evaluator Comments (To be completed by NCLM Staff): Dealing with Persons of Diminished Capacity The Lenoir Police Department demonstrates a proactive and compassionate approach in its response to individuals with diminished capacity, including those experiencing mental illness, developmental disabilities, substance use disorders, or cognitive impairment. The department's policies and training reflect a commitment to de-escalation, officer safety, legal compliance, and humane treatment. Policy Clarity and Purpose The department maintains a well-defined policy that establishes clear expectations for handling encounters involving individuals who may lack the capacity to understand or comply with lawful orders due to mental or emotional conditions. The policy reinforces the guardian mindset and encourages officers to prioritize communication, time, distance, and tactical patience in such encounters. Crisis Intervention and De-escalation	

Officers are trained in Crisis Intervention Team (CIT) principles, de-escalation techniques, and scenario-based decision-making designed to safely resolve encounters without unnecessary use of force. Officers are encouraged to seek voluntary compliance whenever possible and to treat all individuals with dignity and respect, particularly those in psychological distress.

Collaboration with Behavioral Health Resources

The department maintains collaborative relationships with local mental health agencies and hospital systems to assist in the diversion of individuals from the criminal justice system when appropriate. Officers are empowered to transport persons in crisis to medical or behavioral health facilities under lawful commitment procedures, reducing reliance on arrest and detention in non-criminal situations.

Officer Safety and Risk Mitigation

Policies emphasize the importance of officer safety during potentially volatile encounters. Officers are instructed to use less-lethal options when appropriate and to call for supervisory assistance or backup when dealing with unpredictable behavior or persons believed to be under the influence of narcotics or suffering from acute psychiatric conditions.

Documentation and Follow-up

All incidents involving persons of diminished capacity are documented in detail. Reports include observed behavior, officer response, use of force (if any), mental health referral or transport information, and the reasoning behind custodial or diversion decisions. This documentation supports departmental oversight and ensures transparency.

Ongoing Training Commitment

The department conducts regular training updates on dealing with individuals in crisis, legal developments surrounding involuntary commitment, and emerging best practices in police-mental health interaction. Officers are encouraged to approach these calls with empathy, caution, and professionalism.

Conclusion

The Lenoir Police Department has established a comprehensive and compassionate policy framework for interacting with individuals of diminished capacity. Through officer training, behavioral health partnerships, and an emphasis on de-escalation and safety, the department meets or exceeds standards for lawful, ethical, and effective response. These efforts reinforce public confidence and reduce the risk of harm for all parties involved.

5. Holding Cells (only for agencies utilizing temporary prisoner holding cells)

- A. Policy should establish the maximum time prisoners could be kept in a holding cell
- B. Holding cell must be monitored either by an officer or by closed circuit TV with live contact every 15 minutes
- C. Holding cells are to be equipped with a smoke detector
- D. Must have an evacuation plan in the event of an emergency
- E. Policy directs that sight and sound separation exists between detained juveniles and adult offenders
- F. Males and females are not to be detained in the holding cell together
- G. Holding cell should be free of any materials that could be used as weapons or devices for self-injury
- H. Suspects are searched for any materials that could be used as weapons or devices for self-injury or assault
- I. Officers are required to lock and secure firearms when accessing the holding cell
- J. Holding cells are equipped with an officer-accessible “panic alarm.” An officer-worn radio equipped “emergency button” is sufficient
- K. Policy instructs personnel when and how to obtain medical assistance for an injured/ill person in custody.

In Compliance?	☐ Yes	☐ No	☒ N/A
Related Agency Policy Number(s)			
Agency Comments:			
Evaluator Comments (To be completed by NCLM Staff):			

6. Transportation, Handcuffing-Restraint of Suspects:

- A. Transportation:
 - 1. Detainee of opposite sex arrest and transport:
 - a. Prior to transport, the transporting officer provides communications with time and mileage and then the officer closes time and mileage upon destination.
 - 2. Detainee of opposite sex are not to be searched (*other than pat down for the officer's protection*) by opposite sex officers. All extensive searches are to be conducted by an officer of the same sex or detention center personnel with attention to privacy issues.
 - a. **In the event that this is not possible, opposite-sex offender searches must be conducted in the presence of another witnessing officer, and the procedure included in the policy**
 - 3. Policy indicating the search of transport vehicles for contraband before and after transport.

B. Handcuffing:

1. Officers are trained on specific policies and procedures relating to handcuffing
2. Policy must include exceptions to the preferred method (behind the back), for example, when suspects are physically impaired or elderly
3. **Double-locks are utilized, and tightness is checked anytime handcuffing takes place**
4. **Officers document or memorialize that the individual was handcuffed, checked for tightness, and that double locks were used**
5. Department conducts annual training on issues surrounding handcuffing

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-01 Arrests, Bookings, Citations	
The Department's policy states that a detainee shall be searched at the time of arrest and prior to being transported and that if available during the time of arrest the officer will be the same sex as the detainee. This policy goes on to state in a subsequent section that if the detainee is of the opposite sex, an officer of the same sex should be called to perform the search. Officers receive training upon initial hire during orientation on the specific policy and procedures relating to handcuffing. This policy includes exceptions to the preferred method (behind back) and directs officers to double-lock and to only tighten the handcuffs enough to prevent the detainee from removing his/her hands and document the same in the report. The department provides quarterly subject control/arrest techniques training to officers which incorporates issues surrounding handcuffing.	
Evaluator Comments (To be completed by NCLM Staff): Transportation, Handcuffing, and Restraint of Suspects The Lenoir Police Department maintains clear and professional procedures governing the transportation, handcuffing, and restraint of individuals in custody. These policies prioritize officer safety, suspect security, and legal compliance, while also minimizing the risk of injury or liability during custodial encounters. Safe and Secure Transportation Procedures Officers are trained to conduct thorough searches of all individuals prior to transport and to inspect vehicles for contraband before and after each use. Suspects are secured in designated transport areas of police vehicles, and officers are instructed to maintain constant observation during transport. When same-gender transport is not feasible, officers are required to notify dispatch and document circumstances appropriately, reinforcing accountability and transparency. Handcuffing and Restraint Protocols Standard operating procedures call for the use of handcuffs behind the back unless medical	

or physical limitations require alternative restraint techniques. The department permits the use of additional restraint devices (e.g., leg restraints) under clearly defined circumstances, and emphasizes that restraints are to be applied firmly but not in a manner that restricts circulation or causes unnecessary pain.

Special Populations and Risk Management

The policy includes guidance for transporting juveniles, persons of diminished capacity, combative individuals, and those with medical conditions or disabilities. Officers are trained to use discretion and consult supervisory personnel when deviation from standard practices is necessary. Documentation is required in all cases involving alternative restraint methods or unusual circumstances, helping to ensure legal defensibility.

Equipment and Vehicle Safety

Vehicles used for prisoner transport are equipped with appropriate safety partitions, and officers are expected to inspect these areas regularly for tampering or damage. Officers are also trained on the risks associated with prolonged restraint (e.g., positional asphyxia) and the importance of monitoring detainee wellbeing throughout transport.

Training and Review

Transportation and restraint procedures are part of the department's field training, in-service training, and scenario-based instruction, ensuring consistency in application. Any incidents involving resistance, injury, or use of force during transport are subject to supervisory review and, where applicable, entry into the Early Warning System.

Conclusion

The Lenoir Police Department's approach to transportation and restraint reflects a well-balanced model of safety, professionalism, and legal compliance. Through structured procedures, detailed documentation, and ongoing training, the department effectively manages risk while ensuring that individuals in custody are treated with care and respect.

7. Eyewitness Identification Procedures:

- A. Policy outlines the statutory provisions and the manner in which criminal suspects will be subjected to current legal identification proceedings. The policy should follow the North Carolina Eyewitness Reform act regarding the following:
 1. Show-up/Drive-By
 2. Photo-Array
 3. Line-Up procedures

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #410-01 General, Preliminary and Follow-Up Investigations	
Agency Comments: The referenced policy outlines the requirements for suspect identification to include show-up/drive-by, and line up procedures. Separate all witnesses. Each witness should be given instructions regarding the identification procedures without other witnesses present. Witnesses should not be allowed to confer with one another either before, during, or after the procedure. 2. Use an independent administrator. The individual conducting the photo or live line-up should be someone who does not know which member of the lineup is the suspect. When it is not possible to conduct a lineup with an independent administrator, the primary investigator must exercise extreme caution to avoid inadvertent signaling to the witness of the “correct” response. Technological tools, such as computer programs that can run photo lineups and record witness identifications without the presence of an investigator, may assist with resource constraints. 3. The administrator should avoid saying anything to the witness that may influence the witness’s selection.	
Evaluator Comments (To be completed by NCLM Staff): Eyewitness Identification Procedures The Lenoir Police Department demonstrates a strong commitment to evidence-based and constitutionally sound eyewitness identification procedures, as outlined in Policy #410-01. The department’s approach is grounded in both state statutory requirements and national best practices, helping to ensure the reliability of identifications while protecting the rights of all parties involved. Photo and Live Line-Ups The department's policy incorporates all procedural safeguards required under N.C.G.S. 15A-284.50 – 15A-284.53, including: Use of an independent administrator who is unaware of the suspect’s identity, or use of technological alternatives when a blind administrator is unavailable. Strict separation of witnesses to prevent influence or contamination. Prohibition of verbal or non-verbal cues by administrators or others present. Use of a minimum of five non-suspect fillers, with only one actual suspect included in each line-up. Requirement that line-up participants resemble the suspect’s appearance at the time of the offense.	

Comprehensive documentation including a certainty statement, names of all present, date/time/location, and the exact words of the eyewitness.

These measures significantly enhance the accuracy, integrity, and legal defensibility of identification procedures.

Show-Up Procedures

The policy also establishes clear guidelines for conducting show-ups, ensuring that they are only used under limited and legally defensible circumstances (e.g., when a suspect is located nearby shortly after the crime). Safeguards include:

Requiring a detailed pre-show-up description from the witness.

Transportation of the witness to the suspect's location when practical, to minimize suspect detention concerns.

One-witness-at-a-time format to avoid cross-contamination.

Clear cautionary instructions advising witnesses that the individual may or may not be the perpetrator.

Written documentation of all key elements, including a certainty statement and the witness's exact words.

Training and Legal Awareness

Officers are trained in these procedures during both recruit and in-service training. The policy reinforces the department's overarching standards on bias-free policing, due process, and evidence integrity. The emphasis on minimizing suggestiveness and maintaining detailed records helps ensure that all identifications are conducted fairly and are legally admissible in court.

Conclusion

The Lenoir Police Department's eyewitness identification procedures reflect full compliance with North Carolina law and national standards for investigative integrity. The policy demonstrates a well-developed system designed to safeguard against misidentification, support successful prosecution, and uphold the constitutional rights of suspects. This is a model practice that strengthens public trust and legal accountability.

8. Confidential Informants:

Policy and practice include the following:

A. Documentation of Confidential Informant use during drug investigations:

- B. Proper handling of evidence, confidential informants, informant funds and files, and safety issues concerning drug investigations.
- C. Prohibition from improper fraternization with informants
- D. Designation of who is responsible and accountable for confidential funds
- E. At a minimum semi-annual auditing of confidential funds and informant files and anytime the individual who is responsible for the funds is replaced

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #410-13 Use of Informants	
Agency Comments: It is the policy of the Lenoir Police Department to utilize informants when appropriate for criminal justice purposes. The Department will maintain a list of recognized informants and strive to use only those informants that are deemed reliable. Both patrol and investigative units are authorized to use informants pursuant to Department guidelines. Department members shall comply with the following standards when using informants: 1. Shall not maintain a personal and/or intimate relationship with informant(s). 2. Shall not make payments to a confidential source until the information rendered is proven of value. Each member shall make sure the source understands the arrangements of payments; be exact in all financial transactions; and obtain a receipt of all payments. 3. Shall not fail to take notes or make a tape recording of information. 4. Shall not fail to verify all information received. 5. Shall not permit the informant to take charge of any phase of the investigation. 6. Shall not fail to warn the informant that they never should disclose the fact they work for the Lenoir Police Department. 7. Shall not use the informant if they can get results by any other means. 8. Shall not divulge any more information than reasonably necessary. 9. Shall not place entire confidence in information obtained from an informant. 10. Shall not make any promises or “deals” with an informant that can’t be fulfilled. 11. Shall not meet a confidential source at a place where the element of exposure is great. 12. Shall not fail to consider the motive and interest of the informant when estimating reliability of the informant.	
Evaluator Comments (To be completed by NCLM Staff): Confidential Informants The Lenoir Police Department has established a structured, secure, and well-documented policy governing the use of confidential informants (CIs) in criminal investigations. Policy #410-13 reflects a clear commitment to protecting officer safety, safeguarding informant identities, preserving case integrity, and minimizing agency liability. Master Informant File and Security Controls The department maintains a secure Informant Master File, housed under the control of the Vice/Narcotics Supervisor. This file includes a detailed personal history form, photograph, fingerprint card, and a unique code number assigned to each informant. Use of real names is prohibited in official reports, which helps protect informant confidentiality and prevent inadvertent disclosure. Only authorized personnel have access to these files, and the policy	

requires strict need-to-know access, consistent with national best practices.

Oversight and Approval Protocols

All informant use is subject to supervisory oversight, with a particular emphasis on safety and accountability. Informant contacts generally require two officers or a cover officer in proximity, especially for gender-based contact pairings. The use of juvenile informants is tightly controlled, requiring not only unit supervisor approval but also written parental or guardian consent—a critical safeguard to mitigate legal and ethical risk.

Debriefing and Interagency Coordination

Officers are expected to debrief informants thoroughly and pass along any intelligence that may be of interest to other agencies. This structured debriefing process ensures interagency collaboration and maximizes the utility of the intelligence obtained while avoiding silos of information.

Payment Controls and Review

The department maintains payment documentation (pay sheets) for any money spent on or given to informants, which is included in the informant's file. Payment decisions are made case-by-case and are subject to monthly supervisor review of special investigations funds, reinforcing financial accountability.

Blacklisting Procedures and Risk Mitigation

The policy includes a detailed procedure for “blacklisting” unreliable or high-risk informants. A formal memorandum process is required to document the rationale, and approval must be obtained from a Division Commander before a blacklisted informant can ever be re-used. This prevents informal or unsanctioned use of problematic individuals and enhances overall case integrity.

Internal Controls and Inspection

Informant files are regularly subject to inspection by command-level personnel (Lieutenant, Captain, or Chief), and may also be reviewed during internal or external audits or investigations. These internal control mechanisms support transparency, compliance, and integrity within sensitive investigative operations.

Conclusion

The Lenoir Police Department's confidential informant policy meets or exceeds accepted standards for oversight, documentation, and informant safety. Through its structured file management, access control, supervisory review, and legal safeguards—especially in relation to juvenile informants—the department demonstrates a responsible and professional approach to informant-based investigations. This system helps protect the agency, its officers, and the integrity of criminal prosecutions

9. In-Car Camera/Body Worn Camera (If equipped):

- A. It is recommended that the department utilizes video technology including either: in-car video cameras, body worn systems, or preferably a combination of both. A “best practices” policy is in place for the utilization of video equipment (the IACP model policy is a recommended best practice guide) The policy should address at a minimum, the following recommendations:
1. Controlled access to the recording media (*generally limited to a supervisor*);
 2. Provision of random review by supervisors (audit process)
 3. Use of personal recording equipment is prohibited
 4. Requirements and restrictions for activation and deactivation of the device
 5. Video evidence storage, use, and retention is established by policy
 6. Prohibited use policy is in place
 7. Policy and procedures in place regarding public requests of recordings.
 8. Procedures for public request of recordings in accordance with NCGS 132-1.4A

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-33 Body-Worn Camera Systems and #420-07 Mobile Video / Audio Recording	
Agency Comments: It is the policy of the Lenoir Police Department to utilize Body-Worn Camera (BWC) systems as a means of enhancing the quality and detail of incident documentation. Lenoir Police Department employees may record conversations or images when such recording is appropriate to the proper performance of their duties, where the recording is consistent with departmental policy and the recording is not made outside the limits of State, Federal or Constitutional law. Lenoir Police Department employees must follow a code of conduct that reflects the highest ethical standards and promotes public confidence in the Department. Conduct may be unethical, even if it is lawful. Secret or covert recording of the conversations of others can be appropriate in connection with criminal investigations or when dealing with threatened or actual criminal activity. However, the nonconsensual recording of a conversation with another person outside of employment-related functions is not appropriate and is incompatible with the best interests of the Department. Although not universally required as a matter of policy, Officers are encouraged, when it is reasonable, safe, and practical to do so, to make known when a BWC is recording during the performance of their duties. Studies have shown that people tend to act more appropriately when they know their actions are being recorded. BWC can be a valuable safety tool for Officers and the people with whom they interact. The purpose of this directive is to provide officers with guidelines for the use of mobile video and audio recording equipment (MVR). In-car video cameras have been demonstrated to be of value in the prosecution of traffic and criminal violations, in evaluation of officer performance, as well as training. In order to maximize the value of this equipment in these and related areas, officers shall follow the guidelines for MVR	

equipment as set forth in this directive.

The Lenoir Police Department has adopted the use of mobile video/audio recording systems in order to accomplish several objectives, including:

A. Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and court testimony.

B. The enhancement of supervisor's/management's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction and evidence for investigative purposes as well as for officer evaluation and training.

Evaluator Comments (To be completed by NCLM Staff):

In-Car Camera / Body-Worn Camera (BWC)

The Lenoir Police Department has adopted a robust and forward-thinking Body-Worn Camera (BWC) program that enhances accountability, transparency, and safety for both officers and the community. Policy #400-33 outlines detailed procedures for use, data management, supervisory oversight, and legal compliance, aligning closely with risk management standards and modern policing practices.

Policy Purpose and Legal Framework

The department clearly defines the purpose of its BWC policy: to accurately document citizen interactions, improve evidence collection, and increase transparency. The policy aligns with North Carolina General Statutes (including G.S. 132-1.4A) governing public and personnel records and incorporates restrictions required under NC Court Rule 15. This ensures legal defensibility and proper protection of both citizen and employee rights.

Usage Protocols and Recording Guidelines

Officers are required to activate their BWCs during most law enforcement and public service interactions, including arrests, traffic stops, searches, pursuits, and prisoner transport. The policy recognizes exceptions (e.g., private settings, sensitive victims, nudity, judicial proceedings), but mandates documentation or verbal explanation if the camera is not activated. This strengthens accountability and transparency while allowing officers to use discretion in sensitive contexts.

Training and Officer Compliance

All officers must undergo initial and annual training on BWC operations, legal considerations, and evidence procedures. Only trained personnel are authorized to operate the equipment, and supervisors are tasked with ensuring proper use, maintenance, and documentation. This systematic approach supports both performance management and legal integrity.

Data Storage, Retention, and Access

BWC recordings are securely stored on department-approved servers or cloud systems, categorized by evidentiary, internal affairs, or 90-day retention value. Recordings cannot be edited or deleted by officers. The BWC System Administrator manages equipment assignment, erasure schedules, and system performance. The department also enforces strong chain-of-custody protocols and prohibits unauthorized release of recordings without the Chief's approval.

Supervisor Oversight and Performance Review

Supervisors are actively involved in monitoring BWC usage, reviewing footage for performance evaluation, training potential, and complaint investigation. Regular audits and retention checks ensure data is downloaded, retained, and purged according to policy. This continuous oversight enhances operational consistency and reinforces agency accountability.

Privacy and Ethical Considerations

The policy includes thoughtful guidance on recordings in medical facilities, bathrooms, and during strip searches, where privacy concerns are paramount. Officers are prohibited from recording confidential informants or covertly recording fellow employees unless authorized. These provisions reinforce ethical conduct while balancing transparency with civil liberties.

Conclusion

The Lenoir Police Department's Body-Worn Camera policy exemplifies a mature, legally sound, and ethically responsible approach to technology use in modern policing. By combining comprehensive training, strict data controls, and proactive supervision, the department successfully leverages BWCs to improve officer performance, community relations, and evidentiary outcomes. The program reflects best practices and strengthens public trust in law enforcement transparency.

10. Vehicle Operations:

- A. The department maintains policy and direction for the establishment of responsibility for the safe operation of police vehicles during:
 - 1. non-emergency operation
 - 2. emergency (light and siren) operation
- B. Distracted Driving:** The department maintains a "distracted driving policy" and provides guidance for when Mobile Data Terminal use and electronic devices are prohibited
- C. Vehicle Pursuit:**
 - 1. Pursuits governed by a policy that provides guidance for the following:
 - i. Criteria for initiating a pursuit

- ii. Criteria for Communications during pursuit, and if communications are lost
 - iii. Responsibilities of the Supervisor
 - iv. Pursuits exiting jurisdiction
 - v. Criteria for terminating vehicle pursuits
 - vi. Pursuit documentation
2. The department's policy gives direction in situations where emergency vehicle operation would not be generally authorized

D. Mandatory Seat Belt: - Safety Equipment:

1. Department requires seatbelt use by all vehicle occupants (unless an exception exists) to ensure safe vehicle operation by policy and practice by monitoring the use of seat belts

E. Tire Deflation Devices-Deployment:

Officers shall receive practical training in the use of tire deflation devices. Tire deflation devices should only be deployed after notification to pursuing officers and the supervisor. The location of the intended deployment shall be communicated.

The department has clear policies defining the proper use of tire deflation devices, including:

1. Deflation devices should be deployed to only affect the pursued vehicle
2. Training should detail the adequate cover and escape from intentional or unintentional exposure to the approaching vehicle
3. Officers should be trained in the limitations of such devices as well as the potential risk to officers, the public, and occupants of the pursued vehicle
4. Policies should prohibit the use of deflation devices when the pursued vehicle has less than four wheels or is a vehicle transporting known hazardous materials; unless deadly force would be authorized and no other options are available.

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-03 Patrol Operations Response Procedure, #420-03 Pursuit Response and Use of City Vehicle – Employee Handbook	
Agency Comments: In addition to the relevant policies, please indicate how the category dimensions are met or exceeded: It is the policy of the Lenoir Police Department to be well prepared in responding to any emergency situation where a citizen will potentially incur personal injury or is in a life-threatening situation by establishing those procedures providing the most rapid response and the maximum protection to both the citizen and the responding police officer without undue risk to the general public. Calls for service will be classified as either routine or emergency calls. Personnel responding to calls will utilize the appropriate emergency equipment, observe the traffic laws, and consider the driving conditions and restrictions as directed. Routine Response: A normal operating condition in which police officers respond to calls	

for service by driving in a safe and courteous manner while adhering to all traffic laws. For routine responses, police officers will drive in a safe manner, obey all speed laws and traffic signals and signs.

Emergency Response: A response without delay condition in which police officers respond to calls in progress when a person's safety and well-being are directly jeopardized; a potentially life threatening situation.

The purpose of this policy is to provide guidance to Lenoir Police Department officers regarding the pursuit of fleeing motorists, and to assist officers in the safe performance of their duties. Such guidance pertains to the decision to engage in vehicle pursuits, the procedures to be followed during various types of pursuits, the determination of risk levels associated with pursuits, the categories of criminal offenses for which the Lenoir Police Department authorizes vehicle pursuits, and the decision to terminate pursuits.

The goals of this policy are:

1. To prevent pursuits whenever possible
2. To safely and effectively end pursuits as quickly as possible
3. To protect the lives and safety of innocent motorists and officers

As with the performance of all other duties, officers are at all times subject to the provisions of applicable state and federal law.

A. Officers of the Lenoir Police Department will undergo driver training on an annual basis.

1. Training will be coordinated by a Specialized Law Enforcement Driving Instructor holding a current certification issued by the NC Criminal Justice Education and Training Standards Commission.

The use of city-owned vehicles for the purpose of conducting city business is provided to city employees in certain job classifications as identified by the city manager. Operators of city-owned vehicles must possess a valid North Carolina driver's license and follow all Federal, State, and Local laws governing the use of vehicles on roadways. The utilization of a seatbelt is mandatory when operating a City vehicle.

Driver Training and Stop Stick training is conducted annually with a classroom portion, and/or a practical portion at a local driving range. The practical portion consists of Emergency Response / Pursuit driving, low speed cone course exercises, as well as stop stick deployment training.

Evaluator Comments (To be completed by NCLM Staff):**Vehicle Operations:**

The Lenoir Police Department has demonstrated a well-balanced and responsible approach to officer discretion through its clear, structured policies on both routine patrol responses and pursuit decision-making. Policy 400-03 guides officers in prioritizing public safety, resource management, and situational judgment when responding to various types of service calls. Policy 420-03 further reinforces this standard by outlining strict criteria for initiating, continuing, or terminating vehicle pursuits, ensuring officer discretion is exercised within a risk-assessed framework.

These policies promote sound, ethical judgment and help mitigate liability by aligning officer actions with departmental expectations and public safety best practices. Training requirements and supervisory oversight further strengthen accountability. The department's emphasis on using discretion with due regard for safety and necessity reflects a mature, professional policing culture.

Risk Review Evaluator will ride and observe a patrol officer and the day-to-day activities. The officer will be asked to detail their understanding of the use of force and vehicle operations/pursuit policies.

11. K-9 Operations: (If Applicable)

- A. Department canine units have clear policies and procedures regarding the use of their canine(s)
- B. Minimum qualifications and selection process outlined for the selection of police canine handler(s)
- C. Canine Training logs and documentation are maintained and shall include at a minimum;
 - a. The canine unit is trained under a recognized certification program and training maintained to the type and purpose of the canine
 - b. Canine training hours per month must be at a minimum of 8 hours
 - c. All historical training logs
 - i. If the department canine is certified in bite work, the agency shall ensure that they have clearly defined training documenting the success of command bite release training.
- D. All narcotic, explosive, or high-risk training aids are secured in a safe, and only canine handlers and supervisors will be authorized to check out items.
- E. Policy prohibits canines from being accessed by the general public unless under the supervision of its handler; to minimize the potential for an accident, the canine will be on a leash and/or muzzled when the canine is conducting

- public relations demonstrations if the canine is not properly trained and proficient in obedience training.
- a. Procedures are in place that if the canine is conducting a bite demonstration in a public setting, the area of the demonstration must be restricted to public access during the demonstration
- F. Procedures for 24-hour care and maintenance for police canine(s)
- a. Ensure precautions are taken to prevent injury to the canine or any person who may encounter the animal while on and off duty
- G. Canine vehicle is equipped with canine heat protection and public safety markings.
- H. All agency officers are trained in the legal parameters of police K-9 searches, the current case law related to these searches, and proper notification of when a canine will be released if occupants fail to surrender according to instructions.:
- a. Illinois v. Caballes, 543 U. S. 405 (2005);
 - b. Rodriguez v. U.S. (2015)
 - c. Maney v. Garrison (2017)
 - d. Kopf v. Wing (1991)
- I. Canine units are not recommended to transport non-departmental personnel, including ride-along participants, unless the vehicle is adequately equipped with a prisoner transport system; if transporting non-departmental personnel, the canine door must remain closed during ride-along.

Special Commentary – The agency should develop a comprehensive job description for the police canine handler position, which includes the minimum qualifications, knowledge, skills, and abilities. All aspects of the agency’s selection process should be included in the agency policy. The policy should outline the responsibilities for the care and maintenance of the police canine(s) by the agency and the personnel assigned to the position of working and controlling the police canine(s) on a 24-hour basis. This should also include whether the canine(s) are/is housed and cared for by the handler after duty hours or is boarded at a location other than the residence of the handler. In the event the canine is to be housed at the handler's residence, a documented inspection should be conducted to ensure that the residence is conducive to safely housing the police canine; the inspection should properly document how the canine is to be sheltered, at a minimum, a suitable environment for the canine will include a private, fenced yard at least partially grassed, with appropriate warning signs displayed, as well as a well-maintained kennel and pad to include shelter and shade for the canine. Provisions for veterinary care, both routine and emergency, should also be outlined in the directive. Training logs should contain veterinarian service forms, canine dog certifications, and all records and training logs related to canine activities.

In Compliance?	☒ Yes	☐ No	☐ N/A
Related Agency Policy Number(s) LPD Canine Program #400-14			

Agency Comments: In addition to the relevant policies, please indicate how the category dimensions are met or exceeded:

It is the policy of the Lenoir Police Department to have and maintain an effective canine program. The resources of this program will be used to protect the public, protect the officers and search for suspects and lost persons, and locate items of evidentiary value. For the purpose of this policy the following terms that are used are defined as:

Canine Team – Handler and canine partner

Canine Unit – All canine teams

Canine handlers are trained and required to stay up to date on the legal parameters of the use of police K-9s and police K-9 searches and sniffs and current case laws related to these uses such as but not limited to: Illinois v. Caballes, 543 U.S. 405 (2005), and Rodriguez v. U.S. (2015).

Canine (K-9) handlers will be equipped with functional uniforms, vehicles, and other items necessary for an efficient, effective operation as determined by the Patrol Division Commander.

Canines cannot and are not allowed to be accessed by the general public unless under supervision.

Lenoir Police Department canine teams are trained to the certification standards set forth by the North American Police Working Dog Association (NAPWDA) and Law Enforcement K-9 Association (LEK9A).

K-9 training logs and documentation is entered into the database on a daily basis, and maintained by the K-9 supervisor.

Evaluator Comments (To be completed by NCLM Staff):

K-9 Operations

The Lenoir Police Department maintains a highly comprehensive and professional K-9 Operations policy that fully meets the intent of this standard. The policy outlines clear protocols for canine use, training, supervision, deployment, and the legal constraints associated with searches and use of force.

The department demonstrates a strong commitment to accountability through mandatory documentation, consistent oversight by a K-9 supervisor, and adherence to case law such as Illinois v. Caballes and Rodriguez v. U.S..

The policy includes detailed procedures for building searches, narcotics training aid management, bite reporting, medical care, and retirement of canines. It reflects a robust understanding of the operational and legal complexities of K-9 deployment and ensures safety for officers, the public, and the animals.

This policy serves as a model for effective and ethical K-9 program management.

NOTE: The Lead Canine Officer/Supervisor will be interviewed for this category regarding the above listed dimensions.

12. SWAT /SRT/Tactical, Special Operations Teams: (If Applicable)

This category refers to any organized group of officers who operate as a “tactical unit” for the purposes of high-risk apprehensions, structural entries, hostage situations, warrant services, or any other “high-risk” activity that would require increased training and experience.

- i. Team members are properly equipped to include tactical vests, radio systems, and approved weapons and uniforms
- ii. The department has established fitness standards for team members
- iii. Annual training is required on issued specialized equipment
- iv. Department adheres to member selection standards
- v. Team tactics are based on accepted best practices
- vi. Department maintains an initial training of officers - (40-hour Basic SWAT Training Course)
- vii. Monthly team training- (minimum of 8 hours of training per month)
- viii. Sniper requirements include an initial training course
- ix. Snipers are, at a minimum, required to qualify quarterly, separate from the mandated team training schedule

A. Tactical team Call-Out Procedures:

1. Clear policies and procedures exist regarding when and under what criteria, tactical teams should be used: Agency or Mutual-Aid
2. Notification procedures should designate which command staff members should be notified.

B. Command Notification:

1. Standardized procedures should specify when supervisor notification and tactical team service are required

C. High-Risk Warrant Service:

1. The department maintains specific training and procedures regarding warrant-service such as the proper tactics involving a residence or structure
2. Planning - completion of search warrant operational plan prior to service including, but not limited to: photographs/video taken of target location, diagram, criminal records checks, history of the location, etc.

3. Written operational plans are completed and maintained for any high-risk service, detailed and team-briefed by the operational leader, with a chain-of-command approval process completed
4. Officers involved in the operation review the operations plan during the briefing process
5. When possible, the operational team completes a practice “dry-run” of the operation before the actual operation

In Compliance?	☒ Yes ☐ No ☐ N/A
Related Agency Policy Number(s) LPD #400-20 – Special Response Team	
Agency Comments: It is the policy of the Lenoir Police Department Special Response Team to preserve life in high-risk situations through the use of specialized training, equipment, and tactics in a professional manner that inspires confidence in the community. The Lenoir Police Department Special Response Team is described as an additional police resource to be used in major or critical incidents where specialized tactics and/or equipment are necessary. The Special Response Team will conduct all operations with the highest regard for the preservation of life. The Special Response Team (SRT) will consist of police command personnel, officers, negotiators and medics (when applicable); some members may hold dual responsibility. A. Team Commander (1) B. Team Leader (1) C. Assistant Team Leader (1) D. Tactical Element (8) E. Marksman/Observer Element (4) F. Negotiations Team Leader (1) G. Negotiations Element (3) H. Technical Support (1) I. Tactical Medic (2) The Team Commander reports directly to the Chief of Police All members of the Lenoir Police Department Special Response Team are required to perform tasks that require excellent physical fitness and mental alertness. To enhance the abilities of each member of the tactical element, the following task-specific physical requirements will be met through organized testing on an annual basis. Members both Active and Probationary must successfully complete five of the six tasks with all tasks being attempted to the member’s fullest ability. Upon approval of the Shift Supervisor or higher in the Chain of Command, SRT shall be notified in the following manner: A. Group page 1. The Shift Supervisor requesting the call out will make contact with the Team Commander, which will make the determination to activate team members 2. Team members shall keep their cell phone nearby, set appropriately to alert them of a callout, and	

respond without delay to any page.

B. Telephone Telecommunicators will notify the Team Commander in writing or by phone of any team member who calls and confirms that they are unable to respond to the callout.

C. Response Time 1. Team members must be able to report to the police department and be ready for assignment within 45 minutes of the time they are initially contacted. 2. Any team member who will not be available for callout, i.e. training, vacation, illness/injury, etc., must give written advance notification, when appropriate, to the Team Commander for approval. 3. The Team Commander and Team Leader will maintain a listing of excused members to ensure coverage of each element of the team.

SRT shall be activated when officers have reason to believe one or more of the following situation (s) exists:

- A. Barricaded felon and/or armed subjects;
- B. Hostage situations;
- C. High risk entries with which, based on sufficient evidence, armed subjects are believed to be present (arrest and search warrants apply);
- D. Marksman incidents;
- E. Terrorist related incidents where an imminent threat exists;
- F. Crisis situation where an imminent threat exists (active shooter, armed subject fleeing into wooded area);
- G. Other critical incidents as deemed appropriate by the Chief of Police or his/her designee.

Evaluator Comments (To be filled out by NCLM Staff):

Standard 12: SWAT/SRT/Tactical Operations

The Lenoir Police Department has demonstrated a clear and comprehensive commitment to professional tactical operations through its Special Response Team (SRT) policy, SOP 400-20. The policy establishes a strong operational framework designed to preserve life, enhance officer safety, and respond effectively to high-risk incidents.

Key strengths of the policy include a structured team composition with clearly defined roles, rigorous selection and training standards, and detailed activation and deployment protocols. The inclusion of physical fitness requirements, proficiency standards, and clearly articulated responsibilities ensures that team members are well-prepared to perform under stress. The department's emphasis on use-of-force compliance, regular training (including specialized equipment such as ballistic breaching tools, "Wallbanger" devices, and armored vehicles), and mandatory after-action debriefings all reflect current best practices in tactical law enforcement operations.

Notably, the policy addresses both operational readiness and accountability, with regular documentation, annual requalification, and oversight from the SRT Commander and Chief of Police. The agency's adherence to safety protocols, appropriate equipment use, and coordination with other units during critical incidents further demonstrates a proactive and disciplined tactical program.

Overall, the policy is well-developed and clearly supports the goals of risk mitigation, professional standards, and public trust. The Department is commended for its investment in specialized resources and for maintaining a tactical unit that aligns with contemporary standards for law enforcement operations.

NOTE: The Tactical Commander/Team Leader will be interviewed for this category regarding the above listed dimensions.

13. Search & Seizure of Persons, Vehicles, Residences, Structures, Property, and Electronic Devices:

- A. Policies direct and gives clear guidance concerning the procedures and justification for searches, and the various types of property searches including direction involving the following options:
1. Arrest Warrants
 2. Search Warrants
 3. Consensual searches and “Knock and Announce”
 4. Exigent/dynamic searches
 5. Vehicle searches
 6. Clear policies detailing legal detentions and guidelines of what constitutes the physical seizure of an individual
 7. Policies exist detailing consensual contacts, Terry Stops, when frisks of individuals for weapons are legal, and how contacts should be documented
 8. Clear policies and procedures are instituted regarding strip and body searches, including:
 - a. Supervisor notification
 - b. Location
 - c. Reporting requirements and when a strip or body cavity search would be justified
 - d. Medical Staff Requirements
 9. The department maintains current policies and procedures regarding motor vehicle stops and searches (**Arizona v Gant**). The policy should include current case law regarding searches incident to arrest and when searches may be legally conducted

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-01 Arrests, Booking, Citations and #400-15 Search and Seizure	

Agency Comments:

The policy directs the procedures and justification for searches, and the various types of property searches including direction involving arrest warrants (400-01), search warrants, consensual searches, exigent searches, and vehicle searches (400-15). Policy exist for Terry Stops and frisks of individuals for weapons and how they are documented (400-15). Policy gives guidance on body cavity searches, to include the use of a medical provider and search warrant considerations (400-01). Clear policies and procedures for strip searches meeting all required guidelines are in place (400-01).

Evaluator Comments (To be completed by NCLM Staff):

Search & Seizure of Persons, Vehicles, Residences, Structures, Property, and Electronic Devices

The Lenoir Police Department's policies governing search and seizure (SOP 400-01 and SOP 400-15) reflect a strong and commendable commitment to legal compliance, officer safety, and the protection of individual rights. SOP 400-01 outlines clear procedures for arrests, searches of detainees, and transportation protocols, including safeguards for privacy during strip and body cavity searches and accountability in detainee handling.

SOP 400-15 further demonstrates a detailed understanding of lawful search authority, including consent searches, warrant exceptions, vehicle and plain view searches, and search warrant execution procedures, all consistent with constitutional standards and North Carolina General Statutes. These policies are thorough, well-organized, and clearly designed to support officer discretion while ensuring the protection of citizens' constitutional protections.

Overall, the department's approach to search and seizure is professional, legally sound, and indicative of strong leadership and training emphasis in this critical area of law enforcement.

14. Firearms qualification and training:

- A. Range used for training is "purpose-built" reflecting best practices
- B. All range use includes the supervision of a certified range instructor
- C. Range use includes the utilization of safety officers
- D. A First-Aid kit is available during firearms related training
- E. Safety rules are posted and reviewed
- F. The physical address of the range is visibly posted in the event of an emergency, or communications notified of range status in the event of an emergency
- G. No eating, drinking, or smoking is allowed on the range during training
- H. Eye and ear protection are provided to officers

- I. Officers wear ballistic vests during training/qualifying and in proximity to the range
- J. Training includes practical exercises or scenarios, allowing officers to select appropriate weapons for the level of threat identified

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-25 Firearms and Rules: Firing Range Rules	
Agency Comments: All sworn Officers, full-time and auxiliary, must complete a minimum of eight (8) hours of firearms training each calendar year. Firearms Instructors will document and file all required paperwork. Records Reporting & Security – All Firearms Qualification Records will be secured in the office of the Support Services Division Commander. In compliance with State requirements, the Training Coordinator shall submit to the Chief of Police an annual record of all Officers who are not in compliance with the mandated firearms requirements.	
Evaluator Comments (To be completed by NCLM Staff): Firearms Qualification and Training The Lenoir Police Department has developed and implemented a robust and comprehensive firearms training and qualification program that clearly meets and exceeds the expectations of Standard 14. The policy outlines structured, recurring training requirements consistent with state mandates, including a minimum of 12 hours of annual firearms instruction for all sworn officers. It includes classroom instruction on legal topics, use-of-force considerations, weapons handling, and range qualifications under both day and night conditions with all issued weapons. The Department maintains a strict qualification standard of 75% proficiency (90% for SRT personnel), and it includes a clearly defined remedial training process for officers who initially fail to qualify. Records are properly secured and accountability measures are in place for compliance and reporting. Specialized firearms, ammunition, off-duty carry, inspection procedures, and safe storage protocols are also thoroughly addressed. Additionally, the Department's firing range rules are well-documented, promoting both safety and professionalism during all training sessions. The policy reflects strong administrative oversight, a culture of accountability, and an emphasis on officer readiness and public safety.	

The agency is in full compliance with this standard.

NOTE: The Lead Firearms Instructor will be interviewed for this category regarding the above listed dimensions.

15. Vehicle Maintenance

- A. A record is maintained of maintenance provided to police vehicles
- B. Policy and practice provide a “pre-shift” vehicle inspection process and checklist
- C. The checklist should include visual checks for the condition of tires, lights, emergency equipment, etc.

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #420-01 Police Vehicle Operations, LPD #400-11 (Section XII) Authorized Equipment / Dress Code	
Agency Comments A record of maintenance provided to police vehicles is maintained by the city’s vehicle service department. This electronic record is viewed quarterly by the logistics Lieutenant. Policy requires officers to perform a “pre-shift” vehicle inspection, on the vehicle they are assigned, at the beginning of their tour of duty.	
Evaluator Comments (To be completed by NCLM Staff): Vehicle Equipment and Use of Department-Issued Equipment The Lenoir Police Department's policies governing vehicle equipment and use of department-issued property demonstrate comprehensive attention to officer safety, operational readiness, and accountability. SOP 420-01 outlines the required equipment for both marked and unmarked patrol vehicles, including communication devices, emergency response tools, safety equipment, and vehicle markings. Officers are responsible for daily equipment checks, and supervisors conduct monthly inspections to ensure ongoing compliance and readiness. The policy also contains clear procedures for responding to vehicle-related incidents and accidents, including supervisory notification and investigative follow-up. SOP 400-11 further supports Standard 15 by thoroughly detailing equipment issuance, maintenance expectations, and procedures for reporting deficiencies. This policy also sets clear expectations for uniform standards, ballistic body armor, personal and prohibited equipment, and the use of City-owned vehicles. Officers are held responsible for the proper care and use of issued equipment, and supervisory accountability is embedded throughout.	

Together, these policies reflect strong internal controls, promote professional conduct, and ensure officers are well-equipped to perform their duties in a safe and effective manner. The Department is fully compliant with this standard, and the structure of oversight and documentation is commendable.

16. Facility Safety and Security:

- A. Police facilities should be designed to be reasonably secure from physical attack or sabotage
- B. Must have an evacuation plan/map in the event of an emergency posted
- C. Sensitive areas should be secured from public access

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #200-20 Visitor Identification, #500-01 Communications and #510-01 Records	
Agency Comments: Department policy requires visitor identification cards for anyone gaining access to the building beyond the public lobby (200-20). These identification cards are color-coded, indicating whether or not a person requires an escort throughout the building. Sensitive areas are secured from public access. Access to Communications is limited/controlled through the use of combination door locks (500-01). All exterior doors lock upon exit and are visible to Communications / Records personnel through video surveillance cameras. All areas of the parking lot, both public and secured sections are monitored by video surveillance. A secured fence surrounds the private parking area and rear entrances to the facility. All office doors inside the building are equipped with locks, with specific rooms having 'door specific keys' and limited access (equipment storage / armory).	
Evaluator Comments (To be completed by NCLM Staff): Facility Safety and Security The Lenoir Police Department has demonstrated a comprehensive and well-structured approach to facility safety and security through a combination of layered policies and clearly defined procedures. Policy 200-20: Visitor Identification outlines the agency's visitor management system, which uses a photo ID check-in process and a color-coded badge system (green and red) to control access to secure areas. Escort requirements, sign-in procedures, and background check protocols are established in compliance with CJIS Policy 5.9.1.8, ensuring that unauthorized access is effectively mitigated. Further supporting this standard, Policy 510-01: Records provides detailed guidance on records security, access restrictions, accountability, and retention schedules. The policy addresses physical and digital safeguards, including restricted access to sensitive information, login procedures, backup systems, and secure destruction methods in	

accordance with state and federal regulations. Records personnel are trained to ensure completeness, confidentiality, and compliance with the Code of Federal Regulations and North Carolina General Statutes.

Additionally, Policy 500-01: Communications governs the secure operations of the department's Communications Center. The policy establishes 24/7 staffing, access restrictions through coded locks, emergency power redundancy, and secure handling of radio and 911 communications. This policy also ensures proper documentation of calls for service and outlines protocols for maintaining critical infrastructure security during emergencies.

Collectively, these policies demonstrate the department's exceptional commitment to safety, data protection, and facility security. The policies not only meet but exceed the requirements of Standard 16 by implementing strong access controls, audit practices, emergency preparedness, and compliance with criminal justice information standards.

17. First Aid Training:

- A. Department provides first aid training and retraining for officers. Examples would include CPR and basic first aid for gunshot wounds

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #420-01 Police Vehicle Operations and #400-34 Naloxone	
Agency Comments: All Special Response Team members and Specialized Instructors maintain their CPR certifications. Officers receive Tactical Combat Casualty Care (TCCC) training on how to use and properly apply a tourniquet in the field. This is part of their issued equipment. Officers also receive Naloxone training and are issued Narcan Nasal Spray.	
Evaluator Comments (To be completed by NCLM Staff): First Aid Training The Lenoir Police Department demonstrates clear compliance with Standard 17 through its established training and operational readiness for medical emergencies. First aid preparedness is integrated across policies and daily practices. SOP 420-01: Police Vehicle Operations ensures that all patrol and unmarked vehicles are equipped with essential medical supplies, including first-aid kits and eye wash, biohazard kits, and fire extinguishers. Officers are required to inspect these items at the beginning of each shift, and supervisors conduct monthly equipment audits, reinforcing a culture of accountability and readiness for emergency medical response. In support of advanced emergency care, SOP 400-34: Naloxone outlines a structured program requiring all sworn officers to receive initial and annual in-service training in the use of Naloxone (NARCAN) for opioid overdoses. The policy includes comprehensive deployment guidelines, post-care instructions, documentation requirements, and responsibilities for maintenance. A dedicated Naloxone Coordinator oversees training,	

usage reporting, and inventory control, ensuring adherence to both legal requirements and best practices in lifesaving response.

Together, these policies demonstrate a proactive and well-documented approach to first aid training and emergency intervention, reflecting the department's commitment to officer preparedness and public safety. The agency meets and exceeds the requirements of this standard.

18. Safety Equipment

- A. The department directs those officers utilize safety equipment when applicable. Equipment includes the following: Biohazard bags (red), face protection mask, latex gloves, disinfectant solution, sharps container, ballistic vest, traffic safety vest, fire extinguisher, North American Guide Book.

1. Vehicle is equipped with a reflective vest, PPE, equipment
2. Each patrol car is equipped with a first-aid kit and a tourniquet.
3. Each patrol car has roadway visibility devices such as cones, strobes, etc.

In Compliance?	☒ Yes	☐ No
Related Agency Policy Number(s) LPD #420-01 Police Vehicle Operations		
Agency Comments: Department policy requires that all patrol vehicles be equipped with a bio-hazard kit, blue lights (traffic directional indicators), first aid kit, and fire extinguisher (420-01). While not directed by policy, standard practice includes the issuance of face protection masks, latex gloves, sharps container, ballistic vest, traffic safety vest, and a North American Guide Book.		
Evaluator Comments (To be completed by NCLM Staff): Safety Equipment and Use The Lenoir Police Department has established a clear and comprehensive approach to safety equipment standards and usage, as outlined in SOP 420-01: Police Vehicle Operations. This policy ensures that every marked patrol vehicle is outfitted with critical safety equipment including a fire extinguisher, first aid kit, eye wash, biohazard kit, mounted radio, siren system, traffic directional indicators, and other emergency response tools. These items directly support the safety of officers and the public in daily operations and emergency situations. The policy mandates daily inspections of patrol vehicle equipment by assigned officers, with any deficiencies reported immediately to supervisors. Additionally, monthly supervisory inspections help maintain operational readiness and accountability across shifts. The department also enforces the use of safety restraints in accordance with N.C.G.S. 20-135.2A, requiring officers and their passengers to wear seat belts, with specific discretion allowed in high-risk custody situations. The inclusion of child safety restraint guidance and		

clear instructions for handling vehicle-involved accidents further emphasizes the department's attention to officer and civilian safety.

Lenoir Police Department's attention to maintaining and regularly inspecting mission-critical safety equipment highlights a strong organizational commitment to occupational safety. This standard is fully met and operationalized through consistent supervision, clearly defined responsibilities, and robust policy infrastructure.

19. Ballistic Vest Policy:

A. Agency requires a mandatory-wear policy for uniformed patrol officers

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-11 Authorized Equipment / Dress Code	
Agency Comments: All Officers not assigned primarily to office obligations shall wear their body armor while on duty. This requirement may be waived by the On-Duty Platoon Commander when temperatures reach above 95 degrees Fahrenheit. Officers are responsible for wearing all necessary protective equipment, including body armor, in situations where the threat of imminent danger is present. Officers who, according to this policy, are not required to wear body armor at all times, must keep body armor immediately available.	
Evaluator Comments (To be completed by NCLM Staff): Ballistic Vest Policy The Lenoir Police Department has developed and implemented a comprehensive and well-structured ballistic vest policy as outlined in SOP 400-11: Authorized Equipment / Dress Code. The policy clearly mandates the issuance of ballistic body armor to all sworn personnel and establishes firm guidelines for use, replacement, and operational expectations. Ballistic body armor is required to be worn by officers not primarily assigned to office duties, with waivers permitted only under extreme temperature conditions and at the discretion of the On-Duty Platoon Commander. The policy also mandates that body armor be worn during all pre-planned high-risk operations, such as search warrant executions and tactical deployments, demonstrating an emphasis on officer safety during elevated threat scenarios. The Department further ensures accountability through scheduled replacement of ballistic panels and carriers based on manufacturer guidelines, typically within five years, helping to ensure that protective gear remains effective. Officers are also required to maintain all issued equipment in good condition and report any deficiencies through a formalized process. Overall, the ballistic vest policy meets and exceeds industry standards by combining	

routine wear requirements, conditional exemptions, high-risk operational mandates, and a defined issuance and replacement system. This proactive approach highlights the department's strong commitment to officer safety and operational readiness.

20. Off-Duty Enforcement Action:

- A. This policy should detail off-duty response to police related matters
- B. Procedures regarding identification, limitations of when to respond, and what actions to be taken, such as neighborhood disputes, crimes in progress, etc.
- C. The policy should prohibit the carrying of a weapon while under the influence of alcohol

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #200-02 Code of Conduct and #400-25 Firearms	
Agency Comments: Employees shall not become involved in neighborhood disputes or quarrels. Such incidents shall be handled by disinterested officers, and by the proper law enforcement agency when necessary. This rule shall not be constructed to mean that an employee shall not take emergency action in a neighborhood dispute or quarrel when such action is necessary to avoid injury or other serious consequences Officers shall not be in possession of any firearm at any time while consuming or under the influence of alcohol or narcotics.	
Evaluator Comments (To be completed by NCLM Staff): Off-Duty Enforcement Action The Lenoir Police Department demonstrates a clear and professional approach to off-duty enforcement expectations through the robust guidance provided in SOP 200-02: Code of Conduct and SOP 200-02(A): Retaliatory Conduct by Employees. The policies define acceptable conduct for officers while off duty and stress that sworn personnel are always subject to duty and must respond appropriately to criminal activity when within their jurisdiction. SOP 200-02, Section X, explicitly requires off-duty officers to take appropriate police action when necessary to prevent loss of life or property, and also outlines expectations when officers operate City-owned vehicles while off duty. Additionally, the policy	

emphasizes ethical conduct, prohibits alcohol or drug use while armed off duty, and encourages—though does not mandate—off-duty carry within the jurisdiction, with clear procedures in place to ensure safety and accountability.

SOP 200-02(A) further reinforces departmental integrity by mandating the reporting of misconduct and protecting employees from retaliatory conduct. This culture of accountability supports the Department's off-duty expectations by ensuring officers uphold high standards of behavior both on and off duty.

Overall, these policies reflect a high level of professionalism, accountability, and alignment with best practices in law enforcement. The Department has taken proactive measures to ensure officers understand and uphold their responsibilities in off-duty situations.

21. Police Related Secondary Employment: (If Applicable)

- A. The department policy directs procedures for secondary employment
- B. Policy includes occupations or conditions that are not acceptable
- C. Off-duty employment is contingent upon approval by chief of police or designee
- D. Documentation includes: detailing the duties, type of business, uniform to be worn, date, time, number of hours, and if a departmental vehicle is to be utilized
- E. Workers Compensation, and/or liability responsibilities, status and notification is made known to the officer

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #200-11 Off-Duty Employment	
Agency Comments: It is the policy of the Lenoir Police Department to allow full time employees to work off-duty and/or extra-duty assignments, according to written regulations. Because we are a law enforcement agency, we must carefully evaluate our agency's role in this matter. This procedure will provide guidelines for handling off-duty employment requests. Off-Duty Employment is defined as work that is in addition to regular department duties and is not law-enforcement related, i.e. sales, construction, retail, etc. Extra-Duty Employment is defined as work that is in addition to regular department duties and is law-enforcement related, i.e. security, traffic control, surveillance, etc. Compensation and insurance coverage for off-duty employment will be determined by the employer. The City of Lenoir is not responsible for compensation or insurance coverage for any work performed outside the employee's normal scope of duties as a City employee. Prohibited employment is listed within the policy.	
Evaluator Comments (To be completed by NCLM Staff): Police-Related Secondary Employment	

The Lenoir Police Department's policy, outlined in SOP 200-11: Off-Duty & Extra-Duty Employment, provides comprehensive and clearly defined guidance regulating all secondary employment by sworn personnel. The policy draws a distinction between off-duty employment (non-law enforcement related work) and extra-duty employment (law enforcement related activities such as security or traffic control), offering a structured approach to authorization, accountability, and limitations.

The department has implemented a thorough application and approval process that includes multiple levels of oversight—from Division Commanders to the Chief of Police—to ensure all requests are properly vetted. The policy includes safeguards such as limits on the number of work hours, restrictions based on scheduled duty time, and clear prohibitions against specific types of employment that may present conflicts of interest or compromise officer integrity.

Additionally, the policy ensures transparency and coordination by requiring officers to notify supervisors and communications when working extra-duty assignments. Officers must also adhere to all applicable laws and department regulations while engaged in these roles, and they remain subject to recall in the event of emergencies.

Of particular note is the department's approach to City-sponsored events, where officers are treated as on-duty employees and covered under the city's insurance and payroll systems—an excellent practice that promotes both operational consistency and employee protection.

Overall, the policy reflects a high degree of professionalism, proactive risk management, and a well-regulated approach to secondary employment.

22. Civilian Ride-Along program: (If Applicable)

- A. Policy is established relating to civilian “ride-along” program
- B. The department has an established minimum age of participants
- C. Request should be made in writing and include a consent and waiver of liability
- D. The department policy should limit the number of times civilians are allowed to ride
- E. The policy should prohibit civilians being armed, driving police vehicles, accompanying officers during “high risk” encounters, accompanying officers inside homes on search warrants, domestic situations, and participating in pursuits
- F. Civilians are not permitted to wear “police-like” clothing
- G. A background check must be completed on the participant

In Compliance?	☒ Yes ☐ No ☐ N/A
Related Agency Policy Number(s) LPD #420-02 Transporting Civilians in Police Vehicles	
Agency Comments: This category includes citizens of the community requesting to ride for the purpose of broadening their knowledge of the police function; applicants for employment, members of	

civic organizations; members of the news media; Citizen or K-9 Police Academy Graduates; and students with an academic need or interest in observing police activities.

Participants must be at least eighteen years of age, with the exception of Police Explorers or Interns. Requests and waivers from persons under this age must include a parent or guardian signature.

Participants may dress in casual attire, but must be neat in appearance. No clothing representative of any gang, anti-government organization, political agenda, illegal activity, etc. may be worn. No shorts or sleeveless shirts may be worn.

Evaluator Comments (To be completed by NCLM Staff):

Civilian Ride-Along Program

The Lenoir Police Department maintains a comprehensive and well-regulated Civilian Ride-Along Program, as outlined in SOP 420-02: Transporting Civilians in Police Vehicles. This policy reflects the department's strong commitment to public engagement while ensuring officer and participant safety through a structured and controlled program.

The policy clearly delineates between authorized civilian transports and structured ride-along observer participation. Civilian ride-along participants are categorized (e.g., private citizens, interns, explorers, other law enforcement), and each category has specific guidelines and waiver requirements. The policy restricts ride-alongs to approved observers only, prohibits participation by individuals associated with officers on probation or under disciplinary action, and limits ride duration and frequency to maintain oversight and reduce liability.

Additionally, SOP 420-02 establishes safeguards such as supervisor approval, strict limitations on participation in police functions, mandatory waivers, and dress code requirements. Officers are also instructed not to engage in high-risk driving or emergency traffic while hosting observers, unless absolutely necessary and conditions permit.

This policy demonstrates a proactive and responsible approach to community interaction through ride-alongs, maintaining a balance between transparency, professionalism, and operational integrity. It fully meets the intent of Standard 22.

23. Civilian Volunteers in Law Enforcement Service: (If Applicable)

- A. This program should include its own separate policy manual specifying the duties that can be performed and those that are prohibited
- B. Specific disqualifiers shall be listed in the procedure manual.
- C. Background is conducted on applicants to include criminal history

In Compliance?	☐ Yes ☐ No ☒ N/A
Related Agency Policy Number(s)	
Agency Comments:	
Reviewer Comments (To be completed by NCLM Staff):	

24. Reserve and/or Auxiliary Officer Programs: (If Applicable)

The department distinguishes between Reserve/Auxiliary NON-compensated sworn officers and “Part-Time” compensated sworn officers.

- A. The department adheres to the statutory requirements pertaining to auxiliary officer programs under NCGS 160A-282. The establishment of the program has been enacted by a municipal ordinance
- B. Reserve officers are required to adhere to all department policies and procedures.
- C. Reserve officers are required to attend and complete all annual in-service training requirements
- D. The department requires reserve officers to complete structured training before engaging in any assignments or activities

In Compliance?	☒ Yes ☐ No ☐ N/A
Related Agency Policy Number(s) LPD #300-11 Reserve / Part Time Officers	
Agency Comments: The Lenoir Police Department has established a Reserve/Part-Time police officer program to assist the Department in serving our Community. Reserve/Part-Time officers are sworn police officers and have all powers and responsibilities authorized by the North Carolina General Statutes. The Chief of Police shall make appointment to the Reserve/Part-Time officer program. No person shall be sworn in as a Reserve/Part-Time police officer until all State and Lenoir City requirements are met, including, educational requirements, law enforcement certification, physical fitness requirements, background investigations, etc. Uniforms and equipment shall not be distinguishable from full-time police officers. Reserve/Part-Time officers shall successfully complete all Departments and/or State mandated training. Reserve/Part-Time Officers are bonded the same as full-time officers and have the same	

liability protection as full-time officers; however, their liability protection applies to them only while working as a Reserve/Part-Time Officer.

Reserve/Part-Time Officers may be assigned to any area of the Department.

Evaluator Comments (To be completed by NCLM Staff):

Reserve and/or Auxiliary Officer Programs

The Lenoir Police Department demonstrates a well-structured and compliant Reserve/Part-Time Officer Program, as outlined in SOP 300-11: Reserve / Part-Time Officer. The policy clearly defines the appointment, authority, training, equipment, and operational expectations for both Reserve and Part-Time officers.

Reserve/Part-Time officers are sworn personnel with full law enforcement authority as granted by North Carolina General Statutes. Appointments are made by the Chief of Police following comprehensive screening and compliance with all city and state requirements, including education, certification, and background investigations. The policy ensures that uniforms and equipment issued to Reserve/Part-Time officers are identical to those of full-time officers, promoting consistency and public recognition.

The program maintains distinct roles for Reserve and Part-Time officers. Reserve officers serve in a volunteer capacity with a minimum service requirement (12 hours per month or 144 hours per year), while Part-Time officers are paid, authorized to work independently, and deployed as needed. Clear guidance is provided on supervisory approval for patrol duties and vehicle operation, ensuring appropriate oversight.

This policy reflects the department's commitment to maintaining professional standards while maximizing operational capacity and flexibility. The structure, accountability, and integration of the program fully support compliance with Standard 24.

Municipal Ordinance Established? ☒ Yes ☐ No

Municipal Ordinance Attached? Yes - The police department of the city shall consist of a chief and as many police officers as the council shall from time to time determine and appoint and as many special police officers as the mayor and council may deem necessary to appoint for special purposes. (Code 1977, § 3-1001)

25. Mutual Aid:

The department has established policies for the cooperation between law enforcement agencies in accordance with NCGS 160A-288.

- A. The department has proper authorization from the governing board or council to enter into mutual aid agreements in accordance with NCGS 160A-288

- B. The Department maintains up to date and current Mutual Aid Agreements between outside law enforcement agencies that are being assisted or who are providing assistance

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #300-13 Agency Jurisdiction and Mutual Aid	
Agency Comments: The department has an established policy (300-13) in accordance with NCGS 160A-288 and proper authorization to enter into mutual aid agreements. This policy also requires that these written agreements be kept (and available for review) in both the Chief's Administrative Assistant's office and Communications Center.	
Evaluator Comments (To be completed by NCLM Staff): Mutual Aid The Lenoir Police Department's Mutual Aid policy, SOP 300-13, clearly establishes the framework for maintaining interagency cooperation and jurisdictional authority, in accordance with North Carolina General Statutes 160A-285 through 160A-288.2. The policy effectively outlines procedures for defining territorial jurisdiction, exercising concurrent jurisdiction, and executing mutual aid agreements with other law enforcement agencies. The department maintains a comprehensive approach to jurisdictional boundaries, with jurisdiction maps and patrol zones readily available in the Communications Center. It also acknowledges its concurrent jurisdiction with state and county agencies while emphasizing the department's primary responsibility to respond to all calls for service and criminal investigations within the city limits. Mutual aid participation is governed by formal written agreements that are properly archived and reviewed annually by the Professional Standards Lieutenant. This annual review includes an evaluation of participation levels and allows for legal review and policy updates by the Police Attorney, demonstrating both procedural oversight and legal accountability. The policy also addresses the chain of command for requesting federal law enforcement or National Guard assistance, ensuring appropriate coordination during routine or emergency situations. This policy reflects a compliant, proactive, and well-organized approach to mutual aid and interagency cooperation, fully satisfying the requirements of Standard 25.	

26. Citizen Video Encounters and Police Response:

Policy and/or training direct officers to the First Amendment protections of the rights of private citizens to record police officers during the public discharge of their duties, considering the recording-citizens:

- A. Remain at a reasonable distance
- B. Do not interfere with the officers' duties or create a safety concern for the officer, person detained, or another onlooker.

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) LPD #400-32 Public Videotaping	
Agency Comments: Department policy establishes procedures for public videotaping by both persons not involved in police actions and persons who are involved in/subject of police actions. This policy includes the above listed considerations.	
Evaluator Comments (To be completed by NCLM Staff): Citizen Video Encounters and Police Response The Lenoir Police Department has adopted a policy (SOP 400-32: Public Videotaping) that demonstrates a well-balanced and legally informed approach to public recording of police activity. This policy affirms the public's First Amendment right to record law enforcement officers in public spaces or in other areas where they have a legal right to be present, while also establishing clear expectations for officer response when recordings could interfere with legitimate law enforcement operations. The policy distinguishes between individuals who are not involved in police action and those who are subjects of police activity. For uninvolved bystanders, officers are instructed not to interfere unless the person is impeding public safety or police operations, in which case the officer may direct them to a safer vantage point. This provision demonstrates the department's respect for constitutional rights while ensuring operational safety. For individuals actively involved in police action, the policy provides officers with discretion to ensure safety when recording devices are introduced at close range. The policy further outlines procedures for high-risk or confidential operations, granting officers authority to limit recording if there is a legitimate and articulable public safety threat or risk of compromising sensitive information. Overall, the policy reflects an appropriate balance between civil liberties and officer/public safety. It reinforces transparency and accountability, while protecting the integrity of law enforcement operations. The department's approach is consistent with modern best practices and fully supports compliance with Standard 26.	

27. Drone/Unmanned Aircraft System (UAS) Program: (If Applicable)

- A. Establish a comprehensive drone operation policy that outlines clear guidelines for use.
- B. Ensure adherence to federal, state, and local laws, including Federal Aviation Administration (FAA) regulations and if applicable obtaining a Certification of Authorization (COA)
- C. Require all drone operators to be licensed and certified per FAA Part 107 requirements.
- D. Implement data retention policies that ensure the protection of sensitive information.
- E. Develop procedures for drone operations, including emergency procedures for loss of control, battery failure, or weather hazards.
- F. Procedures establishing pre-flight assessments, including, but not limited to, checking airspace restrictions, weather conditions, and potential hazards.
- G. Implement maintenance schedules to ensure all drones are safe and functional, with regular inspections for wear and tear.
- H. Maintain detailed logs of all drone missions, including operator details, flight paths, and data collected in compliance with FAA regulations.

In Compliance?	☒ Yes ☐ No ☐ N/A
Related Agency Policy Number(s) LPD #400-35 Small Unmanned Aircraft Systems	
Agency Comments: In addition to the relevant policies, please indicate how the category dimensions are met or exceeded: It is the policy of the Lenoir Police Department to utilize Small Unmanned Aircraft Systems (sUAS) in the safe collection of additional digital evidence, which is often made possible through elevated unmanned positions. Duly trained and authorized agency personnel may deploy sUAS when such use is appropriate in the performance of their official duties, and where such deployment and collection of any digital evidence originating from or generated by the sUAS comply with the policy provisions provided herein, as well as federal, state, and local laws and/or regulations. Small Unmanned Aircraft Systems (sUAS) under the control of the Lenoir Police Department shall not be used as covert surveillance tools or for the purpose of gathering advanced intelligence related to criminal investigations, unless life-threatening situations exist, and only then with approval of the Chief of Police. Police personnel who are assigned sUAS must complete an agency-approved training program to ensure proper use and operations. Such training will be based on current standards and best practices as determined by professional institutions such as the Federal Aviation Administration (FAA), the International Association of Chiefs of Police (IACP), the Police Executive Research Forum (PERF), the University of North Carolina School of Government (UNC SOG), and the North Carolina Justice Academy (NCJA), as well as manufacturer's recommendations. Additional training shall be required at periodic intervals	

to ensure the continued safe and effective operation of the equipment and to incorporate changes, updates, or other revisions in policy and equipment.

Evaluator Comments (To be completed by NCLM Staff):

Drone/Unmanned Aircraft System (UAS) Program

The Lenoir Police Department has established a comprehensive and well-regulated drone program as outlined in SOP 400-35: Small Unmanned Aircraft Systems. The policy is consistent with current best practices and adheres to applicable federal, state, and local laws governing UAS deployment. The policy effectively limits drone usage to clearly defined public safety missions and prohibits use for covert surveillance or unauthorized intelligence gathering, ensuring privacy protections and accountability.

The program requires that all UAS flights be authorized by the Chief of Police or designee and supports deployment only in exigent public safety situations, crime scene documentation, situational awareness, search and rescue, and approved support of other city departments. The policy includes strict training and certification requirements for sUAS operators, and mandates FAA compliance, pre-flight inspections, detailed post-flight documentation, and secure data handling procedures.

Additional safeguards include requirements for public notification (when appropriate), supervisory oversight, access control for digital media, regular audits, and mandated reporting on drone usage. The policy's emphasis on transparency, safety, privacy, and documentation supports strong operational integrity and risk management.

This policy reflects a high degree of professionalism and demonstrates the department's commitment to lawful, safe, and effective UAS utilization. The policy fully supports compliance with Standard 27.

Site Interview Summary – Lenoir Police Department

As part of the 2025 North Carolina League of Municipalities Risk Review process, on-site interviews were conducted with key personnel at the Lenoir Police Department. These interviews provided insight into department operations, policy implementation, and adherence to best practices as outlined in the 2025 NCLM Risk Review Standards. The following summary documents key findings and supports the department's demonstrated compliance across multiple standards:

Property & Evidence Management (Standard 13)

Interviewed: Captain Couby Stilwell & Evidence Technician Jackie Kerley

Technician Kerley has served in her role for three years and has received formal training through the NC Justice Academy and the North Carolina Association of Evidence Professionals.

Evidence is submitted into secure lockers by officers and processed into the Records Management System (RMS) by the technician. All high-risk evidence (drugs, weapons, currency) is stored separately in secure locations, verified during the site visit.

Access is limited to the technician and one designated backup. Monthly audits are conducted by command staff, with the most recent completed in July 2025.

Firearms Qualification & Training (Standard 14) Interviewed: Captain Mark Barlowe

Captain Barlowe has served as a certified firearms instructor for seven years.

The department operates its own firing range and utilizes a structured training regimen supported by four certified instructors.

Medical equipment is on-site, safety briefings are conducted before each session, and officers are required to wear ballistic vests.

Training incorporates de-escalation, less-lethal tools, and annual night and decision-based combat courses.

Training Records & Field Training Program (Standards 10 & 11) Interviewed: Lt. Zach Poythress, Training Coordinator

Appointed in June 2025 and trained through the NC Justice Academy, Lt. Poythress oversees the agency's in-service training via the Acadas platform.

Training records are maintained for both sworn and civilian personnel, with annual reviews of policies and legal updates.

The agency's Field Training Program consists of an 11-week rotation, exposing new hires to primary, secondary, and specialized units.

Specialized instructors are certified in SCAT, firearms, Taser, rapid deployment, and physical training.

Internal Affairs & Early Warning System (Standards 2 & 4) Interviewed: Lt. John Howard

Assigned to Internal Affairs for 2.5 years, Lt. Howard oversees investigations involving serious policy violations or critical incidents.

All complaints are entered into a tracking system in compliance with Senate Bill 300, with regular trend analysis conducted through a dedicated spreadsheet.

Criminal allegations result in SBI involvement and DA notification. Officers under investigation are placed on paid administrative leave, and IA files are securely maintained by command staff.

K-9 Operations (Standard 11)

Interviewed: Officer Logan Barrett

Officer Barrett has served as a K-9 handler since February 2025 and conducts weekly training totaling four hours.

The agency maintains in-house K-9 certification through a master trainer. Utilization records and vet documentation are properly maintained.

Vehicle inspections confirmed the presence of working bailout systems and temperature safeguards.

Officer demonstrated knowledge of legal standards related to *Illinois v. Caballes* and *Rodriguez v. U.S.*

SWAT/SRT & Tactical Operations (Standard 12)

Interviewed: Lt. Martin Crisp, Tactical Commander

Lt. Crisp possesses extensive tactical training, including SWAT Level I, sniper certification, and tactical casualty care.

The team trains monthly, following a structured 12-hour day including gear inspection, communications, and scenario-based exercises.

Equipment was inspected and confirmed to be recently updated. New members undergo a rigorous selection and physical testing process, with Basic SWAT certification required prior to operational deployment.

After-action reviews are conducted following all operations and documented with risk assessments.

Vehicle Operations & Use of Force (Standards 1 & 10)

Interviewed: Cpl. Christian Lynn

Officer demonstrated clear knowledge of the agency's pursuit termination policy and duty-to-intervene protocols.

Referenced *Armstrong v. Pinchurst* and affirmed that neck restraints are prohibited.

Demonstrated awareness of a citizen's right to record law enforcement activity.

During a vehicle inspection and observation, the officer complied with all driving safety standards, including seatbelt usage, safe braking, and attention to the roadway.

Conclusion

The interviews conducted during the Lenoir Police Department's on-site review confirm that the agency not only maintains clear and effective policies but also ensures those policies are understood and implemented by personnel at all levels. Staff members displayed a high degree of professionalism, operational readiness, and commitment to ongoing training and legal compliance. These findings support the department's strong alignment with the 2025 NCLM Risk Review Standards and demonstrate the agency's continued dedication to best practices in law enforcement service delivery.

The department meets or exceeds all of the recommended dimensions evaluated:

☒ Yes ☐ No

CITY OF LENOIR
COUNCIL ACTION FORM
December 2, 2025

I. Agenda Item:

Public hearing for ZOA 3-25: Ordinance amendment regarding expansion and updates to regulations regarding downtown sidewalk uses including sidewalk cafes and outdoor displays.

II. Background Information:

Lenoir's ordinance currently only accounts for sidewalk cafes for restaurants and permits one A-frame per business. Through informal citizen request, downtown business owners requested an expansion of opportunities to utilize downtown sidewalk via sidewalk café and outdoor display. Through the proposed ordinance, Planning Staff established clear standards for downtown sidewalk uses, aligning local regulations with ADA requirements and state law and providing a predictable permitting and enforcement process.

Staff also developed the Sidewalk Guidebook to demonstrate the ordinance and illustrate concepts for downtown businesses.

III. Staff & Planning Board Recommendation:

Adoption of the attached ordinance. The downtown sidewalk use ordinance is consistent with the goals of the City's Comprehensive Plan and Downtown Master Plan to promote great placemaking and urban design concepts, diversify and build upon Lenoir's downtown character through the support of vibrant, pedestrian-friendly streets, and encourage business development making Lenoir a more appealing place to live and visit.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Hannah Williams

Planning Director: _____

LENOIR SIDEWALK USE GUIDEBOOK AND MANUAL

CITY OF

LENOIR

NC



CREATE WITH US

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LENOIR'S SIDEWALK USE GUIDEBOOK

Purpose

The City of Lenoir's Sidewalk Use Guidebook outlines appropriate sidewalk usage in the Municipal Service District (see map on page 13). This manual is supplemental to the Sidewalk Use Ordinance in Chapter 13, Article VI in the Lenoir Zoning Ordinance and maintained by the Planning Department to clarify and illustrate the concepts contained in the Sidewalk Use Ordinance. While it is intended to provide guidance for commercial use of the public sidewalk, each site is unique, so there may be instances where Planning Staff require additional design interventions or make exceptions. Pedestrian activity, emergency access, or utility-related constraints are examples of unique circumstances that may be considered. In addition to what is included in this manual, business owners and operators must adhere to all local, state, and federal laws.

For business owners to use the sidewalk, business owners must obtain a yearly permit, must be mindful that they are using the public right-of-way, and must ensure that:

- Pedestrian traffic flow and safety are not impeded and ADA standards are met.
- All modifications shall maintain compatibility with and strengthen the historic architectural setting.
- Permitted outdoor spaces shall be kept free of litter, debris, and hazards and maintained in good repair by the business owner

Types of Sidewalk Use Included in this Guidebook

1. *Sidewalk Café* refers to an outdoor dining area located on or adjacent to a public sidewalk directly adjacent to an eating and/or drinking establishment in the Lenoir Municipal Service District, maintained by the business operator, consisting typically of tables and chairs and authorized decorative and accessory displays and devices as approved by the City of Lenoir Planning Department on an annual basis. Sidewalk cafes are further classified into permanent and temporary, based on the design of the permitted area, sidewalks where they can operate, and whether they are removed off of the sidewalk at close of business.
2. *Outdoor display* refers to items that are placed in the public right-of-way which may be in the form of permanent uses such as, but not limited to planters, benches, and other stable furniture, and temporary uses such as storefronts, shelving, and A-frame signs.

Types of Sidewalk Uses Not Included in this Guidebook

- Food Trucks/Food Carts
- Mobile Vendors
- Special Event Permits
- Streetery/Parklets (use of on-street parking)
- Outdoor Dining on Private Property



APPLICATION PROCESS

To apply for a sidewalk café or an outdoor display, businesses must submit the Sidewalk Use application to the Lenoir Planning Department.

Application materials required for sidewalk cafes and outdoor displays:

1. Identification of whether the business will be applying for a sidewalk café or outdoor display
2. Name, address, phone number, and email address for the business operator(s)
3. The proposed location of the sidewalk use(s)
4. A diagram illustrating the placement of tables, chairs, walkway area, location of entrances and exits to the restaurant with dimensions, or, a diagram illustrating the placement of outdoor displays clarifying if they are permanent or temporary. The diagram must include evidence of a five-foot wide unobstructed walkway.
5. Documentation of public liability insurance in the amount of \$1,000,000 insuring against personal injury, wrongful death, and property damage, including the city as a party insured and insuring the city against any liability resulting from the uses permitted pursuant to this article.
6. Copies of all permits and licenses showing required approvals by the county health department and any other applicable regulatory agencies.
7. Consent to enter into a hold-harmless agreement with the city.
8. The application fee required at the time of application to cover the costs of processing and researching the application, and subsequently issuing the permit once requirements are met.
9. Other information deemed necessary by the Planning Director.

Permit Terms

- Sidewalk café permits are subject to City Council review and approval. Outdoor displays are subject to review and approval by the Planning Department.
- Both types of sidewalk use permits are subject to initial approval following submittal of a complete application, and re-approval annually in January of the following year. Permit renewal applications must be submitted by January 1 each year to the Planning Department. Once issued, a permit shall be valid from the date of issuance through the subsequent December 31st.
- Permit holders must:
 - keep current all licenses and permits required for business operations.
 - agree to keep and maintain for the duration of the permit general liability insurance.
 - undergo annual site inspections and inspections at any time.
 - be liable for all damages repairs to the streetscape, sidewalks, streets, and other amenities that directly relate to the use of the permitted space.
 - remove all components of permitted space upon permit non-renewal or termination of the permitted business.
- Sidewalk use permits are non-transferrable.
- Any costs incurred by the City for removal or storage of tables, chairs, and other structures shall be the responsibility of the business. The City is not responsible for any damages or loss of equipment.

SETBACK AND SEPARATION REQUIREMENTS

The placement of obstructions must leave at least five feet of unobstructed paved space of sidewalk, excluding the curb, bricked utility area, or city planter, measured from any permanent or temporary sidewalk use object for the passage of pedestrians.

- **On sidewalks at least twelve (12) feet in width, excluding the curb, the maximum distance that obstruction may be placed from the wall or front of the place of business shall be 36 inches (three feet).**
 - **On sidewalks at least seven (7) feet in width but less than twelve (12) feet in width, excluding the curb, the maximum distance that the obstruction may be placed from the wall or front of the place of business shall be 24 inches (two feet).**
 - **On sidewalks less than seven feet in width, excluding the curb, no obstructions shall be placed on the sidewalks or streets.**
1. Tables, chairs, and other furnishings shall be placed a minimum of six feet from any vehicular travel lane.
 2. In accordance with North Carolina Fire Code, no fire exits or lanes may be blocked and must remain clear at all times.
 3. The placement of obstructions shall not impede any alleyway, driveway, building entrance or exit, sight triangle, emergency entrance or exit, fire hydrant or standpipe, ventilation areas, utility access, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act (ADA).
 4. Obstructions shall not impede any public infrastructure or amenities, such as trash receptacles, benches, bicycle racks, utility poles or other similar objects. A three-foot buffer must be established between sidewalk use items and public amenities.
 5. Public infrastructure and amenities placed by the City of Lenoir, NCDOT, or any other governmental agency are exempt from setback and separation requirements of this subsection, provided that Americans with Disabilities Act and applicable Building Code requirements are duly met.
 6. Temporary objects placed as part of a permitted special event are exempt, provided that the setback and separation requirement of this section are met.

Setbacks and Separation Requirements

For sidewalks less than 7' wide

Downtown Buildings

5'-wide unobstructed sidewalk as required by ADA



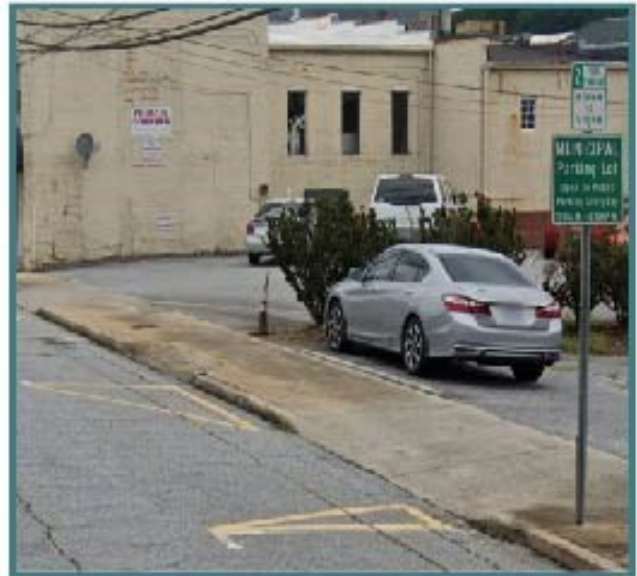
No eligible area for outdoor use



A-Frame signs only along remaining clearance



Harper Avenue and Main Street Intersection



Ashe Avenue (South Sidewalk)

These sidewalks are too narrow for sidewalk cafes or outdoor displays; only A-Frame signs will be approved.

Sidewalk Segments Under 7'

Ashe Ave (South)

Downum St

Harper Ave - Church to Mulberry

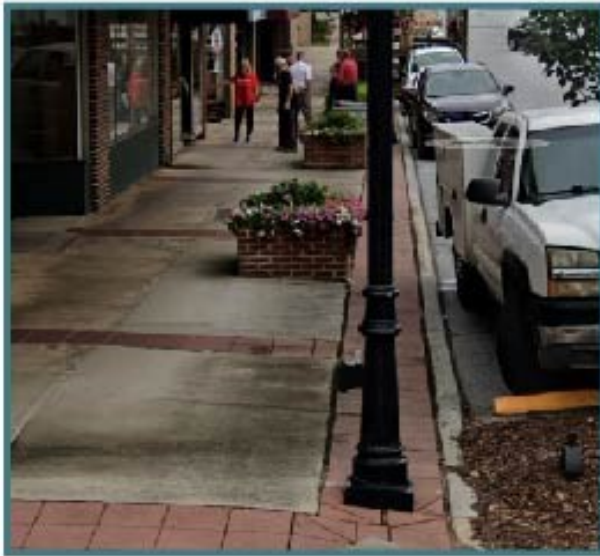
West Ave - Downum to Willow

Willow St - Harper to College (East)

Harper Ave - Boundary to Willow

Setbacks and Separation Requirements

For sidewalks 7-12' wide



Main Street and Harper Avenue Intersection



Church Street between Harper and West

These sidewalks are wide enough for outdoor displays and A-Frame signs; sidewalk cafes will not be approved.

Sidewalk Segments between 7 - <12

Ashe Ave (North)

Boundary St

Church St

Harper Ave - Mulberry to Ridge

Main St - Harper to West

Mulberry St

N Main St - West to Ashe (West)

West Ave - Ridge to Main

Willow St - Harper to College (West)

Willow St - West to Harper

West Ave - Main to Boundary (South)

Setbacks and Separation Requirements

For sidewalks over 12' wide

Downtown Buildings

Eligible area for outdoor display or temporary sidewalk cafe (maximum 3' wide)

5'-wide unobstructed sidewalk as required by ADA



A-Frame signs only along remaining clearance



North Main Street



West Avenue

These sidewalks are wide enough for temporary sidewalk cafes, outdoor displays, and A-Frame signs; permanent sidewalk cafes are not allowed.

Sidewalk Segments between 12-14.999'

N Main St - West to Ashe (East)

West Ave - Boundary to Willow (South)

Setbacks and Separation Requirements

For sidewalks over 15' wide

Downtown Buildings

Eligible area for outdoor use OR sidewalk cafe with permanent barrier

Permanent Barrier for Sidewalk Cafe

5'-wide unobstructed sidewalk as required by ADA



A-Frame signs only along remaining clearance



West Avenue and Church Street Intersection

The north side of West Avenue between Main Street and 1002 West Avenue allows for all sidewalk uses

Sidewalk Segments Over 15'

West Ave - Main to Lenoir PD - North

SIDEWALK CAFE OPERATION

Operation of a sidewalk café shall conform to the following requirements:

- a. All tables, chairs and other items shall be placed so as to not present a sight hazard to vehicular traffic or a hazard to pedestrians. Use of public amenities such as city benches or seats is prohibited. Further, tables and chairs used for sidewalk cafe operation shall be constructed and utilized so as to protect the public safety. Furniture material must be of a commercial grade for outdoor use, sturdy, safe, of quality workmanship, must be consistent and complementary to the business operator's property, and must not be out of character with the business district where the furniture will be located. Non-sturdy furniture and other items shall be removed at the end of the business day. All outdoor dining furniture shall be movable.
- b. A physical barrier separating the permitted area from the unobstructed contiguous sidewalk, is required for permanent sidewalk cafes, as approved in the permitting process.
- c. For temporary sidewalk cafes, the tables, chairs, umbrellas, cushions, and other items, excepting planters and sturdy furniture, shall be removed at the end of each day's operation or during the period of the year when the temporary sidewalk café ceases operation. No materials shall be stored in the public right-of-way and the sidewalk must be restored to its normal condition.
- d. The business operator shall maintain in a clean and sanitary manner all areas where sidewalk cafes or outdoor displays are present, including maintaining appropriate trash receptacles, sweeping on a daily basis the full right-of-way where displays are located and immediately cleaning and washing any liquid, food, debris, broken glass and other trash from the right-of-way.
- e. Overnight storage of trash and refuse for the sidewalk cafe shall not be permitted within the outdoor dining area or on adjacent sidewalk areas, and the business operator shall remove all trash and litter as it accumulates.
- f. The business operator shall agree to cease part or all sidewalk uses in order to allow for construction, maintenance, or repair of any street, sidewalk, utility, or public building, by NCDOT, the city, its agents or employees, or by any other governmental or public entity.
- g. Notwithstanding any other provisions of this Code, alcoholic beverages may be served in approved sidewalk cafes provided that the following requirements are met:
 1. The sidewalk cafe shall be part of an eating and/or drinking establishment and shall otherwise be authorized, permitted, or licensed under the state law and City of Lenoir Code to serve and sell alcoholic beverages for on-premises consumption.
 2. The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to state law for the purpose of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages, and/or display an official social district participating business sign in a visible location during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the social district sign.
 3. Signs shall be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages from the premises, unless sold under social district standards.
 4. The business shall not have violated any law, regulation, or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the three years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe.
 5. No outdoor bar is allowed within the sidewalk cafe, nor shall outdoor preparation of alcoholic beverages be permitted except that wine may be decanted or beer poured at a table.
 6. Any alcoholic beverages served and consumed at an approved sidewalk cafe must be served and consumed in glasses or cups which bear no markings other than the social district beverage logo or the name of the business operating the sidewalk café.
- h. At all times the business operator must comply with all other local, state or federal laws, ordinances and regulations, including but not limited to health, safety and welfare rules, laws and regulations.

OUTDOOR DISPLAY OPERATION

Businesses utilizing outdoor displays as part of a sidewalk use permit must conform to the following requirements:

- a. Except as permitted by the Planning Director or in conjunction with approved special event permits, it shall be unlawful for any person to obstruct entirely or in part any right-of-way, street or sidewalk of city, by displaying, offering for sale or selling, at auction or otherwise, any goods, wares, or merchandise thereon.
- b. In those circumstances where the building in which a business is located is contiguous with a public sidewalk, merchants and operators of said business may make limited use of the sidewalk in accordance with items classified as temporary display during business hours. In such circumstances, adjacent sidewalks may be used for decoration, display of wares, and/or a portable A-frame sign advertising the business so long as at least a continuous five-foot width of unobstructed sidewalk is accessible. Businesses are prohibited from attaching displays to buildings or awnings.
- c. Advertising and/or displaying signage on benches, umbrellas, or other applicable furniture is prohibited.
- d. Amplified sound equipment and excessive lighting, including but not limited to rapid flashing, moving, and/or excessive brightness, are prohibited. New exterior lighting must be designed to reduce glare or project exclusively onto signage and/or away from the public right-of-way which includes both pedestrian and vehicular traffic areas. Any lighting deemed distracting by the public or by the Planning Director is subject for review.
- e. It shall be unlawful to place any building material upon any public right-of-way without prior permission from the Planning Director or their designee, and then only under such reasonable restrictions as may be prescribed by them for the public safety. For further rules regarding placement of materials, refer to Page 3 *Setback and separation requirements*.

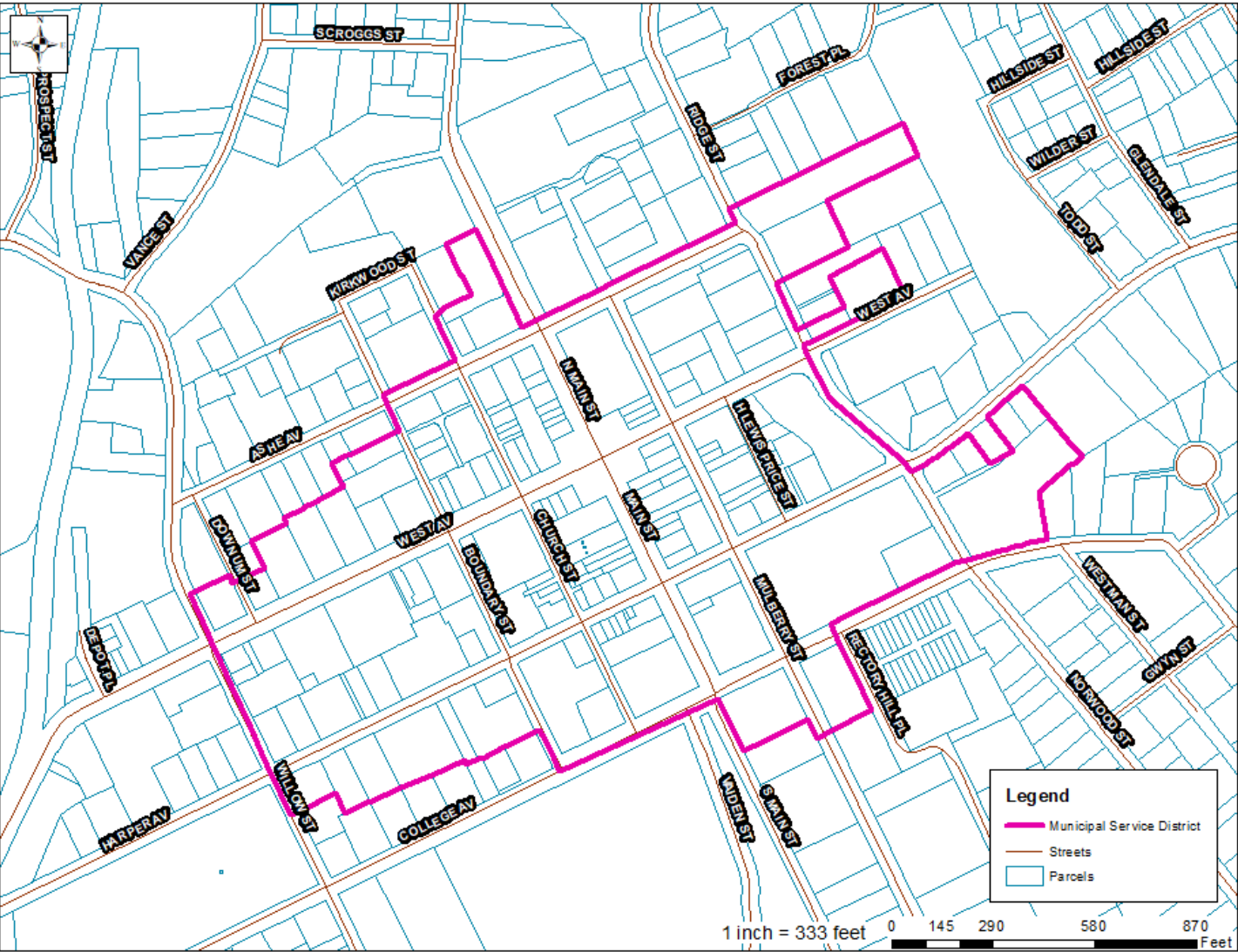


APPROPRIATE SIDEWALK FURNITURE, BARRIERS, AND PLANTERS

1. Tables, chairs, and other furnishings must be constructed predominantly of metal (aluminum, steel, wrought iron, etc.).
2. Commercial umbrellas must be made with outdoor fabric and a metal or commercial grade plastic stand. Advertising messages may not be displayed from tables, chairs, umbrellas, or other furnishings. Umbrellas must provide a height clearance of at least 6 1/2 feet from the lowest point of their canopy.
3. Sidewalk café stanchions/posts constructed of metal (aluminum, steel, wrought iron, etc.), wood (wood must be painted or stained, railings that are steel chain coated with black plastic, heavy duty black plastic chain, heavy duty black rope or black velour rope), or commercial grade planters must be installed to identify the designated sidewalk café area.



LENOIR'S MUNICIPAL SERVICE DISTRICT



**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH
CAROLINA, AMENDING AND ADDING AN ARTICLE TO CHAPTER 13
OF THE CITY OF LENOIR CODE OF ORDINANCES RELATED TO
DOWNTOWN SIDEWALK USE PROVIDING FOR CODIFICATION,
AND AN EFFECTIVE DATE.**

Whereas, the Lenoir Code of Ordinances states that goods are prohibited on Downtown sidewalks other than a singular A-Frame sign per business; and

Whereas, Planning Staff and the Planning Board established a sidewalk subcommittee in response to Downtown business owners' requests to expand outdoor displays; and

Whereas, Planning Staff and the Sidewalk Subcommittee carried out extensive research regarding existing sidewalk café and outdoor display ordinances throughout the state and conducted multiple listening sessions with City technical staff and downtown business owners; and

Whereas, the Lenoir Planning Board and City Council find that this amendment supports downtown business owners, makes downtown safer and more accessible, and is consistent with the goals of the City's Comprehensive Plan and Downtown Master Plan to promote great placemaking and urban design concepts, diversify and build upon Lenoir's downtown character, and encourage business development making Lenoir a more appealing place to live and visit; and

NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. Chapter 13 of the Code of Ordinances, City of Lenoir, North Carolina, is hereby amended to read as follows:

ARTICLE I. - IN GENERAL

Sec. 13-3. Reserved ~~Goods not to be displayed on sidewalks.~~

- (a) ~~No person shall place or cause to be placed for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of the city.~~
- (b) ~~No person shall sell or solicit the sale of any article whatsoever, whether tangible or intangible, on the streets and sidewalks of the city in any manner which may cause unnecessary noise or the obstruction of traffic, either pedestrian or vehicular.~~
- (c) ~~The above provisions shall not apply to sidewalk cafes as described and permitted under the requirements below:~~

Sidewalk cafe means any group of tables and chairs, and its authorized decorative and accessory devices situated and maintained upon the public sidewalk for use in connection with the consumption of food and beverages sold to the public from or in an adjoining indoor restaurant which is located within the Lenoir Municipal Service District. No sidewalk cafe may operate on property owned, occupied, or leased by the city without first securing a permit from the Lenoir City Council, subject to the following application process and permit requirements:

- (1) ~~An application for a sidewalk cafe permit may be made to the office of the city manager.~~
- (2) ~~The application shall be submitted upon a form provided by the city and shall contain the following information:~~
 - a. ~~Name, address, telephone and fax number of the restaurant operator.~~
 - b. ~~The proposed location of the sidewalk cafe.~~
 - c. ~~A diagram illustrating the placement of tables and chairs and walkway area, location of entrances and exits to the restaurant with dimensions.~~
 - d. ~~Documentation of public liability insurance in the amount of \$1,000,000.00 insuring against personal injury, wrongful death and property damage, including the city as a party insured and insuring the city against any liability resulting from the uses permitted pursuant to this article.~~
 - e. ~~Copies of all permits and licenses showing all required approvals by the county health department and any other applicable regulatory agencies.~~
 - f. ~~Consent to enter into a hold harmless agreement with the city.~~
 - g. ~~The currently required application fee to cover the cost of processing and investigating the application and issuing the permit shall be submitted with the application.~~
 - h. ~~Other information deemed necessary by the city manager.~~
- (3) ~~A sidewalk cafe permit may be approved for a maximum period of one year at a time. Permits are not transferable or assignable in any manner without the prior written consent of the city manager.~~
- (4) ~~The city specifically retains the right to revoke or suspend a sidewalk cafe permit any time it deems such revocation to be in the best interest of the public health, safety or welfare, or where the permittee has failed to comply with applicable city requirements or is found to have provided false or misleading information in the permit application.~~
- (5) ~~The city shall have the right, acting through the city manager, to suspend or prohibit the operation of a sidewalk cafe at any time and for any necessary period of time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but~~

are not limited to, scheduled festivals and similar events, parades or marches, repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the operation of the sidewalk cafe will be prohibited by the city; but any failure to give prior written notice shall not affect the power of the city to prohibit the cafe's operation at any particular time.

- (6) ~~A sidewalk cafe shall be conducted as an accessory or incidental use to a legally established restaurant or other eating and drinking establishment that is located on a contiguous adjacent parcel and which is under the same management and which shares the same name, food preparation facilities, restroom facilities and other customer conveniences. Sidewalk dining may not constitute more than 50 percent of the total seating capacity of the associated restaurant.~~
- (7) ~~The majority of the area in which the sidewalk cafe will be operated shall be on the public sidewalk directly in front of the indoor restaurant which operates the cafe and/or to the side of the business and building if it is located on a corner lot. That area of the public sidewalk which would be enclosed by a perpendicular projection of the indoor restaurant's sidewalk frontage over the sidewalk shall be considered as being directly in front of the indoor restaurant.~~
- (8) ~~Operation of a sidewalk cafe shall conform to the following requirements:~~
 - a. ~~There shall be a five foot wide unobstructed contiguous walkway within the public sidewalk area for use by pedestrians, and handicapped accessibility shall be provided as required by law. The outdoor activity shall not impede pedestrian or vehicle traffic.~~
 - b. ~~All tables, chairs and other items shall be placed so as to not present a sight hazard to vehicular traffic or a hazard to pedestrians. Use of public amenities such as benches or seats is prohibited. Further, tables and chairs used for sidewalk cafe operation shall be constructed and utilized so as to protect the public safety. Furniture material must be of a commercial grade, sturdy, safe, of quality workmanship, must aesthetically complement the permittee's property, and must not be out of character with the business district where the furniture will be located. A temporary physical barrier, as approved in the aforementioned permitting process, shall be erected separating the permitted area from the unobstructed contiguous sidewalk.~~
 - c. ~~All outdoor dining furniture, including tables, chairs, umbrellas and planters, shall be movable. Umbrellas must be secured with a minimum base weight of not less than 60 pounds.~~
 - d. ~~Tables, chairs and other items, excepting planters, shall be removed at the end of each day's operation or during that period of the year when the unenclosed sidewalk cafe ceases operation; and the sidewalk area shall be restored to its normal condition. No materials shall be stored on the public right of way.~~
 - e. ~~At all times the permittee must comply with all other local, state or federal laws, ordinances and regulations, including but not limited to health, safety and welfare rules, laws and regulations.~~
 - f. ~~The hours of operation of a sidewalk cafe may be the particular restaurant's normal operating business hours Monday through Saturday and after 12:00 noon on Sundays.~~
 - g. ~~The sidewalk cafe permittee shall maintain in a clean and sanitary manner all areas where the furniture is located, including maintaining appropriate trash receptacles, sweeping on a daily basis the full right of way where the furniture is located and immediately cleaning and washing any liquid, food, debris, broken glass and other trash from the right of way.~~
 - h. ~~Overnight storage of trash and refuse for the sidewalk cafe shall not be permitted within the outdoor dining area or on adjacent sidewalk areas, and the permittee shall remove all trash and litter as it accumulates.~~

- i. ~~Notwithstanding any other provisions of this Code, alcoholic beverages may be served in approved sidewalk cafes provided that the following requirements are met:~~
1. ~~The sidewalk cafe shall be part of a restaurant and shall otherwise be authorized, permitted, or licensed under the state law and this Code to serve and sell alcoholic beverages for on-premises consumption.~~
 2. ~~The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to state law, for the purpose of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages.~~
 3. ~~Signs shall be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages from the premises.~~
 4. ~~The restaurant operator shall not have violated any law, regulation, or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the three years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe.~~
 5. ~~No outdoor bar is allowed within the sidewalk cafe, nor shall outdoor preparation of alcoholic beverages be permitted except that wine may be decanted or beer poured at a table as part of a meal.~~
 6. ~~Any alcoholic beverages served and consumed at an approved sidewalk cafe must be served and consumed in glasses or cups which bear no markings other than the logo or the name of the business operating the sidewalk cafe.~~
 7. ~~Any alcoholic beverages served and consumed at an approved sidewalk cafe can only be served to and consumed by a customer while that customer is consuming a meal purchased from the business operating the approved sidewalk cafe.~~

ARTICLE VI. - DOWNTOWN SIDEWALK USE

Sec. 13-93. - Definitions.

The following words, terms and phrases, when used in this article, will have the meanings ascribed to them in this section.

Outdoor Display refers to items that are placed in the public right-of-way which may be in the form of permanent uses such as, but not limited to planters, benches, and other stable furniture, and temporary uses such as storefronts, shelving, and A-frame signs.

Permanent display refers to any item that will remain at its designated outdoor location in perpetuity until the business operator decides to remove the item, and provided that the item is constructed with sturdy material so as to not be displaced but is movable if necessary. Examples include enclosed sidewalk café furniture and planters.

Sidewalk Café refers to an outdoor dining area located on or adjacent to a public sidewalk directly adjacent to an eating and/or drinking establishment in the Lenoir Municipal Service District, maintained by the business operator, consisting typically of tables and chairs and authorized decorative and accessory displays and devices as approved by the City of Lenoir Planning Department on an annual basis.

Temporary display refers to any item that will be removed from its designated outdoor location after business hours, and is lightweight and not built of sturdy materials that would allow for the item to remain on the street when a business is closed. Examples include unenclosed sidewalk cafes, outdoor furniture, A-frame signs.

Sec. 13-94. - General requirements.

- (a) Permit required to operate. Except as may be provided elsewhere in City code, no business operator or other person affiliated with a business may use a public sidewalk or street as an outdoor dining, display, or retail area, nor place thereon any platform, tables, chairs, furniture, seating materials, or other similar items, unless issued a sidewalk-use permit in conformance with this section, and the Sidewalk Use Guidebook, as may be amended.
- (b) Eligibility. Any person or entity that operates a legally established business or organization that is adjacent to a city-maintained sidewalk or street may apply to the City for permanent or temporary use of the entity's abutting sidewalk or street as a sidewalk café or outdoor display in accordance with this section and the provided Sidewalk Use Guidebook. The application and applicable fees must be submitted to the city, along with any supporting documentation, which will then be reviewed by the Planning Director or designee for the compliance with this section and the Sidewalk Use Guidebook. Businesses must operate within the Lenoir Municipal Service District and zoned B-3 (Central Business District).
- (c) Administrative review.
 - 1. The Planning Director or their designee will review and comment on the application materials.
 - 2. If deemed necessary by the Planning Director or their designee, the application and supporting materials may be circulated to technical staff which may include Police, Fire, Streets, Public Works, Public Utilities, Risk Management, Parks and Recreation, and Downtown Development Departments.
 - 3. The Planning Director or their designee will approve, approve with conditions, or deny the application for outdoor displays.
 - 4. City Council will approve sidewalk cafes, pending a full and complete initial application reviewed by the Planning Director or their designee.
- (d) Permit denial. A permit may be denied if it is found that the application fails to demonstrate compliance with requirements set forth by this section and/or that the granting of the permit would not be in the public interest or would jeopardize public safety. Any applicant denied a permit to operate a sidewalk café or erect an outdoor display of any kind will receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the Board of Adjustment (BOA) within 30 days after the certified receipt of the written denial, and the BOA may take such action as it finds necessary. Following a final decision, applicants must not re-apply for one calendar year.
- (e) Term, transfer, and fees. The maximum period of approval for a sidewalk use permit is one calendar year. Permits are non-transferable or assignable in any manner without the prior written consent of the Planning Director. All sidewalk use permits are subject to initial approval following submittal of a complete application, and re-approval annually in January of the following year. For outdoor displays, business operators must re-apply annually. All sidewalk cafes and outdoor displays must renew annually public liability insurance in the amount of \$1,000,000 insuring against personal injury, wrongful death, and property damage, including the city as a party insured and insuring the city against any liability resulting from the uses permitted pursuant to this article. The application fees are due at the time of application submittal.
- (f) Revocation, suspension, and civil penalty. The City specifically retains the right to revoke sidewalk use permits at any time if the Planning Department deems revocation or suspension to be in the best interest

of the public health, safety or welfare, or where the applicant has failed to comply with applicable requirements or is found to have provided false or misleading information in the permit application.

The City has the right, through the Planning Director, to suspend or prohibit sidewalk use operation at any time and for any necessary period of time because of conflicts or problems in the use of the sidewalk area. Such problems or conflicts may arise from, but are not limited to, repairs to the street or sidewalk, demonstrations or emergencies occurring in the area, parades, marches, festivals, and other similar events that may require suspension of sidewalk use. In the event of one of the aforementioned occurrences, the business operator may propose an adjusted sidewalk use to accommodate the needs of the event.

Failure to meet the requirements, as laid out in the following articles, will result in the business operator being subject to the Civil Penalties schedule (Sec. 1-15. (e)) if corrections are not made in a time period expressly specified by the Planning Director. The order must be in writing, directed to the person doing the work or activity, state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order will be delivered to the holder of the sidewalk use permit and to the owner of the property involved (if that person is not the holder of the sidewalk use permit) by personal delivery, electronic delivery, or first-class mail. Refusal to accept the notice will not relieve the violator of the obligation to pay the penalty.

However, if, in the opinion of the Planning Director, police department, and/or fire department, the unlawful condition is of imminent danger or peril to the public, the city may, without notice, proceed to abate, and the cost thereof will be charged against the property.

Sec. 13-95. – Obstructions.

G.S. 160A-296 imposes upon cities the duty to keep public streets and sidewalks free from unnecessary obstructions. This section applies to all obstructions of whatever nature, whether temporary or permanent.

(a) Removal of non-permitted or permissible obstructions. It is unlawful for any person to permit, locate, or erect any obstruction that will interfere with the use of street or sidewalk by the public without a sidewalk use permit. Any obstruction that remains on any street or sidewalk after notice or demand for its removal by the city will be deemed a public nuisance, and it is the duty of the City Code Enforcement Officer to abate such nuisance by the summary removal of the obstruction, and to charge the cost thereof to the person responsible.

(b) Compliance with Americans with Disabilities Act (ADA). There must be a five-foot-wide unobstructed contiguous walkway within the public sidewalk area for use by pedestrians, and handicapped accessibility must be provided as required by law. The outdoor activity must not impede pedestrian or vehicular traffic. The sidewalk use must provide adequate access in compliance with the Americans with Disabilities Act (ADA), with adequate access determined at the city's sole discretion.

(c) Exceptions. The provisions of this section do not apply to the following circumstances:

1. Signs of duly constituted government bodies, public benches, and any other item placed by the city.
2. Standard covered garbage cans, at the time and place designated by order of the Public Works Director.
3. In the case of a written permit for construction, maintenance, advertising, and such other purposes as provided by the City ordinance.
4. Loading, unloading, moving, or transporting materials.

(d) Setbacks and separation requirements. Operation of sidewalk cafes and outdoor displays must conform to the following requirements:

1. The placement of obstructions must leave at least five feet of unobstructed paved space of sidewalk, excluding the curb, bricked utility area, or city planter, measured from any permanent or temporary sidewalk use object for the passage of pedestrians.
 - a. On sidewalks at least twelve (12) feet in width, excluding the curb, the maximum distance that obstruction may be placed from the wall or front of the place of business must be 36 inches (three feet).
 - b. On sidewalks at least seven (7) feet in width but less than twelve (12) feet in width, excluding the curb, the maximum distance that the obstruction may be placed from the wall or front of the place of business must be 24 inches (two feet).
 - c. On sidewalks less than seven feet in width, excluding the curb, no obstructions will be placed on the sidewalks or streets.
 - d. Tables, chairs, and other furnishings must be placed a minimum of six feet from any vehicular travel lane.
2. In accordance with North Carolina Fire Code, no fire exits or lanes may be blocked and must remain clear at all times.
3. The placement of obstructions will not impede any alleyway, driveway, building entrance or exit, sight triangle, emergency entrance or exit, fire hydrant or standpipe, ventilation areas, utility access, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act (ADA).
4. Obstructions will not impede any public infrastructure or amenities, such as trash receptacles, benches, bicycle racks, utility poles or other similar objects. A three-foot buffer must be established between sidewalk use items and public amenities.
5. Public infrastructure and amenities placed by the City of Lenoir, NCDOT, or any other governmental agency are exempt from setback and separation requirements of this subsection, provided that Americans with Disabilities Act and applicable Building Code requirements are duly met.
6. Temporary objects placed as part of a permitted special event are exempt from sidewalk use permitting, provided that the setback and separation requirement of this section are met. Objects must be removed at the end of the special event.

Sec. 13-96. - Sidewalk Café Operation

Operation of a sidewalk café must conform to the following requirements:

1. All tables, chairs and other items must be placed so as to not present a sight hazard to vehicular traffic or a hazard to pedestrians. Use of public amenities such as city benches or seats is prohibited. Further, tables and chairs used for sidewalk cafe operation must be constructed and utilized so as to protect the public safety. Permanent sidewalk café furniture material must be of a commercial grade for outdoor use, sturdy, safe, of quality workmanship, must be consistent and complementary to the business operator's property, and must not be out of character with the business district where the furniture will be located. All outdoor dining furniture must be movable. Umbrellas must be secured with a minimum base weight of at least 60 pounds.
2. A physical barrier separating the permitted area from the unobstructed contiguous sidewalk is required for permanent sidewalk cafes, as approved in the permitting process.
3. Temporary sidewalk cafes, which includes the tables, chairs, umbrellas, cushions, and other items, excepting planters and sturdy furniture, must be removed at the end of each day's operation or during the period of the year when the temporary sidewalk café ceases operation. No materials will be stored in the public right-of-way and the sidewalk must be restored to its normal condition.
4. The business operator must maintain in a clean and sanitary manner all areas where sidewalk cafes or outdoor displays are present, including maintaining appropriate trash receptacles, sweeping on a daily basis the full right-of-way where displays are located and immediately cleaning and washing any liquid, food, debris, broken glass and other trash from the right-of-way.

5. Overnight storage of trash and refuse for the sidewalk cafe will not be permitted within the outdoor dining area or on adjacent sidewalk areas, and the business operator must remove all trash and litter as it accumulates.
6. The business operator must agree to cease part of or all sidewalk uses in order to allow for construction, maintenance, or repair of any street, sidewalk, utility, or public building, by NCDOT, the city, its agents or employees, or by any other governmental or public entity.
7. Notwithstanding any other provisions of this Code, alcoholic beverages may be served in approved sidewalk cafes provided that the following requirements are met:
 - (a) The sidewalk cafe must be part of an eating and/or drinking establishment and must otherwise be authorized, permitted, or licensed under the state law and this Code to serve and sell alcoholic beverages for on-premises consumption.
 - (b) The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to state law for the purpose of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages, and/or display an official social district participating business sign in a visible location during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the social district sign.
 - (c) Signs must be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages from the premises, unless sold under social district standards.
 - (d) The business will not have violated any law, regulation, or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the three years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe.
 - (e) No outdoor bar is allowed within the sidewalk cafe, nor will outdoor preparation of alcoholic beverages be permitted except that wine may be decanted or beer poured at a table.
 - (f) Any alcoholic beverages served and consumed at an approved sidewalk cafe must be served and consumed in glasses or cups which bear no markings other than the social district beverage logo or the name of the business operating the sidewalk café.
8. At all times the business operator must comply with all other local, state or federal laws, ordinances and regulations, including but not limited to health, safety and welfare rules, laws and regulations.

Sec. 13-97. - Outdoor Display

Businesses utilizing outdoor displays as part of a sidewalk use permit must conform to the following requirements:

1. Except as permitted by the Planning Director or in conjunction with approved special event permits, it is unlawful for any person to obstruct entirely or in part any right-of-way, street or sidewalk of city, by displaying, offering for sale or selling, at auction or otherwise, any goods, wares, or merchandise thereon.
2. In those circumstances where the building in which a business is located is contiguous with a public sidewalk, merchants and operators of said business may make limited use of the sidewalk in accordance with items classified as temporary display during business hours. In such circumstances, adjacent sidewalks may be used for decoration, display of wares, and/or a portable A-frame sign advertising the business so long as at least a continuous five-foot width of unobstructed sidewalk is accessible. Businesses are prohibited from attaching displays to buildings or awnings.
3. Advertising and/or displaying signage on benches, umbrellas, or other applicable furniture is prohibited.
4. Amplified sound equipment and excessive lighting, including but not limited to rapid flashing, moving, and/or excessive brightness, is prohibited. New exterior lighting must be designed to reduce glare or

project exclusively onto signage and/or away from the public right-of-way which includes both pedestrian and vehicular traffic areas. Any lighting deemed distracting by the public or by the Planning Director is subject for review.

5. It is unlawful to place any building material upon any public right-of-way without prior permission from the Planning Director or their designee, and then only under such reasonable restrictions as may be prescribed by them for the public safety. For further rules regarding placement of materials, refer to Sec. 13-95(d) Setback and separation requirements.

SECTION 2. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 3. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this __ day of _____ and this __ day of _____, 2025.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2025.

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

Mayor/Mayor Pro Tempore

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

City Clerk

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**LENOIR CITY COUNCIL
MEETING MINUTES
TUESDAY, NOVEMBER 4, 2025
6:00 P.M.**

- PRESENT:** Mayor Joe Gibbons presiding. Mayor Pro-Tem David Stevens, Councilmembers present were Jonathan Beal, Todd Perdue, Ike Perkins, Ralph Prestwood, Crissy Thomas, City Manager Scott Hildebran, City Clerk Lauren Hartley and Attorney Timothy Rohr.
- CITY STAFF:** In attendance was Finance Director Donna Bean, Public Services Public Works Director Jon Hogan, Communication & Public Information Director Joshua Harris, Fire Chief Norman Staines, Police Chief Andy Wilson, Planning Director Hannah Williams, Planner Matt Duchan, Planning Technician Kim Staines and Community Engagement Coordinator Ashely Smith.
- ABSENT:** Councilmember Kimmie Rogers, City Parks & Recreation Director Phil Harper, Public Services Public Utilities Director Jeff Church and Economic Development Main Street Director Brenda Floyd.

I. CALL TO ORDER

- A. The meeting was opened by a moment of silence and the pledge of allegiance as led by Mayor Gibbons.
- B. Councilmember Todd Perdue said 22 years ago I was elected to serve on the Lenoir City Council, I am formally announcing my resignation from the board. Due to my wife's illness we have moved to accommodate her needs, which is located outside the City limits. It has been a privilege to serve on this board and for the City. He stated he is most proud of the way City Council got along and works truly for what's best for the people. Councilmember Perdue thanked everyone and the time together.

Mayor Gibbons said he has appreciated serving with Councilmember Perdue and it has been an honor. We have appreciated all that you have done serving on this board. We are planning to hold a celebration for you at a later time. We will always have a special place for you at the City of Lenoir.

Councilman Perkins said Councilmember Perdue has been instrumental in his pursuit in this position and thanked him for being there for him and the advice over the years.

Attorney Rohr said it has been a pleasure working with Councilmember Perdue both on City Council and as the City Attorney.

Councilman Perdue excused himself from the meeting.

II. MATTERS SCHEDULED FOR PUBLIC HEARING:

- A. Rezoning R 7-25; A public hearing was held to consider approval of the proposed rezoning case for the remainder of 2115 Hickory Blvd NCPIN 2758639922 from split zoned B-7 (Highway Business) and R-15 (Single Family) to exclusively B-2 (General Business). Planning Staff and the Planning Board supports the rezoning request.

Planning Board recommends adoption of the proposed rezoning based on the following consistency statement:

The future land use map identifies the subject property as mixed-use, and is surrounded by medium-density residential and existing low-density residential. The 2045 Comprehensive Plan maintains that multi-family developments are overall appropriate and grades out at the highest level of appropriateness. The mixed-use district also recommends nine or more dwelling units per acre, and the area where this development will occur will exceed that. By changing the zoning designation from R-15 and B-7 to solely B-2, this area would have greater flexibility to achieve these policy concepts and potentially expand beyond just a residential development. Staff finds the proposed re-zoning to be consistent with the goals of the Comprehensive Plan. The change is reasonable and in the public interest because it accommodates future residential development in a convenient and centralized location, which can be better served by city infrastructure when expanded.

Mayor Gibbons opened the public hearing.

Planning Director Hannah Williams said this property is located at 2115 Hickory Blvd and has been approved for a 140-unit apartment complex on ten acres. The developer acquired eight acres adjacent to the property and is looking into building 60 additional units. The additional acreage is zoned B-7 and R-15. The developer is seeking to have one zoning district for all, which would be B-2. Planning Board discussed this rezoning at the October 13 meeting and recommends approval.

Mayor Gibbons asked if anyone had questions from Council or the public. With none, Mayor Gibbons closed the public hearing.

Mayor Pro-Tem Stevens said this rezoning is consistent with our 2045 comprehensive plan and agrees with the Planning Board's recommended approval.

Upon a motion by Mayor Pro-Tem Stevens, City Council voted 5 to 0 to approve the rezoning request R 7-25, as presented.

- B. Zoning Ordinance Amendment ZOA 2-25; A public hearing was held for an Ordinance Amendment regarding side and rear setbacks on historical lots (recorded before 1979). This would grant rear and side yard setbacks proportionate to the size of the lot. This ordinance amendment identifies what properties are affected and how zoning standards would change for those properties. Planning Staff and the Planning Board supports the Zoning Ordinance Amendment. Planning Board recommends adoption of the proposed rezoning based on the following consistency statement:

The proposed zoning amendment is consistent with the housing policy concepts in the 2045 Comprehensive Plan, encouraging equity and a well-rounded approach to housing where property owners are able to develop and restore the older housing stock in Lenoir. The 2045 plan recommends that Staff updates zoning regulations to allow for detached housing on smaller lots while maintaining balance with larger lots on the periphery. This zoning amendment is compatible with the goal of establishing neighborhood compatibility. Some neighborhoods with non-conforming lots have distinct neighborhood character, scale, and form. Updating the ordinance with this amendment would promote the maintenance of these neighborhoods and improve upon the character of other neighborhoods with lots that would be otherwise limited in improvement efforts.

Mayor Gibbons opened up the public hearing.

Planning Director Hannah Williams said this ordinance amendment was submitted by applicant, Richard Meadlock. The applicant added a side door covered entry to his home on Realty Street, which encroaches in the side setback. Instead of tearing it out, staff encouraged him to apply for a text amendment. This ordinance would allow non-conforming lots that pre-date Lenoir Zoning Ordinance of 1979 to allow rear and side setbacks to be proportionate to the size of the lot. This amendment would apply jurisdiction wide to lots prior to 1979. Planning Board discussed this at their October 13 meeting and recommends approval.

Councilmember Perkins stated he would like to thank staff for the interest in this amendment. It is in support of our 2045 comprehensive plan and would give the homeowners of the older communities help to enhance their property.

Councilmember Beal said he likes the way the ordinance is crafted for these small lots, it gives the property owners more flexibility.

Mayor Gibbons asked if anyone had question from Council or the public. With none, Mayor Gibbons close the public hearing.

Upon a motion by Councilmember Perkins, City Council voted 5 to 0 to approve the Zoning Ordinance Amendment ZOA 2-25 that is consistent with the 2045 comprehensive plan, as presented.

III. CONSENT AGENDA ITEMS:

Mayor Gibbons presented the following items:

- A. Minutes: Approval of the City Council minutes of the meeting of Tuesday, October 21, 2025, as submitted.
- B. Minutes: Approval of the Committee of the Whole minutes of the meeting of Tuesday, October 28, 2025, as submitted.
- C. Special Meeting - Monday, November 10, 2025, 5:30 p.m.; Schedule a special meeting on Monday, November 10, 2025, at 5:30 p.m. to be held at the City Hall, 3rd Floor Conference Room. The purpose of the meeting is to review The Campus Project (Auditorium, Gymnasium, OVT Visitor Center, Pavilion) and consider bids for facility renovations/improvements.

Upon a motion by Councilmember Thomas, City Council voted 5 to 0 to adopt the above listed items (A through C) on the Consent Agenda as listed and recommended.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

City Manager Scott Hildebran presented the following:

- A. Items of Information
 - 1. The City/County Services Committee will meet on Monday, November 10 at the J.E. Broyhill Civic Center.
 - 2. The City offices will be closed Tuesday, November 11 in observance of Veterans Day.
 - 3. The Veterans Day Event will be held Tuesday, November 11 at 11:00 a.m. at the

downtown stage on the square.

4. The Lenoir Tourism Development Board will meet on Thursday, November 13 at 4:00 p.m. at City Hall, Third Floor.
5. The Lenoir Business Advisory Board will meet on Thursday, November 13 at 6:00 p.m. at City Hall, Third Floor.
6. The City Council will not meet on Tuesday, November 18 and the Committee of the Whole will also not meet in November.
7. The Foothills Regional Airport Authority will meet on Wednesday, November 19 at noon at the Airport facility.
8. The ABC Board will meet on Thursday, November 20 at 2:00 p.m.
9. The annual Drive-By Community Turkey Tuesday event will be held Tuesday, November 25 beginning at 5:00 p.m. at the Martin Luther King Jr. Center located at 313 Greenhaven Drive until all the turkeys have been handed out. One turkey will be given per family or a person may walk up to receive on turkey.
 - Councilmember Thomas stated this is our 11th annual event and we should have a big turnout this year. We will try to help as many people as we can. She asked everyone that can to donate turkeys for this event.
10. The City offices will be closed November 27 and 28 in observance of Thanksgiving holiday.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

Mayor Gibbons said the City will be busy with events in November and going into December. He thanked everyone for participating in the Halloween events held Downtown and at the Martin Luther King Jr. Center.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

There being no further business, Mayor Gibbons adjourned the meeting at 6:26 p.m.

Lauren Hartley, City Clerk

Joseph L. Gibbons, Mayor

CITY OF LENOIR

COUNCIL ACTION FORM: November 4, 2025

I. Agenda Item:

R 7-25: Consideration of a request that the City re-zone the remainder of NCPIN 2758639922 from split-zoned B-7 (Highway Business) and R-15 (Single Family) to exclusively zoned B-2 (General Business).

II. Background Information:

The applicant is requesting to rezone the remainder of the subject property, split-zoned B-7 and R-15, to be exclusively zoned as B-2 (General Business) to allow for a proposed multi-family development.

III. Staff and Planning Board Recommendation:

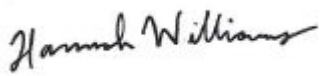
Adoption of the proposed rezoning based on the following consistency statement:

The future land use map identifies the subject property as mixed-use, and is surrounded by medium-density residential and existing low-density residential. The 2045 Comprehensive Plan maintains that multi-family developments are overall appropriate and grades out at the highest level of appropriateness. The mixed-use district also recommends nine or more dwelling units per acre, and the area where this development will occur will exceed that. By changing the zoning designation from R-15 and B-7 to solely B-2, this area would have greater flexibility to achieve these policy concepts and potentially expand beyond just a residential development. Staff finds the proposed re-zoning to be consistent with the goals of the Comprehensive Plan. The change is reasonable and in the public interest because it accommodates future residential development in a convenient and centralized location, which can be better served by city infrastructure when expanded.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____



Staff Report

Zoning Amendment

CASE NUMBER R #7-25

LOCATION MAP/AERIAL PHOTOGRAPH



Subject
Property
2115 Hickory Blvd
(US-321)

SUMMARY

Owner

Southwood Realty Company

Applicant

Southwood Realty Company

Location

2115 Hickory Blvd. (South of
Civic Center)

NCPINs

2758639922 (remainder)

Project Planners

Hannah Williams, AICP, CZO

Matt Duchan

Updated October 29, 2025

Proposed Amendment:

The applicant is requesting to rezone the subject property, split-zoned B-7 and R-15, to be exclusively zoned as B-2 (General Business) to allow for a proposed multi-family development with the same regulations throughout the site.

Staff Recommendation:

Approval, based on the consistency statement on page 7.

Planning Board Recommendation:

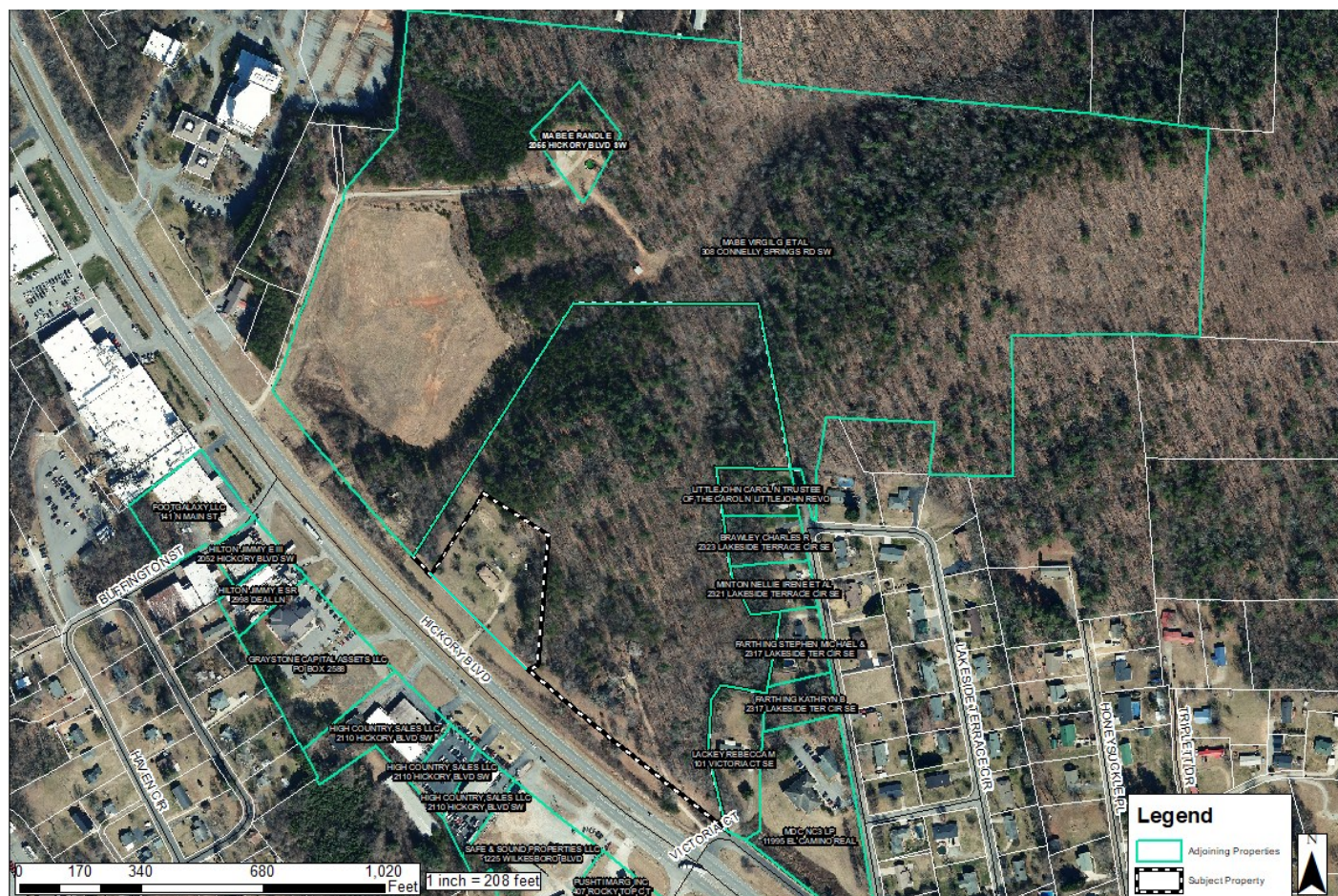
Approval of the request, based on the staff's consistency statement

Public Comment:

Planning Board Meeting: October 13, 2025. Notices were mailed to adjacent property owners on or before October 1, 2025.

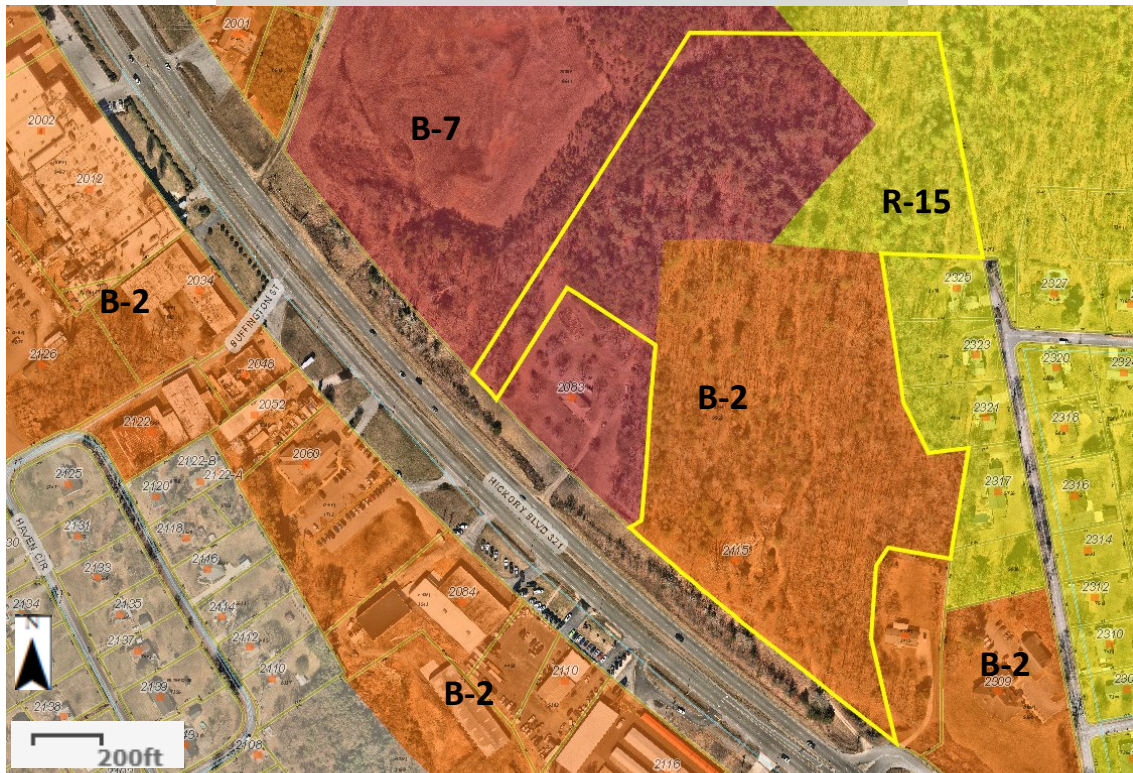
City Council (Public Hearing): Notices were mailed to adjacent property owners on October 22. Scheduled for November 4, 2025.

ABUTTING PROPERTY OWNERS

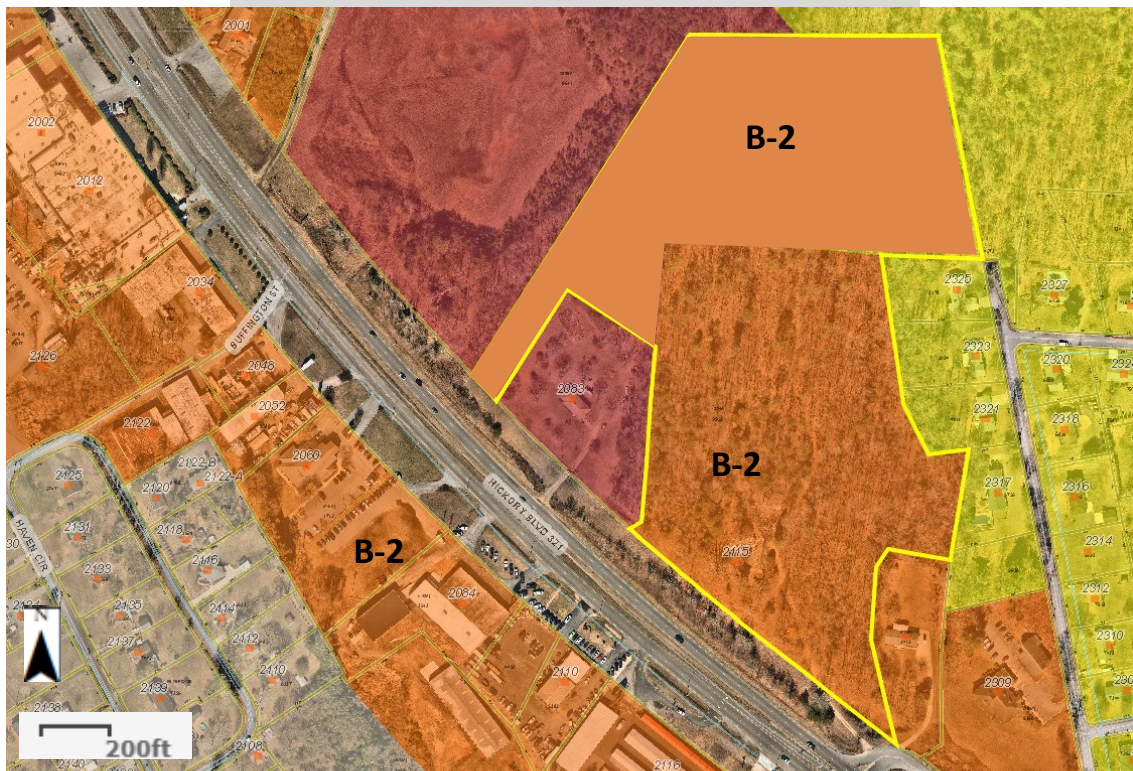


Name	Address	City	State	Zip
Charles & Megan Brawley	2323 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645
Carol Littlejohn & Trustees	2325 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645
Nellie Irene Minton et al	2321 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645
Stephen & Kathryn Farthing	2317 LAKESIDE TER CIR SE	LENOIR	NC	28645
MDC NC3 LP	11995 EL CAMINO REAL	SAN DIEGO	CA	92130
Rebecca Lackey	101 VICTORIA CT SE	LENOIR	NC	28645
Pushti Marg Inc.	407 ROCKY TOP CT	LENOIR	NC	28645
Safe & Sound Properties LLC	1225 WILKESBORO BLVD	LENOIR	NC	28645
High Country Sales LLC	2110 HICKORY BLVD SW	LENOIR	NC	28645
Fred & Margaret Powell	2536 GRANT RD	HUDSON	NC	28638
Virgil Mabe et al	308 CONNELLY SPRINGS RD SW	LENOIR	NC	28645
Graystone Capital Assets LLC	PO BOX 2588	HICKORY	NC	28603
Randle Mabe	2055 HICKORY BLVD SE	LENOIR	NC	28645

Existing Zoning: R-15/B-7



Proposed Zoning: B-2



BACKGROUND AND ANALYSIS

Zoning Map Amendments

The City of Lenoir Zoning Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. The zoning map cannot be changed until the Planning Board reviews the request and makes a report to City Council on the proposed change and the City Council holds a public hearing to consider the request.

Intent of the Zoning Districts

The R-15 Residential (Single-family) District is intended to accommodate low density single-family residences and compatible land uses. R-15 is normally serviced by public water and sewer facilities. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

The B-7 (Highway Business) District is intended to provide areas along major thoroughfares for development at similar intensities as the General Business district, but in areas less conducive to the accommodation of pedestrian infrastructure and pedestrian-scaled architecture. Performance standards in this district focus on improving highway-adjacent development access, through the development or redevelopment of parcels with interior service roads and consolidated driveway access to help minimize traffic congestion on the state highway system. Sidewalks, landscaping, and architectural design standards of this district are intended to promote the unique character of Lenoir on these highly visible parcels, while maintaining affordability of development in areas that are located further away from the main economic core. The retail and service establishments allowed within this district are intended to serve both local and regional consumers.

The B-2 (General Business) District is intended to provide for a wide variety of retail, service and other activities, controlled by performance standards, at locations along major transportation routes, to serve both local and transient traffic. While generally located in areas that are auto-centric, the General Business zoning district is intended to promote development that equally considers pedestrian traffic, because this district is often located in close proximity to multi-family developments and short-term lodging. This district is designed to accommodate a moderate to high intensity of development along key commercial corridors in the City, with robust design standards to encourage a unique sense of place and promote a multi-modal future with support for transit, bike, and pedestrian infrastructure.

Subject and Surrounding Properties

The subject property is located along Hickory Blvd (US-321), just west of the Victoria Court intersection and is split zoned B-2, B-7, and R-15. The property is 18 acres, a portion of which will be incorporated into the Palisades Apartment Complex. and is currently vacant. This property is generally hilly as you go north and features a creek on the eastern side of the property. While this property abuts a neighborhood, it is generally buffered with mature trees so as to provide adequate separation from adjacent homes. The three homes that run along the northeast side of the parcel are all over 100' from their rear property lines.

Since the previous zoning amendment for the Palisades, the lot lines have been recombined to reflect the development area (See Appendix A on page 10). The properties owned by Virgil Mabe (NCPIN 2758646611) and Fred & Margaret Powell (NCPIN 2758647113) will remain zoned B-7 (see abutting property owners and zoning map on page 2). The Lakeside Terrace neighborhood is just east of the subject property and comprises the majority of adjacent property owners to the south and east. Bumgarner Camping Center is located southeast of the property and Autoworld of Lenoir is southwest of the property, both across 321. The Caldwell County Fairgrounds is around a half-mile south of the site, while the J.E. Broyhill Civic Center is about a half-mile north-west of the subject property.

Reason for Request

Southwood Realty is developing the site for a high-density apartment complex. While the original development entailed 140 units,

BACKGROUND AND ANALYSIS (CONT.)

the company acquired more property to develop 84 more units in a proposed second phase totaling 224 units. See page 11 for a proposed site plan of Phase 1 and 2 of this project. The newly acquired subject property is split-zoned B-2 (General Business), B-7 (Highway Business) and R-15 (Single-family Residential). R-15 only permits single-family homes and accessory dwellings/apartments, while permitted uses in B-2 run the gamut from single-family to high-density residential uses as well as functioning as Lenoir's most flexible commercial district. B-7 zoning was recently amended to clarify that high density multi-family is allowed (ZOA 1-25). However, Southwood Realty desires a single zoning district across phases 1 and 2 of the development. The applicant is interested in maintaining consistent zoning across the development area.

Zoning Analysis

The subject property is located in a peripheral area in the southern part of Lenoir, close to city limits where Lenoir and Hudson meet, and would contribute to an ever-pressing need for greater housing stock. In a sense, this area is centralized to both cities and would function well as a commuter community for local industry professionals, App State (Boone and Hickory campuses), and Caldwell Community College faculty and students. The 2045 Comprehensive Plan maintains that there is a need for housing diversity and calls for more missing middle housing in the City of Lenoir proper.

The R-15 portion of the property precludes any form of multi-family housing or commercial development from being built. The current split-zoning would only serve low-density residential and commercial opportunities in an inconsistent fashion. R-15, unlike B-2, is not flexible or highly permissible beyond single-family housing opportunities, whereas B-2 is considered the city's most flexible zoning district. Functionally, apart from B-2 being the most flexible and diverse zoning district, it also is strategically placed in areas where landowners should develop retail/commercial offerings in close proximity to housing. The Comprehensive Plan recommends that new housing developments become community spaces and are established as mixed-use zoning districts, which falls directly in line with what B-2 seeks to accomplish in many parts of Lenoir.

Prior to the reworking of the ordinance to explicitly allow high density multi-family developments, B-7 was considered as a potential solution to address low-density commercial areas with fewer design standards. This site can theoretically accommodate up to 360 multi-family dwelling units, but further analysis would need to be conducted to confirm that. At 202 units, the development is proposed to be around 11 dwelling units per acre.

The Lakeside Terrace neighborhood adjacent to the property will have little to no impacts from this rezoning, since the development will not share roads or access. There is a mature tree line on the subject property that provides a natural buffer between the two properties. That, along with hilly topography and the bank of the creek also provide adequate separation between future development on this tract and the neighborhood, so there are few if any possibilities of interaction.

One of the five guiding principles of the 2045 Comprehensive Plan is to expand housing options. There is limited housing stock in Lenoir, a lot of which is older, single-family homes that are increasingly unaffordable to current and potential residents. Multi-family housing addresses that concern and provides young families, young professionals, empty nesters, and the elderly with more reasonable offerings. B-2 is a viable zoning district along 321, providing flexible uses along a major transportation corridor.

The proposed development would address the need for greater, denser housing stock in Lenoir, especially to serve growing industry in Lenoir, Caldwell County, and the greater Unifour area. Southwood Realty has carried out several developments in western North Carolina with the vast majority of their developments breaking ground in Gastonia where their headquarters is located.

BACKGROUND AND ANALYSIS

Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and special uses for each zoning district. The current zoning district is intended essentially only for single-family housing, while the proposed zoning district permits a variety of housing types as well as commercial uses. The R-15 zoning district allows for single-family, while the B-2 and B-7 zoning districts allow for a mix of residential uses at all density levels, as well as a variety of commercial uses.

Comparison of Zoning Districts

	R-15	B-7	B-2
Development Standards	Min Lot Size– 15,000 SF	Min Lot Size - N/A	Min Lot Size - N/A
	Setbacks	Setbacks	Setbacks
	Front: 40'	Front: 50'	Front: 10'
	Side Yard: 15'	Side Yard: 10'	Side Yard: 0'
	Street Side Yard: 25'	Street Side Yard: 10'	Street Side Yard: 0'
	Minimum Rear Yard: 35'	Minimum Rear Yard: 10'	Minimum Rear Yard: 20'
Summary of Permitted Uses	Accessory Cottage or Apartment Dwelling, single family detached **For special uses see Section 600, Table A in Lenoir Zoning Ordinance**	Accessory Cottage or Apartment Bed & Breakfast Cultural and Community Facilities Commercial Kennels Day Care Centers Dwelling, Single/Two-Family/Multi-family (medium and high density)/Group Eating and drinking (w/ & w/o drive-thru) Greenhouses Hospitals/Clinics Hotels/Motels Manufacturing & Processing: Boutique/Artisan/Light Night Clubs Office (medical/dental) Recreation (outdoor/indoor) Retailing (light/intensive) Services (automotive/business and personal) Shooting Range Studios and Specialty Schools Veterinarians Warehousing	Accessory Cottage or Apartment Attached Dwellings (townhomes) Bed & Breakfast Dwelling, Single/Two-Family/Multi-family (medium and high density)/Group Billiards and Pool Halls Day Care Centers Cultural and Community Facilities Commercial Kennels Eating and Drinking (w/ & w/o drive-thru) Greenhouses Hospitals/Clinics Hotels/Motels Manufacturing & Processing: Boutique/Artisan/Light Night Clubs Office (medical/dental) Recreation (outdoor/indoor) Retailing (light/intensive) Services (automotive/business and personal) Shooting Range Studios and Specialty Schools Veterinarians Warehousing

STAFF RECOMMENDATION AND CONSISTENCY STATEMENT

Consistency with the Comprehensive Plan

When adopting or rejecting any zoning amendment, City Council must adopt a brief statement describing whether or not the action is consistent with the City's Comprehensive Plan, in accordance with G.S. 160D-605(a), and must also address the reasonableness of any proposed map amendments. Staff offers the following draft statement on the consistency and reasonableness of the request.

The future land use map identifies the subject property as mixed-use, and is surrounded by medium-density residential and existing low-density residential. The 2045 Comprehensive Plan maintains that multi-family developments are overall appropriate and grades out at the highest level of appropriateness. The mixed-use district also recommends nine or more dwelling units per acre, and the area where this development will occur will exceed that. By changing the zoning designation from R-15 and B-7 to solely B-2, this area would have greater flexibility to achieve these policy concepts and potentially expand beyond just a residential development. Staff finds the proposed re-zoning to be consistent with the goals of the Comprehensive Plan. The change is reasonable and in the public interest because it accommodates future residential development in a convenient and centralized location, which can be better served by city infrastructure when expanded.

PLANNING BOARD RECOMMENDATIONS

Planning Board recommends approval based upon the above consistency statement.

SITE PHOTO



SITE PHOTOS



Northern portion of site, 2083 Hickory Blvd property (pictured) not included)



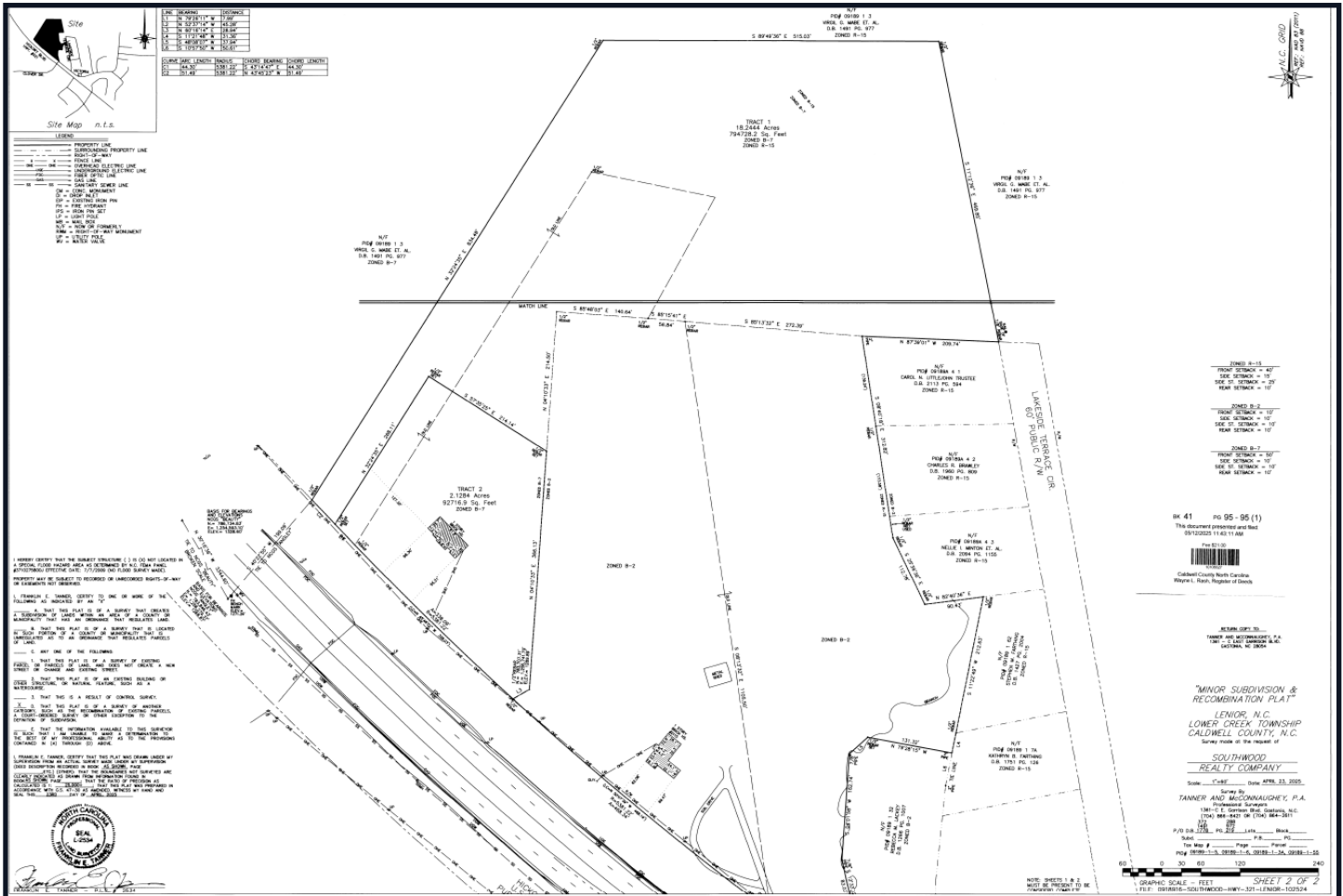
View of central site from 321



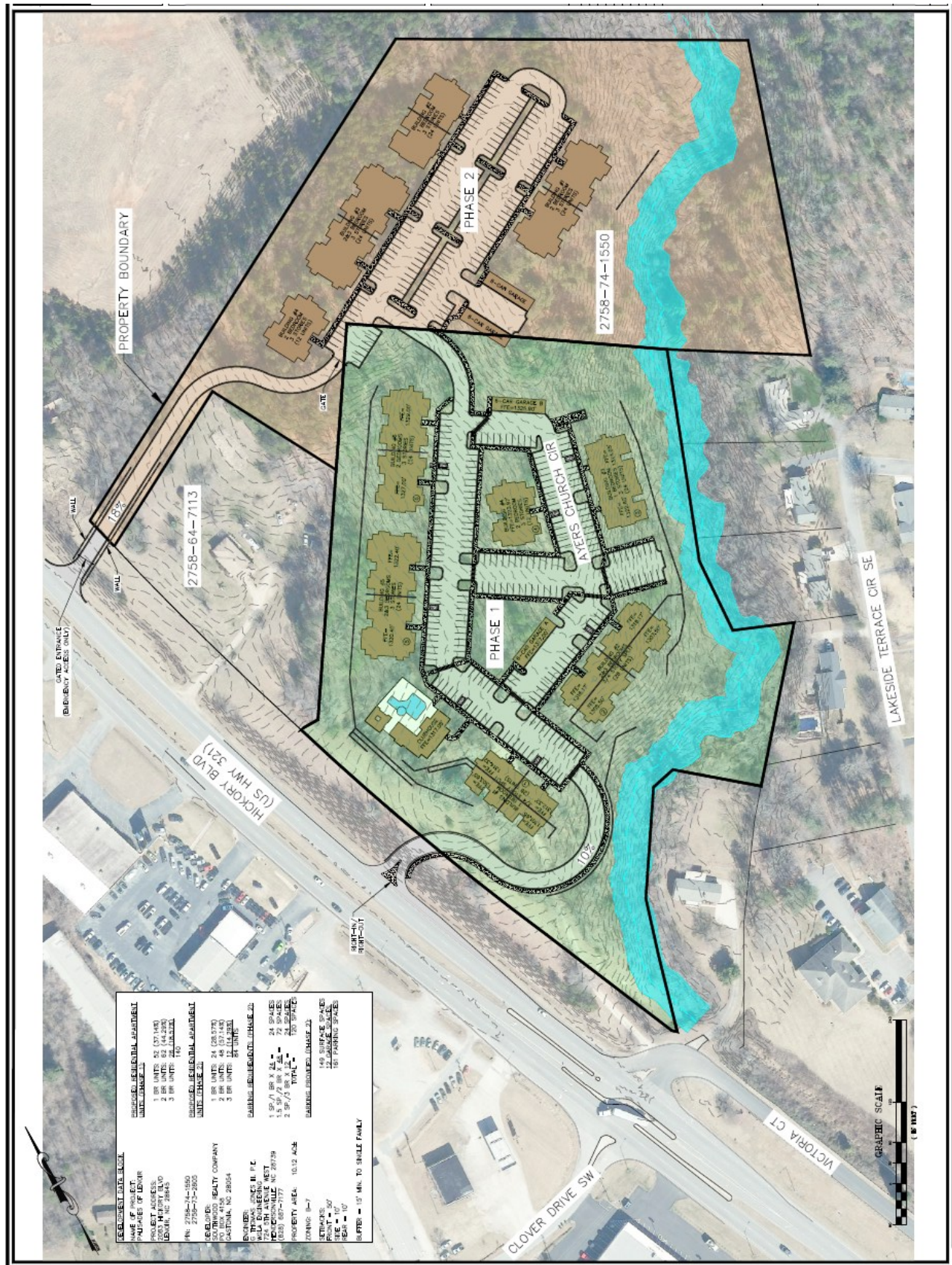
View of central and northern portion of site from 321



Southern portion of site visible from 321 facing Victoria Ct. and Lakeside Terrace Dr.



PROPOSED SITE PLAN



CITY OF LENOIR
COUNCIL ACTION FORM
November 4, 2025

I. Agenda Item:

Public hearing for ZOA 2-25: Ordinance Amendment regarding side and rear setbacks on historical lots (recorded before 1979).

II. Background Information:

There are over 1200 lots below minimum lot size within Lenoir's city limits, many of which pre-date modern zoning standards and may have legally nonconforming status due to lot size and setback encroachments. Dense lots in historic Lenoir neighborhoods such as Kentwood, West End, Freedman, and Lerinco would be granted rear and side yard setbacks proportionate to the size of the lot.

For example, if a 10,000 square foot lot is required and the lot is 7,500 square feet, a 25 percent reduction to side and rear setbacks is allowed.

This ordinance amendment identifies what properties are affected and how zoning standards would change for those properties Ordinance is attached.

III. Staff & Planning Board Recommendation:

Adoption of the attached ordinance along with the following consistency statement.

The proposed zoning amendment is consistent with the housing policy concepts in the 2045 Comprehensive Plan, encouraging equity and a well-rounded approach to housing where property owners are able to develop and restore the older housing stock in Lenoir. The 2045 plan recommends that Staff updates zoning regulations to allow for detached housing on smaller lots while maintaining balance with larger lots on the periphery. This zoning amendment is compatible with the goal of establishing neighborhood compatibility. Some neighborhoods with non-conforming lots have distinct neighborhood character, scale, and form. Updating the ordinance with this amendment would promote the maintenance of these neighborhoods and improve upon the character of other neighborhoods with lots that would be otherwise limited in improvement efforts.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Hannah Williams

Planning Director: _____

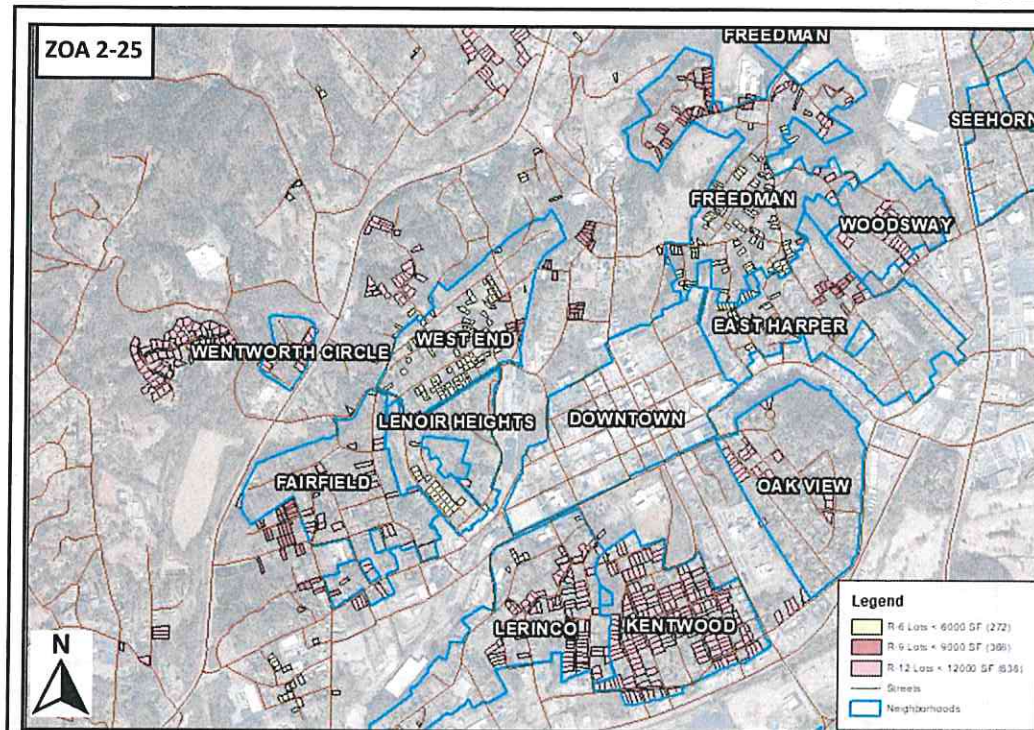
Staff Report

ZONING ORDINANCE AMENDMENT REQUEST

CASE NUMBER ZOA #2-25



AERIAL OF LOTS BELOW MINIMUM LOT SIZE



Ordinance amendment would affect future development prospects on over 1200 lots.

Note: Map does not encompass all lots below minimum lot size.

SUMMARY

Owner

N/A

Applicant

Richard Meadlock

Location

Citywide

NC PIN

Citywide

Project Planners

Hannah Williams, AICP, CZO

Matt Duchan

Updated October 21, 2025

Applicant's Request:

The applicant is requesting a text amendment to allow non-conforming lots created prior to Lenoir Zoning Ordinance (1979) to have rear and side yard setbacks proportionate to the size of the lot.

Staff Recommendation:

Approval of the proposed amendment process outlined in this staff report.

Planning Board Recommendation:

Approval of the proposed amendment, based upon the consistency statement provided by staff on page 5.

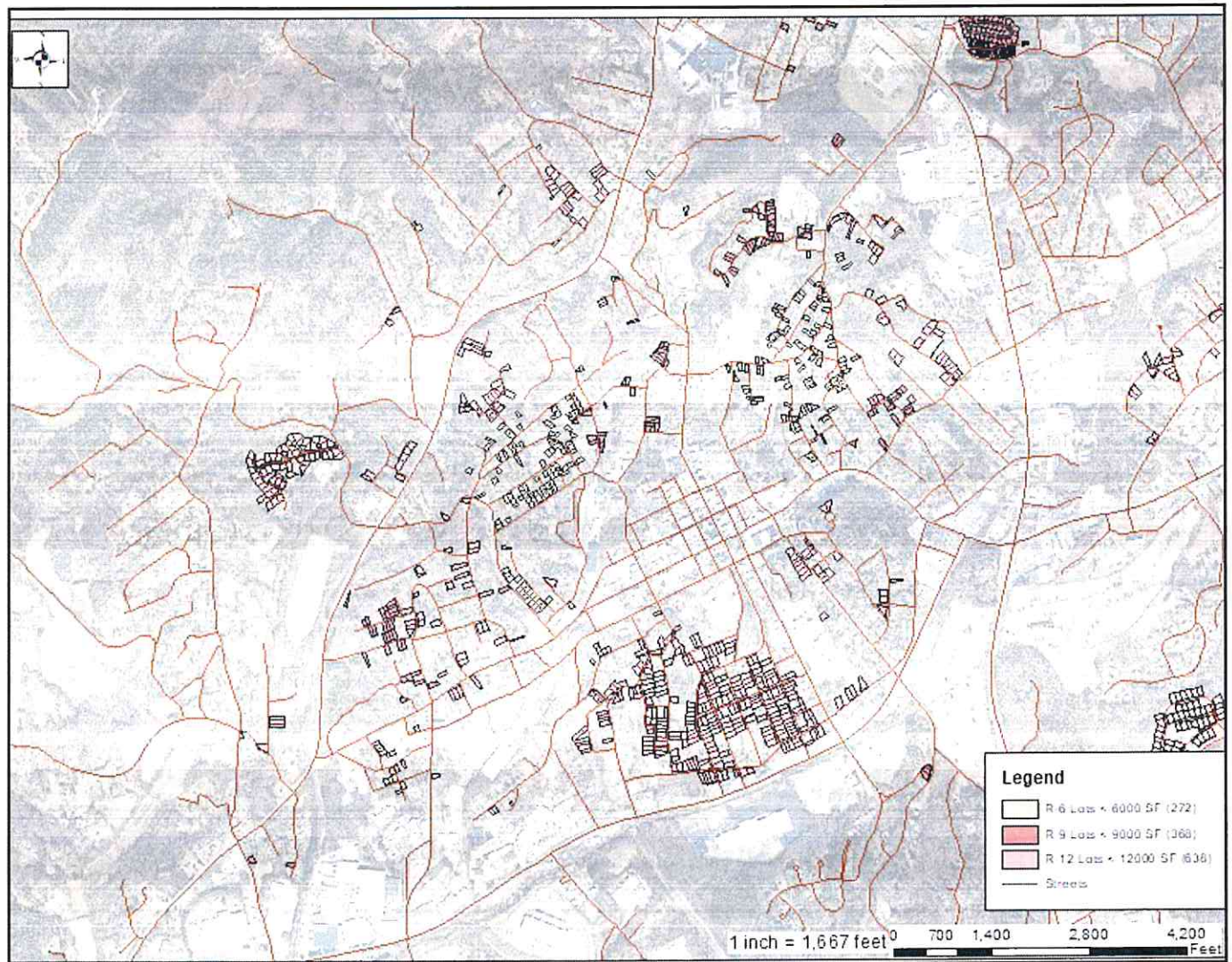
Public Comment:

Planning Board Meeting: October 13, 2025.

City Council (Public Hearing): Scheduled for November 4, 2025.

LOTS BELOW MINIMUM LOT SIZE IN CITY LIMITS

There are 1,268 lots below minimum lot size within Lenoir's city limits. Many lots were established prior to the passing of the Lenoir Zoning Ordinance, and may have legally nonconforming status due to lot size and setback encroachments.



BACKGROUND AND ANALYSIS

Intent of Zoning Amendments

Zoning amendments are an essential component of planning and community development. Without the ability to amend zoning code, rules and regulations would remain static throughout history without policymakers and decision makers having the power to recommend and contribute to growth and change. Zoning amendments can be initiated by planning staff, the Planning Board, City Council, or a property owner (or someone financially influenced by the property (or properties) in question).

Through the zoning amendment process, stakeholders are afforded the right to make reasonable and suitable changes to their properties. These properties are governed by the Lenoir Zoning Ordinance within the confines of recommendations of the Comprehensive Plan as well as reasonable, suitable, or pragmatic planning practices where appropriate.

Citywide Amendment

The properties affected by the proposed ordinance amendment are located in all areas of Lenoir. Some of the neighborhoods where the amendment would have the greatest effect are in historic neighborhoods, including Kentwood Park, West End, Lerinco, and Freedman. Several other neighborhoods that have small lot sizes are planned unit developments (PUDs), so while they may be under minimum lot size, the PUD approval process provides different zoning regulations such as setback reductions, stormwater and built-upon area requirements, and areas of dedicated open space. Older neighborhoods are those that would be most likely to benefit from this amendment given that many of those properties pre-date zoning standards that were implemented in the late 1970s. See pages 6 through 8 for maps of historic neighborhoods with undersized lots.

Proposed Amendments

The proposed amendment text is as follows:

Non-conforming lots below the minimum lot size, recorded prior to 1979 may be granted rear and side yard setbacks proportionate to the size of the lot. For example, if a 10,000 square foot lot is required and the lot is 7,500 square feet, a 25 percent reduction to side and rear setbacks is allowed.

The amendment to the ordinance would entail evaluating lots below minimum lot size and identifying the percentage a lot is below minimum lot size and adjusting rear and side setbacks accordingly.

Section 506 of the Zoning Code states that "no yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance." Effectively, this amendment would further prevent that possibility given that any standalone lots already under minimum lot size would have the opportunity to meet these new setback standards provided that a permit application or survey for review is submitted.

Reason for Request

The applicant added an awning to the side door of his home to provide a covered entry. The awning encroaches into the side setback by three feet. The required setback is 10 feet. Under the proposed text amendment, a 7-foot setback would apply and considered as conforming to the code.

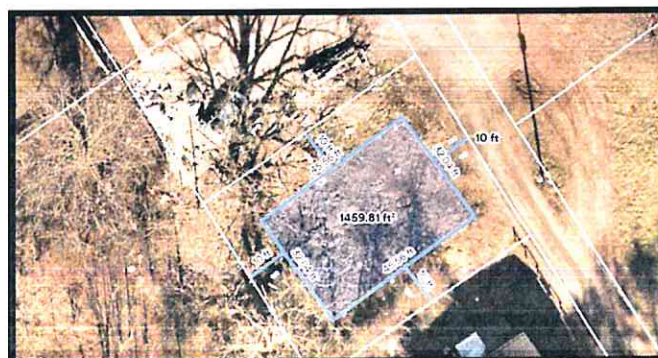
BACKGROUND AND ANALYSIS (CONT.)

Setback Variances Common

Some of the most common hurdles the Planning Department comes across in terms of site development on historic lots are required setbacks. Setback variances are the most common variances. The purchase and knowledge of a non-conforming lot does not make a hardship self-created. In the case of the most recent variance approval at 530-A Wheeler Street, the lot in question was around 3700 square feet and the applicant was planning to build a duplex, and under standard zoning regulations the buildable area was around 250 square feet. With this proposed amendment in place, setbacks would be reduced to 10 feet on front and rear setbacks and 5 feet on the side. The variance reduced front, rear, and side setbacks all to 10 feet. The proposed amendment could effectively help to reduce variance requests.



Original Building Envelope
Before Variance 1-25 at 530A Wheeler Street



Approved Building Envelope
Variance 1-25 at 530A Wheeler Street

Section 710—Special Front Yard Requirements in Developed Areas

Section 710 was established to assist built-upon lots with front yard setbacks where it would otherwise be impossible. The code reads as follows: "The front yard requirements of this ordinance shall not apply to any lot where the average front yard on already built upon lots located wholly or in part within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum, but not less than the average of the existing setbacks on the developed lots; provided however, the front yard on such lot shall not be less than one half of the required front yard."

This section demonstrates flexibility on historic lots in established neighborhoods, much like those eligible for the proposed amendment. Allowing side and rear setback reductions, exempting older, small properties from by-right zoning restrictions, is a natural next step towards equity in planning in the City of Lenoir.

CONSISTENCY STATEMENT/STAFF RECOMMENDATIONS

Consistency with the Comprehensive Plan/Reasonableness of Amendment

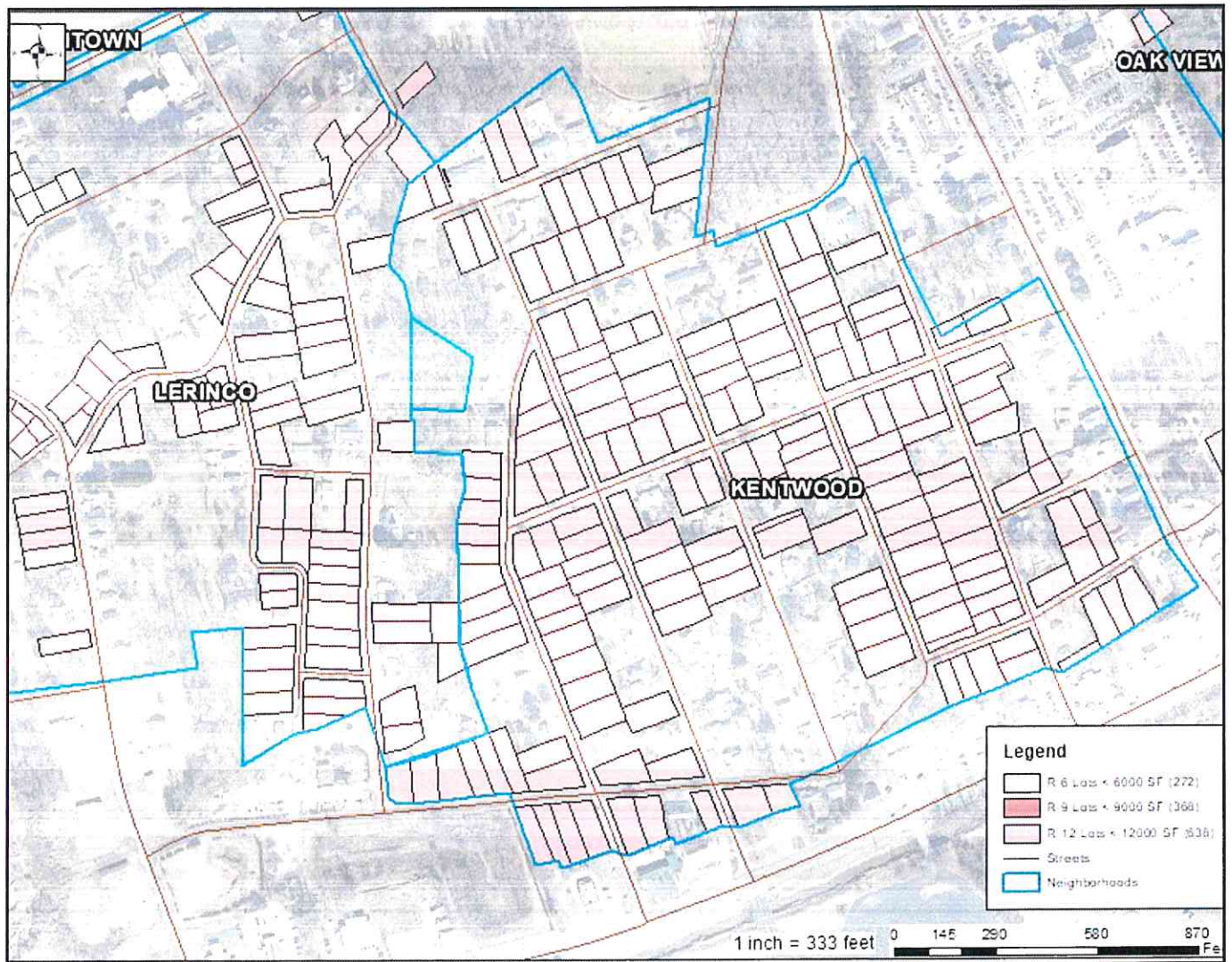
When adopting or rejecting any zoning amendment, City Council must adopt a brief statement describing whether or not the action is consistent with the City's Comprehensive Plan, in accordance with G.S. 160D-605(a), and must also address the reasonableness of any proposed map amendments. Staff offers the following draft statement on the consistency and reasonableness of the request.

The proposed zoning amendment is consistent with the housing policy concepts in the 2045 Comprehensive Plan, encouraging equity and a well-rounded approach to housing where property owners are able to develop and restore the older housing stock in Lenoir. The 2045 plan recommends that Staff updates zoning regulations to allow for detached housing on smaller lots while maintaining balance with larger lots on the periphery. This zoning amendment is compatible with the goal of establishing neighborhood compatibility. Some neighborhoods with non-conforming lots have distinct neighborhood character, scale, and form. Updating the ordinance with this amendment would promote the maintenance of these neighborhoods and improve upon the character of other neighborhoods with lots that would be otherwise limited in improvement efforts.

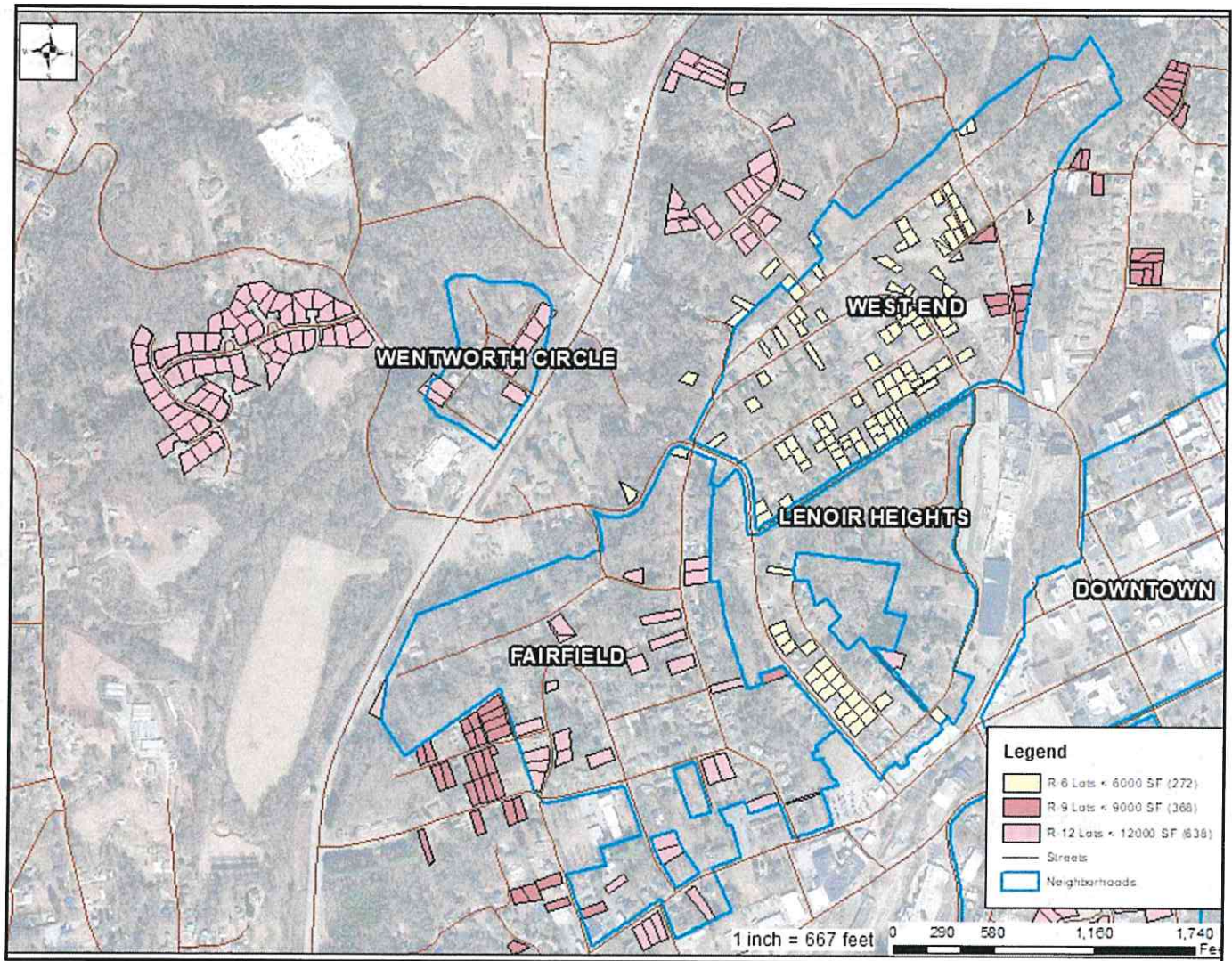
PLANNING BOARD RECOMMENDATIONS

Planning Board recommends approval of the zoning ordinance amendment and adopts the consistency statement above.

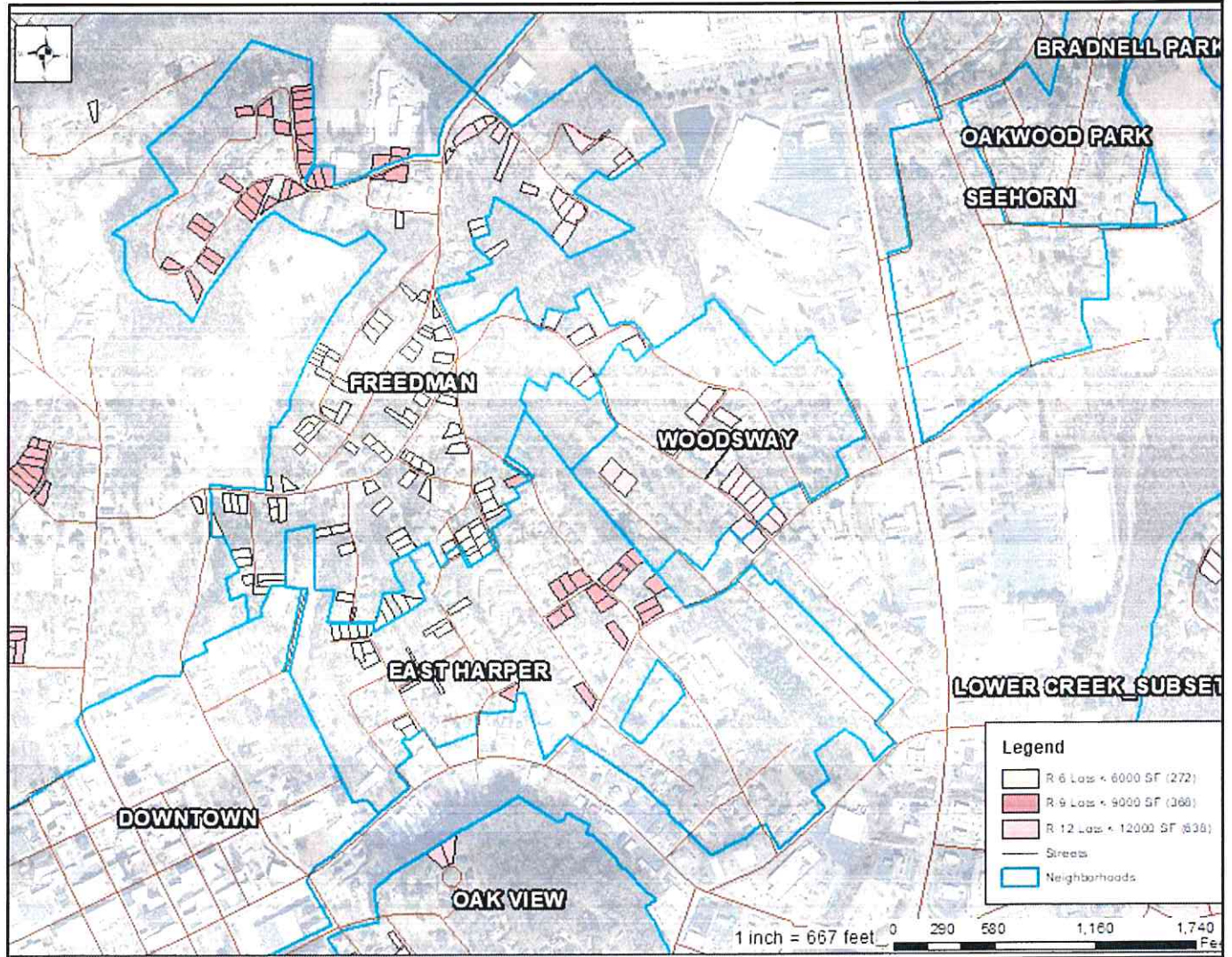
LERINCO & KENTWOOD



WEST LENOIR NEIGHBORHOODS



NEIGHBORHOODS NORTH OF DOWNTOWN



AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING APPENDIX A OF THE CITY OF LENOIR CODE OF ORDINANCES RELATED TO SETBACK REDUCTIONS PROPORTIONAL TO LOT SIZE PROVIDING FOR CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, the Lenoir Zoning Ordinance establishes setbacks which provide minimum distances between structures and boundary lines in order to ensure safety, maintain privacy, ensure visual order; and

Whereas, applying the full setback regulations on lots that do not meet the zoning district minimum lot size can reduce buildable area, preventing upgrades to existing housing stock; and

Whereas, the proposed amendment introduces a proportional setback standard that scales requirements to historic lot size, promoting flexibility while maintaining the character and function of established neighborhoods; and

Whereas, the Lenoir Planning Board and City Council find that this amendment supports compact, efficient land use and encourages reinvestment in existing developed areas and is consistent with the goals of the City's Comprehensive Plan to promote housing diversity, equitable development standards, and sustainable growth patterns; and

NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. Appendix A, Article VII, of the Code of Ordinances, City of Lenoir, North Carolina, is hereby amended to read as follows:

710 Setback Exceptions - A modification of the minimum required yard or setback is permitted under the following specific conditions:

710.1 Special Front Yard Requirements in Developed Areas - The front yard requirements of this ordinance shall not apply to any lot where the average front yard on already built upon lots located wholly or in part within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same

street as such lot, is less than the minimum, but not less than the average of the existing setbacks on the developed lots; provided however, the front yard on such lot shall not be less than one half of the required front yard.

710.2 Rear and Side Yard Encroachments – Lots of record established prior to 1979 that do not meet the minimum lot size may be granted reduced rear and side yard setbacks proportionate to the size of the lot. For example, where a 10,000 square foot lot is required and the lot contains 7,500 square feet, a 25 percent reduction to side and rear setbacks is allowed.

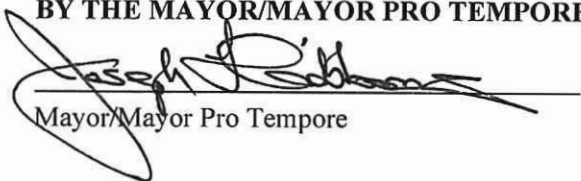
SECTION 2. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 3. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 23 day of ~~October~~ and this 30 day of ~~October~~, 2025.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 4th day of November, 2025.

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


Mayor/Mayor Pro Tempore

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


City Clerk

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**SPECIAL MEETING
LENOIR CITY COUNCIL
MEETING MINUTES
MONDAY, NOVEMBER 10, 2025
5:30 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Mayor Pro-Tem David Stevens, Councilmembers present were Jonathan Beal, Ike Perkins, Ralph Prestwood, Kimmie Rogers, City Manager Scott Hildebran, City Clerk Lauren Hartley and Attorney Timothy Rohr.

CITY STAFF: In attendance was Finance Director Donna Bean, Public Services Public Works Director Jon Hogan, Communication & Public Information Director Joshua Harris, Economic Development Main Street Director Brenda Floyd, Interim Director of Special Projects and Grants David Coffey.

ABSENT: Councilmember Crissy Thomas.

I. CALL TO ORDER

Mayor Gibbons welcomed everyone to the meeting and recognized Councilmember Elect Rebecca Dellinger, who was in attendance.

City Attorney Timothy Rohr said an acceptance from the board is needed for the resignation of Todd Perdue's seat from City Council from the November 4 meeting.

Upon a motion by Mayor Pro-Tem Stevens, City Council voted 5 to 0 to accept the resignation of Todd Perdue from the City of Lenoir City Council.

Mayor Gibbons said a recognition/celebration for Todd Perdue will be held at the January 6 City Council meeting.

II. THE CAMPUS PROJECT:

City Manager Scott Hildebran gave an overview of The Campus project and introduced David Maurer, Architect-Maurer Architecture and Chad Webb, VP-NC Division J.M. Cope Construction.

David Maurer presented to Council the proposed site work for the Lenoir High School auditorium, gymnasium, pavilion and visitor center.

Auditorium-Main Floor Level

- ADA compliant restroom and dressing room
- New ramp and rolling door for production use
- ADA lift to stage
- New carpet and seating
- Window treatments

Auditorium-Balcony Level

- Updated restroom in green rooms
- Window treatments

- New carpet and seating

Gymnasium-Main Floor Level

- New ADA entry ramp
- Concessions
- Toilet rooms, facilities closet, dressing room
- Elevator and egress stair addition

Gymnasium-Basement Level

- Multi-purpose community area
- Elevator and egress stair addition
- Support and storage

Theater/Auditorium and Gymnasium

- Vending and public toilet rooms
- Outdoor gathering area
- Warming kitchen
- Future occupant space with (1) ADA toilet room
- Community based multipurpose area

David Maurer also discussed the proposed OVT Pavilion and the old LEO's building which will be converted to a Visitors Center.

Chad Webb said he has been working with city staff David Coffey on this project. The bids were received on September 11, which will expire in 60 days. Chad Webb said they have done several outreaches with three bidders per package. The drawings are complete and ready for permits. If a decision is not made, the city would need to rebid and the price may change. The Guaranteed Maximum Price (Gymnasium and Auditorium with Sitework) is \$5,186,646.00. The Guaranteed Maximum Price: Alternate 1 (Pavilion and Support Building with Sitework) is \$4,118,702.00, with a total of \$9,305,348.00.

Interim Director of Special Projects and Grants David Coffey said the stormwater for the former LEO's building, OVT Pavilion are in discussion. The design for the stormwater retention was originally to be underground, which was expensive. The city is now looking into the design to be above ground, which is more affordable. That portion needs to be looked into and what would be required for stormwater permitting. David Coffey suggested they have a discussion with McGill and bring it back to Council at a later time.

City Manager Scott Hildebran said the city has received donations from different sources. He reviewed a budget summary and provided the following recommendations:

- Award Base Bid GMP with any value engineering selections
- Re-bid site/civil with stormwater changes at the OVT Pavilion and re-bid alternate #1
- Consider removal Visitor Center from project until later date
- During interim, seek additional donation/LTDA commitments
- Commit \$3.5 million in City funding to The Campus Project

Councilmember Beal said this would be a great generational investment and what Lenoir has needed. He suggested the City moves forward with the proposal while we have a price that is manageable.

Mayor Gibbons said people are ready to see this project move forward and the price is around what was expected.

Councilmember Perkins said the city is where we are now because previous Councils have

made investments and the Council needs to do the same for future Council and Lenoir. This project would be a good investment.

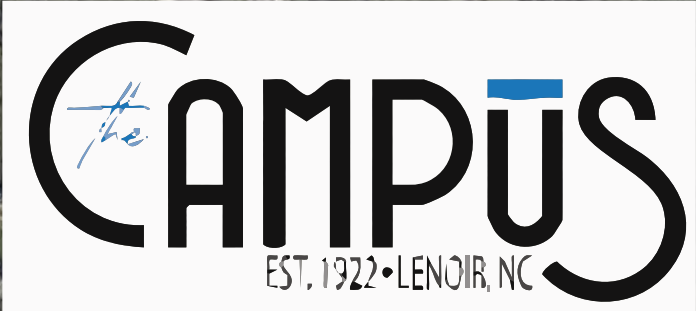
Upon a motion by Councilmember Beal, City Council voted 5 to 0 to accept the Guaranteed Maximum Price: Base Bid (Gymnasium and Auditorium with Sitework) of \$5,186,646.00, as presented.

III. ADJOURNMENT

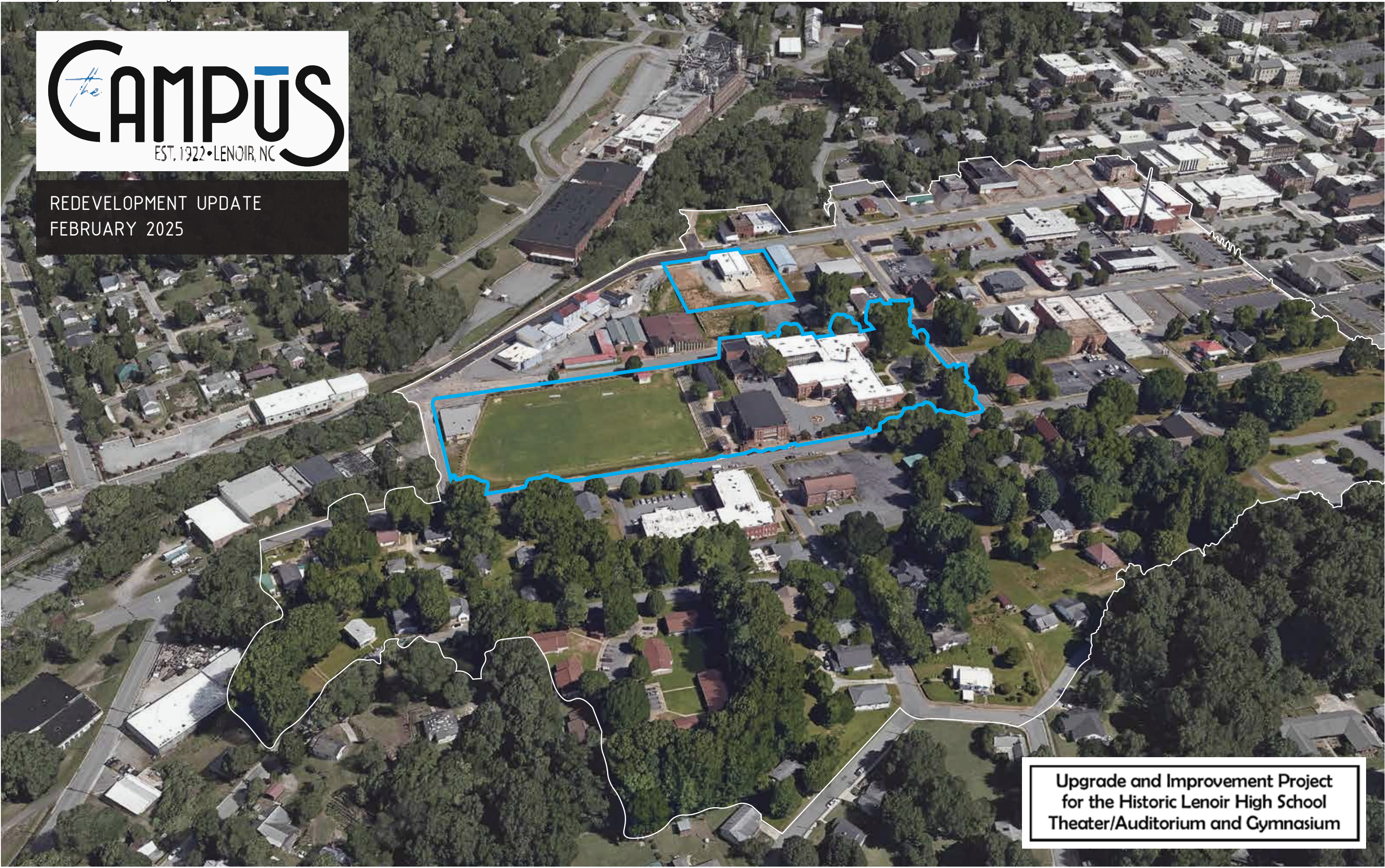
There being no further business, Mayor Gibbons adjourned the meeting at 6:33 p.m.

Lauren Hartley, City Clerk

Joseph L. Gibbons, Mayor



REDEVELOPMENT UPDATE
FEBRUARY 2025



Upgrade and Improvement Project
for the Historic Lenoir High School
Theater/Auditorium and Gymnasium



PARKING LEGEND



EXISTING LHS
PARKING



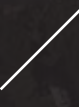
EXISTING PUBLIC
PARKING LOTS



PROPOSED OVT
PAVILION PARKING



ON-STREET PARKING



WALKABLE RANGE
FOR PARKING

Upgrade and Improvement Project
for the Historic Lenoir High School
Theater/Auditorium and Gymnasium

Upgrade and Improvement Project
for the Historic Lenoir High School
Theater/Auditorium and Gymnasium

BUILDING KEY

- 1 LHS AUDITORIUM
- 2 LHS GYMNASIUM
- 3 FORMER "LEOS" BUILDING

**Upgrade and Improvement Project
for the Historic Lenoir High School
Theater/Auditorium and Gymnasium**

**LENOIR HIGH SCHOOL
AUDITORIUM**

MAIN FLOOR LEVEL

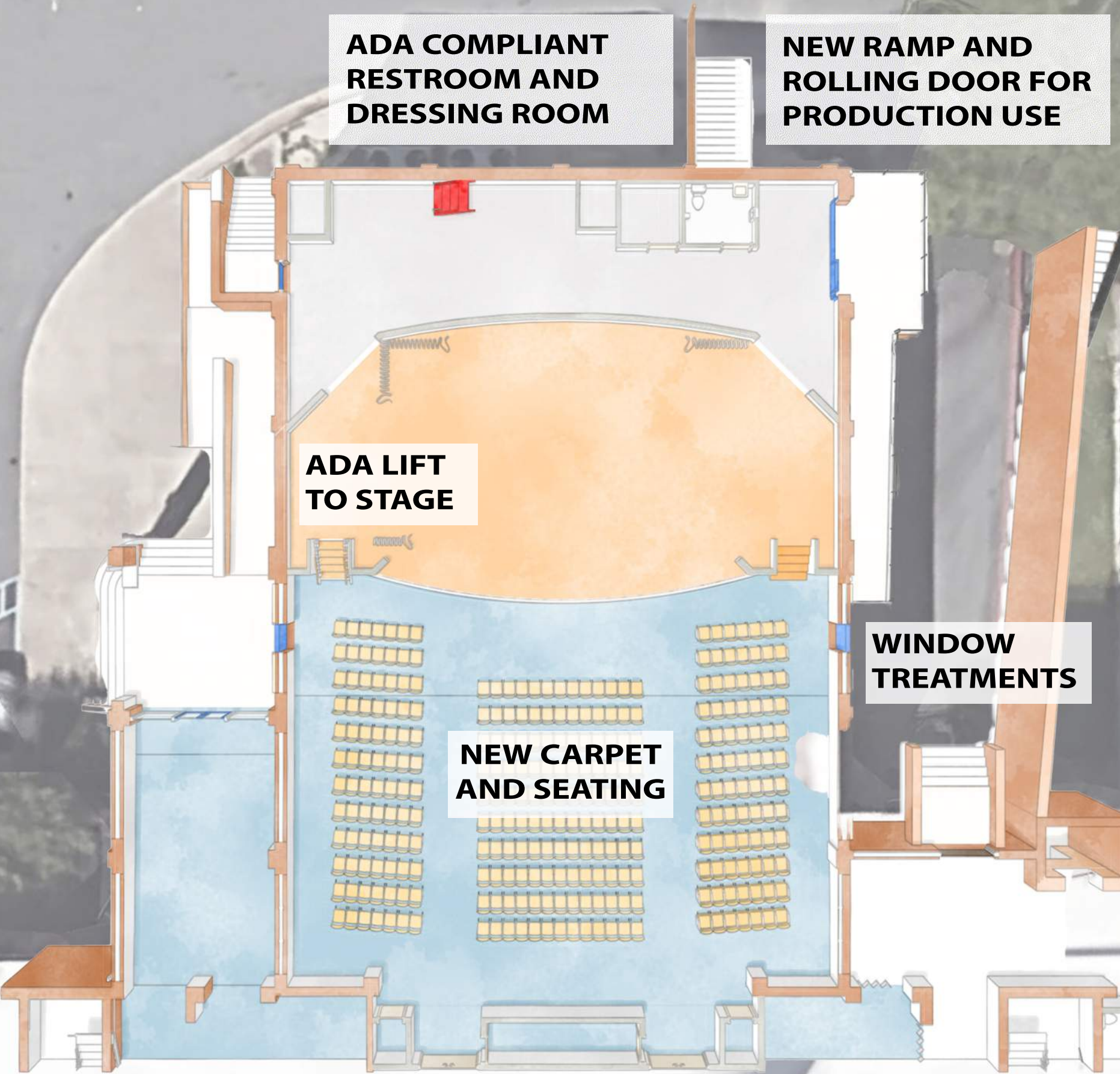
**ADA COMPLIANT
RESTROOM AND
DRESSING ROOM**

**NEW RAMP AND
ROLLING DOOR FOR
PRODUCTION USE**

**ADA LIFT
TO STAGE**

**WINDOW
TREATMENTS**

**NEW CARPET
AND SEATING**



**Upgrade and Improvement Project
for the Historic Lenoir High School
Theater/Auditorium and Gymnasium**

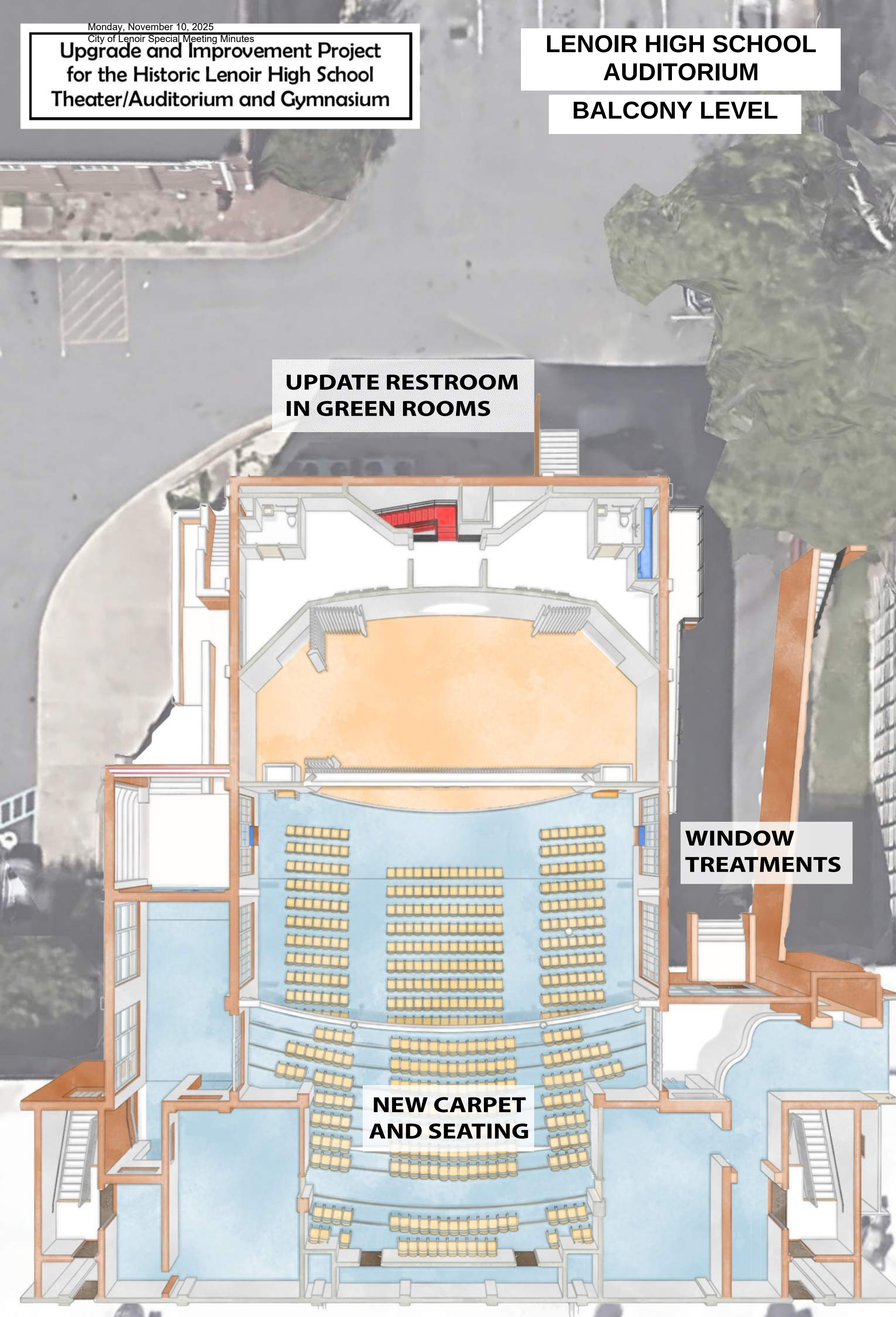
**LENOIR HIGH SCHOOL
AUDITORIUM**

BALCONY LEVEL

**UPDATE RESTROOM
IN GREEN ROOMS**

**WINDOW
TREATMENTS**

**NEW CARPET
AND SEATING**





**Upgrade and Improvement Project
for the Historic Lenoir High School
Theater/Auditorium and Gymnasium**

**LENOIR HIGH SCHOOL
GYMNASIUM**

MAIN FLOOR LEVEL

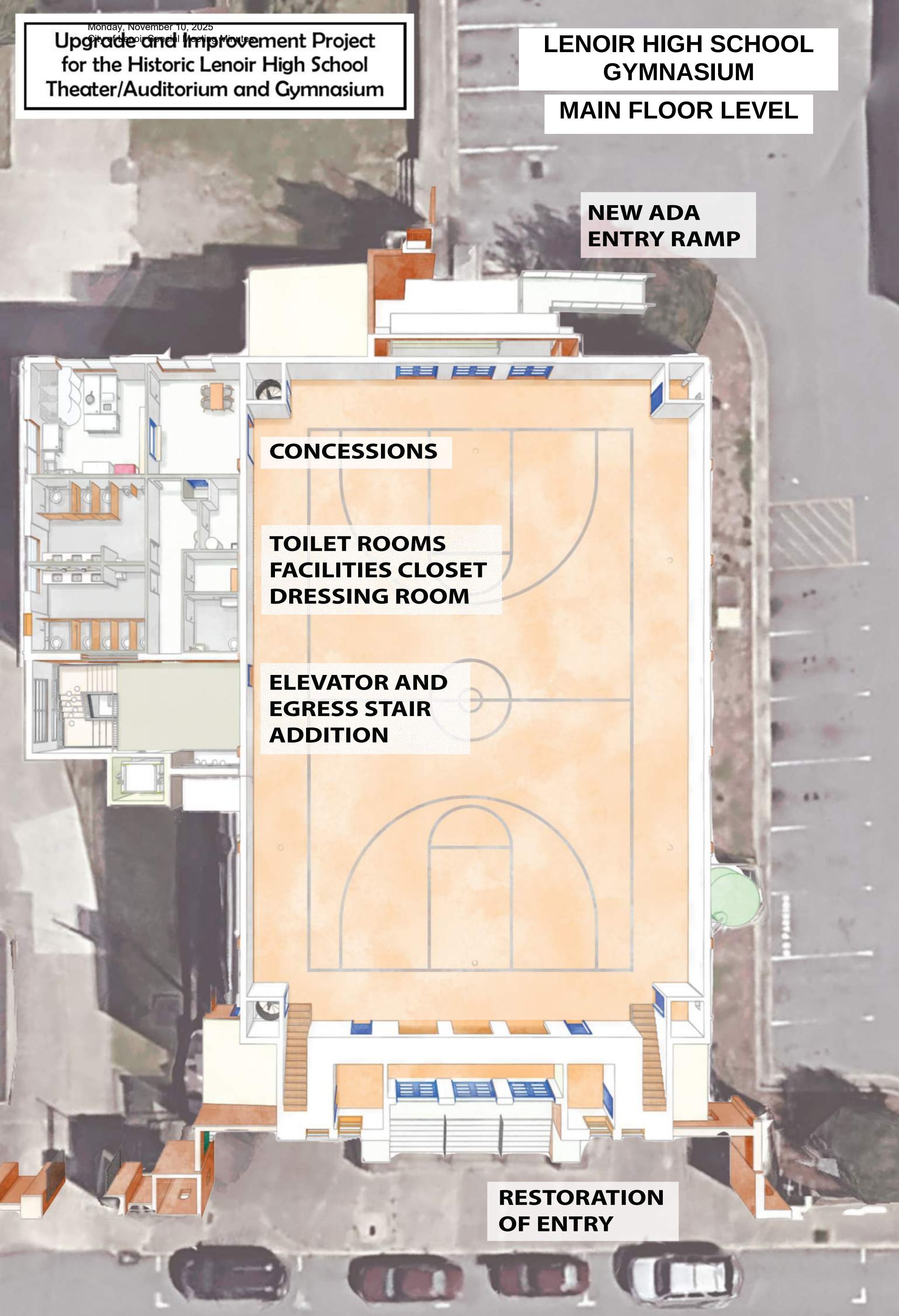
**NEW ADA
ENTRY RAMP**

CONCESSIONS

**TOILET ROOMS
FACILITIES CLOSET
DRESSING ROOM**

**ELEVATOR AND
EGRESS STAIR
ADDITION**

**RESTORATION
OF ENTRY**



**Upgrade and Improvement Project
for the Historic Lenoir High School
Theater/Auditorium and Gymnasium**

**LENOIR HIGH SCHOOL
GYMNASIUM**

BASEMENT LEVEL

**MULTIPURPOSE
COMMUNITY AREA**

**ELEVATOR AND
EGRESS STAIR
ADDITION**

**SUPPORT AND
STORAGE**





**Upgrade and Improvement Project
for the Historic Lenoir High School
Theater/Auditorium and Gymnasium**

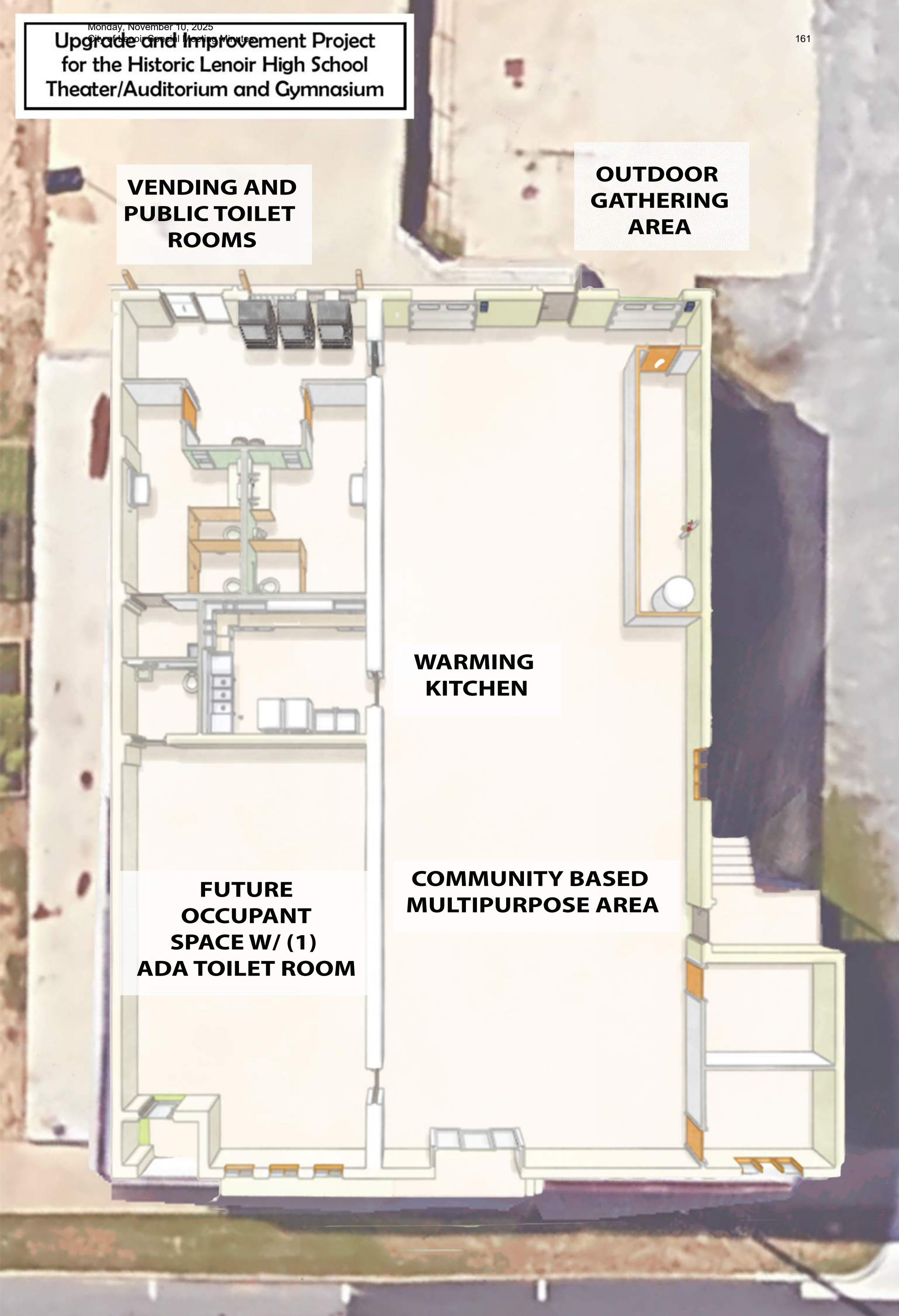
**VENDING AND
PUBLIC TOILET
ROOMS**

**OUTDOOR
GATHERING
AREA**

**WARMING
KITCHEN**

**FUTURE
OCCUPANT
SPACE W/ (1)
ADA TOILET ROOM**

**COMMUNITY BASED
MULTIPURPOSE AREA**



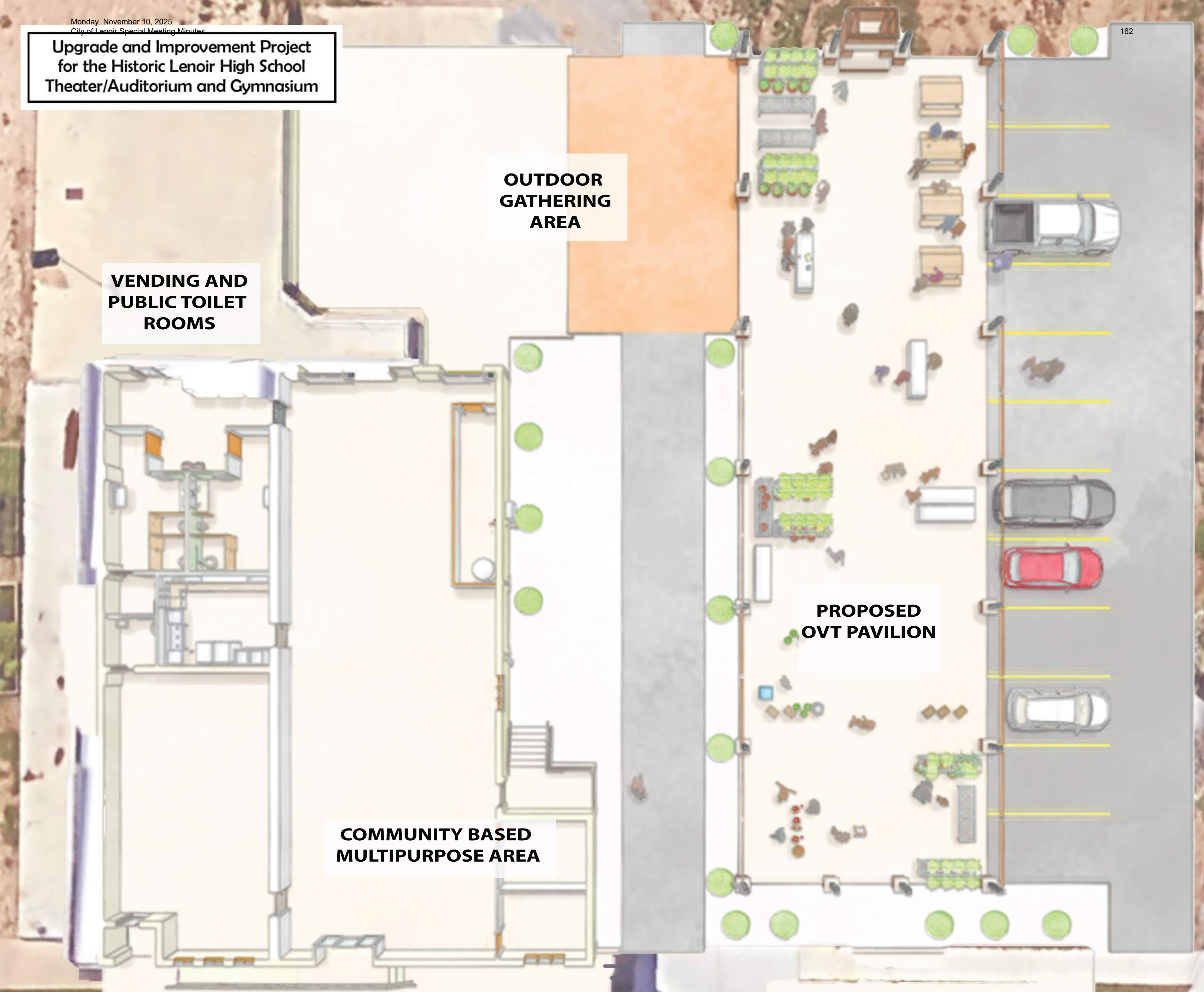
**Upgrade and Improvement Project
for the Historic Lenoir High School
Theater/Auditorium and Gymnasium**

**OUTDOOR
GATHERING
AREA**

**VENDING AND
PUBLIC TOILET
ROOMS**

**PROPOSED
OVT PAVILION**

**COMMUNITY BASED
MULTIPURPOSE AREA**



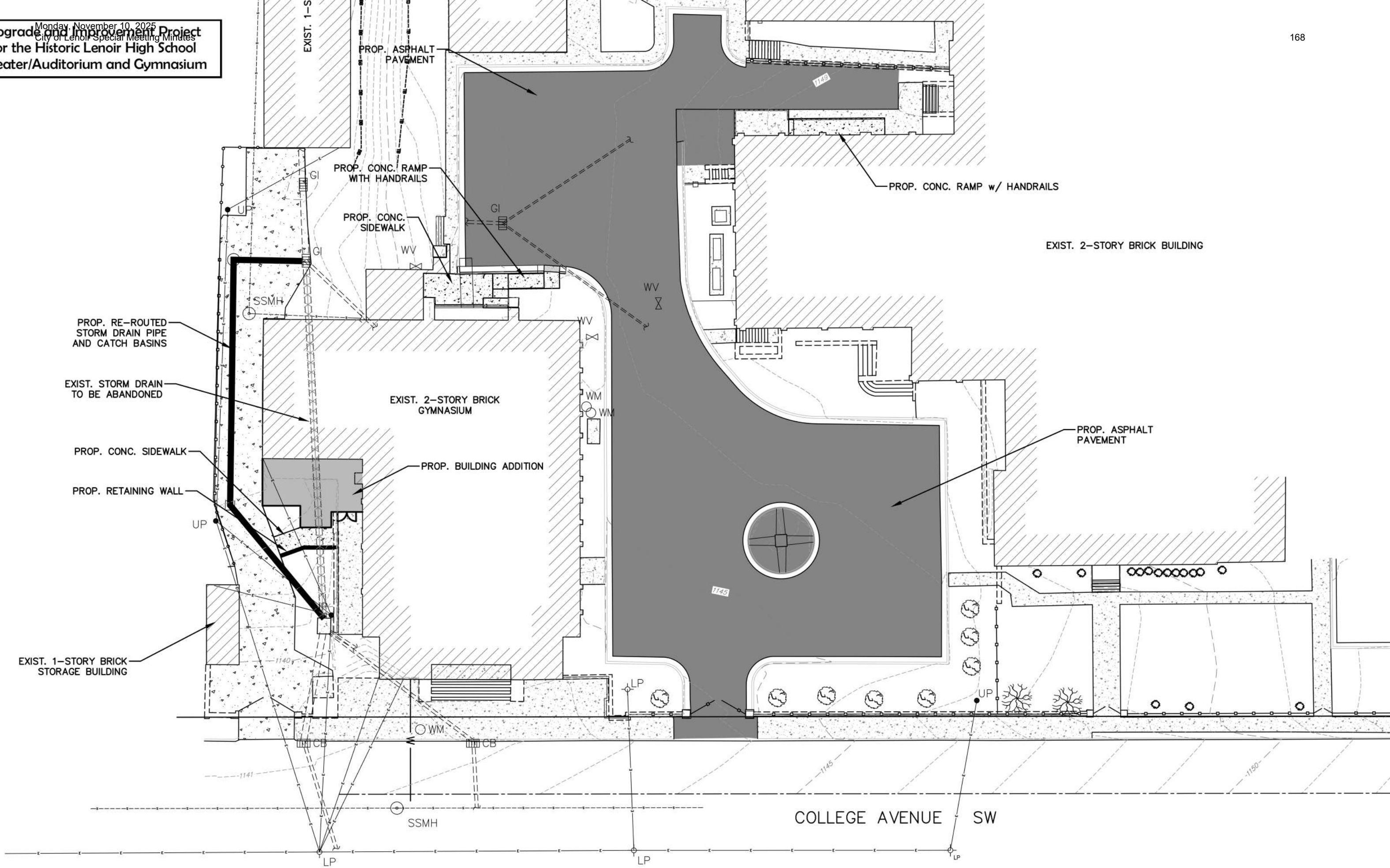




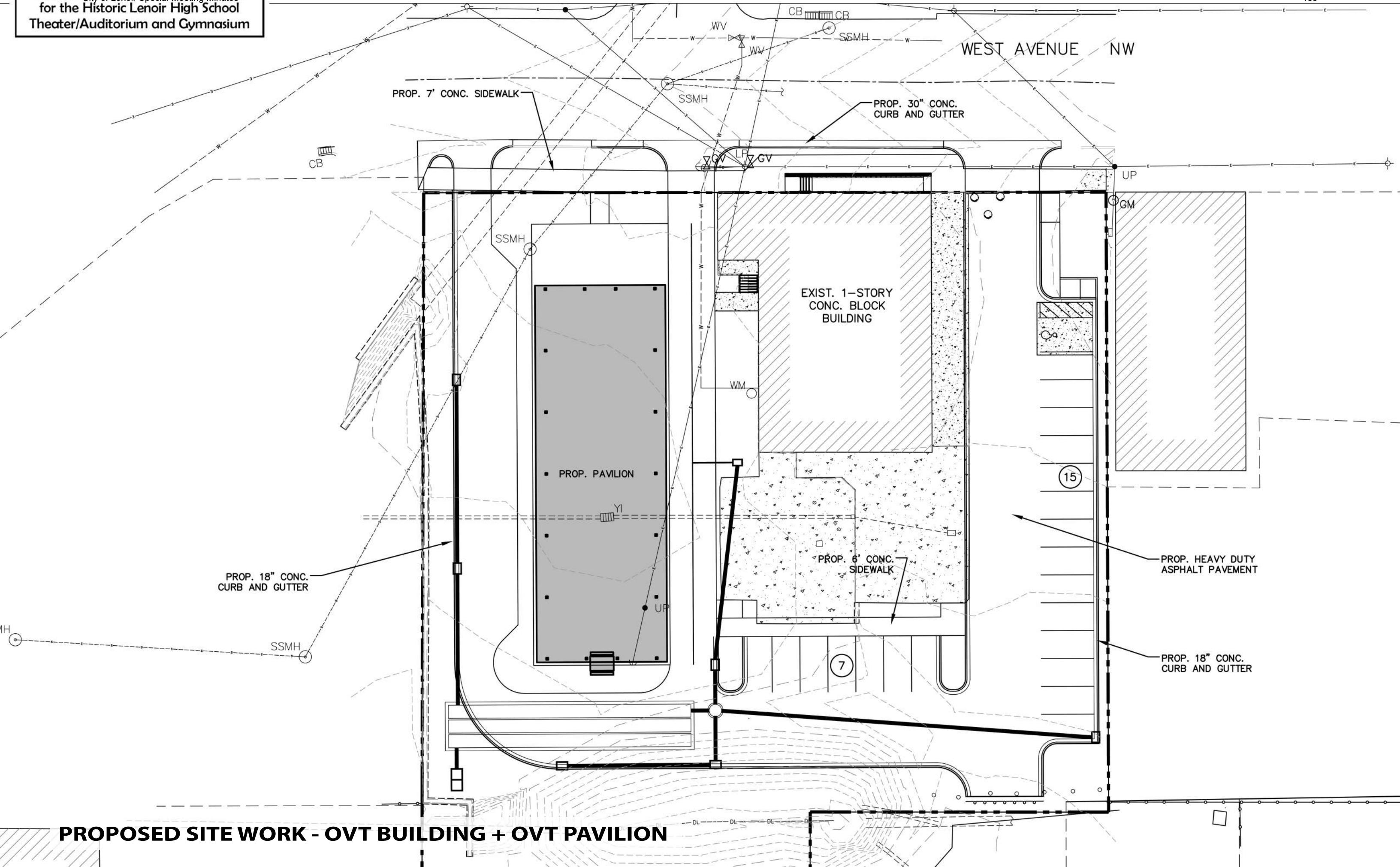


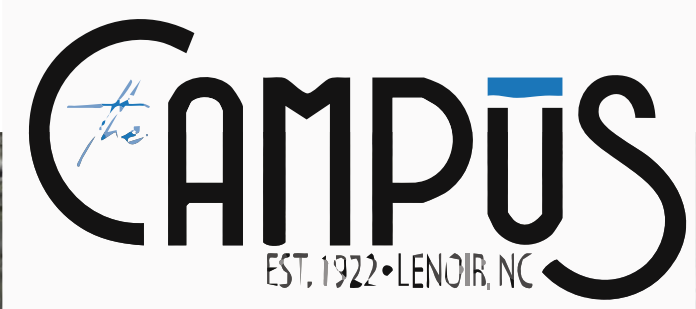




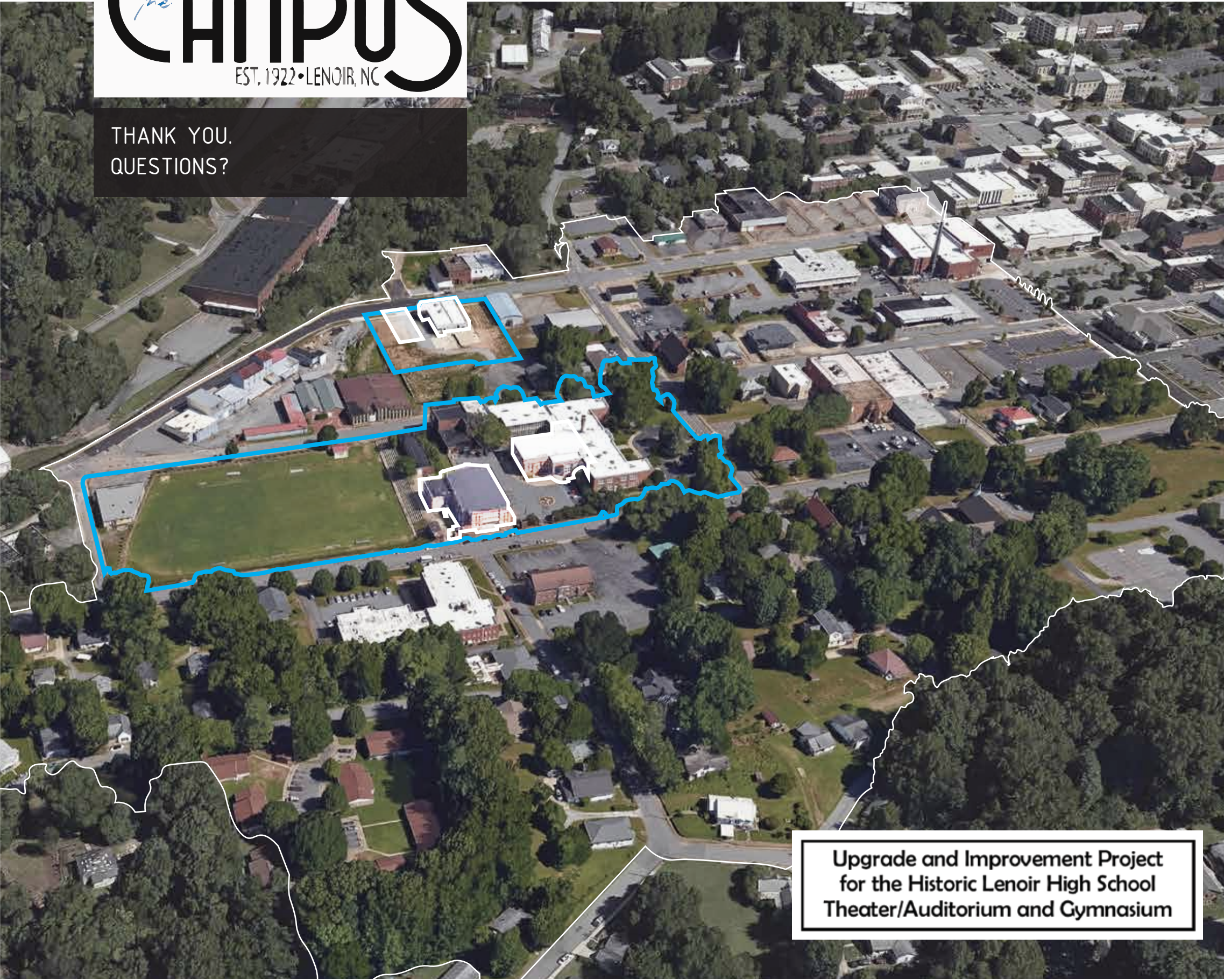


PROPOSED SITE WORK - GYMNASIUM AND AUDITORIUM





THANK YOU.
QUESTIONS?



Upgrade and Improvement Project
for the Historic Lenoir High School
Theater/Auditorium and Gymnasium





CITY OF LENOIR

LENOIR DOWNTOWN CAMPUS PROJECT

November 10, 2025

BUILDING PEOPLE
WHO **BUILD** COMMUNITIES



Construction

346 9th St SE
Hickory, NC 28602
803-329-3250
www.jmcope.com

November 10, 2025

Mr. David Coffey
Risk Manager & Purchasing Agent
Lenoir, NC

Re: Guaranteed Maximum Price: Lenoir Downtown Campus Improvements 2025

Dear Mr. Coffey,

JM Cope submits the following Guaranteed Maximum Price Proposal to seek approval for the Lenoir Downtown Campus Improvements Project located in Lenoir, NC. This GMP is based upon the drawings, specifications, & addenda provided by Maurer Architecture and their design consultants dated July 25, 2025, August 25, 2025 and August 26, 2025, respectively. The total GMP proposal, including Trade Contractor Bid Costs, General Conditions, CM Fee, Allowances, Insurances, Bonds, and Contingencies, is \$9,305,348.

GMP: Base Bid (Gymnasium and Auditorium with Sitework)	\$ 5,186,646.00
GMP: Alternate 1 (Pavilion and Support Building with Sitework)	\$ 4,118,702.00
GMP Total	\$ 9,305,348.00

This GMP is based upon a NTP on or around November 17, 2025, and a substantial completion date of October 2026 for the Base Bid and December 2026 for Alternate 1.

JM Cope is grateful for the opportunity, and we look forward to working with the City of Lenoir on this project. Please call should you have any comments or questions regarding this Guaranteed Maximum Price.

Best Regards,
JM Cope Construction

A handwritten signature in black ink, appearing to read 'Hunter Galliher'.

Hunter Galliher
Project Manager

Cc: Mr. David Coffey, Risk Manager & Purchasing Agent, City of Lenoir
Mr. Chad Webb, Vice President, JM Cope
Mr. Houston Miller, Vice President Preconstruction, JM Cope
Mr. Eric Pond, Senior Preconstruction Manager, JM Cope
Mr. David Maurer, President, Maurer Architecture

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As one of the largest local general contractors in the Carolinas,
J.M. Cope brings unmatched experience building communities.

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SECTION SIX

Exhibit F: Qualifications & Clarifications

SECTION ONE
EXHIBIT A
GMP SUMMARY



EXHIBIT A: BASE BID GMP SUMMARY
City of Lenoir Downtown Campus Improvements
Lenoir, NC
November 10, 2025

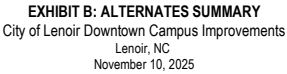
Bid Packages		Contractor	Contract Amount	
BP0100 - General Trades		NO BID	\$ 212,030	\$ 11.66
BP0200 - Demolition		DH Griffin	\$ 99,610	\$ 5.48
BP0300 - Turnkey Building Concrete		Piedmont Concrete	\$ 69,556	\$ 3.83
BP0400 - Turnkey Masonry		J&K Privette Masonry, Inc	\$ 154,700	\$ 8.51
BP0500 - Turnkey Structural & Misc. Steel		Steel Specialty	\$ 175,000	\$ 9.63
BP0740 - Roofing & MWP		MBA Roofing	\$ 28,600	\$ 1.57
BP0790 - Waterproofing & Sealants		Swanger Specialties	\$ 18,000	\$ 0.99
BP0800 - Turnkey Doors, Frames, & Hardware		Hardware Distributors	\$ 137,028	\$ 7.54
BP0836 - Overhead Doors		Garage Door Services	\$ 27,250	\$ 1.50
BP0840 - Storefront		Kapasi	\$ 54,400	\$ 2.99
BP0920 - Framing & Drywall		Gibson Custom Construction	\$ 96,325	\$ 5.30
BP0965 - Flooring		Rite Rug	\$ 106,520	\$ 5.86
BP0980 - Acoustical Ceilings & Tectum Panels		Gibson Custom Construction	\$ 172,700	\$ 9.50
BP0990 - Painting & Wall Coverings		Turman	\$ 192,375	\$ 10.58
BP1000 - Toilet Acc., Toilet Partitions, & Specialties		Noble Specialties	\$ 22,015	\$ 1.21
BP1073 - Aluminum Canopies & Awnings		East Coast TVM, LLC	\$ 28,120	\$ 1.55
BP1140 - Food Service Equipment		Singer	\$ 52,421	\$ 2.88
BP1166 - Athletic Equipment		Learning Environments	\$ 57,000	\$ 3.14
BP1220 - Window Treatments		Integrity Blinds and Shutters	\$ 37,995	\$ 2.09
BP1230 - Finished Carpentry & Casework		MasterKraft	\$ 35,482	\$ 1.95
BP1420 - Elevator		TKE	\$ 116,500	\$ 6.41
BP1430 - Wheelchair Lift		ALLOWANCE	\$ 40,000	\$ 2.20
BP2100 - Fire Protection System		Impact Fire Services	\$ 57,200	\$ 3.15
BP2200 - Plumbing System		Hickory Mechanical	\$ 173,100	\$ 9.52
BP2300 - HVAC Systems		Digitrol, Inc	\$ 365,132	\$ 20.09
BP2600 - Electrical Systems		Lake Electric	\$ 454,900	\$ 25.02
BP2700 - Audio Visual System (By Owner)		By Owner	\$ -	\$ -
BP3100 - Turnkey Sitework		Mountain Crest, LLC	\$ 514,400	\$ 28.30
BP3213 - Site Concrete		Piedmont Concrete	\$ 129,929	\$ 7.15
Bid Day Total			\$ 3,628,288	\$ 199.60
	Value Management		\$ -	\$ -
Bid Day Total with Accepted VM			\$ 3,628,288	\$ 199.60
1.25%	Subcontractor Bonds		\$ 45,354	\$ 2.49
3.00%	Construction Contingency		\$ 110,209	\$ 6.06
0.00%	Design & Escalation Contingency		\$ -	\$ -
Cost of Work Subtotal			\$ 3,783,851	\$ 208.16
LSUM	General Conditions		\$ 433,512	\$ 23.85
LSUM	Allowances (6 through 14)		\$ 562,700	\$ 30.96
LSUM	Building Permit		\$ 15,000	\$ 0.83
LSUM	Preconstruction Fee		\$ 43,000	\$ 2.37
5.00%	CM Fee		\$ 241,903	\$ 13.31
2.10%	Insurances and Bonds		\$ 106,679	\$ 5.87
Project Grand Total			\$ 5,186,646	\$ 285.33



EXHIBIT A: ALTERNATE 1 - GMP SUMMARY
City of Lenoir Downtown Campus Improvements
Lenoir, NC
November 10, 2025

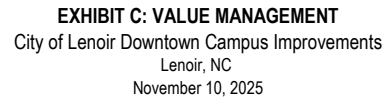
Bid Packages		Contractor	Contract Amount	
BP0100 - General Trades		NO BID	\$ 59,247	\$ 3.26
BP0200 - Demolition		DH Griffin	\$ 24,855	\$ 1.37
BP0300 - Turnkey Building Concrete		Piedmont Concrete	\$ 120,809	\$ 6.65
BP0400 - Turnkey Masonry		J&K Privette Masonry, Inc	\$ 87,000	\$ 4.79
BP0500 - Turnkey Structural & Misc. Steel		Steel Specialty	\$ 770,000	\$ 42.36
BP0740 - Roofing & MWP		MBA Roofing	\$ 63,200	\$ 3.48
BP0790 - Waterproofing & Sealants		Swanger Specialties	\$ -	\$ -
BP0800 - Turnkey Doors, Frames, & Hardware		Hardware Distributors	\$ 16,715	\$ 0.92
BP0836 - Overhead Doors		Garage Door Services	\$ 9,100	\$ 0.50
BP0840 - Storefront		Kapasi	\$ 29,625	\$ 1.63
BP0920 - Framing & Drywall		Gibson Custom Construction	\$ 38,870	\$ 2.14
BP0965 - Flooring		Rite Rug	\$ 32,425	\$ 1.78
BP0980 - Acoustical Ceilings & Tectum Panels		Gibson Custom Construction	\$ 7,650	\$ 0.42
BP0990 - Painting & Wall Coverings		Turman	\$ 49,571	\$ 2.73
BP1000 - Toilet Acc., Toilet Partitions, & Specialties		Noble Specialties	\$ 14,898	\$ 0.82
BP1073 - Aluminum Canopies & Awnings		East Coast TVM, LLC	\$ 34,500	\$ 1.90
BP1140 - Food Service Equipment		Singer	\$ 36,371	\$ 2.00
BP1166 - Athletic Equipment		Learning Environments	\$ -	\$ -
BP1220 - Window Treatments		Integrity Blinds and Shutters	\$ 44,751	\$ 2.46
BP1230 - Finished Carpentry & Casework		MasterKraft	\$ 18,118	\$ 1.00
BP1420 - Elevator		TKE	\$ -	\$ -
BP1430 - Wheelchair Lift		Not Applicable	\$ -	\$ -
BP2100 - Fire Protection System		Impact Fire Services	\$ 20,600	\$ 1.13
BP2200 - Plumbing System		Hickory Mechanical	\$ 161,300	\$ 8.87
BP2300 - HVAC Systems		Digitrol, Inc	\$ 118,861	\$ 6.54
BP2600 - Electrical Systems		Lake Electric	\$ 176,900	\$ 9.73
BP2700 - Audio Visual System (By Owner)		By Owner	\$ -	\$ -
BP3100 - Turnkey Sitework		Mountain Crest, LLC	\$ 1,085,400	\$ 59.71
BP3213 - Site Concrete		Piedmont Concrete	\$ 188,921	\$ 10.39
Bid Day Total			\$ 3,209,687	\$ 176.57
Value Management			\$ (63,375)	\$ (3.49)
Bid Day Total with Accepted VM			\$ 3,146,312	\$ 173.08
1.25%	Subcontractor Bonds		\$ 40,121	\$ 2.21
3.00%	Construction Contingency		\$ 97,494	\$ 5.36
0.00%	Design & Escalation Contingency		\$ -	\$ -
Cost of Work Subtotal			\$ 3,283,927	\$ 180.65
LSUM	General Conditions		\$ 321,639	\$ 17.69
LSUM	Allowances (1 through 5)		\$ 232,827	\$ 12.81
LSUM	Building Permit		\$ 3,500	\$ 0.19
LSUM	Preconstruction Fee		\$ -	\$ -
5.00%	CM Fee		\$ 192,095	\$ 10.57
2.10%	Insurances and Bonds		\$ 84,714	\$ 4.66
Project Grand Total			\$ 4,118,702	\$ 226.58

SECTION TWO
EXHIBIT B
ALTERNATES SUMMARY



Alternate No.	Alternate Description	Packages Affected	BP0200	BP0300	BP0400	BP0500	BP0740	BP0800	BP0836	BP0840	BP0920	BP0965	BP0980	BP0990	BP1000	BP1073	BP1140	BP1166	BP1220	BP1230	BP1420	BP1430	BP2100	BP2200	BP2300	BP2600	BP3100	BP3213	Alternate Cost	Status (A/R)
JMC-1	P&P Bonds (Packages<\$200,000)	All	\$ 1,950.00	\$ 2,782.24	\$ -	\$ 8,100.00	\$ -	\$ -	\$ -	\$ -	\$ 2,100.00	\$ 650.00	\$ 3,800.00	\$ 2,885.00	\$ -	\$ 430.00	\$ 524.00	\$ 1,000.00	\$ 949.88	\$ -	\$ 1,340.00	\$ -	\$ 1,716.00	\$ 1,700.00	\$ 4,365.00	\$ 4,200.00	\$ 12,400.00	\$ 5,197.00	\$ 56,089.12	P
ALT #01	Phase 2 – Lenoir Downtown Campus Improvements – OVT Pavilion and OVT Pavilion Support Building per contract documents dated 7.25.25. Note work for Alternate 1 will not start until after May 2026.	All	\$ 24,855.00	\$ 120,809.00	\$ 87,000.00	\$ 770,000.00	\$ 63,200.00	\$ 16,715.00	\$ 9,100.00	\$ 29,625.00	\$ 38,870.00	\$ 32,425.00	\$ 7,650.00	\$ 49,571.00	\$ 14,897.61	\$ 34,500.00	\$ 36,371.00	\$ -	\$ 44,751.35	\$ 18,118.00	\$ -	\$ -	\$ 20,600.00	\$ 161,300.00	\$ 118,861.00	\$ 176,900.00	\$ 1,085,400.00	\$ 188,921.00	\$ 3,150,439.96	P
ALT #02	Furnish and Install New Storefront Windows at the South Elevation of the Gymnasium (8 Type WE's and one Type W7), includes removal of all existing windows and glazing.	BP0840	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 39,625.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 39,625.00	R
ALT #03	Furnish and Install Dual-Reflective Film DR05 SR CDF on the upper story windows in Gymnasium as noted on the building elevations.	BP0840	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,625.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,625.00	A
ALT #01	In addition to the carpet removal and replacement in the Auditorium, remove carpet in areas of note and replace with Mannington Commercial carpet, collection Poetica-Fitzgerald, color: Bach 33117.	BP0965	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,913.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,913.00	A
ALT #02	In addition to the carpet removal and replacement in the Auditorium Mezzanine, remove carpet in areas of note and replace with Mannington Commercial carpet, collection Poetica Fitzgerald, color: Bach 33117	BP0965	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,324.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,324.00	A
ALT #04	Provide "Buff and Coat" application for the existing stage flooring.	BP0965	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,183.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,183.00	A
ALT #05	Moisture Mitigation for the Gymnasium & Auditorium as required for the new installation of flooring to adhere properly per manufacturer requirements	BP0965	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,128.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,128.00	A
ALT #06	Moisture Mitigation for the OVT Pavilion Support Building as required for the new installation of flooring to adhere properly per manufacturer requirements.	BP0965	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	A
ALT #02	Furnish and install motorized roller blackout fabric shades at the upper windows within the Gymnasium	BP1220	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 29,139.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 29,139.00	R
ALT #02	Design, furnish and install a complete BDA/Emergency Responder Systems for each building. Alternate will be the total number for all 3 buildings. Breakdown of each building is to be provided after the bid.	BP2600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 118,800.00	\$ -	\$ -	\$ 118,800.00	P
ALT #03	Furnish and install power, wiring, conduit, junction boxes, and CAT 5 wiring at the inside upper corner of each high existing window in the Gymnasium to connect to the motorized window treatments in lieu of having window film on these windows	BP2600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,600.00	\$ -	\$ -	\$ 12,600.00	R
ALT #04	Furnish and install power, wiring, conduit, junction boxes, and CAT 5 wiring at the inside upper corner of each opening at the perimeter of the exterior Pavilion to the motorized shades in lieu of having manual shades at these openings.	BP2600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	R
ALT #02	Change the standard duty asphalt pavement to match the heavy-duty pavement profile surface requirements in all areas for both sites and the 2" finish surface course will be performed in a separate mobilization near the completion of the project.	BP3100	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 57,300.00	\$ -	\$ 57,300.00	P	
ALT #03	Provide a temporary 20' wide construction entrance from College Avenue to the new building addition at the Gymnasium. Entrance drive will made up of fabric and Rip-Rap. Included in this alternate is removal of this temporary entrance drive as required for placement of new sitework near the completion of the project.	BP3100	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,000.00	\$ -	\$ 6,000.00	A
ALT #01	Provide an upgraded elevator cab finish to stainless steel in lieu of the standard Plam panels or baked enamel finish panels at the Gym addition.	BP1420	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,250.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,250.00	R
ALT #02	Increase the elevator speed at the Gym addition from 100 fpm to 125 fpm.	BP1420	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,500.00	R
ALT #02	Provide roof patching and roof flashing at the existing roof system for the new RTU at the Gym Concession area	BP0740	\$ -	\$ -	\$ -	\$ -	\$ 2,500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500.00	A
Alternates Bid Day Subtotal																											\$ 3,520,416.08			
ACCEPTED Alternates Subtotal																											\$ 52,673.00			

SECTION THREE
EXHIBIT C
VALUE MANAGEMENT



VM No.	VM Description	Subcontractor	BP0400	BP0500	BP0740	BP0840	BP1073	BP1140	BP1166	BP1220	BP3100	VE Cost	Status (A/R)
VM #01	Delete the entire new building addition for the elevator on the Gymnasium building and the entire sitework scope associated with the building addition scope of work, Estimated range for this savings is \$630k to \$690k, time lost would be 15-17 weeks	Multiple Trades										\$ (650,000.00)	R
VM #02	Pavilion - Change the Envista Deck on the Pavilion Building to a standard painted metal roof deck for Alternate 1, underside of metal deck will be painted.	Steel Speciality		\$ (210,780.00)								\$ (210,780.00)	
VM #03	Pavilion - Change skylights on the Pavilion building to a standard seam roof system to match the rest of the roof system for Alternate 1	MBA Roofing			\$ 21,625.00	\$ (85,000.00)						\$ (63,375.00)	A
VM #04	Pavilion - Accept the Alternate 1 for only the sitework scope within the 60 day deadline from the bid date to accept the new low bidder for this scope	Mountain Crest & Lackey Grading									\$ (238,300.00)	\$ (238,300.00)	
VM #05	Pavilion - Change the structure of the Pavilion Building to an open Pre-engineered building structure with metal roof decking a standing seam roof with openings around the perimeter to match original program, time lost would be 15-17 weeks, Note this item can't be accepted with VM #2	Multiple Trades										\$ (442,000.00)	
VM #06	Pavilion - Delete the entire masonry fireplace structure at the end of the Pavilion	J&K Privette Masonry	\$ (44,000.00)									\$ (44,000.00)	
VM #07	Pavilion - Budget deduction to delete the Underground Stormwater Containment Basin and storm drain that supports the system from the Pavilion Site. This estimate is from the low apparent bidder for the base bid and will have to be updated once new civil design is provided for this change	Mountain Crest & Lackey Grading									\$ (95,000.00)	\$ (95,000.00)	
VM #08	Auditorium - Provide 1 motorized shade instead of 2 (black out and translucent) at all windows	Integrity Blinds and Shutters								TBD		\$ -	
VM #09	Auditorium - Eliminate or reduce the back stage upper level scope of work	Multiple Trades										\$ -	
VM #10	Gymnasium - Eliminate the Kitchen/Concession Equipment from scope and Owner can supply in the future	Singer						TBD				\$ -	
VM #11	Gymnasium - Delete 4 of the basekeball goals and leave the 2 end basketball goals	Learning Environments							TBD			\$ -	
VM #12	Pavilion - Eliminate the Kitchen Equipment from scope and Owner can supply in the future	Singer						TBD				\$ -	
VM #13	Pavilion - Eliminate or reduce the interior scope within the support building to just have the public restrooms	Multiple Trades										\$ -	
VM #14	Pavilion - Eliminate the exterior canopies	East Coast EVM, LLC					TBD					\$ -	
VM #15	Pavilion - Refine the overall civil scope and coordinate with new civil design as outlined in VM #7 above. (Example is to change all of the pavement at parking areas to stone)	Multiple Trades										\$ -	
VM #16	Estimated cost increases for delaying the approval of GMP beyond 90-day pricing deadline of 12/11/25, overall pricing increases for project could be 4%-7% with going into the new year. Range for Alternate 1 can be \$165k to \$300k. Range for Base Bid can be \$210k to \$365k.	Multiple Trades									\$ 520,000.00	\$ 520,000.00	
Value Engineering Subtotal												\$ (1,223,455.00)	
ACCEPTED Value Engineering Subtotal												\$ (63,375.00)	

SECTION FOUR
EXHIBIT D
ALLOWANCE LOG



ALLOW #	BID PACKAGE	DESCRIPTION	QUANTITY	UNIT OF MEASURE	UNIT PRICE	ALLOWANCE AMOUNT
Base Bid - Gymnasium and Auditorium Building and Sitework						
1	BP3100	Unsuitable Soils REMOVAL and DISPOSAL OFF-site	500	CUYD	\$ 25.00	\$ 12,500
2	BP3100	Unsuitable soil REMOVAL and DISPOSAL ON-site.	500	CUYD	\$ 0.00	\$ 0
3	BP3100	REPLACEMENT of removed rock or unsuitable soils with OFF-site Suitable Soil.	500	CUYD	\$ 25.00	\$ 12,500
4	BP3100	REPLACEMENT of removed ROCK or unsuitable soils with ON-site suitable soil.	500	CUYD	\$ 0.00	\$ 0
5	BP2700	Sound System, A/V Equipment, Projector for Auditorium & Gym	1	ALLOW	\$ 150,000.00	\$ 150,000
6	BP0840	Address water intrusion Issue on the North wall of the Auditorium, replace 2 windows on North Wall and replace curtain wall on South Wall entrance, repair masonry at windows, apply water repellant to existing surface on North Wall. Work needs to be further reviewed at demo.	1	ALLOW	\$ 185,000.00	\$ 185,000
7	BP0200	Abatement of Asbestos sealant and lead painting at existing windows to remain at the Gymnasium	1	ALLOW	\$ 20,000.00	\$ 20,000
8	BP0840	Existing glazing replacement where glazing is damage beyond repair and can't be repaired on the Gymnasium	1	ALLOW	\$ 10,000.00	\$ 10,000
9	BP1000	Installation of all Div. 10 items in the base bid Auditorium and Gym	1	ALLOW	\$ 6,200.00	\$ 6,200
10	BP1230	Bench at Elevator Lobby at Gym Addition and walk off mat at Lobby (More Details Req.)	1	ALLOW	\$ 6,500.00	\$ 6,500
11	BP0500	Complete structural modifications at existing roof at Concession area at the Gymnasium for new roof top unit (Waiting on Final Dwgs.)	1	ALLOW	\$ 85,000.00	\$ 85,000
12	BP0500	Structural modifications to the existing Gymnasium flooring for new use (Waiting on design requirements from structural engineer)	1	ALLOW	\$ 200,000.00	\$ 200,000
13	BP0890	Misc. framing repairs or mold mitigation at Gymnasium existing ceiling framing for new ceiling to be installed (Substrate is not visible until demolition work is performed)	1	ALLOW	\$ 30,000.00	\$ 30,000
14	BP0100	Special Inspections to be performed by the Owner for the Gymnasium and Auditorium phase	1	ALLOW	\$ 20,000.00	\$ 20,000
15	BP1430	Provide a new platform wheelchair lift at the Auditorium stage that meets NC State Code requirements.	1	ALLOW	\$ 40,000.00	\$ 40,000
Alternate No. 1 - Pavilion and OVT Pavilion Support Building						
1	BP1000	Installation of all Div. 10 items in the Alternate 1 - Pavilion	1	ALLOW	\$ 2,600.00	\$ 2,600
2	BP0840	Provide Skylight glazing system at the peak of the new pavilion structure in Alternate no. 1	1	ALLOW	\$ 85,000.00	\$ 85,000
3	BP3100	Provide subsurface foundation improvements for new Pavilion within Alternate no. 1 per the Geotech recommendation (Waiting on updated design of site)	1	ALLOW	\$ 100,000.00	\$ 100,000
4	BP0100	Special Inspections to be performed by the Owner for work with Alternate no. 1 Pavilion Site	1	ALLOW	\$ 25,000.00	\$ 25,000
5	BP3100	Alternate no. 1 fencing scope requirements per plans for the Pavilion site (Final layout will be determined by new site design)	1	ALLOW	\$ 20,227.00	\$ 20,227
TOTAL ALLOWANCES:						\$ 1,010,527

SECTION FIVE
EXHIBIT E
CONTRACT DOCUMENTS LOG



PROJECT CONTRACT DOCUMENTS

EXHIBIT E: PROJECT CONTRACT DOCUMENTS

Dwg. Number	Auditorium Building - Dwg. Name	Date
T-0.0	COVER	7/25/2025
T-0.1	BUILDING CODE SUMMARY	7/25/2025
T-0.2	LIFE SAFETY PLAN	7/25/2025
T-0.3	ACCESSIBILITY DIAGRAMS	7/25/2025
T-0.4	PROJECT NOTES AND SYMBOLS	7/25/2025
CIVIL		
C-0.1	GENERAL CIVIL NOTES AND STANDARD SYMBOLS	7/25/2025
C-1.1	EXISTING SITE CONDITIONS AND DEMOLITION PLAN	7/25/2025
C-2.1	PROPOSED SITE UTILITY PLAN	7/25/2025
C-3.1	PROPOSED SITE GRADING, DRAINAGE, AND EROSION CONTROL PLAN	7/25/2025
C-3.2	PROPOSED STORM DRAINAGE PROFILE	7/25/2025
C-4.1	PROPOSED UTILITY PLAN	7/25/2025
C-5.1	STANDARD SITE DETAILS	7/25/2025
C-5.2	STANDARD SITE DETAILS	7/25/2025
C-5.3	STANDARD SITE DETAILS	7/25/2025
C-5.4	STANDARD SITE DETAILS	7/25/2025
C-5.5	STANDARD SITE DETAILS	7/25/2025
ARCHITECTURAL		
AD1.0	DEMOLITION PLAN	7/25/2025
AD1.1	DEMOLITION PLAN	7/25/2025
AD1.2	DEMOLITION REFLECTED CEILING PLAN	7/25/2025
AD2.0	DEMOLITION ELEVATIONS	7/25/2025
AD3.0	DEMOLITION DETAILS	7/25/2025
A1.0	FLOOR PLAN	7/25/2025
A1.1	FLOOR PLAN	7/25/2025
A1.2	REFLECTED CEILING PLAN	7/25/2025
A1.21	REFLECTED CEILING PLAN	7/25/2025
A1.30	FINISH PLAN	7/25/2025
A2.0	BUILDING ELEVATIONS	7/25/2025
A2.10	INTERIOR ELEVATIONS	7/25/2025
A3.0	BUILDING / WALL SECTIONS / DUMPSTER ENCLOSURE	7/25/2025
A3.2	FLEX STEP DETAILS	7/25/2025
A3.3	NEW RAMP AND STAIR DETAILS	7/25/2025
A4.0	TOILET ROOM PLANS & ELEVATIONS	7/25/2025
A5.0	DOORS & WINDOWS	7/25/2025
STRUCTURAL		



PROJECT CONTRACT DOCUMENTS

S-0.0	STRUCTURAL GENERAL NOTES	7/25/2025
S1.0	FIRST FLOOR STRUCTURAL PLAN	7/25/2025
S5.0	LENOIR HIGH SCHOOL AUDITORIUM STRUCTURAL DETAILS	7/25/2025
PLUMBING		
P0.1	PLUMBING NOTES, LEGEND, SCHEDULE	7/25/2025
PD1.0	BASEMENT LEVEL - PLUMBING DEMOLITION PLAN	7/25/2025
PD1.1	MAIN LEVEL - PLUMBING DEMOLITION PLAN	7/25/2025
PD1.2	UPPER LEVEL - PLUMBING DEMOLITION PLAN	7/25/2025
P1.0	BASEMENT LEVEL - PLUMBING RENOVATION PLAN	7/25/2025
P1.1	MAIN LEVEL - PLUMBING RENOVATION PLAN	7/25/2025
P1.2	UPPER LEVEL - PLUMBING RENOVATION PLAN	7/25/2025
MECHANICAL		
M0.1	MECHANICAL NOTES, LEGEND, SCHEDULES	7/25/2025
MD1.0	BASEMENT LEVEL - MECHANICAL DEMOLITION PLAN	7/25/2025
MD1.1	MAIN LEVEL - MECHANICAL DEMOLITION PLAN	7/25/2025
MD1.2	UPPER LEVEL - MECHANICAL DEMOLITION PLAN	7/25/2025
M1.0	BASEMENT LEVEL - MECHANICAL RENOVATION PLAN	7/25/2025
M1.1	MAIN LEVEL - MECHANICAL RENOVATION PLAN	7/25/2025
M1.2	UPPER LEVEL - MECHANICAL RENOVATION PLAN	7/25/2025
ELECTRICAL		
E0.1	ELECTRICAL LEGEND, NOTES, DETAILS	7/25/2025
E0.2	ELECTRICAL SYMBOL SCHEDULE	7/25/2025
ED1.0	BASEMENT LEVEL - ELECTRICAL DEMOLITION PLAN	7/25/2025
ED1.1	MAIN LEVEL - ELECTRICAL DEMOLITION PLAN	7/25/2025
ED1.2	UPPER LEVEL - ELECTRICAL DEMOLITION PLAN	7/25/2025
E1.0	BASEMENT LEVEL - ELECTRICAL RENOVATION PLAN	7/25/2025
E1.1	MAIN LEVEL - ELECTRICAL RENOVATION PLAN	7/25/2025
E1.2	UPPER LEVEL - ELECTRICAL RENOVATION PLAN	7/25/2025
E2.1	PANEL SCHEDULE AND POWER RISER	7/25/2025
FIRE ALARM		
FA0.1	FIRE ALARM LEGEND, NOTES, DETAILS	7/25/2025
FAD1.0	BASEMENT LEVEL - FIRE ALARM DEMOLITION PLAN	7/25/2025
FAD1.1	MAIN LEVEL - FIRE ALARM DEMOLITION PLAN	7/25/2025
FAD1.2	UPPER LEVEL - FIRE ALARM DEMOLITION PLAN	7/25/2025
FA1.0	BASEMENT LEVEL - FIRE ALARM RENOVATION PLAN	7/25/2025
FA1.1	MAIN LEVEL - FIRE ALARM RENOVATION PLAN	7/25/2025
FA1.2	UPPER LEVEL - FIRE ALARM RENOVATION PLAN	7/25/2025



PROJECT CONTRACT DOCUMENTS

Dwg. Number	Gymnasium Building - Dwg. Name	Date
T-0.0	COVER	7/25/2025
T-0.1	BUILDING CODE SUMMARY	7/25/2025
T-0.2	EXISTING LIFE SAFETY PLAN	7/25/2025
T-0.3	LIFE SAFETY PLAN	7/25/2025
T-0.4	ACCESSIBILITY DIAGRAMS	7/25/2025
CIVIL		
C-0.1	GENERAL CIVIL NOTES AND STANDARD SYMBOLS	7/25/2025
C-1.1	EXISTING SITE CONDITIONS AND DEMOLITION PLAN	7/25/2025
C-2.1	PROPOSED SITE UTILITY PLAN	7/25/2025
C-3.1	PROPOSED SITE GRADING, DRAINAGE, AND EROSION CONTROL PLAN	7/25/2025
C-3.2	PROPOSED STORM DRAINAGE PROFILE	7/25/2025
C-4.1	PROPOSED UTILITY PLAN	7/25/2025
C-5.1	STANDARD SITE DETAILS	7/25/2025
C-5.2	STANDARD SITE DETAILS	7/25/2025
C-5.3	STANDARD SITE DETAILS	7/25/2025
C-5.4	STANDARD SITE DETAILS	7/25/2025
ARCHITECTURAL		
AD1.0	DEMOLITION PLAN	7/25/2025
AD2.0	DEMOLITION REFLECTED CEILING PLAN	7/25/2025
AD3.0	DEMOLITION ELEVATIONS	7/25/2025
AD3.1	DEMOLITION ELEVATIONS	7/25/2025
A1.0	FLOOR PLAN	8/26/2025
A1.1	FLOOR PLAN - BASEMENT / MEZZANINE	8/26/2025
A1.2	ENLARGED FLOOR PLAN - LOBBY ADDITION	8/26/2025
A1.3	TOILET ROOM PLANS	7/25/2025
A1.4	TOILET ROOM ELEVATIONS	7/25/2025
A1.5	EQUIPMENT PLAN	7/25/2025
A2.0	REFLECTED CEILING PLAN	7/25/2025
A2.1	ENLARGED REFLECTED CEILING PLAN - LOBBY ADDITION	7/25/2025
A2.2	LIGHT FIXTURE SCHEDULE	7/25/2025
A2.3	RCP - SPRINKLER LOCATIONS	7/25/2025
A3.0	ROOF PLAN	7/25/2025
A4.0	BUILDING ELEVATIONS	7/25/2025
A4.1	BUILDING ELEVATIONS	7/25/2025
A4.2	BUILDING ELEVATIONS - ENLARGED	7/25/2025
A4.3	BUILDING SECTIONS	7/25/2025
A4.4	WALL SECTIONS	8/26/2025



PROJECT CONTRACT DOCUMENTS

A4.5	WALL SECTIONS / DETAILS	7/25/2025
A4.7	ELEVATOR SHAFT SECTIONS	8/26/2025
A4.8	ENLARGED VIEWS	7/25/2025
A4.9	STAIR DETAILS	7/25/2025
A4.10	STAIR DETAILS	7/25/2025
A4.11	NEW RAMP PLAN AND DETAILS	7/25/2025
A5.0	FINISH PLAN	7/25/2025
A5.1	FINISH PLAN	7/25/2025
A6.0	INTERIOR ELEVATIONS	7/25/2025
A7.0	DOORS & WINDOWS	8/26/2025
STRUCTURAL		
S0.0	STRUCTURAL GENERAL NOTES	7/25/2025
S0.1	STRUCTURAL GENERAL NOTES	7/25/2025
S1.0	STRUCTURAL FOUNDATION PLAN	7/25/2025
S1.1	MAIN FLOOR FRAMING PLAN	7/25/2025
S1.2	ROOF FRAMING PLAN	7/25/2025
S2.1	STRUCTURAL ELEVATION VIEWS	7/25/2025
S3.1	STRUCTURAL SECTION VIEWS	7/25/2025
S3.2	STRUCTURAL SECTION VIEWS	7/25/2025
S5.0	STRUCTURAL FOUNDATION DETAILS	7/25/2025
S5.1	STRUCTURAL FOUNDATION DETAILS	7/25/2025
S5.2	STRUCTURAL STEEL DETAILS	7/25/2025
S5.3	STRUCTURAL STEEL DETAILS	7/25/2025
S5.4	STRUCTURAL STEEL DETAILS	7/25/2025
S5.5	STRUCTURAL STEEL DETAILS	7/25/2025
S5.6	STRUCTURAL STEEL DETAILS	7/25/2025
S5.7	STRUCTURAL STEEL DETAILS	7/25/2025
S5.8	STRUCTURAL COLD-FORM DETAILS	7/25/2025
S5.10	STRUCTURAL MASONRY DETAILS	7/25/2025
PLUMBING		
P0.1	PLUMBING NOTES, LEGEND, SCHEDULE	7/25/2025
P0.2	PLUMBING FIXTURE SCHEDULE	7/25/2025
P1.0	PLUMBING PLAN	7/25/2025
P1.1	ENLARGED PLUMBING PLAN & WASTE RISER	7/25/2025
P2.1	PLUMBING DETAILS	7/25/2025
MECHANICAL		
M0.0	MECHANICAL NOTES, LEGEND, SCHEDULES	7/25/2025
MD1.0	MECHANICAL DEMOLITION PLAN	7/25/2025
M1.0	MECHANICAL PLAN	7/25/2025



PROJECT CONTRACT DOCUMENTS

M1.1	MECHANICAL ROOF PLAN	7/25/2025
M1.2	MECHANICAL SECTIONS & GAS PIPING RISER	7/25/2025
M2.1	MECHANICAL DETAILS	7/25/2025
M2.2	MECHANICAL DETAILS	7/25/2025
ELECTRICAL		
E0.1	ELECTRICAL LEGEND, NOTES, DETAILS	7/25/2025
E0.2	LIGHT FIXTURE SCHEDULE	7/25/2025
E0.3	ELECTRICAL DETAILS	7/25/2025
E1.0	ELECTRICAL DEMOLITION PLAN	7/25/2025
E1.1	ELECTRICAL RENOVATION PLAN	7/25/2025
E1.2	LIGHTING RENOVATION PLAN	7/25/2025
E1.3	ELECTRICAL ROOF PLAN	7/25/2025
E3.1	POWER RISERS	7/25/2025
E3.2	PANEL SCHEDULES	7/25/2025
FIRE ALARM		
FA0.1	FIRE ALARM LEGEND, NOTES, DETAILS	7/25/2025
FA1.0	FIRE ALARM DEMOLITION PLANS	7/25/2025
FA1.1	FIRE ALARM RENOVATION PLANS	7/25/2025

Dwg. Number	Pavilion and Pavilion Support Building - Dwg. Name	Date
T-0.0	COVER	7/25/2025
T-0.1	BUILDING CODE SUMMARY - LEOS BUILDING	7/25/2025
T-0.2	BUILDING CODE SUMMARY - PAVILION	7/25/2025
T-0.3	LIFE SAFETY PLAN	7/25/2025
CIVIL		
C-0.1	GENERAL CIVIL NOTES AND STANDARD SYMBOLS	7/25/2025
C-0.2	NCG01 NOTES	7/25/2025
C-1.1	EXISTING SITE CONDITIONS AND DEMOLITION PLAN	8/25/2025
C-2.1	PROPOSED SITE LAYOUT PLAN	8/25/2025
C-3.1	PROPOSED SITE GRADING PLAN	8/25/2025
C-3.2	PROPOSED SITE DRAINAGE PLAN	8/25/2025
C-4.1	EROSION CONTROL PLAN - PHASE I	8/25/2025
C-4.2	EROSION CONTROL PLAN - PHASE II	8/25/2025
C-4.3	EROSION CONTROL PLAN - PHASE III	8/25/2025
C-5.1	PROPOSED CODE LANDSCAPE PLAN	8/25/2025
C-6.1	STANDARD SITE DETAILS	8/25/2025
C-6.2	STANDARD SITE DETAILS	7/25/2025



PROJECT CONTRACT DOCUMENTS

C-6.3	STANDARD SITE DETAILS	7/25/2025
C-6.4	STANDARD SITE DETAILS	7/25/2025
C-6.5	STANDARD SITE DETAILS	7/25/2025
C-7.4	STANDARD SITE DETAILS	8/25/2025
C-7.8	STANDARD SITE DETAILS	8/25/2025
ARCHITECTURAL		
AD1.0	DEMOLITION PLAN	7/25/2025
AD2.0	DEMOLITION ELEVATIONS	7/25/2025
A1.0	LEOS RENOVATION FLOOR PLAN	7/25/2025
A1.1	REFLECTED CEILING PLAN & ROOF PLAN	7/25/2025
A1.2	LIGHT FIXTURE SCHEDULE	7/25/2025
A1.3	FINISH PLAN	7/25/2025
A1.4	BUILDING ELEVATIONS	7/25/2025
A1.5	TOILET ROOM PLANS & ELEVATIONS	7/25/2025
A1.6	WARMING KITCHEN & TOILET ROOM PLAN & ELEVATIONS	7/25/2025
A1.7	BUILDING SECTIONS	7/25/2025
A1.8	DOORS & WINDOWS	7/25/2025
A1.10	STAIR AND PLATFORM DETAILS	7/25/2025
A1.11	STAIR DETAILS, TYP.	7/25/2025
A1.13	RAILING DETAILS, TYP.	7/25/2025
A2.0	PAVILION FLOOR PLAN + RCP + ROOF PLAN	7/25/2025
A2.1	PAVILION RCP REFERENCE	7/25/2025
A2.2	PAVILION ELEVATIONS	7/25/2025
A2.3	PAVILION SECTION	7/25/2025
A2.4	PAVILION CHIMNEY	7/25/2025
A2.5	DETAILS	7/25/2025
A2.6	SKYLIGHT DETAILS	7/25/2025
STRUCTURAL		
S0.0	STRUCTURAL GENERAL NOTES	7/25/2025
S1.0	STRUCTURAL FOUNDATION PLAN	7/25/2025
S1.1	FIRST FLOOR STRUCTURAL PLAN	7/25/2025
S1.2	PAVILION ROOF FRAMING PLAN	7/25/2025
S5.0	PAVILION STEEL DETAILS	7/25/2025
S5.1	PAVILION STRUCTURAL DETAILS	7/25/2025
PLUMBING		
P0.1	PLUMBING NOTES, LEGEND, LOAD, FIXTURE SCHEDULE	7/25/2025
P0.2	PLUMBING FIXTURE SCHEDULE AND DETAILS	7/25/2025
P1.0	LEOS PLUMBING PLAN	7/25/2025
P2.0	PAVILION PLUMBING PLAN	7/25/2025



PROJECT CONTRACT DOCUMENTS

P3.1	WASTE PIPING RISER	7/25/2025
	MECHANICAL	
M0.1	MECHANICAL NOTES, LEGEND, SCHEDULES	7/25/2025
M1.0	LEOS MECHANICAL PLAN	7/25/2025
M1.1	LEOS MECHANICAL ROOF PLAN	7/25/2025
M2.1	GAS PIPING RISER	7/25/2025
M3.1	MECHANICAL DETAILS	7/25/2025
	ELECTRICAL	
ED1.0	ELECTRICAL DEMOLITION PLAN	7/25/2025
ED1.1	LIGHTING DEMOLITION PLAN	7/25/2025
E0.1	ELECTRICAL LEGEND, NOTES, DETAILS	7/25/2025
E0.2	ELECTRICAL DETAILS & LIGHT FIXTURE SCHEDULE	7/25/2025
E1.0	ELECTRICAL RENOVATION PLAN	7/25/2025
E1.1	LIGHTING RENOVATION PLAN	7/25/2025
E1.2	PAVILION ELECTRICAL PLAN	7/25/2025
E1.3	ROOF ELECTRICAL PLAN	7/25/2025
E3.2	POWER RISER AND PANEL SCHEDULES	7/25/2025
	FIRE ALARM	
FA0.1	FIRE ALARM LEGEND, NOTES, DETAILS	7/25/2025
FA0.2	FIRE ALARM DEMOLITION PLAN	7/25/2025
FA1.0	FIRE ALARM RENOVATION PLAN	7/25/2025

END OF SECTION

SECTION SIX
EXHIBIT F
**QUALIFICATIONS &
CLARIFICATIONS**



Construction

346 9th St SE
Hickory, NC 28602
803-329-3250
www.jmcope.com

November 10, 2005

Mr. David Coffey
Risk Manager & Purchasing Agent
Lenoir, NC

Re: Exhibit F: Lenoir Downtown Campus Improvements Qualifications and Assumptions

Dear Mr. Coffey,

JM Cope submits the following Assumptions & Clarifications:

- Building permit allowances are included in this GMP as referenced in Exhibit A.
- Any off-site improvements, right of way, or NC DOT improvements are specifically excluded from this GMP.
- All meter fees, tap fees, and impact fees are excluded.
- GMP is based on pricing being valid through 12/11/25 with all trades. Notice of Approval for this project must be issued 1-2 weeks prior to the 12/11/25 date, so Letters of Commitments can be issued to the low responsive bidders before that date.
- This GMP excludes any owner FFE.
- The City of Lenoir will purchase, furnish and install all the new seating within the Auditorium on the 1st flr. and Mezzanine level. JM Cope will demo and remove all the existing seating within the Auditorium as noted on the contract documents. Installation of the new seating will be coordinated with JM Cope as required to meet the project schedule requirements.
- Please refer to Exhibit B & Exhibit C for any alternatives added to the project or scope that was value engineered for cost savings measures.
- Please refer to Exhibit D for any allowances added to the project or scope that is going to be completed with this project, but final amounts for each allowance will be reconciled upon completion of design documents.
- We have not included any design costs in this GMP.
- We have not included any labor or materials for the low voltage, security, or sounds systems scopes of work.
- We have not included in the GMP any scope related to the transformers, power poles, and/or primary service to include any conduit, wiring, or duct bank at any of the sites. Demolition and or relocation by the owner and will be coordinated with JM Cope to meet the project schedule.
- All existing equipment within this project that is to remain will be tested for functionality, documented, and reported per the contract documents. Any repair work required to existing equipment will be reviewed and priced accordingly for the City of Lenoir to review to provide authorization as a change order to the contract.
- Note there is existing areas within the Gymnasium, Auditorium and Pavilion Support Building that show evidence of past water intrusion damage. JM Cope has included allowances to investigate these unforeseen conditions further during the project and will provide remediation work for approval. The allowances will be reconciled upon the completion of the work. JM Cope will only guarantee water infiltration will not occur with the systems or remediation work



Construction

346 9th St SE
Hickory, NC 28602
803-329-3250
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we put in place.

- This GMP is based on a classified sitework scope and any unsuitable soils, mass rock, trench rock, undercutting, below grade trash, etc. will have to be handled with Unit Prices accordingly with the approval and direction of the Owner 3rd Party Special Inspections Testing Agency.
- This GMP includes taxes on imported materials at typical interval increases for the duration of construction project. Any mandated tax or tariff increases out of the normal, unforeseen, or because of current administration have not been included and JM Cope reserves the right to adjust costs based on said increases with supporting back up information.

Should you have any questions about these clarifications and assumptions, feel free to contact me.

Best Regards,
JM Cope Construction

A handwritten signature in black ink, appearing to read 'Hunter Galliher'.

Hunter Galliher
Project Manager

Total Project Costs Costs and Funding

Description	Total Cost	Secured Funding	Funds Needed to Complete
Auditorium	\$ 1,962,112.00	\$ 1,155,207.80	\$ 806,904.20
Gym	\$ 3,872,204.00	\$ 2,242,462.20	\$ 1,629,741.80
OVT Farmers Market Pavilion	\$ 3,374,813.50	\$ 700,000.00	\$ 2,674,813.50
OVT Visitors Center	\$ 877,388.50		\$ 877,388.50
Total	10,086,518.00	4,097,670.00	5,988,848.00

**CITY OF LENOIR
COUNCIL ACTION FORM**

- I. Agenda Item:** Consideration of a Capital Project Budget Ordinance for The Campus Project - Phase One.
- II. Background Information:** Attached for your consideration is the Capital Project Budget Ordinance for The Campus Project - Phase One to include the expenditure of funds for the renovations to the Auditorium and Gymnasium at the Historical Lenoir High School Campus. The project is to be funded by two grants from the NC Department of Commerce, two allocations from the State Capital Infrastructure Fund, Lenoir Tourism Development (LTDA) funding, Community Development Block Grant funding, private donations and local funding. The total Capital Project Budget Ordinance is \$5,384,316.00.
- III. Staff Recommendation:** Staff requests that City Council adopt the Capital Project Budget Ordinance for The Campus Project - Phase One.
- IV. Reviewed By:**
- City Attorney:
- Finance Director: *Donna Bean*
- Public Works/Public Utilities Director:
- Planning Director:
- Recreation Director:

Capital Project Ordinance for the City of Lenoir

The Campus Project - Phase One

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

Section 1: The project to authorize activities for The Campus Project - Phase One to include the expenditure of funds for the renovations to the Auditorium and Gymnasium at the Historical Lenoir High School Campus. The project is to be funded by two grants from the NC Department of Commerce, two allocations from the State Capital Infrastructure Fund, Lenoir Tourism Development (LTDA) funding, Community Development Block Grant funding, private donations and local funding.

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

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

Description	Budget
Admin and Professional Services	\$ 345,000.00
Construction	\$ 5,186,646.00
Audio Visual and Seats	\$ 302,670.00
Total	\$ 5,834,316.00

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

Description	Budget
Grant Funding	\$ 2,905,000.00
Local Funding	\$ 2,436,646.00
CDBG Funding	\$ 302,670.00
LTDA	\$ 150,000.00
Private Donations	\$ 40,000.00
Total Revenue	\$ 5,834,316.00

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

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

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

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

Adopted this 2nd day of December, 2025.

Mayor

Clerk

CITY OF LENOIR**COUNCIL ACTION FORM: December 2, 2025****I. Agenda Item:**

Consideration of Offer to Purchase 1340 Fairview Dr SW (See attached map).

II. Background Information:

Marcus Sims has submitted an offer to purchase 1340 Fairview Drive SW owned by the City of Lenoir in the amount of \$13,000.00 plus advertising costs, NCPIN #2748563698 and Tax ID# 06184-1-7 as submitted.

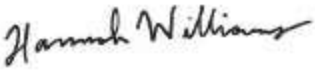
Consistent with NCGS 160A-269, if Council proposes to accept the offer, staff will then provide notice of the offer in the Lenoir News Topic to initiate the upset bidding process. Following a period of 10 days with no upset bids, staff will present the highest bid offered to the Council, at which time a final decision on whether or not to sell the property can be made.

See attached map and deed (Deed BK 2104, PG 1174).

III. Staff Recommendation: Consider the offer and direct staff to advertise for upset bids.**IV. Reviewed by:**

City Attorney: _____

Finance Director: _____

Planning Director: 

Date: 01/11/25

Scott Hildebran, Manager
City of Lenoir
801 West Avenue NW
Lenoir, NC 28645

Mr. Hildebran:

Please accept this letter as my official bid offer of \$ 13,000.00 for property owned by the City of Lenoir and located at 1340 Fairview DR. SW further identified by NC PIN 274-8563698 Lenoir NC

Furthermore, I understand that (check any/all that apply):

- ☐ This property contains a deteriorated or dilapidated structure. As part of my offer, I agree to repair the structure in accordance with the standards contained in Chapter 10 of the Lenoir City Code and all applicable state building codes, or to remove this structure at my own expense.
- ☐ Published Notice. As part of my offer, I agree to pay all costs associated with the public notices required by 160A-269.

Enclosed is a deposit of 5% of the bid in accordance with 160A-269.

Sincerely,

Marcus W Sims (please sign)

Full Name: MARCUS W SIMS

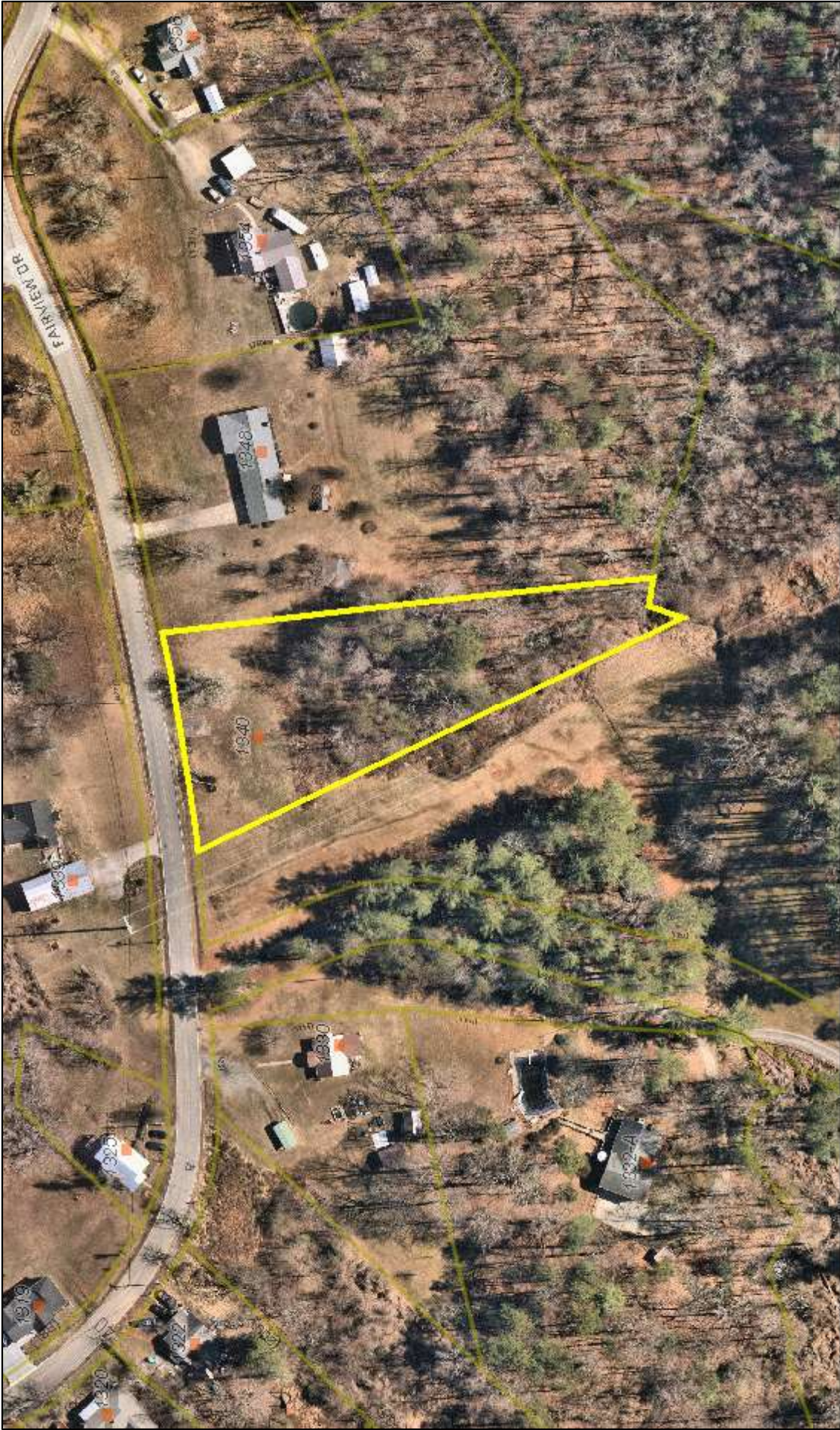
Phone number: 828-499-2364

Mailing Address: PO Box 3495, Lenoir NC 28645

Email: marcuswsims@gmail.com

§ 160A-269. Negotiated offer, advertisement, and upset bids.

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first



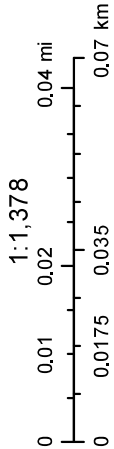
This map is NOT of land survey quality and is NOT suitable for such use.

Owner CITY OF LENOIR
PO BOX 958
LENOIR, NC 28645

Acct Number 107485
Parcel ID 06184 1 7
NCPIN 2748563698

Deferred Val \$
Assessed Val \$18,500
Calc Acreage 1.00034446
Land Units 164 (FF)
Legal Desc BK 2104 PG 1174 YR 24 ST 0.00
Plat Ref 00000/00000
Property Addr 1340 FAIRVIEW DR

Caldwell County



November 18, 2025

This instrument is prepared by Richard J. Kania, a licensed North Carolina Attorney.

Delinquent taxes, if any, are to be paid by Closing Attorney to the county tax collector upon disbursement of closing proceeds.

PIN #: 06-184-1-7

Prepared by: Richard J. Kania, Attorney

Deed Stamps: \$0.00

Mail after recording to: Grantee

COMMISSIONER'S DEED

THIS COMMISSIONER'S DEED, made this 11th day of March, 2024, by and between

GRANTOR	GRANTEE
RICHARD J. KANIA, Commissioner	CITY OF LENOIR
82 Patton Ave., Ste. 500 Asheville, NC 28801	P.O. Box 958 Lenoir, NC 28645

WITNESSETH, That whereas Richard J. Kania was appointed Commissioner under an order of the Superior Court of Caldwell County, North Carolina, in the tax foreclosure proceeding entitled "City of Lenoir and County of Caldwell vs. Unknown Heirs at Law of Hazel Coggins Craig", (File #21 CvD 884); and was directed by the order as Commissioner to sell the property hereinafter described at public sale after due advertisement according to law;

Whereas Richard J. Kania, Commissioner, did on the 11th day of April, 2023, offer the land hereinafter described at a public sale at the Caldwell County Courthouse door, in Lenoir, North Carolina and City of Lenoir became the last and highest bidder for said land for the sum of \$18,500.00; and the sale having been confirmed, and Richard J. Kania, Commissioner, having been ordered to execute a deed to the purchaser upon payment of the purchase money;

Now, in consideration of the premises and the sum of \$18,500.00, receipt of which is hereby acknowledged, Richard J. Kania, Commissioner, does, by these presents, hereby bargain, sell, grant, and convey to Grantee, and its successors, heirs and assigns, that property situated in Caldwell County, North Carolina, and described as follows:

BEGINNING on a p. k. nail in the center of SR 1188, said BEGINNING point being the same as the Northwest corner of Tract #7; thence from the point of BEGINNING and with Tract #7, South 05° 44' 09" East, passing an iron stake at 30.00 feet, continuing 364.95 feet to an iron stake, and continuing 20.00 feet for a total distance of 414.95 feet to a point in the center of a small creek; thence with the center of said small creek for 3 calls: North 81° 06' 13" West 24.62 feet; South 19° 35' 58" West 50.15 feet; South 16° 11' 00" West 27.59 feet to an iron stake, a corner with Clyde Prestwood; thence with Prestwood and with the center of a Duke Power right-of-way line, North 25° 00' 00" West 500.00 feet to a p. k. nail in the center of SR 1188; thence with the center of SR 1188 for 4 calls: North 85° 15' 43" East 50.65 feet; North 82° 59' 13" East 52.78 feet; North 80° 55' 13" East 96.63 feet; North 79° 30' 11" East 20.74 feet to the point of BEGINNING, containing 1.44 ACRES gross by coordinates.

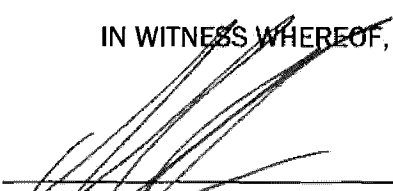
Subject to easements, restrictions and rights of way of record, and matters of survey.

Also being identified as Parcel ID# 06-184-1-7, Caldwell County Tax Office.
Address: 1340 Fairview Drive

This conveyance is made subject to Caldwell County and any applicable city property taxes, the payment of which shall be assumed by the purchaser.

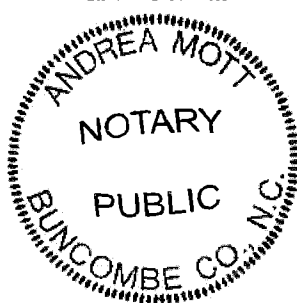
TO HAVE AND TO HOLD the aforesaid tract of land, to Grantee, its successors, heirs and assigns forever, in as full and ample manner as Richard J. Kania, Commissioner, is authorized and empowered to convey the same.

IN WITNESS WHEREOF, Richard J. Kania, Commissioner, has hereunto set his hand and seal.


Richard J. Kania
Commissioner

(SEAL)

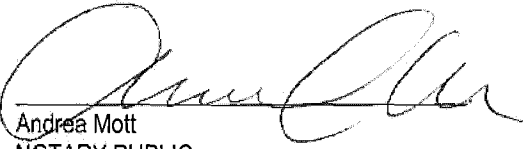
SEAL-STAMP



NORTH CAROLINA. Buncombe County

I, a Notary Public of the County and State aforesaid, do hereby certify that Richard J. Kania, Commissioner, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing Commissioner's deed.

Witness my hand and official seal this 11th day of March, 2024.


Andrea Mott
NOTARY PUBLIC
My commission expires: 07/16/2025

CITY OF LENOIR
COUNCIL ACTION FORM

- I. Agenda Item:** Consideration to approve a resolution designating the primary and secondary agents for the Advance Assistance application for Lenoir's Resilient Wastewater Infrastructure Project.
- II. Background Information:** The City of Lenoir, with the assistance of the Western Piedmont Council of Governments, is applying for the Lenoir's Resilient Wastewater Infrastructure Project. This project is a prior BRIC grant project. Hazard Mitigation Grant Program funds are being applied for to construct an equalization basin at the Lower Creek plant and the replacement of sewer lines along Zack's Fork Creek. The original resolution was approved by Council on June 24, 2025. This resolution is simply an update to the current members of the City Council.
- III. Staff Recommendation:** Staff recommends City Council approve the resolution, as presented.
- Reviewed by:**
- City Attorney:** _____
- Finance Director:** _____
- Public Works/Public Utilities Director:** Jeff Charch

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Request to revised the 2025 Community Development Block Grant Capital Project Budget Ordinance per the request from the Western Piedmont Council of Governments.

II. Background Information:

Request to revised the 2025 Community Development Block Grant Capital Project Budget Ordinance per the request from the Western Piedmont Council of Governments due to a mathematical error.

III. Staff Recommendation:

Approve as requested

IV. Reviewed by:

City Attorney:

Finance Director: *Donna Bean*

Public Works Director:

Public Utilities Director:

Planning Director:

Recreation Director:

CITY OF LENOIR
2025 COMMUNITY DEVELOPMENT BLOCK GRANT
CAPITAL PROJECT BUDGET ORDINANCE - REVISED

Be it ordained by the City Council of the City of Lenoir that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#B-25-MC-37-0022) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY-2025 CDBG Entitlement Program.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the DHUD and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete the project:

Revenues

Community Development Block Grant	<u>\$136,612.00</u>
Total Revenues	<u>\$136,612.00</u>

Section 4. The following amounts are appropriated for the project:

<u>Expenditures</u>	<u>Original Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
Public Facilities (Lenoir High School)	110,994.60	(1,705.00)	109,289.60
Program Administration	<u>27,322.40</u>	<u>0</u>	<u>27,322.40</u>
Total Expenditures	138,317.00	(1,705.00)	136,612.00

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and Federal and State regulations.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future cost and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the _____ day of _____, 2025.

Mayor

Clerk

CITY OF LENOIR
2025 COMMUNITY DEVELOPMENT BLOCK GRANT
CAPITAL PROJECT BUDGET ORDINANCE

Be it ordained by the City Council of the City of Lenoir that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#B-25-MC-37-0022) between this unit and the United States Department of Housing and Urban Development. This project is more familiarly known as the FY-2025 CDBG Entitlement Program.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the DHUD and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete the project:

Revenues

Community Development Block Grant	\$136,612.00
Total Revenues	<u>\$136,612.00</u>

Section 4. The following amounts are appropriated for the project:

Expenditures

Public Facilities (Lenoir High School)	\$110,994.60
Program Administration	<u>27,322.40</u>
Total Expenditures	\$136,612.00

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and Federal and State regulations.

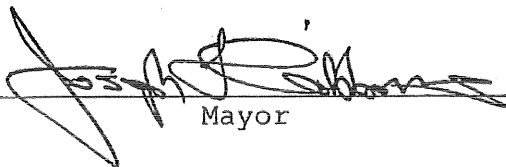
Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

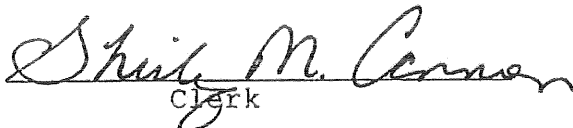
Section 8. The Budget Officer is directed to include a detailed analysis of past and future cost and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 3rd day of June, 2025.



Mayor



Clerk

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

From: [Rick Oxford](#)
To: [Bean, Donna](#)
Cc: [Jennifer Cannon](#); [Hildebran, Scott](#)
Subject: 2025 CDBG Project Budget Ordinance needs corrected
Date: Wednesday, November 19, 2025 2:19:50 PM
Attachments: [20251119144118653.pdf](#)
[2025 Lenoir CDBG ProjectBudgetOrd.docx](#)

Hey Donna,

Attached is a copy of an incorrect 2025 CDBG Project Budget Ordinance that was adopted on June 03, 2025. I have attached a WORD doc which is a corrected 2025 CDBG Project Budget Ordinance. Please get this approved and please send me and Jennifer a signed copy for our records.

Thanks

Rick Oxford
 Housing Program Manager
 HUD Certified Housing Counselor HUD #6ZJ3ZX

Mailing Address: P.O. Box 9026 | Hickory, NC 28603
 Physical Address: 1880 2nd Avenue NW | Hickory, NC 28601

Phone: 828-322-9191 Ext. 4245
www.rick.oxford@wpcog.org

-----Original Message-----

From: Email NoReply <noreply@wpcog.org>
 Sent: Wednesday, November 19, 2025 2:41 PM
 To: Rick Oxford <rick.oxford@wpcog.org>
 Subject: Message from "RNP002673BFD7C3"

This E-mail was sent from "RNP002673BFD7C3" (MP 7503).

Scan Date: 11.19.2025 14:41:18 (-0500)
 Queries to: noreply@wpcog.org

CITY OF LENOIR

COUNCIL ACTION FORM

I. Agenda Item: Capital Project Budget Ordinance for the Lower Creek Wastewater Treatment Plant (WWTP) Process Basin Improvements Project.

II. Background Information: The City has been tentatively approved to receive Clean Water State Revolving Funds (CWSRF) funding in the amount of \$5,600,000 to address the ammonia issues by replacing the mixers, diffusers, and air piping within the Process Basins and blowers to support efficient and effective Biological Nutrient Removal (BNR). The subject project includes the replacement of mixers in the anaerobic, anoxic, and aeration basins, replacement of diffusers in the aeration basins, replacement of air piping that feeds the diffusers, replacement of all three (3) blowers, concrete repairs to treatment basins, and all associate electrical wiring, conduits, instrumentation, and panels for this equipment. The upgrades and equipment replacements will not increase the treatment capacity of 6.0 MGD.
The Loan terms from the CWSRF are 2.62% interest rate over 20 years.

III. Staff Recommendation: Staff recommends City Council approval Capital Budget Ordinance for the Lower Creek Wastewater Treatment Plant (WWTP) Process Basin Improvement Project.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Public Works/Public Utilities Director:

Project Ordinance for the City of Lenoir

Lower Creek Wastewater Treatment Plant (WWTP) Process Basin

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

Section 1: The project to authorize activities for Lower Creek Wastewater Treatment Plant (WWTP) Process Basin to include the expenditure of funds for to address the ammonia NOV's by replacing the mixers, diffusers, and air piping within the Process Basins and blowers to support efficient and effective Biological Nutrient Removal (BNR). The project is to be funded by Clean Water State Revolving Fund Loan (Loan Term-2.62% interest rate over 20 years).

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

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

Description	Budget
Engineering and Professional Services	\$ 700,000.00
Construction and Contingency	\$ 4,788,000.00
Loan Fees - 2% to be invoiced after bids have been received	\$ 112,000.00
Total	\$ 5,600,000.00

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

Description	Budget
Clean Water State Revolving Fund Loan (Loan Term-2.62% interest rate over 20 years)	\$ 5,600,000.00
Total Revenue	\$ 5,600,000.00

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

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

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

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

Adopted this _____ day of _____, 2025.

Mayor

Clerk



December 2025



Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 5:00 p.m. City Council	3 9:00 a.m. Staff Meeting	4 LTDA (City Hall 3rd Floor) 4:00 p.m. Light Up Lenoir 5:00 p.m.	5 6:00 p.m. Night of Lights Christmas Parade	6
7	8	9	10	11 2:00 p.m. ABC Board	12 Luminary Display (Blue Ridge Memorial Park) 6:00-10:00 p.m.	13
14	15	16	17	18 Downtown Carriage Rides 6:00-9:00 p.m.	19 Downtown Carriage Rides 6:00-9:00 p.m. Rain Date-Luminary	20 Downtown Carriage Rides 6:00-9:00 p.m.
21	22	23	24 City Office closed in observance of Christmas	25 Merry Christmas! City Offices closed	26 City Office closed in observance of Christmas	27
28	29	30	31			29
30						

City of Lenoir
P.O. Box 958
Lenoir, N.C. 28645
www.cityoflenoir.com
757-2200 / 757-2162 fax

Joseph L. Gibbons, Mayor
Scott E. Hildebran, City Manager
Lauren Hartley, City Clerk



Lenoir Police Department

Council Action Form



I. Agenda Item:

First reading of an Ordinance amending Chapters 13 and 18 of the Lenoir Code of Ordinances to incorporate updates prompted by a US Supreme Court decision affirming municipal authority to regulate the use of city-owned property, and to authorize a public hearing on Tuesday, January 06, 2026, for the second reading of the Ordinance.

II. Background Information:

This ordinance was developed in response to evolving legal standards and community needs related to prohibited activities on publicly owned spaces. Recent court decisions have prompted municipalities to clarify and update regulations governing public property. To ensure the proposed ordinance is both legally sound and operationally practical, it has undergone a comprehensive evaluation by contracted attorneys, as well as the Western Piedmont Council of Governments Homeless Response Team. This review helped verify compliance, consistency, and clarity. Their feedback has shaped a final version that provides clearer definitions, refined enforcement mechanisms, and safeguards that balance public safety, property stewardship, and the fair use of shared community spaces.

III. Staff Recommendation:

Staff recommends adoption of the attached ordinance and to authorize a public hearing to be held on Tuesday, January 06, 2026 for the second reading of the ordinance.

IV. Reviewed by:

City Attorney: _____ Date: _____

City Manager: _____ Date: _____

Police Major: Major C. [Signature] Date: 11/18/2025

Police Chief: Chief [Signature] Date: 11/18/2025

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING CHAPTER 13 AND CHAPTER 18 OF THE CITY OF LENOIR CODE OF ORDINANCES RELATED TO PROHIBITED CONDUCT IN PUBLIC PARKS AND FACILITIES AND TRESPASSING ON OR UNDER BRIDGES PROVIDING FOR CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, the City of Lenoir is responsible for maintaining all public property, including parks, greenways, rights-of-way, bridges, pedestrian underpasses, and other municipal spaces in a safe, sanitary, structurally sound, and accessible condition for the benefit of all residents and visitors; and

Whereas, increasing concerns related to unauthorized camping, storage of personal property, obstruction of public streets, sidewalks, and pedestrian pathways, the placement of temporary shelters, and the lighting of open flames in or around public property, bridges, and underpasses have created public safety hazards, impeded pedestrian and vehicular access, and disrupted the intended use and maintenance of these critical public areas; and

Whereas, prohibiting unauthorized camping, the obstruction of public rights-of-way and pedestrian passages, the placement of temporary shelters, and the lighting of open flames in these areas is necessary to protect life safety, prevent fire hazards, maintain structural integrity, ensure proper functioning of public infrastructure, and reduce risks posed to both individuals engaging in such activities and the broader community; and

Whereas, the enforcement measures provided in the ordinance, including warnings, direction to cease prohibited activities, removal of hazardous materials, extinguishment of open flames, and issuance of Notices of Banishment when appropriate equip officers with reasonable and necessary tools to address unsafe conditions while preserving discretion and focusing on safety-driven outcomes that allow for lawful and appropriate use of public spaces; and

Whereas, the City Council finds that these amendments collectively promote public safety, protect essential public and transportation infrastructure, enhance the usability and enjoyment of parks and municipal properties, improve mobility and accessibility, support orderly city operations, and advance the City of Lenoir's commitment to maintaining clean, healthy, safe, and accessible public spaces for all residents and visitors; and

NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. Chapter 13, Article I, Section 13-15, of the Code of Ordinances, City of Lenoir, North Carolina, is hereby amended to read as follows:

~~Sec. 13-15. Prohibited conduct in public parks and facilities.~~

~~(a) *Being on premises after closing hours.* It is unlawful for any person to be on the premises of a public park or city-owned recreation facility after such park or facility has been closed to the public, unless such person is acting within the scope of his duties or unless such person has written permission from the city recreation department. For the purposes of this section, homeless persons seeking shelter are not in violation if sufficient community shelter space is unavailable because a) there is an inadequate number of beds at the time, or b) there are restrictions on beds that disqualify such persons at no fault of their own, e.g. disability access or exceeding maximum stay requirements.~~

~~(b) *Parking at place not designated for parking: leaving vehicle parked on premises after closing hours.* It is unlawful for any person to park a motor vehicle on the premises of any public park or city recreation facility at a place not designated for parking of vehicles, and it is unlawful for any person to park or allow a motor vehicle under his control to remain parked upon the premises of any public park or recreation facility which has been closed to the public, without written permission from the recreation department.~~

~~(c) *Closing hours defined.* A park or recreation facility shall be deemed closed to the public within the meaning of this section when area lights have been turned out or when attendants have closed such facilities and departed, or when all organized activity has ceased. In no case shall a park or recreation facility be considered open between the hours of 10:30 p.m. and 7:00 a.m., except for activity under the supervision of the parks and recreation department.~~

Sec. 13-15. - Unauthorized or Improper Use of Public Places

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Camp or camping means the use of city or public property for living accommodation purposes such as sleeping, or making preparations to sleep (including the laying down of bedding for the purposes of sleeping); storing personal property; placing any tent or a temporary shelter on the property for living accommodation purposes; regularly cooking or preparing meals; or other similar activities.

Encampment means one or more tent, structure, or assembly of camping equipment or personal property located in an identifiable area within the City of Lenoir which appears to a reasonable person as being used for camping.

Storing personal property means leaving one's personal effects, such as, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for any substantial prolonged length of time.

City property means any parcel of real property owned or leased by the city, including all municipal parks, greenways, public playgrounds, public plazas, attractions, and monuments.

Other public property includes all public or municipal buildings, facilities, structures, properties upon which the buildings, facilities, or structures are located, lots, parcels, and any other public property.

Public street includes all public streets, highways, rights-of-way, bridges, public sidewalks, public benches, public parking lots, and medians.

Temporary shelter means any tent, any tarp, or any type of structure or cover that provides complete or partial shelter from the elements.

Closing hours defined. A park or recreation facility shall be deemed closed to the public within the meaning of this section when area lights have been turned out or when attendants have closed such facilities and departed, or when all organized activity has ceased. In no case shall a park or recreation facility be considered open between the hours of 8:30 p.m. and 6:00 a.m., except for activity under the supervision of the parks and recreation department.

(b) Prohibited Acts.

- (1) Unless otherwise expressly permitted in writing by the city, it is unlawful for any person to camp, sleep, or store personal property on any city property, public street, including property located within public rights-of ways, sidewalks, bridges, or underpasses.
- (2) Tents, temporary shelters, or any items or structures designed or used for sleeping or overnight accommodation are prohibited on city property regardless of whether the tents are occupied and/or contain bedding or camping gear, except in locations designated in writing for camping and permitted for such activity. It is unlawful for any person to place or leave any tent, any temporary shelter, or any bedding on city property unless expressly permitted to do so in writing by the city manager or their designee.
- (3) It is unlawful for any person to obstruct, impede, or interfere with the free passage of persons or vehicles upon public streets and sidewalks, or at other public facilities. The prohibitions in this section shall not apply to individuals who are lawfully occupying, using, or remaining on public property for a legitimate purpose.
- (4) It is unlawful to camp, sleep, store personal property, sit, or lie down on any public property in a manner that obstructs or interferes with pedestrian or vehicular passage, ingress or egress to or from any building or property, or that disrupts, obstructs, or impedes the intended, permitted, or authorized use of the property.
- (5) It is unlawful for any person to light or maintain any open flame or fire on city property, unless specifically in accordance with authorization from city officials.
- (6) Prohibited Conduct in Public Parks and Facilities

(a) Being on premises after closing hours. It is unlawful for any person to be on the premises of a public park or city-owned recreation facility after such park or facility has been closed to the public, unless such person is acting within the scope of his duties or unless such person has written permission from the city recreation department.

(b) Parking at place not designated for parking; leaving vehicle parked on premises after closing hours. It is unlawful for any person to park a motor vehicle on the premises of any public park or city recreation facility at a place not designated for parking of vehicles, and it is unlawful for any person to park or allow a motor vehicle under his control to remain parked upon the premises of any public park or recreation facility which has been closed to the public, without written permission from the recreation department.

(c) Enforcement and Penalties.

- (1) Any activity prohibited under this article is hereby declared to constitute a public nuisance. Anyone, without written permission to do so, camps, attempts to camp, or places any tent or temporary shelter on city property in making preparations to sleep, stores personal belongings, or obstructs, impedes, or interferes with the free passage of persons or vehicles upon public streets and sidewalks, or at other public facilities shall be directed by any duly sworn law enforcement officer or city employee having authority to do so to cease such activity and remove any tents, bedding, temporary shelters, personal belongings, refuse, food containers, bottles, or other items commonly associated with camping or habitation from city property.
- (2) Lighting or maintaining any open flame or fire on city property poses a potential danger to the public and unless permitted to do so, any person lighting or maintaining any open flame or fire shall be directed to stop, to extinguish any burning material, and to remove same once that can be safely done. Any duly sworn law enforcement officer or city employee may summarily extinguish any burning material.
- (3) Duly sworn law enforcement officers, at their discretion, may issue a written Notice of Banishment to any individual found to be in violation of this article. The Notice of Banishment shall inform the individual that they are prohibited from remaining on or returning to the specific city property identified in the notice.
- (4) A person violating this ordinance may be subject to removal by law enforcement off the premises as a trespasser and be subject to those criminal sanctions set forth in Chapter 14 of the North Carolina Criminal Statutes; and

For health and safety reasons, any personal effects left unattended may be deemed abandoned and subject to immediate removal and disposal by the City.

Chapter 18, Article I, Section 18-2, of the Code of Ordinances, City of Lenoir, North Carolina, is hereby amended to read as follows:

~~Sec. 18-2. — Trespassing on or Under Bridges.~~

- ~~(a) Prohibited actions. It is unlawful for any person to loiter upon or under any bridge within the city.~~
- ~~(b) Signage. Each bridge will be posted at both entrances notifying potential violators by sign "No Trespassing. Police Authorized to Arrest" under G.S. 14-159.13 and 14-4.~~
- ~~(c) A violation of this ordinance is a misdemeanor under G.S. § 14-4.~~

Sec. 18-2. – Trespassing and Prohibited Activity Under Bridges and Pedestrian Underpasses

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bridge means any elevated structure that spans and provides passage over a roadway, railway, body of water, greenway, or other area. This includes the bridge deck, support structures, abutments, and any areas beneath or immediately adjacent to the structure that are necessary for its safe operation and maintenance.

Pedestrian Underpass means any tunnel, passageway, or below-grade structure designed and constructed to allow pedestrian travel beneath a roadway, railway, bridge, or other obstacle. This includes the walkway, entry and exit points, lighting, and any adjacent areas maintained as part of the underpass system.

Camp or camping means the use of city or public property for living accommodation purposes such as sleeping, or making preparations to sleep (including the laying down of bedding for the purposes of sleeping); storing personal property; placing any tent or a temporary shelter on the property for living accommodation purposes; regularly cooking or preparing meals; or other similar activities.

Storing personal property means leaving one's personal effects, such as, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for any substantial prolonged length of time. This length of time is defined as a period sufficient to indicate abandonment or use of the area for storage, which shall be presumed when the property is left unattended for more than one (1) hour or when the owner is not in the immediate vicinity.

(b) Prohibited Acts.

- (1) It is unlawful for any person to obstruct, impede, or interfere with the free passage of persons or vehicles, camp, sleep, store personal property, sit, or lie down upon or under any bridge within the city.
- (2) It is unlawful for any person to stop inside a pedestrian underpass or obstruct, impede, or interfere with the free passage of persons or vehicles within ten feet horizontal or vertical distance of any pedestrian underpass.
- (3) It is unlawful for any person to light or maintain any open flame or fire on or under any bridge or pedestrian underpass within the city.

(c) Signage.

Each bridge will be posted at both entrances notifying potential violators by sign "No Trespassing. Police Authorized to Arrest" under G.S. 14-159.13 and 14-4.

(d) Enforcement and Penalties

- (1) Any person in violation of this ordinance shall be directed by any duly sworn law enforcement officer or city employee having authority to leave the area and remove any tents, bedding, temporary shelters, personal belongings, refuse, food containers, bottles, or other items commonly associated with camping or habitation from city property.
- (2) Lighting or maintaining any open flame or fire on city property poses a potential danger to the public and unless permitted to do so, any person lighting or maintaining any open flame or fire shall be directed to stop, to extinguish any burning material, and to remove same once that can be safely done. Any duly sworn law enforcement officer or city employee may summarily extinguish any burning material.

- (3) Duly sworn law enforcement officers, at their discretion, may issue a written Notice of Banishment to any individual found to be in violation of this article. The Notice of Banishment shall inform the individual that they are prohibited from remaining on or returning to the specific city property identified in the notice.
- (4) Any person violating this ordinance may be subject to removal by law enforcement off the premises as a trespasser and be subject to those criminal sanctions set forth in Chapter 14 of the North Carolina General Statutes.

SECTION 2. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 3. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this ____ day of _____ and this ____ day of _____, 2025.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this ____ day of _____, 2025.

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

Mayor/Mayor Pro Tempore

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

City Clerk

****[Remainder of page intentionally left blank.]****