

**LENOIR CITY COUNCIL
MEETING MINUTES
TUESDAY, DECEMBER 2, 2025
6:00 P.M.**

- PRESENT:** Mayor Joe Gibbons presiding. Mayor Pro-Tem Ike Perkins, Councilmembers present were Jonathan Beal, Rebecca Dellinger, Ralph Prestwood, Kimmie Rogers, 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, City Parks & Recreation Director Phil Harper, Public Services Public Utilities Director Jeff Church and Community Engagement Coordinator Ashely Smith.
- ABSENT:** Economic Development Main Street Director Brenda Floyd.

I. CALL TO ORDER

- A. Mayor Gibbons welcomed Parks & Recreation Director Phil Harper back after his recent surgery. He thanked city staff for their hard work putting up the Christmas decorations and hopes everyone is enjoying them. Light Up Lenoir will be held Thursday, December 4 at 5:00 p.m. and the Friday Night of Lights Christmas Parade will be held Friday, December 5 at 6:00 p.m., weather permitting.
- B. The meeting was opened by a moment of silence and the pledge of allegiance as led by Mayor Gibbons.
- C. Mayor Gibbons introduced The Honorable Chief District Court Judge Robert M. Brady, Retired, to administer the Oath of Office to James I. "Ike" Perkins, Councilmember, Crystal D. "Crissy" Thomas, Councilmember, Jonathan T. Beal, Councilmember and Rebecca C. Dellinger, Councilmember for 4-year terms on City Council.

Mayor Gibbons congratulated and welcomed Councilmember Rebecca Dellinger and stated Council looks forward to working with her. He also congratulated the Councilmembers that were re-elected and expressed appreciation to all of the family members and friends who were present for the swearing in ceremony.

Copies of the signed oaths of office are here by incorporated into these minutes by reference (20-23)

- D. Mayor Gibbons stated City Council will elect a Councilmember to serve a two-year term as Mayor Pro-Tem. He explained City Council will nominate a Councilmember for this position to be voted on by Council. Mayor Gibbons opened up to Council for any nominations for Mayor Pro-Tem.

Councilmember Jonathan Beal made a motion to nominate his colleague, friend, and mentor Ike Perkins for consideration of approval for the Mayor Pro-Tem position.

Due to no additional nominations being submitted by City Council and upon a motion by Councilmember Prestwood, Mayor Gibbons closed the nominations, which carried unanimously, City Council voted 5 to 0 to approve Councilmember Ike Perkins to serve a two-year term as Mayor Pro-Tem.

- E. Chet Effler NCLM Public Safety Risk Consultant gave a presentation on the Law Enforcement Risk Review Process. He thanked the Mayor and Council for allowing them to recognize the Police Department and for completing the Law Enforcement Risk Review. He explained a risk review is a comprehensive agency review of over 40 high risk liability areas to ensure the agency adheres to the best practices and industry standards. Steps in the review process include a in-depth policy review with proof of compliance, onsite agency assessments, which included equipment and facility inspections, officer interviews, and observations of daily operations. The City of Lenoir Police Department has competed the Law Enforcement Risk Review. He complemented Police Chief Andy Wilson and stated he has done an amazing job, the police staff were wonderful to work with and was open and transparent during the process. Chet Effler then presented Chief Police Andy Wilson a plaque and thanked them for the wiliness to commit to this important process.

Police Chief Andy Wilson said he feels confident in knowing the Police Department is operating at the level that we should be and thanked Mr. Effler for this Risk Review.

II. MATTERS SCHEDULED FOR PUBLIC HEARING:

- A. A public hearing was held for ZOA 3-25 Downtown Sidewalk Use Ordinance. The sidewalk subcommittee and Planning Staff 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.

Mayor Gibbons opened the public hearing and asked Planning Director Hannah Williams to come speak about the ordinance.

Planning Director Hannah Williams said this would replace the current sidewalk café ordinance. In the spring some downtown businesses were interested in using the sidewalk for merchandise displays, bench seating and uses that are currently prohibited by code. Planning Board formed a sidewalk sub-committee to study this request. Under the current ordinance the only allowable business use is either a Council approved sidewalk café or one single A-frame sandwich board sign. A-frame signs do not need a sign permit at this time. The sidewalk sub-committee held listening sessions with downtown business owners and city staff. Downtown business owners expressed interest in adding displays on the sidewalk, city staff discussed ADA concerns, building ingress and egress and sanitations should the sidewalk rules change. The sub-committee agreed that the safety of the sidewalk and what the business owners are asking can be done with proper permitting. The ordinance states that all outdoor displays, including A-frame signage must obtain a permit from the Planning Department, requires a \$1 million liability insurance policy naming the city as a party insured and the displays cannot obstruct the 5' wide pedestrian path. It also sets up an enforcement process to be the responsibility of the Planning Department and subjects violators to the civil penalty schedule in chapter one of the code of ordinances.

The Planning Department is suggesting the following fees for sidewalk use permitting:

- A. Sidewalk Café
 - 1. Initial: \$100
 - 2. Renewal: \$25
- B. Outdoor Display

1. Initial and Renewal \$25

Planning Director Williams said Planning Board discussed this case at the October meeting. There were several business owners in attendance, one spoke about exempting the A-frame signage from the permit requirement and leaving it as it is today. However, Planning Board recommended approval of the ordinance as presented, without amendment.

Councilmember Perkins asked if this pertains to business owners only or can any person come put a display on the sidewalk.

Williams responded the ordinance is clear that it is only for the business adjacent to that width of sidewalk and only during open business hours.

Councilmember Rogers asked if downtown business owners currently using the signs have been notified.

Hannah Williams responded yes, they have been using the Downtown Mainstreet business database and several of the business owners have been involved. The Planning Department is allowing for a 60-day grace period before enforcement.

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

Upon a motion by Mayor Pro-Tem Perkins, City Council voted 6 to 0 to approve the ZOA 3-25 Downtown Sidewalk Use Ordinance, 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, 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.

Upon a motion by Councilmember Thomas, City Council voted 6 to 0 to adopt the above listed items (A through G) 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 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.

City Manager Scott Hildebran said Council had this code amendment before them at the October Committee of the Whole meeting and was discussed with the Police Chief at that time, he is available for questions.

Upon a motion by Councilmember Prestwood, City Council voted 6 to 0 to hold a public hearing on Tuesday, January 6, 2026, for the second reading of the Unauthorized or Improper Use of Public Places/Trespassing Ordinance.

City Manager Scott Hildebran wished everyone a Merry Christmas, Happy Holidays, and safe travels.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- ##### **A. Mayor Gibbons said we have a Councilmember Vacancy due to the resignation of Todd**

Perdue. He thanks Todd for his 22 years of service on City Council and wished him nothing but the best. Mayor Gibbons said he meant so much to this council and all boards that he has served on. Mayor Gibbons opens the discussion up to Council on the replacement to fill the vacancy.

Mayor Pro-Tem Perkins said David Stevens has given 22 years to serving on the Lenoir City Council and is a pillar in the community. He has played a major role in completed and upcoming projects in Lenoir and wanted to compliment him for what he has done.

Upon a motion by Mayor Pro-Tem Perkins, City Council voted 6 to 0 to move and appoint David Stevens to fill the vacancy seat on City Council for the remaining two-year term.

Mayor Gibbons reported that Councilmember David Stevens will be sworn in at a later date. (A copy of David Steven's signed oath of December 11, 2025 is hereby incorporated into these minutes by reference. Refer to page (66))

A reception will be held for Todd Perdue on Tuesday, January 6, 2026, where he will be honored for his 22 years of service.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

Councilmember Thomas wanted to thank everyone for the successful Turkey Tuesday, it was the biggest turnout yet.

Mayor Gibbons thanked City Council and staff for all the hard work to make Lenoir such a wonderful place to live and is looking forward to 2026. On behalf of himself and the Council he wished everyone a wonderful holiday and Merry Christmas.

X. ADJOURNMENT

There being no further business, Mayor Gibbons adjourned the meeting at 5:38 p.m.

Lauren Hartley, City Clerk

Joseph L. Gibbons, Mayor

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

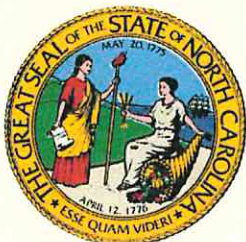
❧ **CRYSTAL D. THOMAS** ❧

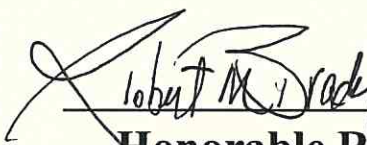
I, *CRYSTAL D. THOMAS* solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that 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

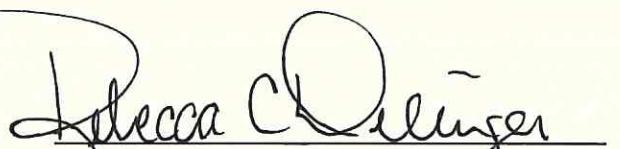
CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

❧ **REBECCA C. DELLINGER** ❧

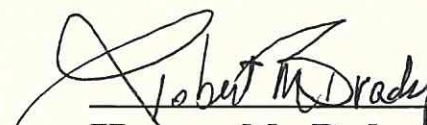
I, *REBECCA C. DELLINGER* solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, 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

CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

❧ JONATHAN T. BEAL ❧

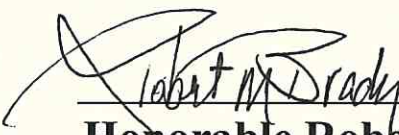
I, *JONATHAN T. BEAL* solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that 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

LENOIR SIDEWALK USE GUIDEBOOK AND MANUAL

CITY OF

LENOIR
NC ★ CREATE WITH US

TABLE OF CONTENTS

Lenoir's Sidewalk Use Guidebook Introduction and Purpose	3
Application Process	4
Setback and Separation Requirements	5
Sidewalk Café Operations	10
Outdoor Display Operations	12
Lenoir's Municipal Service District Map	13

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

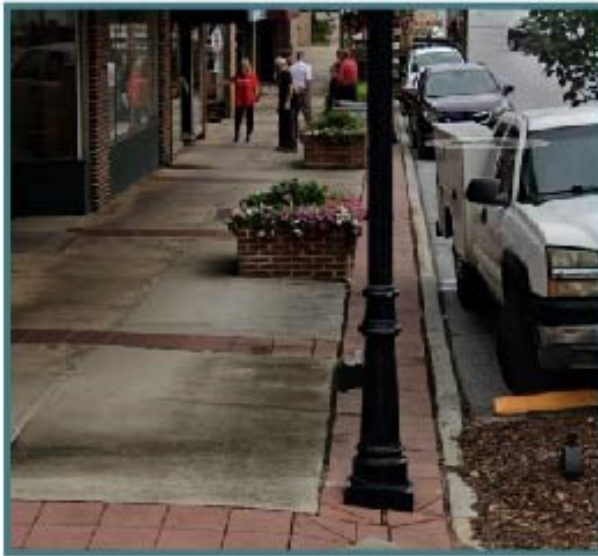
West Ave - Downum to Willow

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

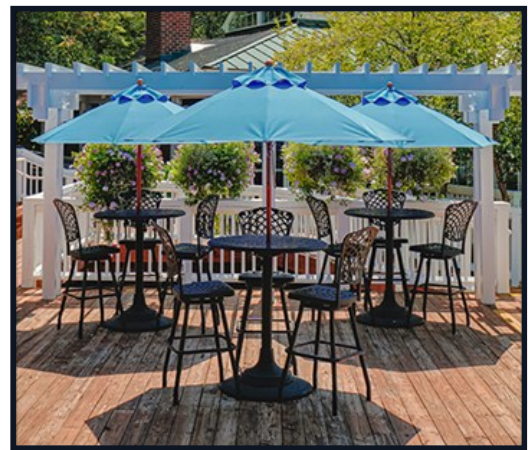
Businesses utilizing outdoor displays as part of a sidewalk use permit must conform to the following requirements:

- 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*.

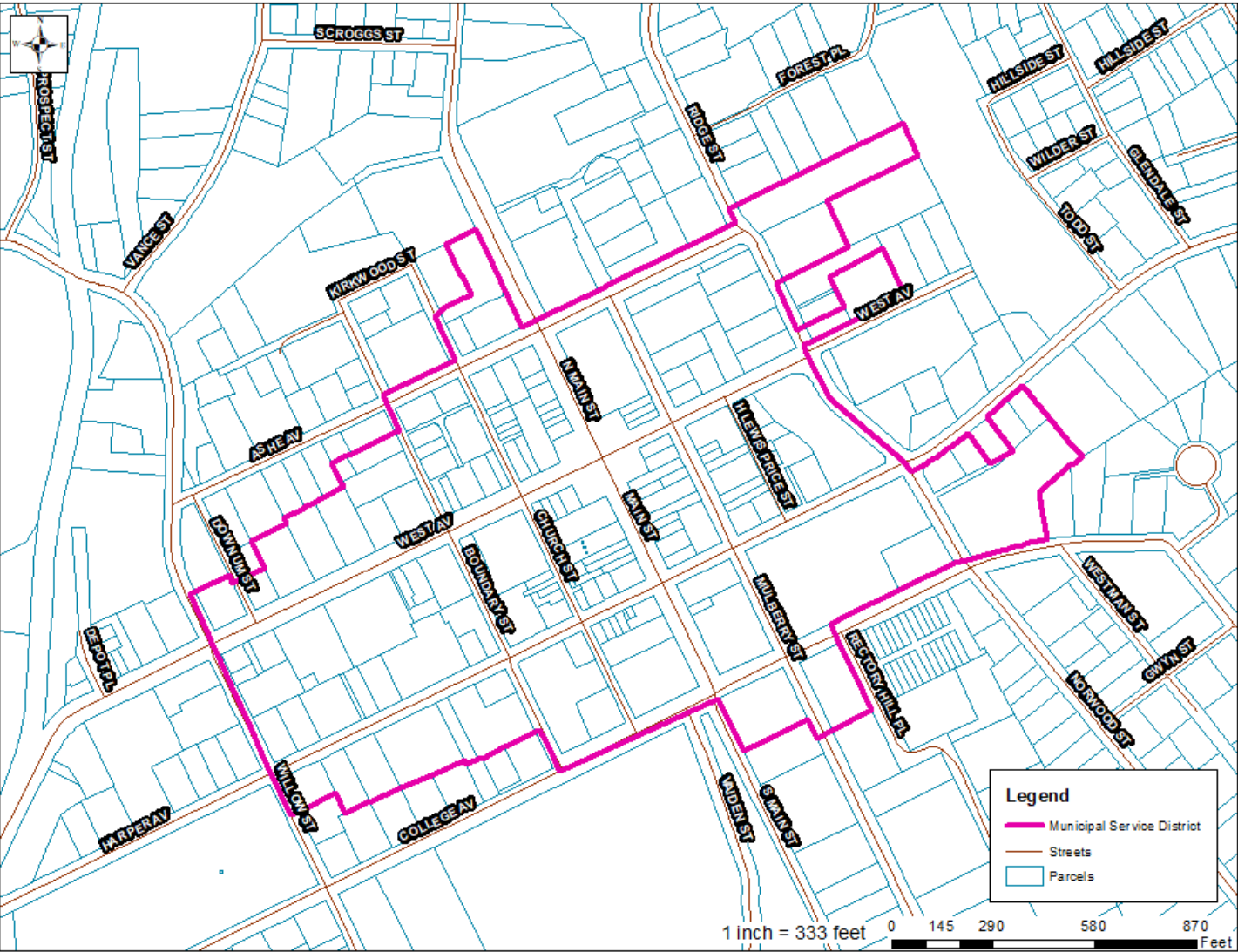


APPROPRIATE SIDEWALK FURNITURE, BARRIERS, AND PLANTERS

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.

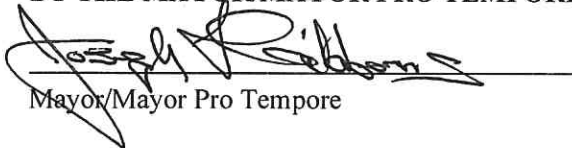
SECTION 2. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

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 20 day of ~~November~~ and this 25 day of ~~November~~, 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 2nd day of December, 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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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

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

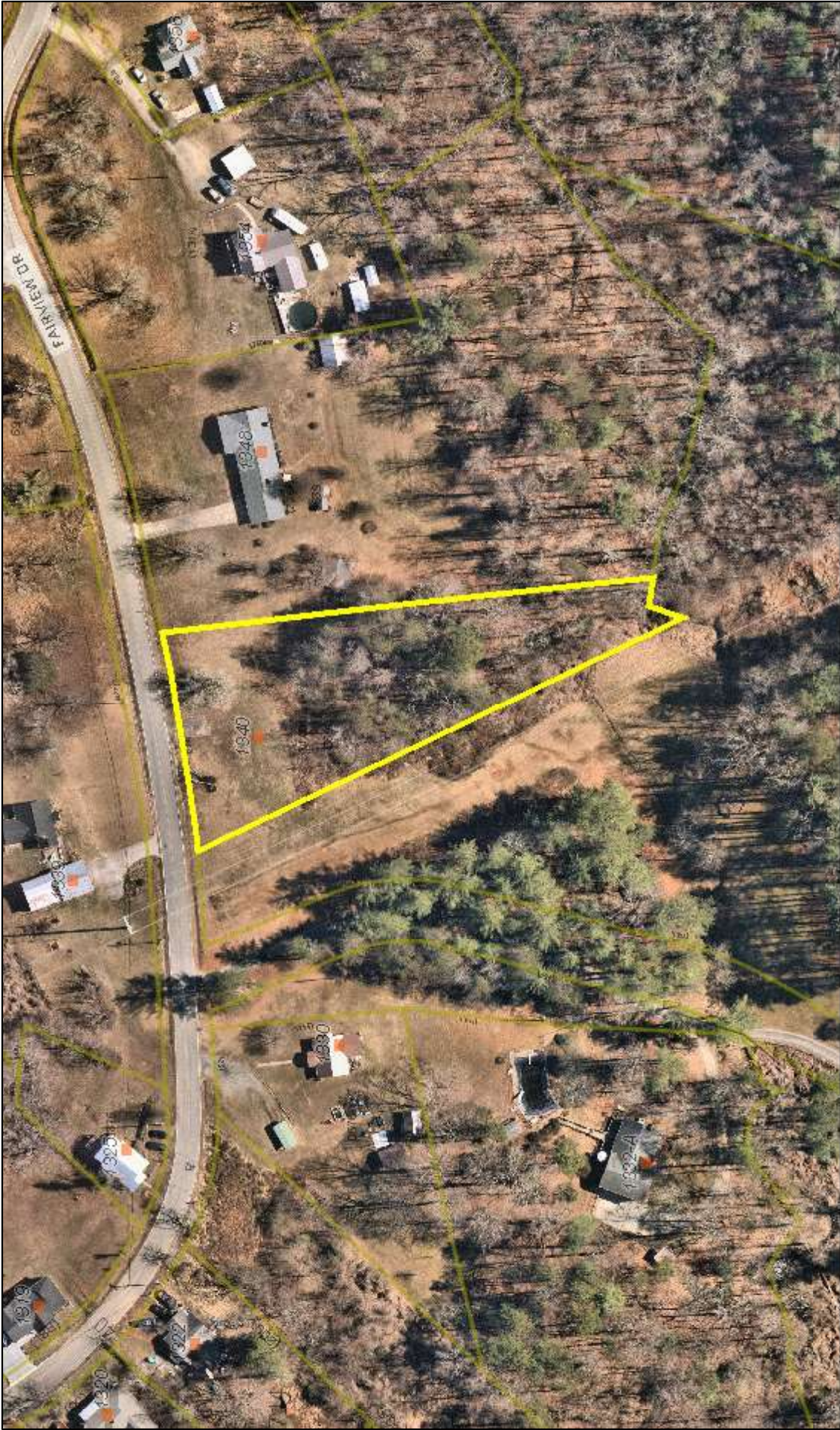
Phone number: 828-499-2364

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



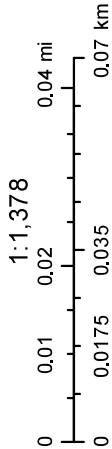
This map is NOT of land survey quality and is NOT suitable for such use.

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.

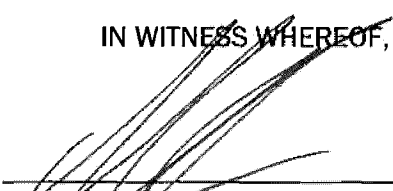
Subject to easements, restrictions and rights of way of record, and matters of survey.

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.

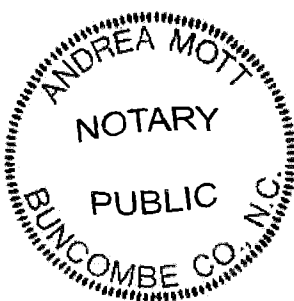
TO HAVE AND TO HOLD the aforesaid tract of land, to Grantee, its successors, heirs and assigns forever, in as full and ample manner as Richard J. Kania, Commissioner, is authorized and empowered to convey the same.

IN WITNESS WHEREOF, Richard J. Kania, Commissioner, has hereunto set his hand and seal.


Richard J. Kania
Commissioner

(SEAL)

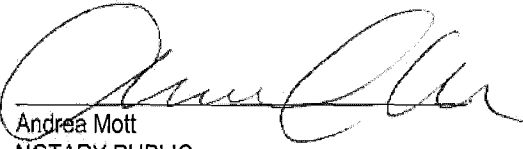
SEAL-STAMP



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

RESOLUTION DESIGNATION OF APPLICANT'S AGENT North Carolina Division of Emergency Management	
Organization Name (thereafter named Organization) City of Lenoir	Disaster Number DR-4827
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): N/A	
Applicant's Fiscal Year (FY) Start: 2025	Month: July Day: 01
Applicant's Federal Employer's Identification Number: 56 - 6001265	
Applicant's Federal Information Processing Standards (FIPS) Number: 37760	
PRIMARY AGENT	SECONDARY AGENT
Agent's Name Scott Hildebran	Agent's Name Donna Bean
Organization City of Lenoir	Organization City of Lenoir
Official Position City Manager	Official Position Finance Director
Mailing Address 801 West Ave NW	Mailing Address 801 West Ave NW
City, State, Zip Lenoir, NC 28645	City, State, Zip Lenoir, NC 28645
Daytime Telephone 828-757-2199	Daytime Telephone 828-757-2180
Facsimile Number shildebran@ci.lenoir.nc.us	Facsimile Number dbean@ci.lenoir.nc.us
Pager or Cellular Number	Pager or Cellular Number
BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this day of , 20	
GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Joseph L. Gibbons, Mayor	Name Lauren Hartley
Name and Title Jonathan Beal, James I. Perkins, Ralph Prestwood, Kimmie Rogers, Crissy	Official Position City Clerk
Name and Title Thomas, Rebecca Dellinger - City Council	Daytime Telephone 828-757-2205
CERTIFICATION I Lauren Hartley , (name) duly appointed and City Clerk (title) of the Governing Body, do hereby certify that the above is true and correct copy of a resolution passes and approved by the Governing Body of (organization) on the <u>2nd</u> day of <u>December</u> , 20 <u>25</u> Date: <u>12/2/25</u> Signature: <u>Lauren Hartley</u> Rev. 06/02	

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
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	\$136,612.00
Total Revenues	\$136,612.00

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.

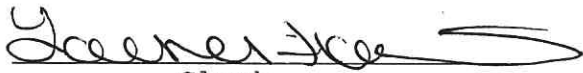
Section 8. The Budget Officer is directed to include a detailed analysis of past and future cost and revenues on this grant project in every budget submission made to this Board.

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 2nd day of December, 2025.



Mayor



Clerk

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 2nd day of December, 2025.


Mayor


Clerk

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

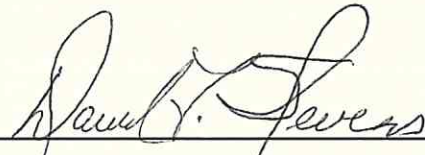
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CITY OF LENOIR, NORTH CAROLINA
OATH OF COUNCIL MEMBER

❧ DAVID F. STEVENS ❧

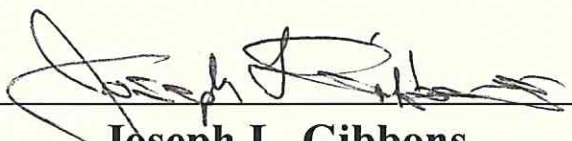
I, *DAVID F. STEVENS* solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that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

I, *DAVID F. STEVENS* 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.


DAVID F. STEVENS

Sworn to and subscribed before me this 11th day of December, 2025.




Joseph L. Gibbons
Mayor, City of Lenoir, NC