

**LENOIR CITY COUNCIL
TUESDAY, DECEMBER 3, 2019
6:00 P.M.**

PRESENT: Mayor Gibbons presiding. Councilmembers present were Beal, Perdue, Perkins, Prestwood, Stevens, Thomas and Willis. Also in attendance were City Manager Hildebran, City Clerk Cannon and City Attorney Rohr.

I. CALL TO ORDER

- A. The meeting was opened by a moment of silence followed by the Pledge of Allegiance led by Mayor Gibbons.

OATH OF OFFICE:

- B. The Honorable District Court Judge Robert Brady, Retired, administered the Oath of Office to Joseph L. Gibbons, Mayor, Todd H. Perdue, Councilmember, Ralph S. Prestwood, Councilmember and Ben K. Willis, Councilmember.

Copies of the Oath of Office are hereby incorporated into these minutes by reference. (Refer to pages 611-614).

On behalf of City Council, Mayor Gibbons congratulated each one upon their re-election to City Council and thanked them for their service to the citizens of Lenoir. He stated he was proud of City Council and looked forward to continuing to work with everyone. Mayor Gibbons also thanked Judge Brady for administering the oaths of office to Council.

**ELECTION OF
MAYOR PRO-TEMPORE:**

- C. Mayor Gibbons explained the duties of the Mayor Pro-Tem position which includes presiding over the monthly Committee of the Whole meeting, representing the City at City and County functions and attending functions in the absence of the Mayor. He stated Council's goal is to continue to strive to make Lenoir a great City and remarked he is looking forward to the City accomplishing many great things over the next four years.

Councilmember Ben Willis stated it has been an honor to serve as Mayor Pro-Tem for the past four years and commended Mayor Gibbons and City Council for being such a great team. He stated he is proud of all Council has accomplished during his term as Mayor Pro-Tem, but noted it is time for someone else to have the opportunity to serve in this position.

Mayor Gibbons then opened the floor for nominations from City Council for the position of Mayor Pro-Tem.

Councilmember Willis nominated Crissy Thomas to serve as Mayor Pro-

Tempore.

Councilmember Todd Perdue moved to close the nominations which carried unanimously.

Councilmember Crissy Thomas was elected unanimously by City Council to serve a two-year term as Mayor Pro-Tem.

Mayor Pro-Tem Thomas thanked City Council for their confidence and support and stated it was an honor to serve. She stated she appreciates the opportunity and also thanked everyone for being a great example and mentor to her.

On behalf of City Council, Mayor Gibbons congratulated Mayor Pro-Tem Thomas and remarked everyone looks forward to working with you in this position.

**SPECIAL RECOGNITION; CORPORAL JOE
HAMRICK AND DEPUTY PAUL EXON:**

C. Fire Chief Ken Hair presented a plaque to Corporal Joe Hamrick, Lenoir Police Department, and Caldwell County Sheriff's Deputy Paul Exon in recognition of their acts of heroism during a structure fire that occurred on November 15, 2019.

Chief Hair stated it was an honor to recognize these officers for their bravery and valor in going above and beyond the call of duty. He stated while heavy flames were coming from the roof of a home located at 1116 Bradford Mountain Road, Deputy Exon entered the house and alerted the Clark family about the fire. He was able to get all of the family members out safely. Also, upon arriving on the scene, Corporal Joe Hamrick entered the burning structure and saved several of the family's pets.

Chief Hair stated that Corporal Hamrick and Deputy Exon's actions displayed the character of true public servants.

On behalf of City Council, Mayor Gibbons thanked Corporal Hamrick and Deputy Exon for their life saving efforts and stated their quick actions was a testament to all they do daily for the citizens of Lenoir and Caldwell County.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**REZONING REQUEST;
103 VIRGINIA STREET:**

A. A public hearing was held to consider rezoning 103 Virginia Street SW from R-9 (Mixed Density Residential) to B-6 Transitional Business) as submitted by Kathleen Kaminski, Unitarian Universalists of Caldwell County. Staff recommended approval based on the following consistency statement:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it facilitates straightforward zoning standards

consistent with the adopted future land use map. The proposed amendment is reasonable and in the public interest because it will allow one development site in common ownership to follow the zoning requirements of a single zoning district and simplify development review for the site in the future.

Mayor Gibbons opened the public hearing to receive public comments regarding the rezoning request.

Director Wheelock explained this property was partly rezoned during Staff's overhaul of the Lenoir Zoning Code in March 2019 and currently needs to be rezoned from residential to transitional. She clarified this rezoning is appropriate for businesses adjacent to residential property, but no development is planned at this time.

There being no further public participation, Mayor Gibbons closed the public hearing and asked Council for action.

Upon a motion by Councilmember Willis, Council voted 7 to 0 to approve the rezoning request for property located at 103 Virginia Street SW as described above and as recommended by City Staff.

III. CONSENT AGENDA ITEMS

A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval:

1. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, November 12, 2019, as submitted.
2. Minutes: Approval of the closed session minutes of Tuesday, November 12, 2019 as submitted.

Mayor Gibbons asked for a motion to postpone action regarding the November 12 Closed Session minutes until the City Council meeting of Tuesday, January 7 due to the minutes inadvertently not being available for Council's review.

First Motion

Upon a motion by Councilmember Perkins, Council voted 7 to 0 to postpone taking action on the November 12 Closed Session Minutes until Tuesday, January 7, 2020 as recommended by Mayor Gibbons.

Second Motion

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to approve Item No. 1, November 12 City Council Minutes on the Consent Agenda, as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

ANNUAL CHRISTMAS

PARADE: 1. The annual Christmas Parade will be held on Friday, December 6 at 6:30 p.m. in downtown Lenoir.

ANNUAL LUMINARY

DISPLAY: 2. The annual Luminary Display is scheduled for Friday December 13 from 6:00 p.m. – 10:00 p.m. at Blue Ridge Memorial Park.

FABULOUS FILM

NIGHT: 3. Fabulous Film Night is scheduled for Saturday, December 14 with the movie “Dr. Seuss the Grinch” being shown at the LHS Auditorium at 7:00 p.m. Santa is scheduled to greet everyone from 6:00 p.m. – 7:00 p.m.

MEETING CANCELLATION; CITY COUNCIL:

4. City Council will not meet on Tuesday, December 17. The next Council meeting is scheduled for Tuesday, January 7, 2020 at 6:00 p.m. in the city/County Chambers.

HOLIDAY

CLOSING: 5. City offices will be closed on December 24, 25 & 26 for the Christmas holidays and also on Wednesday, January 1 in observance of New Year’s Day.

B. ITEMS FOR COUNCIL ACTION

MINIMUM HOUSING

ORDINANCE; 114 PALMER STREET:

1. City Staff recommended that Council approve a Minimum Housing Ordinance directing Staff to abate the minimum housing violations by demolishing and removing the structure on the property of 114 Palmer Street, Parcel ID#09-32-2-19 and NCPIN#275917277.

A copy of the minimum housing ordinance is hereby incorporated into these minutes by reference. (Refer to pages 615-616).

Planning Director Wheelock reported the Police Department has responded to numerous calls at this residence due to neighbors’ complaints plus Staff has made every effort for owner abatement. She verified the owner understands the property will be demolished and he has vacated the premises. Director Wheelock also clarified the owner does have an advocate and he has found a place to rent in Hudson.

In addition, Director Wheelock explained funding was available for these two abatements listed on the agenda due to Zack Clark, Code Enforcement Officer, being

successful in having previous properties abated by the owners.

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to adopt the Minimum Housing Ordinance for property located at 114 Palmer Street as described above and as recommended by City Staff.

MINIMUM HOUSING

ORDINANCE; 1208 DELWOOD DRIVE:

2. City Staff recommended that Council approve a Minimum Housing Ordinance directing Staff to abate the minimum housing violations by demolishing and removing the structure on the property of 1208 Delwood Drive, Parcel ID#06155-1-1 and NCPIN#2748892019.

A copy of the minimum housing ordinance is hereby incorporated into these minutes by reference. (Refer to pages 617-618).

Planning Director Wheelock stated the owner of this property is deceased, but Staff was successful in contacting a family member. She reported Staff has dealt with ongoing issues regarding this property and explained the family does not have the financial means to abate the property. It was noted the Police Department has received numerous calls for service at this location as well.

Director Wheelock stated that Staff has exhausted all of their options and pointed out there is an immediate need for public safety due to the condition of this property. She further related that notices were also filed. In addition, Director Wheelock mentioned a neighbor was in the audience this evening in support of the minimum housing ordinance.

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to adopt the Minimum Housing Ordinance for property located at 1208 Delwood Drive as described above and as recommended by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

COMMEDED; CITY

STAFF: A. Mayor Pro-Tem Crissy Thomas thanked everyone for all of their hard work and assistance during the recent Turkey Tuesday event held at the Martin Luther King, Jr. Center. A total of 275 turkeys were given out to families in need during this event.

In addition, Ms. Thomas stated the Committee would work on trying to make the process run more smoothly and effectively for next year's event.

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 5:38 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

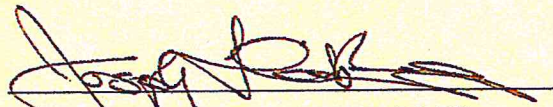
CITY OF LENOIR, NORTH CAROLINA

OATH OF MAYOR

❧❧ **JOSEPH L. GIBBONS** ❧❧

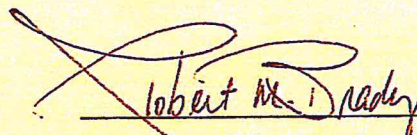
I, **JOSEPH L. GIBBONS**, solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and,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

I, **JOSEPH L. GIBBONS**, further swear that I will execute the duties of the office of MAYOR for the City of Lenoir, North Carolina, to the best of my ability and judgment, so help me, God.


JOSEPH L. GIBBONS

Sworn to and subscribed before me this 3rd day of December, 2019.




Honorable Robert M. Brady
Chief District Court Judge, Retired

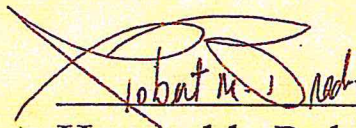
CITY OF LENOIR, NORTH CAROLINA**OATH OF COUNCIL MEMBER****❧ TODD H. PERDUE ❧**

I, **TODD H. PERDUE**, 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, **TODD H. PERDUE**, 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.

**TODD H. PERDUE**

Sworn to and subscribed before me this 3rd day of December, 2019.

**Honorable Robert M. Brady**
Chief District Court Judge, Retired

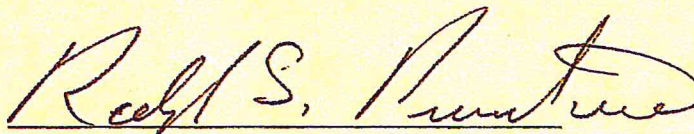
CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

❧ **RALPH S. PRESTWOOD** ❧

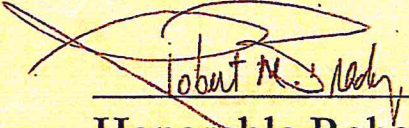
I, **RALPH S. PRESTWOOD**, solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and,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

I, **RALPH S. PRESTWOOD**, 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.


RALPH S. PRESTWOOD

Sworn to and subscribed before me this 3rd day of December, 2019.




Honorable Robert M. Brady
Chief District Court Judge, Retired

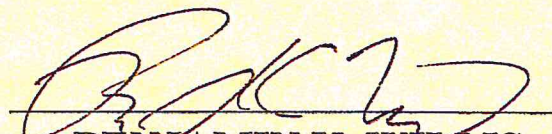
CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

❧ **BENJAMIN K. WILLIS** ❧

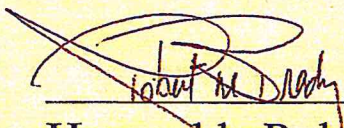
I, **BENJAMIN K. WILLIS**, solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and,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

I, **BENJAMIN K. WILLIS**, 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.


BENJAMIN K. WILLIS

Sworn to and subscribed before me this 3rd day of December, 2019.




Honorable Robert M. Brady
Chief District Court Judge, Retired

Fee \$26.00



Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

✓ City of lenoir

AN ORDINANCE DIRECTING THE MINIMUM HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, the City Council of the City of Lenoir finds that the dwelling described herein is unfit for human habitation under the City Housing Standards, and that all of the procedures of the Minimum Housing Standards have been complied with; and

WHEREAS, this dwelling should be removed or demolished, as directed by the Minimum Housing Inspector, and should be placard thereon the notice prohibiting use for human habitation; and

WHEREAS, the owner of this dwelling, Mitchell Hampton, has been given a reasonable opportunity to bring the dwelling into compliance with the Minimum Housing Standards accordance with G.S. 160A-443 (5) pursuant to an order issued by the Minimum Housing Inspector on September 12, 2019, and the owner has failed to comply with the order;

NOW THEREFORE BE IT ORDAINED BY the City Council of the City of Lenoir that:

Section 1. The Minimum Housing Inspector is hereby authorized and directed to place a placard containing the following:

"This building is unfit for human habitation: the use or occupation of this building for human habitation is prohibited and unlawful."

on the building located at the following address: **114 Palmer St**
Lenoir, North Carolina.
Parcel-ID 09 32 2 19
NCPIN 2759172776

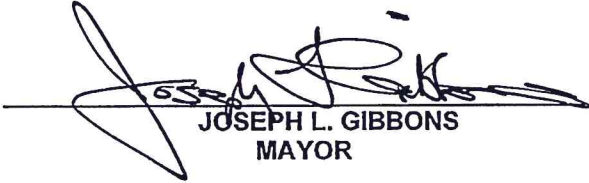
Section 2. The Minimum Housing Inspector is hereby authorized and directed to proceed to remove or demolish the described above dwelling in accordance with this Order, and in accordance with the City of Lenoir Minimum Housing Code, and NCGS Chapter 160A, Article 19, Part 6.

Section 3. The cost of demolition and improvement of the lot shall be a tax lien on the real property as provided by G.S. 160A-443 (6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall be likewise unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

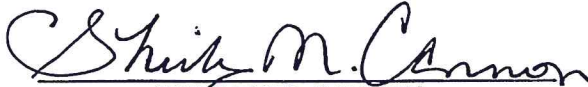
Section 5. A copy of this ordinance shall be recorded in the Register of Deeds of Caldwell County, North Carolina, and indexed in the name of the property owner or owners in the grantor index.

Adopted this the 3rd day of December, 2019.



JOSEPH L. GIBBONS
MAYOR

ATTEST:

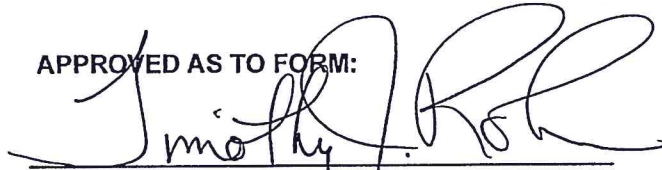


SHIRLEY M. CANNON
CITY CLERK

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

APPROVED AS TO FORM:



TIMOTHY J. ROHR
CITY ATTORNEY

Fee \$26.00



Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

✓✓ City of Lenoir

AN ORDINANCE DIRECTING THE MINIMUM HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, the City Council of the City of Lenoir finds that the dwelling described herein is unfit for human habitation under the City Housing Standards, and that all of the procedures of the Minimum Housing Standards have been complied with; and

WHEREAS, this dwelling should be removed or demolished, as directed by the Minimum Housing Inspector, and should be placard thereon the notice prohibiting use for human habitation; and

WHEREAS, the owner of this dwelling, Robert Alandth Hamby, has been given a reasonable opportunity to bring the dwelling into compliance with the Minimum Housing Standards accordance with G.S. 160A-443 (5) pursuant to an order issued by the Minimum Housing Inspector on November 12, 2019, and the owner has failed to comply with the order;

NOW THEREFORE BE IT ORDAINED BY the City Council of the City of Lenoir that:

Section 1. The Minimum Housing Inspector is hereby authorized and directed to place a placard containing the following:

"This building is unfit for human habitation: the use or occupation of this building for human habitation is prohibited and unlawful."

on the building located at the following address: **1208 Delwood Dr**
Lenoir, North Carolina.
Parcel-ID 06155 1 1
NCPIN 2748892019

Section 2. The Minimum Housing Inspector is hereby authorized and directed to proceed to remove or demolish the described above dwelling in accordance with this Order, and in accordance with the City of Lenoir Minimum Housing Code, and NCGS Chapter 160A, Article 19, Part 6.

Section 3. The cost of demolition and improvement of the lot shall be a tax lien on the real property as provided by G.S. 160A-443 (6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall be likewise unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. A copy of this ordinance shall be recorded in the Register of Deeds of Caldwell County, North Carolina, and indexed in the name of the property owner or owners in the grantor index.

Section 6. This ordinance shall become effective on Friday, December 13, 2019.

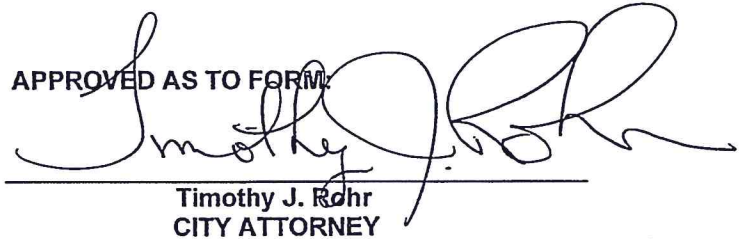
Adopted this the 3rd day of December, 2019.


JOSEPH L. GIBBONS
MAYOR

ATTEST:


SHIRLEY M. CANNON
CITY CLERK

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

APPROVED AS TO FORM:

Timothy J. Rohr
CITY ATTORNEY

SEAL