

**LENOIR CITY COUNCIL
TUESDAY, DECEMBER 5, 2023
6:00 P.M.**

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

CITY STAFF: In attendance was Finance Director Donna Bean, Fire Chief Norman Staines, Deputy Fire Chief Kenny Nelson, Police Chief Brent Phelps, Planning Director Hannah Williams, Public Services Director Radford Thomas, Public Utilities Operations Manager Jeff Church, Public Works Operations Manager Jon Hogan, Downtown Event Coordinator Matthew Anthony and Communications Director Joshua Harris.

ABSENT: Councilmember Todd Perdue.

I. CALL TO ORDER

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

SPECIAL RECOGNITION;

KENT GREER: B. On behalf of City Council, Mayor Gibbons presented Councilmember Kent Greer with a framed City flag and coins in honor and recognition of his tenure on City Council. Mayor Gibbons thanked Councilmember Greer for stepping up to serve when Council previously had a vacancy on Council and also thanked him for his representation on the Lenoir Planning Board and City Council. He further expressed appreciation to Mr. Greer and remarked it was an honor to have him serve.

Mr. Greer stated it has been a pleasure to serve on City Council for the past 22 months. He thanked City Council, City Manager Hildebran along with the Department Directors and City Staff. In addition, Mr. Greer thanked his wife Susan for all of her support over the past 38 years. Mr. Greer also thanked everyone for the cards, calls and kind words during the passing of his and Susan's mothers this year. He wished everyone a Merry Christmas and remarked he appreciated everything.

**OATH OF OFFICE; GIBBONS, PRESTWOOD
& ROGERS:**

- B. The Honorable District Court Judge Richard S. Holloway administered the Oath of Office to Joseph L. Gibbons, Mayor. Next, Judge Holloway administered the Oath of Office to Ralph S. Prestwood, Councilmember and Kimmie R. Rogers, Councilmember.

Mayor Gibbons reported that Councilmember Todd Perdue was previously sworn in with an effective date of Tuesday, December 5, 2023. (A copy of Mr. Perdue's signed oath is hereby incorporated into these minutes by reference. Refer to page 307.)

Mayor Gibbons congratulated and welcomed Councilmember Kimmie Rogers and stated Council looks forward to working with her in the New Year. Mayor Gibbons also congratulated Councilmember Ralph Prestwood upon his re-election and expressed appreciation to all of the family members and friends who were present for the swearing in ceremony.

Mayor Gibbons also thanked Judge Holloway for his service in administering the oaths of office.

Copies of the signed oaths of office are hereby incorporated into these minutes by reference. (Refer to pages 308-310.)

ELECTION OF MAYOR

PRO-TEM:

- C. 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. The Mayor Pro-Tem leads the monthly Committee of the Whole meeting plus fills in for the Mayor as needed.

On behalf of City Council, Mayor Gibbons thanked Councilmember Crissy Thomas for her service as Mayor Pro-Tem. Ms. Thomas served two terms as Mayor Pro-Tem for a total of four (4) years.

Mayor Gibbons then opened the nominations for Mayor Pro-Tem.

Councilmember Crissy Thomas thanked City Council for the opportunity to serve and learn about the aspect of City government. Ms. Thomas nominated David Stevens for consideration of approval for the Mayor Pro-Tem position. Councilmember Thomas remarked that Councilmember Stevens has a tremendous amount of experience and stated he is the longest serving member on City Council.

First Motion

Due to no additional nominations being submitted by City Council and upon a motion by Councilmember Prestwood to close the nominations which carried unanimously, Mayor Gibbons closed the nominations and asked Council for action.

Second Motion

Upon a motion by Councilmember Thomas, City Council voted 6 to 0 to elect Councilmember David Stevens to serve a two-year term as Mayor Pro-Tem for the Lenoir City Council.

Mayor Gibbons thanked Mayor Pro-Tem Stevens for his willingness to serve and stated the position was well deserved.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

AMENDMENTS; FATS, OIL & GREASE ORDINANCE:

- A. A public hearing was held to receive public comments regarding amendments to the City's Fats, Oil and Grease Ordinance as recommended by City Staff.

Mayor Gibbons opened the public hearing to receive public comments pertaining to the Fats, Oil and Grease Ordinance and asked Public Services Director Radford Thomas to explain the purpose of the proposed amendments.

A copy of the Fats, Oil and Grease Ordinance is hereby incorporated into these minutes by reference. (Refer to pages 311-314.)

Director Thomas reported the Division of Water Resources recently inspected the City's collection systems which include manholes, pipes, along with grease traps and how these are processed through our utility system. As information, the inspection was conducted to verify the facility is operating in compliance with the conditions and limitations specified in the Collection System Permit No. WQCS00035. The Division of Water Resources also reviewed the City's current policies and informed Staff the language in the City's policies is not strong enough. The inspection summary states the current grease control program needs to include more details such as how frequently grease traps need to be pumped and to define the enforceable policy.

Director Thomas also thanked Public Utilities Operations Manager Jeff Church for his great work on getting the new policy finalized.

Operations Manager Jeff Church reiterated the Division of Water Resources inspected the City's system on September 11, 2023 and said they also included a sample ordinance as a guiding document. The City's policy currently in effect was adopted in 2004 and is approximately 19 years old.

The proposed ordinance contains the following:

- a) specific definitions related to terms in the ordinance.
- b) more detailed information in the requirements of the installation, maintenance, record keeping and the removal of grease traps and interceptors than the existing policy.
- c) ordinance states the City shall enforce this division pursuant to the provisions of this division and the existing wastewater discharge division of the City's Code of Ordinances.
- d) existing wastewater discharge enforcement division ordinance is for all wastewater violations, not just grease traps or interceptors, and includes administrative remedies, civil penalties, or other available remedies including criminal violations, injunctive relief, water supply severance, and public nuisances.

Mr. Church stated City staff foresee few, if any, changes in the grease trap or interceptor inspections of current establishments. Staff currently have very few, if any, enforcement concerns with existing establishments that have a grease trap or interceptor. He shared they linked the new policy to our current adopted enforcement policy and amended the policy as requested by the state. He emphasized the City has not experienced any issues and he also thanked City Attorney Rohr for his assistance in amending the policy.

In addition, Mr. Church clarified that businesses already have grease traps in place at their restaurants thereby these amendments would not be a financial burden to the business owners.

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

Upon a motion by Councilmember Perkins, Council voted 6 to 0 to adopt the amended Fats, Oil and Grease Ordinance as submitted and as recommended by City Staff.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, November 7, 2023 as submitted.
- B. Engineering Services Contract; McGill Associates: Staff recommends City Council approval to negotiate a contact with McGill Associates of Hickory, NC for the engineering services required for the execution and administration of the Lenoir-Valdese Interconnection Project as submitted.

Councilmember Beal asked if the Town of Valdese would also be contracting with McGill Associates with City Manager Hildebran responding that they would be.

Upon a motion by Mayor Pro-Tem Stevens, City Council voted 6 to 0 to adopt items A & B on the Consent Agenda as described above and as recommended by City Staff.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

**DECEMBER
CALENDAR:**

- 1. The calendar for the month of December was provided to City Council listing various meetings and events.

**CHRISTMAS LIGHT
SHOW:**

- 2. The annual Christmas Light Show will continue nightly on the downtown square from 6:00 p.m. – 10:00 p.m. through January 1st.

**LUMINARY
DISPLAY:**

- 3. The annual Luminary Display will be held at Blue Ridge Memorial Park on Friday, December 8 from 6:00 p.m. – 10:00 p.m.

ABC BOARD:

- 4. The ABC Board will meet on Tuesday, December 12 at 2:00 p.m.

**MEETING
SCHEDULE:**

- 5. The City Council will not meet on Tuesday, December 19 due to the Christmas holidays. The next meeting will be held on Tuesday, January 2.

HOLIDAY CLOSING:

- 6. City offices will be closed on Monday, December 25 through Wednesday, December 27 in observance of Christmas, Monday, January 1 in observance of New Year's Day and Monday, January 15 in observance of the Martin Luther King, Jr. holiday.

CURBSIDE CHRISTMAS

TREE PICKUP: 7. Curbside Christmas tree pickup will be held the week of January 2nd through the 5th.

CHRISTMAS TOY GIVEAWAY:

MLK CENTER: 8. Santa will host a Toy Giveaway event at the Martin Luther King, Jr. Center on Thursday, December 21 at 5:00 p.m. The first 100 children ages 5-12 will receive a toy.

B. Items for Council Action

ORDER OF ABATEMENT;

1487 OVERLOOK DRIVE:

1. City Staff request that City Council adopt an Order of Abatement directing Staff to abate the minimum housing violations by demolishing the structure on the property of 1487 Overlook Drive, NC PIN#2748867734 as submitted.

A copy of the executed Order of Abatement is hereby incorporated into these minutes by reference. Refer to pages 315-316.)

City Manager Hildebran referred to the photos of the property's violations submitted in the packet and reported Staff's attempts to reach the owner and achieve owner abatement have been unsuccessful.

Upon a motion by Councilmember Thomas, Council voted 6 to 0 to adopt the Order of Abatement for property located at 1487 Overlook Drive, NC PIN#2748867734 as recommended by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

APPRECIATION; CITY

STAFF: A. On behalf of City Council, Mayor Gibbons expressed appreciation to Matthew Anthony for a great job in choosing the new Christmas decorations for downtown Lenoir and also to staff for getting everything installed and ready for the holidays. Mayor Gibbons shared he has received numerous compliments from citizens about how great the City looks for the holidays.

In addition, Mayor Gibbons expressed thanks to Matthew for overseeing this year's Christmas parade and to Madison Bumgarner and family for being the Grand Marshall in the parade.

Public Communications Director Joshua Harris also thanked the staff at Caldwell County for filming the City's Christmas parade which will be shown on the local Government Channel and other events.

THANK YOU; VOLUNTEERS

& STAFF (TURKEY TUESDAY EVENT):

- B. Councilmember Crissy Thomas along with Councilmember Ike Perkins reported 450 turkeys were given out at the ninth annual Turkey Tuesday held on November 21. Ms. Thomas stated this year was their largest turnout yet and she along with Councilmember Perkins thanked all of the sponsors, volunteers and staff of the Martin Luther King, Jr. Center for all of their support in making this event a huge success. They also thanked the Police Department for providing traffic control and the Fire Department Staff for all of their assistance during the giveaway.

CLOSED

SESSION: C. Pursuant to N.C.G.S. §143-318.11(a),(3), and upon a motion by Councilmember Perkins, which unanimously carried, City Council entered into closed session to discuss pending class-action litigation and a proposed settlement. The parties in each existing lawsuit concerning which City Council expects to receive advice during the closed session are: Camden, South Carolina, E.I. DuPont de Nemours and Company, 3M Company, and others. City Council may take action following the closed session.

Upon a motion by Councilmember Perkins, City Council voted unanimously to re-enter into open session. The following action was taken by City Council.

OPEN SESSION:

D. City Attorney Rohr asked Council to consider passing a resolution to opt out of the litigation due to the City of Lenoir not finding any significant levels of polyfluoroalkyl substance (PFAS) chemicals in its public water supplies. He advised the City would be entitled to very little or no compensation under the proposed settlement agreements with DuPont or 3M. Attorney Rohr also clarified for Council, if they choose to opt out of litigation now, they could pursue litigation in the future should the City have any issues with (PFAS), but the City loses that option if they pursue litigation now.

A copy of the resolution is hereby incorporated into these minutes by reference. (Refer to page 317.)

Upon a motion by Councilmember Beal, City Council voted 6 to 0 to adopt the resolution directing City Manager Hildebran to file exclusion agreements on behalf of the City of Lenoir for the following lawsuits: *City of Camden, et. al. v. E.I. DuPont De Nemours & Co., et al.*, Civil Action No. 2:23-cv-3230-RMG and *City of Camden, et al. v. 3M Company*, City Manager and Staff to carry out the provisions of this resolution as submitted.

IX. REPORT AND RECOMMENDATIONS OF THE MAYOR

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 5:45 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

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 28th day of November, 2023.

Effective date of oath is the 5th day of December, 2023.



Joseph L. Gibbons,
Mayor, City of Lenoir, NC

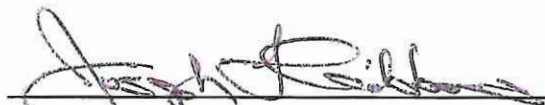
CITY OF LENOIR, NORTH CAROLINA

OATH OF MAYOR

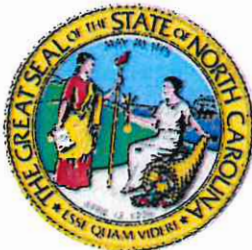
❧ **JOSEPH L. GIBBONS** ❧

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 5TH day of December, 2023.

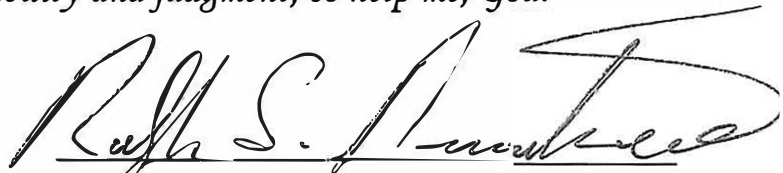



Honorable Richard S. Holloway
NC District Court Judge

CITY OF LENOIR, NORTH CAROLINA**OATH OF COUNCIL MEMBER****❧ RALPH S. PRESTWOOD ❧**

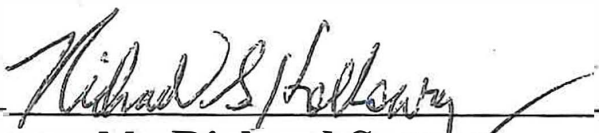
I, **RALPH S. PRESTWOOD**, solemnly swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, 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 5TH day of December, 2023.




Honorable Richard S. Holloway
NC District Court Judge

CITY OF LENOIR, NORTH CAROLINA

OATH OF COUNCIL MEMBER

❧ KIMMIE R. ROGERS ❧

I, **KIMMIE R. ROGERS** 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, **KIMMIE R. ROGERS** 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.

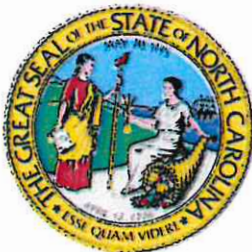


KIMMIE R. ROGERS

Sworn to and subscribed before me this 5TH day of December, 2023.



Honorable Richard S. Holloway
NC District Court Judge



Secs. 21-374—21-380. - Reserved

DIVISION 9. - FATS, OIL, AND GREASE

Sec. 21-381. - Purpose.

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

Sec. 21-382. - Definitions.

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

- (a) *Commercial establishment and industrial establishment.* Any user that has the potential to use, contribute to or otherwise impact the City's wastewater collection system or POTW. Such establishments include, but are not limited to, maintenance facilities, repair facilities and equipment cleaning facilities.
- (b) *Cooking establishment.* Any person primarily engaged in the activities of cooking, preparing, serving or otherwise making available for human consumption any form of foodstuff, and which uses one or more of the following cooking or preparation methods in connection with such activities: cooking or preparation by frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, or any type of cooking or preparation that produces a hot non-potable product in or on a receptacle that requires washing, rinsing, or other form of cleaning. Such establishments include, but are not limited to, restaurants, cafeterias, extended care facilities, school cafeterias (public and private), and day care facilities where meals for more than six children are prepared, served, or otherwise made available for human consumption.
- (c) *Fats, oils, and grease (FOG).* All greases, grease complexes, fats, oils, scum, sludges, and all other organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Such substances are detectable and measurable using analytical procedures established in 40 CFR136.
- (d) *Grease trap or grease interceptor.* A device that separates and retains waterborne greases before the wastewater, which contains such grease, exits the grease trap or interceptor into the City's wastewater collection system or publicly owned treatment works (POTW). The grease trap or interceptor also collects settleable solids generated by or incidental to commercial, industrial and food preparation activities.
- (e) *Non-cooking establishment.* Any person primarily engaged in the rendering or preparation of pre-cooked foodstuffs that do not require or involve any form of cooking. Such establishments include, but are not limited to, establishments that are primarily engaged in the rendering preparation of cold dairy and frozen foodstuffs.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 21-384. - Enforcement.

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

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

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

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

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

Secs. 21-385—21-390. - Reserved

BK 2098 PG 1150 - 1151 (2)

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

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 owners of this dwelling, **HALL BETTY ERVIN HALL EDDIE**, have been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Standards accordance with G.S. 160A-443 (5) pursuant to an order issued by the Minimum Housing Inspector on July 14, 2023 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: **1487 Overlook DR SW**
Lenoir, North Carolina
Parcel-ID 06172 1 9
NCPIN 2748867734

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 160D-1203.

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. 160D-1203 (7).

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.

Tuesday, December 5, 2023

Minutes-City of Lenoir Council Meeting

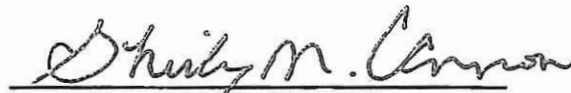
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Section 5. A copy of this ordinance shall be recorded in the Register of Deeds of Caldwell County, North Carolina, and indexed in the name of the property owner or owners in the grantor index.

Adopted this the 5th day of December, 2023.


JOSEPH L. GIBBONS
MAYOR

ATTEST:


SHIRLEY M. GANNON
CITY CLERK

APPROVED AS TO FORM:


TIMOTHY J. ROHR
CITY ATTORNEY

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

**A RESOLUTION BY THE CITY OF LENOIR ALLOWING FOR FILING
EXCLUSION AGREEMENTS IN PER- AND POLYFLUOROALKYL
SUBSTANCE (PFAS) CHEMICAL ACTION LAWSUITS AGAINST
DUPONT AND 3M**

WHEREAS, the City of Lenoir owns and operates a drinking water treatment plant; and

WHEREAS, the City of Lenoir is eligible to file in class-action lawsuit against E.I. DuPont de Nemours and Company and 3M Company over the release of per- and polyfluoroalkyl substance (PFAS) chemicals into public water supplies; and

WHEREAS, the City of Lenoir has been notified of two possible settlements of the suits against DuPont and 3M; and

WHEREAS, the City of Lenoir has tested for PFAS chemicals and has shown no significant levels; and;

WHEREAS, it appears that under these circumstances, the City of Lenoir would be entitled to very little or no compensation under the proposed settlement agreements with DuPont or 3M; and

WHEREAS, the City of Lenoir chooses to be excluded from the class action lawsuits filed against the defendants of 3M and Dupont.

NOW, THEREFORE BE IT RESOLVED, the Lenoir City Council hereby directs City Manager Scott Hildebran to file exclusion agreements on behalf of the City of Lenoir for the following lawsuits: *City of Camden, et al. v. E.I. Dupont De Nemours & Co., et al.*, Civil Action No. 2:23-cv-3230-RMG and *City of Camden, et al. v. 3M Company*, Civil Action No. 2:23-cv-3147-RMG.

Furthermore, the Lenoir City Council ratifies any and all actions previously taken by the city manager and staff to carry out the provisions of this resolution.

Adopted this 5th day of December, 2023.




Joseph Gibbons, Mayor
Lenoir City Council

SEAL
ATTEST:


Shirley M. Cannon
City Clerk