

APRIL 6, 2010, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on April 6, 2010, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Stefanovich, Turlington, Strickland, Mayor Pro Tem Harris, and City Attorney Dale Johnson were present. Because of a prior engagement, Councilmember Marcus Becton was absent from this city council meeting. Also City Clerk Elaine F. Hunt; City Manager John Connet; Assistant City Manager Shawn Purvis; Fire Chief Todd Solice; Planning and Community Development Director Jeff Vreugdenhil; Planner Mary Rose; Police Chief Mike Brim; Recreation Director Judi Nicholson; Finance Director Betty Brewer; and Public Works Director Chris Doherty were present. Absent was Human Resource Manager Lisa Carter. Chris Berendt, of the Sampson Independent, was also present.

Dr. Edward Gunter, Pastor of First United Methodist Church, 208 Sampson Street, Clinton, NC gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the June 2, 2009, July 14, 2009, and September 1, 2009 closed sessions, March 2, 2010 regular and March 25 and March 30, 2010 special city council meetings were unanimously approved.

APPEARANCE

City Manager Connet stated that he had received a concern via the website from a resident of Clinton. He introduced the resident.

Mr. Donald Guadagni, 303 Stewart Avenue, appeared before City Council to seek approval of amending the Official Traffic Map to create a four-way stop where Woodrow and Cutchin Streets intersect with Stewart Avenue. Originally, Mr. Guadagni was requesting to create a four-way stop where Woodrow and Nicholson Streets intersect with Stewart Avenue; however after more in-depth examining, he felt Cutchin Street would be the better place to intersect. Mr. Guadagni stated that while doing his daily jog, he noticed accelerated speed on Stewart Avenue. He stated that residents use Stewart Avenue to bypass traffic control devices and speed limits on both Northeast Boulevard and Beaman Street. He stated that this fast traffic forces pedestrians off the road. It is his belief that if a four-way stop was established, the fast traffic would decline.

Chief Mike Brim stated that he would like to do a study of this area and bring the results back to City Council. City Manager Connet agreed with Chief Brim.

City Council directed Chief Brim and City Manager Connet to look into this matter and return to them the findings.

OATHS

The mayor administered oaths to Jeff Vreugdenhil, Angela K. Bowden, and Frank Butler who plan to present information during public hearings for conditional use permit requests.

P & Z -- COMMUNITY DEVELOPMENT BLOCK GRANT – CITIZEN’S INPUT

Mayor Starling opened a public hearing on a request to receive citizen input regarding the use of Community Development Block Grant (CDBG) funds from the North Carolina Department of Commerce and the U. S. Department of Housing and Urban Development.

City Manager Connet stated that two public hearings are required. He stated that a notice was placed in the local newspaper regarding this public hearing.

No one else wished to be heard and the public hearing was closed. No action was required.

P & Z – 349 NORTHEAST BOULEVARD – STEPHEN CONAWAY

Mayor Starling opened the public hearing on a request by Stephen Conaway of Fire Wired Breakfast and Fire Grill for a conditional use permit to operate a restaurant and entertainment facility with bands and live entertainment at 347 Northeast Boulevard in an HC Highway Commercial district. Planning and Zoning Director Vreugdenhil asked for a continuance. No one else wished to be heard and the public hearing was closed.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, and unanimously passed, this public hearing was continued until 7:00 PM on May 5, 2010.

P& Z – 514 MCKOY STREET – ANGELA K. BOWDEN

Mayor Starling opened a public hearing on a request by Angela K. Bowden for a conditional use permit to operate an in-home daycare at 514 McKoy Street in an R-6 Residential district. Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon the findings of fact. No one else wished to be heard, and the hearing was closed.

Mayor Starling read Standard 1: The use will not endanger the public health, safety, or general welfare if located where proposed and developed according to plan. He then called for a vote on whether the requested use would meet this standard. Four voted that the standard would be met. No one voted no.

Mayor Starling read Standard 2: The use meets all required conditions and specifications as outlined in the conditional use application, and/or as imposed by the City Council. He then called for a vote on whether the requested use would meet this standard. Four voted that the standard would be met. No one voted no.

Mayor Starling read Standard 3: The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood, or is a public necessity. He then called for a vote on whether the requested use would meet this standard. Four voted that the standard would be met. No one voted no.

Mayor Starling read Standard 4: The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in conformity with the Clinton Development Plan. He then called for a vote on whether the requested use would meet this standard. Four voted that the standard would be met. No one voted no.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, a conditional use permit was unanimously approved for Angela K. Bowden to operate an in-home daycare at 514 McKoy Street in an R-6 Residential district.

P & Z—ZONING ORDINANCE – BROKERAGE FIRMS

Mayor Starling opened a public hearing on a request by Will Waters to amend Section 9.6.2 of the City of Clinton Zoning Ordinance to add brokerage firms as a conditional use in an R-8 Residential district.

Planning Director Vreugdenhil presented the Planning and Zoning Board's recommendation to amend Section 9.6.2 of the City of Clinton Zoning Ordinance to add brokerage firms as a conditional use in an R-8 Residential district. He stated that Mr. Waters makes this request in order that he might make a conditional use request to operate a brokerage firm at 612 College Street.

No one else appeared to be heard and the hearing was closed.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance **# 2010.04.01** to the Zoning Ordinance was adopted unanimously:

Whereas, upon the recommendation of the Planning and Zoning Board and after public hearing and due notice thereof as required by law, the City Council of the City of Clinton, NC do enact as follows: That the Zoning Ordinance of the City of Clinton be and the same is hereby amended to add the following: Section 9.6.2 - Brokerage firms

P & Z— 612 COLLEGE STREET – WILL WATERS

Mayor Starling opened a public hearing on a request by Will Waters for a conditional use permit to operate a brokerage firm at 612 College Street in an R-8 Residential district.

Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon the findings of fact. No one else wished to be heard, and the hearing was closed.

Mayor Starling read Standard 1: The use will not endanger the public health, safety, or general welfare if located where proposed and developed according to plan. He then called for a vote on whether the requested use would meet this standard. Four voted that the standard would be met. No one voted no.

Mayor Starling read Standard 2: The use meets all required conditions and specifications as outlined in the conditional use application, and/or as imposed by the City Council. He then called for a vote on whether the requested use would meet this standard. Four voted that the standard would be met. No one voted no.

Mayor Starling read Standard 3: The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood, or is a public necessity. He then called for a vote on whether the requested use would meet this standard. Four voted that the standard would be met. No one voted no.

Mayor Starling read Standard 4: The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in conformity with the Clinton Development Plan. He then called for a vote on whether the requested use would meet this standard. Four voted that the standard would be met. No one voted no.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, a conditional use permit was unanimously approved for Will Waters to operate a brokerage firm at 612 College Street in an R-8 Residential district.

RESOLUTION – REMOVAL OF SIGNAL LIGHT – INTERSECTION OF WALL STREET AND ELIZABETH STREET

Planning and Zoning Director Vreugdenhil stated that NCDOT asks City Council to approve a resolution in support of the removal of the signal light and proposed re-striping plan at the intersection of Wall Street and Elizabeth Street. He presented Mr. Ben Hughes, of NCDOT, to City Council.

Mr. Hughes stated that NCDOT is upgrading constantly. He stated that after a study, it was decided that the signal light at the intersection of Wall Street and Elizabeth Street could be converted to a four-way stop intersection. He stated that the study determined there is not a great volume of traffic to warrant a signal light. Mr. Hughes further stated that it would be a cost savings to remove the signal light and place stop signs and bars. When asked when the study was performed, he stated approximately eight months ago.

Planning and Zoning Director Vreugdenhil recommended a 30-day trial period using the stop signs.

City Council received this item for informational purposes only. No action was taken.

CITY COUNCIL

Upon a motion made by Councilmember Turlington, seconded by Mayor Pro Tem Harris, and unanimously passed, the regular council meeting scheduled for May 4, 2010 was rescheduled to May 5, 2010 at 7:00 PM.

HOUSE PURCHASE – SAMPSON COMMUNITY COLLEGE

City Manager Connet stated that Sampson Community College has almost completed the construction of the 1,200 square foot house that the City is proposing to place on the lot at 115 West Lee Street. He stated that Sampson Community College has placed a value of \$52,855 on the house and Allie Ray McCullen has appraised the house and lot at \$85,000. City Manager Connet asked City Council to approve the purchase of the 1,200 square foot home from Sampson Community College

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the house purchase from Sampson Community College was unanimously approved.

AGREEMENT BETWEEN NCDOT AND THE CITY OF CLINTON – MOWING

Mayor Starling stated that the City has a concern with the lack of mowing by NCDOT. City Manager Connet stated that over the last few months, city staff has met with NCDOT to discuss the possibility of the city assuming responsibility to mow all NCDOT rights of way within the city limits. He stated that the mowing will not include the areas between or around the guardrails on US421-701 Bypass.

City Manager Connet stated that disadvantages to the city staff assuming this responsibility to mow all NCDOT rights of way are: (1) NCDOT may never take the responsibility back; and (2) in the near future, NCDOT may choose to stop reimbursing municipalities for this type of maintenance.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, the following proposal under the assumption that adjustments may have to be made during the first year of the agreement, passed unanimously:

- (1) The City of Clinton assume all mowing responsibility for NCDOT roads as shown on the attached map – Exhibit A.
- (2) The City of Clinton execute a Right of Way Maintenance Agreement with NCDOT in order for NCDOT to reimburse the City of Clinton for mowing of NCDOT Right of Way at their current level of service. The 2010-2011 reimbursement will be \$15,105.01.
- (3) The City of Clinton enter a one (1) year not to exceed contract with ES&J Enterprises for \$25,000 to mow all NCDOT Right of Way eight (8) times between May 1, 2010 and November 1, 2010. (Cost includes six (6) routine cuttings at \$2,950.00 per cut and two (2) clean-up cuttings at \$3,250.00).

NCLM MUNICIPAL ENVIRONMENTAL ASSESSMENT COALITION AGREEMENT

City Manager Connet stated that the North Carolina League of Municipalities has formed a coalition of local governments to review upcoming environmental regulations. He stated that the coalition members will pool their resources to hire engineering consultants to conduct independent analysis of the new regulations. He further stated that the analysis will be used during statewide public hearings and stakeholder meetings by coalition members. City Manager Connet stated that participation costs are set based on population and the City's cost for this year would be \$500. He stated that these new regulations will have an impact on our water and wastewater operations and recommended approval of the participation agreement.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the Municipal Environmental Assessment Coalition Project Participation Agreement between the City of Clinton and the North Carolina League of Municipalities, passed unanimously.

MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE

City Clerk Hunt presented to City Council an amendment to the 2009 Municipal Records Retention and Disposition Schedule. She stated that within the 2009 Municipal Records Retention and Disposition Schedule, there were no guidelines as to how to dispose of pest control/mosquito control records. She stated that she contacted Tom Vincent with the NC Department of Cultural Resources, Raleigh, NC, and he created a local amendment for the City of Clinton. She further stated that eventually, this amendment will be incorporated into a statewide amendment for the Schedule. City Clerk Hunt asked City Council to approve this amendment.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the 2009 Municipal Records Retention and Disposition Schedule amendment as it relates to the disposition of pest control/mosquito control records was approved unanimously.

CITY CODE -- ORDINANCE-- CHAPTER 11 – NOTICE TO ABATE NUISANCE

City Manager Connet spoke regarding amending Chapter 11, Sec. 11-11(a). Notice to Abate Nuisance of the Clinton City Code of 1987. He stated that Planning and Zoning Director Vreugdenhil and staff request City Council approve replacing “police officer” with “code enforcement officer” located in the third sentence of the abovementioned section. He stated that the code enforcement officer posts these nuisance abatement signs. City Manager Connet recommended approval of this amendment.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, the following ordinance was unanimously adopted:

Ordinance # 2010.04.02
AN ORDINANCE AMENDING CHAPTER 11, SEC. 11-11(a).
OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina that the Clinton City Code of 1987 is hereby amended by **changing the third sentence** of Chapter 11, Sec. 11-11(a). Notice to abate nuisance to read as follows:

- (a) “...If there be no owner, occupant or agent whom the notice can be served, then a written or printed notice shall be posted by the **city code enforcement officer** upon the property or premises...”

DOWNTOWN REDEVELOPMENT PROGRAM – PHASE III

Planning and Zoning Director Vreugdenhil presented a sketch of the proposed changes for the downtown revitalization project. He stated that the parking lot known as the “College Street Parking Lot” will be redesigned and this area will exemplify great beauty with such additions as sidewalk, pavers, an art wall, a bench, etc. Planning and Zoning Director Vreugdenhil stated that the estimated cost of this project is \$1.5 million subject to bid. He asked City Council to embrace this project and allow it to be put out for bid.

Mayor Starling stated that he wanted to move forward with this phase and City Council agreed.

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, it passed unanimously to move forward with this proposal as it relates to Phase 3 of the Downtown Revitalization Program.

RESOLUTION -- DECLARING BADGES AND WEAPONS SURPLUS

Police Chief Mike Brim stated that Captain Keith Jennette and Officer Robert Sessoms are retiring from the Clinton Police Department effective April 30 and July 31, 2010, respectively. He stated that upon retiring, it has been the custom to present the officers with their weapons and badges. He asked City Council to declare surplus Captain Jennette and Officer Sessoms' badges and weapons, so that the items may be awarded to them upon their retirement.

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, the following resolution was unanimously adopted:

RESOLUTION
Declaring Surplus Property
to be
Awarded to Retiring Police Officers

WHEREAS, the City of Clinton, North Carolina, City Council desires to dispose of certain surplus property of the City of Clinton and to be awarded to retiring Police Officers as of April 30, 2010 and July 31, 2010.

NOW, THEREFORE BE IT RESOLVED, the City of Clinton City Council declares the following police weapons and police badges of Captain Bromley Keith Jennette and Police Officer Robert E. Sessoms as surplus and no longer have any additional use to the City of Clinton:

Bromley Keith Jennette's badge
Bromley Keith Jennette's weapon: Glock Model 27 Serial #GRB502

Robert E. Sessoms' badge
Robert E. Sessoms' weapon: Glock Model 22 Serial #GPT784

NOW, THEREFORE BE IT FURTHER RESOLVED that the City of Clinton City Council authorizes the City Manager to proceed with the procedures outlined in G.S. 20-187.2 regarding the service side arms of retiring members of city law enforcement agencies.

REPORTS

The personnel, fire, finance, public works, police, and code reports were acknowledged. Also, City Manager Connet presented a newly-created report entitled, "City Council Action Report." He stated that this report originated because of a survey created by City Clerk Hunt which was sent to City Council. He stated that this report will consist of concerns and complaints discussed at the recent district meetings and other concerns brought to him. He concluded by stating that this report will keep City Council better informed of their concerns and others' concerns.

City Manager Connet stated that it was his intention to introduce the new deputy fire chief to City Council; however, he stated he will introduce him at the May 5, 2010 city council meeting. City Manager Connet stated that Fire Chief Solice had the deputy fire chief at another engagement.

PUBLIC COMMENTS

Mr. Randy N. Barefoot appeared before City Council to introduce himself as a 2010 candidate for the Clinton City Board of Education.

ADJOURNMENT

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and approved unanimously, the meeting was adjourned until **Wednesday, May 5, 2010 at 7:00 PM in the City Hall Auditorium.**

Elaine F. Hunt, City Clerk

Lew Starling, Mayor

ADJOURNED AT 7:43 PM.