



August 4, 2015, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on August 4, 2015, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Strickland, Turlington, Becton, Stefanovich, and Mayor Pro Tem Harris were present.

Also present was City Attorney Tim Howard, Howard and Bradshaw, PLLC.

Also present were City Manager Shawn Purvis; Police Chief Jay Tilley; City Clerk Elaine F. Hunt; Planning Director Mary Rose; Recreation Director Jonathan Allen; Public Works Engineer Russell Byrd; Public Works Director Jeff Vreugdenhil; Finance Director Kristin Stafford; Fire Chief Scott Phillips; and Lyle Moore, Senior Planner.

Human Resource Director Lisa Carter was absent.

Melvin Henderson, of the Sampson Weekly; and Kristy Carter, of the Sampson Independent, were also present.

Mayor Starling called the meeting to order. He called upon Councilmember Becton at the request of Councilmember Strickland, District 2, to give the invocation.

CITY COUNCIL

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the July 7, 2015, regular and July 21, 2015, special city council meetings, were approved unanimously.

RECOGNITION – TROOP 99, GOSHEN NEW LIFE CHURCH, FAISON, NC

Mayor Starling recognized members of Boy Scout Troop 99, Goshen New Life Pentecostal Holiness Church, Faison, NC: Miles Chalk, son of City of Clinton's employee, Mike Chalk, and Zander Bellanger, who were accompanied by their scout leader, Ryan Bellanger.

Mr. Ryan Bellanger stated that the young men were currently working toward earning their citizenship merit badges. Mayor Starling welcomed them and invited them to come again.

PUBLIC HEARING -- OATHS

Mayor Starling administered oaths to Mary Rose, Lyle Moore, Randell Coye Durham, of Durham Building & Electric, Inc., Annie M. Brooks, 400 West Carter Street, and Ron Coleman, 1005 Layton Street, who planned to present information during a public hearing for a conditional use permit request.

P & Z -- ECONOMIC DEVELOPMENT—BROOKS BROTHERS, INC. REVISED EXPANSION

Mayor Starling opened a public hearing to receive public comment concerning proposed appropriations and expenditures for economic development activities as it relates to Brooks Brothers, Inc., revised expansion. He stated that the proposed expansion includes an investment of \$2.56 million and the creation of twenty-one (21) fulltime jobs over a five-year period. Mr. Swope stated that incentives from the State of North Carolina – Rural Division have been pre-approved—final approval upon completion of application and the local match of 5% from Sampson County has also been approved. He further stated that the City of Clinton is being asked to approve a total incentive package of \$17,222 over five years. Mr. Swope concluded that if the City approves the proposed incentive package, Brooks Brothers, Inc., will move forward with the expansion.

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to participate in the economic development incentive with Brooks Brothers, Inc., with the same option as considered in April 2014—the typical five-year, 50 percent incentive plan and beginning in year two, the plan will coincide with the Brooks Brothers' investment schedule.

P & Z – CORNER OF BYRD AND LAYTON STREETS – RANDELL COYE DURHAM, DURHAM BUILDING & ELECTRIC, INC.

Mayor Starling opened a public hearing on a request by Randell Coye Durham of Durham Building & Electric, Inc., for a conditional use permit to construct a duplex at the corner of Byrd and Layton Streets, in an R-6 Residential District.

Senior Planner Lyle Moore presented this request to City Council. He stated that the Planning Board met on July 20, 2015, and unanimously recommends approval of this request with the following findings of fact:

1. The property contains approximately 11,250 square feet.

2. Randell C. Durham has signed the application as applicant. James R. Levinson has signed the application as owner.
3. The property is currently zoned R-6 Residential.
4. The property is bordered on the north by R-8 Residential. The properties to the east, south and west are zoned R-6 Residential.
5. The applicant has provided a front elevation and a scaled site plan showing the proposed duplex meeting the minimum setback and parking requirements of the Land Development Ordinance.
6. Per Section 4.2.9 of the Clinton Land Development Ordinance, lots being developed for two family dwellings must contain at least 150% of the minimum lot square footage required for the zoning district in which the use is to be located.
7. Section 6 B. Future Land Use Sectors 5. Residential in the Clinton 2035 Comprehensive Plan addresses encouraging "infill" development or development on vacant parcels accessible to water and/or sewer service.
8. The property was posted in advance of the Planning Board meeting. All property owners within 100 ft. of the subject property were notified by mail of the public hearing to be held before Council on August 4, 2015.
9. The five conditional use standards from Section 11.4 Step 6, B.2 of the City of Clinton Land Development Ordinance shall be considered by Council.

Mayor Pro Tem Harris voiced her concern regarding the current activities that take place in her district and questioned if this construction will add to the problem.

Mr. Durham stated that he was representing James R. Levinson, the property owner whose address on file is Post Office Box 117, Benson, NC 27504. He stated that he has tried to comply with the standards as required by City Council. He stated that he will do whatever it takes to be a good neighbor.

City Council had questions regarding this request.

Ron Coleman, 1005 Layton Street, voiced his opposition to this request. Annie Brooks, 400 West Carter Street, voiced her concerns. She questioned the parcel being equipped to support a duplex construction.

Dave Richert, 216 Sampson Street, questioned if an ordinance exists which addresses parking at the proposed dwelling. Planning Director Rose stated that at this time, there is no requirement(s) prohibiting parking in the front of the proposed site.

A motion was made by Councilmember Stefanovich, seconded by Councilmember Becton, to continue this request by Randell Coye Durham to construct a duplex at the corner of Byrd and Layton Street in an R-6 Residential District, until the September 1, 2015, city council meeting. The motion passed unanimously.

UNPAID UTILITY ACCOUNTS AND PROPERTY MAINTENANCE – CHARGE OFFS

Upon a motion made by Councilmember Turlington, seconded by Mayor Pro Tem Harris, the following unpaid utility accounts and property maintenance that the City of Clinton is unable to collect were unanimously written off:

Account	Account Name	Balance Due
10011100.0089	MATTHEW JOSEPH RICHARDSON	\$29.10
10020200.0096	PUI BENNETT	\$48.71
1026611.0098	BURGER KING	\$12.31
12025311.0098	MARY ELIZABETH RICH	\$39.60
12029600.0095	TERRY EVANS	\$14.20
13003674.0094	JAMES S JACKSON	\$31.25
15023300.0092	ANGELA HEMMINGWAY	\$0.06
15096567.0096	LOS 2 HERMANOS	\$36.11
17015800.0085	CAROLYN DENISE WILLIAMS	\$44.89
17024100.0084	WILLIEMINIA M. SPRUILL	\$37.01
2007560.0097	DAVID HOBSON	\$4.86
2015600.0097	LUDWIG R. LAWRENCE	\$25.52
3013905.0096	B AND M SOUND	\$27.44
4015700.0080	ERICA LYNETTE MERRITT	\$11.21
6010100.0095	JOSE E. GUIFARRO	\$30.21
6014400.0093	MARVIN WILLIAMS	\$43.20
7021500.0085	VERONICA PHILLIPS	\$41.25
8006700.0088	SHALONDA GENESE ROBINSON	\$35.83
8020000.0083	MARY WILLIAMSON	\$41.64
8020010.0084	DARRYLENE JONES	\$34.64

Utility Billing Total \$589.04

Property Maintenance Bad Debt

Account	Account Name	Balance Due
9235	TERRY SHIPP	\$6,657.05

Property Maintenance Total \$6,657.05

Grand Total \$7,246.09

RESOLUTION—SURPLUS PROPERTY

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it passed unanimously to approve the following resolution authorizing the disposition of personal property by GovDeals sale:

**RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL
PROPERTY BY THE METHOD KNOWN AS:
“GOVDEALS”**

WHEREAS, the City Council of the City of Clinton, NC desires to dispose of certain surplus property of the City of Clinton;

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

- (1) The following described property is hereby declared to be surplus to the needs of the City of Clinton:

One (1) 2005 Ford Crown Vic	Estimated value \$2,500.00
VIN# 2FAHP71W05X116422	
- (2) The Accounting Operations Manager is authorized to receive on behalf of the City Council of the City of Clinton bids via GovDeals for the purchase of the described property.
- (3) GovDeals will begin the sale of the described property on or about August 10, 2015, and will continue the sale until the described property is sold. The terms of sale shall be Pay Pal, credit card, or wire transfer.
- (4) The City Clerk will not cause a notice of the electronic public auction to be published in accordance with G. S. 160A-266 (c).
- (5) The highest bid, if it complies with the terms of sale, may be accepted by the Accounting Operations Manager and the sale consummated.

ACQUISITION OF LAND – LOCATED OFF ROWAN ROAD – BYRD FAMILY

City Manager Purvis stated that previously, City Council directed him and Public Works Director Vreugdenhil to speak with the Byrd Family about acquiring the property located off Rowan Road (Pin # 12023032001) for a well site. He stated that the Byrd Family has agreed to sell the property at an amount authorized by City Council, pending a positive testing of the site. Mr. Purvis further stated that the finalizing of the testing should take place in early to mid-August; however, the original agreement will expire before the next city council meeting, September 1, 2015. For this reason, City Manager Purvis requested formal approval at this meeting to execute the final sale of the property pending positive test results for the well site.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, it passed unanimously to allow City Manager Shawn Purvis the formal approval to execute the final sale of the property located off Rowan Road with the Byrd Family, pending positive test results for the proposed well site.

APPOINTMENTS

Mayor Starling stated that at the July 7, 2015, city council meeting, City Council approved increasing the membership on the newly-formed Cemetery Advisory Board from 5 to 7. He further stated that it is being recommended that Mr. Timothy Butler, Butler and Son Funeral Home, and Mr. Paul Hawkins, Hope Valley Funeral Home, be appointed to this Board with terms expiring in three years.

Upon a motion made by Councilmember Becton, seconded by Mayor Pro Tem Harris, it passed unanimously to appoint Mr. Timothy Butler and Mr. Paul Hawkins to the Cemetery Advisory Board.

It was noted that the two additional members shall be appointed for three-year staggered terms, as the original five, excepting that one shall serve respectively for terms of 3 years and one shall serve respectively for a term of 1 year; and thereafter, members shall be appointed for terms of three (3) years each.

Appointment to the unexpired two-year term of Mrs. Glenda Bunker on the Library Board was continued until the September 1, 2015, city council meeting.

REPORTS

The code enforcement, fire, and personnel reports were acknowledged.

STAFF REPORTS

Police Chief Jay Tilley informed City Council on a litter control program being implemented by the Clinton Police Department. He stated that they will begin a selected enforcement operation that targets vehicles that are illegally littering in the city limits. He further stated that the emphasis will be on vehicles that intentionally or recklessly dispose of litter, and this will include commercial trucks that do not have their loads properly secured. Chief Tilley stated that North Carolina General Statutes 14-399 Littering and 20-116 Size of Vehicles and Loads will be the primary laws enforced.

Chief Tilley further explained that this program will consist of a two-part plan: first part entails education and public awareness; second part entails directive patrol assignments dedicated to locating violators and taking enforcement actions.

City Manager Purvis concluded by stating that the City of Clinton is being proactive concerning this matter.

Planning Director Mary Rose updated City Council on the status of the new signs and designs. She stated that staff is working with a wayfinding sign company and she presented several final designs to City Council for comments: parking and facility signs. The facility signs were two types: hanging and monumental.

Ms. Rose stated that the wayfinding signs are funded and the Newkirk Park sign is at the top of the list to be placed.

CITY MANAGER REPORTS

City Manager Purvis' monthly report was included in the agenda packet.

WALK – ON ITEM: STREET NAME CHANGE

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the item, "Consideration of a request by George Wilson to allow a street name change," was added to the August 4, 2015, agenda. The motion passed unanimously.

City Manager Purvis stated that Mr. Wilson requests a street name change to the Village on Sunset Subdivision. He stated that planning staff and E911 Coordinator Amy Raynor reviewed the proposed change and have no concerns. He further stated that Mr. Wilson requests that the street which enters the property from NC Hwy 24/Sunset Avenue be named Fountain Drive, with the remaining portion of the street off Fountain Drive remaining as Village Circle. Mr. Wilson also provided a plat map for each councilmember.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it passed unanimously to honor George Wilson's request and change the street which enters the property from NC Hwy 24/Sunset Avenue to the name, Fountain Drive, with the remaining portion of the street off Fountain Drive remaining as Village Circle.

PUBLIC COMMENTS

No one appeared for public comments.

CLOSED SESSION

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following resolution was unanimously adopted:

RESOLUTION TO ENTER CLOSED SESSION

Be It Resolved that the regular meeting of the City Council of the City of Clinton, North Carolina held at 7:00 PM on August 4, 2015, entered closed session as allowed by G. S. 143-318.11(a)(4) to discuss economic/community development matters.

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, it passed unanimously to exit closed session and re-enter regular session at 8:03 PM. No action was taken.

ADJOURNMENT

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to adjourn this August 4, 2015, city council meeting. This meeting adjourned at 8:03 PM.

Elaine F. Hunt, City Clerk, MMC, NCCMC

Lew Starling, Mayor