

## AUGUST 5, 2008, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on August 5, 2008, in the city hall auditorium. Mayor Starling presided. Councilmembers Harris, Stefanovich, Strickland, and Turlington were present. Councilmember Becton was absent. The city attorney Dale Johnson; city clerk Elaine F. Hunt; city manager John F. Connet; fire chief Philip Miller; planning and community development director Jeff Vreugdenhil; planner Mary Rose; recreation director Judi Nicholson; public works director Chris Doherty; human resource manager Lisa Carter, assistant city manager Shawn Purvis, and police chief Mike Brim were present.

Miss Sarah Wallace Strickland, niece of Councilmember Strickland, gave the invocation.

### **CITY COUNCIL**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the minutes of the July 1, 2008, regular city council meeting were approved unanimously.

### **PROCLAMATION**

City Manager Connet read the following proclamation recognizing National Truck Driver Appreciation Week August 24 through August 30, 2008:

#### ***National truck driver appreciation week***

*WHEREAS*, professional truck drivers safely deliver important goods to every home, community, school and business in the United States. Each year, truck drivers travel more than 200 billion miles delivering 8 billion tons of freight; and

*WHEREAS*, professional truck drivers have been honored as among the safest drivers on our highways. Many have received awards for extraordinary acts of heroism and bravery for saving fellow motorists from injury and death; and

*WHEREAS*, America's professional truck drivers are hard-working men and women who serve the communities, schools and businesses of the United States with dedication and without fanfare. The economic system of this country rides on the wheels of trucks; the men and women who drive trucks keep that system going.

***NOW, THEREFORE***, I, Lew Starling, Mayor of the City of Clinton, NC, do hereby proclaim August 24 – 30, 2008, as **NATIONAL TRUCK DRIVER APPRECIATION WEEK** in honor of the more than 3 million men and women in America who deliver our goods by truck. Businesses, schools, communities,

churches and other civic organizations are encouraged to hold festivals, fairs, parties, parades, barbecues, banquets and other appropriate events to honor professional truck drivers for the vital role they play in the lives of Americans.

## **OATHS**

Mayor Starling administered oaths to Mary Rose, Paul Hawkins, James Fryar, and Faye Byrd.

## **COMMUNITY DEVELOPMENT BLOCK GRANT -- RUSSELL STREET**

Mayor Starling opened a public hearing on a request regarding a Community Development Block Grant (CDBG). Assistant City Manager Purvis stated that the area around Pugh Road and Russell Street might qualify for Community Development Block Grant funds. He stated that the deadline to submit applications for the current fiscal year is August 29, 2008. Assistant City Manager Purvis further stated that two public hearings are required when pursuing CDBG funds and the first public hearing was held on April 1, 2008. He requested that City Council approve the calling for the second public hearing on August 26, 2008, so that the necessary requirements for the city to apply for and receive CDBG infrastructure funds by the August 29, 2008, deadline might be satisfied. No one else appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, and unanimously passed, this public hearing was continued until 6:30 PM on August 26, 2008.

## **P & Z – 1003 NAYLOR STREET – LONNIE GLASPIE**

Mayor Starling opened a public hearing on a request by Lonnie Glaspie for the rezoning of approximately 0.268 acres located at 1003 Naylor Street from R-8 Residential to O & I Office and Institutional. City Planner Mary Rose explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon the findings of fact and zoning consistency statement. No one else appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the following amendment #2008.08.01 to the Zoning Ordinance was unanimously adopted:

**WHEREAS**, in accordance with the provisions of North Carolina General Statute 160A-383, the City of Clinton Planning Board does hereby find and determine that the recommendation of ordinance amendment RZ-7-08-1 is consistent with the goals and objectives of the City of Clinton Land Use Plan and other long range planning documents; and

**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, does enact as follows: The Zoning Ordinance of the City of Clinton be and the same is hereby amended as follows: That 0.268

acres at 1003 Naylor Street is hereby rezoned from R-8 Residential to O & I Office and Institutional.

**P & Z – 1501 SUNSET AVENUE – BILL HARRIS**

Mayor Starling opened a public hearing on a request by Bill Harris for a conditional use permit to operate a 6-unit shopping center at 1501 Sunset Avenue an HC Highway Commercial district. Mayor Starling stated that Bill Harris contacted City Manager Connet, the Planning and Zoning Board, and requested this request be withdrawn. No one wished to be heard, and the hearing was closed.

**P & Z – 1275 HOBBDON HWY – PAUL HAWKINS AND JAMES FRYAR**

Mayor Starling opened a public hearing on a request by Paul Hawkins and James Fryar for a conditional use permit to operate a funeral home at 1275 Hobbdon Hwy, an HC Highway Commercial district. City Planner Mary Rose explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request. She stated that Council may impose conditions. 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, and after determination that this request is in accordance with the provisions of NCGS 160A-383, a conditional use permit was unanimously approved for Paul Hawkins and James Fryar to operate a funeral home at 1275 Hobbdon Hwy.

## **P & Z – 604 N. E. BOULEVARD – FAYE BYRD**

Mayor Starling opened a public hearing on a request by Faye Byrd for a conditional use permit to operate a real estate office at 604 N. E. Boulevard, an R-8 Residential district. City Planner Mary Rose explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request. She stated that Council may impose conditions. 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.

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Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and after determination that this request is in accordance with the provisions of NCGS 160A-383, a conditional use permit was unanimously approved for Faye Byrd to operate a real estate office at 604 N. E. Boulevard.

## **APPOINTMENTS**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, Cary Taylor was unanimously reappointed to the ABC Board to serve for a three-year term ending August 2011.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, Dewey Elmore and Jamie Little were unanimously

reappointed to the Fireman's Relief Board for a two-year term as City Council's appointees ending July 2010.

### **TAXES – HOUSE OF PRAYER**

City Manager Connet requested council to release unpaid taxes, interest and liens totaling \$2,376.79 and billed to House of Prayer for property located at Cornwall Street. He said this property was foreclosed on and sold at public auction in April 2008. He further stated the property sold for less than the actual lien and the remaining portion of the lien is requested to be released.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Harris and unanimously passed the amount of \$2,376.79 was released from collection in delinquent taxes and liens billed to House of Prayer. Same amount was removed from the tax levy.

### **AUDITORIUM RENTAL POLICY**

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, and approved unanimously, the Auditorium Rental Policy was amended to include the following paragraph:

“A refundable deposit of \$100.00 is due before receiving the auditorium key for the event. The refundable deposit is NOT part of the rental fee. No dates will be reserved without receipt of deposit. Upon the completion of Lessee's event, the refundable deposit will be refunded to Lessee provided that no fees for damages or additional services are required. Refunds will be made on the 10<sup>th</sup> and 25<sup>th</sup> day of each month. Lessor reserves the right to cancel this agreement should rental fee not be paid by date(s) requested. All refunds shall be paid to Lessee by the City of Clinton Finance Department.”

### **PURCHASING FORECLOSURE PROPERTY POLICY**

City Manager Connet stated that currently Attorney Ben Warrick handles the selling of foreclosure property for the City of Clinton. He further stated that on several occasions, Mr. Warrick has been faced with a situation where there is a bidder who wishes to purchase the property for less than is owed or there is no bidder at all. During these instances, Attorney Warrick has to contact Planning and Zoning Director Vreugdenhil to determine how to handle the situation. Attorney Warrick suggested the City adopt a purchasing foreclosure property policy. Attorney Warrick stated he felt this was the appropriate way to solve these concerns.

City Attorney Johnson reviewed the proposed policy and feels that it is appropriate. Mayor Starling commended City Attorney Johnson for a marvelous job and gave a vote of thanks to Attorney Warrick and others who assist the City of Clinton in the various endeavors.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, the following Purchasing Foreclosure Property Policy was approved unanimously:

### **CITY OF CLINTON Purchasing of Foreclosure Property Policy**

In order to put property, on which the City has liens, back into taxpaying circulation in a timely manner, the City of Clinton deems it necessary to develop the following policy to address matters regarding sales/foreclosure property:

1. That the optimum condition would be that at a public sale of the property, a third party would show enough interest to make a bid which would cover not only the City's lien but the legal cost and fees so that the whole transaction would cost the City nothing; and
2. Realizing that the above will not always be the case, the next premise is to get the property in the hands of a third party at a public sale even if the full amount of the City's lien and/or legal costs, are not recoverable, believing it to be in the best interest of all concerned to get the property into a tax payer's hands as soon as possible; and
3. Realizing that there will be occasions when because of the lack of quality of the property being sold at public sale, there are no bidders or no interested bidders who will even bid anything, that the City make a bid of \$500.00 in order that the property change hands. In a situation where there are no other bidders, if the City does not make a bid, the property is going to stay in the hands that it is in which is a non-paying situation since neither the lien nor taxes are being paid. This will not result in the City having to pay any money to anyone for the bid because all the City has to do is to give a credit towards the lien for the \$500.00, which is bid. This would then enable the City to negotiate a sale with an adjoining landowner after it acquires title and once again get it into a situation where taxes are being paid on it.

### **PERSONNEL POLICY**

City Manager Connet presented the Personnel Policy to City Council for their review. He stated the policy included changes made over the last six years, as well as an updated Drug and Alcohol Policy. Upon City Council's approval, the policy will be placed on the website and new handbooks will be printed. He further stated that formal adoption will be requested at the September city council meeting.

### **RESOLUTION -- AUTHORIZING THE PURCHASING OF PROPERTY**

City Manager Connet stated that a tentative agreement with KS Bank to purchase the properties located at 729, 731, and 801 Barden Street and 704 Williams Street has been reached. He stated that KS Bank foreclosed on the property and after the foreclosure, approached the City of Clinton concerning

purchasing the property. Upon Council's approval, the property can be purchased for \$100,000.00.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the following resolution was unanimously adopted:

### **RESOLUTION AUTHORIZING CITY MANAGER TO PURCHASE PROPERTY**

**WHEREAS**, the City Council of the City of Clinton, NC, desires to purchase property located at 729, 731, and 801 Barden Street and 704 Williams Street from KS Bank, Inc. of 1031 North Brightleaf Boulevard, Smithfield, NC 27577; and

**WHEREAS**, the city manager on June 17, 2008, was instructed to pursue the purchase of the abovementioned property; and

**WHEREAS**, the city manager recommends the City of Clinton purchases 729, 731, and 801 Barden Street and 704 William Street for the amount of \$ 100,000.

**NOW, THEREFORE, BE IT RESOLVED** that John F. Connet, City Manager, is hereby authorized to purchase 729, 731, 801 Barden Street and 704 Williams Street for \$ 100,000 (plus legal fees, taxes, etc.) from KS Bank, Inc.

### **RESOLUTION OF INTENT -- NORTHEAST SIDE OF 314 SAMPSON STREET**

City Manager Connet stated that he has questions regarding the closing of a 30' wide easement and asked that this item be continued until the September city council meeting.

### **DESIGN SERVICES AGREEMENT – JKF ARCHITECTURE PC**

City Manager Connet stated that proposals for architecture services was prepared and mailed to four architecture firms. Three proposals were received and all three firms were interviewed. He recommends entering into an agreement with JKF Architecture from Greenville, NC. Upon Council's approval, the planning phase for the new Recreation Department Main Office will begin. City Manager Connet stated that he worked with JKF Architecture while employed with the Town of Winterville. City staff consisting of Recreation Director Nicholson, Public Works Director Doherty, Assistant City Manager Purvis, and Police Chief Brim visited the site and also recommend this firm.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the design services agreement between the City and JKF Architecture PC was approved unanimously.

### **COMMUNITY DEVELOPMENT SERVICES -- HOLLAND CONSULTING**

City Manager Connet stated that proposals for community development services was prepared and mailed to three consulting firms. Two proposals were

received and both firms were interviewed. City Manager Connet recommended entering into an agreement with Holland Consulting Planners, Inc. from Wilmington, NC. Upon Council's approval, a CDBG Grant application for the extension of water, sewer, and drainage infrastructure along Russell Street and Pugh Road will begin.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, the community development services agreement between the City and Holland Consulting Planners, Inc. was approved unanimously.

## **REPORTS**

City Manager Connet acknowledged that the fire, financial, personnel, police, public works, and minimum housing reports were received and he stands ready to answer any questions from City Council regarding the reports. Having nothing else to report, Council went into closed session.

## **RESOLUTION -- CLOSED SESSION**

Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington, the following resolution was unanimously adopted:

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### 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 5, 2008, entered closed session as allowed by G. S. 143-318.11(a)(6) to discuss personnel.

Council re-entered regular session. Mayor Starling reported council was briefed on a personnel matter; however, no action was taken.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, and unanimously passed, the meeting was continued until August 26, 2008, at 6:30 PM to conduct a public hearing concerning the Russell Street CDBG Application.

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Clerk

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Mayor