



## JULY 12, 2016, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on July 12, 2016, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Strickland, Turlington, Becton, and Stefanovich were present.

Mayor Pro Tem Harris was absent.

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

Also present were City Manager Shawn Purvis; City Clerk Elaine F. Hunt; Planning Director Mary Rose; Public Works Engineer Russell Byrd; Finance Director Kristin Stafford; Fire Chief Scott Phillips; Recreation Director Jonathan Allen; Police Chief Jay Tilley; Human Resource Director Lisa Carter; Senior Planner Lyle Moore; Lt. Anthony Davis; and Captain Donald Edwards.

Public Works Director Jeff Vreugdenhil was absent.

Bill Roberson, of the Sampson Weekly; and Chris Berendt, of the Sampson Independent, were also present.

Mayor Starling called the meeting to order. He called upon Councilmember Stefanovich to give the invocation.

### CITY COUNCIL

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the June 14, 2016, regular; and June 21, 2016, special city council meetings were unanimously approved.

### PRESENTATION – SAMPSON COUNTY TOURISM BUREAU – MS. SHEILA BAREFOOT, EXECUTIVE DIRECTOR

Ms. Sheila Barefoot, Executive Director, Sampson County Tourism Bureau, appeared before City Council to present the goals of the organization. She spoke regarding the economic growth that has taken place within the County over the past three years. She stated that the purpose of the Sampson County Convention & Visitors Bureau is to market and promote the County through efforts such as marketing, providing assistance at local events and developing partnerships with bureaus from other counties. She stated that Magellan Strategy Group, a consultant firm has been hired by the Bureau to assist with the strategic planning process.

Ms. Barefoot commended our wonderful Clinton-Sampson Exposition Center. Her future plans included: a two-day festival, a rack card program, updating the website with the help of high school interns, working with legislators to pass a bill regarding the occupancy tax to increase it from 3 percent to 6 percent. Ms. Barefoot stated that surrounding counties have an occupancy tax of 6 percent, with the exception, of Johnston County, that has a 5 percent occupancy tax. She informed everyone that the occupancy tax is on the persons who stay in the lodging and not on the county.

Excitedly, Ms. Barefoot spoke regarding a Barn Quilts of Sampson County Project. Currently, she stated that a mapping project is underway to show all of the barn quilts in Sampson County. She informed the group about the upcoming Cycle NC Mountains to Coast Tour; whereas, approximately 1,100 cyclists will travel through Clinton. Also, she asked for volunteers to aid in this event.

Ms. Barefoot stated that according to an economic impact study from Visit NC and the US Travel Association:

Visitors spent more than \$47 million in Sampson County in 2014; and  
Sales tax revenue from visitors was listed at \$2.5 million; and  
Local tax revenue of \$1.4 million was listed; and  
The tax savings for residents were \$4 million.

Mayor Starling thanked Ms. Barefoot for taking time out of her busy schedule to come and share with City Council. He stated that he attended a meeting on last evening, where Ms. Barefoot spoke and it was very impressive.

**PRESENTATION – WELL HEAD PROTECTION – MS. CAMILLE MONROE, WWTP  
INTERN**

City Council was asked to continue this item until the August 2, 2016, city council meeting, and they did so.

**RECOGNITION – ANTHONY “TONY” STEFFEN, RETIRED CITY OF CLINTON’S EMPLOYEE**

City Manager Purvis, with some sadness, announced the recent retirement of Anthony “Tony” Steffen after thirty (30) years of service. He stated that Tony began with the City of Clinton in 1986 and worked in almost every division of Public Works—retiring as Public Works Manager. Jokingly, Mr. Purvis stated that he still rides around with former City of Clinton employee(s).

Mayor Starling stated that he, Ray Bolton, another City of Clinton’s employee, and Tony, were classmates. He stated that Mr. Steffen is a very fine person who will be truly missed. Furthermore, he stated that Mr. Steffen experienced a lot of stress during the winter months while at the City. He thanked Tony Steffen for the service that was rendered to the City. Mr. Steffen was given a round of applause from the audience and City Council.

**RECOGNITION – JOHN BENNETT HONEYCUTT, RETIRED CITY OF CLINTON’S EMPLOYEE**

City Manager Purvis, with some sadness, announced the recent retirement of John Bennett Honeycutt after thirty (30) years of service. He stated that Bennett began with the City of Clinton in 1986 also and was an outstanding crew leader. He stated that Bennett was the “human locator” for the City because when it was necessary to locate lines, all one had to do was call upon Bennett. Mr. Purvis stated that it was a real pleasure working with Bennett and he wishes him all the best.

Mayor Starling thanked Bennett Honeycutt for the service that was rendered to the City. He stated that within the two men, there exists over sixty (60) years of experience. Mr. Honeycutt was given a round of applause from the audience and City Council.

**NEWKIRK PARK COMMITTEE – NETTIE PERNELL AND JOHNNY BOYKIN**

Mayor Starling veered from the outline of the agenda to recognize the Newkirk Park Committee which included Nettie Pernell and Johnny Boykin. He welcomed Mrs. Pernell to speak to the group.

Mrs. Pernell thanked the City for the opportunity to work with them; however, her reason for coming was to discuss the basketball court and bathroom door(s). She stated that although Parks and Recreation Director Allen keeps them updated, they are seeking a tentative date for completion of the court. She also stated that the bathroom door(s) are padlocked. Mrs. Pernell announced that on September 17<sup>th</sup>, they are hoping to have a block party. She urged everyone to utilize Newkirk Park.

Mr. Johnny Boykin reiterated that there are still work that needs to be done at Newkirk Park. He stated that currently, children are at the park from 9:30 AM until 3:00 PM.

Mayor Starling asked Parks and Recreation Director Allen to give an update and he did accordingly. He stated that the basketball court was anticipated to be completed on last week; however, the weather prohibited the completion. He stated that the prep work has been done and the asphalt has to be poured. Mr. Allen stated that in his opinion, the court should be completed in a few days. Regarding the door(s), he stated that they will need to be ordered. Mayor Starling asked Mr. Allen to have these tasks completed in a few days.

### **PUBLIC HEARING -- OATHS**

Oaths were not needed during the July 12, 2016, city council meeting.

### **P & Z— LAND DEVELOPMENT ORDINANCE – APPENDIX A – DEFINITIONS**

Mayor Starling opened a public hearing on a text amendment request by Planning Staff to amend Appendix A: Definitions of the Clinton Land Development Ordinance continued from the June 14<sup>th</sup>, city council meeting.

Senior Planner Lyle Moore appeared before City Council to speak regarding the request. He stated that some of these recommended changes are required by statutes and some changes are requested to correspond with our 2035 Comprehensive Plan. Mr. Moore stated that without specific definitions in the Land Development Ordinance, the City would have to find the closest use when deciding on zoning and permitting. He stated that these amendments will help to clarify and eliminate confusion when dealing with zoning and/or permitting.

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

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following ordinance # 2016.07.01 to the Land Development Ordinance was adopted unanimously:

#### **# 2016.07.01**

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 Land Development Ordinance of the City of Clinton be and the same is hereby amended to read as follows:

## Appendix A: Definitions

Eminent Domain. The right of a government or its agent to expropriate private property for public use, with payment of compensation.

Manufacturing, Processing, & Assembly, Type A. A manufacturing establishment inside a fully-enclosed building primarily engaged in the fabrication or assembly of products from pre-structured materials or components. Because of the nature of its operations and products, Type A manufacturing produces little or no noise, odor, vibration, glare, and/or air and water pollution outside of the facility, and, therefore, has low impact on surrounding properties. This definition includes apparel manufacturing, transportation equipment, wood kitchen cabinet and countertop manufacturing, other miscellaneous manufacturing, motorcycle, bicycle and parts manufacturing, furniture and related product manufacturing, computer and peripheral equipment manufacturing, communications equipment manufacturing, audio and video equipment manufacturing, electric lighting equipment manufacturing, electrical equipment manufacturing, medical equipment and supplies manufacturing, food and beverage manufacturing, printing and related support activities.

Manufacturing, Processing, & Assembly, Type B. A manufacturing establishment inside or outside a fully- enclosed building primarily engaged in the manufacture of products from extracted or raw materials, the assembly of large or heavy machinery, and the storing or using of flammable, explosive, hazardous, or toxic materials in the manufacturing processes. Because of the nature of its operations and products, Manufacturing, Processing, and Assembly Type B may impact surrounding properties due to noise, odor, vibration, glare, and/or air and water pollution. this definition may include paper manufacturing; tobacco manufacturing; leather product manufacturing; lumber and wood product manufacturing; plastics product manufacturing; primary metal manufacturing; textile and fabric finishing and fabric coating mills; leather and hide tanning and finishing; engineered wood product manufacturing; pulp, paper and paper board mills; petroleum and coal products manufacturing; chemical product and preparation manufacturing; rubber product manufacturing; clay and glass product manufacturing (other than artists and craftsmen); mineral product manufacturing, commercial and service industry machinery manufacturing; and transportation equipment manufacturing.

~~Planned Unit Development (PUD). A development constructed on a tract at least 30,000 square feet in area under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land within a PUD district.~~

Sign, Billboard. A permanent freestanding sign structure upon which the display area is leased for the display of a message, text, or image.

~~Sign, Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.~~

~~Sign, Building Marker. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.~~

Sign, Changeable Copy. A sign or portion thereof with characters, letters, or illustrations that can be

changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this Ordinance. ~~A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for the purposes of this Ordinance.~~

**Sign Flashing.** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a “flashing sign”. ~~Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.~~

**Sign, Identification.** ~~A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization, or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed; or a permanent sign announcing the name of a subdivision, manufactured home park, campground, shopping center, tourist home, group housing project, church, school, park, or public or quasi-public structure, facility, or development, and the name of the owners or developers.~~

**Sign, Incidental.** ~~A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off of the lot on which the sign is located shall be considered incidental.~~ Signs that are not legible from the property line of the property on which they are located and are not intended to be viewed from off-site.

**Sign, Informational.** ~~Any on premises sign containing no other commercial message, copy, announcement, or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: identifying rest rooms, public telephones, automated teller machines, for lease, for sale, self-service, walkways, entrances and exits, freight entrances, traffic direction, and prices.~~

**Sign, Off-premise.** ~~A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located.~~

**Sign, On-premise.** ~~A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.~~

**Sign, Outdoor Advertising.** ~~A standard structural poster panel or painted sign either free-standing or attached to a building, for the purpose of conveying information, knowledge or ideas to the public. See also Billboard.~~

**Sign, Permanent.** ~~A sign that is affixed to a structure that is permanently mounted to the ground with concrete or other permanent anchor or is made of rigid material and anchored to a building wall.~~

**Sign, Public Information.** ~~A sign, usually erected on public property or right-of-way **by a government entity** and maintained by a **public-government** agency that provides the public with information **and in no way relates to a commercial activity including**, but not limited to, speed limit signs, city limit signs, street name signs, and directional signs. These signs are in no way regulated by this Ordinance.~~

~~**Sign, Residential.** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this Ordinance.~~

~~**Sign, Temporary.** A sign that is not permanently affixed to the ground with concrete or other permanent anchor or is made of flexible material and is temporarily affixed to any portion of a building, and is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic change, that sign shall be regarded as temporary.~~

~~**Sign, Window.** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.~~

~~**Townhouses.** A group of 4 or more attached dwellings that each have separate entrances to the outside and are entirely separated from each other by walls that meet North Carolina Building standards.~~

~~**Townhouse.** A townhouse is a building with two (2) or more residential units, entirely separated from each other by walls that meet North Carolina Building standards, located side-by-side on separately owned lots.~~

~~**Winery.** An wine-making establishment operation with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine from fresh fruits or other agricultural products predominately grown or produced on the property, or from products grown within the region, which possesses the appropriate license from the State of North Carolina Alcoholic Beverage Control Commission. The operation may include associated retail outlets, tasting rooms, and restaurants and may hold events or activities to promote the wine product, such as private parties, meals, and wine-related festivals.~~

~~**Zero Lot Line.** A concept commonly used in Planned Unit Residential Developments where individual commercial buildings or dwellings, such as townhouses (row houses) and patio homes, are to be sold, along with the ground underneath and perhaps a small yard or patio area. Such commercial or residential units are located in buildings with two (2) or more units per building, usually including common walls. With zero lot line, the minimum requirements for lot area and yards need not be met and construction can take place up to the lot line.~~

## **P & Z – 310 FAYETTEVILLE STREET – RLB PROPERTIES, LLC**

Mayor opened a public hearing on a request by RLB Properties, LLC to rezone approximately 0.17 acres at 310 Fayetteville Street, from O & I – Office and Institutional to NS – Neighborhood Shopping.

Senior Planner Lyle Moore explained the request and gave the staff and Planning and Zoning Board’s recommendation to approve the request upon the findings of fact and zoning consistency statement.

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

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following amendment **#2016.07.02** 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-6-16-1 to be rezoned from O & I – Office and Institutional to NS –Neighborhood Shopping is consistent with the goals and objectives of the Clinton 2035 Comprehensive Plan. Section 6. B. Future Land Use Sectors of the Clinton 2035 Comprehensive Plan identifies Neighborhood Shopping Districts as transitional zoning districts between commercial and residentially zoned properties while providing goods and services to the surrounding neighborhoods.

**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 approximately 0.17 acres at 310 Fayetteville Street, is hereby rezoned from O & I – Office and Institutional to NS – Neighborhood Shopping.

#### **P & Z— LAND DEVELOPMENT ORDINANCE – CHAPTER 6. SIGNS**

Mayor Starling opened a public hearing on a text amendment request by Planning Staff to amend Chapter 6 Signs of the Clinton Land Development Ordinance.

Senior Planner Lyle Moore stated that the proposed revision is to address the various signs and the maintenance of signs. He further stated that these changes are for clarification and to provide alignment with the North Carolina General Statutes. He stated that the Planning and Zoning Board recommends approval.

Councilmember Stefanovich commended Mr. Moore and Planning Staff for their efforts and hard work. He asked that Mr. Moore and Planning Staff would give examples of what needs to be done or what need not be done to individuals coming into their offices regarding these ordinances or text amendments. He stated that these ordinances/text amendments can be very confusing to individuals who do not work in this department. He stated that by giving examples, one should better understand the matter.

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance # 2016.07.03 to the Land Development Ordinance was adopted unanimously:

# 2016.07.03

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 Land Development Ordinance of the City of Clinton be and the same is hereby amended to read as follows:

**Chapter 6. Signs**

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**Section 6.1 Permit Required for Signs**

D. Signs for which a Sign Permit has been issued may be relocated in conformance with the regulations of this Chapter upon notification to the Administrator. Signs that are nonconforming ~~may not be relocated except upon removal of all nonconforming features of the sign~~ shall be subject to Section 13.2.

**6.2.3 General Sign Location**

A. As provided in the Permitted Uses Table, no ~~off-premises~~ signs (except those exempted from regulation or permit requirements under Sections 6.3 or 6.4) may be located in any district other than an industrial district.

**Section 6.3 Exempt Signs**

The following signs shall not require a Sign Permit under this Chapter, provided however, any such signs shall comply with all other requirements of this Chapter and Ordinance except that such signs shall not be included in or count towards the total allowable sign surface area or total number of allowable freestanding signs.

A. Signs not exceeding three (3) square feet in total sign surface area that are associated with residential use ~~and that are not of a commercial nature. Such sign surface area shall contain only property identification names, numbers or names of occupants, or warnings to the public.~~

~~Memorial plaques, cornerstones, historical tablets and similar devices.~~

B. Incidental signs that are not legible from the property line of the property on which they are located and are not intended to be viewed from off-site.

C. Official signs installed by units of local government having jurisdiction within the City of Clinton, agencies of the State of North Carolina and federal government agencies are exempt from the regulations established by this Ordinance, provided that such signs are installed upon public property or within a right-of-way owned or maintained by said governmental agency and fully conform to all safety provisions established by this Ordinance. For the purposes of this section, official signs shall include any sign erected by the City of Clinton.

~~Signs erected by, or on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification and information signs, and traffic, directional or regulatory signs.~~

D. On-premise flags and balloons, insignia ~~of nonprofit or governmental organizations~~ shall be allowed subject to all of the following requirements:

1. Flags shall not exceed ~~ing~~ 100 square feet in surface area ~~may, at the option of the owner, contain company and/or organization logos, writing or other representations.~~ Such flags shall be maintained in accordance with Section 6.9 (Maintenance of Signs).

~~3. Insignia of nonprofit or governmental organizations shall not be displayed in connection with a commercial promotion or as an advertising device.~~

E. Integral decorative or architectural features of buildings or works of art, so long as such features or works ~~do not contain letters, trademarks,~~ moving parts, or lights.

F. Signs directing and guiding traffic on private property that do not exceed six (6) square feet in area, ~~and that bear no advertising matter.~~ Examples of such signs include restroom signs, parking area entrance and exit signs, no trespassing signs, and other signs warning of danger.

~~Church, school, community center, and other public and institutional use signs and bulletin boards, that do not exceed one per abutting street and 20 square feet in area for the purpose of displaying the name of the institution and related information. Such signs may be either a wall sign or freestanding sign. When freestanding, such signs shall not be located closer than 10 feet from any lot line and any street right of way line. Such signs may be illuminated. The maximum sign height requirements of Section 6.6.1 shall apply.~~

G. Signs painted on, or otherwise permanently attached to, currently licensed motor vehicles that are not primarily used as signs. Motor vehicles shall not be parked ~~as to constitute a sign off premises for advertising purposes.~~

~~Signs proclaiming religious, political, or other non-commercial messages (other than those regulated by Section 6.4 that do not exceed one per abutting street and 20 square feet in area, and that are not internally illuminated.~~

## **Section 6.4 Temporary Signs ~~Not Requiring a Permit~~**

### **6.4.1 Applicability**

The provisions of this section shall apply to the placement and display of temporary signage within the Town's jurisdiction. Any temporary sign that does not comply with the provisions of this Section is prohibited. Any sign which is permanently displayed shall comply with the provisions of Section 6.6 Permanent Signs.

~~The following temporary signs are permitted without a Zoning, Conditional Use, or Sign Permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this Ordinance, except those contained in Section 6.6. Other temporary signs not listed below shall be regarded and treated in all respects as permanent signs, except that temporary signs shall not be included in calculating the total amount of permitted sign area. No signs shall be placed in any right-of-way.~~

#### **6.4.2 Common Standards**

All temporary signs shall comply with the following common standards:

- A. Temporary signs shall not be illuminated or be provided with any electric service.
- B. Temporary signs shall not be placed within any public street right-of-way, including within medians, unless expressly permitted by this ordinance or the North Carolina General Statutes.
- C. Temporary signs attached to building walls (other than permitted temporary window signs) shall not be placed in a manner that obstructs any window, door, fire department sprinkler connection, or street number sign.
- D. Temporary signs shall not be affixed to a permanent sign or its supporting structure, including both building mounted and freestanding permanent signs.
- E. Temporary signs shall not be placed in a manner that obstructs clear sight distance (within the required sight triangle) for motorists at street intersections or driveways.
- F. Temporary signs, other than Type 4 Freestanding Temporary Signs, shall not be placed upon any sidewalk or other pedestrian walkway.
- G. Temporary signs shall not be placed on the roof of a building, or affixed to a motor vehicle, tree, utility pole or street sign.
- H. Where temporary signs are limited in the duration of their display and limited in the total number of displays per calendar year, any required period of separation between such displays shall carry through to the following calendar year, and shall be observed prior to initiating the first allowed display during the new calendar year.

#### **6.4.3 Freestanding Temporary Signs**

##### ***6.4.3.1 General Provisions***

The following standards shall apply to all Freestanding Temporary Signs:

- A. Signs shall not be affixed to poles, posts, stakes or other supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques, unless otherwise specified.
- B. Signs, other than Type 4 Freestanding Temporary signs, shall be set back from the edge of the right-of-way.
- C. No more than one (1) Freestanding Temporary Sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy at any given time, regardless of type, unless otherwise expressly permitted.

##### ***6.4.3.2 Type 1 Freestanding Temporary Signs***

Signs in this category consist of small, temporary yard signs that are typically associated with (but not limited to) the advertisement of real estate, political campaigns and meeting announcements. For examples of Type 1 Temporary Freestanding Signs, see Figure 7.1. Such signs are also subject to NCGS 136-32(b).

##### ***6.4.3.3 Type 2 Freestanding Temporary Signs***

Signs in this category are typically referred to as “banners” that are typically associated with (but not limited to) the announcement of community, sporting and similar special events. For examples of Type 2 Temporary Freestanding Signs, see Figure 7.1.

**6.4.3.4 Type 3 Freestanding Temporary Signs**

Signs in this category are large temporary signs typically associated with (but not limited to) the advertisement of large tracts of land for sale, construction and development activity or the advertisement of commercial or industrial buildings for sale or lease. For examples of Type 3 Temporary Freestanding Signs, see Figure 7.1.

**6.4.3.5 Type 4 Freestanding Temporary Signs**

The category of signs defined as Type 4 Freestanding Temporary signs shall include only those signs which are constructed in a manner that is commonly referred to as an “A-frame” or “sandwich board” sign. The faces of the sign shall be connected at the top by hinges or similar mechanisms and the sign shall be self-supporting when placed in its display position.

Criteria	Type 1	Type 2	Type 3	Type 4
Zoning District	Any District	Any District	Any District	NS, OI, CB, HC, MU
Permit Required	No	No	Yes	No
Land Use	<ul style="list-style-type: none"> <li>Any land use.</li> </ul>	<ul style="list-style-type: none"> <li>Civic, Government, &amp; Institutional Use Group</li> </ul>	<ul style="list-style-type: none"> <li>Residential Use Group for lots or developments of greater than 3 acres</li> <li>Vacant or undeveloped properties of greater than 1 acre</li> <li>Any property with a minimum of 200 feet of frontage on a public right-of-way</li> <li>Property of greater than 1 acre for which there is a valid building permit</li> </ul>	<ul style="list-style-type: none"> <li>Civic, Government, &amp; Institutional Use Group</li> <li>Office 7 Service Use Group</li> <li>Retail &amp; Wholesale Use Group</li> </ul>
Max. Size <sup>1</sup> (square feet)	6	24	32	6
Max. Height (feet)	4	4	8	4
Number Permitted <sup>2</sup>	1	1	1	1 per customer entrance <sup>4</sup>
Max. Duration	30 days	7 days up to 12 times per calendar year	2 years <sup>3</sup>	Between daily opening and Closing

Mounting	Supported by posts or stakes	Supported by posts or stakes	Supported by a minimum of 2 posts or stakes	A – frame
Material	Rigid	Flexible	Rigid	Rigid
Other	NCGS 136-32 applies within state rights-of-way		Shall not be displayed upon a parcel that contains a permanent freestanding sign	<ul style="list-style-type: none"> <li>• Shall be located within 10 feet from building wall and within 10 feet of a customer entrance</li> <li>• May be located on sidewalk if with a minimum 3-foot clearance</li> <li>• Shall not be placed in a landscape area or parking area or driveway</li> </ul>

<sup>1</sup>The display area may be either single or dual-sided, but shall not consist of more than one (1) distinct component.

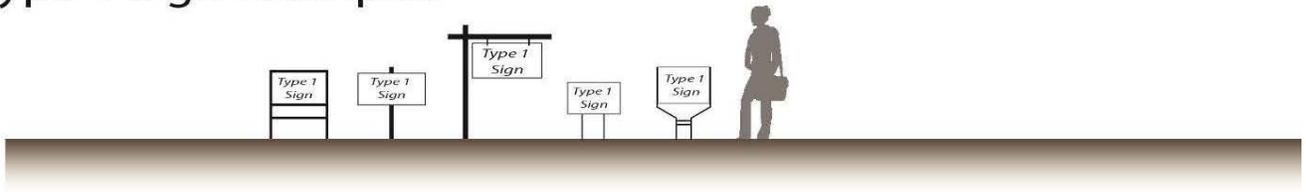
<sup>2</sup>Per parcel or group of adjacent parcels under common ownership or tenancy

<sup>3</sup>Provided that this limit shall not be apply if the land, and any building(s) and/or structure(s) upon such parcel or group of parcels is not occupied or in active use for purposes other than a use in the Residential Use Group at any time during the period of display.

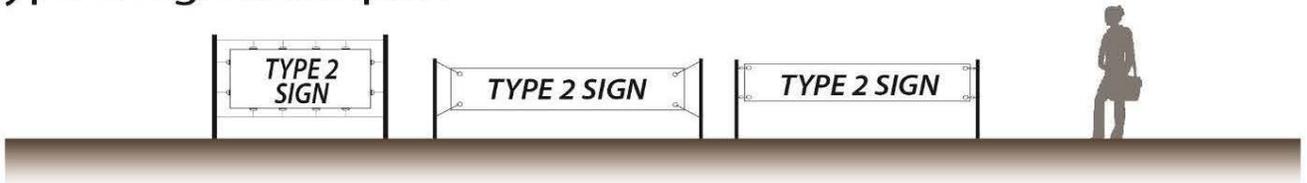
<sup>4</sup>Provided there is a separation of a minimum of 50 feet if there is more than one customer entrance per tenant space.

FIGURE 6.1: FREESTANDING TEMPORARY SIGN TYPES

## Type 1 Sign Examples



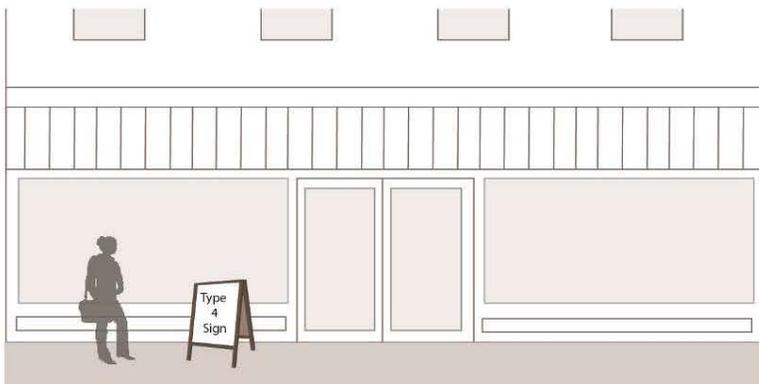
## Type 2 Sign Examples



## Type 3 Sign Examples



## Type 4 Sign Example



### 6.4.4 Wall Mounted Temporary Signs

Temporary signs mounted to building walls may be displayed subject to the following provisions:

A. One (1) temporary wall sign may be displayed per building occupied by a single tenant. Buildings designed for occupancy by multiple tenants where each tenant has a separate entrance may display one (1) temporary wall sign per tenant space. Buildings occupied by multiple tenants that share a common entrance may not display more than one (1) temporary wall sign at any given time.

B. Temporary wall signs shall be mounted flush against the building wall and secured by fasteners or other anchors at each corner.

C. The maximum display area for temporary wall signs shall be 32 square feet.

#### **6.4.5 Temporary Window Signage**

Signs attached temporarily to the interior of a building, window, or glass door, individually or collectively, may not cover more than 75 percent of the surface area of the transparent portion of the window or door to which they are attached. Such signs shall be removed within 30 days after placement;

~~**Real Estate Signs.** Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs may not exceed 12 square feet in area and shall be removed immediately after sale, lease, or rental. Such signs shall be located on private property, shall not be located in public rights of way, and may be indirectly illuminated in non-residential zoning districts;~~

~~**Construction Site Identification Signs.** Construction site identification signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information including, but not limited to, sale or leasing information. Such signs shall not be erected prior to the issuance of a Zoning Compliance Permit and shall be removed within 10 days after the issuance of the Certificate of Occupancy for the principal use;~~

~~**Holiday Displays.** Displays, including lighting, erected in connection with the observance of holidays shall be removed within 10 days following the holidays;~~

~~**Political Signs.** Signs erected in connection with elections or political campaigns shall be removed within 10 days following the election or conclusion of the campaign. No such sign may exceed 20 square feet in surface area. Such signs shall be located on private property and shall not be located in public rights of way;~~

~~**Special Event Signs.** Signs indicating that a special event such as a fair, carnival, circus, festival, or similar event is to take place on the lot where the sign is located may be erected no sooner than two (2) weeks before the event and must be removed no later than three (3) days after the event.~~

~~**Banners.** Flexible signs advertising a special sale or feature shall be hung against a building wall and shall not be attached to a roof, fence, or existing sign. Banners shall not be larger than 32 square feet.~~

~~**Portable Signs.** Only one (1) portable sign may be located on any lot used for non-residential purposes. Portable signs shall be securely anchored to the ground in a manner approved by the Administrator. Portable signs shall be located at least 10 feet from a street right of way. Such signs shall not be illuminated. Portable sign placement shall not exceed 30 days for any business. A minimum of 30 days shall pass prior to the placement of any other portable sign for the business.~~

### **Section 6.6 Requirements for Signs that Require Permits Permanent Signs**

#### **6.6.3 Special Provisions for Certain Signs**

**A. Subdivision Entrance and Multi-family Development Entrance Signs.** At any entrance to a residential subdivision or multi-family development, there may be not more than two (2) signs ~~identifying such subdivision or~~

~~development.~~ A single side of any such sign may not exceed 50 square feet in surface area. No such signs shall exceed a height of 10 feet above the property grade. In cases where such signs are mounted on decorative functional or nonfunctional walls, the wall area shall not be used to calculate total sign surface area.

~~**Grand Opening Signs.** Grand opening signs shall be subject to the following requirements and/or exemptions:~~

- ~~1. For purposes of this Section, the term “grand opening” shall be construed as a singular event of limited (10 day maximum) duration designed and intended to attract public attention to a recently established office, commercial, industrial or multi-family land use. Expansion of an existing principal use shall not be construed as a grand opening event. No temporary use shall be construed as a grand opening event.~~
- ~~2. Such event shall commence no later than 60 days following any occupancy for use to qualify for a grand opening sign.~~
- ~~3. No grand opening sign(s) shall be displayed for more than 10 total and continuous days.~~
- ~~4. Within a development, each lot or unit occupied by a separate establishment may qualify for individual grand opening signs in accordance with this Subsection.~~
- ~~5. Grand opening signs may be placed on the roof.~~

## **Section 6.7 Downtown Historic District Signs**

~~B. Signs for discontinued tenants no longer identifying the business or use conducted within the building shall be removed unless the sign is a contributing feature on a building within the historic district designated a historic sign or; however, where the sign identifying the original owner is an integral part of the building structure and not attached thereto, it shall be permitted.~~

~~G. Changeable copy signs shall not be permitted within storefront display windows except for the announcement of specific cultural arts and special events.~~

~~HG. No signs at or above roof level shall be permitted.~~

~~I. Information and directional signs may be permitted, as appropriate, for the convenience of the public. In no case shall any informational or directional sign contain advertising. The total area of all informational signage shall be limited to a maximum of two (2) square feet. Examples are entrance, exit, hours of operation, and credit card logos.~~

~~J. Open and closed signs shall not exceed three (3) square feet.~~

~~K. Political and real estate signs shall be limited to three (3) square feet and are exempt from the certificate of appropriateness requirement.~~

~~L. Historical plaques shall be permitted for any property listed on the National Register of Historic Places or any property designated by the Historic Preservation Commission.~~

### **6.7.2 Specific Standards**

A. Primary signs shall include one of the following and meet the outlined standards:

1. Wall signs require a Certificate of Appropriateness as major work item.
  - a. Maximum protrusion of 12 inches from the building.
  - b. A maximum of one square foot for each foot of building or business frontage up to a maximum of 200 square feet.
  - c. May not extend above the bottom of the cornice or cap.
  - d. Wall signs ~~identifying ground level establishments~~ in the same building shall be uniform except in cases where arches, entrances or other features of the building prevent strict adherence to this requirement.
  - e. No sign shall be painted directly on the surface of the building.
  
3. Canopy or marquee signs ~~identifying a business~~ may be installed on the face of a canopy or marquee, provided that total copy area shall not exceed the area permitted for a wall sign based on linear feet of building frontage. On places of public entertainment, such as theaters, arenas and meeting halls, maximum permitted

copy area for changeable copy shall be three (3) square feet per linear foot of canopy or marquee, in addition to the area permitted for permanent signs ~~identifying the business~~, subject to a maximum height of five (5) feet for the changeable copy.

6. Repair, replacement or replicas of historic signs, including internally illuminated, back-lighted, indirect, exposed bulb, or neon signs, are permitted in the Downtown Historic District. A photo, picture, drawing, or sketch of the *original* sign shall accompany the sign application. A Certificate of Appropriateness as a major work is required. ~~Pictographic signs require a Certificate of Appropriateness as a major work. A pictograph is a sign containing graphic images or text combination with or without commercial intent and shall not restate the name of the business.~~

- ~~a. Signs shall be no larger than one half (1/2) square feet for each two (2) feet of linear building frontage.~~
- ~~b. Signs shall be located on the interior of the building.~~

### **Section 6.8 Sign Illumination and Signs Containing Lights**

F. Subject to Subsection (G), no sign may contain or be illuminated by flashing, or intermittent lights or lights of changing degrees of intensity. ~~except signs indicating the time, date or weather conditions.~~

### **Section 6.9 Maintenance of Signs**

B. If a sign, other than a billboard, ~~advertises for~~ a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

## **P & Z— LAND DEVELOPMENT ORDINANCE – CHAPTER 14. MAP AND TEXT AMENDMENTS**

Mayor Starling opened a public hearing on a text amendment request by Planning Staff to amend Chapter 14 Map and Text Amendments of the Clinton Land Development Ordinance.

Senior Planner Lyle Moore stated that this recommended text amendment is for housekeeping purposes. He stated that the General Assembly remove Chapter 14 Map and Text Amendments Section 14.5 Protest Petitions in its entirety.

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

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following ordinance # 2016.07.04 to the Land Development Ordinance was adopted unanimously:

**# 2016.07.04**

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 Land Development Ordinance of the City of Clinton be and the same is hereby amended to read as follows:

## Chapter 14. Map and Text Amendments

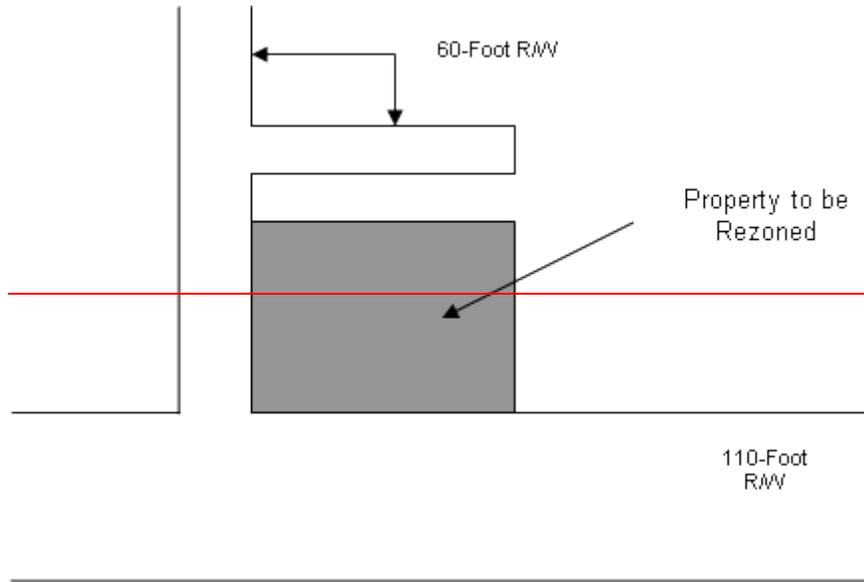
### Section 14.5 Protest Petitions

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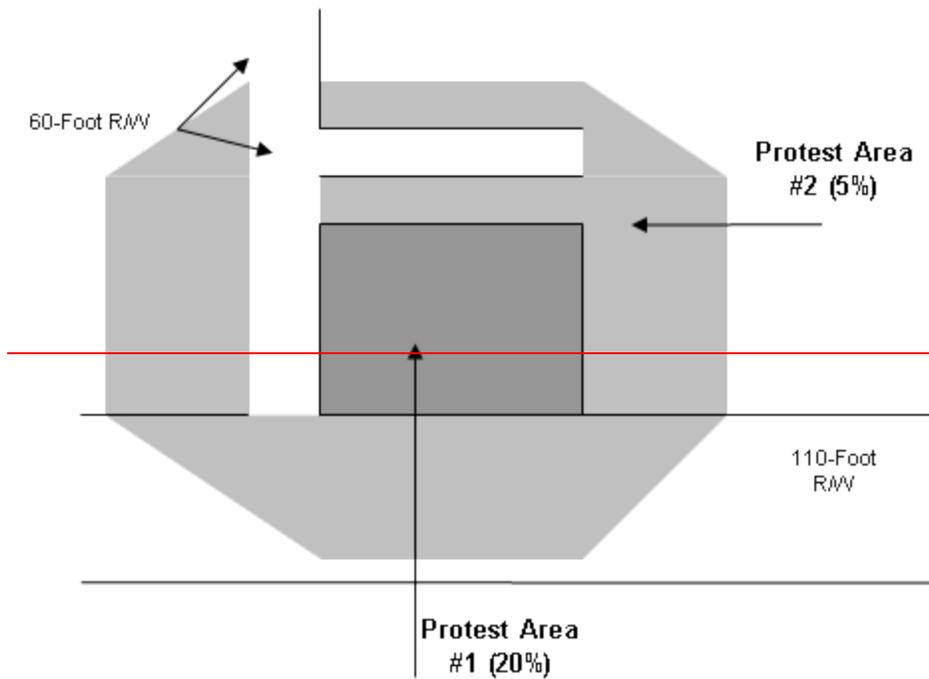
- ~~A. If a petition opposing a change in the zoning classification of any property is filed in accordance with the provisions of this Section, then the proposed amendment may be adopted only by a favorable vote of three fourths ( $\frac{3}{4}$ ) of the City Council's membership. For the purpose of this Section, vacant positions on the City Council and members who are excused from voting shall not be considered "members of the Board" for calculation of the requisite supermajority. A protest against a proposed zoning map amendment may be submitted by an aggrieved party.~~
- ~~B. Qualified protests shall not be applicable to any amendment that initially zones property added to the territorial coverage of this Ordinance as a result of annexation or otherwise, or to an amendment to an adopted special use district, conditional use district, or conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening as approved for the special use district, conditional use district, or conditional district.~~
- ~~C. To trigger the three fourths ( $\frac{3}{4}$ ) vote requirement, the petition must:~~
- ~~1. Be signed by the owners of~~
    - ~~a. 20 percent or more of the area included in the proposed change (Protest Area #1 in Fig. 14.2), or~~
    - ~~b. Five (5) percent of a 100 foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as the street right-of-way is 100 feet wide or less (Protest Area #2 in Fig. 14.2). When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of the parcel (see in Fig. 14.3).~~

~~In the absence of evidence to the contrary, the City may rely on the County tax listing to determine "owners" of potentially qualifying areas.~~

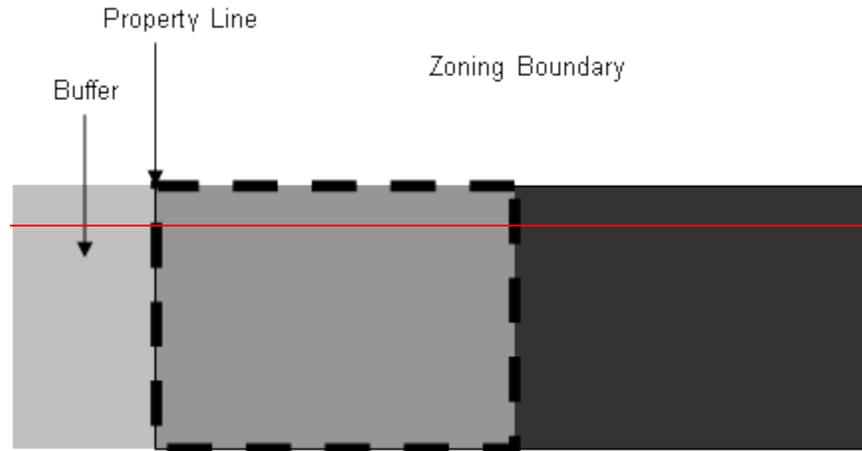
**Fig. 14.1: Property to be rezoned**



**Fig. 14.2: Protest Petition Areas**



**Fig. 14.3: Less than Entire Property to be rezoned**



1. ~~Be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment.~~
  2. ~~Be received by the City Clerk in sufficient time to allow the City at least 2 normal working days before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition.~~
  3. ~~Be on a form provided by the City Clerk and contain all the information requested on this form.~~
- D. ~~A person who has signed a protest petition may withdraw his/her name from the petition at any time prior to the vote on the proposed zoning map amendment. Only those protest petitions that meet the qualifying standards set forth above at the time of the vote on the zoning map amendment shall trigger the supermajority voting requirements.~~

### **Section 14.65 Statute of Limitations on Challenges**

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Pursuant to NCGS 1-54.1, an action contesting the validity of the adoption of, or any amendment to, a zoning ordinance adopted under Chapter 160A of the General Statutes or other applicable law shall be taken within 2 months of the adoption of the ordinance or amendment.

### **Section 14.76 Notice to NCDOT**

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Pursuant to NCGS 136-153 (Zoning Changes), all zoning authorities shall give written notice to the Department of Transportation of the establishment or revision of any industrial zone within 660 feet of interstate or primary highways. Notice shall be by registered mail sent to the offices of the Department of Transportation in Raleigh, North Carolina, within 15 days after the effective date of the zoning change or establishment.

**ANNEXATION— 412 OVERLAND ROAD (HARPERS GLEN APARTMENTS, LLC) –  
GREENWAY RESIDENTIAL DEVELOPMENT, LLC**

City Manager Purvis said at the June 14, 2016, city council meeting, City Clerk Hunt was instructed to investigate the sufficiency of the petition of property owner, Greenway Residential Development, LLC, for property located at 412 Overland Road. He stated that at this time, we present to Council the following City Clerk's Certificate of Sufficiency:

**CERTIFICATE OF SUFFICIENCY  
(412 Overland Road – Harpers Glen Apartments, LLC)**

TO: City Council of the City of Clinton, North Carolina

I, **Elaine F. Hunt**, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all property owner(s) of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the Report of Sufficiency from City Clerk Hunt was approved unanimously.

City Manager Purvis presented for consideration a resolution fixing the date for a public hearing on the annexation of property located at 412 Overland Road, Clinton, NC.

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

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

**WHEREAS**, a petition requesting annexation of a non-contiguous area described herein have been received; and

**WHEREAS**, the City Council of the City of Clinton, North Carolina has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, certification by the City Clerk as to the sufficiency of the petition has been made;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Clinton, North Carolina that:

**Section 1.** A public hearing on the question of annexation of the non-contiguous area described herein will be held at Clinton City Hall Auditorium at 7:00 PM on August 2, 2016.

**Section 2.** The area proposed for annexation is described as follows:

DESCRIPTION FOR  
HARPERS GLEN APARTMENTS, LLC OWNED BY  
GREENWAY RESIDENTIAL DEVELOPMENT, LLC  
BRAD PARKER, VICE PRESIDENT OF DEVELOPMENT AND MANAGING MEMBER

LYING and being situated in South Clinton Township, Sampson County, North Carolina, all of that lot referred to as TRACT 1 described in Deed Book 1115, Page 129, in the Sampson County Registry and being more particularly described as follows:

BEGINNING at North Carolina Geodetic Survey Monument "Wrecker", said monument having NAD83(2011) grid coordinates of Northing: 452,520.09 and Easting: 2,195,870.17; Thence from said monument, South 55 degrees 44 minutes 39 seconds West, a distance of 2,718.78 feet to an existing iron pin in the centerline of S.R. 1229 Overland Rd. (60' R/W); Thence North 84 degrees 31 minutes 16 seconds West, a distance of 30.00 feet to a rebar set on the Right-of-Way of the aforementioned Overland Rd., to the Point and Place of Beginning; Thence for a first call following said Right-of-Way along a curve that is concave to the East and having a radius of 1,022.26 feet, a distance of 364.08 feet to a set rebar on said Right-of-Way, said curve being subtended by a chord which bears South 07 degrees 29 minutes 21 seconds East, a distance of 362.16 feet; Thence along the aforementioned Right-of-Way South 17 degrees 22 minutes 25 seconds East, a distance of 769.44 feet to an existing rebar; Thence South 72 degrees 39 minutes 00 seconds West, a distance of 364.07 feet to an existing concrete monument; Thence North 23 degrees 26 minutes 02 seconds West, a distance of 1,374.56 feet to an existing iron stake; Thence South 84 degrees 31 minutes 16 seconds East, a distance of 620.03 feet to the Point of Beginning, and containing +/-12.63 acres.

**Section 3.** Notice of the public hearing shall be published once in The Sampson Independent, a newspaper having general circulation in the City of Clinton, at least ten (10) days prior to the date of the public hearing.

**CONTRACT – POLICE SERVICES – CLINTON CITY SCHOOLS**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, a contract between the City of Clinton and Clinton City Schools; whereas,

Clinton City Schools will pay \$105,250.00 for a term of one year for the services of two (2) school resource officers, passed unanimously.

Also, it was noted that the Clinton Police Department shall purchase and maintain in full force and effect during the term of this agreement a general comprehensive liability insurance policy with coverage in an amount of not less than one million dollars (\$1,000,000) for any acts or omissions that occur or claims that are made during the term of the agreement.

#### **CONTRACT – POLICE SERVICES – EASTERN CAROLINA REGIONAL HOUSING AUTHORITY**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, a contract between the City of Clinton and Eastern Carolina Regional Housing Authority; whereas, Eastern Carolina Regional Housing Authority will reimburse the City in a total amount not to exceed \$45,188.00 for a term of one year for the service of a minimum of one (1) police officer, passed unanimously.

Also, it was noted that the Clinton Police Department shall purchase and maintain in full force and effect during the term of this agreement a general comprehensive liability insurance policy with coverage in an amount of not less than one million dollars (\$1,000,000) for any acts or omissions that occur or claims that are made during the term of the agreement.

#### **CONTRACT WITH SAMPSON COUNTY—PLANNING SERVICES**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the contract between Sampson County and the City for planning services; whereas, the parties agree that the division of funding for the initial term of this revised contract will require the County to pay \$167,600 or 50 percent of the proposed budget passed unanimously.

This contract is for a one-year term and has been in existence since approximately 2004.

#### **STREET CLOSING—900 BLOCK OF ELIZABETH STREET – LIVE FIRE TRAINING**

Mayor Starling stated that Fire Chief Scott Phillips and staff desire to perform a live fire training on Saturday, July 16, 2016, at 908 West Elizabeth Street. He stated that in order to perform this training, they need permission from NCDOT to close the 900 Block of Elizabeth Street.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, it passed unanimously to contact NCDOT to obtain permission to close the 900 Block of Elizabeth Street on Saturday, July 16, 2016, for a live fire training.

### **APPOINTMENT(S)**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, it passed unanimously to reappoint Mr. Perry E. Solice, Jr., to the ABC Board for a three-year term.

### **REPORTS**

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

### **STAFF REPORTS**

Planning Director Mary Rose informed the group about an upcoming event—Importance of Place Workshop-- to take place on Saturday, August 13, 2016, at 808 Sampson Street—Sampson Center Gym. She stated that the workshop will begin at 9:45 AM and end at 12 Noon. She stated that Mayor Starling will give opening remarks, a panel discussion and networking will take place, a representative from the NC State Historic Preservation Office will be present, and there will be exhibit booths.

City Clerk and Safety Coordinator Hunt spoke regarding the Safety Awards Program sponsored by the NC Department of Labor. She stated that this is the third year which the City of Clinton participated. Ms. Hunt informed the group that last year, the following departments/divisions were recognized: City of Clinton; Fire Department; Street Division; Recreation Department; Wastewater Treatment; Water & Sewer Division; and Sanitation Division. She stated that the Gold Award is based on achieving a rate of days away from work, job transfer or restriction, which is at least 50% below the industry rate. She further stated that the Silver Award criteria include lost workday cases but not restricted work activity, and the applicant must attain a rate for cases with days away from work that is at least 50% below the industry rate.

Ms. Hunt announced that this year, the City of Clinton received six (6) awards:

- City Hall – 1<sup>st</sup> Year Gold
- Street Division – 1<sup>st</sup> Year Gold
- Recreation Department – 2<sup>nd</sup> Year Gold
- WWTP – 3<sup>rd</sup> Year Gold
- Sanitation Division – 1<sup>st</sup> Year Gold
- Police Department – 1<sup>st</sup> Year Silver

Ms. Hunt stated that she would distribute the certificates to the various department.

### **CITY MANAGER REPORTS**

City Manager Purvis stated that City Council has received his monthly report and he stands ready to address any concerns.

He stated that he will be at the Senior Executive Institute in Charlottesville, VA from July 17<sup>th</sup> until July 29<sup>th</sup>. He stated that he should be able to respond in an emergency and plans to check emails during breaks and in the evening. Also, he stated that he should be available by phone in the evenings.

### **PUBLIC COMMENTS**

No one appeared with public comments.

### **ADJOURNMENT**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it passed unanimously to adjourn this meeting.

The July 12, 2016, city council meeting ended at 7:41 PM.

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Elaine F. Hunt, City Clerk, MMC, NCCMC

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Lew Starling, Mayor