



OCTOBER 7, 2014, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on October 7, 2014, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Becton, Turlington, Strickland, Stefanovich, and Mayor Pro Tem Harris were present.

Currently, the city attorney position is vacant.

Also present were City Manager Shawn Purvis; Finance Director Harry Staven; Police Chief Jay Tilley; City Clerk Elaine F. Hunt; Fire Chief Adon Snyder; Planning Director Mary Rose; Recreation Director Jonathan Allen; Public Works Director Jeff Vreugdenhil; Human Resource Director Lisa Carter; Public Works Manager Tony Steffen; Public Works Intern Briana Steele; and Planner Lyden Williams.

Melvin Henderson, of the Sampson Weekly, was present. Chris Berendt, of the Sampson Independent, was also present.

Mayor Starling called the meeting to order.

Chris Embler, Youth Minister, First United Methodist Church, gave the invocation.

CITY COUNCIL

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, the minutes of the September 2, 2014, regular city council meeting were approved unanimously.

PRESENTATION – ABC BOARD

ABC Board members Shurley McCullen, Chairperson, and Dempsey Craig appeared before City Council. Mr. Craig thanked the ABC Board, Ms. Barbara Bailey, ABC office manager, and the Clinton Police Department for the excellent service that they provide. He stated that the 2014 figures have not been presented. Also, he stated that North Carolina ranks fifth in sales. He stated that the ABC within the City of Clinton has had the best year ever!

Mr. Craig presented a check to Chief Jay Tilley and the Clinton Police Department in the amount of \$7,570. Mr. Craig presented a check to Mayor Starling and the City Council in the amount of \$154,400 (last year, it was \$131,200).

Mayor Starling thanked Ms. McCullen, Mr. Craig, and staff for their hard work and contributions to the City of Clinton.

PRESENTATION – SUPPORT OF COMPLETION OF THE NC24 WIDENING PROJECT -- JEROL KIVETT

Mr. Kivett informed City Council that he is a member of the Sampson County Transportation Group and was appointed in 2013. He stated that he advocates for the needs of Sampson County transportation. Mr. Kivett stated that 2030 is the projected completion date for the NC24 Widening Project. He asked City Council to submit a plan/resolution in support of completion of the NC24 Widening Project from US421 to I-40.

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

RESOLUTION IN SUPPORT OF COMPLETION OF THE NC 24 TRANSPORTATION WIDENING PROJECT FROM US HIGHWAY 421 TO INTERSTATE 40

WHEREAS, the City of Clinton serves as a regional center for culture and commerce in the heart of Sampson County; and

WHEREAS, the City of Clinton is centrally located between critical military installations including Fort Bragg, Marine Corps Base Camp Lejeune, and Seymour Johnson Air Force Base; and

WHEREAS, the North Carolina Highway 24 corridor serves to connect Fort Bragg and Camp Lejeune; and

WHEREAS, the City of Clinton believes that the completion of the North Carolina Highway 24 corridor from US Highway 421 to Interstate 40 will promote growth, improve highway connections, strengthen military connections, and provide ease of access for the long-term viability of our region; and

WHEREAS, Governor Pat McCrory has unveiled a 25-year vision for transportation in the State of North Carolina to ensure a well-connected, well-maintained, and well-funded transportation system is in place to help North Carolina continue to thrive; and

WHEREAS, the Governor's plan includes the completion of the North Carolina Highway 24 corridor from US Highway 421 to Interstate 40, which is consistent with the long-term plans and goals of the City of Clinton.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Clinton, Sampson County, North Carolina hereby continues to support the NC 24 widening project and the North Carolina Department of Transportation's completion of the NC 24 corridor from US Highway 421 to Interstate 40.

P & Z – ELIZA LANE AREA (ELIZA LANE, ABRON STREET, ETC.) – ANNEXATION

Mayor Starling opened a public hearing on the annexation of properties located in the Eliza Lane area (Eliza Lane, Abron Street, and Jerome Street) and consideration of adoption of an ordinance. City Manager Purvis stated that in accordance with the North Carolina General Statutes, it is required that a public hearing be conducted prior to any annexation. He stated that this is the final step in the annexation request of property owners located in the Eliza Lane area as required by the City's policies to connect to city utilities. He further stated that staff recommends annexation effective immediately, October 7, 2014, and asked City Council to approve the annexation ordinance to extend the corporate limits to the Eliza Lane area (Eliza Lane, Abron Street, and Jerome Street) in Clinton, North Carolina. No one appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following ordinance to extend the corporate limits of the City of Clinton, North Carolina, effective October 7, 2014, was unanimously adopted at 7:16 PM:

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF CLINTON, NORTH CAROLINA
(Eliza Lane Area 1)**

2014.10.01

WHEREAS, the City Council of the City of Clinton, North Carolina has been petitioned under G.S. 160A-31 to annex the areas described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this contiguous annexation was held in the City Hall Auditorium at 7:00 PM on October 7, 2014, after due notice by publication on September 10, 2014; and

WHEREAS, the City Council of the City of Clinton finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous properties are hereby annexed and made part of the City of Clinton immediately-- as of October 7, 2014:

**CITY OF CLINTON 2014 ANNEXATION PROJECT
ELIZA LANE AREA 1
located in
NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA**

BEGINNING at a stake in the Run of Lockamy's Branch, said stake being located North 36 degrees 20 minutes 50 seconds East 1495.27 feet from N. C. G. S. Station "Patrol" having N. C. Grid Coordinates of X = 2,199,361.32 and Y = 461,531.56 NAD 83 (2001); running thence from said beginning point up the Run of Lockamy Branch, with the line of W. F. Partnership (see Deed Book 1798 Page 790 and Map Book 14 Page 72), North 15 degrees 41 minutes 51 seconds East 185.00 feet to an existing iron pipe; thence with South River EMC (see Deed Book 692 Page 402), North 20 degrees 03 minutes 36 seconds East 185.01 feet to an existing iron pipe; thence again with said branch and with W. F. Partnership, North 42 degrees 32 minutes 56 seconds East 217.60 feet to an existing iron pipe, North 47 degrees 11 minutes 23 seconds East 426.02 feet to an existing iron pipe, North 86 degrees 24 minutes 47 seconds East 53.65 feet to a stake; thence the line between Barbara J. Cooper Robinson (see Estate File 02-E-74), and with W. F. Partnership, North 86 degrees 24 minutes 47 seconds East 20.90 feet to an existing iron pipe and North 69 degrees 18 minutes 01 seconds East 83.78 feet to a stake; thence the line between Pearl F. Fryar (see Deed Book 828 Page 780) and with Robinson, South 01 degrees 29 minutes 13 seconds East 128.00 feet to a stake in the North edge of Jerome Street (formerly known as Lewis Street); thence with the North edge of Jerome Street, North 88 degrees 30 minutes 47 seconds East 50.00 feet to a stake; thence the line between Fryar and Eldora Laws (see Deed Book 1724 Page 592), North 01 degrees 29 minutes 13 seconds West 145.42 feet to a stake; thence with Laws and W. F. Partnership, North 69 degrees 18 minutes 01 seconds East 13.90 feet to a stake; thence North 88 degrees 30 minutes 47 seconds East 46.87 feet to a stake; thence with Laws and Robert Earl Fryar (see Deed Book 877 Page 760), South 01 degrees 29 minutes 13 seconds East 150.00 feet to a stake in the Northern edge of Jerome Street; thence with the Northern edge of Jerome Street, North 88 degrees 30 minutes 47 seconds East 60.00 feet to a stake; thence the line between Fryar and Kenneth Faison (see Deed Book 1025 Page 487), North 01 degrees 29 minutes 13 seconds West 150.00 feet to a stake; thence North 88 degrees 30 minutes 47 seconds East 60.00 feet to a stake; thence with Faison and Federal National Mortgage Association (see Deed Book 1872 Page 305), South 01 degrees 29 minutes 13 seconds East 150.00 feet to a stake in the Northern edge of Jerome Street; thence South 09 degrees 49 minutes 23 seconds West 25.50 feet to a stake in the Southern edge of Jerome Street; thence with Kenneth Faison (see Deed Book 1259 Page 297 and Blanche Cassidy (see Deed Book 731 Page 434), South 01 degrees 29 minutes 13 seconds East 143.25 feet to a stake; thence North 89 degrees 46 minutes 07 seconds West 25.15 feet to a stake; thence with Christopher Jerome Herring (see Deed Book 1607 Page 723), South 01 degrees 32 minutes 09 seconds East 157.96 feet to a stake in the Northern edge of Abron Street (formerly known as Robinson Street); thence with the Northern edge of Abron Street, South 88 degrees 24 minutes 32 seconds West

150.00 feet to a stake; thence with Priscilla W. Myers (see Deed Book 1142 Page 976, North 01 degrees 30 minutes 38 seconds West 162.73 feet to a stake; thence with James L. Hall (see Deed Book 738 Page 587 and Deed Book 740 Page 568), North 89 degrees 46 minutes 07 seconds West 89.97 feet to a stake; thence with Hall and with Durand Brent McCollum (see Deed Book 1472 Page 812), North 01 degrees 29 minutes 13 seconds West 135.30 feet to a stake in the Southern edge of Jerome Street; thence North 01 degrees 29 minutes 13 seconds West 25.00 feet to a stake in the Northern edge of Jerome Street; thence with the Northern edge of Jerome Street and with Barbara J. Cooper Robinson (see Estate File No. 02-E-74), South 88 degrees 30 minutes 47 seconds West 60.00 feet to a stake; thence South 01 degrees 29 minutes 13 seconds East 25.00 feet to a stake in the Southern edge of Jerome Street; thence South 01 degrees 29 minutes 13 seconds East 133.50 feet to a stake; thence South 89 degrees 46 minutes 07 seconds East 50.00 feet to a stake; thence South 01 degrees 29 minutes 41 seconds East 165.91 feet to a stake in the Northern edge of Abron Street; thence South 01 degrees 29 minutes 41 seconds East 36.00 feet to a stake in the Southern edge of Abron Street; thence with the Southern edge of Abron Street, and with Elaine Royster (see Estate File No. 88-E-419) and continuing with Itesta Fryar (see Deed Book 1842 Page 59), North 88 degrees 24 minutes 32 seconds East 150.00 feet to a stake; thence with Fryar, South 01 degrees 29 minutes 13 seconds East 150.00 feet to a stake in the existing city limit line of the City of Clinton Area No. 2 annexed in 2005; thence with the existing city limit line, and with Jerome Lewis Robinson (see Deed Book 1186 Page 81), South 88 degrees 24 minutes 32 seconds West 200.00 feet to a stake; thence with Robinson, South 01 degrees 29 minutes 13 seconds East 246.25 feet to a stake in the Northern line of Lot No. 41 of the "Hillcrest" Britt Corporation Subdivision (see Map Book 02 Page 99); thence with Lot No. 41, North 89 degrees 26 minutes 17 seconds West 60.94 feet to a stake; thence continuing with the existing city limit line of the City Of Clinton, North 84 degrees 57 minutes 00 seconds West 141.63 feet to a stake, the Northeast corner of Greenpointe Regional Housing, Inc. (see Deed Book 1606 Page 795); thence with the existing city limit line and with the Northern property line of Greenpointe Regional Housing, Inc., North 84 degrees 57 minutes 00 seconds West 448.72 feet to the point of **BEGINNING**, containing 11.41 acres, more or less, as computed from adjoining deeds and maps of record during April, 2014 by Owen Surveying, Inc., with all lines correct in their angular relation and relative to N. C. Grid North.

Section 2. Upon and after **October 7, 2014**, the above described contiguous properties and its citizens shall be subject to all debts, laws, ordinances, and regulations in force in the City of Clinton and shall be entitled to the same privileges and benefits as other parts of the City of Clinton. Said contiguous property shall be subject to municipal taxes according to G. S. 160A-58.10.

Section 3. The Mayor of the City of Clinton shall cause to be recorded in the office of the Register of Deeds of Sampson County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed property, described in Section 1 above, along with a duly certified copy of this ordinance. Such a map shall also be delivered to the Sampson County Board of Elections, as required by G.S. 163-288.1.

P & Z – 440 PUGH ROAD – ANNEXATION

Mayor Starling opened a public hearing on the annexation of property located at 440 Pugh Road, and consideration of adoption of an ordinance. City Manager Purvis stated that as previously stated, in accordance with the North Carolina General Statutes, it is required that a public hearing be conducted prior to any annexation. He stated that this is the final step in the annexation request of the property owner located at 440 Pugh Road, as required by the City's policies to connect to city utilities. He further stated that staff recommends annexation effective immediately, October 7, 2014, and asked City Council to approve the annexation ordinance to extend the corporate limits to 440 Pugh Road, in Clinton, North Carolina. No one appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following ordinance to extend the corporate limits of the City of Clinton, North Carolina, effective October 7, 2014, was unanimously adopted at 7:17 PM:

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF CLINTON, NORTH CAROLINA
(440 Pugh Road)**

2014.10.02

WHEREAS, the City Council of the City of Clinton, North Carolina has been petitioned under G.S. 160A-31 to annex the areas described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this contiguous annexation was held in the City Hall Auditorium at 7:00 PM on October 7, 2014, after due notice by publication on September 10, 2014; and

WHEREAS, the City Council of the City of Clinton finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous property is hereby annexed and made part of the City of Clinton **immediately-- as of October 7, 2014:**

DESCRIPTION FOR

**CITY OF CLINTON 2014 ANNEXATION (PUGH ROAD TRACT)
BLONNIE DELOIS CARR**

located in
NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

BEGINNING at a stake on the Southeastern right-of-way line of Secondary Road No. 1751 (Pugh Road) at its intersection with the Southwestern right-of-way line of Hardin Street, said stake being located South 74 degrees 33 minutes 39 seconds East 1928.83 feet from N. C. G. S. Station "Tractor" having N. C. Grid Coordinates of X = 2,205,809.04 and Y = 457,966.00 (1983 / 2001 N. A. Datum); running thence from said beginning point with the Southeastern right-of-way line of Secondary Road No. 1751 (Pugh Road) as it curves to the right, North 34 degrees 44 minutes 52 seconds East 49.21 feet to a stake and North 39 degrees 30 minutes 26 seconds East 128.73 feet to a stake, the Northern most corner of Lot No. 14 of the Ruby Goode Hardin Subdivision (see Map Book 01 Page 391); thence with Jennifer T. Pope (see Deed Book 1592 Page 497 and Map Book 32 Page 61), South 53 degrees 01 minutes 12 seconds East 137.60 feet to an existing iron pipe and South 16 degrees 50 minutes 47 seconds East 56.00 feet to an existing iron pipe, a corner between Lot No. 9 and Lot No. 10 of the Ruby Goode Hardin Subdivision; thence with the Northwestern line of Lot No. 9 and then crossing Hardin Street, South 32 degrees 12 minutes 57 seconds West 132.96 feet to a stake in the southwestern right-of-way line of Hardin Street; thence with the Southwestern right-of-way line of Hardin Street, North 56 degrees 33 minutes 35 seconds West 197.99 feet to the point of **BEGINNING**, containing 0.73 acres, more or less, as computed from Deed Book 1434 Page 563 and Map Book 01 Page 391 with all lines correct in their angular relation and relative to N. C. Grid North (1983 / 2001 N. A. Datum).

This tract or parcel of land is a portion of Hardin Street and is also a portion of the property conveyed by deed dated September 18, 2000, from Joseph V. Boykin and others to Blonnie Delois Carr recorded in Deed Book 1424 Page 563 (Parcel No. 11) of the Sampson County Registry.

Section 2. Upon and after **October 7, 2014**, the above described contiguous property and its citizens shall be subject to all debts, laws, ordinances, and regulations in force in the City of Clinton and shall be entitled to the same privileges and benefits as other parts of the City of Clinton. Said contiguous property shall be subject to municipal taxes according to G. S. 160A-58.10.

Section 3. The Mayor of the City of Clinton shall cause to be recorded in the office of the Register of Deeds of Sampson County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed property, described in Section 1 above, along with a duly certified copy of this ordinance. Such a map shall also be delivered to the Sampson County Board of Elections, as required by G.S. 163-288.1.

P & Z – FY2015 – COMMUNITY DEVELOPMENT BLOCK GRANT – CITIZEN'S INPUT

Mayor Starling opened a public hearing on a request to receive citizen input regarding community development needs in relation to a potential Community Development Block Grant (CDBG) project in FY2014-2015.

City Manager Purvis stated that pursuing CDBG funds requires two public hearings, an initial general intent hearing and a second project specific hearing. He stated that this public hearing will satisfy the necessary requirements for the city to apply for and receive CDBG funds for Fiscal Year 2014-2015.

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

No action was required.

P & Z— LAND DEVELOPMENT ORDINANCE – 3.5.3.6 HEARING FOR CERTIFICATE OF APPROPRIATENESS

Mayor Starling opened a public hearing on a text amendment request by Clinton Planning Department to amend Section 3.5.3.6 Hearing for Certificate of Appropriateness of the Clinton Land Development Ordinance.

Planning and Zoning Director Mary Rose presented the proposed amendment. She stated that the approval of this amendment will bring us into compliance with NC General Statutes. She further stated that the Planning and Zoning Board unanimously recommended approval of this request. City Manager Purvis concurred with the recommendation.

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

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following ordinance # **2014.10.03** to the Land Development Ordinance was adopted unanimously:

2014.10.03

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:

3.5.3.6 Hearings for Certificate of Appropriateness

- D. In any action granting or denying a certificate of appropriateness, an appeal by an aggrieved party may be taken to the Board of Adjustment. **This hearing shall be conducted using the record of the Historic Preservation Commission with no new evidence being heard or considered when the Board of Adjustment makes decision on appeal.**

P & Z— LAND DEVELOPMENT ORDINANCE – 15.4.1.A POWERS AND DUTIES OF BOARD OF ADJUSTMENT

Mayor Starling opened a public hearing on a text amendment request by Clinton Planning Department to amend Section 15.4.1.A Powers and Duties of Board of Adjustment of the Clinton Land Development Ordinance.

Planning and Zoning Director Mary Rose presented the proposed amendment. She stated that the approval of this amendment will bring us into compliance with NC General Statutes. She further stated that the Planning and Zoning Board unanimously recommended approval of this request. City Manager Purvis concurred with the recommendation.

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

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following ordinance # **2014.10.04** to the Land Development Ordinance was adopted unanimously:

2014.10.04

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:

15.4.1. A Powers and Duties of Board of Adjustment

- A. **Appeals:** To ~~hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrator in the enforcement of this Ordinance~~ hear and decide appeals from decisions of administrative officials charged with enforcement of this Ordinance and may hear appeals arising out of any other ordinance that regulates land use or development.

P & Z— LAND DEVELOPMENT ORDINANCE – 15.4.3.A BOARD OF ADJUSTMENT OFFICERS

Mayor Starling opened a public hearing on a text amendment request by Clinton Planning Department to amend Section 15.4.3.A Board of Adjustment Officers of the Clinton Land Development Ordinance.

Planning and Zoning Director Mary Rose presented the proposed amendment. She stated that the approval of this amendment will bring us into compliance with NC General Statutes. She further stated that the Planning and Zoning Board unanimously recommended approval of this request. City Manager Purvis concurred with the recommendation.

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

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, the following ordinance # **2014.10.05** to the Land Development Ordinance was adopted unanimously:

2014.10.05

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:

15.4.3 Board of Adjustment Officers

- A. At its first regular meeting ~~in~~-following July 1, the Board of Adjustment shall, by a majority vote of its membership (excluding vacant seats) elect one of its members to serve as chair and preside over the Board's meetings and one member to serve as vice-chair. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled for the unexpired terms only by majority vote of the Board's membership (excluding vacant seats).

P & Z— LAND DEVELOPMENT ORDINANCE – 15.4.5 QUORUM

Mayor Starling opened a public hearing on a text amendment request by Clinton Planning Department to amend Section 15.4.5 Quorum of the Clinton Land Development Ordinance.

Planning and Zoning Director Mary Rose presented the proposed amendment. She stated that the approval of this amendment will bring us into compliance with NC General Statutes. She further stated that the Planning and Zoning Board unanimously recommended approval of this request. City Manager Purvis concurred with the recommendation.

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

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following ordinance # **2014.10.06** to the Land Development Ordinance was adopted unanimously:

2014.10.06

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:

15.4.5 Quorum

- A. A quorum for the Board of Adjustment shall consist of the number of members equal to ~~4/5ths~~ a simple majority of the Board membership (excluding vacant seats). A quorum is necessary for the Board to take official action.

P & Z— LAND DEVELOPMENT ORDINANCE – 15.4.6.A VOTING

Mayor Starling opened a public hearing on a text amendment request by Clinton Planning Department to amend Section 15.4.6.A Voting of the Clinton Land Development Ordinance.

Planning and Zoning Director Mary Rose presented the proposed amendment. She stated that the approval of this amendment will bring us into compliance with NC General Statutes. She further stated that the Planning and Zoning Board unanimously recommended approval of this request. City Manager Purvis concurred with the recommendation.

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

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the following ordinance # **2014.10.07** to the Land Development Ordinance was adopted unanimously:

2014.10.07

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:

15.4.6. A Voting

- A. The concurring vote of 4/5ths of the Board membership (~~excluding vacant seats~~) shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates to take the place of such members. ~~reverse any order, requirement, decision, or determination of the Administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance or to grant any variance. All other actions shall be taken by a majority vote, a quorum being present.~~

P & Z— LAND DEVELOPMENT ORDINANCE – 15.7 APPEALS, VARIANCES, & INTERPRETATIONS

Mayor Starling opened a public hearing on a text amendment request by Clinton Planning Department to amend Section 15.7 Appeals, Variances, & Interpretations of the Clinton Land Development Ordinance.

Planning and Zoning Director Mary Rose presented the proposed amendment. She stated that the approval of this amendment will bring us into compliance with NC General Statutes. She further stated that the Planning and Zoning Board unanimously recommended approval of this request. City Manager Purvis concurred with the recommendation.

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

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following ordinance # **2014.10.08** to the Land Development Ordinance was adopted unanimously:

2014.10.08

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:

15.7 Appeals

The Board of Adjustment shall hear and decide appeals from decisions of administrative officials charged with enforcement of this Ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

- A. Any person who has standing under NCGS 160A-393(d) or the City may appeal a decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the Administrator and City clerk. The notice of appeal shall state the grounds for the appeal.
- B. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- C. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an

appeal.

- D. The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- E. The Board of Adjustment shall hear and decide the appeal within a reasonable time.
- F. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the City would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.
- G. When hearing an appeal pursuant to NCGS 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in NCGS 160A-393(k).
- H. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
- I. The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution.

~~An appeal from any final order or decision of the Administrator or his designee may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Administrator and the Board of Adjustment a written notice of appeal specifying the grounds for the appeal. A notice of appeal shall be considered filed with the Administrator and the Board of Adjustment when delivered to the Planning Department, and the date and time of filing shall be entered on the notice by the Planning Staff.~~

~~An appeal must be taken within 30 days after the date of the decision or order appealed from.~~

~~Whenever an appeal is filed, the Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record relating to the action appealed from.~~

~~An appeal stays all actions by the Administrator seeking enforcement of, or compliance with, the order or decision appealed from, unless the Administrator certifies to the Board of Adjustment that (because of facts stated in the certificate) a stay would, in his/her opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the Administrator.~~

~~The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the board shall have all the powers of the officer from whom the appeal is taken.~~

15.7.2 Variances

- A. An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator in the Planning Department.
- B. When presented to the Board of Adjustment at the hearing, that application for a variance shall be accompanied by a report setting forth the Planning Staff's proposed findings concerning the application's compliance with the requirements of this Ordinance, as well as any Staff recommendations for additional requirements to be imposed by the Board of Adjustment. If the Staff proposes a finding or conclusion that the application fails to comply with any requirement of this Ordinance, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

- C. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:
1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- D. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

~~The Board of Adjustment may, by general rule applicable to all cases, or on a case-by-case basis, refer applications to the Planning Board to obtain its recommendations.~~

~~A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the Ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if the following findings-of-fact are found in the affirmative:~~

~~If the applicant complies strictly with the provisions of the Ordinance, he/she can make no reasonable use of his/her property,~~

~~The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public,~~

~~The hardship relates to the applicant's land, rather than personal circumstances;~~

~~The hardship is unique, or nearly so, rather than one shared by many surrounding properties;~~

~~The hardship is not the result of the applicant's own actions, and~~

~~The variance will neither result in the extension of a nonconforming situation in violation of Chapter 13 Nonconformities, nor authorize the initiation of a nonconforming use of land.~~

~~In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.~~

- E. A variance may be issued for an indefinite duration or for a specified duration.
- F. The nature of the variance and any conditions attached to it shall be entered on the face of the Zoning Permit, or the Zoning Permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.

15.7.3 Interpretations

- A. The Board of Adjustment is authorized to interpret the Official Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions.
- B. An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator in the Planning Department. The application shall contain sufficient information to enable the Board to make the necessary interpretation.
- C. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
 - 2. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines, shall be construed as following such lines, limits, or boundaries;
 - 3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be

construed as following such shorelines;

4. Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map;
5. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

Requests to be Heard Expeditiously

~~The Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice and obtain the necessary information to make sound decisions.~~

Burden of Proof in Appeals and Variances

- A. ~~When an appeal is taken to the Board of Adjustment, the Administrator shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.~~
- B. ~~The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions regarding findings of fact, as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.~~

Board Action on Appeals and Variance

- A. ~~With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the 4/5^{ths} vote necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the Board's decision if supported by more than 1/5th of the Board's membership (excluding vacant seats)~~
- B. ~~Before granting a variance, the Board must vote affirmatively (by a 4/5^{ths} majority) on each of the required findings stated in Section 15.7.2 (E). A motion to deny a variance may be made on the basis that any one (1) or more of the findings of fact are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is~~

~~adopted as the Board's decision if supported by more than 1/5th of the Board's membership (excluding vacant seats).~~

15.7.4 Hearing ~~Required on Appeals and Variances Procedures~~

- A. ~~The Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice and obtain the necessary information to make sound decisions.~~
- B. ~~Notice of Board of Adjustment hearings shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the City may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the City shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.~~
- C. ~~The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record.~~
- D. ~~Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the Board or such other office or official as the ordinance specifies. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.~~
- E. ~~The chair of the Board or any member acting as chair and the clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.~~
- F. ~~The Board of Adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the~~

production of evidence. To request issuance of a subpoena, persons with standing under NCGS 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

- G. Board of Adjustment members shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
- H. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance this Section. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

~~Before making a decision on an appeal or a variance the Board of Adjustment shall hold a hearing on the appeal or application.~~

~~The hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.~~

~~The Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.~~

~~The Board of Adjustment may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be~~

~~published unless a period of six (6) weeks or more elapses between hearing dates.~~

Notice of Hearing

~~The Administrator shall give notice of public hearings for Appeals and Variances as follows:-~~

~~Notice may be given to the appellant or applicant and neighboring property owners within 100 feet of the subject property by mailing to such persons a written notice not later than five (5) days before the hearing.~~

~~Notice shall be given to other potentially interested persons by publishing a notice one time in a newspaper having general circulation in the area not less than five (5) nor more than 10 working days prior to the hearing.~~

~~The notice required by this Section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.~~

Evidence

~~A. All persons who present evidence or speak to the permit-issuing Board, rather than arguments only shall be sworn.~~

~~All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question is determined to be reliable, and the matter at issue is not seriously disputed.~~

15.7.65 Modification of Application at Hearing

- A. When an appeal is taken to the Board of Adjustment, the Administrator shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
- B. The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions regarding findings-of-fact, as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

~~15.7.6 Board Action on Appeals and Variances~~

- A. ~~With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the 4/5^{ths} majority vote necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the Board's decision if supported by more than 1/5th of the Board's membership (excluding vacant seats).~~
- B. ~~Before granting a variance, the Board must vote affirmatively (by a 4/5^{ths} majority) on each of the required findings stated in Section 15.7.2 (E).~~
- C. ~~A motion to deny a variance may be made on the basis that any one (1) or more of the findings of fact are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the Board's decision if supported by more than 1/5th of the Board's membership (excluding vacant seats).~~

~~15.7.7 Hearing Required on Appeals and Variances~~

- A. ~~Before making a decision on an appeal or a variance the Board of Adjustment shall hold a hearing on the appeal or application. When hearing an appeal of a Zoning Official's decision, the Zoning Official must appear as a witness at the hearing.~~
- B. ~~The hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.~~
- C. ~~The Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.~~
- D. ~~The Board of Adjustment may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. The Board of Adjustment shall continue hearing if new issues are presented that were not in notice of appeal and immediate consideration would unduly prejudice a party or the local government. No further notice of a continued hearing need be published unless a period of six (6) weeks or more elapses between hearing dates.~~

~~15.7.8 Notice of Hearing—~~

- A. ~~The Administrator shall give notice of public hearings for Appeals and~~

~~Variances as follows:—~~

- ~~1. Notice may be given to the appellant or applicant and neighboring property owners within 100 feet of the subject property by mailing to such persons a written notice not later than five (5) days before the hearing.~~
 - ~~2. Notice shall be given to other potentially interested persons by publishing a notice one time in a newspaper having general circulation in the area not less than five (5) nor more than 10 working days prior to the hearing.~~
- ~~B. The notice required by this Section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.~~

~~15.7.9. Evidence~~

- ~~A. All persons who present evidence or speak to the permit-issuing Board, rather than arguments only shall be sworn.~~
- ~~B. All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question is determined to be reliable, and the matter at issue is not seriously disputed.~~

~~15.7.10 Modification of Application at Hearing~~

- ~~A. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Adjustment, the applicant may agree to modify his/her application, including the plans and specifications submitted.~~

~~Unless such modifications are so substantial or extensive that the hearing board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it the hearing board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Planning Staff.~~

P & Z— LAND DEVELOPMENT ORDINANCE – 3.3 PERMITTED USES TABLE

Mayor Starling opened a public hearing on a text amendment request by Clinton Planning Department to amend Section 3.3 Permitted Uses Table of the Clinton Land Development Ordinance.

Planning and Zoning Director Mary Rose presented the proposed amendment. She stated that the approval of this amendment will bring us into compliance with NC General Statutes. She further stated that the Planning and Zoning Board unanimously recommended approval of this request. City Manager Purvis concurred with the recommendation.

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following ordinance # **2014.10.09** to the Land Development Ordinance was adopted unanimously:

2014.10.09

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:

3.3 Permitted Uses Table

<i>Recreation</i>	PC	RA-20	R-20	R-15	R-8	R-6	N S	OI	CB	HC	I- 1	I- 2	PI	SR
<i>& Entertainment</i>														
<i>Electronic Gaming</i>										€				4.6.2

P & Z— LAND DEVELOPMENT ORDINANCE – 4.6.2 SPECIAL REQUIREMENTS

Mayor Starling opened a public hearing on a text amendment request by Clinton Planning Department to amend Section 4.6.2 Special Requirements of the Clinton Land Development Ordinance.

Planning and Zoning Director Mary Rose presented the proposed amendment. She stated that the approval of this amendment will bring us into compliance with NC General Statutes. She further stated that the Planning and Zoning Board unanimously recommended approval of this request. City Manager Purvis concurred with the recommendation.

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, the following ordinance # **2014.10.10** to the Land Development Ordinance was adopted unanimously:

2014.10.10

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:

4.6.2 Special Requirements ----- ~~Electronic Gaming Operations~~

- ~~A. Hours of operation are limited to 8:00am to 12:00 midnight Monday through Friday.~~
- ~~B. The maximum number of gaming machines/terminals/computers is 30.~~
- ~~C. Parking must be paved and provided at minimum rate of one (1) parking space for every two (2) gaming machines/terminals/computers or one for every 100 square feet of gross floor area, whichever is greater.~~
- ~~D. If food or beverage is served, the establishment must comply with the requirements of the Sampson County Health Department.~~
- ~~E. The establishment shall be a minimum of 500 feet from any residentially used or zoned property.~~
- ~~F. The establishment shall be a minimum of 1,000 feet from any other gaming establishment or any sexually oriented business.~~
- ~~G. The establishment shall be a minimum of 1,000 feet from any religious institution, school, daycare center/home, library, public park, recreation area, or movie theater.~~
- ~~H. For the purposes of this section all measurements shall be in a straight line from the closest point of the parcel at which the electronic gaming operation is located.~~
- ~~I. No alcoholic beverage shall be served or consumed on the premises of electronic gaming operations.~~

P & Z— LAND DEVELOPMENT ORDINANCE – 11.4 CONDITIONAL USE PERMIT PROVISIONS, STEPS 5 & 6

Mayor Starling opened a public hearing on a text amendment request by Clinton Planning Department to amend Section 11.4 Conditional Use Permit Provisions, Steps 5 & 6 of the Clinton Land Development Ordinance.

Planning and Zoning Director Mary Rose presented the proposed amendment. She stated that the approval of this amendment will bring us into compliance with NC General Statutes. She further stated that the Planning and Zoning Board unanimously

recommended approval of this request. City Manager Purvis concurred with the recommendation.

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

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Turlington, the following ordinance # **2014.10.11** to the Land Development Ordinance was adopted unanimously:

2014.10.11

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:

A. For Conditional Use Permits, ~~the following notice shall be given~~ notice shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the City may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the City shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

~~The Administrator shall publish a notice of the public hearing once a week for two (2) successive weeks in a newspaper of general circulation in the area. The notice shall be published for the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted, but the date of the hearing shall be.~~

~~The Administrator shall mail written notice of the public hearing via first class mail to the owners of all properties within 100 feet of the subject property. The notice shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing.~~

~~The Administrator shall also post notices of the public hearing on the subject property or on an adjacent public street or highway right-of-way. When multiple parcels are involved, a posting on each individual parcel is not required, but the City shall post sufficient notices to provide reasonable notice to interested persons. The Administrator may elect to take any other action deemed to be useful or appropriate to give notice of the public hearing on any proposed amendment. The notice(s) shall be posted no less than 10 days prior to date of the public hearing.~~

~~The notices required by this Section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.~~

B. The City Council may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six (6) weeks or more elapses between hearing dates.

Step 6. City Council Public Hearing & Consideration

A. Before making a decision on an application, the City Council shall hold a public hearing. A quasi-judicial public hearing shall be held for issuance or revocation of Conditional Use Permits.

B. The following shall apply to hearings for Conditional Use Permits.

1. All persons who present evidence or speak to the permit-issuing Board, rather than arguments only shall be sworn. All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question is determined to be reliable, and the matter at issue is not seriously disputed. The City Council may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.

2. The City Council shall approve, approve with conditions, or deny the request following the public hearing. A simple majority is required to grant a Conditional Use Permit. In granting a Conditional Use Permit the City Council shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which same is located, and official plans for future development, the City Council shall also make written findings that the following provisions are fulfilled:

a. If completed as proposed, the development will comply with all of the requirements of this Ordinance;

- b. The use will not materially endanger the public health or safety; and
 - c. The use will not substantially injure the value of adjoining or abutting property; and
 - d. The use will be in harmony with the area in which it is to be located; and
 - e. The use will be in general conformity with the Land Development Plan, thoroughfare plan, or other plan officially adopted by the Council.
3. ~~The applicant has the burden of producing competent, material, and substantial evidence to establish the facts and conditions. If any person submits evidence allegedly contrary to any of the facts or conditions, the burden of proof for overcoming such evidence shall rest with the applicant.~~ The Council shall determine contested facts and make its decision within a reasonable time. Quasi-judicial decisions shall be based upon competent, material, and substantial evidence in the record.
 4. Quasi-judicial decisions shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Mayor or other duly authorized member of the Council. A quasi-judicial decision is effective upon filing the written decision with the clerk to the Council or such other office or official as the ordinance specifies. The decision of the Council shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
 5. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance this Section. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.
 6. The Clerk to the Council or any member acting as chair is authorized to administer oaths to witnesses for any Conditional Use Permit coming before the Council. Any person who, while under oath during a proceeding before the Council, willfully swears falsely is guilty of a Class 1 misdemeanor.
 7. The Council may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under NCGS 160A-393(d) may make a written request to the chair explaining why it

is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Council. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Council or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

8. City Council members shall not participate in or vote on any Conditional Use Permit matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
9. In considering whether to approve an application for a Conditional Use Permit, the Council shall proceed according to the following format:
 - a. The Council shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete), then this shall be taken as an affirmative finding by the Council that that application is complete.
 - b. The Council shall consider whether the application complies with all of the applicable requirements of this Ordinance. If a motion to this effect passes, the Council need not make further findings concerning such requirements. If such a motion fails or is not made, then a motion shall be made that the application be found not in compliance with one or more of the requirements of this Ordinance. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the Council to be unsatisfied through this process.

- c. If the Council concludes that the application fails to comply with one or more requirements of this Ordinance, the application shall be denied.
10. No Conditional Use Permit shall be issued to any person who has failed, after notice, to remedy defective work or otherwise comply with the Code of the City of Clinton, this Ordinance, or the laws of the State of North Carolina.
 11. The Council may not attach additional conditions that modify or alter the specific requirements set forth in this Ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.
 12. Without limiting the foregoing, the Council may attach to a Conditional Use Permit a condition limiting the permit to a specified duration.
 13. All additional conditions or requirements shall be entered on the permit. All additional conditions or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Ordinance.
- C. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the City Council, the applicant may agree to modify his/her application, including the plans and specifications submitted. Unless such modifications are so substantial or extensive that the hearing board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it the hearing board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Administrator.
 - D. ~~The Administrator shall notify the applicant or his/her authorized agent in writing of the decision of the City Council within five (5) working days of the Council's decision.~~

ANNEXATION – 66 JEROME STREET – ROBERT EARL & ALICE C. FRYAR

City Manager Purvis stated that property owners are required to petition for voluntary annexation. He stated that Robert Earl Fryar and Alice Fryar has requested annexation of their property located at 66 Jerome Street. Mr. Purvis asked City Council to direct City Clerk Hunt to investigate the sufficiency of the petition presented by The Fryars. He further stated that Ms. Hunt will report back to them at the November 2014, city council meeting.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following resolution directing the clerk to investigate the sufficiency of a petition for annexation received from Robert Earl Fryar and Alice Fryar, passed unanimously:

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on October 7, 2014, by the City Council of the City of Clinton, N. C.; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Clinton deems it advisable to proceed in response to this request for annexation;

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

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

ESTABLISHMENT OF CEMETERY ADVISORY BOARD

Mayor Starling stated that because of recent discussions involving the condition of the cemeteries, grave openings, vault requirements, and vandalism, he and City Council request that a Cemetery Advisory Board be established. Mayor Starling asked for citizens' participation.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, it passed unanimously to establish a Clinton Cemetery Advisory Board.

HAZARDOUS HOUSEHOLD WASTE COLLECTION DAY – OCTOBER 18, 2014

Before inviting Tony Steffen, Public Works Manager, to speak, City Manager Purvis stated that this item was for informational purposes. Mr. Steffen announced that October 13-October 17, will be our Annual Fall Clean up Week. He proceeded to brief everyone on the upcoming Hazardous Household Waste Collection Day to be held on Saturday, October 18, 2014. Mr. Steffen stated that this event is sponsored by the NC Department of Agriculture and Consumer Services. He stated that items collected will include: oil based paints; paint thinners; cleaning products; rechargeable batteries; pool chemicals; mercury containing items; old gasoline; antifreeze; fluorescent bulbs; pesticides; etc. Mr. Steffen stated that county residents are allowed to participate and last year approximately, 100 residents participated.

CITY CODE -- ORDINANCE-- CHAPTER 11. GARBAGE AND TRASH

City Manager Purvis asked Public Works Intern Briana Steele to speak on this item. She stated that Chapter 11 Garbage and Trash needed to be revised to include the changes as it relates to the recycling program which was revamped in 2013. Staff requested that City Council adopt the amendment. City Manager Purvis concurred with the recommendation.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Turlington, the following **Ordinance #2014.10.12** was unanimously adopted:

Ordinance 2014.10.12

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina that the Clinton City Code of 1987 is hereby amended by revising/adding the followings in Chapter 11, Garbage and Trash to read as:

Sec. 11-1. Definitions

Recyclables shall mean items included in local approved recycling program that includes, but not limited to, glass bottles and jars, steel cans, aluminum cans, plastic bottles and containers, newsprint and inserts, magazines, cardboard, chip board, mixed and office paper, telephone books and other items to be determined by the public works director.

Recycling cart means a plastic mobile cart provided by the City of Clinton, having a capacity of 96 gallons, manufactured by Rehrig Pacific.

Sec. 11-3. Type of receptacles required.

(k) The city shall provide recycling collection or drop-off for residents. The City will provide recycling carts for service. The fee for service shall be adjusted from time to time by city council as deemed appropriate.

Sec. 11-5. Collection practices.

(g) Special rollout exemptions, as defined in Sec. 11-1 of this Code, may be granted to residents who have physical disabilities, age (minimum of eighty (80)), or a handicap couple with no one else permanently living at the residence with the ability to perform the rollout process. In either of these cases, collection shall be limited to once per week. Collections shall be made from a rollout container provided on the premises at a location approved by the public works director or designee. Residents may be subject to an audit to determine or confirm eligibility for special rollout exemption. Special rollout exemptions may be revoked if the Public Works Director or his/her designee determines that the citizen no longer qualifies.

(i) Collection personnel shall not provide service if denied reasonable access by parked cars, equipment, fixed objects, low hanging wires, unruly

pets that present a safety threat to personnel or other obstructions.

Sec. 11-7. Point of collection.

(f) Recyclables should remain unbagged and placed in the recycling cart. Collection personnel have the right to deny service if the recycling cart contains refuse not designated for recycling as listed in the definitions of 11-1.

Sec. 11-13. Enforcement by city.

The city is given the authority to prevent items banned from landfills, as set forth in N.C. Gen. Statutes §130A-309.10(f), from entering the waste stream. The city shall receive notice of banned items through education, press release, public notice, community outreach events, other communications and events, and/or direct enforcement including the assessment of administrative fees and civil penalties.

Sec. 11-14. Scavenging and unauthorized collection of recyclables.

Recyclables placed at curbside for collection by the city or contained within a 96-gallon recycling cart owned by the city are the property of the city. It is a violation for any person not authorized by the city to collect or pick up, or cause to be collected or picked up, any such recyclables, recycling cart or receptacles. This section is not intended to prevent any resident from donating or selling recyclables from their own recyclables and refuse.

STREET CLOSINGS – ANNUAL COURT SQUARE STREET FAIR –PART I

Planning and Zoning Director Mary Rose spoke regarding the Annual Court Square Street Fair, Alive after Five, antique car show, and barbecue cook-offs. Ms. Rose informed Council that this year street fair will be quite an event. She stated that this year, there will be twenty-five (25) cooks and eighty (80) vendors. Ms. Rose stated that this year, the Wellness Center and Sampson County Corporate Extension will participate. She stated that shuttles will be available.

Ms. Rose requested that City Council close the following for the abovementioned events: the Clinton Depot parking lot and Cotton Street from 2:00 pm on Friday, October 10th to 6:00 pm on Saturday, October 11th, Elizabeth Street from Railroad Street to Ferrell Street from 4:00 pm on Friday, October 10th to 5:00 pm on Saturday, October 11th, Vance Street from Sampson to Wall Street, Wall Street from Fayetteville Street to Elizabeth Street, the parking lot at the west end of the Sampson County Courthouse, and Main Street from the Main Street/Sycamore Street Parking lot to Lisbon Street from 5:00 p.m. on Friday, October 10th to 6:00 p.m. on Saturday, October 11th.

In addition, Ms. Rose requested that Vance Street from Fisher Drive to Sampson Street, Main Street from Lisbon Street to Connestee Street, Connestee Street from Vance Street to College Street, College Street from Devane Street to Sampson Street, Sampson Street from College Street through the intersection of Vance Street, College Street Parking Lot, Lisbon Street Parking Lot, Vance Street Parking Lot, Elizabeth

Street from Lisbon Street to Ferrell Street, Wall Street from Elizabeth Street to John Street, Lisbon Street from John Street to Main Street, Railroad Street from John Street to Elizabeth Street, and a short section of Graham Street adjacent to the Lisbon Street parking lot be closed from 9 p.m. on Friday, October 10th until 6:00 p.m., Saturday, October 11th. She further presented a map showing all areas under consideration for closing.

City Council had a concern regarding the requested street closings: closing Main Street on Friday, October 10, 2014, at 5:00 PM. They felt the closing would be an inconvenience to the downtown businesses. City Council asked Ms. Rose and Police Chief Tilley to discuss its concern and report back to them at the close of the meeting.

STREET CLOSINGS – HALLOWEEN ON THE SQUARE

Planning and Zoning Director Mary Rose spoke regarding the “Halloween on the Square.” Ms. Rose informed Council that plans are being made for the 2014 “Halloween on the Square” event sponsored by the Clinton Main Street Program and held in partnership with the Sampson Arts Council, Sampson County 4H, and the Clinton Recreation Department.

Ms. Rose asked City Council to approve the closing of Main Street from Wall Street to Lisbon Street and the parking lot at the west end of the Sampson County Courthouse on October 31, 2014, from 2:00 PM until 8:30 PM for Halloween.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, it passed unanimously to close Main Street from Wall Street to Lisbon Street and the parking lot at the west end of the courthouse on October 31, 2014, from 2:00 PM until 8:30 PM for Halloween.

CITY COUNCIL

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, it passed unanimously to reschedule the regular November 4, 2014, city council meeting to Wednesday, November 5, 2014, at 7:00 PM.

PURCHASE OF PARCEL – WEST LEE STREET

City Manager Purvis stated that Johnny Pridgen submitted an offer to purchase two city properties immediately adjacent to land owned by Venture Manor at the corner of Barden and West Lee Streets. He stated that the parcels combined are +/- .22 acres with road frontage along West Lee and Barden Streets. Mr. Purvis stated that the lots do have a large tree in the center but otherwise are conforming and developable. He stated that Mr. Pridgen’s offer of \$1,800 plus closing costs is consistent with an appraisal of the property and the cost to perform the appraisal. City Manager Purvis stated that City Council may choose to sell the property in accordance with NCGS 160A-269 and if they choose to accept the offer, city staff will advertise according to General Statutes.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the following resolution passed unanimously to accept the offer to purchase and sell the property to Johnny Pridgen of Venture Manor Realty, Lisbon Street Baptist Church, subject to, the upset bid process:

**RESOLUTION AUTHORIZING THE ADVERTISEMENT
OF AN OFFER TO PURCHASE CERTAIN PROPERTY**

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

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:

0.22 acres at the corner of West Lee Street (formerly Bunting Alley) between Williams and Barden Streets being part of Lots 15, 16, and 17 per Map Book 20 Page 49 identified as tax parcels 12066616501 and 12022222264

2. The City Council has received an offer to purchase for the sum of \$1,800 the property described above. The person making the offer must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer by certified check.

3. The City Council proposes to accept the offer unless a qualifying upset bid shall be made.

4. The City Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.

5. Persons wishing to upset the offer must submit a sealed bid to the City Clerk within ten (10) days after publication of the notice. The person making the bid must deposit with the City Clerk a sum equal to five percent (5%) of his/her offer by certified check. At the conclusion of the ten (10) days, the clerk shall open the bids, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

6. If a qualifying upset bid is received, the City Clerk is directed to re-advertise the offer at the increased upset bid amount, and to continue with this process until a ten (10) day period has passed without receipt of a qualifying upset bid.

RESOLUTION OF SUPPORT – MAIN STREET SOLUTIONS GRANT APPLICATION

City Manager Purvis stated that Mr. Alfredo Dipento of Alfredo's Ristorante is prepared to relocate his restaurant to another downtown location in order to expand.

He is seeking the City's assistance in obtaining a Main Street Solutions Grant, which requires support and an application from the City.

City Manager Purvis stated that Mr. Dipento and city staff have met with NC Main Street Program officials to clarify the City's role. He stated that the City will not incur any risk with this resolution of support. He stated that there is no match from the City. He stated that the relocation of Mr. Dipento's restaurant will increase his staff by eight (8) people. City Manager Purvis recommended adoption of the resolution.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following resolution passed unanimously:

Resolution of Support of Main Street Solutions Fund Application
by Alfredo Dipento for Alfredo's Restaurant

Whereas, the City of Clinton wants to support economic development within Downtown Clinton and supports the efforts of the Clinton Main Street Program towards that end; and

Whereas, the purpose of the NC Main Street Solutions Fund Grant Program is to provide economic development planning assistance and coordinated grant support to designated micropolitans located in Tier 2 and 3 counties and to active NC Main Street Communities; and

Whereas, the City of Clinton is an active NC Main Street Community; and

Whereas, the Clinton Main Street Program has received a request from Alfredo Dipento to assist in the preparation of a Main Street Solutions Fund Application for Alfredo's Restaurant; and

Whereas, the City agrees with the terms of the Main Street Solutions Fund Program and agrees to ensure compliance with all applicable laws, rules, regulations, requirements and policies associated with this program; and

Whereas, the City understands the municipality is the proper legal applicant for money from the Main Street Solutions Fund and must submit the application jointly with the small business that will directly benefit from these funds; and

Whereas, the City understands the project for which application is made must support the communitywide vision and economic development goals for the community and must directly benefit small businesses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clinton that the City agrees to submit a Main Street Solutions Grant Application jointly with Alfredo Dipento for Alfredo's Restaurant to be located at 103 Wall Street at the corner of Wall Street and Main Street and also designates Mary M. Rose, Planning Director/Clinton Main Street Manager to make application for Main Street Grant funds

on behalf of the City and to sign a grant agreement on behalf of the City.

CLOSED SESSION

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, it passed unanimously to enter into closed session at approximately 7:41 PM. Mayor Starling stated the closed session as allowed by G. S. 143-318.11(a)(4) to discuss economic development.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, it passed unanimously to exit closed session and re-enter regular session at 8:15 PM.

STREET CLOSINGS – ANNUAL COURT SQUARE STREET FAIR – (con'td)

Ms. Rose withdrew the request to close the Main Street area at 5:00 PM on October 10, 2014. She changed the closing time to 10:00 PM.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, it passed unanimously to close the abovementioned streets and parking lots with the amendment (the Main Street area closing at 10:00 PM, rather than 5:00 PM).

APPOINTMENTS

Notification was given of the unexpired term of Mr. Homer Faison on the Board of Adjustment. This is a three year term. Mr. Faison moved outside the city. According to the Board of Adjustment by-laws, this move constitutes a resignation from the Board.

Council will make an appointment at its November 5, 2014, city council meeting.

(WALK-ON)—REQUEST FROM NCDOT –UPGRADE/REMOVAL OF TRAFFIC SIGNAL AT THE INTERSECTION OF WALL & ELIZABETH STREETS

City Manager Purvis stated that he received a letter from NCDOT. He stated that the intersection of West Elizabeth and Wall Streets was evaluated and the traffic signal at this location is in need of being upgraded due to outdated equipment. Mr. Purvis stated that based on the findings and in effort to minimize unnecessary maintenance cost, the Department is pursuing the removal of the traffic signal at the intersection.

City Manager Purvis stated that NCDOT request that we provide documentation by November 3, 2014, if we are interested in funding the upgrade for this signal to remain. He stated that the estimated cost to the City will be \$58,500.

It was the consensus of Mayor Starling and City Council to remove the traffic signal at the intersection of West Elizabeth and Wall Streets.

REPORTS

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

STAFF REPORTS

The following staff reported:

- a. Fire Chief Snyder stated that recently, an emergency occurred that required the Clinton Fire Department to respond and assist. He stated that the Department created a brochure, entitled "After the Fire Checklist," to be given to families in times of need. This brochure provides contact information for temporary housing, medicine, cautionary measures, private organizations that may be sources of aid, etc.

Fire Chief Snyder stated that approximately, 150 smoke alarms have been distributed by Clinton Fire Department and approximately, 1400 smoke alarms distributed/installed countywide.

- b. Chief Jay Tilley, Clinton Police Department, informed all that they will be hosting the 2nd Annual Latino Community Meeting in partnership with Immaculate Conception Catholic Church and Clinton Parks and Recreation Department on Sunday, October 12, 2014. He stated that topics will include: Tip 411, complaint system, reporting crime, Clinton Parks & Recreation Department Master Plan, etc. Chief Tilley stated that the goal is to open up the line of communication within the community.

CITY MANAGER REPORTS

City Manager Purvis made mention of his report and was ready to answer any questions regarding the report.

PUBLIC COMMENTS

Arthur Ruffin appeared before City Council.

ADJOURNMENT

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to adjourn the October 7, 2014, city council meeting, at 8:41 PM.

Elaine F. Hunt, MMC, NCCMC, City Clerk

Lew Starling, Mayor