

## DECEMBER 12, 2006 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on December 12, 2006 at city hall auditorium. Mayor Starling presided. All councilmembers were present. The city attorney Dale Johnson; city clerk Betty Fortner; deputy clerk Elaine Hunt; city manager John Connet; finance director Betty Brewer; fire chief Philip Miler, planner Mary Rose, Planning and community development director Jeff Vreugdenhil; police chief Mike Brim; public works director Chris Doherty; and recreation director Judi Nicholson were present.

Rev. Cecil Price, Bethesda Assembly of God Church, gave the invocation.

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the minutes of the November 14, 2006 city council meeting were approved unanimously.

### **RECOGNITIONS—PERSONNEL**

Mayor Starling recognized Thomas Leerkes who was selected by his peers as the 2006 Fire Fighter of the Year.

### **OATHS**

The mayor administered oaths to Jonathan Beckwith and Mary Rose who presented information during a public hearing for a conditional use permit request.

### **P & Z—COLLEGE STREET—TYRELL**

Mayor Starling opened a public hearing on a request by Wanda Britt Tyrell to rezone approximately one acre at 804 College Street from R-8 and R-6 Residential to O & I Office and Institutional. Planner Rose presented the case and gave staff and Planning and Zoning Board recommendations to approve the request. Dianne Johnson, realtor for the applicant, appeared in support of the request. Attorney Johnson disclosed Dianne Johnson is his wife, but he has not discussed the case with the council. No one else wished to be heard, and the hearing was closed.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the following amendment #2006.12.01 to the Zoning Ordinance was unanimously adopted:

Whereas, in accordance with the provisions of NCGS 160A-383, the City of Clinton Planning Board found and determined that the recommendation of ordinance amendment RS-11-06-1 is consistent with the goals and objectives of the City of Clinton Land Use Plan and other long range planning documents; and

Whereas, upon the recommendation of the Planning and Zoning Board and after public hearing and due notice thereof as required by law, the City Council of the City of Clinton, NC do enact as follows: That the Zoning Ordinance of the city of Clinton be and the same is hereby amended as follows: That approximately one acre located at 804 College

Street owned by Wanda Britt Tyrell is hereby rezoned from R-8 and R-6 Residential to O & I Office and Institutional.

### **P & Z—WEST MAIN STREET—BECKWITH**

Mayor Starling opened a public hearing on a request by Jonathan G. Beckwith for a conditional use permit to develop a duplex at 409 West Main Street. Planner Rose explained the request and gave the staff and Planning and Zoning Board recommendations to approve the request without any conditions imposed.. No one else wished to be heard, and the hearing was closed.

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

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

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

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

Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington, and passed unanimously, the following of fact was found: Whereas, in accordance with the provisions of NCGS 160A-383, the City of Clinton Planning Board found and determined that the recommendation of ordinance amendment RS-11-06-1 is consistent with the goals and objectives of the City of Clinton Land Use Plan and other long range planning documents; and a conditional use permit was approved unanimously for Jonathan Beckwith to develop a duplex at 409 W. Main Street.

### **APPOINTMENTS**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, Cecil Harris was unanimously reappointed to the Library Board for a two year term ending December 31, 2008.

Notification was given of the January 31, 2007 expiration of Annette Dumpson's term on the Planning and Zoning Board and John Naylor's, Glenn Clark's and Burl Williamson's terms on the Board of Adjustment.

## **CITY CODE—FLOOD ORDINANCE**

Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington, the following ordinance #2006.12.02 was unanimously adopted:

Be It Ordained that Chapter 10 of the Clinton City Code of 1987 is hereby repealed effective January 9, 2007.

## **CITY CODE—NOISE ORDINANCE**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following ordinance #2006.12.03 was unanimously adopted:

### **Ordinance adding Sections 16-5(b)(3a) and (6a) to the Clinton City Code**

Be It Ordained by the City Council of the City of Clinton, North Carolina that the Clinton City Code of 1987 is hereby amended by adding two new sections to be numbered Section 16-5(b)(3a) and 16-5(b)(6a) which shall read as follows:

Sec. 16-5(b)(3a). Loudspeakers, amplifiers, public address systems, and similar devices. The unreasonably loud and raucous use or operation of a loudspeaker, amplifiers, public address systems, or other device for producing or reproducing sound within or adjacent to residential or noise-sensitive areas and/or within public space(s) if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous.

Sec. 16-5(b)(6a). Blowers and similar devices. In residential or noise-sensitive areas, between the hours of 9:00 p.m. and 7:00 a.m. the operation of any noise-creating device that is powered by an internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, and that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.

## **FIRE DEPARTMENT**

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, the following were unanimously certified as being eligible firefighters in accordance with G.S. 58-86-25: Mark A. Barcomb, Mark J. Barcomb, Jamie P. Beasley, Matthew Boone, Matthew Booth, Edmon Boyette, Claude A. Buchanan, Robert Burke, Andrew Cabrera, Lee Coleman, Joshua Coombs, Joe B. Dixon, Jr., Timothy Clay Donald, Ronald Ellis, Adrian B. Faircloth, Paul T. Hawkins, Leonard R. Herring, Jr., Matthew Hoffman, Thomas F. Leerkes, Jimmy Lewis, Benjamin N. Miller, Philip Miller, Lawrence Parrish, William M. Parrish, George Raynor, Todd A. Solice, Charles L. Stafford, Clark T. Strickland, and Richard W. Taylor.

## **AIRPORT**

City Manager Connet told of a suit filed by Clinton Flying Service for alleged loss of revenue which occurred during the recent airport improvement project. He said the Naylor's will settle the suit for \$20,000.00, which if accepted will be borne 50/50 between the city and the county. Upon a motion made by Councilmember Stefanovich, seconded by

Councilmember Harris and passed unanimously the city manager authorized to pay from the general fund \$10,000.00.

## **AUDIT**

Anthony Sessions, CPA, presented the 2005-2006 audit of the city of Clinton. He said council received previously the audit and there were no findings. He further stated the city did an excellent job of collecting taxes and the city has a healthy fund balance.

## **CITY CODE—WATER AND SEWER**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the following ordinance #2006.12.04 was adopted unanimously:

### **Ordinance amending Sections 22-57(a) of the Clinton City Code**

Be It Ordained by the City Council of the City of Clinton, North Carolina that the Chapter 22-57(a) of the Clinton City Code of 1987 is hereby amended to read as follow:

#### **Sec. 22-57. Separate connections.**

- (a) Only one (1) party shall be served with water through each curb cutoff; and each service shall be made through a separate tap, except for tenement houses and businesses in the central business district where single services and meters may be used. The minimum rate for such service, however, will be the same as for separate users; provided, that separate buildings used in connection with one another in the providing of medical services or public housing to the public and owned or operated by a municipal or nonprofit corporation shall be exempted from the provisions of the section if the city building inspector is of the opinion that the joint use of one (1) curb cutoff and separate tap by such separate buildings does not endanger the safety or health of such buildings, users of such buildings or any other properties or persons. There shall be exempt from this subsection all lodgings located in any commercial, business or manufacturing building which are inhabited by persons who are required to live in said lodgings for the purpose of providing security to the building in which the lodgings are located and any building that is appurtenant to or a part of the business, commercial or manufacturing activity for which the building containing said lodgings is used.

## **CONTRACTS—STORM DRAINAGE**

City Manager Connet outlined a Scope of Work submitted from Ko and Associates for the Cattail Branch Stream Restoration Project that would restore the branch to a natural flowing stream on property owned by the City on Fisher Drive. Approval of the Scope of Work will authorize Ko and Associates to move forward with preparing the plans and specifications at a cost not to exceed \$60,000.00 over five years. Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the Scope of Work was approved unanimously.

**ORDINANCES—BUDGET**

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, the following ordinance #2006.12.05 was adopted unanimously:

Be it ordained by the City Council of the City of Clinton, NC that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2007.

Section 1. To amend the General Fund the expenditures are to be changed as follows:

Account Number	Title	Increase	Decrease
10-5300-0203	Part time Salaries	9,000	
10-6600-0600	Sampson Airport	10,000	
10-6600-6500	Transfer Storm Drainage	100,000	
10-6600-8000	Contingency		19,000
Total		\$119,000	\$19,000

Section 2. The following revenues are anticipated to be available to fund these changes:

10-3990-0000	Fund Balance Appropriated	100,000
Total		\$100,000

Section 3. Copies of this amendment shall be furnished to the City Clerk, City Manager and Finance Director for their direction.

**ORDINANCES—BUDGET—STORM DRAINAGE**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, the following ordinance #2006.12.06 was adopted unanimously:

**CAPITAL PROJECTS ORDINANCE  
Storm Drainage Improvements**

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is storm drainage improvements.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Increase      Decrease

63-4730-7200	Drainage Improvements	100,000
Total		\$100,000

Section 4. The following revenues are anticipated to be available to complete this project.

		Increase	Decrease
63-3473-0000	From General Fund	100,000	
Total		\$100,000	

### **AGREEMENTS**

City Manager Connet presented a proposal from Robert Segal, CPA for the review of reoccurring monthly expenditures for potential cost savings. Council asked staff for more information and to place this item on the January 2007 agenda.

### **REPORTS**

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

### **RESOLUTIONS—CLOSED SESSION**

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

#### RESOLUTION TO ENTER CLOSED SESSION

Be It Resolved that the regular meeting of the City Council of the City of Clinton, North Carolina held December 12, 2006 enter closed session as allowed by G. S. 143-318.11 (a)(5) and (4) real estate acquisition and economic development

Council re-entered regular session.

### **REAL ESTATE—DOWNTOWN**

Councilmember Stefanovich moved to purchase the Jane Kaleel property on Vance Street for \$15,000.00 with the current owner paying all unpaid taxes and to forgive the \$2,100.00 the city paid to secure the property. Councilmember Becton seconded the motion and it passed unanimously.

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, and passed unanimously, the meeting adjourned at 8:28 p.m.

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City Clerk

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Mayor