

JULY 5, 2005 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on July 5, 2005 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; director of administration Joe Best; finance director Betty Brewer; assistant fire chief Todd Solice; planning and community development director Jeff Vreugdenhil; police chief Mike Brim; public works director Chris Doherty; recreation director Judi Nicholson and tax collector Lisa Carter were present.

Elaine Hunt gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the minutes of the June 7, 2005 city council meeting were unanimously approved.

RESOLUTIONS

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

Resolution of Appreciation

WHEREAS, Graham Faison has faithfully and honorably served the city of Clinton and its citizens with remarkable distinction as a member of the Clinton ABC Board from January 4, 2000 until June 13, 2005; and

WHEREAS, Mr. Faison served as Chairman from August 6, 2002 until June 13, 2005; and

WHEREAS, it is recognized that the City benefited from the devotion, dedication, and diligence of Graham Faison; and

WHEREAS, Graham Faison provided outstanding public service to the citizens of Clinton through his dedicated efforts;

NOW, THEREFORE, BE IT RESOLVED by the City Council that Graham Faison is hereby commended for his devoted and dedicated service; and

BE IT FURTHER RESOLVED that the City Council does hereby recognize the valuable contributions made by Graham Faison to the entire community; and

BE IT FURTHER RESOLVED that a copy of this Resolution of Appreciation be presented to Graham Faison and spread upon the minutes of the City Council as a permanent record of this expression.

COMMERCIAL VEHICLE PERMITS

Mayor Starling stated that at the June 7, 2005 council meeting, council voted to table a request from Dwight Blackman for a permit to park a commercial vehicle at 902 Raleigh

Road and that in order for the request to be considered at this meeting, council must vote to remove the request from the table. Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris and unanimously passed, the request was removed from the table.

Mayor Starling reviewed the history of commercial vehicle requests before council and the city's ordinance. He said the ordinance adopted in November 2004 sets guidelines for permits issued in the council's discretion. He presented two requests: Dwight Blackman, 902 Raleigh Road and James Edwards, 303 Grove Street.

Mayor Starling said the council would first consider Mr. Blackman's request.

Planning Director Vreugdenhil said the request meets the three requirements of the ordinance.

Mr. Blackman appeared in support of his request. Also speaking in support of the request were Frances Daughtry, 900 Raleigh Road, Evelyn Kornegay, 809 Raleigh Road, and Lance Lackey, 304 Dixie Circle.

Ann Glover, 907 Raleigh Road, and Marcia Holland, 204 Grove Street, spoke against the request.

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the request was unanimously denied.

Mayor Starling presented a request from James Edwards for a permit to park a commercial vehicle at 303 Grove Street.

Planning Director Vreugdenhil said the request meets the three requirements of the ordinance.

Ann Edwards appeared in support of the request. She said her husband was working and could not appear. Frances Daughtry, 900 Raleigh Road, and Amy Peterson, 503 Allen Street, appeared in support of the request.

No one spoke in opposition.

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, the request was unanimously denied.

APPOINTMENTS

Mayor Starling stated the appointments to the ABC Board will be continued until the August 2, 2005 meeting.

TAX DEPARTMENT

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, the Tax Collector's Annual Settlement for Current Year 2004 General Tax,

Downtown District and Motor Vehicle Tax Collections were unanimously approved. The general tax collection rate is 99%.

Upon a motion made by Councilmember Becton, seconded by Councilmember Harris, and unanimously passed the affidavit of the tax collector listing unpaid taxes for years 1995 through 2004 was received and the tax collector was released of responsibility to collect prior years taxes.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Stefanovich, and unanimously passed, the tax collector was charged to collect the 2005-2006 and prior years taxes.

SUBDIVISIONS

Planning Director Vreugdenhil presented for consideration a request by Ollen and Doris Raynor for a preliminary plat for a 3.19 acre subdivision located off H. B. Lewis Road. He said the Planning and Zoning Board and staff recommend approval. Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, the request was unanimously approved.

Planning Director Vreugdenhil presented for consideration a request by Thornton Homes Company for a preliminary plat for a 2.0 acre subdivision located off H. B. Lewis Road. He said the Planning and Zoning Board and staff recommend approval. Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the request was unanimously approved.

Planning Director Vreugdenhil presented for consideration a request by Sampson Community College for a preliminary plat for a 5.63 acre subdivision located off Sunset Avenue. He said the Planning and Zoning Board and staff recommend approval. Mayor Starling disclosed that he is President of the Sampson Community College Foundation. Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the request was unanimously approved.

Planning Director Vreugdenhil presented for consideration a request by Dwight Miller for a preliminary plat for a 10.39 acre subdivision, Miry Creek, Phase II, located off Isaac Weeks Road. He said the Planning and Zoning Board and staff recommend approval. Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the request was unanimously approved.

ORDINANCES—CONDEMNATIONS

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the following ordinance# 05.07.01 was unanimously adopted:

AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNSAFE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED

WHEREAS, the City Council of the City of Clinton finds that the structure described herein is unsafe pursuant to G.S. 160A-426; and

WHEREAS, this structure should be removed or demolished as directed by the Code Enforcement Officer; and should be placarded by placing thereon a notice prohibiting use; and

WHEREAS, Sam Lockamy, the owner of this structure has been given a reasonable opportunity to bring the structure up to the standards of the Housing Code in accordance with G.S. 160A-426 pursuant to an order issued by the Code Enforcement Officer on March 18, 2005, the owners have failed to comply with this order.

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

Section 1. The Code Enforcement Officer is hereby authorized and directed to place a placard containing the legend:

“This structure is unsafe; the use or occupation of this structure is prohibited and unlawful.”

on the structure located at 734 Northwest Boulevard and in the City of Clinton.

Section 2. The Code Enforcement Officer is hereby authorized and directed to proceed to remove or demolish the above-described structure in accordance with his order to the owners thereof dated March 18, 2005, and in accordance with the Code and G.S. 160A-426.

Section 3(a). The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the City of Clinton Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

Section 3(b). Upon completion of the required removal or demolition, the Code Enforcement Officer shall sell the materials of the structure and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer shall deposit the surplus in the Superior Court where it shall be secured and disbursed.

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any structure to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any structure therein declared to be unsafe.

Section 5. This ordinance shall become effective upon adoption.

CONDEMNATIONS

Planning Director Vreugdenhil requested council adopt an ordinance of condemnation for the property owned by Pressie Boykin and located at 803 Warsaw Road. He said Mr. Boykin boarded up the structure and although he has not made any effort to bring the structure up to code he recommends working with the owner for an additional ninety days. It was the consensus of the council to place this item on the October 4, 2005 agenda.

ORDINANCES—BUDGET

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, the following budget amendment #05.07.02 was unanimously adopted:

Budget Ordinance Amendment #05.07.02

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, 2006:

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

Account Number	Account Title	Increase	Decrease
106600.7400	C. O. Airport	\$50,000	
Total		\$50,000	

Section 2. To amend General Fund the revenues are to be changed as follows:

Account Number	Account Title	Increase	Decrease
103990.0000	Fund Balance Approp.	\$50,000	
Total		\$50,000	

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

REPORTS

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

Police Chief Brim announced a summer youth program aimed at building relationships between police officers and youth will begin July 6, 2005.

Recreation Director Nicholson reported an estimated 3500 watched the 4th of July fireworks. She said all departments helped with the day's activities.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the meeting was unanimously continued until July 19, 2005 at 7:00 p.m.

_____Clerk _____Mayor