

SEPTEMBER 6, 2005 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on September 6, 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; fire chief Phillip Miller; planning and community development director Jeff Vreugdenhil; police chief Mike Brim; public works director Chris Doherty; and recreation director Judi Nicholson were present.

Rev. Marcus Becton gave the invocation.

Upon a motion made by Councilmember Harris, seconded by Councilmember Stefanovich, the minutes of the August 2, and 25, 2005 regular and closed session city council meetings were unanimously approved.

OATHS

The city clerk administered oaths to those who will present information during public hearings for a conditional use permit request.

P & Z—CARR—WOODROW ST.—PARK AVE.—STEWART AVE.

Mayor Starling opened a public hearing on a request by Walter F. Carr for conditional use permits to construct duplexes at 515 & 517 Park Avenue, two lots on Woodrow Street, identified in Deed Book 503, page 518 of the Sampson County Registry, and adjacent to 606 Stewart Avenue and further identified in Deed Book 531, page 150 of the Sampson County Registry. He stated after public input, each location will be voted on separately.

Planning Director Vreugdenhil presented recommendations from the Planning and Zoning Board and the staff to approve all requests. He said all locations meet the criteria for the construction of duplexes.

James Blackman, 600 Woodrow Street, read a petition asking council to deny all locations. He said the area is currently single family homes and the units will increase traffic.

Mamie Bass said there are problems with water, sewer and storm drainage and she is afraid more development will add to the problems.

Public Works Director Doherty said the city will review plans before construction.

Kathy Thompson, 603 Stewart Avenue, asked if the units will be HUD financed. The developer said no.

Lena Honeycutt, 607 Stewart Avenue, asked how the development will affect property values. Mayor Starling said the council will decide.

Chad Blackman, 706 Stewart Avenue, voiced concern that nothing will guarantee the units will be constructed as shown.

Jack Pawlowski asked why wasn't impact studies done before development plans went to the Planning Board. Mr. Vreugdenhil the city is obligated to provide services to duplex units, and current city services are adequate to supply the development.

W. F. Carr, developer, said he is not asking for multi-family units, but duplex units and he is here to answer questions.

Councilmember Strickland asked if he had diagrams of the proposed units. Mr. Carr presented the plans and diagrams.

Councilmember Turlington asked what the proposed rental amount. Mr. Carr said in the \$450 to \$500 per month range.

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

Mayor Starling asked council to consider the request for the unit located on Stewart Avenue and identified as CU-8-05-1-A.

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. Councilmember Turlington made a motion that the standard would not be met. No one seconded the motion. Mayor Starling then called for a vote on that the standard would be met. Three voted that the standard would be met. Two 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 not be met. No one voted no.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, a conditional use permit was unanimously denied for the construction of a duplex located adjacent to Stewart Avenue and further identified in Deed Book 531, page 150 of the Sampson County Registry.

Starling asked council to consider the request for the unit located on Woodrow Street and identified as CU-8-05-1-B.

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. Three voted that the standard would be met. Two 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 not be met. No one voted no.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, a conditional use permit was denied for the construction of a duplex located adjacent to Stewart Avenue and further identified in Deed Book 531, page 150 of the Sampson County Registry.

Starling asked council to consider the request for the unit located on Woodrow Street and identified as CU-8-05-1-C.

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.

Councilmember Turlington made a motion that the standard would not be met. No

one seconded the motion. Mayor Starling then called for a vote on that the standard would be met. Four voted that the standard would be met. One voted no.

Mayor Starling read Standard 4: The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in conformity with the Clinton Development Plan. He then called for a vote on whether the requested use would meet this standard. Four voted that the standard would not be met. One voted no.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, a conditional use permit was approved for the construction of a duplex located on Woodrow and further identified on the W. F. and Geraldine Carr preliminary plat dated August 2005 as Parcel C.

Mayor Starling asked council to consider request CU-8-05-1-D located at the corner of Woodrow Street and Park Avenue.

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 Becton, a conditional use permit was unanimously approved for the construction of a duplex located at the corner of Woodrow Street and Park Avenue and further identified on the W. F. and Geraldine Carr preliminary plat dated August 2005 as Parcel D.

Mayor Starling asked council to consider request CU-8-05-1-E located on Park Avenue.

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 Becton, a conditional use permit was unanimously approved for the construction of a duplex located on Park Avenue and further identified on the W. F. and Geraldine Carr preliminary plat dated August 2005 as Parcel E.

P & Z—JOHN STREET—SHIPP

Mayor Starling opened a public hearing on a request by Jimmy Shipp for a conditional use permit to construct a duplex at 307 John Street and a duplex at 305 Stetson Street.

Planning Director Vreugdenhil presented recommendations from the Planning and Zoning Board and the staff to approve all requests. He said all locations meet the criteria for the construction of duplexes.

Jimmy Shipp appeared in support of his request. He said he lives in the area which is a combination of single family residences and apartments.

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 Becton, seconded by Councilmember Harris, a conditional use permit was unanimously approved for the construct of one duplex at 307 John Street and one duplex at 305 Stetson Street.

PH—COMMUNITY DEVELOPMENT—SEWER

Mayor Starling opened a public hearing on an application for a Community Development Block Grant for infrastructure. City Manager Connet said the city intends to apply for a \$750,000 grant for the Lundy sewer line replacement project and the city must give the public a chance for public input. No one appeared to be heard, and the hearing was closed.

RESOLUTIONS—REAL ESTATE DISPOSITION

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

RESOLUTION AUTHORIZING THE LEASE OF CERTAIN PROPERTY

Whereas, as its regular meeting on the 2nd day of August, 2005, the City Council of the City of Clinton, NC adopted a resolution stating its intent to consider at its regular meeting to be held on the 6th day of September, 2005, the lease of certain real property of the City; and

Whereas, public notice of the intent of the City Council and of the time of the meeting was published along with a description of the property and a statement of the annual lease payments, as required by law; and

Whereas, at its regular meeting on the 6th day of September, 2005, the City Council considered the lease of the property and desires to lease the real property of the city described below:

Now, Therefore, Be It Resolved by the City Council of the City of Clinton, NC that:

1. The following described property is hereby declared to be surplus to the needs of the City: House located at 303 Lisbon Street.

2. The Mayor and City Clerk are hereby authorized to execute a lease agreement for the real property of the city described above, said lease agreement to be for 3 years beginning January 1, 2006.

3. The annual lease payment for the property of the City of Clinton described above will be \$3,000.00.

APPOINTMENTS

Upon a motion made by Councilmember Turlington and seconded by Councilmember Strickland, Cary Taylor was unanimously appointed to a three year term ending August 2008 on the ABC Board.

Upon a motion made by Councilmember Stefanovich and seconded by Councilmember Strickland, Ken Simmons and Burl Williamson were unanimously appointed as the outside representatives to the Board of Adjustment. The terms are three year terms, but will expire in January 2007 due to the fact that Sampson County did not make the appointments in January 2004.

Upon a motion made by Councilmember Stefanovich and seconded by Councilmember Strickland, Ariel McLamb and Benny Peterson were unanimously appointed as the outside representatives to the Planning and Zoning Board. The terms are five year terms, but will expire in January 2010 due to the fact that Sampson County did not make the appointments in January 2005.

ORDINANCES—CITY CODE

Upon a motion made by Councilmember Turlington, seconded by Councilmember Stefanovich, the following ordinance #05.09.01 was unanimously adopted:

ORDINANCE AMENDING SECTION 2-77 OF THE CLINTON CITY CODE DISPOSAL OF PERSONAL PROPERTY VALUED AT LESS THAN \$2500

That Section 2-77(a)(1) of the Clinton City Code of 1987 is hereby amended to read as follows: The item or group of items has a fair market value of less than twenty five hundred dollars (\$2,500.00).

AIRPORT

The city manager said a resolution directing the advertisement of a proposed lease of 14,280 sq. ft. of land located at the Clinton-Sampson Airport for a period of 9 years and 11 months for \$1,000.00 per month was adopted in May, 2005. The proposed lease was advertised for the June meeting but was removed from the June agenda, thus council should adopt another resolution of intent to lease the property. The city manager asked that this item be continued.

RESOLUTION—INSURANCE

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

Whereas, certain municipalities and other units of local government of the State of North Carolina, as defined in G.S. 160A-460(2), have agreed to create the INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA and have agreed to pool the risk of their exposure to property losses and potential liabilities in the manner provided pursuant to, and to be governed by, the provisions of North Carolina General Statutes 160A-460 *et seq.* (Part 1 of Article 20 of Chapter 160A);

Now, Therefore, Be It Resolved that the City of Clinton, North Carolina elects to become a member of the INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA upon the terms and conditions stated in the “Interlocal Agreement for a Group Self-Insurance Pool for Property and Liability Risk Sharing,” with such future policy renewals constituting a continuing ratification of this decision to be a member of the Fund and to abide by the terms and conditions of the Interlocal Agreement.

Now, Therefore, Be It Further Resolved that the duly authorized officials of the City of Clinton, North Carolina are directed to execute in the name of the city the “Interlocal Agreement for a Group Self-Insurance Pool for Property and Liability Risk Sharing”.

AGREEMENTS—STREETS

The city manager presented an agreement with Parsons Transportation Group for technical and professional assistance with a study for the location of a connector road from NC 24 West to the Clinton High School area at a cost of \$25,000.00. Councilmember Strickland made a motion to enter into the agreement. Councilmember Turlington seconded the motion, and it passed unanimously.

TAXES

Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington, the following 2005 taxes were unanimously released: BB & T 156857/5311 \$159.81; BB & T 156852/5312 \$335.50; Dr. Ronald Honeycutt 483050/7063 \$201.02; Genesis Missionary Baptist Church 31393/6651 \$368.67; Kinley H. Goodman 383630/6686 \$277.90; George Jimmie Hawkins 427120/6870 \$102.75; International Basing Group, Inc. 5311/7128 \$523.14; Van Guard Modular 38141/9543 \$133.29; and Venture Manor, Inc. 104560/9565 \$258.55.

TAXES

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton and unanimously passed the 1995 general tax, downtown tax district tax, late list fees, interest and advertisement costs were purged.

CLEAN UP WEEK

City Manager Connet asked council to designate October 3 - 7, 2005 as Fall Clean Up Week and suspend sections 11-4 (e)(g) and (i, except the collection of batteries) of the City Code during Spring Clean Up Week unless hazardous to city staff or items that the landfill will not accept. Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the request to suspend sections of the city code was unanimously approved and Fall Clean Up Week was designated October 3 - 7, 2005.

PRELIMINARY PLAT

Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington, a request by John S. Sutton for a preliminary plat for a one lot subdivision located off H. B. Lewis Road was unanimously approved.

STREET CLOSINGS

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, Vance Street from Sampson Street to Wall Street, Main Street from Wall Street to Lisbon Street, Graham Street along the parking lot to College Street and the all day portion of the Lisbon Street parking lot and the restricted parking portion of the Lisbon Street parking lot from Elizabeth Street southward are to be closed on September 17, 2005 from 5:00 a.m. to 5:00 p.m. in order to hold the street fair, car show and cook-offs.

REPORTS

The tax, fire, finance, personnel, minimum housing, overgrown lots, police reports were acknowledged.

City Manager Connet reported the release of the following taxes billed at less than \$100.00: James Henry Sessoms 29778/8867 \$93.94; Amplicon Financial 7654/5101 \$22.81; Lawrence Caison 178441/5712 \$11.48; Heritage Homes USA, Inc. 148534/6915 \$18.19; S & D Coffee, Inc. 123927/8704 \$15.59; and Rev. Cleveland Thompson 1010040/9339 \$12.78.

City Manager Connet reported the sale of the Hamilton Beach property to Mr. Bryant should be finalized by the end of the month.

RESOLUTIONS—CLOSED SESSION

Upon a motion made by Councilmember Becton, seconded by Councilmember Stefanovich, the following resolution was unanimously adopted: Be It Resolved that the regular meeting of the City Council of the City of Clinton, North Carolina held September 6, 2005 enter closed session as allowed by G. S. 143-318.11(a)(4) to discuss economic development.

Council re entered regular session. Mayor Starling announced that council heard a report on an industrial prospect locating in Clinton and that no action was taken.

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

Clerk

Mayor