

JULY 11, 2006 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on July 11, 2006 at city hall auditorium. Mayor Starling presided. Councilmembers Harris, Stefanovich, Strickland and Turlington were present. Councilmember Becton was absent. 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 6, and 20, 2006 city council meeting were unanimously approved.

P & Z—OATHS

The mayor administered oaths to Jeff Vreugdenhil who will present information during a public hearing for a conditional use permit request.

P & Z—JOHNSON STREET—NAYLOR

Mayor Starling opened a public hearing on a request by Ann Naylor to rezone .29 acres at 403 East Johnson Street from R15 Residential to O & I Office & Institutional. Mayor Starling stated the request was withdrawn and the hearing was closed.

P & Z—MCARTHUR LANE--DAW

Mayor Starling opened a public hearing on a request by Steven Daw to rezone approximately one acre at 110 McArthur Lane from R15 Residential to HC Highway Commercial. Planning Director Vreugdenhil presented the Planning and Zoning Board's recommendation to deny the request.

Mr. Daw appeared in support of his request to continue operating his business from his residence. He said a residence is located on one side of his property, a body shop and a church are on the other sides, and the property across Northeast Blvd. is zoned commercial.

In response to a question from Councilmember Turlington, Jeff said no one appeared at the P & Z Board meeting, but one neighbor voiced opposition by telephone.

In response to a question from Councilmember Strickland, Mr. Daw said he does not have another site to park his equipment, but he is looking a site.

Councilmember Stefanovich asked if the issue is with parking the equipment and operating a business out of a home. Jeff replied a rezoning means any one located at 110 McArthur Lane could operate a number of businesses from that location.

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris and unanimously passed, a vote on this request was postponed until August 1, 2006 city council meeting.

P & Z—NORTHEAST BLVD.--MULLEN

Mayor Starling opened a public hearing on a request by Dr. David R. Mullen for a conditional use permit to operate a counseling office at 606 Northeast Boulevard. Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation 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 Stefanovich, seconded by Councilmember Strickland, a conditional use permit was unanimously approved to operate a counseling office at 606 Northeast Boulevard.

P & Z—ZONING ORDINANCE

Mayor Starling opened a public hearing on a request by Rory Powell and Bandon Powers to amend Sections 9.10.2 and 9.11.2 of the Zoning Ordinance by adding tattoo shops as a conditional use in HC Highway Commercial and CBD Central Business District zoning districts.

City Manager Connet said the Planning and Zoning Board heard the request, but did not take action. He recommended referring the request to the P & Z Board for a recommendation. Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland and unanimously passed, the request was referred to the P & Z Board and the hearing was continued until 7:00 p.m. on August 1, 2006.

APPOINTMENTS

Notification was given of the expiration of Shurley McCullen's term on the ABC Board.

ORDINANCES—BUDGET

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following amendment #2006.07.01 to the 2006-2007 FY Budget was unanimously adopted:

Whereas, on June 6, 2006 the City Council of the City of Clinton, NC created the Airport Capital Reserve Fund; and

Whereas, on June 20, 2006 the City Council of the City of Clinton, NC adopted the annual operating budget for F. Y. 2006-2007; and

Whereas, an appropriation in the F.Y. 2006-07 budget from General Fund to the Airport Capital Reserve Fund in the amount of \$8,000 was made; and

Whereas, the F. Y. 2006-2007 budget ordinance omitted the corresponding expenditure and revenue appropriation in the Airport Capital Reserve Fund.

Now, Therefore, Be It Ordained that the following amendment be made to F.Y. 2006-2007 budget:

Section 1. The following amount is hereby appropriated to the Airport Capital Reserve Fund for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

| | |
|---------------------------------|---------|
| Reserve for future expenditures | \$8,334 |
|---------------------------------|---------|

Section 2. The following revenue will be available in the Airport Capital Reserve Fund for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

| | |
|-----------------------------|---------|
| Transfer from General Fund. | \$8,334 |
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Section 5. Copies of this amendment shall be furnished to the City Clerk, City Manager and Finance Director for their direction.

TAX DEPARTMENT

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the Tax Collector's Annual Settlement for Current Year 2005 General Tax, Downtown District and Motor Vehicle Tax Collections were unanimously approved. The general tax collection rate is 99.5%.

TAX DEPARTMENT

Upon a motion made by Councilmember Harris, seconded by Councilmember Stefanovich, and unanimously passed the affidavit of the tax collector listing unpaid taxes for years 1996 through 2005 was received and the tax collector was released of responsibility to

collect taxes. Note as of July 1, 2006, Sampson County Tax Collector is designated as the Clinton Tax Collector.

CONTRACTS—EMPLOYEE ASSISTANCE PLAN

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, and unanimously passed a contract with Eastpointe Human Services was renewed at an annual cost of \$2,160.00 (\$18.00 per employee per year).

CONTRACTS—EASTERN CAROLINA HOUSING AUTHORITY

Upon a motion made by Councilmember Turlington, seconded by Councilmember Harris, and unanimously passed a contract to provide community policing at the properties owned by Eastern Carolina Regional Housing Authority in Clinton for one year in the amount of \$28,000.00.

REPORTS

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

RESOLUTIONS—CLOSED SESSION

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

RESOLUTION TO ENTER CLOSED SESSION

Be It Resolved that the regular meeting of the City Council of the City of Clinton, North Carolina held July 11, 2006 enter closed session as allowed by G. S. 143-318(a)(3) to discuss litigation, G. S. 143-318(a)(4) to discuss economic development, and G. S. 143-318(a)(53) to discuss real estate.

Council re-entered regular session. Mayor Starling reported council discussed litigation, economic development and the purchase of real estate. Upon a motion made by Councilmember Stefanovich, and seconded by Councilmember Harris unanimous approval was given to purchase jointly with Sampson County 1.8 acres from Brenda Jordan for \$15,000.

Upon a motion duly made, seconded and passed the meeting adjourned at 7:56 p.m.

Clerk

Mayor