

JANUARY 2, 2007 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on January 2, 2007 at city hall auditorium. Mayor Starling presided. All councilmembers were present. The city attorney Dale Johnson; city clerk Betty Fortner; city manager John Connet; finance director Betty Brewer; fire chief Philip Miller, 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. Marcus Becton, District 3 councilmember, gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the December 12, 2006 city council meeting were approved unanimously.

RECOGNITIONS—PERSONNEL

Mayor Starling recognized Eddie Carter who was selected by his peers as the 2006 Police Officer of the Year. He was presented with a plaque and a ring donated by Sessoms Jewelry.

P & Z—BEAMAN STREET—SAMPSON REGIONAL MEDICAL CENTER

Mayor Starling opened a public hearing on a request by Sampson Regional Medical Center to rezone approximately 1.7 acres along Beaman Street from NS Neighborhood Shopping to O & I Office and Institutional. Planning Director Vreugdenhil presented the case and gave staff and Planning and Zoning Board recommendations to approve the request. Mayor Starling disclosed he is SRMC attorney, 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 Harris, seconded by Councilmember Strickland, the following amendment #2007.01.01 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 RZ-12-06-1 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 1.7 acres located along Beaman Street, and further identified by Sampson County tax identifications numbers 12-0274600-02, 12-0937742-01, and 12-0937740-01, and owned by Sampson Regional Medical Center is hereby rezoned from NS Neighborhood Shopping to O & I Office and Institutional.

AGREEMENTS—FINANCE—SEGAL

City Manager Connet reported positive findings from clients of Robert S. Segal, CPA, regarding Mr. Segal's review of monthly utility statements for potential cost savings. Mr. Segal will receive 50% of all savings found. Councilmember Harris moved to enter into a Letter of Agreement with Mr. Segal. Councilmember Becton seconded the motion, and it passed unanimously.

APPOINTMENTS

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, Annette Dumpson was unanimously reappointed to the Planning and Zoning Board for a five year term ending January 31, 2012.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, John Naylor was unanimously reappointed to represent District 2 on the Board of Adjustment for a three year term ending January 31, 2010.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, Glenn Clark and Burl Williamson were unanimously reappointed as outside members on the Board of Adjustment for a three year term ending January 31, 2010.

RECREATION

Recreation Director Nicholson presented a site plan for the Sampson Center improvement project. If approved, the plan will be included in a PARTF grant application. The proposed improvements are: Realignment of the ball field, a walking path, erect a picnic shelter, and a gathering place around the flag pole. She said each element of the plan addresses a specific need determined by District 5 Committee, users of the Center and the Recreation Advisory Board. Councilmember Becton moved to accept the plan as presented and to use the plan as a basis for a PARTF grant. Councilmember Harris seconded the motion and it passed unanimously.

Councilmember Strickland moved to file an application for PARTF grant funding in the amount of \$101,335.00. The city's share will be \$50,667.50. Councilmember Becton seconded the motion and it was passed unanimously.

CONTRACTS—LUNDY SEWER LINE

City Manager Connet presented change order # 3 which adds \$6,157.12 and two days to the completion time to the contract with Seaside for the Lundy Sewer Line project. The change order covers the cost of pump rental when the old line failed. Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the changes were unanimously approved.

CONDEMNATIONS

City Manager Connet presented an ordinance of condemnation for 690 Faison Highway. Bible Baptist Church was instructed in August to remove the unsafe structure, but it has not been done. Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the following ordinance #2007.01.02 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 Bible Baptist Church, the owner of this structure has been given a reasonable opportunity to bring the structure 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 August 2, 2006, the owner has 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 690 Faison Highway 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 owner thereof dated August 2, 2006, 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.

FIRE DEPARTMENT—PERSONNEL

Fire Chief Miller requested converting two part time fire fighter positions to one full time position. He cited the lack of available part time personnel to work the day shift Monday through Friday. If approved, four full time will be on duty during the day on Monday through Friday, but on weekends there will be one instead of two part time fire fighters on duty. Councilmember Strickland moved to approve the request. Councilmember Harris seconded the motion and it passed unanimously.

REPORTS

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

WATER BILLING

Patricia Boykin Moore, 304 Eastover Avenue, appeared to tell of an incident with her December water bill which showed a credit balance, but was in error. Her concern was that she was not notified about the error and her water was disconnected for non payment. Finance Director Brewer told council that this billing was the first one done by South Data, and the company used an incorrect program to complete the billings. She added the finance department was not aware of the error until accounts were cut off as delinquent. Ms. Moore said the matter was resolved, but she wants to be sure that it doesn't happen again. Mayor Starling and City Manager Connet said they were unaware of the problem. Both apologized to Ms. Moore.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, and passed unanimously, the meeting adjourned at 7:33 p.m.

City Clerk

Mayor