

## SEPTEMBER 2, 2008, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on September 2, 2008, in the city hall auditorium. Mayor Starling presided. Councilmembers Harris, Stefanovich, Strickland, Turlington, and Becton were present. The city attorney Dale Johnson; city clerk Elaine F. Hunt; city manager John F. Connet; fire chief Philip Miller; planning and community development director Jeff Vreugdenhil; planner Mary Rose; recreation director Judi Nicholson; public works director Chris Doherty; human resource manager Lisa Carter; assistant city manager Shawn Purvis; and police chief Mike Brim were present.

Rev. Chris Schneider, Pastor of Unity Baptist Church, gave the invocation.

### **CITY COUNCIL**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the August 5, 2008, regular and closed session city council meetings and the August 26, 2008, special city council meeting were approved unanimously.

### **RECOGNITION - KIWANIS CLUB OF CLINTON**

Assistant City Manager Purvis read the following resolution recognizing Kiwanis Club of Clinton for 50 years of service:

#### **RESOLUTION OF RECOGNITION KIWANIS CLUB OF CLINTON**

WHEREAS, the Kiwanis Club of Clinton will be celebrating 50 years of service on September 10, 2008; and

WHEREAS, the main focus and mission of the Kiwanis Club of Clinton is to serve the children of the community and to improve lives through fellowship; and

WHEREAS, the Kiwanis Club of Clinton consists of seventy members of both men and women committed to changing their world one child and one community at a time; and

WHEREAS, in 1915, the first Kiwanis Club originated in Detroit, Michigan under the leadership of a group of businessmen; and

WHEREAS, today, there are approximately 16,000 Kiwanis Clubs, and over 600,000 members in 96 countries; and

WHEREAS, Members of Kiwanis and its Service Leadership Programs volunteer more than 21 million hours and invest more than \$113 million in their communities around the world.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Clinton, North Carolina, express gratitude and appreciation to the Kiwanis Club of Clinton for their commitment to the children and the community.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, this resolution of recognition was unanimously adopted and spread upon the minutes of the City Council.

### **RECOGNITION - RELAY FOR LIFE**

Parks and Recreation Director Nicholson spoke regarding the recent Relay for Life event. She stated that the City of Clinton, raising \$4,628.92 was recognized for a silver award. After stating some of the projects the City undertook to raise the money; such as, selling ducks, plate sale, Walking for Walker, and the haunted trail, she presented the Relay for Life plaque to City Council.

### **TAYLOR AGENCY – DOWNTOWN DISTRICT**

Mr. Buck Taylor with Taylor Agency appeared before Council to discuss the old Carolina Telephone Building. This item was an add-on. Mr. Taylor stated that he does not wish his property be in the downtown district. He does not want to continue paying the tax that goes along with the downtown district.

City Manager Connet stated that the current district records have not been updated since 1977. Connet stated in order to change Mr. Taylor out of the downtown district, a process such as an annexation will have to take place. He further stated that this process would take place at the beginning of the next fiscal year.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and unanimously passed, City Manager Connet was instructed to bring some resolution back to Council at the October 7, 2008, city council meeting.

### **OATH**

Mayor Starling administered oath to Planning and Zoning Director Jeff Vreugdenhil.

### **P & Z – 304 FOX LAKE DRIVE – JOHN AND JANET SARGENT**

Mayor Starling opened a public hearing on a request by John and Janet Sargent for a conditional use permit to construct a guest house/in-law quarters at 304 Fox Lake Drive in an RA-20 Residential Agriculture district. Planning and Zoning Director Jeff Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request with conditions. City Manager Connet reiterated that certain conditions be imposed. No one 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 Becton, and after determination that this request is in accordance with the provisions of NCGS 160A-383, a conditional use permit with the following imposed conditions was unanimously approved for John and Janet Sargent to construct a guest house/in-law quarters at 304 Fox Lake Drive:

- a. Accessory dwelling must be constructed to the rear of the primary dwelling.
- b. Accessory dwelling can only be used as a guest house/in-law quarters for family and visitors.
- c. Accessory dwelling cannot become a rental unit.
- d. Conditional use permit shall be tied to the property and will remain with the property regardless of ownership.

### **P & Z – NC HWY 403 – BURGESS GROUP CONSOLIDATED**

Mayor Starling opened a public hearing on a request by Burgess Group Consolidated for the rezoning of approximately 3 acres/700' from the NC Hwy 403 road right-of-way on the front portion of property along NC Hwy 403 from R-8 Residential to O & I Office and Institutional. Planning and Zoning Director Jeff Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon the findings of fact and zoning consistency statement. No one appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington, the following amendment **#2008.09.01** to the Zoning Ordinance was unanimously adopted:

**WHEREAS**, in accordance with the provisions of North Carolina General Statute 160A-383, the City of Clinton Planning Board does hereby find and determine that the recommendation of ordinance amendment RZ-8-08-1 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, does enact as follows: The Zoning Ordinance of the City of Clinton be and the same is hereby amended as follows: That approximately 3 acres/700' from the NC Hwy 403 road right-of-way on the front portion of property along NC Hwy 403 is hereby rezoned from R-8 Residential to O & I Office and Institutional.

### **P & Z – INDUSTRIAL DRIVE – CLINTON 100 COMMITTEE, INC.**

Mayor Starling opened a public hearing on a request by Clinton 100 Committee, Inc. for the rezoning of approximately 41 acres off Industrial Drive from RA-20 Residential Agriculture to PID Planned Industrial district. Planning and Zoning Director Jeff Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon the findings of fact and zoning consistency statement. No one appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the following amendment **#2008.09.02** to the Zoning Ordinance was unanimously adopted:

**WHEREAS**, in accordance with the provisions of North Carolina General Statute 160A-383, the City of Clinton Planning Board does hereby find and determine that the recommendation of ordinance amendment RZ-8-08-2 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, does enact as follows: The Zoning Ordinance of the City of Clinton be and the same is hereby amended as follows: That approximately 41 acres off Industrial Drive is hereby rezoned from RA-20 Residential Agriculture to PID Planned Industrial district.

### **PERSONNEL POLICY**

City Manager Connet presented the revised Personnel Policy to City Council for adoption. He stated the policy included changes made over the last six years, as well as an updated Drug and Alcohol Policy. Upon City Council's approval, the policy will be placed on the website, new handbooks will be printed, and given to all employees.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the Revised July 23, 2008, Personnel Policy was approved unanimously.

**FIREFIGHTERS' PHYSICALS AGREEMENT – NORTH GREENVILLE  
FITNESS AND CARDIAC REHABILITATION CLINIC, INC.**

Fire Chief Miller stated that in accordance with the Occupational Safety and Health Administration regulations (OSHA) and National Fire Protection Association (NFPA) guidelines, we are required to provide annual physicals for our firefighters. He stated that for the past ten years, the City has paid for the firefighters to go independently to Clinton Medical Clinic to receive these physicals minus the nuclear stress test. NFPA guidelines currently state that stress tests must be part of physicals.

Fire Chief Miller further stated that bids were requested and three bids were received to perform physicals with stress tests. North Greenville Fitness and Cardiac Rehabilitation Clinic, Inc. was the low bidder. Chief Miller stated the physicals have been performed for this year. It was recommended that City Council approve a contract with North Greenville Fitness and Cardiac Rehabilitation Clinic, Inc. for future years.

Councilmember Stefanovich stated that he was opposed to approving this contract because we have excellent facilities here in the City of Clinton. Chief Miller pointed out that Clinton Medical Clinic's cost to perform the required services is \$20,118 as compared to North Greenville Fitness' cost of \$11,732. Chief Miller stated that North Greenville Fitness has already performed the services. When asked, "Why are we now approving, if services have been done?", Human Resource Manager Lisa Carter stated this was for auditing purposes. Ms. Carter further stated that the City would have information in written form by approving the contract.

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, it passed unanimously to amend the contract with North Greenville Fitness and Cardiac Rehabilitation Clinic, Inc. to pay only for services owed and have no future dealings take place.

**ORDINANCE - BUDGET**

Finance Director Betty Brewer stated that this was an amendment to the FY 2008-2009 Budget regarding the City's purchase of properties located at 729, 731, and 801 Barden Street and 704 Williams Street from KS Bank.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the following amendment #2008.09.03 was unanimously adopted:

**Budget Ordinance Amendment 2008.09.03**

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, 2009:

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

| Account #    | Account Title            | Increase             | Decrease |
|--------------|--------------------------|----------------------|----------|
| 10.6600.6715 | Purchase Miller Property | <u>\$ 100,970.00</u> |          |
|              | <b>TOTAL</b>             | \$ 100,970.00        |          |

**Section 2.** The revenues are to be changed as follows:

| Account #    | Account Title              | Increase             | Decrease |
|--------------|----------------------------|----------------------|----------|
| 10.3990.0000 | Fund Balance Appropriation | <u>\$ 100,970.00</u> |          |
|              | <b>TOTAL</b>               | \$ 100,970.00        |          |

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

### **RELEASE OF UNPAID LIENS – DANIELS & MORRISEY**

City Manager Connet requested City Council to release liens on the following properties:

- a. Alexander & Adelaide Daniels – 316 Still Street - \$ 3,390.00
- b. Claudie Morrisey – 505 Robinson Lane - \$ 3,544.59
- Total \$ 6,934.59

City Manager Connet stated that following default maintenance and demolition, we placed liens on these properties. These properties were foreclosed on in November 2007 and August 2008.

Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington and unanimously passed, the amount of \$6,934.59 was released from collection in unpaid liens billed to Alexander & Adelaide Daniels and Claudie Morrisey.

### **FALL CLEAN UP WEEK**

Public Works Director Doherty asked Council to designate October 13 – 17, 2008, as Fall Clean Up Week and suspend sections 11-4 (e)(g) and (i), except the collection of batteries) of the City Code during Fall Clean Up Week unless hazardous to city staff or items that the landfill will not accept.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the request to suspend sections of the City Code was unanimously approved and Fall Clean Up Week was designated October 13 -17, 2008.

**SUBDIVISION - MANANTIAL PENTECOSTAL HOLINESS CHURCH**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, a preliminary plat for a one subdivision off Five Bridge Road consisting of 4 acres requested by Manantial Pentecostal Holiness Church was unanimously approved contingent upon Manantial Pentecostal Holiness Church paying for any and all extension of water and sewer service because a septic tank will not be permitted.

**CONDEMNATIONS - BYRD STREET, HOBBDON HWY, CORNER OF CLIVE JACOBS ROAD**

Mr. Vreugdenhil presented four requests for condemnation of the following structures:

- a. 108 Byrd Street – Sidney Sammons
- b. 1815 Hobbdon Hwy - Gerry Hobbs
- c. Corner of Clive Jacobs Road – Hwy 24 – Anita and Carlita Jacobs
- d. 1633 Hobbdon Hwy - Donald Lewis, Gerald Lewis, Jeffrey Lewis, Jimmie Lewis, & Kelly Howard

Planning and Zoning Director Vreugdenhil stated that all of the above owners were given sixty days to bring their structures up to code or remove the structures. Mr. Vreugdenhil further stated that certified mail was sent to all property owners. He asked City Council to adopt ordinances condemning the properties. If this is done, the owners must pay the cost of demolition, the asbestos report, and the title search.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the following ordinances were 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  
2008.09.04**

**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**, Sydney Sammons, the owner of this structure have 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 July 1, 2008, 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 108 Byrd Street 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 July 1, 2008, 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 Sampson County 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.

**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  
2008.09.05**

**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**, Gerry B. Hobbs, the owner of this structure have 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 July 1, 2008, 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 1815 Hobbton Hwy and in the City of Clinton Extraterritorial Jurisdiction.

**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 July 1, 2008, 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 Sampson County 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.

**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  
2008.09.06**

**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**, Anita and Carlita Jacobs, the owners of this structure have 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 July 2, 2008, 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 the corner of Clive Jacobs Road and NC Hwy 24 and further identified by Sampson County Parcel I.D. # 12033524001, and in the City of Clinton Extraterritorial Jurisdiction.

**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 July 2, 2008, 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 Sampson County 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.

**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  
2008.09.07**

**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**, Donald E. Lewis Sr., Gerald W. Lewis, Jeffrey C. Lewis, Jimmie J. Lewis, and Kelly L. Howard, the owners of this structure have 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 July 1, 2008, 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 1633 Hobbton Hwy and in the City of Clinton Extraterritorial Jurisdiction.

**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 July 1, 2008, 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 Sampson County 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.

### **ANNEXATION – NC HWY 403**

City Manager Connet presented petitions from the following individuals/groups for the annexation of NC Hwy 403:

- |                       |                               |
|-----------------------|-------------------------------|
| a. Burgess Group      | d. Campbell Oil Company, Inc. |
| b. Davis Tyndall      | e. Walter Thomas Robinson     |
| c. Lawrence E. Melson | f. Ann's Sew-N-Vac            |

City Manager Connet stated if City Council desires to proceed with these requests, a resolution instructing the clerk to investigate these petitions should be adopted. He further stated that as part of the NC Hwy 403 Sewer Project and the City's water and sewer extension policy, the property owners along NC Hwy 403 were required to petition for annexation in order to receive sewer service from the City. He stated that we are requesting that Council direct the clerk to investigate the sufficiency of these petitions and that the clerk report back at the October meeting so that a public hearing might be called for.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the resolution directing the clerk to investigate the sufficiency of petitions for annexation, passed unanimously.

### **RESOLUTION - DESIGNATING APPLICANT'S AGENT**

City Manager Connet stated that the structure located at 800 Jasper Street is located within the 100-year flood plain and has been repeatedly

damaged by flood waters. He stated that the City would like to apply for grant funding to remove this structure, so that it is no longer prone to flooding. He said 90% of the funding would come from a federal grant, 10% from the property owner, and 0% from the City. He further stated that the grant money would be used to purchase the property and remove the structure. Once the structure is removed, the property would be owned by the City of Clinton. Currently, this property is owned by Sampson County Minorities for Progressive Government, Inc. City Manager stated that Council is asked to approve a resolution designating him and Planning and Zoning Director Jeff Vreugdenhil as primary and secondary agents for this application process.

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the resolution designating City Manager Connet and Planning and Zoning Director Vreugdenhil as applicant's agents for the application process with the North Carolina Division of Emergency Management was unanimously adopted.

### **CONTRACT – EASTERN CAROLINA REGIONAL HOUSING AUTHORITY**

Police Chief Mike Brim stated that each year, the City of Clinton enters into a contract with Eastern Carolina Regional Housing Authority for the provision of supplemental police services.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the contract by and between the Eastern Carolina Regional Housing Authority to begin July 1, 2008, passed unanimously.

### **VOTING DELEGATE – N C LEAGUE OF MUNICIPALITIES**

City Manager Connet stated that he, Councilmembers Turlington and Becton, would be attending the North Carolina League of Municipalities Annual meeting in Charlotte, NC, beginning on October 11, 2008. He further stated that Council need to appoint a voting delegate to vote on behalf of the City at the annual business meeting.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, and passed unanimously, Councilmember Jean Turlington was appointed as the voting delegate for the City of Clinton.

### **RESOLUTION OF INTENT – NORTHEAST SIDE OF 314 SAMPSON STREET**

City Manager Connet stated that Council is asked to consider a Resolution of Intent to close a 30' wide easement located on the Northeast side of 314 Sampson Street. He stated that this item was continued from the August 5, 2008 City Council meeting so that he might gather additional information. He further stated that he, as well as City Attorney Johnson and Attorney Ben Warwick, are satisfied with the findings of the additional information, which confirms that this easement was dedicated as a public easement.

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

the City Council of the City of Clinton, at 7:56 PM on the 2<sup>nd</sup> day of September, 2008, at a meeting held in the City Hall Auditorium:

**A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF CLINTON, NORTH CAROLINA, TO CONSIDER THE CLOSING OF A 30' WIDE EASEMENT ON THE NORTHEAST SIDE OF 314 SAMPSON STREET**

**WHEREAS**, G.S. 160A-299 authorizes the City Council of the City of Clinton to close public streets and alleys; and

**WHEREAS**, the City Council of the City of Clinton considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a 30' wide easement on the northeast side of 314 Sampson Street in Clinton, NC.

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

- (1) A meeting will be held at 7:00 PM on the 7<sup>th</sup> day of October, 2008, in the City Hall Auditorium to consider a resolution to close a 30' wide easement on the northeast side of 314 Sampson Street in Clinton, NC, recorded in Map Book 1665 at Page 478, in the Sampson County Registry being described as:

**ALSO CONVEYED HERewith** is an easement thirty (30) feet wide located on the northeastern side of the property above described, and is for the purpose of ingress, egress and regress by the owners of said property as dedicated by C. Patrick by deed recorded in Book 130, Page 81 of the Sampson County Registry, said deed being incorporated herein and by reference made a part hereof.

- (2) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Sampson Independent, or other newspaper of general circulation in the area.

- (3) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon all of said 30' wide easement on the northeast side of 314 Sampson Street in the City of Clinton, a copy of this Resolution of Intent.

- (4) The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

**BIDS – AIRPORT TAXIWAY EXTENSION PROJECT**

City Manager Connet stated that the Clinton-Sampson Airport Advisory Board received bids for the Taxiway Extension Project. He stated that Triangle Grading and Paving was the low bidder with a bid of \$1,100,600; however, they did not make a good faith effort to meet the Minority Business Enterprise (MBE) or Women Business Enterprise (WBE) goals of 6% required on federally funded

projects. City Manager stated that the Airport Advisory Board recommends that Barnhill Construction Company be awarded the bill with a bid of \$1,235,589.75 contingent upon giving Triangle Grading and Paving ten (10) days to appeal this recommendation and showing that they made a good faith effort to meet the MBE/WBE goals.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it pass unanimously to uphold the Airport Advisory Board's recommendation to award the bid to Barnhill Construction Company with a bid of \$1,235,589.75 contingent upon giving Triangle Grading and Paving ten (10) days to appeal the Board's recommendation and show that they made a good faith effort to meet the Minority Business Enterprise (MBE) or Women Business Enterprise (WBE) goals

## **REPORTS**

City Manager Connet acknowledged that the fire, financial, personnel, police, public works, and minimum housing reports were received and he stands ready to answer any questions from City Council regarding the reports.

He stated that we are monitoring Tropical Storm Hannah and will keep Council abreast with all updates.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and passed unanimously, the meeting adjourned at 8:09 PM.

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CITY CLERK

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MAYOR

