

SEPTEMBER 1, 2009 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on September 1, 2009, 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; assistant city manager Shawn Purvis; planning and community development director Jeff Vreugdenhil; planner Mary Rose; recreation director Judi Nicholson; public works director Chris Doherty; finance director Betty Brewer; human resource manager Lisa Carter; interim fire chief Todd Solice; and police chief Mike Brim were present. In addition, Chris Berendt of the Sampson Independent was present.

Councilmember Marcus Becton introduced Rev. Gerald Underwood, Pastor of Andrews Chapel Baptist Church, Clinton, NC, who gave the invocation.

RECOGNITIONS

City Manager Connet stated that he had received an email from a citizen who, along with his wife and many others, was at the park on Sunday, August 30, attending a youth kickball game. He stated that the wife's purse was accidentally left on the bleachers. Earl Faison, Maintenance Crew Leader, found and returned the purse.

On behalf of the couple, City Manager Connet was asked to thank Earl Faison publicly for a job well done.

Mayor Starling stated that recently, he was asked to judge a contest for the Sampson County Arts Council in which there were over 300 attendees. He stated an abundance of local talent was present to include our guests. Mayor presented Anthony and Desiree Basilovecchio.

Mr. Basilovecchio introduced them to City Council. He stated that they "were drawn to Sampson County" because Mrs. Basilovecchio's family is from Sampson County. He stated that they paint religious icons for the Eastern Orthodox Church. He further stated that presently, they are working exclusively for the Church. Mr. Basilovecchio concluded by stating that they will be displaying their artwork in the month of October at the Sampson County Arts Council.

CITY COUNCIL

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the minutes of the July 14, 2009 and August 4, 2009 city council regular meetings were approved unanimously.

FALL CLEAN UP WEEK

Public Works Director Doherty asked Council to designate October 12-16, 2009, 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 Becton, seconded by Councilmember Turlington, the request to suspend sections of the City Code was unanimously approved and Fall Clean Up Week was designated October 12-16, 2009.

CONDEMNATIONS – 624 Lisbon Street and 85 Faison Hwy

Planning and Zoning Director Jeff Vreugdenhil presented an ordinance of condemnation for **624 Lisbon Street**. Walter C. and Malkia Rayner were instructed on June 15, 2009 to remove the unsafe structure, but it has not been done. Mr. Vreugdenhil stated that three bids from local demolition contractors had been received with a low bid of \$3,950 to remove the structure.

Upon a motion by Councilmember Strickland, seconded by Councilmember Becton, the following ordinance **#2009.09.01** 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, Walter C. and Malkia Rayner, 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 June 15, 2009, 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 624 Lisbon 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 June 15, 2009, 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.

Planning and Zoning Director Jeff Vreugdenhil stated that initially it had been requested to consider an ordinance of condemnation for **85 Faison Hwy.**; however, Andra M. Newkirk and Clarence Monroe, Jr., owners, have voluntarily contracted with Earl Bullock Bulldozer Service and have removed the structure. Mr. Vreugdenhil stated that no action is needed regarding this item.

MEMORANDUM OF AGREEMENT – NCDOT

Assistant City Manager Purvis stated that during recovery from a natural disaster, NCDOT is responsible for cleanup along interstates, US highways, NC highways, and other secondary state roads. He stated that many of the secondary roads are primary thoroughfares in Clinton but are not priority sites for NCDOT. He stated that the City of Clinton often assumes responsibility for debris removal along these roads to speed the cleanup. Mr. Purvis stated that in order for the City to receive reimbursement from FEMA and the State for debris removal along these secondary roads, a Memorandum of Agreement is required.

Assistant City Manager Purvis recommended approving the agreement with NCDOT.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the Memorandum of Agreement between the City of Clinton and NCDOT passed unanimously.

RESOLUTION OF SUPPORT – NCDOT SMALL URBAN FUNDS PROJECT

City Manager Connet stated that Interim District Engineer Lin Reynolds contacted him to identify a project that could be funded through Division 3 Small Urban Funds. He stated that \$100,000 is available to the City of Clinton. He stated that due to the small amount of funding, we would recommend making improvements to the intersection of US701 and East Railroad Street. City Manager Connet further added that this project would improve safety at this intersection and would be the first phase of widening East Railroad Street between US701 and NC24. City Manager stated that Mr. Reynolds requested a resolution of support from City Council and he recommends adopting a resolution.

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

RESOLUTION OF SUPPORT OF THE RAILROAD STREET IMPROVEMENT PROJECT

WHEREAS, S. R. 1232, Railroad Street is a state maintained street and lies within the Clinton city limits between Southeast Boulevard (US 701 Business) and NC 24 East; and

WHEREAS, the City of Clinton recognizes the need to improve safety and traffic movement on said street because it is heavily used by the city's largest employer; and

WHEREAS, the Railroad Street Improvement Project will consist of widening and realignment of the eastern side of the intersection of Railroad Street and US 701 Business to accommodate three (3) lanes of traffic and the relocation of five (5) Progress Energy poles to improve the intersection safety and functionality while being designed for the future improvement of the Railroad Street from US 701 to NC 24.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clinton, North Carolina that it wholeheartedly support the North Carolina Department of Transportation in its efforts to apply for a local Small Urban Funds project to cover this cost.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the appropriate officials/individuals.

**STATEWIDE MUTUAL AID AGREEMENT -- NC DEPT OF CRIME CONTROL
& PUBLIC SAFETY**

City Manager Connet stated that in 1998, the City of Clinton approved and executed a statewide mutual aid agreement with the North Carolina Department of Crime Control and Public Safety. He stated that this agreement provides the terms and conditions by which local government entities may provide assistance to one another during natural disasters and community emergencies. He stated that because the agreement was outdated and greater than 10 years old, he felt that it was prudent that City Council adopt a revised agreement.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the Statewide Emergency Management Mutual Aid and Assistance Agreement between the City of Clinton and North Carolina Department of Crime Control and Public Safety passed unanimously.

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 at the last meeting, concerns were voiced regarding excessive overgrown lots in the areas, particularly District 5 area. He stated that General Assembly passed a law in March of this year acknowledging this concern. City Manager further stated that the law allows cities to notify chronic violators of overgrown vegetation ordinances that during the current year, the city will take action to cut the vegetation without further notice. He concluded by stating that expenses of the action become a lien on the property and this law should help to resolve this problem in the City of Clinton.

Mayor Starling stated that Council has visited District 5. In addition, he voiced his displeasure with the appearance of the US 421 bridge at the end of McKoy Street near the outskirts of the city. Mayor Starling stated that, if the state does not attend to this area; the City of Clinton will need to clean up the area.

City Council suggested sending these excessive overgrown lot owners letters notifying them of the recent legislation. Mayor Starling stated that he will sign the letter and suggested councilmembers sign also.

Mayor Pro Tem Harris thanked City Council for all efforts shown regarding her concerns and District 5. She stated that concerning the US 421 bridge, nothing has been done in three years. Mayor Pro Tem Harris requested a list of all the absent property owners.

Councilmember Strickland recommended a letter be sent to NCDOT regarding the area under the US 421 bridge. He suggested City Manager Connet and Mayor Starling sign the letter.

PUBLIC COMMENTS

Johnny Boykin appeared before City Council. He thanked Mayor and Chief Brim for assistance given recently and he requested assistance involving a drainage problem in the front of his property.

Mayor asked Public Works Doherty and City Manager Connet to meet at Mr. Boykin's residence the following morning at 8:30 AM.

No one else appeared to be heard.

RESOLUTION—CLOSED SESSION

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, 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 at 7:00 PM on September 1, 2009 entered closed session as allowed by G. S. 143-318.11(a)(6) to discuss matters relating to personnel.

Council re-entered regular session at 7:48 PM. Mayor Starling reported that City Council was briefed on some personnel matters; however, no action was taken.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, and unanimously passed, the meeting adjourned at 7:50 PM.

Elaine F. Hunt, City Clerk

Lew Starling, Mayor
