

DECEMBER 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 December 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. Gary Strickland, pastor of Clinton Pentecostal Holiness Church, gave the invocation.

Norman Wayne Naylor, Sampson County Clerk of Court, administered the oath of office to Steve Stefanovich, District 1 councilmember, Marcus Becton, District 3 councilmember, and Maxine Harris, District 5 councilmember and Luther D. Starling, Jr., Mayor.

ELECTIONS

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following Abstract of Canvass was unanimously accepted:

| <u>Mayor</u> | <u>Polls</u> | <u>Absentee</u> | <u>One Stop</u> | <u>Total</u> |
|---------------------------------|--------------|-----------------|-----------------|--------------|
| Lew Starling | 137 | 0 | 7 | 144 |
| <u>Mayor—Write In</u> | | | | |
| Edward Faison | 1 | 0 | 0 | 1 |
| Johnny Kaleel | 1 | 0 | 0 | 1 |
| <u>City Council--District 1</u> | | | | |
| Steve Stefanovich | 26 | 0 | 0 | 26 |
| <u>City Council—District 3</u> | | | | |
| Marcus O. Becton | 18 | 0 | 0 | 18 |
| <u>City Council—District 5</u> | | | | |
| | 29 | 0 | 0 | 0 |

CITY COUNCIL

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, Maxine Harris was unanimously elected mayor pro tem.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Harris, Dale Johnson was unanimously appointed city attorney.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, John Connet was unanimously appointed city manager.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the minutes of the November 1, 2005 city council meeting and September 6, 2005 closed session minutes were unanimously approved.

ECONOMIC DEVELOPMENT

Mayor Starling opened a public hearing to receive citizen input on providing an economic incentive grant to Babcock Ladder Company. Sampson County Economic Development Director John Swope asked the hearing be continued. He said the project has changed and asked to continue the hearing until the March meeting.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, and unanimously passed, the hearing was continued until 7:00 p.m. on March 7, 2006.

P & Z—BALDWIN

Mayor Starling opened a public hearing on a request by Danny Baldwin, Michelle McKee and Beverly Baldwin Avery to rezone 6.21 acres located off Baldwin Lane and Clive Jacobs Road from RA-20 Residential to R-8MHOD Residential Manufactured Housing Overlay District. Jeff Vreugdenhil presented recommendations from the Planning and Zoning Board and staff to approve the request. No one else appeared to speak and the public hearing was closed.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the following amendment #2005.12.01 to the zoning ordinance was unanimously adopted: 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 6.21 acres located off Baldwin Lane and Clive Jacobs Road from RA-20 Residential to R-8MHOD Residential Manufactured Housing Overlay District.

PARKING

Police Chief Brim presented a summary of a study done by the department on the availability and abuse of parking in the downtown which concludes there is parking available in the downtown at all times.

SANITATION—RECYCLING

City Manager Connet told Council that per instructions given at the last meeting, the Environmental Affairs Advisory Board met and considered recycling options. He suggested council hear the options tonight, but to place the issue on the council retreat agenda. He called on Public Works Director Doherty to briefly present six options which are: 1) Collection by the city, 2) citizen drop off, 3) bi-weekly collection by private vendor, 4) reward system, 5) maintain existing program, or 6) eliminate program. Environmental Advisory Board Chairman said the Board wants to keep some type of recycling program and

would like to get more information on a reward system. It was the consensus to place the issue on the council retreat system.

APPOINTMENTS

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton Shirlene Devane was unanimously reappointed to the Library Board for a two year term ending December, 2007.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland Kenneth Buffkin was appointed to fill the remainder of Cary Taylor's term on the Environmental Affairs Advisory Board.

Notification was given of the expiration of terms of Homer Faison and Barbara Ann Faison on the Board of Adjustment and Donald Summerlin on the Planning and Zoning Board.

RESOLUTIONS—GRANTS

City Manager Connet told council that the bids for Phase I of the Dollar Branch sewer project came in over estimates. He said the city was approved for a state loan in the amount of \$571,000. but the city needs to reapply for a larger loan. Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington the following resolution was unanimously passed:

REVOLVING LOAN FUND FOR DOLLAR BRANCH

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Clean Water Revolving Loan and Grant Act of 1987 have authorized the making of loans and grants to aid eligible units of government in financing the cost of rehabilitation of wastewater collection systems, and

WHEREAS, the city of Clinton has need for and intends to rehabilitate Phase I of the Dollar Branch Interceptor, consisting of the construction of approximately 1,900 LF of new 30-inch sewer, 600 LF of 18-inch and 425 LF of 12-inch connector line from an existing interceptor, and

WHEREAS, the city of Clinton intends to request State Loan funds assistance for the project.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLINTON:

That city of Clinton will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the city of Clinton agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure to make scheduled repayment of the loan, to withhold from the city of Clinton any State funds that would otherwise be distributed

to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That city of Clinton will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Luther D. Starling, Jr., mayor and successor so titled, is hereby authorized to execute and file an application on behalf of the city of Clinton with the State of North Carolina for a loan to aid in the construction of the project described above.

That Luther D. Starling, Jr., mayor and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State Agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the city of Clinton has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to the Federal and State grants and loans pertaining thereto.

BIDS—WATER AND SEWER—DOLLAR BRANCH

Public Works Director Doherty presented the following bids for Phase I of the Dollar Branch Sewer Project:

| <u>Contractor</u> | Base Bid | Alternate One |
|--|---------------|---------------|
| Colt Contracting Co. Inc. | \$ 683,288.00 | \$40,850.00 |
| ES & J Enterprises, Inc. | 778,146.25 | 60,000.00 |
| Ormond Utilities | 1,496,950.00 | 75,000.00 |
| Ralph Hodge Construction Co. | 733,431.50 | 83,810.00 |
| Seaside Environmental Constructors, Inc. | 672,075.50 | 78,917.00 |
| State Utility Contractors, Inc. | 846,482.50 | 43,000.00 |
| T. A. Loving Co. | 885,440.00 | 50,000.00 |

City Manager Connet recommended awarding the bid to the low bidder, Seaside Environmental Constructors, Inc., subject to the state approving the application for an increased loan. Councilmember Stefanovich asked what Alternate One is for. Mr. Stefanovich expressed concern over awarding the bid to an out-of-town bidder when an in town company's combined bid was lower. Public Works Director Doherty said it is for a thirty inch sewer line, if the two eighteen inch lines that were bid will not work. He told council that determination will not be known until the project is underway.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris and unanimously passed, Seaside Environmental Constructors was awarded the bid subject to the city receiving increased funding for the project from the State.

FIRE DEPARTMENT

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, the following were unanimously certified as being eligible firefighters in

accordance with G.S. 58-86-25: Maxton Autry, Mark A. Barcomb, Mark J. Barcomb, Jamie P. Beasley, Matthew Boone, Matthew Booth, Edmon Boyette, Claude A. Buchanan, Robert Burke, Andrew Cabrera, Lee Coleman, Donald R. Comer, Jody Coombs, Joshua Coombs, Joe B. Dixon, Jr., Timothy Clay Donald, Ronald Ellis, Adrian B. Faircloth, Joel Faircloth, Paul T. Hawkins, Erick Herring, Leonard R. Herring, Jr., Matthew Hoffman, Thomas F. Leerkes, Jimmy Lewis, Cecil James Little, III, Adam Lockhart, Rommie Melvin, Benjamin N. Miller, Philip Miller, Lawrence Parrish, William M. Parrish, George Raynor, Todd A. Solice, Charles L. Stafford, Clark T. Strickland, and Richard W. Taylor.

ORDINANCES—BUDGET

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the following amendment #2005.12.02 to the 2005-06 Budget was unanimously adopted:

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, 2006:

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

| <u>Account Number</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> |
|-----------------------|-------------------------------|-----------------|-----------------|
| 105100.5701 | Special Funds | \$ 4,100 | |
| 105300.7400 | Capital Outlay—Paving | 18,760 | |
| 106200.7400 | Capital Outlay—Bleachers | 15,300 | |
| 106600.7401 | Capital Outlay—Airport Runway | 6,646 | |
| 106600.8000 | Contingency | | \$34,060 |
| Total Expenditures | | \$44,806 | \$34,060 |

Section 2. To amend General Fund the revenues are to be changed as follows:

| <u>Account Number</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> |
|-----------------------|---------------------------|-----------------|-----------------|
| 103030.0200 | St Substance Abuse | \$ 4,100 | |
| 103990.0000 | Fund Balance Appropriated | 6,646 | |
| Total Revenues | | \$10,746 | |

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

STREET CLOSING

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton and unanimously passed, approval was given for the temporary closing of the following streets on December 10, 2005 from 9:00 a.m. to 11:00 a.m.: College Street from Warsaw Road to Main Street; Main Street to Wall Street; Wall Street to Fayetteville Street; Fayetteville Street to Sunset Avenue; and Sunset Avenue to the US 701/421 west overpass. The closing is necessary so the Christmas parade can be held.

FALSE ALARMS

City Manager Connet requested council to write off \$450.00 for unpaid false alarms fees. He said that the city is collecting most fees through Small Claims Court. Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington and unanimously passed the following were written off as uncollectible: El Mercadito \$100; Southern Health Care \$200; and Interpane Glass Co. \$150.

CONDEMNATIONS—RUSSELL STREET

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the following ordinance #2005.12.03 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, Blonnie Carr, 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 September 26, 2005, 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 201 Russell 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 owner thereof dated September 26, 2005, 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.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following ordinance #2005.12.04 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, Kim Lamonte Carr, 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 September 26, 2005, 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 221 Russell 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 owner thereof dated September 26, 2005, 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.

ANNEXATION—RESOLUTIONS

Planning Director Jeff Vreugdenhil gave the council the annexation reports and presented a Resolution of Intent of annexation for consideration for eight possible areas for annexation. He said only eight of the ten areas proposed on July 19, 2005 for annexation meet statutory requirements. Mayor Starling questioned whether council had enough time to consider the resolution and said he did not realize the city was moving in this direction. Jeff said tonight's request follows direction given by council on July 19, 2005. He told council in order for any annexations to be effective June 30, 2006, the annexation timeline must be followed. Also, he said that adopting a resolution of intent does not annex any areas and council must approve the annexation reports and hold public meetings before considering an ordinance of annexation.

After further discussion and upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, the following resolution was unanimously adopted:

A RESOLUTION STATING THE INTENT OF THE CITY OF CLINTON TO CONSIDER
ANNEXATION OF THE AREAS DESCRIBED HEREIN AND FIXING THE DATE OF A
PUBLIC INFORMATIONAL MEETING AND A PUBLIC HEARING ON THE
QUESTION OF ANNEXATION

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

Section 1. It is the intent of the Clinton City Council of the City of Clinton to consider annexation of the following described territories pursuant to Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina:

CITY OF CLINTON 2005 PROPOSED ANNEXATION AREA 1, INDUSTRIAL DRIVE, LOCATED IN NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

BEGINNING at an existing iron stake in the center line of Secondary Road No. 1834 (Industrial Drive); said iron stake being the Easternmost corner of the Whisper Knits property (see Deed Book 1076 Page 386) and being located North 85 degrees 28 minutes 05 seconds East 1729.52 feet and North 34 degrees 06 minutes 32 seconds East 420.00 feet from N. C. G. S. Station "Bureau" having N. C. Grid Coordinates of X = 2,194,798.830 and Y = 463,834.227 (1927 N. A. Datum); running thence with the Whisper Knits property, North 28 degrees 51 minutes 26 seconds West 603.17 feet to an existing iron stake; thence North 61 degrees 08 minutes 34 seconds East 30.00 feet to a stake in the center line of a proposed 60 feet wide right-of-way easement; thence with the center line of said proposed 60 feet wide right-of-way easement and with the land now or formerly owned by Stanley Carr (see Deed Book 895 Page 116 and Deed Book 911 Page 261), North 28 degrees 51 minutes 26 seconds West 436.86 feet to a stake; thence with the center line of a small branch and with the center line of a 20 feet wide drainage easement and with the land now or formerly owned by Stanley Carr, the following courses and distances: South 80 degrees 45 minutes 00 seconds East 80.60 feet to a stake, South 68 degrees 00 minutes 00 seconds East 192.00 feet to a stake, North 75 degrees 50 minutes 00 seconds East 139.00 feet to a stake, South 85 degrees 05 minutes 00 seconds East 164.00 feet to a stake, South 67 degrees 50 minutes 00 seconds East 173.00 feet to a stake, and South 80 degrees 40 minutes 00 seconds East 272.00 feet to an existing iron stake in the center line of Secondary Road No. 1834 (Industrial Drive) directly over a 30 inch diameter corrugated metal culvert through which runs a small branch; thence with the center line of said small branch and with the land now or formerly owned by Clifton R. Daughtry (see Deed Book 719 Page 76), the following courses and distances: South 69 degrees 11 minutes 45 seconds East 177.05 feet to an existing iron stake, North 72 degrees 29 minutes 59 seconds East 86.01 feet to an existing iron stake, South 77 degrees 01 minutes 53 seconds East 186.52 feet to an existing iron pipe and North 77 degrees 43 minutes 25 seconds East 55.28 feet to an existing iron stake at its confluence on the Run of Little Mill Branch; thence with the Run of Little Mill Branch and with the land now or formerly owned by Clifton I. Simmons (see Deed Book 652 Page 168 and Deed Book 654 Page 58), South 11 degrees 29 minutes 20 seconds East 212.62 feet to an existing iron pipe; thence again with the Run of Little Mill Branch and with the land now or formerly owned by Joseph I. Weeks (see Deed Book 813 Page 646, Deed Book 792 Page 276, and Map Book 14 Page 58), the following courses and distances: South 27 degrees 21 minutes 02 seconds East 129.46 feet to an existing iron pipe, South 45 degrees 03 minutes 43 seconds East 226.57 feet to an existing iron pipe, South 34 degrees 02 minutes 13 seconds East 383.81 feet to an existing iron pipe, and South 02 degrees 36 minutes 43 seconds West 506.44 feet to an existing iron pipe; thence with the Nestaway, LLC property (see Deed Book 1585 Page 255), North 56 degrees 11 minutes 27 seconds West 294.83 feet to an existing iron stake in the center line of a cul-de-sac at the end of Secondary Road No. 1867 (Armory Road); thence with the center line of Secondary Road No. 1867 (Armory Road), North 56 degrees 11 minutes 27 seconds West 100.00 feet to existing iron stake; thence South 33 degrees 48 minutes 33 seconds West 30.00 feet to a stake; thence with the Southwestern right-of-way line of Secondary Road No. 1867 (Armory Road), North 56 degrees 11 minutes 27 seconds West 1122.15 feet to a stake at the point of intersection of the Southwestern right-of-way line of Secondary Road No. 1867 (Armory Road) and the Southeastern right-of-way line of Secondary Road No. 1834 (Industrial Drive); thence with the Southeastern right-of-way line of Secondary Road No. 1834 (Industrial Drive), South 34 degrees 06 minutes 32 seconds West 272.05 feet to a stake; thence North 28 degrees 51 minutes 26 seconds West 33.68 feet to the point of **BEGINNING**, containing 30.57 acres, more or less, as compiled using three surveys dated 1988, 1989, 1996, and 2005 by Owen Surveying, Inc., with all lines correct in their angular relation and relative to N. C. Grid North (1927 N. A. Datum).

A more complete description of the above property is shown on a map entitled: "Property to be conveyed to Sampson County (Stanley Carr Tract" prepared by Owen Surveying, Inc., dated January 15, 1988, and also shown on a map entitled: "Survey for L. D. Starling Company" prepared by Owen Surveying, Inc., dated January 22, 1996 and April 7, 1989, a copy of said maps being incorporated herein, and by reference made a part hereof.

CITY OF CLINTON 2005 PROPOSED ANNEXATION AREA 2, ELIZA LANE, located in
NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

BEGINNING at an existing point in the old city limit line, said point being located North 86 degrees 30 minutes 00 seconds West about 106 feet from a stake in the center line intersection of Eliza Lane and Don Street; running thence from said beginning point with a line running with or nearly with the Eastern edge of a street known as Eliza Lane, North 02 degrees 00 minutes 00 seconds East about 265 feet to a stake, the Southwestern corner of Lot No. F of the Freddie A. Robinson Subdivision (see Map Book 7 Page 27); thence with the Southern edge of Lot No. F, D, B, & 12, South 88 degrees 00 minutes 00 seconds East 200.00 feet to a stake, the Southeast corner of Isaac Junior Royal (see Deed Book 1003 Page 911); thence South 87 degrees 00 minutes 00 seconds East 125.00 feet to an existing iron stake, the Northeast corner of Spivey Oil Company (see Deed Book 1102 Page 576); thence with Lewis Jerome Robinson (the old Freddie Robinson Funeral Home lot)(see Estate File No. 86-E-407, Item No. 3 and Item No. 6), South 00 degrees 29 minutes 27 seconds East 100.00 feet to an existing iron stake, and South 87 degrees 01 minutes 25 seconds East 224.00 feet to an existing concrete right-of-way marker; thence the same course continued, across the center line of U. S. Highway No. 701 (Business), South 87 degrees 01 minutes 25 seconds East about 100 feet to a stake on the Eastern right-of-way line of U. S. Highway No. 701 (Business); thence with the Eastern right-of-way line of said highway about South 00 degrees 17 minutes 00 seconds East about 174.82 feet to a stake in the old city limit line; thence with the old city limit line, and with the Northern edge of the Britt Corporation "Hillcrest Subdivision" as surveyed November 14, 1948 by L. C. Kerr, Jr. and nearly with the center line of Eliza Lane, North 86 degrees 30 minutes 00 seconds West 660.47 feet to the point of **BEGINNING**, containing 3.33 acres, more or less, and relative to the various Magnetic Meridians as referred to in this description.

CITY OF CLINTON 2005 PROPOSED ANNEXATION AREA 3, SOUTHEAST BOULEVARD,
LOCATED IN NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

BEGINNING at an existing iron pipe, the Southwest corner of Bobby West Warren (see Deed Book 1069 Page 381), said iron pipe being located South 34 degrees 19 minutes 51 seconds East 1473.70 feet, North 55 degrees 57 minutes 00 seconds East 220.00 feet, North 34 degrees 19 minutes 51 seconds West 10.00 feet, North 55 degrees 57 minutes 00 seconds East 274.10 feet, and North 77 degrees 33 minutes 30 seconds East 387.32 feet from an existing stake in the center line intersection of N. C. Highway No. 24 (Martin Luther King, Jr. Boulevard formerly known as South Boulevard) and Secondary Road No. 1231 (Lisbon Street); running thence from said beginning point with Bobby W. Warren, North 12 degrees 26 minutes 30 seconds West 200.00 feet to an existing iron stake; thence with Bobby W. & Willa R. Warren Limited Partnership (see Deed Book 1263 Page 484), the same course continued, North 12 degrees 26 minutes 30 seconds West 100.00 feet to an existing iron pipe; thence the same course continued, across a proposed street, North 12 degrees 26 minutes 30 seconds West 60.00 feet to an existing concrete monument (buried); thence with the land now or formerly owned by Robert J. Salmon, Jr. (see Deed Book 859 Page 346), the same course continued, North 12 degrees 26 minutes 30 seconds West 219.01 feet to an existing concrete monument; thence the same course continued, North 12 degrees 26 minutes 30 seconds West 20.01 feet to a stake in the line of Lot No. 12 of the John D. Fowler Subdivision (see Map Book 01 Page 138); thence with the line of Lot No. 12, North 79 degrees 12 minutes 00 seconds East 100.04 feet to a stake; thence with the old city limit line, South 12 degrees 26 minutes 30 seconds East 396.15 feet to a stake in the line of Bobby W. Warren; thence with Bobby West Warren (see Deed Book 1069 Page 381 and Deed Book 1019 Page 615), North 77 degrees 33 minutes 30 seconds East 300.00 feet to a stake on the Western right-of-way line of U. S. Highway No. 701 Business (Southeast Boulevard); thence the same course continued, North 77 degrees 33 minutes 30 seconds East 100.00 feet to a stake on the Eastern right-of-way line of U. S. Highway No. 701; thence with the Eastern right-of-way line of U. S. Highway No. 701, South 12 degrees 26 minutes 30 seconds East 200.00 feet to a stake; thence South 77 degrees 33 minutes 30 seconds West 100.00 feet to a stake on the Western right-of-way line of U. S. Highway No. 701; thence with the Northern right-of-way line of proposed Lindsay Street, South 77 degrees 33 minutes 30 seconds West 400.00 feet to the point of **BEGINNING**, containing 3.21 acres, more or less, as computed

from a map by Charles Matthis Surveying during July, 1997, with all lines correct in their angular relation and relative to Magnetic North of 1973.

CITY OF CLINTON 2005 PROPOSED ANNEXATION AREA 4, COLONIAL HEIGHTS, LOCATED IN SOUTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

BEGINNING at an existing iron stake on the Northern right-of-way line of Colonial Drive, said iron stake being located North 51 degrees 01 minutes 39 seconds West 192.35 feet from an existing iron stake in the center line intersection of Cleveland Street and Colonial Drive; running thence from said beginning point with Colonial Heights Subdivision "Section One" (see Map Book 06 Page 43), South 30 degrees 00 minutes 00 seconds West 30.00 feet to an existing iron stake in the center line of Colonial Drive; thence South 30 degrees 00 minutes 00 seconds West 30.00 feet to an existing iron stake on the Southern right-of-way line of Colonial Drive, a joint corner with Lot No. 48 of Colonial Heights Subdivision "Section One", now or formerly owned by James Rogers; thence with Lot No. 48 and Lot No. 47, South 30 degrees 00 minutes 00 seconds West 200.00 feet to an existing iron stake; thence with Lot No. 18 and Lot No. 17, South 30 degrees 00 minutes 00 seconds West 200.00 feet to an existing iron stake on the Northern right-of-way line of Jefferson Street; thence the same course continued South 30 degrees 00 minutes 00 seconds West 60.00 feet to an existing iron stake on the Southern right-of-way line of Jefferson Street; thence with Lot No. 16, South 30 degrees 00 minutes 00 seconds West 200.00 feet to an existing iron stake; thence with the James H. Butler heirs, North 60 degrees 00 minutes 00 seconds West 347.00 feet to an existing iron stake; thence with the land now or formerly owned by Nash Johnson & Sons Farms, Inc. (see Deed Book 917 Page 859 Parcel "II"), North 25 degrees 05 minutes 16 seconds East 430.35 feet to an existing iron pipe and North 48 degrees 45 minutes 38 seconds East 518.79 feet to an existing iron stake; thence with Manly Shipp (see Deed Book 718 Page 172 and Map Book 32 Page 60), South 60 degrees 00 minutes 00 seconds East 217.00 feet to an existing iron stake; thence with Lot No. 49 now or formerly owned by Ollen Robinson (see Deed Book 1173 Page 37), South 30 degrees 00 minutes 00 seconds West 200.00 feet to the point of **BEGINNING**, containing 6.98 acres, more or less, as surveyed during April, 1992 by Owen Surveying, Inc., with all lines correct in their angular relation and relative to the Magnetic Meridian of March, 1963 (see Map Book 06 Page 43).

A more complete description of the above property is shown on a map entitled: "Survey of Colonial Heights Subdivision (Section Two)" prepared by Owen Surveying, Inc., dated April, 21, 1992, a copy of said map being incorporated herein, and by reference made a part hereof. Said map also being recorded in Map Book 26 Page 45 of the Sampson County Registry.

CITY OF CLINTON 2005 PROPOSED ANNEXATION AREA 5, EAST RAILROAD STREET - SAMPSON SALVAGE LOCATED IN NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

BEGINNING at a stake in the Southern right-of-way line of the old CSX Railroad now Clinton Terminal Railroad (20 feet from the center line), said stake being located South 80 degrees 10 minutes 08 seconds West 430.16 feet from N. C. G. S. Station "Twin" having N. C. Grid Coordinates of X = 2,210,958.006 and Y = 454,166.546 (1983 N. A. Datum); running thence from said beginning point with the property now or formerly owned by H. S. Clement (see Map Book 01 Page 13), South 08 degrees 09 minutes 17 seconds East 548.00 feet to a stake and North 88 degrees 38 minutes 51 seconds West 554.85 feet to a stake on a ditch; thence with said ditch and with William H. Owen (see Deed Book 1182 Page 327), North 01 degrees 34 minutes 17 seconds West 469.50 feet to a stake on the Southern right-of-way line of the aforementioned railroad; thence with the Southern right-of-way line of the Clinton Terminal Railroad (20 feet from the centerline), North 83 degrees 00 minutes 43 seconds East 493.50 feet to the point of **BEGINNING**, containing 6.09 acres, more or less, as computed from maps and deeds of record with all lines correct in their angular relation and relative to N. C. Grid North (1983 N. A. Datum).

For more reference to this tract or parcel of land see Deed Book 760 Page 492, Deed Book 790 Page 568, Deed Book 861 Page 153, and Deed Book 1131 Page 160 of the Sampson County Registry.

CITY OF CLINTON 2005 PROPOSED ANNEXATION AREA 6, STATE EMPLOYEES CREDIT UNION LOCATED IN NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

BEGINNING at an existing iron stake in the Northern right-of-way line of Secondary Road No. 1835 (Industrial Drive), a corner with Nu-Way Speaker Products, Inc. (see Deed Book 1295 Page 445 and Map Book 14 Page 58), said iron stake being located North 74 degrees 23 minutes 27 seconds West 1006.09 feet from N. C. G. S. Station "Patrol" having N. C. Grid Coordinates of X = 2,199,360.194 and Y = 461,532.9089 (1983 N. A. Datum); running thence from said beginning point with the Northern right-of-way line of Secondary Road No. 1835 (Industrial Drive), South 57 degrees 31 minutes 27 seconds West 133.78 feet to an existing iron stake in the Northern right-of-way line of Secondary Road No. 1311 (North Boulevard); thence with the Northern right-of-way line of Secondary Road No. 1311 (North Boulevard), around a curve to the left having a radius of 1393.44 feet for an arc distance of 379.62 feet (chord = South 85 degrees 00 minutes 30 seconds West 378.45 feet) to an existing iron stake; thence with the land now or formerly owned by Lloyd H. Bass (see Deed Book 877 Page 538), North 15 degrees 46 minutes 49 seconds West 288.77 feet to an existing iron pipe; thence again with the land now or formerly owned by Bass, North 83 degrees 41 minutes 30 seconds West 231.14 feet to an existing iron pipe in the center line of an old dam at existing pointers; thence with Lot No. 3 and up the Run of Mill Branch and with the land now or formerly owned by Dr. John L. Weeks (see Deed Book 573 Page 92 and Map Book 05 Page 53), North 14 degrees 11 minutes 18 seconds East 183.30 feet to an existing iron pipe and North 30 degrees 03 minutes 13 seconds East 264.73 feet to an existing iron pipe, a joint corner with Axia, Inc. (see Deed Book 1086 Page 538); thence North 79 degrees 34 minutes 43 seconds East 500.88 feet to an existing iron pipe, a joint corner with Dubose Strapping (see Deed Book 1116 Page 48) and Nu-Way Speaker Products, Inc.; thence with the Nu-Way Speaker Products, Inc., South 10 degrees 25 minutes 20 seconds East 707.65 feet to the point of **BEGINNING**, containing 9.91 acres, more or less, as surveyed during November, 1997 by Owen Surveying, Inc., with all lines correct in their angular relation and relative to N. C. Grid North (1983 N. A. Datum).

A more complete description of the above property is shown on a map entitled: "Partial Topographical Map for State Employee's Credit Union, Clinton, N. C." prepared by Owen Surveying, Inc., dated November 14, 1997 and revised January 18, 1998, a copy of said map being incorporated herein and by reference made a part hereof.

CITY OF CLINTON 2005 PROPOSED ANNEXATION AREA 7, EMPLOYMENT SECURITY COMMISSION, LOCATED IN NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

BEGINNING at a stake at or near the center of a small branch in the line of Dr. Agapito Fajardo (see Deed Book 1356 Page 880), said stake being located North 06 degrees 16 minutes 40 seconds East 772.62 feet from N. C. G. S. Station "Blackwell" having N. C. Grid Coordinates of X = 2,196,373.78 and Y = 460,708.6553 (1983 N. A. Datum); running thence from said beginning point up the run of said branch, North 41 degrees 44 minutes 33 seconds West 172.80 feet to an existing iron pipe and North 01 degrees 54 minutes 29 seconds West 10.18 feet to an existing iron stake; thence with Lot No. 1 of the Sampson Southeast Business Complex owned by Dr. John L. Weeks (family) (see Deed Book 1328 Page 113), North 76 degrees 34 minutes 10 seconds East 360.03 feet to an existing iron stake and South 17 degrees 51 minutes 14 seconds East 120.36 feet to a stake; thence with the old city limit line, South 72 degrees 28 minutes 03 seconds West 31.30 feet to a stake, South 69 degrees 06 minutes 53 seconds West 110.98 feet, and South 66 degrees 49 minutes 04 seconds West 150.32 feet to the point of **BEGINNING**, containing 1.07 acres, more or less, as computed from a survey made by Owen Surveying, Inc. dated July 30, 2001 with all lines correct in their angular relation and relative to N. C. Grid North (1983 N. A. Datum).

This tract or parcel of land is a portion of the property conveyed by deed dated August 3, 2001 from Weeks Family Limited Partnership to Mill Branch Partners, LLC. recorded in Deed Book 1403 Page 344 of the Sampson County Registry.

CITY OF CLINTON 2005 PROPOSED ANNEXATION AREA 8, SOUTHWEST BOULEVARD LOCATED IN SOUTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

BEGINNING at an existing iron stake in the center line of Secondary Road No. 1264 (Southwood Drive), said iron stake being located South 31 degrees 18 minutes 21 seconds West 414.12 feet from an existing nail & cap in the center line intersection of Secondary Road No. 1276 (Southwest Boulevard) and Secondary Road No. 1264 (Southwood Drive); running thence from said beginning point with Elbert Daughtry (see Deed Book 1301 Page 955) and with the Sampson Health Care Facilities, Inc. Mary Gran Nursing Home Tract (see Map Book 23 Page 34), North 58 degrees 42 minutes 30 seconds West 182.33 feet to an existing

concrete monument and North 31 degrees 07 minutes 48 seconds East 199.50 feet to an existing concrete monument; thence North 58 degrees 32 minutes 22 seconds West 124.06 feet to an existing concrete monument and North 31 degrees 07 minutes 48 seconds East 144.89 feet to an existing concrete monument on the Southern right-of-way line of Secondary Road No. 1276 (Southwest Boulevard); thence with the Southern right-of-way line of Secondary Road No. 1276 (Southwest Boulevard), North 58 degrees 31 minutes 30 seconds West 49.95 feet to an existing concrete monument; thence with Cynthia Wallace (see Estate File 90-E-462), and with the Sampson Health Care Facilities, Inc. Mary Gran Nursing Home Tract, South 31 degrees 07 minutes 48 seconds West 145.00 feet to an existing concrete monument, North 58 degrees 32 minutes 22 seconds West 53.00 feet to an existing concrete monument, South 63 degrees 50 minutes 04 seconds West 113.87 feet to an existing iron stake and North 58 degrees 44 minutes 22 seconds West 140.00 feet to a stake; thence North 34 degrees 55 minutes 00 seconds East about 115 feet to the Southeast corner of Bryant Clifton (see Deed Book 1062 Page 716); thence with Cliftons line, about North 76 degrees 15 minutes 00 seconds West 301.5 feet to a stake in a ditch; thence North 73 degrees 15 minutes 00 seconds West about 332.76 feet to a stake in the line of Two Ten Investors, Inc. (see Deed Book 1165 Page 170); thence with Two Ten Investors, Inc., and with Gus Sutton, South 30 degrees 25 minutes 00 seconds West 598.15 feet to an existing iron stake in the Michael P. Gore line (see old reference Deed Book 739 Page 565); thence with Michael P. Gore, South 00 degrees 30 minutes 00 seconds West 169.38 feet to an existing iron stake; thence with Mavis Carter (see Deed Book 1403 Page 367), North 84 degrees 00 minutes 00 seconds West 637.00 feet to a stake; thence with the old Clifton property, North 02 degrees 25 minutes 00 seconds East 544.00 feet to an existing iron stake in the line of Faircloth Drayage Company, Inc. (see Deed Book 1096 Page 427); thence North 87 degrees 55 minutes 00 seconds West 400.00 feet to a stake, the Southwest corner of Walter Boykin (see Deed Book 1577 Page 988); thence with the City of Clinton existing city limit line and with the Freedom and Deliverance, Inc. property (see Deed Book 1448 Page 841), North 07 degrees 00 minutes 00 seconds East 225.00 feet to a stake; thence with the city limit line, South 82 degrees 00 minutes 00 seconds East (old call South 77 degrees 50 minutes East about 560 feet) to a stake; thence with the old city limit line again crossing Secondary Road No. 1276 (Southwest Boulevard), North 09 degrees 10 minutes 00 seconds East 807 feet to a stake (old call North 12 degrees 10 minutes East); thence with the old city limit line again and crossing Secondary Road No. 1231 (Lisbon Street), about North 63 degrees 00 minutes 00 seconds East about 220 feet to a stake on the Northeast right-of-way line of Secondary Road No. 1231 (Lisbon Street); thence with the Northeast right-of-way line of Secondary Road No. 1231 (Lisbon Street), South 40 degrees 30 minutes 00 seconds East 595 feet to a stake, South 47 degrees 55 minutes 00 seconds East 417.00 feet to a stake, South 60 degrees 55 minutes 00 seconds East 535.00 feet to a stake, and South 60 degrees 15 minutes 00 seconds East 745.00 feet to a stake, the Southwest corner of the existing city limit line, also being the Southwest corner of Forest Gregory Owen "BP Station Lot" (see Deed Book 1209 Page 562); thence with the Forest Gregory Owen line and with the existing city limit line, South 54 degrees 31 minutes 59 seconds East 115.34 feet to a stake, South 51 degrees 30 minutes 37 seconds East 127.95 feet to a stake, North 13 degrees 05 minutes 16 seconds East 24.88 feet to an existing nail, South 48 degrees 48 minutes 10 seconds East 23.19 feet to an existing iron pipe, North 83 degrees 50 minutes 31 seconds East 18.83 feet to a stake, North 42 degrees 06 minutes 26 seconds East 21.89 feet to a stake, North 16 degrees 59 minutes 43 seconds East 24.16 feet to a stake, North 10 degrees 01 minutes 40 seconds West 29.76 feet to an existing right-of-way monument, and North 23 degrees 24 minutes 24 seconds West 263.13 feet to an existing iron pipe on the Southwest right-of-way line of U. S. Highway No. 701 (Business)(Southeast Boulevard); thence North 40 degrees 16 minutes 51 seconds East 49.61 feet to an existing "PK" nail in the center line of the old road bed of U. S. Highway No. 701 (Business) (Southeast Boulevard); thence with the center line of old U. S. Highway No. 701 (Business)(Southeast Boulevard), South 23 degrees 24 minutes 24 seconds East 148.50 feet to a stake; thence South 88 degrees 33 minutes 55 seconds East 61.37 feet to an existing iron pipe in the center line of a branch and on the Northeast right-of-way line of U. S. Highway No. 701 (Business)(Southeast Boulevard); thence with the Northeastern right-of-way line of U. S. Highway No. 701 (Business)(Southeast Boulevard), South 23 degrees 23 minutes 43 seconds East about 745.00 feet to a stake; thence South 52 degrees 04 minutes 30 seconds West about 103 feet to an existing iron stake on the Southwest right-of-way line of U. S. Highway No. 701 (Business)(Southeast Boulevard), the Easternmost corner of Cape Fear Farm Credit ACA (see Deed Book 1451 Page 563); thence the same course continued, South 52 degrees 04 minutes 30 seconds West 278.18 feet to an existing iron stake; thence with Cape Fear Farm Credit ACA and with Myrtie Leocarta (see Deed Book 803 Page 830, Deed Book 1095 Page 447, and Estate File 85-E-1595C Wake County), North 43 degrees 50 minutes 30 seconds West about 452 feet to a stake in the Dorcas McLamb line (see Deed Book 1301 Page 957); thence with Dorcas McLamb, North 08 degrees 40 minutes 20 seconds East about 135 feet to an existing iron stake; thence North 54 degrees 36 minutes 47 seconds West 354.91 feet to a stake on the Southeastern right-of-way line of Secondary Road No. 1264 (Southwood Drive); thence with the Southeastern right-of-way line of Secondary Road No. 1264 (Southwood Drive), South 31 degrees 18 minutes 21 seconds West 146.34 feet to a stake; thence North 58 degrees 42 minutes 30 seconds West 30.00 feet to the point of **BEGINNING**, containing 45.24 acres, more or less, with all

lines correct in their angular relation and relative to the various deeds and maps referred to in the above description.

Section 2. A public informational meeting on the question of annexing the above described territories will be held at the Clinton City Hall Auditorium at 7:00 pm on January 24, 2006, at which time plans for extending services to said territory will be explained and all residents and property owners in said territories and all residents of the City of Clinton will be given an opportunity to ask questions and receive answers regarding the proposed annexations.

Section 3. A public hearing on the question of annexing the above described territories will be held at the Clinton City Hall Auditorium at 7:00 pm on February 21, 2006, at which time plans for extending services to said territories will be explained and all residents and property owners in the said territories and all residents of the City of Clinton will be given an opportunity to be heard.

Section 4. A report of plans for extending services to the above described territories shall be made available for public inspection at the office of the Clinton City Clerk at least thirty (30) days prior to the date of the public informational meeting. The statement of financial impact contained in the report shall be delivered to the Sampson County Board of Commissioners at least thirty (30) days prior the date of the public informational meeting.

Section 5. A legible map of the areas to be annexed and a list of persons holding freehold interests in property in the area to be annexed who have been identified shall be posted in the office of the City Clerk at least thirty (30) days prior to the date of the public informational meeting.

Section 6. Notice of the public informational meeting and public hearing shall be given by publication/posting and by first class mail, as required by G.S. 160A-49.

CITY CODE—RECREATION

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the following ordinance #2005.12.05 was unanimously adopted:

ORDINANCE 2005.12.05

ORDINANCE AMENDING SECTION 18-17 RECREATION ADVISORY BOARD MEETING

Be It Ordained that Section 18-17 of the Clinton City Code of 1987 is hereby amended to read as follows:

“Regular meetings of the recreation advisory committee shall be held each month at 7:00 p.m. by the committee on a day agreed upon by the committee in the Royal Lane Main Office or agreed upon place.”

ALL-AMERICA CITY

City Manager Connet reported the recommendation from the All-America City Steering Committee to reapply for the All-America City designation in 2007 and spend 2006 working on selecting projects and improving the city’s application. Also, the committee

recommends sending a scout team to the 2006 All-America City Competition. Upon a motion made by Councilmember Becton, seconded by Councilmember Harris, the recommendation was accepted.

REPORTS

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

City Manager Connet reported the release of 2005 taxes billed to Sarah Ann Britt King, 12-0131801-08 in the amount of \$69.70.

MISCELLANEOUS

Mayor Starling recognized students from Clinton High School civics class and a participant in the Junior Leadership course.

CLOSED SESSION

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the following resolution was unanimously adopted at 8:05 p.m.:

RESOLUTION TO ENTER CLOSED SESSION

Be It Resolved that the regular meeting of the City Council of the City of Clinton, North Carolina held December 6, 2005 enter closed session as allowed by G. S. 143-318.11(a)(5) to discuss property disposition and G. S. 143-318.11(a)(6) to discuss personnel.

At 8:40 p.m. council re-entered regular session. Mayor Starling reported no action was taken.

At 8:41 p.m. and upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, and unanimously passed, the meeting was continued until 7:00 p.m. on December 13, 2005.

City Clerk

Mayor