

FEBRUARY 7, 2006 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on February 7, 2006 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.

Chris Fann gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the January 3 and 24, 2006 city council meeting were unanimously approved.

RECOGNITIONS

Mayor Starling recognized the 2005 Firefighter of the Year, Todd Solice and the 2005 Police Officer of the Year Dan Worley. Gary Wayne Hall, Sessoms Jewelry, presented the rings signifying the award to these men.

OATHS

The city clerk administered oaths to those who will present information during a public hearing for a conditional use permit request.

P & Z—SOUTHEAST BLVD.—BAREFOOT—BINGO

Mayor Starling opened a public hearing continued from January 3, 2006 on a request by Wesley Barefoot for a conditional use permit to operate a bingo facility at 407 Southeast Blvd.

Planning Director Vreugdenhil reviewed the request. He said staff and the Planning and Zoning Board recommend approval of the request.

Police Chief Brim reported his investigation of Mr. Barefoot's bingo facility in Mt. Olive revealed no negative business practices.

Alvin Herring, commander of the Clinton VFW post asked that the facility not operate on Thursday nights since the post has bingo as a fundraising event on Thursday nights. He said the Moose Lodge offers bingo on Monday nights.

Mr. Barefoot in response to questions from the council said the normal hours of operation will be 7:00 p.m. to 10:00 p.m. on week nights and until midnight on the weekends. He said there will not be a problem with not operating on Monday and Thursday nights.

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

Mayor Starling read Standard 1: The use will not endanger the public health, safety, or general welfare if located where proposed and developed according to plan. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 2: The use meets all required conditions and specifications as outlined in the conditional use application, and/or as imposed by the city council. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 3: The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood, or is a public necessity. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 4: The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in conformity with the Clinton Development Plan. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, a conditional use permit was unanimously approved for Wesley Barefoot to operate a bingo facility at 407 Southeast Blvd. subject to the following conditions: No operations on Mondays and Thursdays.

CATV

Randy Jacobs, manager of StarVision, reviewed the request presented at the January 3, 2006 council meeting. He said StarVision will tape one meeting and let council see the outcome. He added the company upgrade sound and lighting in the auditorium if necessary to produce quality broadcasts. StarVision was given permission to tape a demonstration video upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, and unanimously passed.

PROCLAMATION

Mayor Starling presented the following proclamation to Willie Parker's family. He announced a Welcome Home Reception for Mr. Parker would be held at 6:00 p.m. on February 9, 2006 at the civic center.

PROCLAMATION

WHEREAS, Willie Parker, was born in Clinton, North Carolina on November 11, 1980; and

WHEREAS, he participated in the city of Clinton recreation department's children and youth recreational activities; and

WHEREAS, he was an outstanding athlete at Clinton High School and received a football scholarship to attend the University of North Carolina; and

WHEREAS, he was signed by the Pittsburgh Steelers as a free agent in 2004; and

WHEREAS, during the 2005-06 season he rushed for 1, 297 yards and was the Steelers' leading rusher; and

WHEREAS, he is the first Clintonian to play in a National Football League Super Bowl; and

WHEREAS, on one carry, he ran for 75 yards and broke the record for the longest rush set by the great Marcus Allen in Super Bowl XVIII; and

WHEREAS, the city of Clinton desires to honor Willie Parker for his athletic accomplishments, and for his work ethic and outstanding character.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the city of Clinton, North Carolina, I hereby proclaim February 8, 2006 as

Willie Parker Day

in the city of Clinton, North Carolina as an expression of pride in his accomplishments and appreciation for the publicity he brings to our city.

At 7:30 p.m. Mayor Starling recessed the meeting to meet with Mr. and Mrs. Parker. At 7:35 p.m. the meeting resumed.

CEMETERY

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton the following resolution setting the rules for the 6th Addition of Sandhills Cemetery was unanimously adopted:

BE IT RESOLVED that all of the lots shown on the map entitled "Sixth Addition to Sandhills Cemetery" which is recorded in Map Book 56 Page 23 of the Sampson County Registry be subject to the following additional restrictions:

- a) The said lot is to be used only for cemetery purposes.
- b) No trees, shrubs or plants shall be planted thereon by any person, except that the right is reserved for the City of Clinton to plant such trees, shrubs, or plants as it, in its uncontrolled discretion, may determine. The City of Clinton from time to time will have the entire cemetery area, of which the above-described lots are a part, landscaped, and the right on the part of the City of Clinton is reserved to plant on the above-described lots such trees, shrubs, or plants as it, in its uncontrolled discretion, deems advisable in order to carry out the landscaping of the whole cemetery addition. In making such plantings, the City of Clinton shall not in any way interfere with any grave which may be on said lots; and the owners of the lots, if space occupied by any tree, shrub, or other plant placed thereon by the City is

- needed for burial purposes, may request the City of Clinton to remove the same, and the City shall remove same when such space is needed for burial purposes.
- c) No hedges, fences, copings, or enclosures which extend or protrude above the ground level of the above-mentioned lots and driveways shall be erected or placed thereon; neither shall any bench, seat or similar object be placed thereon.
 - d) No grave marker, family monument, or stone, monument, or marker of any kind shall be placed at any grave or on the said lot except as follows: Graves may be marked either by flat or vertical markers or monuments firmly set in a concrete foundation which shall be at least two (2) inches below ground level, provided that no single grave marker or monument may have a base larger than 12 inches by 22 inches and no double grave marker or monument may have a base size no larger than 12 inches by 66 inches; and provided that all grave monuments are made of a natural stone material of a minimum thickness of four (4) inches at its thinnest point or materials that consist of at least eighty-seven (87) percent copper; and provided that all grave monuments or markers for spaces A, B, C, & D are placed so that they are no farther than 16 inches from the eastern line of the grave plot upon which they are installed, or for spaces E, F, G, & H are placed so that they are no farther than 16 inches from the eastern line of the grave plot upon which they are installed, nor closer than 19 inches from the northern and southern boundary line in the case of a single marker or monument, nor closer than 19 inches from the northernmost and southernmost lines of contiguous grave plots which are marked by double monuments or markers.
 - e) All graves shall be level, and no grave mound shall be permitted, and all permanent type vases placed on said lot shall be of the type which does not extend above the ground level.
 - f) All graves must be opened and closed under the supervision of the City of Clinton after a permit is obtained from the City, and the owner shall make arrangements with the funeral director to remove all surplus dirt from the lot and from the cemetery, and all turf shall be protected, preserved and replaced after an interment or the erection of a monument or marker.
 - g) The City of Clinton reserves the right to close all roads leading into the cemetery and to the above mentioned lots, except during the time of a funeral, and reserves the right to make such rules and regulations for the use of said lots and cemetery as are not inconsistent herewith and as deemed necessary or advisable for the beautification and maintenance of said cemetery.
 - h) This conveyance is made subject to Section 6 of Chapter 6 of the Clinton City Code of 1999, and which reads as follows: "The price for cemetery lots and portions thereon in the Clinton Municipal Cemeteries shall be by resolution set by the City Council from time to time, and the rate or sale to a resident of the City of Clinton shall be one-half (1/2) the price charged for a conveyance to non-residents. No person shall convey any interest in any municipal cemetery property without the concurrence of the City of Clinton as evidence by the signature of the Clinton City Clerk and the City Seal; and the Register of Deeds of Sampson County shall not record any deed conveying any interest in any municipal cemetery property without its having been signed by the Clinton City Clerk and attested with the Clinton City Seal. The City Clerk shall not sign said deed of conveyance without the Conveyancer, if the person being conveyed to is a non-resident of the City of Clinton, paying to the City of Clinton the difference between the price charged to a

Clinton City resident and a non-Clinton city resident at the time of conveyance unless the Conveyancer is conveying to his or her lineal descendants or spouse.

AND BE IT FURTHER RESOLVED that the City of Clinton retains the option to re designate any of said lots for a different use so as long as they are owned by the City of Clinton.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton the following resolution setting the fees for the 6th Addition of Sandhills Cemetery was unanimously adopted:

	INSIDE				OUTSIDE		
	Plot	Fees	TOTAL		Plot	Fees	TOTAL
1 Grave	\$100.00	\$95.00	\$195.00		\$200.00	\$95.00	\$295.00
2 Graves	\$200.00	\$95.00	\$295.00		\$400.00	\$95.00	\$495.00
3 Graves	\$300.00	\$95.00	\$395.00		\$600.00	\$95.00	\$695.00
4 Graves	\$400.00	\$95.00	\$495.00		\$800.00	\$95.00	\$895.00

SUBDIVISIONS

Planning Director Vreugdenhil presented for consideration a request by William John Goodrich, Jr., and Laura Elmore Goodrich for a preliminary plat for an 18.75 acre, 4-lot subdivision located off H. B. Lewis Road. He said the Planning and Zoning Board and staff recommend approval. Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, the request was unanimously approved.

ORDINANCES—BUDGET

Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington, the following ordinance # 2006-02.01 was unanimously adopted:

Budget Ordinance Amendment #06.02.01

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:

Account Number	Account Title	Increase	Decrease
105100.0200	Police Salaries		\$13,205
105100.5800	Police Grant Share	\$13,205	
Total		<u>\$13,205</u>	<u>\$13,205</u>

Section 2. Copies of this amendment shall be furnished to the City Clerk, City Manager and Finance Director for their direction.

Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington, the following ordinance # 2006.02.02 was unanimously adopted:

2005 Law Enforcement Block Grant Project Budget Ordinance

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is for personnel and equipment to be financed by a grant and reserves.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

<u>Account Number</u>	<u>Account Title</u>	<u>Amount</u>
795500.0200	Salary	\$34,480
795500.0500	FICA	2,872
795500.0600	Group Insurance	5,248
795500.0700	Retirement	1,648
795500.0701	401(k)	1,724
795500.1400	Travel	70
795500.3300	Department Supplies	250
795500.3600	Uniforms	6,000
795500.5401	Worker's Comp	1,066
795500.7400	Vehicle/Equipment	46,500
Total Expenditures		\$99,858

Section 4. The following revenues are anticipated to be available to complete this project:

<u>Account Number</u>	<u>Account Title</u>	<u>Amount</u>
793010.0500	2005 GHS Grant	\$86,653
793020.0100	2005 City Share	13,205
Total Revenue		\$99,858

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grant agreements and federal regulations.

Section 6. Copies of this Grant Project Ordinance shall be furnished to the Clerk to the City Council and the Finance Officer for direction in carrying out this project.

RESOLUTIONS

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

NC GOVERNOR'S HIGHWAY SAFETY PROGRAM RESOLUTION

Whereas, the Clinton Police Department (herein called the "Agency") has completed an application contract for traffic safety funding; and that the City Council of the City of Clinton, N. C. (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

Therefore, Now Be It Resolved by the City Council of the City of Clinton, NC in open meeting assembled in the city of Clinton, North Carolina, this the 7th day of February, 2006, as follows:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Mike Brim, Chief of Police, is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$86,653 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$13,205 as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangements for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DOWNTOWN

City Manager Connet said there are two burned-out buildings in the downtown that need improvement. Jeff Vreugdenhil said that Johnny Kaleel is looking at making office space out of his Vance Street property. He added if Mr. Kaleel does not restore the building, the city can address the water ponding issue and hanging door through the building code and historic preservation ordinance. Jeff told council that the property on Vance Street near the jail, though unsightly, is not considered a public nuisance and it does not violate the building code. City Manager Connet was instructed to research solutions for this property.

CITY CODE—ORDINANCE—VEHICLES

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the following ordinance #2006.02.03 was unanimously adopted:

ORDINANCE AMENDING SECTION 15, ARTICLE IV. REMOVAL AND DISPOSITION
OF ABANDONED AND NUISANCE MOTOR VEHICLES

That Section 15-87. Definitions. of the Clinton City Code of 1987 is hereby amended to read as follows:

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Abandoned vehicle means a vehicle that is:

- (a) Left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- (b) Left on a public street or highway for longer than seven (7) days; or
- (c) Left on property owned or operated by the city for longer than twenty-four (24) hours; or
- (d) Left on private property without the consent of the owner, occupant, or lessee thereof, for longer than two (2) hours.

Authorizing official means the supervisory employee of the police department or the code enforcement officer, respectively, designated to authorize the removal of vehicles under the provisions of this article.

Motor vehicle or vehicle means a machine designed or intended to travel over land by self propulsion or while attached to any self-propelled vehicle.

Nuisance vehicle means a motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, including found to be:

- (a) A breeding ground or harbor for mosquitoes or other insects or a breeding ground or harbor for rats or other pests;
- (b) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height;
- (c) A point of collection of pools or ponds of water;
- (d) A point of concentration of combustible items such as gasoline, oil, or other flammable or explosive materials, including, but not limited to boxes, paper, old clothes, rags, refuse or any other combustible materials or objects of a like nature;
- (e) One which has parts, thereof, which may fail and injure members of the public or one which may have parts which may fall or be closed and become an area of confinement form which release may not be had by opening from the inside;

(f) One which is so situated and located that there is danger of the vehicle falling, rolling, turning over, or creating an unsafe movement, such as unattended, blocked or jacked vehicles;

(g) One which is a point of collection of garbage, food waste, or any other rotten or putrescible matter of any kind.

(h) One which has parts thereof which are jagged or contain sharp edges of metal, glass or other hard material;

(i) Any other vehicle specifically declared a health and safety hazard and public nuisance by the city council;

(j) One which cannot be self-propelled or moved in the manner in which it was originally intended to move; or

(k) One which does not display a current license plate.

CITY CODE—ORDINANCES—RECREATION

ORDINANCE AMENDING SECTION 18, ARTICLE IV. RECREATION FACILITIES

That Section 18.48. Hours of Operation of the Clinton City Code of 1987 is hereby amended to read as follows:

All recreation areas shall be open to the public between sunrise and sunset or as posted on each day and it shall be unlawful for any person to use or inhabit any recreation area at any time except when the recreation area is being operated under the direct supervision of the recreation department, when it is being used by written authorization of the recreation department or its designated official, or when it is being used for the purpose for which it is designated, under lighting provided by the recreation department for that purpose.

CITY COUNCIL

City Manager Connet presented the agenda for the council/staff retreat to be held February 25, 2006.

TAX

Upon a motion made by Councilmember Turlington, seconded by Councilmember Harris the following taxes were unanimously released: Stelphine Aris Swinson \$119.22 and Rainy Day Holdings \$281.04.

Council acknowledged notification of the 2005 delinquent tax balance in the amount of \$121,354.87.

Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington \$121,354.87 was unanimously approved as liens on real property and March 29, 2006 as the date to advertise 2005 delinquent taxes.

REPORTS

Police Chief Brim told a new program, the Citizens' Police Academy.

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

City Manager Connet said the city's recreation department is partnering with Sampson Regional Medical Center's Wellness Center to offer water aerobics and 4th grade water safety programs.

City Manager Connet asked council members to let him know dates for district council meetings.

MISCELLANEOUS

Mayor Starling recognized Kyle Jones, a member of Boy Scout Troup 27.

Upon a motion duly made seconded and passed at 8:04 p.m., the meeting was continued until 7:00 p.m. on February 21, 2006.

Clerk

Mayor