

MARCH 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 March 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; deputy fire chief Todd Solice; planning and community development director Jeff Vreugdenhil; police chief Mike Brim; public works director Chris Doherty; and recreation director Judi Nicholson were present.

The Reverend Marcus Becton, Councilmember from District 3, gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the minutes of the February 7, 21 and 25, 2006 city council meetings were unanimously approved.

AGREEMENTS—HOSPITAL—RECREATION

City Manager Connet presented a Memorandum of Understanding between the city and the hospital's wellness center for use of a heated swimming pool by the recreation department for \$1,075.00 per month for all months except June, July and August.

Hospital CEO Larry Chewing and Wellness Center Director Robin Palmer appeared in support of the agreement and told of non-member services available. Mayor Starling disclosed that is the hospital attorney.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the Memorandum of Understanding as outlined above was unanimously approved.

OATHS

The city clerk administered oaths to Jeff Vreugdenhil and Vonnie Marshburn who will present information during a public hearing for a conditional use permit request.

P & Z—DEVANE STREET—MARSHBURN

Mayor Starling opened a public hearing on a request by Jesse and Vonnie Marshburn for a conditional use permit to develop a duplex at 126 DeVane Street. Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request without any conditions imposed. He stated that council may impose conditions. Mrs. Marshburn spoke in favor of her request. She said the house sits on an acre lot that is buffered on the left by a row of red tips. She said there is more than adequate room for parking at the rear of the structure.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the hearing was unanimously continued until April 4, 2006 at 7:00 p.m.

P & Z—CEMETERY

Mayor Starling opened a public hearing on a request by the city of Clinton for the rezoning of 1.86 acres located between Sampson and McKoy Streets from R-6 Residential to PC Public Conservation. The land will be used by the city for the 6th Addition to Sandhills Cemetery. Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request. No one else wished to be heard and the hearing was closed. Upon a motion made by Councilmember Becton, seconded by Councilmember Harris the following amendment #06.03.01 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 1.86 acres located at the intersection of Sampson Street with McKoy Street and across from the current Sandhills Cemetery is hereby rezoned from R-6 Residential to PC Public Conservation.

ECONOMIC DEVELOPMENT—BABCOCK LADDER

Mayor Starling opened a public hearing continued from December 6, 2005 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 closed. He said the project changed and no longer qualifies for an economic incentive grant. No one else wished to be heard and the hearing was closed.

ECONOMIC DEVELOPMENT

John Swope, Sampson County Economic Director, updated council on Sampson County Economic Development activities.

PARKING LOTS—COLLEGE STREET

City Manager Connet asked council to approve an eighteen month lease retroactive to July 1, 2005 for the lease of a portion of the College Street Parking Lot between Hiram Lodge No. 98 and the city at a cost of \$100.00 per month. This will replace a 1978 verbal agreement at a cost of \$60.00 per month. It was noted the intent to enter into a long term lease in January 2007. Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington and unanimously passed the city manager was authorized to enter into the lease described herein expiring December 31, 2006.

AIRPORT

City Manager Connet presented a ten year lease between Sky High, II, LLC (Sampson-Bladen Oil) and the city and county for the lease of a parcel of land at the airport for the location of a hanger for \$1,000.00 year. He said the Airport Authority recommends approval. Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the lease was unanimously approved.

TAXES

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, \$109.00 for 2005 taxes billed to Aletha M. Damon was unanimously released.

RESOLUTIONS

Resolution to be Adopted by the City Council Designating Official to Sign Papers and to Otherwise Represent the City Council in Connection with Mosquito Control

Upon a motion by Councilmember Becton, seconded by Councilmember Turlington, it is hereby ordered that John Connet, as agent for the city of Clinton, is hereby authorized and empowered to sign and execute all papers and documents necessary in connection with the request made to the Division of Environmental Health, N. C. Department of Environment and Natural Resources, for aid in control of mosquitoes. He is further authorized and required to carry out all agreements stipulated in the project application submitted by us to the Division of Environmental Health, N. C. Department of Environment and Natural Resources, and to perform other acts that are proper and necessary in connection with the operation of this project. Acts of said person on behalf of said city of Clinton are in all respects validated, approved and confirmed.

CLEAN UP WEEK

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland April 3-7, 2006 is hereby designated as Spring Clean Up Week and suspends sections 11-4 (e)(g) and (i), except the collection of batteries of the City Code during Spring Clean Up Week unless hazardous to city staff or items that the landfill will not accept.

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 applied for and received an additional loan for a combined loan of \$857,198. Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton the following resolution was unanimously passed:

Resolution by the Clinton City Council Accepting a General Revolving Loan

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, water supply systems, and water conservations projects; and

WHEREAS, the North Carolina Environmental Management Commission has offered a State Revolving Loan in the amount of \$857,198 to upgrade and replace the existing lower Dollar Branch sewer outfall between the WWTP and US Highway 421 and for the construction of new 18, 24, and 30 inch diameter sewer and sewer rehabilitation, including manholes; and

WHEREAS, the City of Clinton, NC intends to construct said project in accordance with the approved plans and specifications.

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

That the City of Clinton, NC does hereby accept the State Revolving Loan offer of \$857,198.

That the City of Clinton, NC does hereby give assurance to the North Carolina Environmental Management Commission that all items specified in the loan offer, Section II – Assurances, will be adhered to.

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, NC has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grant and loans pertaining thereto.

ORDINANCES—BUDGET

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the following amendment #06.03.02 to the Lundy Sewer Line Phase I & II Capital Projects Ordinance was unanimously adopted:

**CAPITAL PROJECTS ORDINANCE
Lundy’s Sewer Line Phase I & II**

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 capital project ordinance adopted May 3, 2005 and amended on November 1, 2005 is hereby amended as follows:

Section 1. The appropriations for the project are changed as follows:

		Increase	Decrease
467140.0401	Engineering and Design	\$ 35,000.00	
467140.0500	Inspection/Permit	26,200.00	
467140.5700	Miscellaneous	501.00	
467140.7200	Easement Acquisition	10,000.00	
467140.7300	Construction	212,075.50	
467140.8000	Contingency	12,521.50	
TOTAL		\$286,198.00	

Section 2. The revenues anticipated to be available to complete this project are changed as follows:

463714.0300	State Revolving Loan	\$286,198.00
TOTAL		\$286,198.00

ORDINANCES—BUDGET—RAILROAD STREET

City Manager Connet presented for consideration two budget ordinances necessary to fund the Railroad Street Improvement Project. The first ordinance will amend the Downtown Revitalization Project Ordinance to approve the transfer of \$250,000.00 to the Railroad Street Capital Project Ordinance. He noted that when the sale of the Hamilton Beach property is complete, the funds will be restored to the downtown budget.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following amendment #06.03.03 to the Downtown Revitalization Capital Project Budget Ordinance was unanimously passed:

ORDINANCE AMENDING THE DOWNTOWN REVITALIZATION FUND

Whereas, the City Council of the City of Clinton, NC established a Community Development Fund to disperse funds received from the termination of the Revolving Loan Program Fund on June 7, 2005; and

Whereas, on the same day, it approved a transfer from said fund to the Downtown Revitalization Capital Project Ordinance; and

Whereas, said funding is not presently needed in the Downtown Revitalization Capital Project Ordinance Fund, but is needed in the Capital Project Railroad Street Fund.

Now, Therefore, Be It Ordained by said Council the following anticipated fund expenditures are hereby ordained:

Anticipated Expenditures	Increase	Decrease
CP Downtown Revitalization		\$250,000
Transfer to CP Railroad Street	\$250,000	
Total	\$250,000	\$250,000

Copies of this budget ordinance shall be furnished to the Clerk to the Council, the Budget Officer and the Finance Director for their direction.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following ordinance #06.03.04 Railroad Street Improvement Project Capital Project Budget Ordinance was unanimously passed:

CAPITAL PROJECTS ORDINANCE
Railroad Street Improvement Project

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 capital project ordinance is hereby adopted:

Section 1. The project authorized is improvements to Railroad Street.

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

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

504970.7000	NC DOT	\$100,000
504970.7100	Right-of-way Obstruction	40,000
504970.7200	Utilities Relocation	110,000
	Total	\$250,000

Section 4. The following revenue is anticipated to be available to complete this project.

503030.0000	Transfer from Downtown Revitalization Fund	\$250,000
	Total	\$250,000

BIDS—AUDITOR

City Manager Connet presented bids received for auditing services. He said based on governmental auditing, GASB 34 and CAFR experience, the firms were narrowed to four firms. After interviews with the four firms, the finance director and he recommend Denning and Sessoms.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the proposal from Denning and Sessoms in the amount of \$78,050.00 for a three year period was accepted with a 4-1 vote with Councilmember Strickland voting no.

CONDEMNATIONS—LISBON STREET

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, Yvonne Eddy, 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 November 18, 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 628 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 owner thereof dated November 18, 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.

REPORTS

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

TAXES

City Manager Connet reported the release of \$42.43 billed to George M. Terry (136095/4095).

RECOGNITIONS

Councilmember Stefanovich recognized Andy Rives, an eagle scout from Troop 80.

Police Chief Brim recognized Police Explorer cadets and staff advisor, Officer Robert Dalton.

RESOLUTIONS—CLOSED SESSION

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the following resolution was unanimously adopted at 7:50 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 March 7, 2006 enter closed session as allowed by G. S. 143-318.11(a)(3) to consult with the city attorney on possible litigation.

At 8:21 p.m. council re-entered regular session. Mayor Starling reported no action was taken.

Upon a motion duly made, seconded and passed the meeting adjourned at 8:22 p.m.

_____Clerk _____Mayor