

## NOVEMBER 1, 2005 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on November 1, 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.

Lillie Stokes gave the invocation.

Upon a motion made by Councilmember Becton, seconded by Councilmember Harris, the minutes of the October 4, 2005 city council meeting were unanimously approved.

### **RECOGNITIONS**

Police Chief Brim introduced the Christopher C. Oates, Sr. as the new patrol operations lieutenant.

### **OATHS**

The city clerk administered oath to Jeff Vreugdenhil who will give testimony during the public hearing for the conditional use permit request.

### **P & Z—CU—UNDERWOOD STREET**

Mayor Starling opened a public hearing on a request by Sampson County for a conditional use permit to construct a communication tower at 107 Underwood Street. Planning Director Vreugdenhil presented the Planning and Zoning Board recommendation to approve the request. He said council must consider each standard. No one else appeared 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 Becton, seconded by Councilmember Strickland, a conditional use permit was unanimously approved for the construction of a communication tower at 107 Underwood Street.

### **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 attorneys for the company requests more time to review the contract documents.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, and unanimously passed, the hearing was continued until 7:00 p.m. on December 6, 2005.

### **CONDEMNATIONS—WARSAW ROAD**

Jeff Vreugdenhil reviewed the history of the substandard structure located at 803 Warsaw Road. He said the owner, Pressie Boykin, is present. He further stated the house was inspected again today, and is still substandard. He recommends proceeding with condemnation. Mr. Boykin said he has no problem with the condemnation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance #05.11.01 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**, Pressie Boykin, 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 March 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 803 Warsaw Road 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 March 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.

## **APPOINTMENTS**

Notification was given of the expiration of Sherlene Devane’s term on the Library Board.

Mayor Staring continued the Environmental Affairs Board appointment until December.

## **AGREEMENTS**

City Manager Connet told council that the Wooten Company has been the engineer of record for the past forty five years. He informed the council that the city will seek bids for general engineering services, but will continue to use the Wooten Company until council awards the bid.

## **HOLIDAY SCHEDULE**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following holiday schedule was unanimously adopted: January 1, 2006; January 16, 2006; April 14, 2006; May 29, 2006; July 4, 2006; September 4, 2006; November 10, 2006, November 23, 24, 2006; Christmas 2006 to be determined later. December 23 and 26, 2005--Christmas 2005.

## **RESOLUTIONS—REAL ESTATE**

The city manager said the rescue squad request the use of a vacant lot located on John Street. He recommends a short term lease at no cost to the rescue squad. Upon a motion made by Becton, seconded by Councilmember Harris, the following resolution was unanimously adopted:

### RESOLUTION AUTHORIZING THE LEASE OF CERTAIN PROPERTY

Whereas, G. S. 160A-277 authorizes the lease of land to rescue squads that provide services to the city without cost; and

Whereas, public notice of the intent of the City Council and of the time of the meeting was published along with a description of the property and a statement of the annual lease payments, as required by law; and

Whereas, at its regular meeting on the 1st day of November, 2005, the City Council considered the lease of the property and desires to lease the real property of the city described below:

Now, Therefore, Be It Resolved by the City Council of the City of Clinton, NC that:

1. The following described property is hereby declared to be surplus to the needs of the City: Vacant lot located at the corner of Ferrell Street and John Street.

2. The Mayor and City Clerk are hereby authorized to execute a lease agreement for up to five years for the real property of the city described above. Said lease agreement to begin upon adoption.

3. The annual lease payment for the property of the City of Clinton described above will be waived.

**ORDINANCE—BUDGET**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the following ordinance #05.11.02 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 is hereby amended as follows:

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

467140.0401	Engineering and Design	\$ 65,000
467140.5700	Miscellaneous	8,500
467140.7200	Easement Acquisition	10,000
467140.7300	Construction	460,000
467140.8000	Contingency	27,500
<b>TOTAL</b>		<b>\$571,000</b>

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

463714.0300	State Revolving Loan	\$571,000
<b>TOTAL</b>		<b>\$571,000</b>

Mrs. Annie Faison asked if the project will eliminate the sewer odor in her neighborhood. City Manager Connet said a future construction project will help more than this one.

**RECREATION**

Recreation Director Nicholson requested council to approve submitting a bid for the city to host the 2006 Dixie Youth Baseball State Tournament. She said hosting the tournament will require the city pay a \$9,000 fee to Dixie Youth and improvements to the baseball fields and park. The estimated expenses are \$38,230.00 which should be offset by sponsors, sale of goods and fees.

Councilmember Stefanovich made to a motion to submit a bid for the city to host the 2006 Dixie Youth State Baseball Tournament. Councilmember Becton seconded the motion, and it passed unanimously.

**SANITATION**

City Manager Connet said as a result of budget workshops, the city is looking at changes in the city’s recycling program. He suggests that the Environmental Affairs

Advisory Board and staff examine the recycling program to see if it is cost effective, examine the effects of ending curbside recycling and find two possible recycling container sites. He said if the contract with Waste Management is terminated, the company should be notified prior to January 15, 2006.

### **TAX**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the following 2005 taxes were unanimously released: Wilcare Facilities Inc, #120919/10007, \$1,393.22.

### **REPORTS**

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

Police Chief Brim reported on the Halloween activities. He said churches, clubs and businesses had sixteen booths in the downtown, and no incidents were reported.

City Manager Connet thanked the planning department for its hard work.

### **MISCELLANEOUS**

Mayor Starling recognized Brian Flynn, a reporter for *the Sampson Independent*.

City Manager Connet welcomed students from Mr. Davidson's civic and economics class at Clinton High School.

### **APPEARANCES**

Gary Hall, manager of Sessoms Jewelry Store, requested council to enforce the downtown parking ordinance. He said some people park along the street all day. He suggested the possibility of hiring an outside contractor. Councilmember Strickland mentioned the possibility of using traffic zones. Councilmembers Stefanovich and Turlington said they want to keep the habitual violator from using the on street parking while not discouraging people from going downtown. The police chief was instructed to look at the possibility of creating parking zones and report at the December council meeting.

### **CLOSED SESSION**

City Manager Connet said council does not need to hold a closed session.

Upon a motion duly made, seconded and passed, the meeting adjourned at 7:44 p.m.

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Clerk

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Mayor

