

OCTOBER 3, 2006 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on October 3, 2006 at city hall auditorium. Mayor Starling presided. Councilmembers Becton, Harris, Strickland, and Turlington were present. Councilmember Stefanovich was absent. The city attorney Dale Johnson; city clerk Betty Fortner; deputy clerk Elaine Hunt; city manager John Connet; finance director Betty Brewer; fire chief Phillip Miller; planning and community development director Jeff Vreugdenhil; planner Mary Rose; public works director Chris Doherty; and recreation director Judi Nicholson were present.

Mike Gore, Sr. gave the invocation.

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, the minutes of the September 5, 2006 city council regular and closed session meetings were unanimously approved.

ABC Board Chairperson Shurley McCullen presented the city a check for \$76,000, the city's share of the 2005-06 store profits.

RECOGNITIONS

Mayor Starling recognized Houston Bouchard and Bradley Faircloth, winners of the Butler Avenue School DuPont National Science Day in school competition.

P & Z—OATHS

Mayor Starling administered oaths to Jeff Vreugdenhil and Delane Miller who plan to present testimony during a public hearing for a conditional use permit as requested by 701 Square, LLC.

P & Z—SUNSET AVENUE—701 SQUARE

Mayor Starling opened a public hearing on a request by 701 Square, LLC for a conditional use permit to construct a four unit shopping center at 1120 Sunset Avenue, a HC district. Planning Director Vreugdenhil presented the Planning and Zoning Board's recommendation to approve the request subject to meeting the green space requirements. Delane Miller appeared in support of the request. 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. Four 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. Four 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. Four 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. Four voted that the standard would be met. No one voted no.

Upon a motion made by Councilmember Strickland seconded by Councilmember Becton, a conditional use permit was unanimously approved for 701 Square to construct a four unit shopping center at 1120 Sunset Avenue subject to the city's green space requirements continuously being met.

ANNEXATIONS—TURNER—TRAM ROAD

Mayor Starling opened a public hearing on the question of the petition annexation of Beth Ann Turner on Tram Road. No one appeared to be heard, and the hearing was closed. Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the following ordinance # 2006.10.01 was unanimously adopted:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CLINTON, NORTH CAROLINA

WHEREAS, the City Council of the City of Clinton, North Carolina has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Council of the City of Clinton has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Auditorium at 7:00 P.M. on October 3, 2006, after due notice by publication on September, 21, 2006.

WHEREAS, the City Council of the City of Clinton finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clinton, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Clinton as of October 3, 2006: BEGINNING at an existing iron pipe no. 8, a corner with the lands of Clinton Enterprises, Inc., said beginning iron stake being located from N.C.G.S. Station "Clifton", No. 11 on the map hereinafter referenced, N.C. Grid Coordinates X=2,2030610.392: Y=449,098.531 (1983 N.A. Datum), North 38 degrees 04 minutes 25 seconds West 704.33

feet; thence from said BEGINNING, so located, and runs thence with the Eastern edge of the right-of-way of U. S. Highways Nos. 421 and 701, North 37 degrees 08 minutes 45 minutes West 438.20 feet to a right-of-way concrete monument no. 42; North 34 degrees 05 minutes 07 seconds West 440.39 feet to a right-of-way concrete monument no. 43 and North 43 degrees 13 minutes 49 seconds West 166.04 feet to an existing iron stake no. 29; thence with the line of Cecil James Little, South 86 degrees 24 minutes 13 seconds East 1222.78 feet to an existing iron stake no. 31 in the centerline of State Secondary Road No. 1227 (Tram Road), another corner with Cecil James Little; thence with the centerline of State Secondary Road No. 1227, South 07 degrees 56 minutes 23 seconds West 458.83 feet to an iron stake set no. 39, a corner with the lands of Clifton Enterprises, Inc.; thence with the lands of Clinton Enterprises, Inc. the following course and distance: North 66 degrees 23 minutes 33 seconds West 368.84 feet to an iron stake set no. 24; South 02 degrees 16 minutes 27 seconds West 234.00 feet to an iron stake set no. 23; South 29 degrees 46 minutes 27 seconds West 189.00 feet to the point of beginning containing 12.05 acres, more or less.

Section 2. Upon and after October 3, 2006, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Clinton and shall be entitled to the same privileges and benefits as other parts of the City of Clinton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Clinton shall cause to be recorded in the office of the Register of Deeds of Sampson County, and in the office of the Secretary of State, Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Sampson County Board of Elections, as required by G.S. 163-288.1.

CONDEMNATIONS

City Manager Connet presented an ordinance of condemnation for 510 Margaret Street. At the September meeting, Mrs. Robinson was given thirty days to improve the property, but no improvement to the property has been done. Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, the following ordinance #2006.10.02 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, Maith Robinson, 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 July 17, 2006, 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 510 Margaret 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 July 17, 2006, 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.

CONDEMNATIONS—FAISON HIGHWAY--FIELDS

City Manager Connet presented an ordinance of condemnation for 522 Faison Highway. Planning Director Vreugdenhil presented a request from Ben Warrick, attorney for

the owner, for additional time to secure a buyer for her property. It was the consensus of the council to postpone action for thirty days.

CONDEMNATIONS—COLONIAL DRIVE—SMALL

Planning Director Vreugdenhil informed council that Evangeline Small, owner of 107 Colonial Drive, has a contract and building permit to improve the property. He asked council to delay condemnation of the property for thirty days and monitor the progress of the contract. It was the consensus of the council to postpone action for thirty days.

APPOINTMENTS

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, and unanimously passed Glenn Clark was appointed to the unexpired term of Ken Simmons on the Board of Adjustment.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, and unanimously passed Hugh Carr was appointed to the unexpired term of Ariel McLamb on the Planning and Zoning Board.

STREET CLOSINGS

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, Vance Street from Sampson Street to Wall Street, Main Street from Wall Street to Lisbon Street, Graham Street along the parking lot to College Street and the all day portion of the Lisbon Street parking lot and the restricted parking portion of the Lisbon Street parking lot from Elizabeth Street southward are to be closed on October 14, 2006 from 5:00 a.m. to 5:00 p.m. in order to hold the street fair, car show and cook-offs.

STREET CLOSING

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, and unanimously passed, approval was given to close Vance Street between Sampson and Wall Streets and Main Street between Wall and Lisbon Streets from 6:00 p.m. until 9:00 p.m. on October 31, 2005 for the activities sponsored by the police department and downtown merchants for Halloween.

CONTRACTS—LUNDY SEWER LINE

City Manager Connet presented a change order adding \$35,111.78 and six days to the completion time to the contract with Seaside for the Lundy Sewer Line project. Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the changes were unanimously approved.

BUDGET—LUNDY SEWER LINE

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, and unanimously passed to appropriate \$35,111.78 from Lundy Sewer Line

capital project ordinance contingency line. Same amount to be added to the construction line.

CITY CODE—FIRE DEPARTMENT

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the following ordinance #2006.10.03 was unanimously adopted:

Be It Ordained that Chapter 2, Article IV, Division 3, Sections 2-107 through 2-1115 of the Clinton City Code of 1987 are hereby repealed.

CITY COUNCIL

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland and unanimously passed, the regular council meeting scheduled for November 7, 2006 was rescheduled to November 14, 2003 at 7:00 p.m.

DOWNTOWN—PARKING

Gary Wayne Hall, Sessoms Jewelry, appeared and asked council to lower the two hour on street parking time limit on Wall Street to one hour during the construction of the downtown improvements. Staff was instructed to notify Wall Street businesses of the request and to place this item on the November agenda.

APPEARANCES

Bruce Schrage, 407 Park Avenue, asked council to allow him to have a haunted house on Halloween night. No action was taken.

Mayor Starling recognized students from Clinton High School civics' class and members of Boy Scout Troop 88.

CONTRACTS—PARKING

City Manager Connet presented a request from the Turlington family, owner of the largest portion of the College Street Parking Lot, for an increase in the monthly lease rate from \$140.00 to \$250.00. He said the rent has not been increased since 1968. The city increased the rent paid to Hiram Lodge, owner of the other portion of the parking lot, in March 2006.

Councilmember Turlington stated she has a conflict of interest and asked to be excused from voting. She added she has not spoken to any councilmember about the request. Councilmember Strickland moved Councilmember Turlington be allowed to abstain. Councilmember Becton seconded the motion and it passed with Becton, Harris, and Strickland voting for the motion. Councilmember Turlington did not vote.

Councilmember Harris moved the rent paid to the Turlington Family for the College Street Parking Lot be increased to \$250.00 monthly. Councilmember Becton seconded the motion and it passed unanimously with Councilmember Turlington abstaining.

REPORTS

Public Works Director Doherty updated council on the status of the Lundy Sewer Line project contract.

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

RESOLUTIONS—CLOSED SESSION

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

RESOLUTION TO ENTER CLOSED SESSION

Be It Resolved that the regular meeting of the City Council of the City of Clinton, North Carolina held August 1, 2006 enter closed session as allowed by G. S. 143-318.11 (a)(6) to personnel.

Council re-entered regular session. Mayor Starling reported council was briefed on a personnel issue and no action was taken.

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, and unanimously passed, the meeting was adjourned at 8:06 p.m.

City Clerk

Mayor