

OCTOBER 2, 2007 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on October 2, 2007 at city hall auditorium. Mayor Starling presided. Councilmembers Becton, Harris, Stefanovich, Strickland, and Turlington were present. 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.

Alfredo DiPinto gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the minutes of the September 4, 2007 city council regular and closed session meetings were unanimously approved.

**APPOINTMENTS**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, Nash Johnson was unanimously reappointed to a three year term ending October 2010 on the Airport Authority.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, John Clark was unanimously reappointed to a three year term ending October 2010 on the Airport Authority.

**BIDS—SANITATION**

Public Works Director Doherty presented bids received for the purchase of a front load garbage truck. He said specifications were sent to six venders, but only one, Heil Environmental, submitted a bid. He added the city has a Heil truck and gets good service from it. The bids were as follows:

Vendor	Bid
Heil Environmental	\$203,752.00 plus tax
McNeilus Sales & Service	No bid
Carolina Environmental	No bid
Crane Carrier	No bid
Lodal South	No bid
NuLife Environmental	No bid

City Manager Connet recommended accepting Heil Environmental's bid in the amount of \$203,752.00 plus tax. He said the city anticipated the truck to cost \$250,000.00. Council will be asked at the November meeting to approve a financing package.

## **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 5:30 p.m. until 9:30 p.m. on October 31, 2007 for the activities sponsored by the police department and downtown merchants for Halloween on the Square.

## **STREET CLOSINGS**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, Vance Street from Sampson Street to Wall Street from 7:00 p.m. on October 12, 2007 until 5:00 p.m. on October 13, 2007 and 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 from 5:00 a.m. on October 12 until 5:00 p.m. in order to hold the street fair, car show and cook-offs.

## **CITY COUNCIL**

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland and unanimously passed, the regular council meeting scheduled for November 6, 2007 was rescheduled to November 8, 2007 at 7:00 p.m.

## **RESOLUTIONS—NC DOT**

The city manager requested council to adopt a resolution requesting NC DOT to allow the placement of city limits signs reflecting both the city limit and the All-America City logo along NC DOT streets. He added DOT requires a concurring resolution from Sampson County which the commissioners adopted on October 1, 2007.

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

### **A JOINT RESOLUTION REQUESTING THE PLACEMENT OF “WELCOME TO CLINTON” SIGNS ALONG DOT ROUTES**

WHEREAS, it is the desire of the City Council of the City of Clinton and the Sampson County Board of Commissioners to replace the current “Welcome to Clinton” signs; and

WHEREAS, the city of Clinton was recently named an All-America City by the National Civic League and wishes to acknowledge this honor by displaying the accomplishment on the “Welcome to Clinton” signs along certain DOT routes; and

WHEREAS, this request for sign placement shall meet NC DOT standard practice for optional “Welcome to” signs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clinton and Sampson County Board of Commissioners that it officially requests NC DOT allow the placement of “Welcome to Clinton” signs with the All-America City logo to reflect this honor at the city boundary on the following NC DOT primary routes:

US 701 Business North  
US 701 Business South  
US 701 Bypass  
US 421 Bypass  
US 421 North  
NC 403  
NC 24 East  
NC 24 West

### **ORDINANCES—PUBLIC NUISANCE**

Mayor Starling stated he asked the city manger to gather information regarding prohibiting the placement of household furniture on porches. He said in his opinion this is unsightly and is not in keeping with the city’s efforts to improve its appearance. The city manager presented excerpts of ordinances from the town of Morehead City and the city of Wilson which regulates the placement of household furniture on property opened to the exterior of the property. Council endorsed the idea and it was a consensus of the council for the city attorney and city manager to draft an ordinance for council’s consideration.

### **CONDMENDATIONS—JEROME STREET—SHIPP**

Mr. Vreugdenhil presented a request for the condemnation of the structure located at 35 Jerome Street owned by the Shipp Heirs. He said in May the family was given sixty days to bring the structure up to code or remove the structure. Some family members have been in contact with the city, but nothing has been done to remedy the defective condition of the property. He asked council to adopt an ordinance condemning the property. If this is done, the owners must pay the cost of demolition and the asbestos report.

Marietta Kay Shipp appeared and said the family wants to tear down and clean up the property. She asked if asbestos was found. Mr. Vreugdenhil said the report shows no asbestos was found.

After inquiry from Councilmember Strickland, Ms. Shipp said the family will begin the work “the weekend”. Mayor Starling asked if the family has the equipment necessary for the work. Ms. Shipp said she thinks so. Councilmembers Stefanovich and Harris suggested giving the family another month to complete the clean up.

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the following ordinance #2007.10.01 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**, John and Martha Shipp Heirs, the owners of this structure have 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 May 31, 2007, the owners have 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 35 Jerome Street and in the City of Clinton’s ETJ.

**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 owners thereof dated May 31, 2007, 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 Sampson County 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 November 16, 2007.

**ORDINANCES—BUDGET—JAIL**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the following budget amendment #2007.10.02 was unanimously adopted:

**CAPITAL RESERVE FUND AMENDMENT  
Jail Demolition**

**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 reserve ordinance adopted June 15, 2004 is hereby amended as follows:

**Section 1.** The project authorized is the demolition of the former jail site on Connesstee Street.

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

**Section 3.** The following amounts are changed as follows:

678110.0400	Engineering/Design	\$ 600
678110.0500	Inspection	1,400
678110.7000	Demolition	\$ 68,500
678110.8000	Contingency	\$ 4,500
	<b>TOTAL</b>	<b>\$ 75,000</b>

**Section 4.** The following revenues are changed as follows:

673334.0000	From Sampson County	\$ 75,000
	<b>TOTAL</b>	<b>\$ 75,000</b>

**Section 5.** Copies of this budget amendment shall be furnished to the Clerk to the Council and the Finance Officer for further direction in carrying out this project.

**REPORTS**

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

The city manager reported the city and Lundy personnel are meeting and are working well together. There have been no odor complaints and the plant is in compliance.

The city manager reported the sale of the Kaleel property was advertised for sale by the upset bid process and the original bid was upset and readvertised. In addition, there have been two inquiries into how to increase the upset bid.

**RESOLUTIONS—CLOSED SESSION**

Upon a motion made by Councilmember Becton, seconded by Councilmember Harris, the following resolution was unanimously adopted at 7:35 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 October 2, 2007 enter closed session as allowed by G. S. 143-318.11 (a) (3) and (6) to discuss economic development and personnel.

Council re-entered regular session at 9:06 p.m. Mayor Starling reported council was heard a report on possible economic incentives by Sampson County Industrial Developer John Swope and was briefed on a personnel issues and no action was taken.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, and unanimously passed, the meeting was continued until 6:00 p.m. on October 10, 2007.

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City Clerk

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Mayor