

APRIL 3, 2007 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on April 3, 2007 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 Philip Miller; planning and community development staff Jeff Vreugdenhil and Mary Rose; police chief Mike Brim; public works director Chris Doherty; and recreation director Judi Nicholson were present.

Beth Johnson gave the invocation.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the minutes of the March 6, 2007 regular council meeting were unanimously approved.

OATHS

The mayor administered oaths to Jeff Vreugdenhil and Edna Jacobs who plan to present information during a public hearing for a conditional use permit request.

ANNEXATIONS—POWELL—COMMERCE STREET

Mayor Starling opened a public hearing to consider the annexation of Powell Bail Bonding off Commerce Street. City Manager Connet said utilities were available to the site and recommended adoption of an annexation ordinance. No one else wished to be heard and the hearing was closed.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Harris, the following ordinance #2007.04.01 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 April 3, 2007, after due notice by publication on March, 22, 2007.

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. BEGINNING at an existing iron stake, said iron stake being located South 70 degrees 20 minutes 35 seconds East 2667.57 feet and North 87 degrees 15 minutes 56 seconds East 8.49 feet from N. C. G. S. Station “Ross” having N. C. Grid Coordinates of X = 2,206,934.867 and Y = 453,681.612 (1983 N. A. Datum); running thence from said beginning point, North 01 degrees 27 minutes 45 seconds West 423.34 feet to an iron stake set; thence with Lot No. 1 owned by Wills Enterprise, Inc. (see Deed Book 1553 Page 213), North 87 degrees 15 minutes 56 seconds East 308.77 feet to an iron stake set; thence with William H. Owen (see Deed Book 1182 Page 327), South 01 degrees 27 minutes 45 seconds East 423.34 feet to an iron stake set; thence with Lot No. 3 owned by Wills Enterprise, Inc. (see Deed Book 1553 Page 213), South 87 degrees 15 minutes 56 seconds West 308.77 feet to the point of BEGINNING, containing 3.00 acres, more or less, as surveyed during February, 2006 by Owen Surveying, Inc., with all lines correct in their angular relation and relative to N. C. North (1983 N. A. Datum).

This tract or parcel of land is the same property conveyed by deed dated December 28, 2006 from Will’s Enterprise, Inc. to Powell Bail Bonding, Inc. recorded in Deed Book 1654 Page 559 of the Sampson County Registry.

Section 2. Upon and after April 3, 2007, 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.

P & Z—US 421—JORDAN

Mayor Starling opened a public hearing on a request by Edna Jordan for a conditional use permit to construct a detached accessory apartment at 2527 US Highway 421 North. Planning Director Vreugdenhil reviewed the finding of fact and presented the Planning and Zoning Board’s recommendation to approve the request subject to finding of fact. 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. 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 Harris, a conditional use permit was unanimously approved for Edna Jordan to construct a detached accessory apartment at 2527 US Highway 421 North based upon finding of fact.

P & Z—ORDINANCE—SIGNS

Mayor Starling opened a public hearing on an amendment to the Zoning Ordinance to reduce the size and height of freestanding signs. Planning Director Vreugdenhil reviewed changes to Section 8.3.6 of the Ordinance. He also presented the Planning and Zoning Board's recommendation to approve the amendment. After questions from the council, the hearing was closed.

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, the following ordinance #2007.04.02 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 Section 8.3.6 is hereby amended, which shall read as follows:

6. Unless otherwise provided, a single side of a freestanding sign may not exceed one-half (0.05) square foot in surface area for every linear foot of frontage along the street toward which such sign is primarily oriented. However, in no case may a single side of a freestanding sign exceed one hundred twenty-five (125) square feet in surface area.

No freestanding sign may exceed five (5) feet in height above the average centerline grade of the public street toward which such sign is oriented, except as provided below:

- a) Within any NS Neighborhood Shopping, O & I Office and Institutional, PID Planned Industrial District, and/or CB Central Business zoning district, no freestanding sign may exceed fifteen (15) feet in height above the average centerline grade of the public street toward which such sign is oriented, provided such sign is set back not less than fifteen (15) feet from the right-of-way of such public street; or
- b) Within any I01 Light Industrial, I-2 Heavy Industrial and/or HC Highway Commercial zoning district, no freestanding sign may exceed twenty-five (25) feet in height above the average centerline grade of the public street toward which such sign is oriented, provided such sign is set back not less than fifteen (15) feet from the right-of-way of such public street.

No freestanding sign shall be located in a required side yard or within ten (10) feet of the side property line. No building shall have more than one (1) freestanding sign except buildings having frontage on more than one (1) public street. In this case, not more than two (2) freestanding signs shall be permitted.

Mayor Starling opened a public hearing on an amendment to the Zoning Ordinance to add a new section, to be numbered 8.3.10. Planning Director Vreugdenhil reviewed the amendment. He also presented the Planning and Zoning Board's recommendation to approve the amendment. After questions from the council, the hearing was closed.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the following ordinance #2007.04.03 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 by adding a new section to be numbered Section 8.3.10, which shall read as follows:

10. Balloons shall comply with all of the following requirements:

- a) Balloons shall be removed each day for the period extending between the hours of 10:00 p.m. and 8:00 a.m. unless otherwise provided herein.
- b) No balloon shall exceed a maximum height of one hundred twenty-five (125) feet above grade as measured from the point of ground attachment to the highest balloon surface.
- c) Any balloon that exceeds twenty-five (25) feet in height shall be setback from all street right-of-way lines and overhead public utility transmission and/or distribution lines a ground distance equal to the display height of the balloon plus twenty-five (25) feet, as measured from the ground attachment point to the right-of-way line or to all ground points determined by the ninety (90) degree vertical line extending from the closest overhead public utility transmission and/or distribution line as projected upon the ground, whichever is closer. The purpose of this requirement is to provide a twenty-five (25) foot clear fall zone in the event of the balloon's descent due to deflation or weather conditions.
- d) No individual balloon regulated under this shall exceed a dimension of fifteen (15) feet as measured by diameter in the case of spherical balloons or as measured by the greatest length in the case of oblong or tubular balloons, including blimps and the like.
- e) Balloons less than two (2) feet in diameter are exempt from these requirements.

RESOLUTIONS—WATER & SEWER—EDWARDS’—HERITAGE PLACE

City Manager Connet explained when the streets and utilities were installed in two recent subdivisions, Edwards on NC 24 and Heritage Place off Beaver Dam Drive, council was not asked to accept ownership of the streets and utilities. He presented resolutions to accept these. Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the following resolutions were unanimously adopted:

**A RESOLUTION ACCEPTING PETITION FOR DEDICATION OF STREET(S)
AND UTILITIES IN THE CITY OF CLINTON**

THAT WHEREAS, the Developer of TKC LIX, LLC Subdivision (Edwards Drive), Clinton, Sampson County, North Carolina was desirous of dedicating said street’s rights-of-way, water and sewer utilities, stormwater structures within rights of way and utility easements to the City of Clinton; and

WHEREAS, the recorded plat for TKC LIX, LLC Subdivision (Edwards Drive) recorded in Map Book 51 Pages 48 and 49 depicts the street and utility easements within the subdivision as being dedicated for public use; and

WHEREAS, the Clinton City Council of the City of Clinton has to this date, not officially accepted the proposed dedication of this street, water and sewer utilities, stormwater structures within rights of way and utility easements; and

WHEREAS, the street, water and sewer utilities and stormwater structures were constructed in accordance with city standards and the Director of Planning and Zoning, Public Works and Utilities Director and City Manager recommend that the City officially accept the street, water and sewer utilities, stormwater structures and utility easements so that the City can be legally responsible for the maintenance and upkeep of the street, water and sewer utilities and stormwater structures;

NOW, THEREFORE, BE IT RESOLVED AND ESTABLISHED by the Clinton City Council of the City of Clinton, North Carolina this 3rd day of April, 2007, as follows:

SECTION I. That, pursuant to N.C.G.S. Chapter 160A, Articles 15 and 16, the street and rights-of-way, water and sewer utilities, stormwater structures and utility easements offered for dedication as shown on a map entitled: "TKC LIX, LIC Subdivision" prepared by Jordan – Tew & Associates, P.A. dated August 24, 2004, a copy of said map being incorporated herein, and by reference made a part hereof. Said map also being recorded in Map Book 51 Pages 48 and 49 of the Sampson County Registry is hereby accepted as public facilities of the City of Clinton, NC.

SECTION II. That this Resolution shall be and the same is hereby effective from and after the date of its adoption.

**A RESOLUTION ACCEPTING PETITION FOR DEDICATION OF STREET(S)
AND UTILITIES WITHIN THE CITY OF CLINTON**

THAT WHEREAS, the Developer of Heritage Place Subdivision , Clinton, Sampson County, North Carolina was desirous of dedicating said street’s rights-of-way, water and

sewer utilities, stormwater structures within rights of way and utility easements to the City of Clinton; and

WHEREAS, the recorded plat for Heritage Place Subdivision recorded in Map Book 52 Page 24 depicts the street and utility easements within the subdivision as being dedicated for public use; and

WHEREAS, the Clinton City Council of the City of Clinton has to this date, not officially accepted the proposed dedication of this street, water and sewer utilities, stormwater structures within rights of way and utility easements; and

WHEREAS, the street, water and sewer utilities and stormwater structures were constructed in accordance with city standards and the Director of Planning and Zoning, Public Works and Utilities Director and City Manager recommend that the City officially accept the street, water and sewer utilities, stormwater structures and utility easements so that the City can be legally responsible for the maintenance and upkeep of the street, water and sewer utilities and stormwater structures;

NOW, THEREFORE, BE IT RESOLVED AND ESTABLISHED by the Clinton City Council of the City of Clinton, North Carolina this 3rd day of April, 2007, as follows:

SECTION I. That, pursuant to N.C.G.S. Chapter 160A, Articles 15 and 16, the street and rights-of-way, water and sewer utilities, stormwater structures and utility easements offered for dedication as shown on a map entitled: "Heritage Place Subdivision" prepared by Charles L. Matthis Surveying, P. A., dated June 28, 2004, a copy of said map being incorporated herein, and by reference made a part hereof. Said map also being recorded in Map Book 52 Page 24 of the Sampson County Registry, is hereby accepted as public facilities of the City of Clinton, NC.

SECTION II. That this Resolution shall be and the same is hereby effective from and after the date of its adoption.

STREET CLOSING—RECREATION

Recreation Director Nicholson asked council to close streets on April 21, 2007 from 9:00 a.m. until 12:00 noon in order to conduct a 5k run and walk as a fundraising event for Relay for Life.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris and unanimously passed, approval was given to close Beaman Street from Johnson Street to McArthur Lane, McArthur Lane, the Northeast Blvd., College Street between Northeast Blvd. and Main Street, Sampson Street between Main Street and Johnson Street, and Johnson Street between Sampson Street and Beaman Street on April 21, 2007 from 9:00 a.m. until 12:00 noon.

SIDEWALKS

Planning Director Vreugdenhil presented a request from Shelton Davis, owner of 218 McKoy Street, for the city to equally share in the installation of approximately 150 linear feet of curb and gutter, sidewalk and decorative pavers project. The city's share will be \$8,177.50. City Manager Connet said funds for the project are in the current budget and

recommends approval of the request. Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the request was unanimously approved.

ORDINANCES—RUSSELL STREET

Planning Director Vreugdenhil presented an ordinance directing the removal of a public nuisance at and in close proximity to 293 Russell Street. He said it is unlikely the city will recover all the \$4,800 estimated cost involved in the clean up of this property. He added, if approved, this clean up will complete the Russell Street clean up.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the following ordinance #2007.04.04 was unanimously adopted:

AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO REMOVE, ABATE, OR REMEDY THE PUBLIC HEALTH NUISANCE LOCATED AT THE PROPERTY HEREIN DESCRIBED

WHEREAS, the City Council of the City of Clinton finds that the property described herein is a public nuisance pursuant to G.S. 160A-193; and

WHEREAS, this public health nuisance should be removed or abated as directed by the Code Enforcement Officer; and

WHEREAS, Patricia Moore, Cary Carroll, Letha Best Clarke Estate, and Harold Nall, the owners of the properties have been given a reasonable opportunity to bring the properties to the standards in accordance with G.S. 160A-193 pursuant to an order issued by the Code Enforcement Officer on January 30, 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 proceed to remove or abate the above-described public health nuisance located **at and in close proximity to 293 Russell Street** and further identified by tax identification numbers 12-0712280-01, 12-0191940-01, and 12-0715440-01 in accordance with his order to the owners thereof dated January 30, 2007 and in accordance with G.S. 160A-193.

Section 2. The expense of the action shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred. A lien established pursuant to G.S. 160A-193 shall have the same priority and be collected as unpaid ad valorem taxes. The expense of the action is also a lien on any other real property owned by the person(s) in default within the city limits or within one mile of the city limits, except for the person(s) primary residence. The lien shall be filed in the office of the City of Clinton Tax Collector.

Section 3. This ordinance shall become effective upon adoption.

ORDINANCES—BUDGET

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the following ordinance #2007.04.05 was unanimously adopted:

Budget Ordinance Amendment #07.04.05

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, 2007

Section 1. To amend the General Fund the expenditures are to be changed as follows:

Account Number	Title	Increase	Decrease
10-4100-1400	Travel & Education	3,000	
10-4100-5300	Dues & Subscription	500	
10-4200-5401	Workman's Comp	1,700	
10-4200-5700	Miscellaneous	500	
10-4200-1200	Office Supplies		500
10-4400-0200	Salaries		4,000
10-4400-0201	Temporary Salaries	4,000	
10-4410-0200	Salaries	3,465	
10-4410-0500	FICA	268	
10-4410-0600	Group Insurance		414
10-4410-0700	Retirement	154	
10-4410-0701	401(k)	53	
10-4410-1100	Telephone	544	
10-4410-5401	Workman's Comp	1,166	
10-5100-5701	Special Funds	4,999	
10-5100-7200	k-9 dog	6,500	
10-5100-7400	Capital Outlay	100,000	
10-5100-3300	Supplies & Materials	4,000	
10-5100-5402	Insurance Auto		4,000
10-5100-5403	Insurance Building	100	
10-5100-5404	Insurance/Public Liability		2,500
10-5300-0700	Retirement	22,500	
10-5300-1400	Travel & Education	4,500	
10-5300-5401	Workman's Comp	3,500	
10-5300-5403	Insurance Building	650	
10-5300-5402	Insurance Auto		400
10-5600-7000	Paving	175,000	
10-5600-0400	Professional Services	15,000	
10-6200-5401	Workman's Comp		2,000
10-6200-5402	Auto Insurance	5,000	
10-6200-3301	Athletic Supplies	7,000	
10-6400-4500	Contracted Services	41,000	
10-6400-7000	Paving	15,000	
10-6600-1500	Maintenance	3,500	
10-6600-5403	Insurance Building		3,500
10-6600-6000	Housing Demolitions	32,000	

10-6600-6710	Kaleel Property	15,320	
TOTAL		470,919	17,314

Section 2. The following revenues are anticipated to be available to fund these changes:

10-3030-0100	Federal Drug Forfeiture	12,000	
10-3040-0200	Insurance Revenue	13,914	
10-3160-0000	Lot Cleaning	2,000	
10-3290-0000	Interest Earned	25,000	
10-3560-0100	Firemen's Relief Tax	1,435	
10-3612-0500	DYB Tournament	15,000	
10-3670-0100	Refund on Sales Tax	4,000	
	Sale & Service &		
10-3810-0000	Materials	2,300	
10-3920-0000	Loan Proceeds from FCB	100,000	
10-3910-0300	From Cemetery	41,000	
	Fund Balance		
10-3990-0000	Appropriation	236,956	
TOTAL		453,605	

Section 3. To amend the Water and Sewer Fund the expenditures are to be changed as follows:

ACCOUNT NUMBER	TITLE	INCREASE	DECREASE
308200-0401	Professional Services	60,000	
TOTAL		60,000	

Section 4: The following Water and Sewer revenues are anticipated to be available to fund these changes:

30-3290-0000	Interest earned	20,000	
30-3700-0000	Sewer Surcharge	40,000	
TOTAL		60,000	

Section 5: To amend the Cemetery Fund the expenditures are to be changed as follows:

ACCOUNT NUMBER	TITLE	INCREASE	DECREASE
60-4970-9100	Transf to General Fund	41,000	
TOTAL		41,000	

Section 6: The following Cemetery revenues are anticipated to be available to fund these changes:

60-3330-0000	Transf from savings	41,000
TOTAL		41,000

Section 7. Copies of this amendment shall be furnished to the City Clerk, City Manager and Finance Director for their direction.

APPOINTMENTS

Notification was given of the resignation of Jay Tilley from the Recreation Advisory Board and the expiration of Fred Dufour, Susan Heath, Ellen Tew and George Wilson’s terms on the Historic Preservation Board.

REPORTS

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

CITY PROPERTY—HAMILTON BEACH

City Manager Connet reported on the status of the Hamilton Beach building, and the contract with and offer to purchase by Bryant Recycling. He reviewed environmental issues, building repairs needed, and lease versus sale of the property versus demolition of the building. It was a consensus for the city manager to get cost estimates and place this item on the next council agenda.

MISCELLANEOUS

Planning Director Vreugdenhil reported in order to accommodate the contractor working on the downtown revitalization project, Church Street will be closed April 9 and 10.

Upon a motion made by Councilmember Becton, seconded by Councilmember Harris, and passed unanimously, the meeting adjourned at 7:33 p.m.

City Clerk

Mayor