



December 5, 2023, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in a regular session at 7:00 PM on December 5, 2023, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Ruggles, Corbett, DuBose, Strickland, and Mayor Pro Tem Becton were present.

City Attorney Tim Howard of Howard and Carr, PLLC, was present.

Also, present were City Clerk Elaine F. Hunt; City Manager James Duncan; Finance Director Kristin Stafford; Public Works Director Chris Medlin; Public Works Engineer Russell Byrd; HR Director Natalie Blue; Parks and Recreation Director Jonathan Allen; Planning Director Mary Rose; Fire Chief Hagan Thornton; Assistant Police Chief Adrian Mathews; Police Chief Anthony Davis; and Senior Planner Lyle Moore.

Jack Tunnell of The Sampson Independent was present. Sylvia Chestnutt of The Sampson Weekly was absent.

Mayor Starling called upon Dr. Ray Ammons, Senior Pastor, First Baptist Church, 408 College Street, Clinton, NC 28328, to give the invocation.

ELECTIONS

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember Strickland, the following Abstract of Canvass was unanimously accepted:

<u>Mayor</u>	<u>Polls</u>	<u>One Stop</u>	<u>Absentee</u>	<u>Provisional</u>	<u>Total</u>
Lew Starling	276	114	0	1	391
Write In	3	3	0	0	6
<u>City Council</u>	<u>Polls</u>	<u>One Stop</u>	<u>Absentee</u>	<u>Provisional</u>	<u>Total</u>

City Council—District 2

Neal Strickland	66	34	0	0	100
Jessica Bashlor	62	25	0	2	89

City Council—District 4

C. Holden DuBose III	110	42	0	0	152
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The Honorable Judge Robert H. Gilmore, administered the following oath to Neal Strickland, District 2 Councilmember; C. Holden DuBose, District 4 Councilmember; and Lew Starling, Jr., Mayor:

**NORTH CAROLINA**

**OATH OF OFFICE**

**SAMPSON COUNTY**

I, \_\_\_\_\_, do solemnly and sincerely swear that I will support and maintain the Constitution and Laws of the United States; that I will bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will support, maintain and endeavor to defend the Constitution of North Carolina and support and maintain the laws of North Carolina, not inconsistent with the Constitution and laws of the United States; and that I will faithfully, well and truly discharge and execute the duties of my office as **Councilmember/Mayor** of the City of Clinton according to law; so help me God.

## CITY COUNCIL

Upon a motion made by Councilmember Strickland, seconded by Councilmember Corbett, Marcus O. Becton was unanimously re-elected as Mayor Pro Tem.

Mayor Starling administered the following oath of Mayor Pro Tem to Councilmember Marcus O. Becton:

**NORTH CAROLINA**

**OATH OF OFFICE**

**SAMPSON COUNTY**

I, \_\_\_\_\_, do solemnly and sincerely swear that I will support and maintain the Constitution and Laws of the United States; that I will bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will support, maintain and endeavor to defend the Constitution of North Carolina and support and maintain the laws of North Carolina, not inconsistent with the Constitution and laws of the United States; and that I will faithfully, well and truly discharge and execute the duties of my office as Mayor Pro Tem of the City of Clinton according to law; so help me God.

Mayor Starling directed questions to City Attorney Timothy W. Howard and finally, asked if he would continue to serve the City of Clinton. Attorney Howard responded affirmatively.

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember Strickland, Timothy W. Howard was reappointed unanimously as city attorney. No oath was given.

Mayor Starling directed questions to City Manager James P. Duncan and concluded with the question, "Will you continue to serve the City of Clinton?" City Manager Duncan responded, "I will."

Upon a motion made by Councilmember DuBose, seconded by Councilmember Strickland, City Manager James P. Duncan was reappointed unanimously as city manager. No oath was given.

Mayor Starling provided information to the group such as:

- The total of full-time employees within the City of Clinton – 136; and

- City Manager Duncan's background which included his degrees and previous places of employment; and
- Projects by the various departments that included Clinton Police Department's Stuff the Cruiser event; the Downtown Clinton's Art Way Alleyway Project; Clinton Fire Department's diversity, equity initiative whereas four new diverse employees are now within the Department; renovations within Royal Lane Park; upgrade to the Wastewater Treatment Plant; and Human Resources Department's implementation of software; and
- Recommendation of streets for the City Council to tour within the city:
- Dogwood Circle; Stetson Street; Weeks Street; Kimbrough & 701; Bellfield (Beaverdam); Royal Lane Park; Beaman Street Fire Station; Fisher Drive Park; Newkirk Park; Sampson Center; Fox Lake unfinished home; Industrial Park; Martha Lane; and Miami Street Subdivision off West Main Street

Mayor Starling allowed a few minutes for the City Council to visit with family and friends before proceeding to the next item.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Ruggles, the minutes of the November 14, 2023, regular city council meeting were unanimously approved.

#### **PUBLIC HEARING -- OATHS**

Oaths were given to Senior Planner Lyle Moore; Nadina Morgan, 604 Lisbon Street; Jamal Frazer, 604 Lisbon Street; and Ana Acosta, 702 Sunset Avenue.

#### **P & Z –604 LISBON STREET – JAMAL FRAZER**

Mayor Starling opened a public hearing on a special use request by Jamal Frazer to operate an animal service with no outdoor kennels, grooming facility, in the building located at 604 Lisbon Street located in the NS – Neighborhood Shopping District.

Senior Planner Lyle Moore presented the findings. He stated that Laura Guevara signed the application as the owner. He stated that the property contains approximately 0.27 acres, and it is currently zoned NS – Neighborhood Shopping. Mr. Moore stated that the applicant proposes to operate the indoor dog grooming by appointment only Monday through Saturday from 9:00 am to 5:00 pm. Furthermore, Mr. Moore stated that no more than two employees will be employed, and Section 4.4.1 of the Clinton Land Development

Ordinance requires animal services where the animals are kept indoors shall be constructed in such a manner that the noise associated with such facility remain inside.

Mr. Jamal Frazer appeared before the City Council and confirmed that the grooming would be by appointment only. He stated that he has been grooming for approximately 25 years now and, he has a business in Angier, North Carolina.

No one else appeared to be heard, and the hearing was closed.

Mayor Starling read Standard 1: If completed as proposed, the development will comply with all of the requirements of this Ordinance. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met.

Mayor Starling read Standard 2: The use will not materially endanger the public health or safety. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met.

Mayor Starling read Standard 3: The use will not substantially injure the value of adjoining or abutting property. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met.

Mayor Starling read Standard 4: The use will be in harmony with the area in which it is to be located. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met.

Mayor Starling read Standard 5: The use will be in general conformity with the Land Development Ordinance, thoroughfare plan, or other plan officially adopted by the Council. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met.

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember Ruggles, a special use permit was unanimously approved for Jamal Frazer to operate an animal service with no outdoor kennels, grooming facility, in the building located at 604 Lisbon Street located in the NS – Neighborhood Shopping District.

#### **P & Z – 702 SUNSET AVENUE – ANA ACOSTA**

Mayor Starling opened a public hearing on a request by Ana Acosta to conditionally rezone approximately 1.66 acres at 702 Sunset Avenue from R-8 Residential District to O & I – Office and Institutional District.

Senior Planner Lyle Moore explained the request and gave the staff and Planning and Zoning Board's recommendation to approve the request upon the findings of fact and

zoning consistency statement. He stated that the NCDOT has granted permission to exit onto Sunset Avenue; however, Ms. Acosta will be required to get a driveway permit.

The City Council asked questions, and concerns voiced by the City Council were voiced. Concerns included hours of operation and traffic. Police Chief Davis was asked his opinion of this matter.

Chief Anthony Davis stated that Sunset Avenue being four lanes concerns him. He recommended making all traffic go to the right. Planning Director Rose questioned who would bear the cost of the island constructed to direct traffic to the right. The City Council responded that this cost would be to the City of Clinton. City Manager Duncan stated that staff would handle the signage.

Ms. Ana Acosta appeared before the City Council and spoke regarding the request.

No one else appeared to be heard and Mayor Starling closed the public hearing.

Upon a motion made by Councilmember DuBose, seconded by Councilmember Strickland, the following amendment #2023.12.01 to the Zoning Ordinance was unanimously adopted, along with making all traffic to be right in and right out of Woodland Drive, with the City bearing the cost to change the traffic route, and operating hours having no new customers after 9:00 PM:

**WHEREAS**, in accordance with the provisions of North Carolina General Statute 160A-383, the City of Clinton Planning Board does hereby find and determine that the recommendation of map amendment CZ-10-23-1 is consistent with the goals and objectives of the Clinton 2035 Comprehensive Plan. Section 6, Future Land Use, of the 2035 Clinton Comprehensive Plan addressing the appropriateness of Office & Institutional Districts as transitional buffer zones between major arterials or more intensely developed commercial areas and residential districts.

#### **APPOINTMENT**

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Becton, it passed unanimously to reappoint Pamela Bennett to the Planning and Zoning Board, representing District 5, for a five-year term.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Becton, it passed unanimously to reappoint Carol Monk and Dee Bryant to the Board of Adjustment, representing District 3 and District 5 respectively, for three-year terms.

The All-America City Committee has several vacancies. The Committee is composed of fourteen (14) members. City Clerk Hunt presented the City Council with a highlighted agenda showing approximately six (6) current members wanting to remain on the board, noting the Clerk as the recorder/liaison. Councilmember Strickland recommended Jess Bashlor and Councilmember Corbett recommended Pastor RosaMaria Garcia. City Manager Duncan asked Stephanie Graham, who was in the audience, if she would like to be on the Committee. No motions were made or seconded. Mayor Starling asked the group to contact City Clerk Hunt with suggested names within ten (10) days.

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember Strickland, it passed unanimously to reappoint Jeremy Edgerton, Nancy Barefoot, and Paul Hawkins, to the Cemetery Advisory Board for three-year terms.

City Clerk Hunt presented the Cemetery Advisory Board's request of allowing other individuals within the Cemetery Advisory Board's businesses to serve if the original appointee was unavailable. The City Council agreed to this request.

#### REPORTS

The monthly combined staff report was acknowledged.

#### STAFF REPORTS

There were no staff reports.

#### CITY MANAGER REPORTS

City Manager Duncan had no reports.

#### PUBLIC COMMENTS

No one appeared for public comments.

#### OTHER BUSINESS

There was no other business for discussion.

#### CLOSED SESSION

Upon a motion made by Councilmember Ruggles, seconded by Councilmember Corbett, the following resolution passed unanimously to enter closed session pursuant to G.S.143-318.11(a)(3)(6) to consult with the attorney in order to preserve the attorney-client

privilege and to discuss personnel:

## RESOLUTION TO ENTER CLOSED SESSION

Be It Resolved that the regular meeting of the City Council of the City of Clinton, North Carolina held at 7:00 PM on December 5, 2023, entered closed session as allowed by G. S. 143-318.11(a)(3)(6) to consult with the attorney in order to preserve the attorney-client privilege and to discuss personnel.

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember DuBose, it passed unanimously for the City Council to re-enter regular session at approximately 8:35 PM.

Mayor Starling stated that the City Council entered closed session to consult with the attorney in order to preserve the attorney-client privilege and to discuss personnel. He called upon City Manager Duncan.

City Manager Duncan announced that Mr. Hagan Thornton would be appointed as the next City of Clinton's permanent fire chief effective Friday, December 8<sup>th</sup>.

Mayor Starling adjourned the December 5, 2023, city council meeting at approximately 8:40 PM.

  
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Elaine F. Hunt, City Clerk, MMC, NCCMC

  
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Lew Starling, Jr., Mayor