



### August 2, 2022, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on August 2, 2022, in the City Hall Auditorium. Mayor Starling presided. Present were Councilmembers Ruggles, Corbett, DuBose, Strickland, and Mayor Pro Tem Becton.

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

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

HR Director Shelvia Ashford and Assistant Police Chief Adrian Mathews were absent.

India Autry, the Sampson Independent's newest reporter, was present; however, Sylvia Chestnutt, of the Sampson Weekly, was absent.

Mayor Starling called the meeting to order.

Mayor Starling called upon Rev. Francis Daniel, Pastor, Grace United Methodist Church, Clinton, NC, to give the invocation.

### CITY COUNCIL

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember DuBose, it passed unanimously to approve the July 5, 2022, regular, city council minutes.

## **PROCLAMATION**

Upon a motion made by Councilmember DuBose, seconded by Councilmember Strickland, the following "National American Indian Heritage Month Proclamation," was unanimously approved:

### **NATIONAL AMERICAN INDIAN HERITAGE MONTH**

**WHEREAS**, the United States of America was founded on an idea: that all of us are created equal and deserve equal treatment, equal dignity, and equal opportunity throughout our lives; and

**WHEREAS**, despite a painful history marked by unjust Federal policies of assimilation and termination, American Indian and Alaska Native peoples have persevered; and

**WHEREAS**, the history and culture of our great nation have been significantly influenced by American Indians and Indigenous peoples; and

**WHEREAS**, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and

**WHEREAS**, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

**WHEREAS**, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

**WHEREAS**, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational, and historical activities have been planned.

**NOW, THEREFORE, I, LUTHER D. STARLING, JR., MAYOR OF THE CITY OF CLINTON, NORTH CAROLINA**, on behalf of the City of Clinton City Council, do hereby proclaim November as the National American Indian Heritage Month, in the City of Clinton, and urge all our citizens to observe this month with appropriate programs, ceremonies, and activities.

## PRESENTATION – SMITHFIELD FOODS, INC – REMY K9

Police Chief Anthony Davis appeared before the City Council. He spoke regarding several bomb threats that had occurred within the City of Clinton—the most recent threat was at Smithfield Foods, Inc. Chief Davis gave thanks to Smithfield Foods, Inc. for a donation of \$20,000 to the Clinton Police Department for the purchase of a K9. He stated that this “first time explosive K9”, will be a great resource for the City and surrounding areas. He stated that the K9 has been named and the name is “Remy.” Also, Chief Davis recognized Mr. Cameron Baggett and Mr. Pablo Espin , representatives from Smithfield Food, Inc.

Mayor Starling asked who the officer will be assigned to Remy and how did Remy get its name. Police Chief Davis stated that Lt. Jeremy Honeycutt will be assigned to K9 Remy and the Clinton Police staff named the K9.

Mr. Baggett and Mr. Espin were asked to come forth to take pictures with Mayor Starling and Police Chief Davis.

Before proceeding with the agenda items, Mayor Starling apologized for not introducing the new city manager earlier, and introduced Mr. James P. Duncan during this time.

## PUBLIC HEARING- OATHS

Oaths were not needed during this city council meeting.

## PUBLIC HEARING - AIRPORT HANGAR LEASE – MOORE’S AERIAL APPLICATORS, LLC AND MICHAEL K. RIVENBARK

Mayor Starling opened a public hearing on a request by the Clinton City Council, along with the Sampson County Board of Commissioners, to enter into an airport hangar lease with Moore’s Aerial Applicators, LLC, and Michael K. Rivenbark (collectively, the Tenant).

Attorney Howard informed Mayor Starling and the City Council that this public hearing needed to be continued, due to a lack of pertinent documents from the appropriate agency.

Mayor Starling closed the public hearing, and it was the consensus of the City Council to continue this item until the September 6, 2022, city council meeting.

**ORDINANCE AMENDMENT – CHAPTER 15. MOTOR VEHICLES AND TRAFFIC OF THE CLINTON CITY CODE OF 1987**

Planning and Zoning Director Mary Rose stated that staff was instructed to create this amendment. She thanked Attorney Howard for drafting the ordinance amendment, as well as Police Chief Davis, for his assistance.

Because a violation of this amendment will constitute an infraction and the violator will be subject to a fine of \$50.00 for each separate offense, Attorney Howard advised a first and second reading. He stated that City Council will be asked to approve the following ordinance amendment at the September 6, 2022, City Council meeting:

**Ordinance #2022.08.\_\_\_\_**

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina that the Clinton City Code of 1987 is hereby amended by amending Chapter 15 Section 15-11. Reserved, to read as follows:

Section 15-11. Operation of commercial trucks in the Central Business District.

The City Council finds that the indiscriminate driving of commercial trucks over the streets located in the City's Central Business District is detrimental to the safety and welfare of the City;

- (a) No commercial truck shall be operated on any roadway within the Central Business District of the City of Clinton except for the making or accepting of deliveries.
- (b) For the purpose of this Section a commercial truck is defined as follows: a motor vehicle that has a combined gross weight rating of at least twenty-six thousand and one (26,001) pounds and includes as part of the combination a towed unit that has a gross weight rating of at least ten thousand (10,000) pounds.
- (c) For the purpose of this Ordinance Central Business District shall be defined as that area of the City so denominated on the official zoning map of the City of Clinton on file in City Hall.
- (d) A violation of this Ordinance shall constitute an infraction and the violator shall be subject to a fine of \$50.00 for each separate offense.

**First Reading this 2<sup>nd</sup> day of August 2022.**

**Adopted during this Second Reading this 6<sup>th</sup> day of September 2022.**

**PURCHASE OF PARCEL – CORNER OF NOLLEY STREET AND ASHFORD DRIVE**

City Manager Duncan stated that Stanley Royal submitted an offer to purchase a small parcel of city property at the corner of Nolley Street and Ashford Drive for the amount of \$500.00.

Planning Director Rose stated that the remnant was less than an acre.

City Manager Duncan stated that City Council may choose to sell the property in accordance with NCGS 160A-269 and if they choose to accept the offer, city staff will advertise according to General Statutes.

Upon a motion made by Councilmember Ruggles, seconded by Mayor Pro Tem Becton, it passed unanimously to accept the offer to purchase and sell the property to Stanley Royal, subject to, the upset bid process.

**ANNEXATION – SAMPSON COMMUNITY COLLEGE – 395 ENTERPRISE DRIVE**

Property owners are required to petition for voluntary annexation. President William Starling and Sampson Community College have requested annexation.

Mr. Duncan asked City Council to direct City Clerk Hunt to investigate the sufficiency of the petition presented by President William Starling and Sampson Community College. Ms. Hunt will report back to City Council at the September 6, 2022, city council meeting.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Ruggles, the following resolution directing the clerk to investigate the sufficiency of a petition for annexation received from Sampson Community College, passed unanimously:

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1**

**Voluntary Non-contiguous Annexation**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on June 8, 2022, by the City Council of the City of Clinton, NC; and

**WHEREAS**, G.S. 160A-58.1 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Clinton deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Clinton that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

### **APPOINTMENTS**

Appointment to fill the unexpired term of Josh Hill on the Recreation Advisory Board was continued until the September 6, 2022, city council meeting. Mr. Hill's term expires in June 2024, and he is the representative for District 4.

Notifications of appointments/reappointments on the Clinton-Sampson Airport Advisory Board were given. Dr. Andres Fleury-Guzman and Mr. Dean Jordan's terms expire in October 2022. At the September 6, 2022, city council meeting, the City Council will be asked to appoint or reappoint individuals to this Advisory Board.

### **REPORTS**

The monthly combined staff report was placed within the agenda packet.

### **STAFF REPORTS**

Lili Beth Arzate, Planning and Zoning Intern appeared before the City Council to give her presentation. Before briefing the City Council on her presentation, she stated that currently, she is a sophomore at Hollins University, Roanoke, Virginia. Her presentation was entitled, "2024 Multicultural Festival." Her goal is to bring more businesses to Downtown Clinton.

### **CITY MANAGER REPORTS**

City Manager Duncan requested that the City Council approve the attached ordinance of condemnation for the unsafe building located at 615 McKoy Street—the former Sampson High School building.

Planning Director Rose emphasized that the main school building was the only section being addressed within this ordinance of condemnation. Mrs. Rose stated that Mr. Robert Bennett is working to get someone to look at the second building. She stated that asbestos testing has been finalized. Mrs. Rose stated that this second building is not included in this ordinance of condemnation for the unsafe building located at 615 McKoy Street. Mrs. Rose stated that bid documents are being prepared and when the bids are

back, staff will bring this item back to the City Council—hopefully within ninety (90) days.

Councilmember Ruggles asked if the Sampson High Alumni Association will reimburse the City for the condemnation. Mrs. Rose stated that the group will be billed. Mayor Starling stated that the ultimate option will be to place a lien on the property.

The following ordinance of condemnation was approved at the July 5, 2022, city council meeting, with Mayor Pro Tem Becton making the motion, Councilmember Ruggles seconding the motion, and it passed unanimously:

**AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNSAFE**

**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 has been identified and documented by the Code Enforcement Officer to be an unsafe structure due to the conditions found within this structure being identified as a danger to health and safety, this structure should be removed or demolished as soon as is possible as directed by the Code Enforcement Officer; and has been placarded by placing thereon a notice prohibiting use; and

**WHEREAS**, Board members (Dr. Jesse Williams, President and Robert Bennett), of the Sampson High School Alumni Assoc., Inc. represent the owner of this structure. Upon conducting an inspection of the auditorium with Tony Watson (Sampson County Building Inspections) and finding the roof collapsed on February 5, 2020, staff mailed a hearing request on February 17, 2020, to be held on March 5, 2020, to discuss the structural issues and plans to resolve these issues. Several discussions were held with the SHSAA board members, and the facts of the case were discussed with Robert Bennett and Dr. Jesse Williams, President, on October 13, 2020, after sending notice of this hearing date. After this hearing, a notice was mailed to the SHSAA providing the property owner 60 days to remedy the conditions involved (until December 19, 2020). With no work having been completed to clear the debris or make repairs to the damaged portion of the building as of December 19, 2020, owners were provided written notice on December 21, 2020, that the City Council would consider condemnation of the structure at their January 5, 2021, meeting. City Council heard from members of the SHSAA and their design build team during the January 5, 2021, City Council meeting. City Council voted to provide the SHSAA an extension date of July 1, 2021. City Council heard an update from the SHSAA on July 1, 2021, at which time they voted to provide the SHSAA an extension date of December 7, 2021. City Council heard an update from the SHSAA on December 7, 2021, and voted to extend the SHSAA until May 3, 2022. City Council heard an update from the SHSAA on May 3, 2022, and voted to extend the SHSAA until September 6, 2022. City Council was notified by the city Planning Director during their July 5, 2022, meeting of the fact the north end of the Sampson High School building had collapsed on June 26, 2022. The Planning Director advised the building is continuing to deteriorate and is unsafe. The City Council voted to condemn the school building during their July 5, 2022, meeting and directed the Planning Director to proceed with bids for demolition pending any further action by the SHSAA.

**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.”

to be placed on the structure located at 615 McKoy 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 October 13, 2020, 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 upon adoption.

#### **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 Mayor Pro Tem Becton, the following resolution passed unanimously to enter closed session pursuant to G. S. 143-318.11(a)(6) 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 August 2, 2022, entered closed session as allowed by G. S. 143-318.11(a)(6) to discuss matters relating to personnel.

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember Strickland, it passed unanimously for Council to re-enter regular session.

Mayor Starling stated that City Council entered into closed session to discuss a personnel matter and no action was taken.

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember Strickland, it passed unanimously to adjourn the August 2, 2022, city council meeting.

The meeting adjourned at 7:52 PM.

  
\_\_\_\_\_  
Elaine F. Hunt, City Clerk, MMC, NCCMC

  
\_\_\_\_\_  
Lew Starling, Jr., Mayor