

JANUARY 5, 2010, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on January 5, 2010 in the City Hall Auditorium. Mayor Starling presided. Councilmembers Becton, Harris, Stefanovich, Strickland, Turlington, and City Attorney Dale Johnson were present. Also City Clerk Elaine F. Hunt; City Manager John Connet; Assistant City Manager Shawn Purvis; Finance Director Betty Brewer; Fire Chief Todd Solice; Planning and Community Development Director Jeff Vreugdenhil; Planner Mary Rose; Human Resource Manager Lisa Carter; Police Chief Mike Brim; Recreation Director Judi Nicholson; and Public Works Director Chris Doherty were present. Also Chris Berendt, of the Sampson Independent, was present.

Rev. Louie V. Andrews, III, Pastor of Graves Memorial Presbyterian Church, gave the invocation.

Upon a motion made by Councilmember Becton, seconded by Councilmember Stefanovich, the minutes of the December 1, 2009 regular meeting were unanimously approved.

PRESENTATION

Mayor Starling recognized Eva Pearl Dudley Peterson as an outstanding citizen and a living legacy of Clinton, Sampson County, North Carolina. The City Hall Auditorium was filled to the maximum with family, friends, and members of the church celebrating this great woman. Mayor Starling read and presented Eva Pearl Dudley Peterson with the following proclamation:

A LIVING LEGACY

WHEREAS, Eva Pearl Dudley Peterson, was born July 23, 1916 in Sampson County, North Carolina; and

WHEREAS, Eva Pearl Dudley Peterson is an outstanding citizen and a living legacy of Clinton, Sampson County, North Carolina; and

WHEREAS, she has been a faithful member of First United Methodist Church, Clinton, North Carolina, since April 13, 1947, where she participates in the Bernice Ballance Fellowship Group, the Friendship Circle Ministry, and various Bible studies; and

WHEREAS, her commitment to First United Methodist Church was fully recognized with the presentation of the "2000 Christian Service Award"; and

WHEREAS, she exemplifies the Christian spirit by providing unsolicited gifts and notes, and love to members of the church, her family, and community; and

WHEREAS, we give pause, honor, and praise this day for the deep and abiding Christian commitment of this great woman who has given so unselfishly during these many years.

NOW, THEREFORE, I, LEW STARLING, Mayor of the City of Clinton do hereby proclaim January 5, 2010 as:

“EVA PEARL DUDLEY PETERSON DAY”

FURTHER BE IT RESOLVED that a copy of this certificate shall be delivered to her with cordial civic greetings and good wishes for many more happy years.

RECOGNITIONS—PERSONNEL

Mayor Starling and Fire Chief Todd Solice recognized George Raynor, a City of Clinton’s employee of 25 years and Matthew Booth, a City of Clinton’s employee of 5 years who were selected by their peers as the “2009 Firefighters of the Year.” Fire Chief Solice stated that this year the department could not decide upon one recipient; therefore, it was a tie. Raynor and Booth were presented with a plaque and a ring will be donated by Sessoms Jewelry to both at a later date.

APPEARANCE

Chairman Jeff Strickland, of the Sampson County Board of Commissioners, appeared before City Council to extend to them and to the citizens of the City of Clinton, best wishes for the New Year 2010. He stated his appreciation to Mayor Starling and City Council for the excellent relationship that the County has with the City.

P & Z – 357 MARTIN LUTHER KING, JR. BLVD – RICHARD ELMORE

Mayor Starling opened a public hearing on a request by Richard Elmore for the rezoning of approximately 39,910 square feet adjoining 357 Martin Luther King, Jr. Blvd from R-8 MHOD to HC Highway Commercial.

Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon the findings of fact and zoning consistency statement. He stated that improvements are required within the green space. No one else appeared to be heard, and the hearing was closed.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, a request by Richard Elmore to rezone approximately 39,910 square feet adjoining 357 Martin Luther King, Jr. Blvd from R-8 MHOD to HC Highway Commercial, was unanimously approved.

P & Z – 537 MCKOY STREET --- OLIVET INSTITUTIONAL BAPTIST CHURCH

Mayor Starling opened a public hearing on a request by Olivet Institutional Baptist Church for the rezoning of approximately 0.53 acres at 537 McKoy Street from R-6 Residential to O & I Office and Institutional.

Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon the findings of fact and zoning consistency statement. No one else appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, a request by Olivet Institutional Baptist Church to rezone approximately 0.53 acres at 537 McKoy Street from R-6 Residential to O & I Office and Institutional, was unanimously approved.

P & Z – NC HWY 403 --- HARRIETTE AND CARROLL HOBBS

Mayor Starling opened a public hearing on a request by Harriette and Carroll Hobbs for the rezoning of approximately 1 acre off NC Hwy 403 from O & I Office and Institutional to HC Highway Commercial.

Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon the findings of fact and zoning consistency statement. No one else appeared to be heard, and the hearing was closed.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Turlington, a request by Harriette and Carroll Hobbs to rezone approximately 1 acre off NC Hwy 403 from O & I Office and Institutional to HC Highway Commercial, was unanimously approved.

APPEAL FROM CONDEMNATION – 304 Barden Street

City Manager Connet spoke regarding a request by Mrs. Rosa Fryar for an appeal from notice of “Unsafe Buildings Condemned” for property located at 304 Barden Street. He stated that this item is a continuation from the October 6 and November 4, 2009 city council meetings. He stated that a significant amount of work has been done per City Council’s request and recommended that the City continue to work with Mrs. Fryar.

Mr. Myers A. Colvin, Sr., PE, of M. A. Colvin Engineering & Consulting, Inc., 2547 Ravenhill Road, Suite 103, Fayetteville, NC 28303, appeared before City Council. Mr. Colvin presented a PowerPoint presentation showing before and after snapshots of the structure. He stated that a substantial amount of work has been done, materials stored, and the unsafe structure has been removed. Mr. Colvin commended the volunteers and community for their donated time, materials supplied, and an excellent job.

Mr. Colvin reported the following update to City Council:

1. Report Update

The unsafe structure has been removed as requested. The remaining portion of the sanctuary addition has been dried-in with ½ inch OSB and the roof framing extension is under construction. The structure will be covered with vinyl siding to provide a complete finished exterior. The site has been cleaned substantially along with the removal of one of the vehicles.

Conclusion & Recommendations

The site currently is no longer a risk to public safety, however the work to complete the aesthetic finish continues. The sanctuary addition shall require permitted, approved and sealed up-fit plans submitted through the City of Clinton Inspections Department as a requirement for future use.

Mr. Colvin was asked to provide a reasonable time for completion of this matter. He stated that the delay for completion has occurred due to the workers being volunteers and they have other jobs. Mr. Colvin stated that if City Council would grant Mrs. Fryar sixty (60) more days, he believes this matter can be resolved completely.

Elizabeth Tita, daughter of Mrs. Rosa Fryar spoke briefly for clarity of purpose.

City Council continued this item for sixty (60) days until the March 2, 2010 city council meeting.

NUISANCE PROPERTY – DAVID & LENORA BYRD – 124 ROYAL LANE

Planning and Zoning Director Vreugdenhil stated that the Planning and Zoning Department asked City Council to continue this item until this meeting. He stated that approximately 95% of the required work has been completed by Mr. David Byrd. Planning and Zoning Director Vreugdenhil asked City Council to remove this request to abate nuisance property owned by David and Lenora Byrd at 124 Royal Lane. City Council honored Vreugdenhil's request to remove this item from the agenda.

PUBLIC HEARING – INCENTIVES – EXISTING INDUSTRY PROJECT

City Manager Connet asked that City Council call for a public hearing on Thursday, January 21, 2010 at 5:30 PM to consider providing economic development incentives to Dodger Industries.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, and unanimously passed, a public hearing was called for Thursday, January 21, 2010 at 5:30 PM in the City Hall Auditorium.

PURCHASING POLICY & PROCEDURE MANUAL

Human Resource Manager Lisa Carter presented the revised Purchasing Policy & Procedure Manual to City Council. She stated that the existing manual was last revised in 2002 and this revised manual includes new procedures to include electronic purchasing procedures.

City Manager Connet stated that within the manual is a section which states how service contracts are to be executed. He stated that contracts authorized by City Council through direct award or budget authorization may be in one manner; while, orders changing the original contract, may be executed in another manner. He further stated that the manual states all contracts that must

be approved by City Council to include contracts subject to statutory bid thresholds and contracts with terms greater than one year.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the revised Purchasing Policy and Procedure Manual was approved unanimously.

PARTF GRANT – IMPROVEMENTS TO ROYAL LANE & NEW CONSTRUCTION

Recreation and Parks Director Judi Nicholson came before City Council to request permission to apply for a Parks and Recreation Trust Fund (PARTF) grant for improvements to Royal Lane and construction of a new Recreation Resource Building. She stated that the City applied for this same grant last year; however, we were not deemed to be recipients of the grant.

Ms. Nicholson stated the project would construct a new half-mile paved trail to connect various amenities at the park as well as a building that will include additional programs, training, and administrative space. She stated that these needs were indicated by citizens through a recent needs assessment survey and by members of the advisory board. It was further stated that the grant would provide \$500,000 in funding for the \$1.4 million project.

Councilmember Stefanovich asked if any thought has been given to expanding the Bellamy Center. Ms. Nicholson stated that the expansion of the Bellamy Center is a two-part phase – a long range plan. She stated that Phase 1 would entail constructing another gym to accommodate the increased number of seniors and youth. She stated that Phase 2 would entail the construction of stand-alone restrooms and multi-use rooms.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, authorization was given to Recreation and Parks Director Judi Nicholson to apply for a Parks and Recreation Trust Fund (PARTF) grant for improvements to Royal Lane and construction of a Recreation Resource Building.

PRELIMINARY PLAT – INDIAN TOWN ROAD – BILLY L. CHANEY, JR. AND TAMMY MCNEIL CHANEY

Upon a motion made by Councilmember Strickland, seconded by Councilmember Mayor Pro Tem Harris, a preliminary plat request by Billy L. Chaney, Jr. and wife, Tammy McNeil Chaney for a one-lot subdivision consisting of approximately 0.92 acres off Indian Town Road was unanimously approved.

ORDINANCE—BUDGET – POLICE DEPARTMENT 2009 JUSTICE ASSISTANCE GRANT

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following ordinance **#2010.01.01** Police Department 2009 Justice Assistance Grant Ordinance Award #2009-DJ-BX-1314 was unanimously adopted:

**POLICE DEPARTMENT
2009 JUSTICE ASSISTANCE GRANT ORDINANCE
Award #2009-DJ-BX-1314**

#2010.01.01

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 Justice Assistance Grant Ordinance is hereby adopted:

Section 1. The project authorized is a Justice Assistance Grant Budget.

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

Section 3. The following amounts are appropriated for the grant.

Account Number	Description	Increase	Decrease
75-5200-3300	Equipment	<u>\$ 10,050.00</u>	
	TOTAL	\$ 10,050.00	

Section 4. The following revenues are anticipated to be available to complete this grant.

Account Number	Description	Increase	Decrease
75-3030-0000	Justice Assistant Grant	<u>\$ 10,050.00</u>	
	TOTAL	\$ 10,050.00	

Section 5. Copies of this grant ordinance shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

**ORDINANCE—BUDGET – POLICE DEPARTMENT RECOVERY ACT
JUSTICE ASSISTANCE GRANT**

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Turlington, the following ordinance **#2010.01.02** Police Department Recovery Act Justice Assistance Grant Ordinance Award #2009-SB-B9-0844 was unanimously adopted:

**POLICE DEPARTMENT
RECOVERY ACT JUSTICE ASSISTANCE GRANT ORDINANCE
Award #2009-SB-B9-0844**

#2010.01.02

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 Recovery Act Justice Assistance Grant Ordinance is hereby adopted:

Section 1. The project authorized is a Recovery Act Justice Assistance Grant Budget.

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

Section 3. The following amounts are appropriated for the grant.

Account Number	Description	Increase	Decrease
78-5600-3300	Equipment	<u>\$ 41,362.00</u>	
	TOTAL	\$ 41,362.00	

Section 4. The following revenues are anticipated to be available to complete this grant.

Account Number	Description	Increase	Decrease
78-3300-0000	Recovery Act Grant	<u>\$ 41,362.00</u>	
	TOTAL	\$ 41,362.00	

Section 5. Copies of this grant ordinance shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

RESOLUTION – NON-INTEREST BEARING CHECKING ACCOUNT – EVIDENCE FUNDS – POLICE DEPARTMENT

Finance Director Betty Brewer stated that the Police Department is requesting to establish a non-interest bearing checking account where it will deposit seized cash until the case associated with the cash is adjudicated. She stated that any checks written will be controlled by the Finance Department. It was further stated that the establishment of this account will strengthen our evidence and internal control procedures for the handling of seized cash. Ms. Brewer stated that City Council is asked to adopt a resolution authorizing the establishment of this new account.

Mayor Starling stated that he is on the Board of Directors at First Citizens Bank. He stated that he has had no conversation with anyone regarding this item.

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

RESOLUTION TO ESTABLISH A NON-INTEREST BEARING CHECKING ACCOUNT

CLINTON POLICE EVIDENCE FUND

WHEREAS, in March 2009, the Clinton Police Department received the CALEA (Commission on Accreditation for Law Enforcement Agencies) Accreditation which was formed in 1979 by four major police organizations that wanted to establish standards ensuring professional business practices within the law enforcement community; and

WHEREAS, goals of the CALEA include: (1) strengthening crime prevention and control capabilities; (2) formalizing essential management procedures; (3) establishing fair and nondiscriminatory personnel practices; and (4) boosting citizens and staff confidence in the agency; and

WHEREAS, CALEA require that extra security measures for handling and receiving U.S. currency seized in investigations be implemented; and

WHEREAS, it is the desire of the Clinton Police Chief and staff to uphold CALEA's evidence standard and cease to maintain large amounts of cash on hand.

NOW, THEREFORE, BE IT RESOLVED by Clinton City Council that the City hereby authorizes the Finance Officer to establish a non-interest bearing checking account at First Citizens' Bank for Evidence Funds for the City of Clinton Police Department.

RECYCLING PROGRAM UPDATE

Public Works Director Chris Doherty updated City Council regarding the recycling program since the implementation of the new state law prohibiting the disposal of plastic in the landfills. He stated that since the new landfill bans became effective on October 1, 2009, our recycling participation has sky rocketed. Mr. Doherty stated that the workers are now being sent out three days a week and there is a greater demand for recycle bins. He further stated that our recycle material vendor, Bryant's Recycling, closed on November 13, 2009.

Mr. Doherty stated that educational materials have been distributed with the utility bills and in newspaper articles to keep our residents updated regarding the new landfill bans. He stated that more landfill bans will be implemented in 2011.

Public Works Director Doherty stated that no action is required at this time.

REPORTS

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

PUBLIC COMMENTS

Mrs. Rosa Fryar appeared before City Council to thank everyone for their consideration, support, and delaying its decision regarding her property located at 304 Barden Street. She expressed God's blessings upon all.

CONTINUATION

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, the meeting was continued until Thursday, January 21, 2010 at 5:30 PM for the purpose of a public hearing regarding incentives for an existing industry project.

ADJOURNED AT 7:43 PM.

Elaine F. Hunt, City Clerk

Lew Starling, Mayor