

## **JANUARY 6, 2009, CITY COUNCIL MEETING**

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on January 6, 2009 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 Philip Miller; 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.

City Clerk Elaine F. Hunt gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the minutes of the December 2, 2008 regular meeting were unanimously approved.

Mayor Starling gave a brief update regarding goals for the New Year which included: cleaning and beautifying the City, providing clean and safe neighborhoods, and creating sound infrastructure.

### **P & Z – 1256, 1302, and 1304 SUNSET AVENUE --STAN BOWLES, SHELTON DAVIS, AND WING YU KO**

Mayor Starling opened a public hearing on a request by Stan Bowles, Shelton Davis, and Wing Yu Ko for the rezoning of approximately 5.56 acres located on the rear portions of 1256, 1302, and 1304 Sunset Avenue from RA-20 Residential to HC Highway Commercial. Planning and Zoning Director Jeff Vreugdenhil explained the request and gave the staff, Planning, and Zoning Board recommendation to approve the request upon the findings of fact and zoning consistency statement. No one appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the following amendment **#2009.01.01** to the Zoning Ordinance was unanimously adopted:

**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 ordinance amendment RZ-12-08-1 is consistent with the goals and objectives of the City of Clinton Land Use Plan and other long range planning documents; and

**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, does enact as follows: The Zoning Ordinance of the City of Clinton be and the same is hereby amended as follows: That

approximately 5.56 acres located on the rear portions of 1256, 1302, and 1304 Sunset Avenue is hereby rezoned from RA-20 Residential to HC Highway Commercial.

### **PUBLIC HEARING – DOWNTOWN SPECIAL TAX DISTRICT**

Mayor Starling opened a public hearing on a request regarding the Clinton Downtown Special Tax District Expansion. He stated that this public hearing was continued from the December 2, 2008 city council meeting.

City Manager Connet stated that the Sampson County Board of Commissioners endorsed this Downtown Special Tax District Expansion at a recent meeting. He stated that we have advertised and sent the appropriate letters regarding this public hearing. He further stated that if City Council approves this request, July 1, 2009 will be the effective date.

Mayor Starling asked that he, Councilmembers Turlington and Harris be recused from taking action upon this request because they own property in the downtown area. No one else wished to be heard.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, and unanimously passed, this public hearing was continued for action until 7:00 PM on February 3, 2009.

### **SAMPSON COUNTY FARM FRESH ASSOCIATION**

Planner Mary Rose stated that this request by Homer Marshall, with Sampson County Farm Fresh Association to use the Clinton City Market at least three days a week beginning in the spring of 2009 was heard at an earlier meeting.

City Manager Connet stated that City Council is being asked to grant preliminary approval to move forward so that staff may work out the details to honor Mr. Marshall's request.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, and unanimously passed, preliminary approval to move forward was given.

### **SAMPSON COUNTY ET AL VS. PARKER FAMILY REAL ESTATE, LLC**

City Manager Connet stated that the condemnation case between the City of Clinton, Sampson County, and the Parker Family for an avigation easement at the airport has been settled. He stated that, although the settlement documents have not been signed by the Parker Family, he is seeking approval from City Council to authorize Mayor Starling to sign the consent order on behalf of the City of Clinton. If the consent order is not signed by January 8, 2009, the judge has authorized the Sampson County Clerk of Court to sign it on the Parker Family's behalf. He further stated that these documents give landing/air rights to cut down trees.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, and unanimously passed, authorization to the Mayor to sign the consent order on the behalf of the City of Clinton was approved.

### **APPOINTMENTS**

Notification was given of the expiration of terms of Maggie Williams, District 5, on the Planning and Zoning Board. This is a five-year term.

Notification was given of the expiration of terms of Barbara Ann Faison, District 5, and Homer Faison, District 3, on the Board of Adjustment. These are three-year terms.

### **PRELIMINARY PLAT – MARTHA LANE – KEN HODGES**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, a preliminary plat request by Ken Hodges for a 2-lot subdivision consisting of approximately 8.1 acres off Martha Lane was unanimously approved.

### **RESOLUTION -- NC HWY 24 TRANSPORTATION PROJECT**

City Manager Connet stated that the goal to upgrade NC Hwy 24 to a four lane facility is still in progress. He stated that, to his knowledge, as far back as 1972, potential routes have been identified and opposed. He stated that throughout the years, resolutions have been adopted and letters written regarding this project. He further stated that the following resolution is in support of the NC Hwy 24 Transportation Project moving forward without delay:

#### **RESOLUTION IN SUPPORT OF MOVING FORWARD WITH NC 24 TRANSPORTATION IMPROVEMENTS**

**WHEREAS**, NC 24 is the principal route between I-95 and I-40; and

**WHEREAS**, the City of Clinton has sought since the mid 1980's to have NC 24 upgraded to a four lane facility to enhance the economic vitality of our community; and

**WHEREAS**, the upgrading of NC 24 (Sunset Avenue) would result in increased safety for all our citizens; and

**WHEREAS**, funding is available to complete the project from Stedman to Clinton and a draft Environmental Impact Statement has been approved utilizing the least environmentally damaging practicable alternative; and

**WHEREAS**, any changes to the Environmental Impact Statement would cause substantial delays to the project.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Clinton, Sampson County, North Carolina hereby requests the North Carolina

Department of Transportation to move forward with the NC 24 Transportation Project without delay.

Residents appeared at the meeting in opposition of the upgrading of NC 24 (Sunset Avenue). Their concerns included the following:

- a. Detrimental effect on retail businesses;
- b. Originator of above resolution;
- c. Traffic jams and accidents;
- d. Safety;
- e. Re-routing;
- f. Big trucks coming through the city; and
- g. Homes and property will be diminished

Individuals speaking on behalf of the group were:

- a. Lauch Faircloth, 803 Beaman Street
- b. Ted Lockerman, 206 Inverness Road
- c. Pat Green, 200 Forest Drive
- d. Nell Caldwell, 101 Forest Drive
- e. A. J. Warren, 460 Isaac Weeks Road
- f. Pastor Tim Ameen, 235 Cedar View Lane
- g. Betty Lou Griffin, 2535 Roseboro Hwy
- h. Rupert Brinson, 117 Tomahawk Trail
- i. Jeff Heath, 100 Coharie Drive

It was stated by Ted Lockerman that "over 1000 people signed a petition opposing this route" as indicated in the above resolution.

Councilmember Stefanovich stated that City Council does not take this resolution lightly. At his own discretion, Mayor Starling continued this item until the February 3, 2009 city council meeting.

### **RESOLUTION -- RURAL CENTER GRANT – WTP IMPROVEMENTS**

Public Works Director Doherty stated that the city would like to apply for a Rural Center grant for water treatment plant improvements. He stated that if the grant is approved, funding to add a 150,000 gallon clear well at the water treatment plant will be given. The maximum amount of the grant is \$500,000.

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

**SUPPLEMENTAL PROGRAM  
AUTHORIZING RESOLUTION  
by  
The City of Clinton**

**WHEREAS**, In the summer of 2008, the North Carolina General Assembly included a \$50 million appropriation to the North Carolina Rural Economic Development Center in the FY2007-2009 state budget, for the purpose of making grants to rural communities in need of water and wastewater

infrastructure improvements; and

**WHEREAS**, the City of Clinton has need for and intends to construct improvements to its water storage and distribution systems, in the project described as Water System Improvements; and

**WHEREAS**, the City of Clinton intends to request grant assistance from the Supplemental Grants Program for the project;

**NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLINTON:**

That the City of Clinton will arrange financing for all remaining costs of the project, if approved for a grant.

That the City of Clinton will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Mayor Luther D. Starling, Jr. and successors so titled, is hereby authorized to execute and file an application on behalf of City of Clinton with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

That Mayor Luther D. Starling, Jr. and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Clinton has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

**AGREEMENT – SAMPSON REGIONAL MEDICAL CENTER –FIREFIGHTER PHYSICALS**

Fire Chief Philip Miller stated that as directed by City Council, the City requested proposals for the provision of firefighter physicals from several providers. He stated that Sampson Regional Medical Center has agreed to provide the physicals at a cost of \$250.00 per person and has agreed to all the conditions specified in the City's Request for Proposals (RFP).

City Manager Connet recommended that City Council authorize the Fire Chief and himself to enter into an agreement with Sampson Regional Medical Center for the provision of firefighter physicals.

Upon a motion made by Councilmember Becton, seconded by Councilmember Stefanovich, the approval for the City Manager and Fire Chief to enter into an agreement with Sampson Regional Medical Center for the provision of firefighter physicals passed unanimously.

**REAL ESTATE –NEWKIRK PARK—CLINTON INTERNATIONAL CHURCH**

Assistant City Manager Purvis presented an offer from Clinton International Church located at 545 Tillery Street for the purchase of part of

Newkirk Park which consists of a half-acre adjacent to the church property in the amount of \$2,500. He stated that the property was offered for sale through the upset bid procedure and this was the final bid received.

City Manager Connet recommended selling the property to Clinton International Church under the conditions that the City retains an easement for sewer line maintenance and the right of first refusal for the property if the church decides to sell the property.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, it passed unanimously to accept the offer by Clinton International Church under the conditions that the City retains an easement for sewer line maintenance and the right of first refusal for the property if the church decides to sell the property.

### **LEASE AGREEMENT – STATE EMPLOYEES’ CREDIT UNION**

City Manager Connet stated that the State Employees’ Credit Union’s two-year lease with the City for the ATM machine located in the municipal parking lot expires on March 31, 2009. He further stated that the State Employees’ Credit Union would like to renew this lease agreement with monthly rental payment remaining the same. Currently, the City of Clinton is paid the sum of ONE DOLLAR (\$1.00) PER YEAR PAYABLE YEARLY.

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the lease agreement by and between the City of Clinton and State Employees’ Credit Union to begin April 1, 2009, passed unanimously.

### **AGREEMENT – SAMPSON SQUARE, LLC**

City Manager Connet stated that the City has obtained a Community Development Block Grant (CDBG) in the amount of \$240,000 for the installation of water and sewer lines and sidewalks at Sampson Square Apartments on College Street. He stated that the Department of Commerce requires a formal agreement between the City and Sampson Square, LLC. He further stated that this agreement specifies that if Sampson Square, LLC does not create forty (40) rental units within 36 months of the agreement, they will be responsible for repaying the \$240,000 to the Department of Commerce.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, the agreement by and between the City of Clinton and Sampson Square, LLC, passed unanimously.

### **CDBG GRANT PROJECT ORDINANCE – SAMPSON SQUARE APARTMENTS**

City Manager Connet stated that since the CDBG has been approved, a Grant Project Ordinance needs to be approved to establish the authority to request the grant funding and expend the funds for the installation of water and sewer lines and sidewalks at Sampson Square Apartments.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following Grant Project Ordinance #09.01.02 was unanimously adopted:

**CITY OF CLINTON  
GRANT PROJECT ORDINANCE**

**BE IT ORDAINED** by the Clinton City Council that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project is hereby adopted:

Section 1. The project authorized is the CDBG Housing Development Project described in the work statement contained in the Grant Agreement between this unit and the North Carolina Department of Commerce, Division of Community Assistance. This project is more familiarly known as the Clinton 2008 CDBG Housing Development Project.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, Division of Community Assistance and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

CDBG Infrastructure	<u>\$240,000</u>
Total	\$240,000

Section 4. The following amounts are appropriated for the project:

Water Improvements	\$ 39,800
Sewer Improvements	\$173,000
Pedestrian Improvements	\$ 20,000
Administration	<u>\$ 7,200</u>
Total	\$240,000

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

Section 6. Requests for funds should be made to the grantor agency in an orderly and timely manner as funds are obligated and expenses incurred.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this council.

Section 9. Copies of this Grant Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Section 10. The Finance Officer is hereby authorized to transfer funds from one line item to another line item without further approval by the City Council, subject to the regulations of the North Carolina Department of Commerce, Division of Community Assistance.

### **RESOLUTION – SIGNATORY FORM – CDBG HOUSING DEV PROJECT**

City Manager Connet stated that since the City of Clinton has obtained a CDBG in the amount of \$240,000 for the installation of water and sewer lines and sidewalks at Sampson Square Apartments on College Street, the designating of which officials may sign for the requisition of funds and checks for disbursement must be determined.

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

#### **CITY OF CLINTON RESOLUTION FOR SIGNATORY FORM AND CHECK SIGNATURES FOR CDBG HOUSING DEVELOPMENT PROJECT**

**WHEREAS**, in order to receive CDBG Housing Development Grant funds the City of Clinton must authorize persons to sign the requisition forms for CDBG Housing Development Project Grant funds and checks for the City of Clinton CDBG Housing Development Program.

**BE IT RESOLVED THAT**, the Finance Officer, City Manager and Assistant City Manager be authorized to execute the signature requirements for requisition of CDBG Housing Development Project Grant funds and checks for disbursement.

### **CDBG POLICIES, PLANS AND PROCEDURES – SAMPSON SQUARE APARTMENTS**

City Manager Connet stated that since the City of Clinton has obtained a CDBG in the amount of \$240,000 for the installation of water and sewer lines and sidewalks at Sampson Square Apartments on College Street, specific policies, plans, and procedures for administering the grant must be approved.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, the CDBG Policies, Plans, and Procedures for the Sampson Square Apartments Housing Development Project was unanimously approved.

### **RESOLUTION – CHRONIC VIOLATORS OF OVERGROWN VEGETATION**



City Manager Connet stated that one of City Council's 2009 goals is to beautify and eliminate nuisance properties and structures. He stated that City Council is being asked to adopt a resolution requesting special legislation that will allow the City to send annual notices to chronic violators of the overgrown vegetation ordinance pursuant to G. S. 160A-200. He further stated that a chronic violator is one whom the City has taken action on at least three times in the previous calendar year.

City Manager Connet informed City Council that currently G. S. 160A-200 applies to certain town and certain cities—Ahoskie, Ayden, Durham, Rocky Mount to name a few. He stated that if Council approves and if legislators approve, the City of Clinton will be added to G. S. 160A-200 (b). However, he added, the adoption by legislators may not take place before the summer.

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

**RESOLUTION REQUESTING SPECIAL LEGISLATION  
ALLOWING THE CITY OF CLINTON TO SEND  
ANNUAL NOTICES TO CHRONIC VIOLATORS  
OF OVERGROWN VEGETATION ORDINANCE  
PURSUANT TO G.S. 160A-200**

**WHEREAS**, one of the City Council's goals and objectives is to improve the overall appearance of the city; and

**WHEREAS**, one of our greatest challenges to improving the appearance of the city is overgrown vegetation on vacant lots; and

**WHEREAS**, there are eighteen to thirty chronic violators of the city's nuisance lot ordinance; and

**WHEREAS**, countless man-hours are lost notifying the chronic offenders that their lots are in violation of this nuisance lot ordinance.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the City of Clinton requests special legislation to allow the City of Clinton to send annual notices to chronic violators of overgrown vegetation ordinance pursuant to G.S. 160A-200.

**RESOLUTIONS – SAFE ROUTES TO SCHOOL**

Planning and Zoning Director Jeff Vreugdenhil asked City Council to approve a request to apply for a "Safe Routes to School" planning grant to improve pedestrian and bicycle access to Sampson Middle School. In approving this request two (2) resolutions were required to be adopted—one resolution pertaining to infrastructure and one resolution pertains to non-infrastructure.

Vreugdenhil further stated that there is not a match requirement for this grant. He concluded by stating that the grant writing services by Withers and Ravenel will not exceed \$3,000.00.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following resolutions were unanimously adopted:

**A RESOLUTION DECLARING THE INTENTION OF THE CLINTON, NORTH CAROLINA CITY COUNCIL, ENTERING INTO AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR GRANT FUNDING FOR THE SAFE ROUTES TO SCHOOLS INFRASTRUCTURE GRANT, TO ENCOURAGE MORE OF CLINTON'S CHILDREN TO GET TO SCHOOL SAFELY, UNDER THEIR OWN POWER AND TO ENCOURAGE EFFORTS TO IMPROVE THE ROUTES THEOSE CHILDREN TAKE TO GET TO SCHOOL SAFELY**

**WHEREAS**, the North Carolina Department of Transportation (the "Department") has made available to municipalities grant funds to provide students with safe routes to schools; and

**WHEREAS**, the City of Clinton recognizes the importance of providing young people a safe environment in which to ride their bikes and walk to school; and

**WHEREAS**, walking to school supports childhood health by encouraging active lifestyles and reducing childhood obesity, diabetes, and other health problems among children; and

**WHEREAS**, walking to school increases children's' ability to interact with elements of the community and social environment; and

**WHEREAS**, walking or bicycling to school increases the readiness of the students to learn when they arrive at school; and

**WHEREAS**, being able to walk, bicycle, OR wheel to school along safe routes offers an opportunity to build healthful physical activity into a daily routine; and

**WHEREAS**, walking to school will reduce the number of vehicles, and improve safety and air quality in and around the school zone, also resulting in less fuel consumption; and

**WHEREAS**, physical infrastructure improvements and increased community attention to pedestrians, primarily aimed at helping school children walk to school safely, will benefit the entire community.

**NOW, THEREFORE, BE IT RESOLVED**, that this City Council endorses the following goal:

All Clinton City School children who are able to walk, bike, or wheel and who live within reasonable distances from Clinton High School and

Sampson Middle School can get to school under their own power in reasonable safety.

**BE IT FURTHER RESOLVED** that this City Council will participate with other community organizations in developing and promoting strategies to implement this goal.

**A RESOLUTION DECLARING THE INTENTION OF THE CLINTON, NORTH CAROLINA CITY COUNCIL, ENTERING INTO AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR GRANT FUNDING FOR THE SAFE ROUTES TO SCHOOLS NON-INFRASTRUCTURE GRANT PROGRAM DEVELOPMENT FOR EDUCATING AND ENCOURAGING SAFE PRACTICES FOR CLINTON'S SCHOOL CHILDREN WALKING OR BIKING TO SCHOOL**

**WHEREAS**, the North Carolina Department of Transportation (the "Department") has made available to municipalities grant funds to provide the planning and education to safely and actively walk or bike to school; and

**WHEREAS**, the City of Clinton recognizes the importance of providing young people the knowledge and safety to facilitate biking and walking to school; and

**WHEREAS**, the City of Clinton and the Department will participate in the cost of a Safe Routes to School program with the City's agreeing to coordinate and oversee the program in accordance with the provisions set forth in an interlocal agreement; and

**WHEREAS**, the City of Clinton desires to enter into a Municipal agreement with the Department whereby the Town shall develop a Safe Routes to School Program; and

**WHEREAS**, the Safe Routes to School program will encourage active lifestyles and reduce childhood obesity, diabetes, and other health problems among children; and

**WHEREAS**, the Safe Routes to School Program will require the formation of multi-disciplinary teams in the community to increase awareness of and support for schools and students; and

**WHEREAS**, being able to walk, bicycle, OR wheel to school along safe routes offers an opportunity to build healthful physical activity into a daily routine; and

**WHEREAS**, walking to school will reduce the number of vehicles, and improve safety and air quality in and around the school zone, also resulting in less fuel consumption.

**NOW, THEREFORE, BE IT RESOLVED** that this program is hereby formally approved by the City Council of Clinton, North Carolina, and that the Mayor and Clerk of this City are hereby empowered to sign and execute the agreement with the Department of Transportation.

**BE IT FURTHER RESOLVED** that this City Council will participate with other community organizations in developing and promoting strategies to implement this goal.

### **REPORTS**

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

City Manager allowed Chief Mike Brim to brief City Council regarding a police matter. Chief Brim stated that a CALEA (Commission on Accreditation for Law Enforcement Agencies) representative will be in the City this weekend to make certain the City met the required standards for recognition for accreditation.

### **PUBLIC COMMENTS**

Susan Bristow, 10 Scott Place Lane, stated that she is in support of the NC Hwy 24 resolution that was presented earlier in the city council meeting.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, the meeting adjourned at 8:33 PM.

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City Clerk

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Mayor

