



## **FEBRUARY 4, 2014, CITY COUNCIL MEETING**

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on February 4, 2014, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Becton, Strickland, Turlington, Stefanovich, and Mayor Pro Tem Harris were present.

Also present were Attorney Dale Johnson; City Manager Shawn Purvis; Interim Finance Director Kristin Stafford; Police Chief Jay Tilley; City Clerk Elaine F. Hunt; Fire Chief Adon Snyder; Mary Rose, Planning and Community Development Director; Human Resource Director Lisa Carter; Recreation Director Jonathan Allen; and Public Works Director Jeff Vreugdenhil.

Fire Department staff and Police Department staff were present in support of their firefighter and officer of the year.

Senior Planner Lyle Moore was absent.

Chris Berendt, of the Sampson Independent and Melvin Henderson, of the Sampson Weekly, were also present.

Clark Strickland, Firefighter and “Chaplain” for the Clinton Fire Department, represented District 2 and gave the invocation.

### **CITY COUNCIL**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the January 7, 2014, regular city council meeting were unanimously approved.

### **RECOGNITION – 2013 FIREFIGHTER OF THE YEAR**

Fire Chief Snyder appeared before City Council to present the “2013 Firefighter of the Year.” Chief Snyder applauded all employees within the Fire Department; however, he stated that this individual exceeded expectations. He stated that this individual was hired in June 2012 as a part-time firefighter and was later hired full time

in January 2013. He informed everyone of the various certifications acquired by this young man.

Chief Snyder stated that his grandfather and father are also affiliated with fire. He stated that this employee exemplifies excellence. He stated that this employee raises money for charities; such as, leukemia, and serves as a board member of Trinity Kids, Inc. – a non-profit organization for the purpose of raising awareness for issues surrounding child abuse.

Chief Snyder proudly informed Mayor and City Council that this individual was given the task of upgrading apparatus with safety markings which was to cost approximately \$21,000. Fire Chief Snyder stated that the firefighter spent approximately \$850 for materials and saved the city over \$20,000.

Fire Chief concluded his presentation by stating that our employee of the year, married in June 2013. He announced “2013 Firefighter of the Year,” – William Matthew Edwards.

Firefighter Edwards was received with applause from the group. Mayor Starling and Fire Chief Snyder presented a plaque to Mr. Edwards.

Mayor Starling asked Firefighter William Matthew Edwards’ family to stand and be recognized.

### **RECOGNITION – 2013 POLICE OFFICER OF THE YEAR**

Police Chief Jay Tilley presented the recipient for 2013. Chief Tilley stated that this award is one of the proudest awards within the Police Department because peers and former winners nominate. Chief Tilley stated that this individual was hired in September 2010. He stated that the individual has participated in the Neighborhood Improvement Team.

Chief Tilley stated that the officer recently became certified as a drug recognition expert and he is one of 160 experts in the State of North Carolina.

Chief Tilley stated that the recipient loves family and he has a wife and children. Chief Tilley presented the “2013 Police Officer of the Year,” – Police Officer William Tracy Jackson.

Mayor Starling and Chief Tilley presented a certificate to Police Officer Tracy Jackson. Mayor Starling asked Officer Jackson’s family to stand and be recognized.

Before proceeding to the next item, Mayor Starling thanked Public Works Director Jeff Vreugdenhil and his staff for an excellent job during last week’s wintery storm. City Council joined in with its thanks and gratitude.

## **OATHS**

No oaths were necessary for the February 4, 2014, city council meeting.

## **P & Z – OFF INDUSTRIAL DRIVE – NOVI Carolina Digester LLC**

Mayor Starling opened a continued public hearing on a request by NOVI Carolina Digester LLC for a conditional use permit to construct a green electricity production facility on a 40-acre parcel off Industrial Drive.

City Manager Purvis read the following letter from NOVI Energy Site Manager, Mr. James Zimmer:

January 28, 2014

Mayor Lew Starling and City Council Members  
City of Clinton  
221 Lisbon Street  
Clinton, NC 28329

Subject: NOVI Carolina Digester I, Conditional Use Permit

Dear Mayor and City Council Members,

NOVI Carolina Digester I, LLC would like to request a further continuance regarding our application for a Conditional Use Permit for our proposed plant in the Southeast Sampson Business Center industrial park. We propose to have the City Council consider this matter again during your normally scheduled meeting in April.

Our request for the continuance is to allow us more time to facilitate meetings with the other industrial park owners and leaders from the nearby residential neighborhoods, and also to provide more time for another possible visit by some of these leaders to our Fremont plant. We feel it is important to have these meetings to allow the business and community leaders an opportunity to see and learn more about how we design and operate our plants, so that their decisions can be based on what we do and not based on a comparison of how other businesses operate.

Thank you for your kind consideration.

Sincerely,

James Zimmer  
Site Manager – NC Development Projects

Cc: Shawn Purvis, City Manager

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to continue the public hearing on a request by NOVI Carolina Digester LLC for a conditional use permit to construct a green electricity production facility on a 40-acre parcel off Industrial Drive until the April 1, 2014, city council meeting.

### **LAND ACQUISITION – WATER PLANT EXPANSION AND WELL SITE #27**

City Manager Purvis stated that previously, City Council authorized staff to negotiate the acquisition of land for two well sites to expand water production. He stated that the City acquired the first site in the spring of 2013 and by approving this requested acquisition of land, the City can move forward with its water plant expansion. Mr. Purvis further stated that the owner has accepted an offer of \$25,000, which is the same as the other site. City Manager Purvis recommended approval of this acquisition.

Mayor Starling questioned the number of well sites that the city has. Public Works Director Vreugdenhil stated that currently, the city has ten (10) wells and plans to add six (6) more.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, it passed unanimously to approve acquiring the requested land for the Water Plant Expansion and Well Site #27.

### **ORDINANCE—BUDGET**

Interim Finance Director Stafford briefed City Council regarding these items. She stated these budget amendments are to keep the general ledger balanced in various line items and to reflect expenditures more accurately. She stated that there is an increase in the General Fund and Water & Sewer budgets offset by increased revenues.

City Manager Purvis recommended approval of these amendments.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, the following amendment **#2014.02.01** was unanimously adopted:

#### **Budget Ordinance Amendment Fiscal Year 2013-2014 Budget #2014.02.01**

**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, 2014, amended on August 6, 2013; on September 3, 2013; on October 1, 2013; on November 6, 2013; on December 17, 2013; and on January 7, 2014, is hereby amended as follows:

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
10-4200-0600	Group Insurance		\$ 900	
10-4200-0800	Dental Insurance	\$ 1,100		
10-4200-1100	Telephone		200	
10-4300-3300	Election expense		600	
10-4900-0201	Temporary Salaries	825		
10-4900-1500	Maintenance		825	
10-5100-1700	Maint./Repair auto	31,500		
<b>TOTAL EXPENDITURES</b>		<b>\$ 33,425</b>	<b>\$ 2,525</b>	<b>\$30,900</b>

**Section 2.** The revenues are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
10-3021-0000	City School Police Officer	\$ 5,300		
10-3040-0200	Insurance Revenue	5,000		
10-3430-0000	Powell Bill	5,400		
10-3470-0000	ABC Revenues	15,200		
<b>TOTAL REVENUES</b>		<b>\$30,900</b>	<b>\$0</b>	<b>\$30,900</b>

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
30-6600-6100	Transfer to General Fund	\$ 3,900		
<b>TOTAL EXPENDITURES</b>		<b>\$ 3,900</b>	<b>\$0</b>	<b>\$ 3,900</b>

**Section 4.** The revenues are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
30-3350-0000	Miscellaneous Revenue	\$ 3,900		
<b>TOTAL REVENUES</b>		<b>\$ 3,900</b>	<b>\$0</b>	<b>\$ 3,900</b>

**Section 5.** To amend the Downtown Fund, the expenditures are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
71-6910-0400	Professional Services		\$ 3,000	
71-6910-2600	Advertising	\$ 2,000		
71-6910-4500	Contract Services		1,000	
71-6910-8100	Special Events	2,000		
<b>TOTAL EXPENDITURES</b>		<b>\$ 4,000</b>	<b>\$ 4,000</b>	<b>\$ 0</b>

**Section 6.** Copies of this budget amendment shall be furnished to the City Clerk, to the City Manager, and Finance Director for their direction.

**DEBT MANAGEMENT POLICY**

Interim Finance Director Kristin Stafford presented a Debt Management Policy to City Council for adoption. She stated that the Local Government Commission Division of the NC State Treasurer and financial advisors recommend each local government adopt a debt management policy.

It was stated that most of the city’s current debt practices are only those established through statute and the capital improvement program. It was further stated that this policy will establish guidelines for the management of the city’s debt transactions and will establish debt limits to ensure the city’s financial sustainability.

City Manager Purvis recommended approval of the debt management policy.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the Debt Management Policy was adopted unanimously.

**ANNEXATION—PROPERTY LOCATED AT 307 RUSSELL STREET**

City Manager Purvis said at the January 7, 2014, city council meeting, City Clerk Hunt was instructed to investigate the sufficiency of a petition of the property owners located at 307 Russell Street. He stated that at this time, we present to Council the following City Clerk’s Certificate of Sufficiency:

**CERTIFICATE OF SUFFICIENCY**

TO: City Council of the City of Clinton, North Carolina

I, **Elaine F. Hunt**, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all property owner(s) of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Turlington, the Report of Sufficiency from City Clerk Hunt was approved unanimously.

City Manager Purvis presented for consideration a resolution calling for a public hearing on the request for annexation of property owners located at 307 Russell Street.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following resolution was unanimously adopted:

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

**WHEREAS**, a petition requesting annexation of a non-contiguous area described herein have been received; and

**WHEREAS**, the City Council of the City of Clinton, North Carolina has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, certification by the City Clerk as to the sufficiency of the petition has been made;

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

**Section 1.** A public hearing on the question of annexation of the non-contiguous area described herein will be held at City Hall Auditorium at the March 4, 2014, city council meeting.

**Section 2.** The area proposed for annexation is described as follows:

**DESCRIPTION FOR  
TRACT NO. 5 (307 RUSSELL STREET) OWNED BY  
SALLIE HALL SEABROOK and JEANETTE A. HALL  
Located in  
NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA**

BEGINNING at a stake on the Northern right-of-way line of Secondary Road No. 1923 (Russell Street), said stake being located South 77 degrees 39 minutes 45 seconds East 1833.02 feet from N. C. G. S. Station "Tractor" having N. C. Grid Coordinates of X =2,205,809.04 and Y = 457,966.00 (1983 / 2011 N. A. Datum); running thence from said beginning point with the Eastern right-of-way line of Bay Street (having a 20 feet wide right-of-way) as shown on a map entitled "The J. H. Bradshaw Subdivision" dated October 10, 1946, North 06 degrees 49 minutes 24 seconds East 193.73 feet to a stake, the Southwest corner of Lot No. 8; thence with Lot No. 8, South 83 degrees 10 minutes 36 seconds East 100.00 feet to a stake, the Southeast corner of Lot No. 8 in the line of Lot No. 4; thence with Lot No. 4 and Lot No. 3, South 06 degrees

49 minutes 24 seconds West 150.01 feet to a stake in the Northwestern right-of-way line of Secondary Road No. 1751 (Pugh Road); thence with the Northwestern right-of-way line of Secondary Road No. 1751 (Pugh Road), South 34 degrees 34 minutes 26 seconds West 71.20 feet to a stake, said stake being located North 13 degrees 19 minutes 22 seconds West 37.20 feet from a stake in the center line intersection of Secondary Road No. 1751 (Pugh Road), and Secondary Road No. 1923 (Russell Street); thence with the Northern right-of-way line of Secondary Road No. 1923 (Russell Street), (30 feet from the center line), North 67 degrees 04 minutes 58 seconds West 69.58 feet to the point of **BEGINNING**, containing 0.45 acres, more or less, as computed from Deed Book 896 Page 603 and other deeds and maps of record by Owen Surveying, Inc., with all lines correct in their angular relation and relative to N. C. Grid North (1983 /2011 N. A. Datum).

This lot being the combination of Lot No. 1, Lot No. 2, Lot No. 7, and a triangular lot lying between Lot No. 1, Lot No. 2, and Lot No. 7 of the J. H. Bradshaw Subdivision.

This tract or parcel of land is the same property conveyed by deed dated October 1, 1975 from Joseph Hall and wife, Annie Hall, Gladys McKoy (widow), William Thomas Hall and wife, Elizabeth Hall, and Edith Chatman to Hattie Hall (now deceased), Jeanette Hall, and Sallie Hall (Seabrook) recorded in Deed Book 896 Page 603 of the Sampson County Registry.

**Section 3.** Notice of the public hearing shall be published once in The Sampson Independent, a newspaper having general circulation in the City of Clinton, at least ten (10) days prior to the date of the public hearing.

### **CONTRACT – CAVANAUGH & ASSOCIATES – NC HWY 24 UTILITIES**

Public Works Director Vreugdenhil asked City Council to consider approving a contract with Cavanaugh and Associates of Wilmington, NC regarding engineering consulting services for NC Hwy 24 utilities. He stated that the scope of work requested is to review design plans for City infrastructure relocations along NC Hwy 24 as designed by the North Carolina Department of Transportation. Mr. Vreugdenhil stated that improvement costs for utility relocations required of the city will exceed \$2,000,000.00. He asked approval to allow Cavanaugh and Associates to review plans, coordinate required revisions, and act as a direct contact to the City to aid project coordination between the City and NCDOT. Also, he stated that Cavanaugh and Associates will review all quantities of materials to assure that required relocations are equitably divided between the City and NCDOT.

Mr. Gus Simmons, of Cavanaugh and Associates, appeared before City Council to confirm all that Public Works Director Vreugdenhil stated.

City Manager Purvis noted the increase in cost for this project. He stated that the original estimate was approximately \$1.3 million and currently, it is \$2.4 million.



Mayor Starling questioned whether the proposed contract will be month by month. Mr. Simmons replied that there will be a fixed fee amount and they guarantee to remain until the completion.

It was stated that Cavanaugh and Associates' amount will total \$65,000. City Manager Purvis stated that this amount is less than 2% of the total cost and will be extended over two budget years.

Councilmember Stefanovich asked why the vast increase. Mr. Vreugdenhil's explanation for the increase included: (1) installing parallel 12" water main along each side of NC 24; (2) additional utilities requested by the city; and (3) 4,000 ft of water main. Mr. Vreugdenhil stated that the project changed.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, it passed unanimously to approve a contract with Cavanaugh & Associates for engineering consulting services for NC Hwy 24 utilities relocation.

### **PERSONNEL POLICY – AMENDMENT -- ACCIDENT REVIEW BOARD FINDINGS**

City Manager Purvis asked City Council to table the consideration of amending the Clinton Personnel Policy concerning administrative procedures for Accident Review Board findings.

It was the consensus of City Council to table the consideration of amending the Clinton Personnel Policy concerning administrative procedures for Accident Review Board findings.

### **APPOINTMENTS**

Notification was given of expiring terms on the Environmental Affairs Advisory Board for the following individuals. These are three-year terms. Council will make appointments/reappointments at its March 4, 2014, city council meeting.

Deborah Johnson, District 1  
Carl Hairr, District 2  
Tawana Carr, District 3  
Ted Best, District 4  
Jimmy Ezzell, District 5  
Harold Woodall, At large  
Cebron Fussell, At large  
Annabelle Fetterman, Industrial

### **REPORTS**

The personnel, City Council, finance and fire reports were acknowledged.

### **STAFF REPORTS**

There was no staff reporting for the month of February.

### **CITY MANAGER REPORTS**

City Manager Purvis stated that City Council has been given a copy of his report and feel free to contact him regarding any concerns. He stated that the Annual District meetings will be beginning on February 20, 2014, District 1.

City Manager Purvis asked that this meeting be continued until February 18, 2014, at 6:00 PM for the purpose of strategic planning and a goal confirmation workshop.

### **PUBLIC COMMENTS**

Mr. Lenzie Grice, 104 Parkway Drive, appeared before City Council regarding a matter involving his brother, Hardy Grice, who resides at 105 Alston Street. He requested the paving of his brother's driveway.

Public Works Director Vreugdenhil stated that this is a dead end street and an older subdivision. He stated that this street is on the Powell Bill. He further stated that there is frontage. Mr. Vreugdenhil informed City Council that the previous house burned totally a few years ago. He further stated that in the past, the city paved by petition only.

Mayor Starling asked Mr. Vreugdenhil to communicate with Mr. Lenzie Grice and resolve this matter.

Mr. Brandon Holland, of Kristin Drive, spoke regarding the NOVI Carolina Digester, LLC construction. He stated that they are preparing a petition to present to Mayor and City Council, as well as other pertinent information.

Mayor Starling stated that at the April 1, 2014, city council meeting, everyone who wants to speak regarding this matter will be allowed to do so.

### **RESOLUTION—CLOSED SESSION**

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

#### **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 February 4, 2014, entered closed session as allowed by G. S. 143-318.11(a)(3)(4) to discuss potential litigation and economic development matters.

Council re-entered regular session at 8:18 PM. Mayor Starling reported that City Council was briefed on a potential litigation and a potential economic development matter; however, no action was taken.

**CONTINUATION/ADJOURNMENT**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, and approved unanimously, the meeting was continued until February 18, 2014, at 6:00 PM for the purpose of a strategic planning and a goal confirmation workshop.

The February 4, 2014, city council meeting adjourned at approximately 8:19 PM.

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Elaine F. Hunt, MMC, NCCMC, City Clerk

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Lew Starling, Mayor