

## FEBRUARY 5, 2008 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 PM on February 5, 2008, at city hall auditorium. Mayor Starling presided. Councilmembers Becton, Harris, Stefanovich, Strickland, and Turlington were present. The city attorney Dale Johnson; deputy clerk Elaine F. Hunt; city manager John Connet; finance director Betty Brewer; fire chief Philip Miller; planning and community development director Jeff Vreugdenhil; planner Mary Rose; recreation director Judi Nicholson; and police chief Mike Brim were present. Public works director Chris Doherty was absent.

Ms. Betty Jo Faircloth gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the minutes of the January 8, 2008, regular city council meeting was approved unanimously.

### **PRESENTATION**

Fire Chief Philip Miller appeared before Council, and presented a video regarding a pending movement by North Carolina Fire Chiefs to amend the state building code to require residential sprinkler systems in all new residential construction. His presentation was for informational purposes only.

Request by Ms. Mary Pope of 507 Cutchin Street, to come before City Council to speak on parking issues was asked to be removed from the agenda.

Mayor Starling introduced Brooke Warren to City Council and the public. He stated that Ms. Warren is striving to obtain her Gold Award with the Girl Scouts, and for a project, she requests approval from City Council to landscape next to the soccer concession area. Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the request by Ms. Brooke Warren to landscape next to the soccer concession area for her Girl Scouts project was approved unanimously.

### **RECOGNITIONS**

Fire Chief Miller recognized Lt. Lea Stafford upon the completion of the Fire/Arson Investigator requirements. Mayor Starling and Fire Chief Miller presented Lt. Stafford with a certificate from the State of North Carolina.

### **P & Z -- FAISON HIGHWAY -- BURGESS GROUP CONSOLIDATED**

Mayor Starling opened a public hearing on a request by Burgess Group Consolidated for the rezoning of approximately 3.4 acres off Faison Highway from R-8 Residential to HC Highway Commercial continued from the January city council meeting. Michael Thornton of Clinton Realty Co. located at 607 College Street, appeared before City Council. He stated that they would like this request to be approved to allow Burgess Group Consolidated to use this land as a

construction “lay down”, which is a place to park fuel piping, trucks, and other construction equipment.

David Byrd of 48 Hubbard Place, and Chris Byrd of 400 Beaver Dam Drive, appeared before City Council to speak against the approval of this request to rezone approximately 3.4 acres off Faison Highway from R-8 Residential to HC Highway Commercial. They were both concerned about rezoning to HC Highway Commercial so close in proximity to a neighborhood. Mr. David Byrd further stated that in 2003, a request by Pendergrant, LLC to construct a 24-unit multi-family housing development off NC 403 had been denied based on Zoning Ordinance Section 10.7 (3) and (4).

Planning Director Vreugdenhil stated that the proposed property was bordered to the left by residential property and bordered to the right by the backyard of Sir Clinton Apartments. No one else appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, and unanimously passed, the request by Burgess Group Consolidated to rezone approximately 3.4 acres off Faison Highway from R-8 Residential to HC Highway Commercial was denied.

### **SCOPE OF WORK - PHASE III -- DOWNTOWN REVITALIZATION PROJECT**

Consideration of scope of work for Phase III of the Downtown Revitalization Project was continued until the tentative February 12, 2008, city council meeting to be held at 6:00 PM.

### **ORDINANCE – AMENDMENT -- CURFEW**

City Manager Connet informed Council that per Council’s request, he and others had met with student representatives at Clinton High School to receive their opinion of the new youth curfew ordinance. Chief Mike Brim stated that this amendment to the Curfew Ordinance will be enforceable.

Councilmember Strickland asked that the time be changed regarding the restricted hours from 11:00 PM on any Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday to 12 Midnight on any Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following amendment #2008.02.01 to Chapter 16, Article II, Sections 16-21 – 16-26 of the City Code was unanimously adopted:

**#08.02.01**

### **AN ORDINANCE AMENDING CHAPTER 16, ARTICLE II, SECTIONS 16-21 – 16-26. OF THE CITY CODE**

Be It ordained that Section 16-21 – 16-26 of the Clinton City Code of 1987 is hereby amended to read as follows:

**Sec. 16:21.** Youth protection – **Restrictions upon juveniles during specified hours.**

*Purpose.* The purpose of this section is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for persons under the age of eighteen (18) years in the City of Clinton. The Youth Protection Ordinance is intended to promote the health, safety and welfare of both juveniles and adults by creating an environment providing better protection and security for all concerned. The purpose is also to define the duties of parents or guardians and operators of business establishments and protect minors from improper influences and criminal activity that occurs after the curfew hour.

**Sec. 16:22.** Definition. The following words and phrases shall have the following meanings:

*Establishment:* Any privately owned place of business operated to which the public has access or is invited including but not limited to any place of amusement or entertainment.

*Juvenile:* Any person under the age of eighteen (18) years who is not married or been emancipated.

*Owner/operator:* Any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment, including the employees, members or partners of an association or partnership and the officers of a corporation.

*Authorized adult:* Parent, guardian or someone over the eighteen (18) years of age authorized to accompany the juvenile for a designated period of time.

*Public place:* Any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including but not limited to, streets, highways, alleys, rights-of-ways, public vehicular areas and parking lots, shops, restaurants, convenience stores, schools and school grounds, places of business and amusement, playgrounds, parks, church grounds, similar areas that are open to the public, and other common areas open to or accessible to the public.

*Remain* means to stay behind, to tarry and to stay unnecessarily in a public place including the congregating of groups (or of interacting minors) totaling four or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home, or to fail to leave the premises of an establishment when requested to do so by a police officer or the operator of an establishment. To implement this provision with additional precision and precaution, numerous exceptions are expressly defined in the Ordinance.

*Restricted hours:* The time of night referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the City of Clinton, North Carolina. Restricted hours will mean: 12:00 a.m. on any Sunday, Monday,

Tuesday, Wednesday, Thursday, Friday, or Saturday until 6:00 a.m. of the same day.

**Sec. 16:23.** Offenses. Except as provided by Section 16:24, the following offenses constitute a violation of this section:

(1) A person under the age of eighteen (18) years shall be in violation of this section if he or she shall remain at any time in a group of four or more individuals in or upon any public place or establishment within the City.

(2) It shall be a violation of this section for any person under the age of eighteen (18) years to be or remain in or upon any public place or establishment within the City during the restricted hours.

(3) It shall be a violation of this section for any person eighteen (18) years or older to aid or abet a juvenile in the violation of Section 16:23 (1).

(4) A parent or guardian of a juvenile shall be in violation of this section if he knowingly permits, and/or by inadequate supervision, allows the juvenile to remain on the premises of any establishment or in any public place within the City during the restricted hours. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(5) It shall be a violation of this section for a parent or guardian of a juvenile to refuse to take custody of the juvenile during the restricted hours.

(6) The owners, operator, or any employee of an establishment shall be in violation to this section if he knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours. The term "knowingly" includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment.

(7) Out-of-school suspensions time limit. It is unlawful for any youth under eighteen (18) years who has been suspended from school or has failed to attend school for any reason during regular school hours, who is not in the company of a parent or guardian, to be or remain upon any establishment or public place in the city between the hours of 7:30 a.m. and 3:30 p.m. on any school day.

**Section 16:24.** Exceptions. A juvenile shall not be in violation of this section if the juvenile is:

(1) Accompanied by a parent, guardian or adult eighteen (18) years of age, or older, authorized by the parent or guardian to supervise such juvenile.

(2) Using a direct route to or from a place of employment.

(3) In a motor vehicle with parental consent.

(4) Reacting or responding to an emergency.

(5) Attending or traveling to or from, by direct route, any school, religious or recreational activity or other organized activity which is supervised by adults that accept responsibility for the juvenile. If during restricted hours, the parent or guardian must have knowledge of the organized activity in which the juvenile is involved and the juvenile shall carry a written communication, signed by the juvenile and countersigned, if practicable, by a parent of the juvenile with their home address and telephone number and specifying when, where and in what manner the juvenile will be in a public place.

(6) If the owner, operator or employee of an establishment notifies the Police Department that a juvenile was present on the premises of the establishment during restricted hours and refused to leave.

### **Section 16:25. Enforcement Procedures.**

(1) If a police officer reasonably believes that a juvenile is in a public place in violation of the Ordinance the officer shall notify the juvenile that he or she is in violation of the Ordinance and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parent or guardian. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate, a police officer shall, in the first instance of violation of the Ordinance, use his or her best judgment in determining age.

(2) The police officer shall issue the juvenile a written warning that the juvenile is in violation of the Ordinance and order the juvenile to go promptly home. The Chief of Police shall send the parent or guardian of the juvenile written notice of the violation by certified mail with a warning that any subsequent violation will result in full enforcement of the Ordinance, including enforcement or parental responsibility and of applicable penalties.

(3) Police procedures shall constantly be refined in the light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile under appropriate circumstances; for example, a juvenile of tender age, near home, whose identity and address may readily be ascertained or are known.

(4) Notwithstanding the foregoing, when: (i) a juvenile has received one (1) previous written warning for violation of this Ordinance; or (ii) a police officer has reasonable grounds to believe that the juvenile has engaged in delinquent conduct, the procedure shall then be to take the juvenile to the police station where a parent or guardian shall immediately be notified to come for the juvenile whereupon the parent or guardian and the juvenile shall be questioned. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the person designated there and then on duty for an accurate, effective, fair, impartial and uniform enforcement, and recording, thus, making available experienced personnel and access to information and records.

(5) When a parent or guardian, immediately called, has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the juvenile may temporarily be entrusted to an adult, neighbor or other person who will on behalf of a parent or guardian assume the responsibility of caring for a juvenile pending the availability or arrival of a parent or guardian.

(6) For the first violation of the Ordinance by an operator of an establishment who permits a juvenile to remain on the premises, a police officer shall issue a written notice of the violation with a warning that any subsequent violation will result in full enforcement of the Ordinance, including enforcement of operator responsibility and of applicable penalties.

#### **Section 16:26. Penalties.**

(1) A juvenile who violates any provision of this section is subject to being adjudicated delinquent. The Court may, in its discretion, impose any dispositional alternative(s) that are provided in the North Carolina Juvenile Code for any juvenile who is delinquent.

(2) Any person other than a juvenile who violates any provision of this section may be guilty of a misdemeanor and may be subject to a fine not to exceed one hundred dollars (\$100.00) for the first offense, and for each subsequent offense the fine shall be increased by an additional one hundred fifty dollars (\$150.00). For example, for the second offense the fine shall be \$250.00, for the third offense, \$400.00, and imprisonment in the discretion of the Court in accordance with N.C.G.S. 14-4.

This ordinance shall be effective at 12:01 a.m. on the 6<sup>th</sup> day of February 2008.

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

#### **A RESOLUTION REAFFIRMING AND RESTATING CITY OF CLINTON'S YOUTH PROTECTION REGULATIONS**

**WHEREAS**, the City Council has determined that there has been an increase in juvenile violence, juvenile gang activity, and crime by persons under the age of 18 in the City of Clinton resulting in the youth being involved in or exposed to a wide range of unacceptable behavior including vandalism, public drinking and littering, drug use, breaking and entering, and harassment of residents; and

**WHEREAS**, persons under the age of eighteen (18) are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

**WHEREAS**, the City Council has found that there has been a significant breakdown in the supervision and guidance normally provided by parents for juveniles resulting in an increase in the crimes and other unacceptable behavior cited above; and

**WHEREAS**, the City of Clinton has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and

**WHEREAS**, the offensive activities of juveniles have not been easily controlled by existing laws and ordinances; and

**WHEREAS**, a curfew for those under the age of 18 will be in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Clinton and will promote the public good, safety and welfare; and

**WHEREAS**, parental responsibility for the whereabouts of children is the accepted norm and legal sanctions to enforce such responsibility have had demonstrated effectiveness in many cities, the City Council has determined that a curfew ordinance will increase parental responsibility for juveniles within their control and decrease juvenile delinquency; and

**WHEREAS**, the passage of this resolution and subsequent ordinance is pursuant to the City of Clinton's police power as stated in Charter and statutory authority as set forth in the North Carolina General Statutes.

### **APPOINTMENTS**

Appointment to the Board of Adjustment for District 1 was continued until the March 4, 2008 City Council meeting.

Notification was given of expiration terms on the Environmental Affairs Advisory Board.

### **RESOLUTION -- NC DOT -- DOWNTOWN REVITALIZATION PROJECT**

Jeff Vreugdenhil presented an enhancement agreement with NC DOT so that the city could receive a \$ 190,000 enhancement grant. He also presented a resolution authorizing the mayor and city clerk to execute the agreement. The purpose of the grant is to supplement the budget for the recently completed Phase II Downtown Project. Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the following resolution was unanimously adopted:

**WHEREAS**, the North Carolina Department of Transportation and the City of Clinton propose to make certain street and highway improvements within the Municipality under said project; said plans to consist of revitalization of downtown Clinton to include installation of curb and gutter, sidewalks, asphalt patching, utilities, landscaping and traffic control in Clinton; and,

**WHEREAS**, said agreement provide for the Municipality to prepare the environmental and/or planning document, including any environmental permits, and the plans, contractor specifications and estimates (PS&E package), administer the contract and supervise project construction, and adjust and relocate utilities and acquire any necessary right of way; and,

**WHEREAS**, said agreement further provides for the Department to participate in the cost of the project in an amount not to exceed \$190,000.

**NOW, THEREFORE, BE IT RESOLVED** that said project is hereby formally approved by the City Council of the City of Clinton and that the Mayor and Clerk of the Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

**NOW, THEREFORE, BE IT RESOLVED** that WBS Element 41281, Sampson County, is hereby formally approved by the City Council of the City of Clinton and that the Mayor and the Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

#### **FIRST CITIZENS BANK LOAN – PAY OFF**

Upon a motion made by Councilmember Harris, seconded by Councilmember Stefanovich, a request to pay off the existing First Citizens Bank loan in the amount of \$ 189,142.46 was unanimously approved.

#### **RBC FINANCING AGREEMENT -- FIRE DEPARTMENT RESCUE ENGINE**

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

#### **RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$328,886.00 WITH RBC CENTURA BANK TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE CITY OF CLINTON, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**

BE IT RESOLVED by the governing body for the City of Clinton, North Carolina (the "Unit"):

Section 1. The governing body of the Unit does hereby find and determine:

- a.) The City of Clinton proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment");
- b.) After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an

installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

- c.) Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and
- d.) RBC Centura Bank ("RBC Centura") has proposed that RBC Centura enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which RBC Centura will lend that Unit the amount of \$328,886.00 (the "Contract") and a related Escrow Agreement between the Unit and RBC Centura (the "Escrow Agreement")

Section 2. The governing body of the Unit hereby authorizes and directs the Authorized Officer, City Manager John Connet, to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the City of Clinton to the Contract and the Escrow Agreement and attest the same.

Section 3. The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Centura in such instance.

Section 5. The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the Unit's obligation under the Contract will not be included in the gross income of RBC Centura.

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2007. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a "qualified tax-exempt obligation" for the purposes of the Code.

Section 7. This Resolution shall take effect immediately upon its passage.

## ORDINANCES --BUDGET

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the following ordinance #2008.02.02 was unanimously adopted:

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2008:

**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>
105100.7400	Loan Payment/Radios	64,143	
105600.7200	Fayetteville St. Sidewalk	30,000	
106600.1000	Professional Services	41,919	
	<b>TOTAL</b>	<b>136,062</b>	

**Section 2.** The following revenues are anticipated to be available to fund these changes:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
103370.0000	Franchise Tax	41,919	
103850.0000	NC DOT Funds	15,000	
103860.0000	From Com Dev. Fund	15,000	
103990.0000	Fund Balance Appropriation	64,143	
	<b>TOTAL</b>	<b>136,062</b>	

**Section 3.** Copies of this budget amendment shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the following ordinance #2008.02.03 was unanimously adopted:

**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 fund budget ordinance adopted June 7, 2005, and amended September 5, 2006, and June 12, 2007, is hereby amended as follows:

**Section 1.** The appropriations for the project are changed as follows:

		Increase	Decrease
534970.7500	Transfer to Sampson Center Cap. Proj.	32,000	
534970.7400	Transfer to Gen Fund/Fayetteville St.	15,000	
<b>TOTAL</b>		<b>\$47,000</b>	

**Section 2.** The revenues anticipated to be available to complete this project are changed as follows:

533030.0000	Transfer from Revolving Loan Fund	47,000	
<b>TOTAL</b>		<b>\$47,000</b>	

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the following ordinance #2008.02.04 was unanimously adopted:

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2008:

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
524970.7900	Transfer to Com Dev Fund	47,000	
<b>TOTAL</b>		<b>47,000</b>	

**Section 2.** The following revenues are anticipated to be available to fund these changes:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
523010.0100	Revolving Loan Payments	47,000	
<b>TOTAL</b>		<b>47,000</b>	

**Section 3.** Copies of this budget amendment shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

### **ORDINANCES --BUDGET – SAMPSON CENTER REVITALIZATION PROJECT**

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, the following ordinance #2008.02.05 was unanimously adopted:

**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 capital project budget ordinance is hereby adopted:

**Section 1.** The project authorized is the renovation of Sampson Center.

**Section 2.** The officers of this unit are hereby directed to proceed with the capital project within the terms of the PARTF Grant Project #2007-496 and the budget contained herein.

**Section 3.** The following amounts are appropriated for the project:

706310.0400	Planning	9,000
706310.7000	Site Preparation	14,000
706310.1500	Building Renovation	18,000
706310.7100	Walking Path Construction	7,450
706310.7200	Ball Field Renovation	11,060
706310.7300	Patio Garden Construction	14,350
706310.7301	Landscaping	700
706310.7400	Picnic Shelter	26,775
706310.8000	Contingency	4,600
706400.1500	Building Demolition	<u>32,000</u>
	<b>TOTAL</b>	<b>\$137,935</b>

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

703110.8000	PARTF Grant	52,967
703110.8400	City Share	52,968
703220.0000	Transfer from Comm Dev Fund	<u>32,000</u>
	<b>TOTAL</b>	<b>\$137,935</b>

**ORDINANCES --BUDGET -- LUNDY'S SEWER LINE PROJECT**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance #2008.02.06 was unanimously adopted:

**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 capital project fund ordinance adopted March 2006 and amended June 12, 2007, and July 10, 2007, is hereby amended as follows:

**Section 1.** The project authorized is the sewer line.

**Section 2.** The officers of this unit are hereby directed to proceed with the amendment to sewer line capital project within the terms of the budget contained herein.

**Section 3.** The following amounts are changed as follows:

467140.5700	Miscellaneous	49,000
467140.7300	Construction Change Order	134,660
467140.8000	Contingency	16,340
<b>TOTAL</b>		<b>\$200,000</b>

**Section 4.** The following revenues are changed as follows:

463714.0600	Rural Center Grant	200,000
<b>TOTAL</b>		<b>\$200,000</b>

**Section 5.** Copies of this budget amendment shall be furnished to the City Clerk and the Finance Officer for further direction in carrying out this project.

**ALL-AMERICA CITY COMMITTEE**

City Manager Connet stated that Mayor Starling requests that the guidelines for the newly formed All-America City Committee be amended to allow all current committee members to remain on the committee if he or she desires to do so. He further stated that the current members will be contacted so that it might be known what their desires are regarding staying on the Committee.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the following resolution passed unanimously:

**RESOLUTION TO REORGANIZE THE ALL-AMERICA CITY COMMITTEE**

**Whereas**, in 2003 the All-America City Planning Committee was named to pursue the goal of being named an All-America City; and

**Whereas**, Clinton was named an All-America City on June 8, 2007; and

**Whereas**, the original committee recognized the need to reorganize the committee into an advisory group and asked council to reorganize the committee.

**Therefore, Be It Resolved** that the All-America City Planning Committee is dissolved and there is an All-America City Advisory Committee created and composed of fifteen members to be appointed by the mayor. Terms shall be for two years and begin January 1<sup>st</sup>. Members are eligible for reappointment. City staff necessary to advise the committee shall serve as ex-officio members.

**Be It Further Resolved** that the All-America City Advisory Committee possesses the following responsibilities:

1. The All-America City Advisory Committee shall be advisory to the council.
2. The committee shall select from its membership a chairman and vice-chairman to serve one year terms that will be eligible for re-election.

3. The committee or any person representing the committee shall not incur any financial liability in the name of the city outside of regularly budgeted items. All expenditures shall follow normal budget guidelines.
4. The committee shall seek ways to celebrate the city of Clinton's being named an All-America City.
5. The committee shall review and recommend to the City Council action necessary to market the city in the areas of economic development.
6. The committee shall award annually the Clinton All-America City Spirit Award to a non-profit group, business, or individual who worked collaborately to improve the community.
7. The committee shall advise the Council on when to apply for the All-America City Award.
8. The committee shall meet at least quarterly.

## **REPORTS**

City Manager Connet acknowledged that the fire, minimum housing, financial, police, personnel, and public works reports were received and he stands ready to answer any questions from City Council regarding the reports.

He further stated that it is time to start preparing for the annual district meetings and City Council would be contacted soon to set dates for these district meetings. City Manager Connet stated he would like to schedule a Spring Planning Workshop of February 12, 2008, at 6 PM.

City Manager Connet reminded all regarding Betty Fortner's retirement luncheon to be held February 8, 2008, from 12:00 Noon – 1:30 PM at the Bellamy Center. A motion was made by Councilmember Harris, seconded by Councilmember Becton, and unanimously passed to present the following resolution to Betty Fortner during her retirement luncheon:

### **RECOGNITION AND APPRECIATION OF ELIZABETH "BETTY" WEST FORTNER**

**WHEREAS**, Elizabeth "Betty" W. Fortner has faithfully and honorably served the City of Clinton and its citizens with remarkable distinction as Secretary, Assistant Clerk, and City Clerk-Assistant to the City Manager from September 16, 1970, to February 1, 2008; and

**WHEREAS**, Elizabeth "Betty" W. Fortner has provided outstanding public service to the citizens of Clinton through her dedicated efforts and supported those ideas and programs which would benefit all citizens of our fine community; and

**WHEREAS**, Elizabeth "Betty" W. Fortner was very instrumental in the city of Clinton earning the distinction as an All-America City in June 2007; and

**WHEREAS**, during her tenure, Elizabeth "Betty" W. Fortner has excelled in her field which includes being the first North Carolina clerk ever to be recognized by the International Institute of Municipal Clerks as "IIMC Outstanding Clerk"; and

**WHEREAS**, she has earned the high regard and admiration of those whom she has come into contact with and the affection of her fellow public servants;

**NOW, THEREFORE, BE IT RESOLVED** that the Clinton City Council, does hereby designate the week of February 10 – February 16, 2008, as:

**MRS. BETTY FORTNER WEEK**

**BE IT FURTHER RESOLVED** that a copy of this resolution be given to Elizabeth “Betty” W. Fortner and spread upon the minutes of the City Council as a permanent record of this expression.

**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 by the City Council of the City of Clinton, North Carolina that the regular meeting of said council held at 7:00 PM on February 5, 2008 entered closed session for the purpose of discussing matters relating to economic development as pursuant to G. S. 143-318.11(a)(4).

Council re-entered regular session. Mayor Starling reported council discussed economic development matters and no action was taken.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, and unanimously passed, the meeting ended at 8:15 PM and was continued until February 12, 2008, at 6:00 PM.

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Deputy City Clerk

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Mayor

