

## **MARCH 1, 2011, CITY COUNCIL MEETING**

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on March 1, 2011, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Becton, Stefanovich, Strickland, Turlington, Mayor Pro Tem Harris, and City Attorney Dale Johnson were present. Also City Clerk Elaine F. Hunt; City Manager John Connet; Assistant City Manager Shawn Purvis; Fire Chief Todd Solice; Interim Planning and Community Development Director Mary Rose; Police Chief Mike Brim; Recreation Director Judi Nicholson; and Public Works Director Jeff Vreugdenhil were present. Absent was Human Resource Manager Lisa Carter. Chris Berendt, of the Sampson Independent, was also present.

Rev. Marvin Clowney gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the February 1, 2011 regular city council meeting and the December 7, 2010, closed session were unanimously approved.

### **RECOGNITION—POLICE OFFICER OF THE YEAR FOR 2010**

Police Chief Mike Brim recognized Alpha Clowney as “Police Officer of the Year for 2010.” Chief Brim stated Detective Clowney has been with the city since July 14, 2006. He stated that she was transferred to the Detective Division last year. He further stated that Detective Clowney’s peers recommended and selected her as “Police Officer of the Year for 2010.”

Mayor Starling commended Detective Clowney and the entire Police Department for the great job that they perform. Mayor Starling and Police Chief Brim concluded the recognition by presenting Clowney with a plaque—surrounded by her father, Pastor Marvin Clowney, and daughters.

### **RECOGNITION—FIRE DEPARTMENT PERSONNEL**

Fire Chief Todd Solice recognized some of his personnel for recent achievements. He stated that although they were not required to obtain the certifications, the following employees received:

Jamie Beasley – Fire Officer I and II  
Josh Coombs – Fire Officer I and II  
Joe Dixon, Jr. – Fire Officer I and II  
Brandon Gainey – Fire Officer I and II  
Brett Hairr – Fire Officer I, Fire Officer II, and Methodology Education  
Robert Owens – Fire Officer II  
Brian Royal – Fire Officer II

## **OATHS**

Mayor Starling administered oaths to Mary Rose and Larzaris Butler, who will present information during the public hearings for a request for a conditional use permit to construct duplexes on the corner of Layton and Earl Streets.

## **P & Z—ECONOMIC DEVELOPMENT – DUBOSE STRAPPING**

Mayor Starling opened a public hearing on an economic development matter regarding DuBose Strapping.

John Swope appeared before City Council to speak on this item. He stated that DuBose Strapping has a history of producing steel strapping; however, they are now moving toward producing plastic strapping. He stated that the company wants to bring in new customers.

Mr. Swope stated that this public hearing is required by law. He stated that in an effort to encourage the expansion here in Clinton, they are recommending the economic development incentives adopted in our current policy. He stated that this expansion will bring 34 more jobs into Clinton. Briefly, Mr. Swope reviewed the DuBose Strapping, Inc., Information Package with City Council. He stated the proposed incentive package will include: \$138,000 from NC Department of Commerce based on job creation; \$155,768 paid over 5 years by the County of Sampson; and \$ 75,685 paid over 5 years by the City of Clinton—both based on job creation and taxable investment. Mr. Swope informed City Council that the proposed incentives can be revoked if DuBose Strapping, Inc., does not meet their obligations.

Mr. Swope asked City Council to approve the resolution and agreement enclosed in their city council packets.

No one else appeared to be heard and the hearing was closed.

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

### **Resolution Approving Agreement with DUBOSE STRAPPING**

**WHEREAS**, the City and DUBOSE STRAPPING have agreed in principle for the City, along with Sampson County and others, to make certain incentive payments to DUBOSE STRAPPING over a five-year period. In return, the company will commit to make certain capital investments in the City, and to maintain certain levels of employment. The mutual obligations of the City and DUBOSE STRAPPING will be set forth in an Incentive Agreement, a draft of which has been presented to this meeting.

**WHEREAS**, for the past several months, representatives of the City of Clinton, Sampson County and others have been working with representatives of DUBOSE STRAPPING, INC., concerning the company's consideration of expanding at their manufacturing facilities in the City.

**WHEREAS**, the City has held a public hearing earlier today concerning appropriations and expenditures for economic development activities pursuant to the Incentive Agreement. The Incentive Agreement is now presented to the City Council for consideration.

**BE IT RESOLVED** by the City Council of the City of Clinton, North Carolina, as follows:

1. The Council determines that the City will enter into the proposed Incentive Agreement. The Council approves the form of the Incentive Agreement presented to this meeting. The final version of the Incentive Agreement must be in substantially the form presented, but may have such additional minor changes as may be acceptable to the Mayor, who is authorized and directed to execute the final form agreement. The final form of the agreement may not, however, in any material fashion increase the City's obligations or decrease the company's obligations from the obligations described in the draft agreement. The Mayor's execution and delivery of the final form agreement will be conclusive evidence of his approval.
2. By this resolution, the City confirms and accepts its agreement with Sampson County that the incentive payments payable in each year to the Company will be paid in proportions averaging \$ 15,137 by the City and \$ 31,153 by the County, with this same ratio applied to each annual payment under the Incentive Agreement and to all amounts that may be recaptured or otherwise paid by the Company under the Incentive Agreement.
3. All City officers and employees are authorized and directed to deliver all certificates, agreements and instruments and to take all such further actions as they may consider necessary or desirable in furtherance of the transactions contemplated by this resolution. All such prior actions of City officers and employees are ratified, approved and confirmed.
4. All other Council proceedings, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

**P& Z – CORNER OF LAYTON AND EARL STREETS – LARZARIS BUTLER**

Mayor Starling opened a public hearing on a request by Larzaris Butler for a conditional use permit to construct 2 duplexes on the corner of Layton and Earl Streets in an R-6 Residential district. Interim Planning Director Mary Rose explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon the findings of fact.

Larzaris Butler appeared before City Council and introduced himself.

Renee Howard, 401 West Boney Street, appeared before Council. She questioned the number of people in the proposed duplexes and the parking. Her concerns were resolved.

No one else wished to be heard, and the hearing was closed.

Mayor Starling read Standard 1: The use will not endanger the public health, safety, or general welfare if located where proposed and developed according to plan. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 2: The use meets all required conditions and specifications as outlined in the conditional use application, and/or as imposed by the City Council. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 3: The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood, or is a public necessity. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 4: The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in conformity with the Clinton Development Plan. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, a conditional use permit to construct 2 duplexes on the corner of Layton and Earl Streets in an R-6 Residential district was unanimously approved for Larzaris Butler.

### **RESOLUTION – WATER AUDIT AND LEAK DETECTION STUDY**

City Manager Connet stated that at the February 2011 city council meeting, Gus Simmons, with Cavanaugh & Associates, P.A. presented the results of the Water Audit and Leak Detection Study. He stated that in order to receive the grant funding for this project, City Council is asked to adopt a resolution accepting this report.

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

### **RESOLUTION ACCEPTING RESULTS OF WATER AUDIT AND LEAK DETECTION PROJECT**

**Be It Resolved** that the City Council of the City of Clinton hereby accepts and approves the results of the Water Audit and Leak Detection survey performed by Cavanaugh & Associates, P.A. and presented at the February 1, 2011 city council meeting.

## **SOLID WASTE PLAN AMENDMENT FOR ELECTRONIC RECYCLING**

City Manager Connet spoke regarding approving a Solid Waste Plan Amendment for electronic recycling. He stated that Senate Bill 887 mandates that each local government implement an electronic recycling program effective July 1, 2011. He stated that Sampson County has agreed to contract with an electronic recycling company to provide this service in Sampson County. He further stated that Sampson County must amend their current Solid Waste Plan to incorporate electronic recycling. He asked City Council to approve a Solid Waste Plan Amendment for this electronic recycling to occur.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Stefanovich, the following Solid Waste Plan Amendment for electronic recycling was adopted unanimously:

### **Sampson County Solid Waste Plan Amendment**

#### **Electronics Disposal**

Intended Actions:

Effective February 15, 2011, Sampson County will implement a recycling program for all electronic waste. Material to be recycled includes, but is not limited to; CRTs, TVs, hard drives, scanners, fax machines, copiers, and other miscellaneous electronic equipment. Sampson County will work with an electronics recycling company that has received all certifications in compliance with the requirements of the State of North Carolina. This electronic recycling program will be the only public program located in Sampson County.

Sampson County will utilize the convenience centers around the county for residential drop off. Other locations will be set up in towns and utilized if deemed necessary. Interaction between the towns and county will determine sites chosen. The convenience site locations will be available for residents living in all areas of Sampson County. All Sampson County towns approved and will utilize the convenience sites for their electronic recycling programs only. This material will be placed in gaylords or on pallets for pick up by eCycleSecure. eCycleSecure will pick up this material as needed by the county and transport it to their facility for recycling and further disposal.

Sampson County will use flyers posted at each convenience site to inform citizens of the location of collection sites for their electronic waste. Signs will be posted at the landfill explaining the new landfill ban of CRTs and TVs and the locations of collection sites. Articles in the local newspaper will inform citizens of the new law, its requirements, and the options Sampson County has established. Pamphlets will be printed and distributing to inform citizens of the program. Interaction with the towns and county will inform citizens of the electronic

recycling program provided. All information will be given to the incorporated areas to distribute to their residents.

After collection of electronic waste, eCycleSecure will send to Sampson County a statement that lists the tonnage of material disposed broken down by computer equipment, televisions, and other electronic material. eCycleSecure will, also, have this statement in its files as a record of material collected and disposed by each unit of local government. Sampson County will interact with the towns on a regular basis in providing information and data on the electronic recycling program.

Sampson County will establish a separate budget account for electronic recycling funds. All monies and expenditures for the electronic recycling program will be separated from other solid waste programs. These funds will be used for the electronic recycling program only.

### **RESOLUTION – MOSQUITO CONTROL DOCUMENTS**

City Manager Connet stated that a resolution is presented to City Council annually designating an official to sign papers and to otherwise represent the City Council in connection with mosquito control. He stated that adopting this resolution will allow the City of Clinton to receive reimbursement(s) at the end of the fiscal year.

Upon a motion by Councilmember Stefanovich, seconded by Councilmember Turlington, it is hereby ordered that John F. Connet, City Manager, as agent for the City of Clinton, is hereby authorized and empowered to sign and execute all papers and documents necessary in connection with the request made to the Division of Environmental Health, North Carolina Department of Environment and Natural Resources, for aid in control of mosquitoes. He is further authorized and required to carry out all agreements stipulated in the project application submitted by us to the Division of Environmental Health, North Carolina Department of Environment and Natural Resources, and to perform other acts that are proper and necessary in connection with the operation of this project. Acts of said person on behalf of said City of Clinton are in all respects validated, approved and confirmed.

### **AWARD OF CONTRACT – PUGH RD INFRASTRUCTURE GRANT – WITHERS & RAVENEL, INC.**

Interim Planning and Zoning Director Mary Rose spoke regarding the award of contract for the Pugh Road Infrastructure grant. She stated that proposals were received for the engineering services for the CDBG FY09 Pugh Road Infrastructure Project and based on the rating scale of the City of Clinton, Withers and Ravenel, Inc., ranked the highest. She further stated that the rating scale included technical approach based on past projects, experience of proposed personnel, prior related experience with the City of Clinton, and available services provided by the firm. Ms. Rose recommended Withers &

Ravenel, Inc. to City Council for the Pugh Road Infrastructure project regarding the engineering services.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, it was approved unanimously to accept the contract of Withers & Ravenel, Inc., for Pugh Road Infrastructure project as it relates to the engineering services.

### **RESOLUTIONS – ADMIN GUIDELINES & POLICIES – FY2009 CDBG**

Interim Planning and Zoning Director Mary Rose stated that Council is asked to adopt a resolution approving administrative guidelines and policies for the Pugh Road CDBG Project 04-D-2088. She stated that these guidelines and policies are required by North Carolina Department of Commerce. She further stated that Holland Consulting Planners, Inc. will administer the grant. Rose reviewed the various documents enclosed in City Council's agenda packet.

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

#### **RESOLUTION APPROVING ADMINISTRATIVE GUIDELINES AND POLICIES FOR THE FY2009 CDBG INFRASTRUCTURE PROGRAM**

**WHEREAS**, the City of Clinton wishes to carry out its FY2009 CDBG Infrastructure Program in accordance with established state and federal administrative guidelines.

**NOW, THEREFORE**, the City of Clinton City Council hereby collectively adopts the following resolutions, guidelines, plans and policies, and resolves that they be utilized during the administration of the city's FY2009 CDBG Infrastructure Program:

1. Financial Management Resolution
2. Citizen Participation Plan
3. Local Economic Benefit for LMI Persons (Section 3) Plan
4. Equal Employment and Procurement Policy
5. Policy Concerning Code of Conduct
6. Fair Housing Policy
7. Section 519 Policy (Prohibiting Use of Excessive Force)
8. Designation of Labor Standards Enforcement Officer
9. Language Access Plan

### **AWARD OF CONTRACT – INSIGHT RESEARCH, INC. -- CITYWIDE SURVEY**

City Manager Connet requested that this item be removed from this

agenda to be discussed at a later date—one of the planning sessions.

### **SPRING CLEAN-UP WEEK**

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, April 25-29, 2011, is hereby designated as Spring Clean-Up Week and suspends Sections 11-4 (e)(g) and (i) of the City Code, except the collection of batteries, and in cases, other items which pose hazardous to city staff or the landfill will not accept.

### **RECLASSIFICATION –GROUNDS MAINTENANCE SUPERVISOR POSITION**

Public Works Director Jeff Vreugdenhil stated that building maintenance has been removed from the responsibilities of the Grounds Maintenance position. He stated that because of the removal of building maintenance from the Grounds Maintenance Supervisor, he recommends reclassifying this position to Pay Grade 15 with a salary range of \$30,729 - \$46,094. He stated that presently this position is a Pay Grade 16.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to reclassify the Grounds Maintenance Supervisor position from Pay Grade 16 to Pay Grade 15 with a salary range of \$30,729- \$46,094.

### **TRAFFIC FLOW –SAMPSON COUNTY SUPER SPRINT TRIATHLON**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, and unanimously passed, approval was given for the Sampson County Super Sprint Triathlon's participants to run the following route: Begin in the Wellness Center parking lot; turn right on Johnson Street; run to the end and turn left on Williams Street; run to the end and turn left on Fayetteville Street; take the first right onto Chestnut Street; turn left on Main Street; turn left on Sampson Street; turn left on Vance Street; turn right on Fayetteville Street; turn right on Giddens Street; turn right on Johnson Street; and finish in the Wellness Center parking lot.

### **CITY COUNCIL -- BUDGET WORKSHOPS**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, and approved unanimously, a CIP workshop was set for 7:00 PM on March 29, 2011, and budget planning workshops were set for 6:00 PM on April 14, and April 21, 2011 in the City Hall Auditorium/Training Room.

### **APPOINTMENTS**

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, Donald Summerlin, of District 2, was unanimously reappointed to the Planning and Zoning Board for a five-year term ending January 2016.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, Billy Ray Jordan, District 1, and Howard Hobson, District 4, were unanimously reappointed to the Board of Adjustment for a three-year term ending January 2014.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following were unanimously reappointed to the Environmental Affairs Advisory Board for a three-year term ending January 2014:

- a. Deborah Johnson, District 1\*\*
- b. Carl Hairr, District 2
- c. Tawana Carr, District 3
- d. Ted Best, District 4
- e. Jimmy Ezzell, District 5
- f. Harold Woodall, At large
- g. Kenneth Buffkin, Jr., At large
- h. Annabelle Fetterman, Industrial

\*\*Previously, we were showing District 1 appointee as Deborah Hall. Councilmember Stefanovich made the correction at this March 1, 2011 city council meeting.

## **REPORTS**

The City Council action, finance, police, fire, public works, and code reports were acknowledged. City Manager Connet made mention of the new layout for the code enforcement reports.

City Manager Connet stated that the Airport Advisory Board asked that a letter from Nathan H. McLamb, 8030 England Street, Charlotte, NC, be included in the agenda packet for their review only. The letter was a complimentary letter commending Jim Naylor and the entire Naylor family for an outstanding job in managing the FBO (Fixed Base Operator) at the Clinton Airport.

City Manager Connet told City Council that we received a letter from the County informing that the Sampson County Hazard Mitigation Multi-jurisdictional Plan was approved for a period of five years (February 2, 2016). He stated that City Council adopted a resolution at the November 3, 2010 city council meeting accepting Sampson County Multi-Jurisdictional Hazard Mitigation Plan; therefore, this Plan extends to the City of Clinton, as well as the Towns of Turkey, Salemburg, Newton Grove, Garland, and Autryville.

## **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 March 1, 2011 entered closed session as allowed by G. S. 143-318.11(a)(3) to discuss a potential litigation.

Council re-entered regular session at 7:42 PM. Mayor Starling reported that City Council was briefed on a potential litigation; however, no action was taken.

**CONTINUATION – CIP WORKSHOP -- MARCH 29, 2011**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and approved unanimously, the meeting was continued until Tuesday, March 29, 2011 at 7:00 PM, so that a CIP Workshop might take place to begin work on the upcoming budget.

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Elaine F. Hunt, MMC, City Clerk

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Lew Starling, Mayor

**ADJOURNED AT 7:42 PM.**