

## **MARCH 3, 2009, CITY COUNCIL MEETING**

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on March 3, 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; Police Chief Mike Brim; Recreation Director Judi Nicholson; and Public Works Director Chris Doherty were present.

Rev. Varnie Fullwood, pastor of Mount Pleasant Baptist Church, Clinton, NC gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the minutes of the February 3, 2009, regular meeting and closed session were unanimously approved.

### **APPEARANCE**

Heather Bonney, Library Director of Sampson-Clinton Public Library, appeared before City Council to thank the City for its contribution of \$4,000 for this current fiscal year and to request an additional \$1,000 to help the library meet its funding obligation to accept the Bill and Melinda Gates Foundation grant. She stated that since July 2008, 956 new library cards have been issued and 250 of the cards were issued to children. Also she stated that there has been a 30% increase in computer usage. She stated that this additional \$1,000 would be a one time request for special allocation.

Dr. Linda J. Carr spoke in support of Heather Bonney's request. She asked City Council to please assist the library in meeting its funding obligation for this Bill and Melinda Gates Foundation grant.

Mayor Starling stated that City Council will take the request into consideration.

### **PUBLIC HEARING -- OATHS**

Mayor Starling administered oaths to Jeff Vreugdenhil, Mike Carter, and Kevin Godwin who planned to present information during a public hearing for a conditional use permit request and a rezoning request.

### **P& Z – 209 MOORE STREET – KEVIN & AMANDA GODWIN**

Mayor Starling opened a public hearing on a request by Kevin and Amanda Godwin for a conditional use permit to construct a duplex at 209 Moore Street in an R-8 Residential District. Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation

to approve the request. 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 Strickland, and after determination that this request is in accordance with the provisions of NCGS 160A-383, a conditional use permit was unanimously approved for Kevin and Amanda Godwin to construct a duplex at 209 Moore Street.

### **P & Z – 1001 NAYLOR STREET -- PATRIOT STATE BANK**

Mayor Starling opened a public hearing on a request by Patriot State Bank for the rezoning of approximately .268 acres located at 1001 Naylor Street from R-8 Residential to O & I Office and Institutional. Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon the findings of fact and zoning consistency statement.

Mike Carter stated that the houses will be removed from the property on/about March 31<sup>st</sup> and they would break ground at the end of April/first of May.

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, a request by Patriot State Bank to rezone

approximately .268 acres located at 1001 Naylor Street was unanimously approved.

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

City Manager Connet stated that this item was continued from the January 6, 2009 city council meeting. He stated that he has received numerous complaints and/or concerns regarding the upgrade of NC Hwy 24 and these complaints and/or concerns have been given to NCDOT. He stated that NC Department of Transportation has stated that their planning design will be ready in May; however at this time, he does not know the final plans. City Manager further stated that the original resolution has been revised and read the below resolution for City Council's consideration.

William M. Bacon III, attorney at law, spoke. He spoke in opposition to endorsing the resolution. He stated that approving this resolution was premature.

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

### **RESOLUTION REGARDING NC 24 TRANSPORTATION IMPROVEMENTS**

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

**WHEREAS**, Over the past ten years Sunset Avenue has become a critical business corridor for our community and many new businesses have located in this area; and

**WHEREAS**, upgrades to Sunset Avenue are desperately needed to improve the movement of traffic and the safety of our citizens; and

**WHEREAS**, the upgrading of NC 24 is critical to growth and development of eastern North Carolina and the movement of military traffic between Ft. Bragg Army Base and Camp Lejeune; and

**WHEREAS**, the City of Clinton continues to support moving forward with the upgrading of NC 24 without delay and request that the current plans be modified as much as possible to address the concerns of the citizens that have been communicated to the Department of Transportation; and

**WHEREAS**, the City of Clinton feels that the best long-term solution is to upgrade the existing Sunset Avenue business corridor with modifications as much as possible to address the citizens concerns and concurrently construct a limited access bypass to move military and intrastate traffic between I-40 and I-95. The City recognizes that there has been an increase in traffic in eastern

North Carolina and traffic growth is expected to occur with the increase in population as a result of the BRAC Commission's base realignment.

**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 as designed and as amended to address the concerns of the citizens while concurrently constructing a limited access bypass route for military and intrastate traffic.

### **CITY CODE -- ORDINANCE-- CARNIVALS**

City Manager Connet stated that from time to time, we have individuals and/or organizations inquiring about bringing amusement rides to the City of Clinton. He stated that our current interpretation is that the City prohibits carnivals, but allows for amusement rides. However he stated, the City Code is somewhat confusing; therefore, he is proposing to clarify the language of the Code. He further stated that a specific permit application has been developed to assist with the regulation of amusement rides within the corporate limits. City Manager stated that there will be no amusement rides permitted in residential areas.

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

### **ORDINANCE #2009.03.01**

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina that Chapter 16, Section 16-4. Carnivals of the Clinton City Code of 1987 are hereby amended to read as follows:

#### **Sec. 16-4. Carnivals.**

It shall be unlawful for any person to operate, promote, or show a carnival within the city limits. Amusement rides consisting of ferris wheels, merry-go-rounds, and the like are permitted upon the responsible party obtaining the appropriate permits from the Chief of Police and City Manager.

### **CLEAN UP WEEK**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, April 20-24, 2009, 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.

### **CONDEMNATIONS – 211 East Railroad Street and 310 Ferrell Street**

Planning and Zoning Director Jeff Vreugdenhil presented an ordinance of condemnation for 211 East Railroad Street. Gregory C. and Rudy M. Faison were instructed on December 30, 2008 to remove the unsafe structure, but it has not been done.

Upon a motion by Councilmember Becton, seconded by Councilmember Strickland, the following ordinance #2009.03.02 was unanimously adopted:

AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNSAFE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED

**WHEREAS**, the City Council of the City of Clinton finds that the structure described herein is unsafe pursuant to G.S. 160A-426; and

**WHEREAS**, this structure should be removed or demolished as directed by the Code Enforcement Officer; and should be placarded by placing thereon a notice prohibiting use; and

**WHEREAS**, Gregory C. Faison and Rudy M. Faison, the owners of this structure have been given a reasonable opportunity to bring the structure to the standards of the Housing Code in accordance with G.S. 160A-426 pursuant to an order issued by the Code Enforcement Officer on December 30, 2008, the owners have failed to comply with this order.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Clinton, that:

**Section 1.** The Code Enforcement Officer is hereby authorized and directed to place a placard containing the legend:

“This structure is unsafe; the use or occupation of this structure is prohibited and unlawful.”

on the structure located at 211 E. Railroad Street and in the City of Clinton.

**Section 2.** The Code Enforcement Officer is hereby authorized and directed to proceed to remove or demolish the above-described structure in accordance with his order to the owners thereof dated December 30, 2008, and in accordance with the Code and G.S. 160A-426.

**Section 3(a).** The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Sampson County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

**Section 3(b).** Upon completion of the required removal or demolition, the Code Enforcement Officer shall sell the materials of the structure and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer shall certify the remaining balance to the Tax Collector. If a surplus

remains after sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer shall deposit the surplus in the Superior Court where it shall be secured and disbursed.

**Section 4.** It shall be unlawful for any person to remove or cause to be removed the placard from any structure to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any structure therein declared to be unsafe.

**Section 5.** This ordinance shall become effective upon adoption.

Planning and Zoning Director Jeff Vreugdenhil presented an ordinance of condemnation for 310 Ferrell Street. He stated that all on the title search were notified: Dwight Cooper, Harvey Cooper, Jr., Annie Manuel, Gloria Reid, and Margaret Wright. The abovementioned individuals were instructed on December 29, 2008 to remove the unsafe structure, but it has not been done.

Upon a motion by Councilmember Becton, seconded by Councilmember Harris, the following ordinance **#2009.03.03** was unanimously adopted:

AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNSAFE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED

**WHEREAS**, the City Council of the City of Clinton finds that the structure described herein is unsafe pursuant to G.S. 160A-426; and

**WHEREAS**, this structure should be removed or demolished as directed by the Code Enforcement Officer; and should be placarded by placing thereon a notice prohibiting use; and

**WHEREAS**, Dwight Cooper, Harvey Cooper, Jr., Annie Manuel, Gloria Reid, and Margaret Wright, the owners of this structure have been given a reasonable opportunity to bring the structure to the standards of the Housing Code in accordance with G.S. 160A-426 pursuant to an order issued by the Code Enforcement Officer on December 29, 2008, the owners have failed to comply with this order.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Clinton, that:

**Section 1.** The Code Enforcement Officer is hereby authorized and directed to place a placard containing the legend:

“This structure is unsafe; the use or occupation of this structure is prohibited and unlawful.”

on the structure located at 310 Ferrell Street and in the City of Clinton.

**Section 2.** The Code Enforcement Officer is hereby authorized and directed to proceed to remove or demolish the above-described structure in accordance with his order to the owners thereof dated December 29, 2008, and in accordance with the Code and G.S. 160A-426.

**Section 3(a).** The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Sampson County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

**Section 3(b).** Upon completion of the required removal or demolition, the Code Enforcement Officer shall sell the materials of the structure and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer shall deposit the surplus in the Superior Court where it shall be secured and disbursed.

**Section 4.** It shall be unlawful for any person to remove or cause to be removed the placard from any structure to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any structure therein declared to be unsafe.

**Section 5.** This ordinance shall become effective upon adoption.

## **2009 ALL-AMERICA CITY APPLICATION**

Mayor Starling stated that the All-America City Committee wishes to move forward with filing a 2009 All-America City application and is requesting City Council to formally adopt a resolution of support.

Councilmember Becton stated that the Committee has met, is excited, and ready to move forward with filing an application for this year.

Rev. Willie Bowden, All-America City Committee member, appeared before City Council and asked for its blessings. He stated that the Committee feels that this is the right time to try again for the All-American City designation.

Councilmember Stefanovich stated that he has some hesitation concerning the timing; however knowing that there will be no expense to the City of Clinton, he will offer his support.

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

**RESOLUTION IN SUPPORT  
OF  
FILING 2009 ALL-AMERICA CITY APPLICATION**

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

WHEREAS, on June 8, 2007, the City of Clinton was named an All-America City; and

WHEREAS, the original committee was reorganized into an advisory committee on February 5, 2008 composed of fourteen members; and

WHEREAS, responsibilities of this advisory committee include advising City Council on when to apply for the All-America City Award; and

WHEREAS, the All-America City Advisory Committee now feels the time is appropriate to move forward in striving to obtain the 2009 All-America City Award; and

WHEREAS, it is the belief of the All-America City Advisory Committee that this endeavor will bring renewed excitement and enthusiasm to the City of Clinton.

NOW, THEREFORE, BE IT RESOLVED THAT:

The City Council of the City of Clinton supports the request by the All-America City Advisory Committee to file a 2009 All-America City application.

**RESOLUTION -- AUTHORIZING THE PURCHASING OF PROPERTY**

City Manager Connet stated that KS Bank approached the City regarding purchasing property at 115 West Lee Street. He stated that KS Bank foreclosed on the property. City Manager Connet stated that this property is across from property purchased previously on Lee Street. He recommended purchasing this property to eliminate nuisance. He further stated that the condition of the existing house will be evaluated to determine if the City should demolish or rehabilitate the house.

Mayor Starling encouraged citizens to ride by Sampson Street and surrounding areas to see all the improvements. Councilmember Harris voiced her gratitude to all in assisting in the improvements around District 5.

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

## **RESOLUTION AUTHORIZING CITY MANAGER TO PURCHASE PROPERTY**

**WHEREAS**, the City Council of the City of Clinton, NC desires to purchase property located at 115 West Lee Street from KS Bank, Inc. of 1031 North Brightleaf Boulevard, Smithfield, NC 27577; and

**WHEREAS**, the city manager on March 3, 2009 was instructed to pursue the purchase of the abovementioned property; and

**WHEREAS**, the city manager recommends the City of Clinton purchases 115 West Lee Street for the amount of \$15,000.

**NOW, THEREFORE, BE IT RESOLVED** that John F. Connet, City Manager, is hereby authorized to purchase 115 West Lee Street for \$15,000 (plus legal fees, taxes, etc.) from KS Bank, Inc.

### **CHANGE ORDER – NEW FIRE ENGINE – C. W. WILLIAMS**

City Manager Connet introduced this item stating that originally, the amount of the change order was \$4,217. He stated Fire Chief Miller would speak more on the item.

Fire Chief Miller stated that there were several items on the new fire engine that were inadvertently left off or needed to be adjusted to finish the truck. He stated that C. W. Williams agreed to reduce the cost by \$1,250. Fire Chief Miller stated that the new change order amount is \$2,967. It was stated that the City will recoup this money from the sale of the old fire engine.

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the change order totaling \$2,967.00 was approved unanimously.

### **CONTRACT – AUDITORS, DENNING & SESSOMS, PA**

Finance Director Betty Brewer stated that it is time to renew/award the three-year audit contract for the City of Clinton. She stated that proposals were mailed to seven firms; however, only one firm responded which was Denning and Sessoms, PA. She further stated that Denning and Sessoms, PA has performed the City's audit for the past three years and prepares a professional audit.

City Manager Connet recommended approving the contract with Denning and Sessoms, PA.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the audit contract between the City of Clinton and Denning & Sessoms, PA passed unanimously.

### **RESOLUTION -- PORTION OF RAILROAD STREET TO THE CITY'S STREET MAINTENANCE SYSTEM**

City Manager Connet stated that when the City was working with NCDOT to widen and improve Railroad Street between Lisbon Street and Southeast Boulevard, the City committed to taking over the maintenance of this street once the improvements were made. He stated that NCDOT has requested the adoption of a formal resolution adding this portion of Railroad Street to the city system. He further stated that once the street is added to the city system, the City will begin to receive Powell Bill (gasoline tax) funding for this additional mileage.

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

**A RESOLUTION APPROVING THE ADDITION OF A STREET TO THE CITY'S STREET MAINTENANCE SYSTEM WITHIN THE CORPORATE LIMITS OF THE CITY OF CLINTON**

**WHEREAS**, the City of Clinton wishes to add the following portion of a street to the city's street maintenance system for State Street-Aid Allocation (Powell Bill) for the fiscal year of 2009-2010, in accordance with Chapter 136 of the General Statutes of North Carolina.

<u>Street Name</u>	<u>Description</u>	<u>Mileage</u>
Railroad Street SR 1232	Lisbon Street to US 701 Business – Southeast Boulevard	.50

**NOW, THEREFORE, BE IT RESOLVED THAT**, by the Council of the City of Clinton that the city will assume maintenance responsibility for the .50 mile portion of Railroad Street as described above immediately upon approval from the North Carolina Department of Transportation.

**RESOLUTIONS – STIMULUS FUNDING – SEWER PROJECTS**

City Manager Connet stated that in order to be eligible for any stimulus funding, resolutions have to be adopted. City Manager Connet asked City Council to adopt four resolutions for the following sewer projects:

- ◆ Beaverdam Branch Sewer Rehabilitation
- ◆ Ultraviolet Disinfection at the Waste Water Treatment Plant
- ◆ SCADA and Telemetry of lift stations and Waste Water Treatment Plant
- ◆ PHASE III Dollar Branch Sewer Outfall

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the four abovementioned resolutions applying for stimulus funding were unanimously adopted.

**AGREEMENT – SAMPSON COUNTY COMMUNITY DEVELOPMENT CORP.**

City Manager Connet stated that at the November 5, 2008 city council meeting, Homer Marshall and the Sampson County Farm Fresh Association came before City Council to request permission to operate a farmer's market at the Clinton City Market. He stated that details have been worked out and City Council is asked to approve an agreement giving Mr. Marshall and others permission to operate a farmer's market. He stated that City Attorney Johnson has reviewed the agreement and recommends approval with the exception of a name change from Sampson County Farm Fresh Association to Sampson County Community Development Corporation. City Manager stated that either party can be released from the agreement within thirty (30) days.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the approval of the agreement between the City of Clinton and Sampson County Community Development Corporation to operate a farmer's market at the Clinton City Market passed unanimously.

### **AIRPORT RULES AND REGULATIONS AND MINIMUM COMMERCIAL OPERATION STANDARDS MANUAL**

Mayor Starling stated that the airport is owned jointly by the City and the County. He stated that the airport is funded 90% by state and federal grants and matching funds, 5% County, and 5% City. He stated that they have been instructed to bring the airport more in compliance and more improvements are on the way. He further gave complimentary remarks to W. K. Dickson for all their assistance given.

City Manager Connet stated that the Airport Advisory Board has been working for months to develop uniform rules and regulations which are required by the FAA and Division of Aviation. He presented the Airport Rules and Regulations and Minimum Commercial Operation Standards Manual to City Council. He further stated that the Airport Advisory Board recommends approval of the manual and he concurs.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the approval of the Airport Rules and Regulations and Minimum Commercial Operator Standards Manual for Clinton-Sampson Airport passed unanimously.

### **AIRPORT ACCESS AGREEMENT AND PERMIT**

City Manager Connet stated that the Airport Advisory Board has been working for months to develop a uniform access agreement and permit. He stated that this access agreement and permit are required by the FAA and Division of Aviation. He presented the Airport Access Agreement and Permit to City Council. He further stated that the Airport Advisory Board recommends approval of the access agreement and permit and he concurs.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the approval of the Airport Access Agreement and Permit for Clinton-Sampson Airport passed unanimously.

## **REPORTS**

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

City Manager stated that there are three more district meetings left. He allowed Chief Brim to speak to City Council regarding the CALEA Accreditation.

Chief Brim invited City Council on Saturday, March 21, 2009 at 7 PM to the CALEA Police Accreditation Banquet to be held at the Raleigh Civic Center in Raleigh, North Carolina.

## **PUBLIC COMMENTS**

Mr. Gary McLamb, of 505 West Elizabeth Street, reappeared before City Council to challenge everyone to begin recycling. He stated that he recycles and it saves energy and money. He acknowledged the locations of the three recycling sites: Royal Lane, Beaman Street, and Public Works.

## **OTHER BUSINESS**

City Manager Connet informed City Council that a bid had been received on this evening for the old fire engine in the amount of \$4,000.00. He stated that a local fire department would like to purchase the truck. He asked City Council to adopt a resolution authorizing the disposition of the truck by negotiated offer, advertisement, and upset bid.

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

### **RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL PROPERTY BY NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BID**

**WHEREAS**, the City Council of the City of Clinton desires to dispose of certain surplus property of the City of Clinton;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that:

(1) The following described property is hereby declared to be surplus to the needs of the City of Clinton:

One (1) 1986 Grumman Fire Engine #1FDYD80U4GVA58677.

(2) The City Council has received an offer to purchase for the sum of \$ 4,000 the property described above. The person making the offer must deposit with the City Clerk a sum equal to five percent (5%) of his/her offer by certified check.

(3) The City Council proposes to accept the offer unless a qualifying upset bid shall be made.

(4) The City Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.

(5) Persons wishing to upset the offer must submit a sealed bid to the City Clerk within ten (10) days after publication of the notice. The person making the bid must deposit with the City Clerk a sum equal to five percent (5%) of his/her offer by certified check. At the conclusion of the ten (10) days, the clerk shall open the bids, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

(6) If a qualifying upset bid is received, the City Clerk is directed to re-advertise the offer at the increased upset bid amount, and to continue with this process until a ten (10) day period has passed without receipt of a qualifying upset bid.

**CONTINUATION**

At 7:55 PM and upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, and unanimously passed, the meeting was continued until Tuesday, March 17, 2009 at 6:00 PM for the purpose of a CIP Budget Workshop.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

