



## **MARCH 3, 2015, CITY COUNCIL MEETING**

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on March 3, 2015, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Strickland, Turlington, Stefanovich, and Mayor Pro Tem Harris were present.

Councilmember Marcus Becton was absent because of a prior commitment.

Also present was City Attorney Tim Howard, Howard and Bradshaw, PLLC.

Also present were City Manager Shawn Purvis; Police Chief Jay Tilley; City Clerk Elaine F. Hunt; Planning Director Mary Rose; Recreation Director Jonathan Allen; Public Works Director Jeff Vreugdenhil; Interim Fire Chief Austin Tew; Captain Donald Edwards; Lt. Robert Dalton; and Senior Administrative Specialist Brittany Locklear.

Finance Director Harry Staven and Human Resource Director Lisa Carter were absent.

Melvin Henderson, of the Sampson Weekly; and Kristy Carter, of the Sampson Independent, were also present.

Mayor Starling called the meeting to order. He called upon City Clerk Elaine F. Hunt, to give the invocation.

### **CITY COUNCIL**

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Stefanovich, the minutes of the February 3, 2015, regular city council meeting, were approved unanimously.

### **PRESENTATION – DOWNTOWN DASH COMMITTEE**

Downtown Dash Committee member, Alison Bradshaw, appeared before City Council. Other Committee members present included: Ms. Amanda Bradshaw and Mr. Chris Driver. Ms. Bradshaw thanked City Council for allowing them to be a part of the October 2014 Annual Court Square Street Fair. She stated that 2014 made the third

year that these races occurred. She stated that the money raised goes toward the betterment of the downtown area. She stated that the first two years, the group provided for a 5K; however, in 2014, they had a 10K and 5K. Ms. Bradshaw stated that thirty-one (31) participated in the 10K ranging from ages 20 to 60 and sixty-seven (67) participated in the 5K ranging from ages 5 to 71.

Ms. Alison Bradshaw stated that the Downtown Dash Committee will be meeting on tomorrow to begin planning for the 2015 event. She further stated that Amanda Bradshaw has raised already \$2,800 for the 2015 event. Ms. Alison Bradshaw stated that in the past years, the Committee has purchased two (2) picnic tables and three (3) decorative trash cans. This year, the money raised will go toward a landscaping project around the “milling around” artwork. Before concluding, she thanked the Clinton Police Department and others for their assistance.

Ms. Bradshaw presented a check for \$5,000 to Ms. Beth Stewart, Chairperson of the Downtown Clinton Development Corporation.

### **PRESENTATION – 2014 EMPLOYEE OF THE YEAR**

Mr. Gary Wayne Hall, Sessoms Jewelry, Inc., presented a ring to the 2014 Employee of the Year, Mrs. Brittany Locklear. This is the second year that Mr. Hall has generously gave a ring for this occasion. Mr. Hall presented the ring and a tee shirt in honor of his beloved friend, Mr. Elliott “Pee Wee” Spell, who passed recently.

Mayor Starling commented on Mr. Pee Wee Spell, being a very fine fellow and dear friend, who, in the past, served faithfully on the School Board.

### **PRESENTATION – 2014 CITIZEN SURVEY – CLINTON POLICE DEPARTMENT**

Police Chief Tilley gave the Clinton Police Department’s very first Annual Citizen Survey, which is part of the accreditation process. He stated that the purpose of the survey is to promote citizens’ interest and learn where improvement can be made. He stated that the survey indicated that citizens want to see more policing and more traffic control. Chief Tilley stated that they will address these concerns. He stated that individuals over 50 years of age, see a decrease in the crime rate. Chief Tilley stated that they are researching ways to better educate the public on crime. He concluded by stating that approximately 1% of the population participated in the survey and the overall “take-away” fact is that citizens have a good opinion of the Clinton Police Department and how they handle crime.

Mayor Starling thanked Chief Tilley for the implementation of the survey and asked him to talk briefly regarding the new tip line. Chief Tilley stated that they have a new system within the CPD (Clinton Police Department): a texting system. He spoke regarding “TEXT-A-TIP.” He stated that one can text your tip anonymously to 847411 – tipcpd. Chief Tilley stated that this system has proven already to be a great tool.

Mayor Starling mentioned the murder that occurred a few weeks ago and asked Chief Tilley to give an update. Chief Tilley praised the Neighborhood Improvement Team (NIT) for working so tirelessly this past month. He stated that a warrant has been obtained for the young man who is still at large.

Mayor Starling informed the group that the City recently, lost another good friend, Mr. Bobby Sampson. Chief Tilley provided the funeral arrangements and told Mayor Starling and City Council what the Clinton Police Department would be doing to assist in the homegoing of Lt. Bobby Sampson.

### **PRESENTATION – WAY FINDING & MARKETING – PLANNING DEPARTMENT**

Planning Director Mary Rose presented a PowerPoint on behalf of the Clinton Main Street Committee. She showed marketing strategies to market the City's brand and downtown Clinton which included billboards/signs to be placed at the Wallace and Rose Hill exit on I-40.

She stated that the Downtown Design Committee is working on the way finding project. Ms. Rose presented a design and informed City Council that the Committee will be moving forward for a proposal. She further stated that the RFP will include four (4) primary trailblazers, six (6) smaller trailblazers, and parking signs.

Councilmember Stefanovich expressed his excitement regarding the new signs.

Mayor Starling asked Ms. Rose to speak on the façade grant program. She stated that this program has assisted over nineteen (19) businesses and the Clinton Main Street is working with the North Carolina Main Street. She further stated that from the state level, Clinton Main Street is receiving free design assistance. Planning Director Rose stated that Jeff Warren has purchased a building recently and he will be using this program.

Councilmember Stefanovich asked Ms. Rose to brief the group on the recent tour of Clinton by Ms. Susan Kluttz, Secretary of the NC Department of Cultural Resources. Ms. Rose stated that Ms. Kluttz is visiting the various towns/cities that have/had ties with the historic tax credits. Ms. Kluttz is letting the people know how important the historic tax credits are to a town/city.

Ms. Rose stated that Mr. George Wilson has taken advantage of these credits and the credits have been a great asset to him and his businesses. Mayor Starling stated that these credits are assets to downtowns.

### **PUBLIC HEARING –ECONOMIC DEV INCENTIVES – RHEINFELDEN AMERICAS**

Mayor Starling opened a public hearing regarding consideration of economic development incentives for Rheinfelden Americas. He presented John Swope,

Sampson County Economic Development Director, to the group. Mr. Swope gave a brief presentation regarding Rheinfelden Americas.

Mr. Swope informed the group that although it is very unfortunate that Alludisc, LLC closed last year, we are fortunate that two major corporations have purchased the building: Rheinfelden Semis and CCL Container to form Rheinfelden Americas. Mr. Swope stated that over the next five years, a minimum of fifty-five (55) jobs will be created. He stated that the company is asking the County and the City to offer incentives. Mr. Swope stated that also Rheinfelden Americas will be applying to the State for state incentives.

In a memorandum to City Council, City Manager Purvis stated that “between the February City Council meeting and the March public hearing, Rheinfelden Americas has submitted more information regarding their request. The company’s commitment letter follows this memo. The letter states the company’s commitment to a \$12 million investment and the creation of 55 jobs. Both these numbers are lower than previously indicated (\$12.7 million investment, 70-80 jobs) but still meet the city’s policy criteria. The slightly lower investment would result in a projected total grant back of \$61,940 over five years, which is \$4,731 less than the previous estimate of \$66,671. The company has also asked the city to consider two other options that would affect the timing of the grant back incentive. These options address the fact that most of the company’s investment begins in year-two and the company is seeking to offset some of their initial startup costs.”

City Manager Purvis announced the following three options; however, he stated that Option B is more in line with how City Council usually handles these requests:

Option A represents the city’s standard 50% grant back incentive for years one through five of the project.

Option B retains the same 50% grant back incentive each year but would provide the incentive for investments occurring in years two through six. The total grant back incentive under this option would be \$74,960 over the five-year period.

Option C would also offer the grant back incentive in years two through six but would weigh years two and three at 60%, followed by 50% in year four, and 40% in years five and six. The effect would be an average of 50% with a total five-year grant back incentive of \$74,376. This amount is slightly lower than Option B due to depreciation at the higher investment levels after years two and three.

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

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, and unanimously passed, City Council approved the abovementioned Option B economic development incentive package for Rheinfelden Americas.

## **RURAL BUSINESS ENTERPRISE GRANT (RBEG) -- RESOLUTION OF SUPPORT**

Planning Director Mary Rose stated that USDA has a Rural Business Enterprise Grant (RBEG) that supports projects which promote economic development and create jobs. She stated that in 2012, the city accepted the Ace Plaza parking lot from Ms. Beth Stewart. She further stated that the parking lot is in poor conditions and has drainage issues. She stated that the estimated cost of this project would be between \$75,000 to \$100,000. Ms. Rose stated that the City would like to apply for this grant; however, USDA representatives have informed staff that the application would score higher with a 20% match by the City. She stated that a preliminary engineering report to include a preliminary budget should be completed soon.

Ms. Rose asked City Council to adopt a resolution declaring the intention of the City to apply for this USDA Rural Business Enterprise Grant.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Turlington, the following resolution passed unanimously:

### **RESOLUTION DECLARING THE INTENTION OF THE CLINTON, NORTH CAROLINA CITY COUNCIL, TO APPLY FOR A USDA RURAL BUSINESS ENTERPRISE GRANT**

**WHEREAS**, the City of Clinton acquired the Ace Plaza parking lot in Downtown Clinton in 2013; and

**WHEREAS**, the City of Clinton has recognized the poor conditions of the Ace Plaza parking lot and the need for improvements due to the current condition of the parking lot and drainage problems associated with the parking lot; and

**WHEREAS**, the City of Clinton recognizes from citizen and business owner concerns the improvement of this parking lot would increase economic opportunities for adjacent businesses to expand and create new jobs for Downtown Clinton ; and

**WHEREAS**, the USDA has available grant funds under the Rural Business Enterprise Grant Program; and

**WHEREAS**, the City of Clinton is submitting an RBEG application to fund a portion of the cost of the improvements proposed for the parking lot as well as being committed to participate using City funds for the remainder of the project cost not funded by the RBEG grant; and

**WHEREAS**, the City Council wishes to go on record supporting the grant application; and

**NOW, THEREFORE, BE IT RESOLVED** that the Clinton City Council does hereby endorse the City's grant application and urges the USDA to fund this project.

## ORDINANCES—BUDGET

City Manager Purvis requested that Mayor and City Council approve budget amendments to keep the general ledger balanced in various line items and to reflect expenditures more accurately. He stated that there is an increase in the General Fund of \$97,500 (\$95,000 from fund balance) that corresponds to the city's recent property acquisitions. He further stated that the capital project amendment is part of the NC 24 Expansion Project and comes from our capital reserve.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, it passed unanimously to adopt the following amendment **#2015.03.01**:

### **Budget Ordinance Amendment Fiscal Year 2014-2015 Budget**

#### **#2015.03.01**

**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, 2015, amended on July 1, 2014; on August 5, 2014; on November 5, 2014; and on February 3, 2015, 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>
10-4200-2700	City code update	\$ 500		
10-4900-2600	Legal Advertising		1,500	
10-4900-3300	Dept. Supplies	1,500		
10-5100-0201	Part time salaries		11,400	
10-5100-1700	Maint/Repair auto		9,800	
10-5100-3300	Supplies & Materials	5,500		
10-5100-7400	Capital Outlay Equip.	15,700		
10-5300-0200	Salaries		23,000	
10-5300-0400	Prof. Service	30,000		
10-5300-1500	Maint/Repair bldg.		3,000	
10-5300-3100	Fuel		7,700	
10-5300-5401	Workers comp		2,000	
10-5300-5700	Miscellaneous		2,000	
10-5300-7400	Capital Outlay	7,700		
10-5900-1602	Residential Containers	3,000		
10-5900-3300	Dept. Supplies		1,500	
10-5900-5402	Insurance Auto		1,500	
10-6200-3305	Children's Toy Program	1,900		
10-6400-0200	Salaries		5,000	
10-6400-0400	Prof. Service	3,000		
10-6600-0800	Contrib/Other Agency	2,500		
10-6600-5404	General Liability		5,000	

10-6600-5405	Unemployment Ins.		6,600	
10-6600-7300	Capital Outlay-Improv.	22,300		
10-6600-7405	Cap. Outlay/Prop. Acqu.	95,000		
10-6600-8000	Contingency		11,100	
<b>TOTAL EXPENDITURES</b>		<b>\$188,600</b>	<b>\$91,100</b>	<b>\$97,500</b>

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
10-3350-0000	Miscellaneous Revenue	\$ 2,500		
10-3990-0000	Fund Bal Appropriated	95,000		
<b>TOTAL REVENUES</b>		<b>\$97,500</b>	<b>\$ 0</b>	<b>\$97,500</b>

**Section 3.** To amend the Water & 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>
30-8200-1600	Maint/Repair Equipment	\$36,000		
30-8200-3101	Special Sludge Disposal		\$36,000	
30-8200-3304	Sludge Site Compliance		6,500	
30-8200-7300	Capital Outlay Improv.	6,500		
30-8300-1602	Maint & Rpr meters		7,000	
30-8300-4500	Contract Services	9,000		
30-8300-5403	Insur/Bldg & Equip.		2,000	
<b>TOTAL EXPENDITURES</b>		<b>\$51,500</b>	<b>\$51,500</b>	<b>\$0</b>

**Section 4.** 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>
71-6910-1200	Travel & Education	\$1,000		
71-6910-3300	Supplies & materials		1,000	
<b>TOTAL EXPENDITURES</b>		<b>\$1,000</b>	<b>\$1,000</b>	<b>\$0</b>

**Section 5.** Copies of this budget amendment shall be furnished to the City Clerk, to the City Manager, and Finance Director for their direction.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, it passed unanimously to adopt the following amendment **#2015.03.02**:

**NC Hwy 24 Infrastructure Relocation Project Amendment**

**Fiscal Year 2014-2015**

**#2015.03.02**

**BE IT ORDAINED** by the City Council of the City of Clinton, NC that the following amendment be made to the NC Hwy 24 Infrastructure Relocation Capital Project Ordinance that was adopted on April 1, 2014, is hereby amended as follows:

**Section 1.** The expenditures are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
47-7140-0500	Equipment	\$ 70,000		
<b>TOTAL EXPENDITURES</b>		<b>\$ 70,000</b>	<b>\$ 0</b>	<b>\$ 70,000</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>
47-3714-0500	From Water & Sewer	\$ 70,000		
<b>TOTAL REVENUES</b>		<b>\$ 70,000</b>		<b>\$ 70,000</b>

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

**CITY CODE -- ORDINANCE-- CHAPTER 14 LICENSES --**

City Manager Purvis spoke regarding amending Chapter 14, Licenses of the Clinton City Code of 1987. He stated that in 2014, the General Assembly repealed enabling legislation for privilege licenses. Mr. Purvis stated that pursuant to that action, the city will need to amend its city code to reflect the new laws. City Manager Purvis stated that staff is not recommending adoption at this time—this is only a draft for Council’s review—this is for informational purposes only. Mr. Purvis informed City Council that a formal adoption of the following with any revisions will need to be made before we enter the next budget year:

## Ordinance #2015.03.03

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina, that the Clinton City Code of 1987 is hereby amended by revising, deleting, and adding new sections to the numbered, **Chapter 14, to be amended to read, REGISTRATION**, and changes which shall read as follows:

### REGISTRATION

#### ARTICLE I. IN GENERAL

Secs. 14-1 – 14-15. Reserved

#### ARTICLE II. PRIVILEGE LICENSES

##### DIVISION 1. GENERALLY

Sec. 14-16 – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agent* means the person having the agency for the manufacturer, business, producer or distributor.

*Business* means any business, trade occupation, profession, avocation or calling of any kind subject by the provisions of this chapter to a registration fee, with the exception of Sec. 14-47. Beer and Wine and Sec. 14-127. Taxis; whereas, it shall continue to be referred to as a license tax.

*Engaged* in the business means engaged in the business as owner or operator.

*Fiscal year* means the period beginning with the first day of July and ending with the thirtieth of June next following with the exception of Beer and Wine year beginning with the first day of May and ending with the thirtieth day of April next following.

~~Delete the following: Sec. 14-17. License tax imposed; license not transferable; amendment by city council thru Sec. 14-46; Barbershops and beauty salons.~~

Leave as is: Sec. 14-47. Beer and wine.

~~Delete the following: Sec. 14-48. Bicycles thru Sec. 14-126. Tailors.~~

Leave as is: Sec. 14-127. Taxis

~~Delete the following: Sec. 14-128 Tobacco warehouses thru Sec. 14-180. Reserved.~~

Leave as is: **ARTICLE III. GROSS RECEIPTS TAX ON SHORT-TERM VEHICLE RENTAL**

**Add the following:**

**ARTICLE. REGISTRATION**

**Sec. \_\_\_\_\_ Definition: All businesses that have a physical location within the city limits of Clinton must register with the City of Clinton Finance Department. An application must be completed and a fee paid to the City of Clinton. Once the fee is paid the City of Clinton will issue a registration card. This fee will be required to be renewed yearly.**

**ARTICLE IV. ITINERANT MERCHANT and PEDDLER REGISTRATION**

**Sec. \_\_\_\_\_ Registration required.**

It shall be unlawful for a transient merchant, itinerant merchant, itinerant vendor or a peddler, as defined in the now repealed **Sections 14-152 and 14-177** to engage in such business within the city without first registering with the Clinton Police Department and signing an "Authority to Release Information" form for the purpose of the Clinton Police Department to conduct a thorough background check. The background investigation shall include a fingerprinting component. A Zoning Compliance Statement, if applicable, will be issued by the Clinton Planning Department as the second component of the registration process. The Clinton Police Department shall issue a Vendor Identification Badge once the background investigation and the Zoning Compliance Statement steps have been completed.

**Sec. \_\_\_\_\_ Definition.**

a. For the purposes of this chapter, a "transient merchant", "itinerant merchant" or a "peddler" is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, taking orders for future delivery, or wares and merchandise within said city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartment, shops, or any street, alley, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided or travels from door to door for the purpose of securing orders for goods or services from on-hand inventory or for future deliver, that such definition shall not be construed to include:

(1) Any person selling edible farm products, such as fruits and vegetables under the Clinton Farmer's Market umbrella;

(2) Any person selling at a "flea market";

(3) Any auctioneer licensed and acting under the provisions of G.S. Ch. 85B.

(4) Any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only;

(5) Any person selling at a yard sale defined as an occasional sale (no more than four (4) times within a twelve-month period) of personal property on the residential premises owned or rented for residential purposes by the seller;

(6) Any person, firm, or corporation who otherwise meets the definitions above but who is part of a group of ten (10) or more merchants selling at a shopping area or trade show, and is selling at the invitation of the shopping area or trade show, and where such sale activities do not last longer than seven (7) days;

(7) Any person selling Christmas trees and holiday decorations;

(8) Licensed automobile dealers selling new automobiles;

(9) Any church regularly established, civic organization, or regularly established brotherhoods.

b. No person, firm, or corporation so engaged shall be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

## **Sec. \_\_\_\_ Applications.**

The registering party shall file a written sworn registration form signed by the registering party, if an individual, by all partners if a partnership, and by the president if a corporation, with the authorized city representative, showing:

(1) The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the city; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm, or corporation for whose account the

business will be carried on, if any; and if a corporation, under the laws of what state, the corporation is incorporated;

Proof of a state sales tax reporting number issued by the North Carolina Department of Revenue;

- (2) The place or places in the city where the applicant proposes to conduct business, the length of time during which it is proposed that said business shall be conducted, proof of permission from the owner or lessee of the property to be used allowing the applicant to conduct business at the proposed location;
- (3) The place or places, other than the permanent place of business of the applicant where the applicant was conducting business within the last six (6) months;
- (4) A statement of the nature, character and quality of the goods, wares, services or merchandise to be sold or offered for sale by the applicant, the invoice value and quality of such goods, wares, services and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed;
- (5) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers and copies of said advertising whether by handbills, circular, newspaper advertising, or otherwise, shall be attached to the application. Any public advertising done by an itinerant merchant must disclose the post office box number, if any, and street address, as well as city and state of the itinerant merchant's responsible place of business;
- (6) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime or the violation of any municipal ordinance, the nature of such offense and the punishment assessed thereof;
- (7) Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and

- (8) Such other reasonable information as to the identity of character of the person or persons having the management or supervision of applicant's business as the city may deem proper to fulfill the purpose of this chapter in the protection of the public goods.

### **Sec. \_\_\_\_\_ Investigation and issuance of license.**

Upon receipt of the application, the Chief of Police or another authorized officer shall complete the investigation within ten (10) days. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the applicant shall be denied. If, as a result of the investigation, the applicant's character and business reputation appear to be satisfactory, and the Clinton Planning Department has issued its findings of Zoning Compliance, the Police department shall so certify in writing, and an Itinerant Merchant Badge or a Peddler Badge shall be issued by the Police department. The Police department shall keep an updated database of the issued Identification Badges and the database shall be fully accessible to the police officers whose duty it is to enforce compliance of this ordinance. Such database shall contain the number of the Identification Badge issued, the date issued, the nature of the business authorized to be carried on, the amount of processing fees paid, the expiration date of said badge, the place where said business may be carried, and the names of the persons authorized to carry on the business.

### **Sec. \_\_\_\_\_ Assurity Bond.**

Before any badge shall be issued under the provisions of this section for engaging in a transient business as defined in this section, an applicant shall file with the Police department an assurity bond running to the city in the sum of one thousand dollars (\$1,000.00) executed by the applicant, as a principal, or a surety upon which service of process may be made in the state; said bond to be approved by the office of the city attorney, conditioned that the applicant shall comply fully with all provisions of the ordinances of the city, and the statutes of the state, regulating and concerning the sale of goods, wares, services and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, together with all judgments and costs that may be recovered against him by any person for damages arising out of any misrepresentation or deception practices on any person transacting such business with the applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employee, either at the time of making the sale or through any advertisement of any character whatsoever, printed or calculated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person. The bond required by this section shall be posted and remain in effect for a period of one year from the date the badge was issued, and one (1) year from the date of any renewal, of any license issued under this chapter. Such bond must be approved by the office of the city attorney, both as to form, and as to the responsibility of the surety.

**Sec. \_\_\_\_ Service of process.**

Before any Identification Badge may be issued for any individual engaging in business as an itinerant merchant or a peddler, the applicant shall file with the Police department an instrument appointing a person, firm, or corporation located in Sampson County to be the agent of applicant for service of process with respect to any matters connected with or arising out of the business transacted under the license given and the bond required by this chapter. The finance director may be named as the agent for the service of process by the applicant.

**Sec. \_\_\_\_ Exhibition of the Identification Badge.**

The Identification Badge issued under this chapter shall be posted conspicuously on the person at all times. In the event that the applicant desires to have a fixed business location in more than one (1) place within the city, a separate Identification Badge may be issued for each person for each place of business, and shall be posted conspicuously on the person at the appropriate business location.

**Sec. \_\_\_\_ Display area.**

Any itinerant merchant or a peddler conducting business shall have a display area with a tent not less than ten (10) feet by ten (10) feet. No items are to be displayed on automobiles, trucks, tractors, or the ground.

**Sec. \_\_\_\_ Fees.**

- (a) Before issuing an Identification Badge under this chapter, the Police department shall collect an administrative processing fee at an amount set by the city council. This fee is to cover the administrative costs of processing the application required by this chapter. It shall not be considered a tax, nor shall it relieve the applicant of paying any other state or local taxes required by law.
- (b) The Police department shall collect the administrative fee and shall have the sole discretion to spend such moneys to procure police capital items.

**Sec. \_\_\_\_ Identification Badge not transferable.**

The Identification Badge issued under this chapter shall not be transferable.

**Sec. \_\_\_\_ Duty of police to enforce.**

It shall be the duty of the police officers of the city to enforce the provisions of this chapter.

**Sec. \_\_\_\_ Revocation of an issued Identification Badge.**

(a) Any Identification Badge revoked pursuant to this chapter may be revoked by the Police department after notice and hearing, for any of the following causes:

(1) Any fraud, misrepresentation or false statement contained in the application for license;

(2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;

(3) Any violation of this chapter;

(4) Conviction of the individual of any felony or a misdemeanor involving moral turpitude; or

(5) Conducting the business under this ordinance in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety and general welfare of the public.

(b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five (5) days prior to the date set for hearing.

#### **Sec. \_\_\_\_ Appeal.**

Any persons aggrieved by a decision of the Police department to deny or revoke an application or an issued Identification Badge may appeal to City Manager. Such appeal shall be taken by filing with the City Manager within fourteen (14) days after notice of the decision by the Police department has been filed to such person's last known address, a written statement setting forth the grounds for the appeal. The City Manager shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such persons in the same manner as provided in this section for notice of hearing or revocation. The order of the City Manager on such appeal shall be final.

#### **Sec. \_\_\_\_ Penalty.**

(a) Any violation of this chapter shall subject the offender to a civil penalty in the amount of two hundred fifty dollars (\$250.00). Violators shall be issued a written citation which must be paid within seventy-two (72) hours.

(b) Each day's continuing violation shall be a separate and distinct offense.

(c) Notwithstanding subsection (a) above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.

(d) In addition to or in lieu of remedies authorized in subsection (a) and (c) above, violations of this chapter may be prosecuted as a misdemeanor in accordance with G.S. 160A-175. Conviction of a misdemeanor prosecution under this chapter shall subject the offender to a fine of fifty dollars (\$50.00).

## **PROCLAMATION – MULTIPLE SCLEROSIS AWARENESS WEEK**

Upon a motion made by Councilmember Turlington, seconded by Councilmember Stefanovich, the following proclamation passed unanimously:



### **PROCLAMATION**

#### **2015 MS AWARENESS WEEK**

**WHEREAS**, multiple sclerosis (MS) is a neurological disease of the central nervous system, affecting 2.3 Million people worldwide, and each hour someone is newly diagnosed; and

**WHEREAS**, the National Multiple Sclerosis Society – Greater Carolinas Chapter reports that 13,000 people are diagnosed with MS, and that the disease generally strikes people in the prime of life, between ages 20 through 50, and causes unpredictable effects in which the progression, severity and specific symptoms cannot be foreseen, and the cause and cure for this often debilitating disease remain unknown; and

**WHEREAS**, the National Multiple Sclerosis Society - Greater Carolinas Chapter is committed to a world free of MS, heightening public knowledge about and insight into the disease; and

**WHEREAS**, Since 1946 the National Multiple Sclerosis Society has been a driving force of MS research, relentlessly pursuing prevention, treatment and a cure and has invested more than 868 million dollars in groundbreaking research; and

**WHEREAS**, Funds raised through the National Multiple Sclerosis Society fuel the efforts of nearly 380 research projects globally totaling 50.6 million dollars annually at the best medical centers, universities and other institutions throughout the United States and abroad. Because of this, MS research has never been more hopeful than it is today; and

**WHEREAS**, discovering the cause, finding a cure, and preventing future generations from being diagnosed with MS is an important task that all Americans and North Carolinians should support; and

**WHEREAS**, the City of Clinton, North Carolina, recognizes the importance of finding the cause and cure of MS, a chronic and often devastating disease, and expresses its appreciation and admiration for the dedication that the National Multiple Sclerosis Society - Greater Carolinas Chapter has shown toward a future free of MS;

NOW, THEREFORE I, **Luther D. Starling, Jr., Mayor of the City of Clinton**, by virtue of the authority vested in me by the Constitution and the laws of the great state of North Carolina, do hereby proclaim **March 2-8, 2015**, as MS Awareness Week, and do commend this observance to all of our citizens. I encourage all North Carolinians to learn more about multiple sclerosis and what they can do to support individuals with MS and their families.

## **REPORTS**

The code enforcement, fire, finance and personnel reports were acknowledged.

## **STAFF REPORTS**

Interim Fire Chief Austin Tew introduced himself to Mayor Starling and City Council. He was a long time fire chief in Dunn, NC. Chief Tew informed the group that 155 homes now have smoke alarms and 32 homes are on the waiting list. He stated that recently, the Fire Department received a new grant. Chief Tew advised everyone to spring forward with Daylight Savings this upcoming weekend.

Mayor Starling reaffirmed that the Fire Department will check smoke alarms for all citizens. Councilmember Turlington stated that recently, she spoke to someone who had a smoke alarm installed into her house and the individual is very pleased.

Parks and Recreation Director Allen informed every one of the upcoming 2015 Sampson County Triathlon to be held on March 28, 2015. Mr. Allen stated that the event will consist of swimming, biking, running and walking. He stated that interested parties can register on line or call 910-596-5400. Mr. Allen told the group that the very first Father-Daughter Dance was very successful. He stated eighteen (18) couples attended.

Mr. Allen announced that debit and credit cards are now accepted at the Recreation Department; however, on line registration is not available at this time. He stated that we should receive the results of the PARTF Grant approximately June.

## **CITY MANAGER REPORTS**

City Manager Purvis stated that his written monthly report was included in the agenda packet. He asked City Council to please contact him regarding any concerns.

He stated that we have a potential buyer for the house located on Ferrell Street. He stated that the application has been completed and the individual meets all the criteria. City Manager Purvis stated that he and staff have been looking at locations where improvements might be made. Mr. Purvis stated that there are locations in District 5 where upgrades might occur.

City Manager Purvis informed City Council that HB 51 is currently before the Finance Review Committee. He stated that this bill reads as follows, "An act to remove the injustice of extraterritorial planning jurisdiction by declaring no city in the state may have or exercise planning jurisdiction outside its corporate limits." He stated that the Town of Boone was stripped of its extraterritorial jurisdiction. Mr. Purvis stated that the ETJ helps us to control what is immediate near to the city. He further stated that if this authority is removed from the city, City Council will have no control as it relates to jurisdiction outside our corporate limits. He concluded by stating that this is a significant threat to our planning and growth.

### **ADJOURNMENT**

Before adjourning, Mayor Starling stated that presently, we are in the midst of our annual district meetings and budget process.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, it passed unanimously to continue this March 3, 2015, regular city council meeting until March 24, 2015, at 6:00 PM for the purpose of a Strategic Planning and Goal Confirmation – CIP and Revenue Workshop.

Adjournment time: 7:41 PM.

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Elaine F. Hunt, City Clerk, MMC, NCCMC

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Lew Starling, Mayor