

## APRIL 1, 2008, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on April 1, 2008, in the city hall auditorium. Mayor Starling presided. Councilmembers Becton, Harris, Stefanovich, Strickland, and Turlington were present. The city attorney Dale Johnson; city clerk Elaine F. Hunt; city manager John F. Connet; finance director Betty Brewer; fire chief Philip Miller; planning and community development director Jeff Vreugdenhil; planner Mary Rose; recreation director Judi Nicholson; public works director Chris Doherty; recreation office assistant Brenda Potter; and police chief Mike Brim were present.

Ms. Becky Spell gave the invocation.

### **CITY COUNCIL**

Upon a motion made by Councilmember Harris, seconded by Councilmember Stefanovich, the minutes of the March 4, 2008, regular city council meeting were approved unanimously.

### **PRESENTATIONS**

Planner Mary Rose recognized Ernest Beard from the Street Department upon being chosen as Clinton's Main Street Champion. Mr. Beard was honored at the 2008 NC Main Street Conference and Awards Ceremony held in Rocky Mount, NC, on January 31, 2008. Mayor Starling read and presented Mr. Beard with a certificate from North Carolina Main Street Center for his hard work and dedication.

City Manager John Connet spoke regarding a house fire that occurred at 400 Weeks Street, on March 5, 2008, at approximately 10:00 AM in which a female, Ms. Sally Vann, was trapped in the burning structure. He stated that Fire Chief Philip Miller, EMS Officer Eric Herring, Police Officers Anthony Davis and Dale Faircloth risked their lives in an attempt to save Ms. Vann. City Manager Connet stated that although Ms. Vann did not survive this tragedy, it was not because these brave men did not do everything possible to save her. Councilman Stefanovich asked all to give these brave men a standing ovation. Miller, Herring, Davis, and Faircloth were honored with the Medal of Valor and a certificate, which read as follows:

#### **Medal of Valor Awarded**

On behalf of the City of Clinton and the Clinton Police Department, you are hereby awarded the Medal of Valor for your performance on March 5, 2008. Valor is a term used to describe bravery or courage, and your actions of attempting to save a victim from a burning structure exemplifies that term. This award commemorates that performance.

## **APPEARANCES**

Mr. Ray Jordan appeared before City Council on behalf of the Sampson County Board of Commissioners. He stated that Sampson County is proposing to establish a 3% occupancy tax to fund a Tourism Development Authority to promote tourism opportunities in Sampson County. Mr. Jordan stated that approximately 135 counties and municipalities in North Carolina have local occupancy taxes to include: Cumberland County, Duplin County, Johnston County, Harnett County, Pender County, and the City of Goldsboro.

Mr. Jordan stated that the Sampson Convention and Visitors Bureau (SCVB) which will be a public authority will be established, adopted, approved, and enacted by the Sampson County Board of Commissioners with the purpose of promoting the development of travel and tourism related activities in Sampson County. He further stated that this authority will consist of nine (9) members, one representative from the Clinton City Council. City Manager John Connet or his designee is recommended to be one of two non-voting ex-officio members. Mr. Jordan stated the Sampson County Board of Commissioners will take action upon this matter at its April 7, 2008. He presented this briefing to City Council for informational purposes only.

Mr. Tom Turlington appeared before City Council on behalf of the Clinton City Schools Technology Advisory Committee to brief City Council on the Committee's purpose and upcoming event. The Committee's goals are to equip 100 classrooms with a state of the art interactive whiteboard system to include: an interactive whiteboard, modern projector, networked computer, document camera, wireless response system, audio system, and to facilitate global communication with students and faculty through the internet. Mr. Turlington invited everyone to the April 9<sup>th</sup> Clinton City Schools Tech"Know" Expo to be held at the Clinton-Sampson Agri-Expo Center. He stated that local, regional, and national vendors will be present at the event displaying their technology and there will be no charge to attend the Tech"Know" Expo.

## **PUBLIC HEARING -- OATHS**

Mayor Starling administered oaths to Jeff Vreugdenhil, Julie Graw, of Mills Construction Co., and Renee Esdorn who planned to present information during a public hearing for a conditional use permit request.

## **P & Z – NC HWY 403-- CARROLL AND HARRIETTE HOBBS**

Mayor Starling opened a public hearing on a request by Carroll and Harriette Hobbs for the rezoning of approximately one acre off NC Hwy 403 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. No one else appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington, a request by Carroll and Harriette Hobbs to rezone approximately one acre off NC Hwy 403 was unanimously approved.

## **P& Z – 804 AND 806 COLLEGE STREET – FRED G. MILLS**

Mayor Starling opened a public hearing on a request by Fred G. Mills of Mills Construction Co., Inc. for a conditional use permit to construct a two story multi-family apartment building at 804 and 806 College Street, on approximately 4.5 acres in an R-6 Residential District which was continued from the March 4, 2008. Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request. He briefed Council on the changes that had occurred since the March 4, 2008, meeting. Vreugdenhil stated that there will be a buffer and a fence will be placed along the rear property line. City Manager Connet stated that he and Mr. Vreugdenhil visited the site by Fred G. Mills in Sanford, North Carolina, that is similar to the proposed multi-family apartment building. He reported that Ms. Graw represented the company accurately according to their findings. Ms. Graw briefly stated a few changes from the original plan such as the dumpsters will be screened in and efforts to reduce trespassing and parking have been implemented. 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 Harris, seconded by Councilmember Becton, and after determination that this request is in accordance with the provisions of NCGS 160A-383, and with the incorporation into the minutes of the attached preliminary site plan C1.00 notated as Attachment 1, a conditional use permit was unanimously approved for Fred G. Mills/Mills Construction Co., Inc. to construct a two story multi-family apartment building at 804 and 806 College Street.

## **P & Z -- 514 BALSEY STREET – RENEE ESDORN**

Mayor Starling opened a public hearing on a request by Renee Esdorn for a conditional use permit to operate an in-home daycare at 514 Balsey 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 upon the findings of fact. 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.

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Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, and after determination that this request is in accordance with the provisions of NCGS 160A-383, a conditional use permit was unanimously approved for Renee Esdorn to operate an in-home daycare at 514 Balsey Street.

## **P & Z -- COMMUNITY DEVELOPMENT BLOCK GRANT – CITIZEN'S INPUT**

Mayor Starling opened a public hearing on a request by Mills Construction Company to obtain permission to apply for a grant on the City's behalf for the extension of utilities associated with the two story multi-family apartment building at 804 and 806 College Street. No action was required. No one else wished to be heard.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, and unanimously passed, this public hearing was continued until 7:00 PM on May 6, 2008.

## **APPOINTMENTS**

Appointments to the Environmental Affairs Advisory Board for a three year term ending March 2011, for District 1 and Industrial were continued until the 7:00 PM May 6, 2008, city council meeting.

## **POLICY -- CUSTOMER SERVICE**

City Manager Connet briefed City Council on the *Customer Service Policies and Procedures*, which was proposed at the March 4, 2008, city council meeting. He stated that the policy would ensure that all water and sewer customers are treated equally. The policy states the responsibility of each party and how such things as disputed bills and water leaks will be handled. He further stated that citizens will be given copies of the policy and it will be on the City of Clinton website. Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, the following policy passed unanimously:

### **Customer Service Policies & Procedures**

#### **PURPOSE:**

The intent of this policy is to provide the customer and the employees of the City a helpful guide with uniform procedures for providing utility service. The City desires to treat its citizens in a fair and indiscriminate manner while recognizing that each customer has distinct needs and requirements.

This policy is not meant to be all-inclusive but offers direction and guidance for the City Manager and employees of the City.

#### **OVERVIEW:**

Employees of the City have been empowered and well trained to use this policy to deliver high quality service to customers. Employees are expected to deal with each decision with empathy and understanding, listening carefully to the needs and requirements of individual customers. Ultimately, the City Manager accepts the responsibility as the final authority on this policy.

#### **APPLICATION OF THIS POLICY:**

This policy applies to every customer or applicant for utility service and garbage/tipping fee. Copies of this policy are available at the City's offices and on the City web site ([www.cityofclintonnc.us](http://www.cityofclintonnc.us)).

This policy may be revised, amended, supplemented or otherwise changed from time to time by action of the City Council. Customers are encouraged to seek answers to any questions by calling the City offices.

These policies are part of all oral and written agreements for providing and receiving utility service from the City.

### **CUSTOMER'S RESPONSIBILITY:**

1. Allow utility department personnel access to property to set up and maintain service.
2. Pay bills by the due date shown on each monthly bill. If customer does not receive a bill, it is their responsibility to contact the City to get the amount of their bill.
3. Notify the utility department if there is someone in the household who is either chronically or seriously ill, or on a life support system, where they need consistent water supply. Notification shall include verification in writing from a medical doctor and be updated in January of each year.
4. Notify the utility department of questions or complaints about service.
5. The City provides utility service for the sole use and convenience of the premises under agreement. The customer will ensure that utility service is not given or resold to a neighbor or tenant. Violation of this policy will be cause for immediate disconnection of service and a fine. (Ref. Section 22-51 of Clinton City Code)

### **CUSTOMER'S RIGHTS:**

1. The customer has a right to request, free of charge, historic billing and usage information.
2. If the customer is dissatisfied with their utility usage, a recheck of the meter reading may be requested. A fee of \$50.00 will be charged if the customer request more than three (3) rechecks within a twelve (12) month period during the fiscal year. However, if this service discloses that the meter was read in error, no charge will be made.
3. If a utility department employee cannot find any reason for usage changes, the customer may request a meter test. A fee of \$100.00 will be charged if the customer requests more than one (1) test within a twelve (12) month period during the fiscal year and if the meter is within accepted tolerances (plus or minus 2%). The customer has the right to the results of the test. If the meter is found to be faulty, no charge will be made.
4. The customer has a right to request a review of any complaint according to the grievance procedure.

### **CITY'S RESPONSIBILITY:**

1. To provide prompt, professional and courteous service.

2. To apply the customer's deposit to their account after the final bill reading & final bill calculations are made.
3. To provide and explain rate schedules, how meters are read, and other additional, reasonable information.
4. To provide historic billing and usage information when requested by the customer.
5. To provide conservation information.
6. To provide equal treatment to all customers.
7. To operate the utility system in an efficient manner.

### **CITY'S RIGHTS:**

1. To access the City's utility facilities at any time.
2. To receive notice of changes in address, telephone number, status or utility service, or problems with utility service immediately.
3. To receive timely payment for services delivered to a customer.
4. To discontinue service for non-payment, returned check, or returned automatic bank draft payment.
5. To take legal action regarding equipment tampering or financial delinquencies.

### **ESTABLISHING SERVICE**

#### **OFFICE AND SERVICE HOURS:**

1. The City's Finance Department is located at 221 Lisbon Street, in the Clinton City Hall building. The City Hall is open from 8:30 am to 5:00 pm, Monday through Friday. Routine and regular service work will be performed during these hours, except for holidays, and during inclement weather.
2. Emergency restoration work is performed 24 hours a day, seven (7) days a week. For after hour utility emergencies, please call 910-592-1151.
3. For customer convenience, the City operates a drive-through window during office hours and has an after hour depository located at the drive-through window for collecting payments. Billing stubs should be enclosed with payments to insure the appropriate credit on the account.

## **REQUEST FOR SERVICE:**

1. Original application for service – Any customer requesting services will complete an application and agreement for services. The customer will provide:
  - Photo Identification, Driver's License
  - Receipt of rental deposit or copy of lease agreement (tenants)
  - Copy of deed, contract of sale, or home owner's insurance policy (owners)
  - Telephone number
  - Signature on the application

The City recognizes that an application for utility service will only establish credit for the husband and wife if the account is processed in both names. In all other situations, credit will be established for only the customer signing the application. In situations where utility service expenses on the same account are to be shared by two or more people (other than husband or wife), then the signatures and required application information for all persons desiring to have credit established with the City shall be included on the original application for service. Out of town connection requests may obtain the application by mail, fax, or the city's web site ([www.cityofclintonnc.com](http://www.cityofclintonnc.com)). Service will be established after receipt of the signed application, required information, and any deposit fees.

2. Account Deposit – A customer will pay an initial deposit (see Fee Schedule) to begin utility service. All tenants renting properties are required to pay the deposit for any individual or all of the utility services provided. This deposit is non-interest bearing.
3. Non-residential accounts – Accounts established for non-residential service will require the same information as listed above and a signature by an officer of the corporation, or a responsible person (owner, or manager, etc.). That person accepts the personal responsibility for payment of the account.
4. Account information changes – Any changes of account information, mailing address, account name, etc. should be made in writing or in person by the account holder to prevent any errors.
5. Service Requests for All Utilities – Any request for utility service will include water, garbage/tipping fee and sewer if these services are already established at the requested location.
6. Place of Application – Customers may request utility service at City Hall, in person, or by fax (signature required). The individual owner or tenant of the property must make application for utility service. Occupant will be determined to be the person named in the lease agreement, deed, deposit receipts, or contract of sale.

7. Time of Application – The City will strive to meet the customer's needs for connection of service. Normal connection will be made within 24 hours of the request.
8. Explanation of Policies – Customers can request a verbal explanation of the City's policies and may obtain a written copy of the guidelines as well.
9. Welcome Packet – The City may give each new customer brochures that includes information about the utility service.

### **CUSTOMER DEPOSITS:**

1. Need for a Deposit – City employees are charged with the responsibility of prudent management of the City's finances. A deposit for utility services is collected as security that all bills will be paid in full by their due date. Employees realize that most customers pay their bill in full and on time; however, we seek to protect the good-paying customers from the detriment of uncollectible accounts by other customers. Reasonable and uniformly applied deposits are therefore necessary. A deposit shall be required of all persons or businesses occupying but not owning premises for which a water & sewer connection is made or where sanitation services are provided. A deposit is required for each location. The amount of the deposit shall be set from time to time by the council, and a schedule shall be kept on file in the office of the Finance Director. (Ref. Section 22-62 Clinton City Code)
2. Refunding of Deposits – The deposit will be credited to the customer's account upon discontinuance of service. After the deposit is applied, all outstanding balances on the final bill will be the responsibility of the customer. Any credit balance from the deposit will be refunded to the customer within two (2) months provided a current mailing address is available.

### **BILLING INFORMATION FOR CUSTOMERS:**

1. Bills are mailed on or before the 29<sup>th</sup> of each month. If customer does not receive a bill by the end of the month, it is their responsibility to contact the billing department to get the amount of their bill by calling 910-299-4909.
2. The bill is payable by the 12<sup>th</sup> of each month and is considered past due if payment is not received in City Hall by 5:00 pm on the due date. A 10% penalty will be assessed on the current billing. When the due date falls on a weekend or holiday, the next working day will be considered as the due date grace day. (Ref. Section 22-65 of Clinton City Code)
3. Active utility accounts will receive a minimum bill (according to the Fee Schedule) each month as long as service is provided regardless of water usage.
4. Properties that only have one (1) water connection (tap) and/or one (1) sewer connection (tap) provided to several units are billed a minimum

utility bill per unit, and then billed according to the total water consumption on the master meter. (Ref. Section 22-57 Clinton City Code)

5. The City's water calculations are figured in cubic feet.
  - 1 cubic foot = 7.5 gallons
6. Service is scheduled to be discontinued if payment is not received by 5:00 pm on the day before the cutoff date. A delinquency fee and the past due balance (plus the current utility bill, if it has been mailed), and any penalties must be paid before service is reconnected. (Ref. Section 22-65 Clinton City Code)
7. For billing purposes, the city bills for the previous thirty (30) days usage. If services are disconnected by the 20<sup>th</sup> of the month, the customer will be billed for the current usage plus any usage up to the disconnected date.
8. A meter tampering fee of \$100.00 will be charged to any customer's utility account that reconnects their meter without the City's knowledge.

#### **WATER & SEWER TAPS/CONNECTIONS:**

1. The owner of the property, general contractor, or plumber must apply in person for the necessary services. Information needed:
  - Service address
  - Billing information
  - Required tap/connection sizes
  - Payment for required taps/connections
  - Telephone Number
2. At least a two (2) weeks notification and payment is required to insure prompt service.

#### **BILLING ADJUSTMENTS:**

If the City has inadvertently overcharged or under billed a customer for utility service or garbage/tipping fee, the City will promptly notify the customer. Billing errors will be reimbursed or credited up to twelve (12) months immediately preceding the discovery and report of the error.

1. Should the mistake be in the customer's favor, the City will credit the customer's account in that amount. If the time frame of the mistake cannot be determined, the City will credit the account based on a six (6) month average consumption. The error must be determined within twelve (12) months of the billing. If the exact amount of the excess charge cannot be determined, the City will estimate the amount due based on a six (6) month average of consumption.
2. If the City has inadvertently undercharged a customer for utility service garbage/tipping fee, the City will collect the amount due. If the time frame

of the mistake cannot be determined, the City will bill and collect based on a six (6) month average consumption. If the exact amount of the undercharge cannot be determined, the City will estimate the amount due based on a six (6) month average.

3. If an undercharge has occurred because of meter tampering, the City shall demand the overdue amount in full in addition to the meter tampering fee.
4. If an overcharged customer owes the City on another account, the City may apply the credit to the outstanding account.
5. The City of Clinton may make adjustments to a utility customer's bill in the event of seasonal filling of swimming pools. Adjustments shall be made in accordance with the following policy.
  - Adjustments shall be authorized a maximum of one (1) time per year.
  - The customer shall be responsible for notifying the City Utility Billing Department to report a pool will be filled during a particular billing cycle. The City will read the meter before and after the pool has been filled.
  - No adjustment shall be made for the water consumption.
  - An adjustment may be made for the sewer consumption. The sewer charge for a billing cycle during which a pool was filled shall be calculated based on the usage from the City readers to fill the pool

#### **LEAKS AND WATER LINE BREAKS – SEWER ADJUSTMENT:**

The customer who is requesting the adjustment shall provide the City documentation that in fact a leak did exist, when it was discovered, the location of the leak, and a copy of the plumber's invoice showing date the leak was repaired. Upon receipt of this documentation, the City shall determine the customer's average monthly usage of sewer rates. If a six (6) month average is not available, the average will be based on 300 cubic feet of water usage. All sewer charges over the average shall be released. Depending on the cost of the water bill after the above adjustments, the City Manager or Finance Director may allow the customer a reasonable time to pay the bill. No sewer adjustments due to leaks shall be made without documentation.

Adjustments on the sewer portion of the bill will only be given if the leak was located in the following areas:

- Leaks underground or in walls
- Frozen and burst pipes
- Irrigation system or outdoor spigot leaks
- Faulty water heaters or pressure reducing valves
- Vandalism to plumbing that is documented with a police report.

No adjustment shall be made when the request for the adjustment is received more than sixty (60) days after the billing date of the bill to be adjusted in the case of an active customer, or thirty (30) days after the billing date of a final bill. Exceptions will only be made if there is proof for extraordinary mitigating

circumstances, e.g., the customer was in the hospital or out of town during the period in question.

### **DROP BOX FOR PAYING AFTER HOURS:**

For the customer's convenience, a drop box is located by the drive through window of City Hall at 221 Lisbon Street. For added security, please do not deposit cash in the after hours depository. The City will not be responsible for any payments not received.

### **EXTENSIONS OF TIME FOR PAYMENT OF BILLS:**

1. Customer Request – All requests must be made by the person in whose name the account is active.
2. Location – The customer requesting the extension must come into the Finance Office or call to request the extension two days prior to the scheduled cutoff date.
3. Maximum – Maximum extended time will be seven (7) days, from the cutoff date.
4. Valid Reason – The customer will be required to give a valid reason as to why the extension is needed. A valid reason for requesting an extension should relate to an unforeseeable hardship or emergency.
5. Agreement – By executing a customer extension, the customer agrees that if payment is not made by the specified time, service will be disconnected without further notice.
6. Approval of Extension – An extension is a privilege and will be granted based on customer need and circumstances. An extension will not be guaranteed and may be denied for excessive abuse. No more than two (2) extensions shall be granted within a 12 month period. Upon approval of the extension, the delinquency fee will still be applied to the delinquent account.

### **THE CITY'S RESPONSE TO RETURNED CHECKS AND AUTOMATIC BANK DRAFT PAYMENTS:**

1. The City will accept only cash, certified check or money order from any customer having two (2) returned checks or returned automatic bank drafts within a one (1) year period.
2. Upon receipt of the first returned check or automatic bank draft payment, the customer will be informed by mail and given a copy of the written policy.
3. Upon receipt of the second returned check or automatic bank draft payment, the customer will be advised that all bills must be paid in cash, certified check or money order for the next year.

4. As allowed by NCGS 25-3-506, a Returned Check/Draft Charge of \$25.00 is added to the customers' account due to the returned check or automatic bank draft payment.
5. Returned checks or automatic bank draft payments shall be picked up within seven (7) days of notice from the City. If the returned check or automatic bank draft payment is not picked up with payment in full, including the returned check/draft fee, service shall be disconnected without further notice.
6. In the event a new customer pays a utility account deposit by personal or corporate check and the check is returned to the City for insufficient funds, or the account closed, then the account shall be subject to immediate disconnection without benefit of prior notification.
7. The City does not accept two (2) party checks. We do not cash checks or give change back from a check for payment on an account.

#### **AUTOMATIC BANK DRAFT PLAN:**

1. Automatic bank drafts offer customers the option of having their bank accounts drafted on a set date of the month. This relieves the customer from having the possibility of lost or late payments and saves a trip to the City Hall or the cost of a stamp.
2. The draft date is the 7<sup>th</sup> of each month. This will allow the customer time to verify or question their bill.
3. The customer will be required to supply the City with an automatic bank draft application and a voided check for the purpose of drafting.
4. Only good credit customers will be eligible for this program.
5. Any draft returned by the bank because of insufficient funds or a closed account will be treated as a returned check, and the customer will be released from the automatic bank draft program after the 2<sup>nd</sup> occurrence.
6. If the customer wishes to discontinue the automatic bank draft, the Collections Clerk must be notified in writing by the 1<sup>st</sup> of the month.

#### **MEDICAL ALERT PROGRAM:**

1. The customer has the responsibility of notifying the City if there is someone in their household who is either:
  - Chronically or seriously ill
  - On a life support system
  - Medically requires uninterrupted utility service
2. The customer must provide a letter or certification from a doctor or hospital advising of the above condition. These letters will be reviewed and brought up-to-date in January of each year. A customer who complies with these notification procedures will have a medical alert seal

placed on their meter to designate their household as containing a chronically ill or life support customer.

3. The customer has the full responsibility to carefully handle their account so that service will not be interrupted for failure to pay. With the medical alert designation, the City will make every effort to make personal contact with the customer before service is terminated.

### **DISCONTINUING SERVICE:**

### **TRANSFER OF SERVICE:**

Customers may transfer service from one location to another. Any balance on the current or any previous utility account will have to be paid before service can be transferred. Transferred accounts for tenants must maintain the current deposit amount.

### **CLOSING A UTILITY ACCOUNT:**

After an account has been closed by either customer request or policy of the city, all funds, including deposits, refunds and overcharge credits will be used against amounts owed the city on the closed account first. Remaining funds will then be used against any amounts owed on any other accounts the customer may have with the City. When those accounts have been cleared, a check for the remaining money will be issued to the customer for any net credit.

### **TERMINATION OF SERVICE:**

1. Requesting Discontinuance of Service – Any customer requesting discontinuance of service will inform the City of the location, date service is to be disconnected, the forwarding mailing address, and provide their signature for the final bill.
2. Disconnection Scheduling – Disconnection from the City's utility system will be preformed the same day as requested if notified before 4:00 pm of that day.
3. Death of a Customer – In the misfortunate event of the death of a utility customer, the immediate family or significant other will be required to make the appropriate changes for billing purposes within 60 days after notification from the City. A copy of the death certificate or required documentation shall be provided to the City's Billing Department. Neglect in this matter will result in immediate disconnection of services. After applying the deposit, if any, to the outstanding utility bill the balance owed on the utility account will be billed to the estate. The credit balance of the decease's deposit will be refunded to their estate.
4. Final Bill – The customer's final bill will be processed and mailed by the 29<sup>th</sup> of that month if disconnection is made by the 20<sup>th</sup> of that month.

5. Debt Set-off Accounts – The City will report any discontinued utility accounts that have an outstanding balance of \$50.00 or more on the account to the State of North Carolina for collection from the customer's yearly state tax refund. The customer will be notified (if the mailing information is current) within 30 days before the report is filed.
6. Deposit Settlement or Disposition – According to NCGS 116B, any customer deposits, credits, or other property held to secure payment for utilities that are unclaimed for one year (1) or more years are considered abandoned property and will be subject to the unclaimed property requirements. Upon discontinuance of utility services, a valid forwarding address should be given to the Utility Billing Clerk for possible refund of deposits or credits on the utility account. All unclaimed customer deposits, and credits, regardless of the amount, are subject to the custody and control of the State of North Carolina. Prior to November 1<sup>st</sup> of each year, the City will file a report accounting for all escheatable property with the Escheats Office within the Department of the State Treasurer. A check in the amount of the property listed should accompany the report.

### **CUSTOMER'S RIGHTS PRIOR TO DISCONTINUANCE OF SERVICE:**

1. Reasonable Opportunity – The City will discontinue utility service to customers for nonpayment only after giving the customer a reasonable opportunity to question the accuracy of the bill. Reasonable opportunity is defined as the period of time from the issuance of the bill until the date of potential disconnection.
2. Disputed Bill – If a customer disputes the accuracy of their bill, they have the right to a hearing at which they may be represented in person or by another person of their choosing who may present, orally or in writing, their complaint and contentions.
3. Hearing – The City will discontinue utility service for nonpayment of bill on the cutoff date. The customer has an opportunity to dispute the bill before this date. Any customer desiring a hearing must contact the Finance office. Hearings may be scheduled between 8:30 am and 5:00 pm, Monday through Friday. The City has the authority to settle the issue and reconnect any disconnected account while the matter is investigated.
4. Exceptions – Under special circumstances, the City may choose not to interrupt service during extreme weather or when the meter has been sealed with a medical alert tag about which the City has prior written knowledge.
5. Suspension and Restoration of Service – The temporary suspension of water service for a period of less than sixty (60) days is prohibited. A fee of \$50.00 will be charged to the utility account if this service is provided.

The customer will be notified in a timely manner of the results of any investigation regarding a hearing and of any resulting determination regarding adjustment or cutoff. All further grievances will be heard and addressed by the City Manager.

**INVOLUNTARY DISCONTINUANCE OF SERVICE :**  
**(Ref. Section 22-59; Section 22-60 of Clinton City Code)**

1. The City may discontinue utility service for any one of the following reasons:
  - Failure of the customer to pay bills for utility service and garbage/tipping fee, as required in the Billing Information Section of this policy; continuance of the account being delinquent will result in the meter being removed.
  - Failure of the customer to pay deposits as required or to increase deposits as required in the Customer Deposits Section of this policy.
  - Upon discovery of meter tampering including bypassing the meter or altering its function:
  - Failure of the customer to permit City employees access to their meters at all reasonable hours. Locked gates, loose dogs, parked cars over meters, etc. are violations of City policy. Parked cars over the meter will be towed at the owner's expense.
  - Discovery of a condition resulting in the loss of water or a condition, which is determined to be hazardous or unsafe.
2. A courtesy call will be initiated for first time delinquent customers provided we have correct contact information. However, this does not alleviate the delinquent fee being charged to the utility account.
3. Federal laws regarding bankruptcy require that the City not alter, refuse, or disconnect service based solely on the basis of the beginning of bankruptcy proceedings based on the customer's failure to pay for prebankruptcy service, when a petition for bankruptcy has been filed. It is the customer's responsibility to provide the billing department with any legal documents pertaining to bankruptcy.
4. Partial payments are accepted on an account; however, a partial payment does not waive an involuntary discontinuance of service. A partial payment is first applied to the oldest charges outstanding.
5. Accounts subject to involuntary discontinuance shall be assessed a delinquency fee at 8:30 a.m. on the morning of the cutoff date. The delinquent fee can be released by the City Manager or the Finance Director one (1) time if the customer has an excellent payment history and a valid reason for the delinquency. All past-due balances must be paid before the cut-off date.
6. Within three (3) days from the cutoff date, if the utility account is still delinquent, the City will recheck the meter to see if it has been cut back on by the resident. If the meter has been cut back on, the City will pull the meter at that time and apply the meter tampering fee to the account.

## **RECONNECTION:**

When it becomes necessary for the City to discontinue services for any of the reasons listed above, service will be restored after payment of:

- All past due bills due the City including additional fees and charges required by this policy;
- Any deposit as required;
- Any material and labor cost incurred by the City according to the current Fee Schedule.

After hour reconnection will only be available if the customer can show proof of payment in full or an extenuating circumstance. Public Works and Utility employees do not collect fees or charges under any circumstance.

If a Public Works employee is dispatched after 5:00 pm weekdays, on the weekends or holidays for a reconnection, an after hours reconnection fee of \$75.00 will be charged to the utility account after the first occurrence within a (12) twelve month period.

## **METERING GUIDELINES:**

### **METER READING**

1. The City's meters will be read by City employees according to the City's schedule. Reading dates will vary slightly from month to month due to weekends, holidays, weather conditions, and other factors. Monthly billing periods will be assumed to be 30 days, but may range from 27 to 33 days.
2. The City's well-trained meter readers use modern meter reading equipment and techniques. If meter reading corrections are necessary, the City will make the adjustments and a revised bill may be rendered upon request. A credit due to a customer from a meter reading error will be posted to the customer's account.
3. Weather conditions, such as snow and ice, may make meter reading impossible. In those circumstances the City will estimate utility usage based on a twelve (12) month average.

### **METER TAMPERING**

#### **(Ref. Section 22-61 of Clinton City Code)**

1. Tampering with a meter or bypassing a meter is against NCGS 14-151.1. The City may call for prosecution in cases of meter tampering, water theft and fraud to the fullest extent of the law.
2. A service charge representing the City's cost for the investigation and processing of a meter tampering case will be billed to the customer who benefited from the tampering.

3. Repair cost shall be billed to the customer. Any usage, reconnection fees or other applicable fees will be added to the customer's utility account when the meter has been tampered with.

## **GARBAGE, REFUSE AND RUBBISH:**

### **RECEPTACLES REQUIRED**

1. Every person producing or accumulating refuse shall provide and keep on the premises occupied or used by him, refuse rollout containers to handle accumulations of refuse on said premises in the interval between collections by the city. (Ref. Section 11-2 Clinton City Code)
2. A minimum of one (1) or a maximum of two (2) rollout containers are allowed at each property, which shall be purchased from the city at the current market price. Multifamily dwellings shall be limited to no more than two (2) receptacles per dwelling unit. (Ref. Section 11-3 Clinton City Code)
3. Business buildings where refuse accumulates in quantities of more than two (2) rollout containers, the owner or leaser shall be required to use a bulk container. Any business will be limited to a maximum of two (2) eight-cubic-yard bulk containers. Bulk containers must be obtained from and maintained by private sources.
4. Multifamily apartment complexes may use bulk containers as an alternate. (Ref. Section 11-3 Clinton City Code)
5. It shall be unlawful for any person to deposit trash refuse, waste or any other materials, which is not derived from the general operation of the business that the container is assigned to or owned by.

## **COLLECTION OF GARBAGE, REFUSE AND RUBBISH:**

1. All refuse shall be placed at the street by 7:00 a.m. on the day assigned for collection, but no earlier than 6:00 p.m. the day before and removed from the street by 7:00 p.m. on the same day of collection.
2. Trimmings, hedge cuttings, grass or similar materials for free collection shall be placed on the curb line at the street. Free collections shall include nothing more than six (6) inches in diameter nor more than sixty (60) inches in length. Large accumulations of brush from extensive hedge or tree trimming can be collected for a fee established by city council.
3. No household furnishings, appliances/white goods, mattresses, box springs, or any other refuse other than garbage or rubbish, shall be removed by the city without an additional charge.
4. The public works department shall collect, remove and dispose of refuse in residential sections of the city once per week. During

extreme conditions or circumstances, collection may occur on a more frequent basis. (Ref. Section 11-5 Clinton City Code)

5. Refuse from business buildings will be removed once per week. And where deemed necessary by the public works director more than once per week.
6. Occupants of each dwelling, apartment or any other unit of family habitants, or commercial unit shall be assessed a monthly fee, commensurate with the number of collections and the amount of such collection, to be established by the city council. Said collection fee will be added to the water and sewer bill, if applicable, from the city to the occupant. Failure to pay said collection fee shall result in a termination of such water and sewer service in the same manner as failure to pay water and sewer user charges will cause termination of such service. However, that in the event that the unit of habitation or commercial enterprise own a master meter, then said collection fees shall be collected from said occupants and their failure to pay by the twelfth day of the month for which they shall become due shall constitute a charge on the water and sewer bill of the city charged to the master unit.

### **PROFANE, INDECENT, AND THREATENING CALL:**

It is against North Carolina General Statue 14-196 to use “profane, indecent or threatening language to any persons over the telephone; annoying or harassing by repeated telephoning or making false statements over the telephone.”

If a call of this nature is received do the following:

1. At the first profane or indecent word ask the caller to please refrain from that type of language. If the profane or indecent language continues politely inform the caller that if that type of language does not cease that the call will be terminated. If the profane or indecent language continues terminate the call by hanging up.
2. Document the occurrence including the caller’s name, address, and telephone number, if known. Report incident to your supervisor, including the above information.
3. If the calls continue notify your supervisor. The city personnel receiving these calls may wish to contact the City of Clinton Police Department, if deemed necessary.

### **GRIEVANCE PROCEDURES:**

Collection Clerks receive complaints from utility customers or the public in general. We are responsible for directing them to the proper department for information. The complaints for utility service customers are handled within our department.

The following is the grievance ladder for unsatisfied customers:

- Collections Clerk
- Utility Billing Clerk
- Finance Director – if problem is within area of collections/billing
- Public Works Crew Leader – if problem is outside at service site
- Public Works Director – if problem is outside at service site/within the billing
- City Manager

**SUBDIVISION—PUGH ROAD – HOWELL EDWARDS**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, a preliminary plat request by Howell Edwards for a 26-lot subdivision off Pugh Road was unanimously approved.

**SUBDIVISION—OLD RALEIGH ROAD – NORTHGATE --HOWELL EDWARDS**

Planning Director Vreugdenhil stated that Howell Edwards requested approval of a preliminary plat for Northgate Subdivision for a 17-lot subdivision off Old Raleigh Road. He further stated that this subdivision if approved would be 830 feet from Clinton sewer line. Planning staff has been working with Mr. Edwards to determine if we could partner with him to extend sewer to this area. It was stated that if the city extends gravity sewer along Raleigh Road, Mr. Edwards will install sewer in this subdivision and petition for annexation. However if sewer is not extended along this development, septic tanks will be utilized. City Manager Connet emphasized that Council may deny extension of sewer.

Mr. Edwards requests permission to be exempt from impact fees associated with the gravity sewer main. Mr. Edwards stated that he will be paying \$34,000 for sewer and \$24,000 for water.

After some discussion, a motion was made by Councilmember Stefanovich, seconded by Councilmember Harris, to approve Northgate Subdivision’s request by Howell Edwards for a 17-lot subdivision off Old Raleigh Road withholding the extension of sewer unless developer pays impact fees associated with the gravity sewer main. The motion was unanimously approved.

**CITY CODE -- ORDINANCES-- TAX**

City Manager Connet presented changes to Chapter 14, Sections 14-183, 14-184, 14-185, and 14-186 of the City Code, which regulates tax.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, the following ordinances were unanimously adopted:

**ORDINANCE #2008.04.01**

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina that Chapter 14, Section 14-183. Collection of the tax of the Clinton City Code of 1987 is hereby amended to read as follows:

Section 14-183. Collection of the tax.

Every person engaged in the business of the short-term lease or rental of vehicles at retail to the general public shall collect at the time of the lease or rental the tax herein levied, place the tax so collected in a segregated account, and thereafter remit such tax to the finance department in accordance with the provisions of this article. The taxpayer shall include a provision in each retail short-term lease or rental agreement stating that the percentage amount enacted by this article of the total lease or rental price, excluding sales tax, is being charged as a tax on gross receipts. The amount of the tax shall be stated separately from the lease or rental and shown separately on the taxpayer's records. The tax shall be paid by the customer to the taxpayer as trustee for and on account of the city. The taxpayer shall be liable for the collection thereof and for its payment to the finance department and the taxpayer's failure to charge or to collect said tax from the customer shall not affect such liability.

**ORDINANCE #2008.04.02**

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina that Chapter 14, Section 14-184. Report and payment of tax of the Clinton City Code of 1987 is hereby amended to read as follows:

Section 14-184. Report and payment of tax.

Taxes levied under this article are due and payable when a return is required to be filed. Every taxpayer shall, within the time specified, submit a return to the finance department on the form prescribed by the finance department. A return must be signed by the taxpayer or the taxpayer's agent. Returns of taxpayers are due to the finance department each month on or before the fifteenth day of the month following the month in which the tax accrues. As provided in G.S. 160A-208.1, a return shall not be considered a public record and information contained in a return may be disclosed only in accordance therewith.

**ORDINANCE #2008.04.03**

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina that Chapter 14, Section 14-185. Taxpayer to keep records of the Clinton City Code of 1987 is hereby amended to read as follows:

Section 14-185. Taxpayer to keep records.

The taxpayer shall keep and preserve suitable records of the gross receipts received by such taxpayer in the conduct of business and such other books or accounts as may be necessary to determine the amount of the tax for which such taxpayer is liable under the provision of this article. It shall be the duty of the taxpayer to keep and preserve for a period of three (3) years all such records of gross receipts and other books and accounts described. All records, books and accounts herein described shall be open for examination at all reasonable hours during the day by the finance department.

**ORDINANCE #2008.04.04**

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina that Chapter 14, Section 14-186. Tax collector to provide forms of the Clinton City Code of 1987 is hereby amended to read as follows:

Section 14-186. Finance department to provide forms.

The finance department shall design, prepare, print and make available to all taxpayers operating within the municipal boundaries of the city forms and instructions for filing returns to insure a full collection of an accounting for taxes due. The failure of any taxpayer to obtain or receive forms shall not relieve such taxpayer from the payment of the tax at them time and in the manner provided.

**ENGINEERING FIRM - PHASE III - DOWNTOWN REVITALIZATION PROJECT**

City Manager Connet stated that proposals were solicited from four (4) previously approved engineering firms and two proposals were received. Based on the firms experience and review of current projects, The Wooten Company was recommended for design and construction administration for Phase III of the Downtown Revitalization Project.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the recommendation to accept The Wooten Company for design and construction administration for Phase III of the Downtown Revitalization Project was unanimously approved.

**ENGINEERING FIRM - PHASE III – DOLLAR BRANCH SEWER PROJECT**

City Manager Connet stated that proposals were solicited from four (4) previously approved engineering firms and all four submitted proposals. Based on the firms experience and review of current projects, Hobbs, Upchurch and Associates Consulting Engineers were recommended for design and construction administration for Phase III of the Dollar Branch Sewer Rehabilitation Project.

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, the recommendation to accept Hobbs, Upchurch and Associates Consulting Engineers for design and construction administration for Phase III of the Dollar Branch Sewer Rehabilitation Project was unanimously approved.

**BIDS—STREET RESURFACING**

City Manager Connet presented the following bid for the 2008 Street Resurfacing Contract and recommended the one and only bid of Barnhill Contracting in the amount of \$341,660:

<b><u>Bidder</u></b>	<b><u>Amount of Bid</u></b>
Raleigh Paving	No Response
Barnhill Contracting Co.	\$ 341,660
Ruston Paving	Response—Not Participating

RDU Paving  
Bartholomew Paving

No Response  
No Response

The tentative roads/area to be resurfaced are: Naylor Street, Blount Street, Doris Avenue, Woodrow Street, Deer Track, Beaverdam Drive, Dixie Circle, Stetson Street, Lee Street, Winfrey Street, Doe Run, Powers Street, Moore Street, Bunting Street, Sandhills Cemetery, and Susan and Mathis Streets which are the only dirt streets remaining.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the bid from Barnhill Contracting Company in the amount of \$ 341,660 was unanimously approved.

## **REPORTS**

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

He stated that a 2007 False Alarm Report was received from Ray Honrine of Emergency Management, which shows that false burglar, and fire alarms have dropped. The alarms are the lowest in 2007 as compared to the previous four years. Mr. Connet stated there are two remaining district meetings for this year and also that Spring Clean Up Week will begin on April 7, 2008. He further stated that the new assistant city manager, Shawn Purvis, has been selected and will begin his employment with the City in May.

## **USA POOLS – ROYAL LANE POOL**

Recreation Director Judi Nicholson spoke regarding contracting our pool operation to USA Pools. She stated Brenda Potter had researched this company, they had met with the USA Pools representatives, and were very impressed. Ms. Nicholson further stated this company will provide a higher level of service at an equal or reduced cost. The City's liability associated with the pool operation will also reduce.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it was unanimously approved to enter into a one-year contract with USA Pools.

## **CITY COUNCIL**

City Manager Connet told City Council that the regular May 2008 city council meeting date is May 6. Council was asked to reschedule the meeting since the NC primary elections will be held on that date and the auditorium will be in use. Councilmember Becton moved to have the May 6, 2008 city council meeting held in the District Courtroom on the second floor of the County Courthouse at the regular time of 7:00 PM. Councilmember Turlington seconded the motion, and it passed unanimously.

**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 April 1, 2008, entered closed session as allowed by G. S. 143-318.11(a)(3)(6) to discuss litigation and personnel.

Council re-entered regular session. Mayor Starling reported council discussed personnel and was briefed on a possible litigation matter.

Upon a motion made by Councilman Stefanovich, seconded by Councilmember Becton, and passed the meeting adjourned at 8:45 p.m.

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City Clerk

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Mayor