

APRIL 5, 2011, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on April 5, 2011, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Becton, Stefanovich, Turlington, Mayor Pro Tem Harris, and City Attorney Dale Johnson were present. Councilmember Strickland was absent, due to a prior engagement. Also City Clerk Elaine F. Hunt; City Manager John Connet; Assistant City Manager-Finance Director Shawn Purvis; Fire Chief Todd Solice; Interim Planning and Community Development Director Mary Rose; Police Chief Mike Brim; Recreation Director Judi Nicholson; Human Resource Manager Lisa Carter; and Public Works Director Jeff Vreugdenhil were present. Chris Berendt, of the Sampson Independent, and Melvin Henderson, of the Sampson Weekly, were also present.

Rev. Robert Redmond, Pastor of First United Methodist Church, gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the minutes of the March 1, 2011 regular city council meeting and the March 29, 2011 special city council meeting were unanimously approved.

P & Z—BEAMAN STREET – CHARLES GANCER

Mayor Starling opened a public hearing on a request by Charles Gancer to rezone approximately 1 acre along Beaman Street (220, 218, and 216 Beaman Street) from R-8 Residential to O-I Office Institutional district.

Interim Planning and Zoning Mary Rose appeared before City Council to ask the withdrawal of this request on Mr. Gancer's behalf.

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

The request by Charles Gancer to rezone approximately 1 acre along Beaman Street from R-8 Residential to O-I Office Institutional district was withdrawn.

P & Z—LAND DEVELOPMENT ORDINANCE – WALL SIGNS

Mayor Starling opened a public hearing on a text amendment request by the Planning staff to amend Section 6.6.2 D Wall Signs & Permanent Window Signs of the City of Clinton Land Development Ordinance.

Interim Planning Director Mary Rose presented the Planning and Zoning Board's recommendation to amend Section 6.6. 2 D Wall Signs & Permanent Window Signs of the City of Clinton Land Development Ordinance. She stated that this amendment would use the same language as our prior zoning ordinance used to address wall signs. She stated that planning staff believes this prior language addresses wall signs in a more efficient manner than the current Land Development Ordinance. She further stated that the prior zoning ordinance used the wall length to determine the square footage up to a maximum; whereas, the

current Land Development Ordinance, provides for a percentage calculation on the total sign surface area.

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

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the following ordinance # **2011.04.01** to the Land Development Ordinance was adopted unanimously:

2011.04.01

Whereas, upon the recommendation of the Planning and Zoning Board and after public hearing and due notice thereof as required by law, the City Council of the City of Clinton, NC do enact as follows: That the Land Development Ordinance of the City of Clinton be and the same is hereby amended to read as follows:

6.6.2 Wall Signs & Permanent Window Signs

D. ~~Unless otherwise provided in this Chapter or Chapter 4 (Special Requirements), the maximum wall sign surface area permitted on any non-residential use shall be determined as follows:~~

~~1. All wall signs for any one use shall not exceed two (2) square feet of sign surface area per linear foot of building frontage occupied by the use.~~

~~1. wall signs including permanent window signs for walls with one hundred (100) feet or less in linear footage, shall have a total sign surface area in square feet no greater than two times the linear frontage in feet of the wall of the building to which the sign is attached, but in no case greater than two hundred (200) square feet. Wall signs for walls, which exceed one hundred (100) feet in length may have a total sign surface area in square feet equal to one (1) foot per each linear foot of wall or two hundred (200) square feet, whichever is greater.~~

~~2. If a building has frontage on more than one qualifying area, then the total sign surface area permitted on the building shall be the sum of the sign surface area allotments related to each frontage.~~

~~3. Signage may be allowed on any building wall provided that the sign surface area of all signs located on a wall of a structure may not exceed 25 percent of the total surface area of the wall on which the signs are located. Wall signage may be placed on a canopy, provided that the sides of the canopy shall be considered as a wall, and the signage on a canopy shall be subject to the 25 percent limitations of this Section.~~

P & Z—LAND DEVELOPMENT ORDINANCE – DRIVE-THROUGH/DRIVE-IN USES (associated with a permitted use)

Mayor Starling opened a public hearing on a text amendment request by the Planning staff to amend Section 4.9.1 Drive-Through/Drive-In Uses (associated with a permitted use) of the City of Clinton Land Development Ordinance.

Interim Planning Director Mary Rose presented the Planning and Zoning Board's recommendation to amend Section 4.9.1 Drive-Through/Drive-In Uses (associated with a permitted use) of the City of Clinton Land Development Ordinance. She stated that this request originated because an applicant had submitted a request to place a driveway for a proposed drive-through closer than 300 feet to the intersection of the centerlines of an intersecting street. She stated that Planning staff found that NCDOT would allow such a drive within 100 feet; although, the Land Development Ordinance would not. She further stated that staff found the Land Development Ordinance requirement to be an unnecessary burden to this type of business. Ms. Rose informed City Council that staff also found the restriction made by E of this Section to place an unnecessary burden on development of like uses.

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 Turlington, the following ordinance # **2011.04.02** to the Land Development Ordinance was adopted unanimously:

2011.04.02

Whereas, upon the recommendation of the Planning and Zoning Board and after public hearing and due notice thereof as required by law, the City Council of the City of Clinton, NC do enact as follows: That the Land Development Ordinance of the City of Clinton be and the same is hereby amended to read as follows:

4.9.1 Drive-Through/Drive-In Uses (associated with a permitted use)

A. The entrance/exit doors of such uses shall be located in such a manner that a person entering/exiting such business is not required immediately to cross a drive-in window exit lane.

B. Drive-in windows shall be located in such a fashion that vehicles using or waiting to use such drive-in or drive-through facilities do not interfere with vehicles seeking to enter or leave parking areas.

C. Where it is necessary for patrons wishing to park and enter such businesses to cross a drive-in window lane, crosswalks leading from parking areas to building entrances shall be clearly marked.

~~D. The vehicular entrances or exits of such uses shall not be located within 300 feet of the intersection of the centerlines of intersecting streets.~~

D. Fast food restaurants shall be provided with six (6) stacking spaces per window. Drive-in banks shall be provided with six (6) stacking spaces per window. Laundry and dry cleaning services shall be provided with three (3) stacking spaces per window. Film kiosks shall be provided with two (2) stacking spaces per window on each side of the kiosk. The Administrator shall determine the required number of stacking spaces for those uses not specified in this Section.

~~E. A building housing a restaurant with a drive-through window that provides service directly to vehicles primarily for off-premise consumption shall not be~~

located closer than 1,000 feet to the nearest point of another building housing the same type of restaurant.

P & Z—LAND DEVELOPMENT ORDINANCE – ACCESSORY STRUCTURES (Residential)

Mayor Starling opened a public hearing on a text amendment request by the Planning staff to amend Section 4.2.2 Accessory Structures (Residential) of the City of Clinton Land Development Ordinance.

Interim Planning Director Mary Rose asked City Council to continue this request until the May 3, 2011 city council meeting. She stated that the Planning Board wishes to further review this request.

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

The public hearing on a text amendment request by the Planning staff to amend Section 4.2.2 Accessory Structures (Residential) of the City of Clinton Land Development Ordinance was continued until the May 3, 2011 city council meeting.

P & Z—LAND DEVELOPMENT ORDINANCE – REPAIRS, MAINTENANCE AND RECONSTRUCTION

Mayor Starling opened a public hearing on a text amendment request by the Planning staff to amend Section 13.5 Repairs, Maintenance and Reconstruction of the City of Clinton Land Development Ordinance.

Interim Planning Director Mary Rose presented the Planning and Zoning Board's recommendation to amend Section 13.5 Repairs, Maintenance and Reconstruction of the City of Clinton Land Development Ordinance. She stated that this amendment would more clearly express the intent of this Section.

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

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem, the following ordinance # **2011.04.03** to the Land Development Ordinance was adopted unanimously:

2011.04.03

Whereas, upon the recommendation of the Planning and Zoning Board and after public hearing and due notice thereof as required by law, the City Council of the City of Clinton, NC do enact as follows: That the Land Development Ordinance of the City of Clinton be and the same is hereby amended to read as follows:

13.5 Repairs, Maintenance and Reconstruction

B. If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 50

percent of its replacement cost at the time of destruction, then the damaged structure may be repaired or replaced only in accordance with a Zoning Permit issued pursuant to this Section. ~~This Subsection does not apply to structures used for single family residential purposes (including manufactured homes), which structures may be reconstructed pursuant to a Zoning Permit just as they may be enlarged or replaced as provided in Subsection (E) of Section 13.3.~~ **Nothing herein shall prevent the repair, maintenance, or reconstruction of a nonconforming single-family dwelling or manufactured home, provided that degree of nonconformity is not increased.**

APPROVAL OF CONTRACT – FY10 CDBG PROJECTS -- HOLLAND CONSULTING, INC.

City Manager Connet stated that in 2009, the City went through a procurement process for consulting firms to submit CDBG applications for the City. He stated that proposals were received from three consulting firms and Holland Consulting, Inc. was selected. He stated that although Holland Consulting, Inc. has prepared several CDBG applications, we have been unable to locate an approved/signed contract for these services. Mr. Connet stated that an approved contract is required for auditing purposes and recommended approval of this contract for submitting applications.

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, the contract between the City of Clinton and Holland Consulting, Inc. for consultant services for FY2010 CDBG projects was approved unanimously.

AWARD OF BID -- CLINTON-SAMPSON COUNTY AIRPORT NEW PARALLEL TAXIWAY PHASE II

City Manager Connet stated that the City of Clinton is 50% owner of the Clinton-Sampson County Airport. He stated that the Airport Authority received six bids for the construction of a new parallel taxiway and recommends awarding the bid to ES&J Enterprises, of Autryville, NC. He stated that a thorough background check was performed on this contractor and all references came back positive. He stated that at its last meeting, Sampson County approved the award of bid to ES&J. City Manager Connet asked City Council to approve the award of bid to ES&J Enterprises who is shown below as the lowest bidder:

C. M. Lindsey & Sons	\$ 975,285.15
Barnhill Construction	1,204,032.90
Military Federal Construction & Burgess Construction (Joint Venture).....	856,167.93
Triangle Grading & Paving	945,818.70
Sullivan Eastern, Inc.	1,152,307.00
ES&J Enterprises	839,301.05

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it was approved unanimously to accept the contract of ES&J Enterprises, of Autryville, NC, for the construction of a new parallel taxiway at the Clinton-Sampson Airport.

AGREEMENT BETWEEN ELC GROUP, LLC AND THE CITY OF CLINTON – ROADSIDE MOWING

Public Works Director Jeff Vreugdenhil stated that last year, the City of Clinton entered a contract with NCDOT to mow all NCDOT rights of way within the city limits and the City was reimbursed for its services. He stated that this year, NCDOT received bids for mowing of rights of way on NCDOT roads and ELC Group, LLC was the lowest bidder. He asked City Council to approve an agreement between the City of Clinton and ELC Group, LLC to mow the ROW within the city limits six (6) times at a per trip cost of \$3,512.93. Total cost for the mowing will be \$ 21,077.58; NCDOT will reimburse the City in the amount of \$15,330.14; and the cost to the city for additional services will be \$ 5,747.44.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to approve an agreement between the City of Clinton and ELC Group, LLC to mow the ROW within the city limits six (6) times at a per trip cost of \$ 3,512.93.

AWARD OF BID – FISHER DRIVE DRAINAGE PROJECT

Public Works Director Jeff Vreugdenhil stated that the City has solicited and received bids for the removal and reconstruction of the deteriorated storm drain system located at Fisher Drive Park. He stated that this project includes the termination of a 24” storm drain on city property which would allow surface drainage to the receiving Cattail Branch per the design of Florence and Hutcheson consulting engineers. He stated that although bids were requested from five (5) contractors: ES&J; Wells Brothers Construction; Colt Contracting; Northstate Development; and Burgess Group, only the following two (2) contractors responded:

Colt Contracting..... \$ 20,850.00

Northstate Development..... 21,293.50

Mr. Vreugdenhil recommended awarding the contract to Colt Contracting for a base bid of \$ 20,850.00.

City Manager Connet stated that they are proposing to replace this collapsed storm drainage line with an open swale that will work well with our stream restoration project and reduce potential flooding issues downstream.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, it passed unanimously to award the contract to Colt Contracting for the removal and reconstruction of the deteriorated storm drain system located at Fisher Drive Park.

SAMPSON COUNTY READING ASSOCIATION – “READ OUT FAIR”

Interim Planning and Zoning Director Mary Rose stated that Sampson Reading Association requests that a portion of the Lisbon Street parking lot adjacent to the Clinton City Market be closed from 3:30 PM on Friday, April 15 until 6:00 PM on Saturday, April 16 in order to accommodate exhibits and activities associated with the “Sampson County Read Out Fair” scheduled for Saturday, April 16, 2011. She stated that a letter from Co-President Robert H. Turlington states the purpose of this event is to draw attention in the community to the benefits and joy of reading.

Upon a motion by Mayor Pro Tem Harris, seconded by Councilmember Turlington, it passed unanimously to close a portion of the Lisbon Street parking lot adjacent to the Clinton City Market from 3:30 PM on Friday, April 15, 2011 until 6:00 PM on Saturday, April 16, 2011 to accommodate exhibits and activities associated with the “Sampson County Read Out Fair” scheduled for Saturday, April 16, 2011.

OUTSIDE WATER RATE – CITY FIRE HYDRANTS

Public Works Director Jeff Vreugdenhil stated that outside contractors purchase water from the City for use on construction projects. He stated that independent contractors purchase water at nearly 300 gallons per minute in bulk trucks with unknown destinations. It was stated that these contractors are required to fill up at the Wall Street Fire Station in order to track the specific usage recommended by the Water Audit. He further asked Council to approve charging these independent contractors the outside rate which would amount to \$24.00 for 2250 gallons versus \$12.00 that currently, they are paying for 2250 gallons. He stated that presently, Sampson County is charged this same outside rate.

Upon a motion by Councilmember Turlington, seconded by Councilmember Becton, it passed unanimously to charge independent contractors the outside water rate when filling trucks from city fire hydrants, which now equates to \$24.00 for 2250 gallons.

ORDINANCES—BUDGET

Assistant City Manager-Finance Director Shawn Purvis briefed City Council regarding this item. He stated these budget amendments originated because of a property purchase, storm drainage project, and necessary bookkeeping to ensure the budget remains balanced. He recommended approval of the budget amendments.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following amendment **#2011.04.04** was unanimously adopted:

**Public Safety Grant Amendment
Third Year
Fiscal Year 2010-2011**

#2011.04.04

BE IT ORDAINED by the City Council of the City of Clinton, NC, that the following amendment be made to the Public Safety Grant Ordinance that was adopted on May 5, 2009, and amended on July 14, 2009; May 5, 2010; June 29, 2010; and July 6, 2010; 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>
765300.0400	Professional Service		\$ 5,000
765300.1400	Travel	\$ 9,600	
765300.3300	Building Improvements		1,500
765300.4500	Advertising/media		3,100
Total Expenditures		\$ 9,600	\$ 9,600

Section 2. Copies of this budget amendment shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following amendment **#2011.04.05** was unanimously adopted:

**Water System Study Budget Ordinance Amendment
Rural Center Grant**

#2011.04.05

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the Rural Center Planning Grant Ordinance adopted on September 7, 2010, is hereby amended as follows:

Section 1. To amend the Grant Ordinance, the expenditures are to be changed as follows:

<u>Account Number</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
43.4970.0500	Data Gathering & Testing	\$ 25,000	
43.4970.0600	System Model		\$ 25,000
Total Expenditures		\$ 25,000	\$ 25,000

Section 2. Copies of this amendment shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following amendment #2011.04.06 was unanimously adopted:

**Capital Projects Ordinance Amendment
Phase III Downtown Revitalization Project**

2011.04.06

BE IT ORDAINED by the City Council of the City of Clinton, NC that the following amendments be made to the Capital Project Ordinance adopted June 17, 2008, and amended on May 5, 2009; June 29, 2010; and February 1, 2011; is hereby amended as follows:

Section 1. To amend the Downtown Revitalization Phase III Capital Project, the expenditures for the project are changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
56.4970.0400	Engineering & Design	\$ 121,250	
56.4970.5000	Century Link		\$ 44,000
56.4970.7000	Progress Energy		187,000
56.4970.7100	StarVision		15,200
56.4970.7200	Private Utility Changeovers	246,200	
TOTAL EXPENDITURES		\$ 367,450	\$ 246,200

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
56.3030.0000	City Contribution - GF	\$ 121,250	
TOTAL REVENUES		\$ 121,250	

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

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following amendment #2011.04.07 was unanimously adopted:

**CDBG Community Revitalization Capital Project Ordinance Amendment
CDBG # 08-C-1874
Russell Street Project**

2011.04.07

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina, that the following amendment be made to the CDBG Community Revitalization Capital Project Ordinance adopted June 2, 2009, and amended

November 4, 2009; May 5, 2010; and June 29, 2010, is hereby amended as follows:

SECTION 1. The expenditures are to be changed as follows:

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>INCREASE</u>	<u>DECREASE</u>
49.4770.8300	Local Contribution	\$ 73,921	
49.4770.8400	Local Contrib/Sewer		\$ 50,000
TOTAL EXPENDITURES		\$ 73,921	\$ 50,000

SECTION 2. The revenues are to be changed as follows:

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>INCREASE</u>	<u>DECREASE</u>
49.3030.0000	Private Contribution	\$ 23,921	
TOTAL REVENUES		\$ 23,921	

SECTION 3. 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 Mayor Pro Tem Harris, seconded by Councilmember Becton, the following amendment **#2011.04.08** was unanimously adopted:

Storm Drainage Budget Ordinance Amendment

#2011.04. 08

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the capital project ordinance adopted December 12, 2006, and amended on March 4, 2008; June 17, 2008; February 2, 2010; and Fiscal Year 2010-2011 Budget Ordinance adopted June 29, 2010, and amended on January 4, 2011; is hereby amended as follows:

Section 1. To amend the Capital Project Budget Ordinance, the expenditures are to be changed as follows:

<u>Account Number</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
634730.7200	Drainage Improvements	\$ 23,000	
Total Expenditures		\$ 23,000	

Section 2. The following revenues are anticipated to be available for this project.

<u>Account Number</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
633473.0000	Transfer from General Fund*	\$ 23,000	
Total Revenues		\$ 23,000	

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

* Corresponds with Operating Budget Amendment

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following amendment **#2011.04.09** was unanimously adopted:

**Budget Ordinance Amendment
Fiscal Year 2010-2011 Budget**

City Hall Renovations

#2011.04.09

BE IT ORDAINED by the City Council of the City of Clinton, NC, that the following amendment be made to the City Hall Renovation Capital Project Ordinance adopted May 18, 2010, 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>
39-8110-0400	Admin/Engineering		\$ 40,068
39-8110-1200	Printing/Travel		\$ 5,000
39-8110-7000	Borings/Testing	\$ 2,437	
39-8110-7400	City Hall Furniture	\$ 42,631	
TOTAL EXPENDITURES		\$ 45,068	\$ 45,068

Section 2. Copies of this budget amendment shall be furnished to the Clerk, to the City Manager, and Finance Director for their direction.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following amendment **#2011.04.10** was unanimously adopted:

**Budget Ordinance Amendment
Fiscal Year 2010-2011 Budget**

#2011.04.10

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, 2011; amended October 5, 2010; November 3, 2010; January 4, 2011; and February 1, 2011; 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>
10-4200-0201	Temporary Salaries	\$6,000	
10-4200-5401	Worker's Comp		\$86
10-4200-5402	Insurance	\$86	
	Printing & Office		
10-4900-1200	Supplies	\$500	
10-4900-1402	Board Expense	\$150	
10-4900-1500	Maintenance		\$1,650
10-4900-2600	Legal Advertising	\$2,000	
10-4900-7400	Capital Outlay		\$1,000
	Maint. &		
10-5100-1700	Repair/Auto	\$9,000	
	Supplies &		
10-5100-3300	Materials		\$2,988
	Contracted		
10-5100-4500	Services	\$6,000	
10-5100-5301	CALEA		\$3,900
10-5100-5401	Worker's Comp		\$8,500
10-5100-5402	Insurance/Auto	\$175	
	Insurance/Public		
10-5100-5404	Liability	\$213	
10-5300-1400	Travel & Education	\$500	
10-5300-5401	Worker's Comp		\$600
10-5300-5402	Insurance/Auto		\$3,830
10-5300-5403	Insurance/Building	\$3,930	
	Supplies &		
10-5550-3300	Materials	\$36	
10-5550-5401	Worker's Comp		\$36
10-5600-0200	Salaries		\$44,000
10-5600-0500	FICA		\$2,500
10-5600-0600	Group Insurance		\$9,000
10-5600-0700	Retirement		\$2,000
10-5600-2600	Advertising	\$100	
10-5600-3302	Signs/Signals/Paint	\$5,600	
10-5600-3600	Uniforms	\$1,100	
10-5600-5401	Worker's Comp		\$11,400
10-5600-5700	Misc. Expense	\$100	
10-5610-3100	Auto Supplies	\$250	
10-5610-3200	Office Supplies	\$400	

10-5610-3600	Uniforms	\$100	
10-5610-5401	Worker's Comp		\$800
10-5610-5402	Insurance/Auto	\$50	
10-5900-0200	Salaries	\$44,000	
10-5900-0500	FICA	\$2,500	
10-5900-0600	Group Insurance	\$9,000	
10-5900-0700	Retirement	\$2,000	
10-5900-3600	Uniforms	\$900	
10-5900-3700	Safety Supplies		\$900
10-5900-5401	Worker's Comp	\$4,500	
10-6400-5401	Worker's Comp	\$1,005	
10-6400-5402	Insurance/Auto		\$1,125
10-6400-7400	Capital Outlay	\$120	
10-6600-0200	Rescue Squad	\$5	
	Overpayment on		
	taxes	\$325	
10-6600-0300	General Liability		\$1,490
	Transfer to Strom		
10-6600-6500	Drainage*	\$23,000	
	Downtown		
10-6600-6901	Incentive Program	\$1,160	
	Capital		
10-6600-7405	Outlay/Property	\$22,960	
10-6600-8000	Contingency		\$5,040
TOTAL EXPENDITURES		\$ 147,765	\$100,845

Section 2. The revenues are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
10-3260-0000	Hold Harmless Funds	\$46,920	
TOTAL REVENUES		\$ 46,920	

Section 3. To amend the Water and Sewer Fund, the expenditures are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
30-8100-0201	Temporary Salaries		\$ 4,000
30-8100-3300	Meters & Repairs	\$10,000	
30-8100-3301	Special Tools	4,500	
30-8100-3303	Service Pipe & Boxes	4,000	
30-8100-3600	Uniforms	\$1,600	
30-8100-3700	Safety Supplies		\$1,600

30-8100-5401	Worker's Comp		\$10,000
30-8100-7400	Capital Outlay		4,500
30-8300-1400	Travel & Education	\$10	
30-8300-3301	Lab Chem. & Equip.	\$725	
30-8300-3600	Uniforms	\$275	
30-8300-3700	Safety Supplies		\$275
30-8300-5401	Worker's Comp		\$735
TOTAL EXPENDITURES		\$21,110	\$ 21,110

Section 4. Copies of this budget amendment shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

*Corresponds with Capital Budget Amendment

CAPITAL PROJECT ORDINANCE – ELIZA LANE CDBG INFRASTRUCTURE

Assistant City Manager-Finance Director Shawn Purvis asked City Council to remove this item, "Consideration of approval of a project ordinance for the Eliza Lane Project." He stated that this item will be forthcoming at a later date.

City Council removed the abovementioned item until a later date.

CITY CODE -- ORDINANCE-- ELECTRONIC GAMING OPERATIONS

Assistant City Manager-Finance Director Shawn Purvis stated that previously at the August 2010 city council meeting, City Council reduced the privilege license fee for electronic gaming operations from \$2500 to \$1000. It was stated that establishments received their original bills before City Council amended the fee. He stated that in order to adjust the books properly to account for the difference between the \$2500 and \$1000 fee, city staff needs City Council's approval. Mr. Purvis stated that once adjustments have been completed, the following customers will no longer have a balance with the City of Clinton Finance Department:

<u>Customers</u>	<u>Amount to be adjusted</u>
Internet Connection	\$ 40,000.00
Triple S Internet Café #4	\$ 37,499.95
H & L Enterprises Inc.	\$ 50,000.00

Mr. Purvis recommended approving the adjustment of the initial billing for the electronics gaming operations.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, it passed unanimously to adjust the initial billing for the electronics gaming operations on the books to properly account for the

difference between the \$2500 and \$1000 fee allowing the abovementioned customers/businesses to have a zero balance.

APPOINTMENTS

Notification was given of expiration terms on the Historic Preservation Commission for: Ellen K. Tew; Fred Dufour; George E. Wilson; and Susan Heath. The term is for four years.

City Manager Connet stated that only Fred Dufour is eligible for reappointment. Council will make appointments and a reappointment, if desired, at its May 3, 2011 city council meeting.

Notification was given of expiration terms on the Recreation Advisory Board for: David Nordin, District 1; Dr. Gib Palmer, At Large; and Rose Gilford, District 3. The term is for three years. Council will make appointments/reappointments at its May 3, 2011 city council meeting.

AGREEMENT BETWEEN HAMILTON BEACH BRANDS, INC. & THE CITY OF CLINTON – ENVIRONMENTAL ACCESS EASEMENT & RESTRICTION

City Manager Connet presented a document to Council entitled, “Environmental Access Easement and Restriction Agreement.” He stated that he received this agreement after the distribution of City Council’s agenda packets. He stated that the approval of this agreement will allow Hamilton Beach Brands, Inc. (HBB) a non-exclusive easement for reasonable and necessary access and entry through portions of the property for the express and limited purpose of conducting tasks which will include: testing of soils and groundwater conditions; installation, maintenance and use of monitoring wells; installation of a remedial injection system and related equipment; temporary storage of equipment and drummed materials; excavation of soils; the installation and operation of a remedial injection system; and phytoremediation plantings (planting and maintaining trees).

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, this item – “Consideration of an agreement between Hamilton Beach Brands, Inc. and the City of Clinton – Environmental Access Easement & Restriction,” was added to the agenda and unanimously passed.

REPORTS

The City Council action, finance, police, fire, public works, personnel, and code reports were acknowledged. City Manager Connet asked Interim Planning and Zoning Director Mary Rose to update City Council on the Pedestrian Plan.

Ms. Rose stated that there is a survey on the website which she requested City Council to complete. She stated that the Pedestrian Planning Committee has had its initial meeting and will have a second meeting soon. She stated that the information gathered from this survey will aid the Pedestrian Planning Committee in its decision-making.

City Manager Connet stated that in the agenda packet was the “2010 Annual Drinking Water Quality Report.” He stated that the North Carolina Department of Environment and Natural Resources Public Water Supply Division require this report be distributed to wholesale and city consumers.

RESOLUTION—CLOSED SESSION

Although a “Closed Session” item was showing on the April 5, 2011 Agenda that was sent out to City Council, no closed session was necessary.

CONTINUATION – PLANNING SESSION – APRIL 14, 2011

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and approved unanimously, the meeting was continued until Thursday, April 14, 2011 at 6:00 PM, so that a planning session might take place to begin work on the upcoming budget.

Elaine F. Hunt, MMC, City Clerk

Lew Starling, Mayor

ADJOURNED AT 7:25 PM.