JUNE 7, 2011, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on June 7, 2011, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Becton, Strickland, Stefanovich, Turlington, Mayor Pro Tem Harris, and City Attorney Dale Johnson were present. Also City Clerk Elaine F. Hunt; City Manager John Connet; Assistant City Manager-Finance Director Shawn Purvis; Fire Chief Todd Solice; 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. Summer interns Claire Long and Brittany LeSieur were also present.

Rev. Ray Bolton, Pastor of Red Hill Missionary Baptist Church, gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, the minutes of the February 1, 2011 closed session meeting, May 3, 2011 regular city council meeting, and May 10 and May 17, 2011 special city council meetings were unanimously approved.

P & Z – CLOSING OF FORMER BIZZELL STREET RIGHT-OF-WAY –CORNER OF LISBON STREET AND MORISEY BOULEVARD

Mayor Starling opened a public hearing on the closing of the former Bizzell Street right-of-way at the corner of Lisbon Street and Morisey Boulevard.

City Manager Connet stated that after comparing the cost of advertising and surveying necessary to convert this street right-of-way to a utility easement with the gain that would be received by the Lisbon Street Missionary Baptist Church and the City, it was determined that the closing of the right-of-way was not necessary. He stated that the same restrictions on the use of the property would apply with a street right-of-way and a utility easement. Mr. Connet further stated that discussion has taken place between the City and the Church's representative and they are in agreement to take no action and removed this item from the agenda.

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

No action was taken on this item and it was removed from the June 7, 2011 City Council agenda.

P & Z --PROBATIONARY RENTAL OCCUPANCY PERMIT (PROP) PROGRAM

Mayor Starling opened a public hearing to give the community the opportunity to provide input regarding the Probationary Rental Occupancy Permit program.

Planning Director Mary Rose stated that previously, this Probationary Rental Occupancy Permit (PROP) program was presented to City Council and to interested

rental property owners. She stated that several of these rental property owners were present and gave way to them voicing their concerns.

Mr. Frank Butler, of Butler and Faircloth Real Estate, thanked City Council for directing Ms. Rose to schedule the May 23, 2011 so that interested rental property owners might voice their concerns. Mr. Butler stated that he is totally against this proposed program. He stated that there are codes presently in effect that if properly enforced, will address many of the PROP program concerns.

Mayor Starling stated that there is proposed legislation within the General Assembly which will prohibit or severely restrict programs such as the PROP program.

It was the consensus of the City Council to remove this item from the agenda. Planning and Zoning Director Mary Rose agreed with Council's recommendation.

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

No action was taken on this item and it was removed from the June 7, 2011 City Council agenda.

P & Z -- CDBG - RUSSELL STREET/PUGH ROAD PHASE II PROJECT

Mayor Starling opened a public hearing to receive citizen input regarding the use of Community Development Block Grant (CDBG) funds from the North Carolina Department of Commerce and the U. S. Department of Housing and Urban Development.

Planning and Zoning Director Rose stated that the purpose of this public hearing is to advise the public of a recent \$320,000 CDBG grant agreement accepted by the Clinton City Council to add two reconstruction units and four rehabilitation units to the City's FY08 Community Development Block Grant Revitalization Program. She stated that the citizens of Clinton are encouraged to give their input on the matter.

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

No action was required or taken.

BUDGET – FY2011-2012

Mayor Starling opened a public hearing to receive input on the FY 2011-2012 Fiscal Year Budget.

City Manager Connet began the presentation by stating that 2011 is a reevaluation year. He stated that Sampson County is required to reevaluate real property every 8 years. He stated that the 2010 tax base was \$621,000,000; while the estimated tax base for 2011 is \$638,130,475 and the estimated revenue neutral tax rate is \$0.38.

Mr. Connet informed all that the City's population grew by 39 people from 2000 to 2010; the average single family home available for purchase in the Clinton

corporate limits is 58 years old and valued at \$134,180; and there are six vacant industrial buildings within the City of Clinton.

He stated that the FY 2011-2012 Budget totals \$12,802,761—General Fund \$8,292,480; Water and Sewer Fund -- \$4,387,781; and all other funds \$122,500.

City Manager Connet spoke regarding the expenditure highlights of this budget which included: street resurfacing (#1 Priority), leaf collection vehicle, pickup truck and trailer for Cemetery Department, 2 police vehicles, fire SCBAs, 311 Geographic Service Order System, and recreation improvements –Newkirk Park walking trail, playground equipment, and Royal Lane restrooms, well site generator, skid steer tractor, water meter replacement, water tank maintenance, WWTP impeller replacement, and pickup truck replacement for Water Production. He further stated the following personnel highlights: no new positions increased City's contribution to Local Government Retirement System by .53%, pay and classification study for public safety employees implemented, medical insurance 0% increase, Workers Compensation insurance savings of \$50,000+, and no cost of living increases.

City Manager Connet spoke regarding the revenue highlights: reduced property tax rate to historical low of \$0.40 per \$100 property evaluation, minimal user fee increase (solid waste fee increase of \$0.50 per month and eliminate non-resident multi-child discount for recreation), no fund balance or retained earnings allocation, and no water and sewer rate increases. He stated that it is required that municipalities have an 8% fund balance; however, the City of Clinton has a 38% fund balance.

City Manager Connet concluded by stating that the City of Clinton's budget is financially sound. He asked if City Council had questions and requested that they delay adopting the budget until the convening of a special meeting on Tuesday, June 21, 2011 at 7:00 PM in the Clinton City Hall Auditorium.

City Council had no questions. No one else wished to be heard, and the public hearing was closed.

Mayor Starling stated that no action will be taken tonight; however, City Council is asked to adopt the budget on June 21, 2011 at 7:00 PM.

RESOLUTION AFFIRMING CITY OF CLINTON'S ELECTORAL DISTRICTS

City Manager Connet stated that federal law and the North Carolina General Statutes require that electoral districts be reviewed every ten years following the federal census to ensure the districts are in compliance with the one person/one vote requirement. He stated that Tharrington Smith, LLP, who developed the original districts have reviewed the districts utilizing the 2010 Census information and determined that our districts do not need to be adjusted. He stated that the overall deviation between the largest and smallest districts is 6.01% -- well below the ten percent limit. He further stated that because of a consent decree for Clinton City Council ordered on July 13, 1989, five districts are required with two of the districts being minority districts. He presented this consent decree to City Council for its review. Mr. Connet recommended that Council adopt a resolution reaffirming the City Council existing electoral districts.

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

RESOLUTION REAFFIRMING THE CURRENT ELECTION DISTRICTS FOR THE CITY OF CLINTON

- **WHEREAS**, the Clinton City Council has five members who are elected from single-member districts; and
- **WHEREAS**, those districts are subject to the constitutional and statutory requirement of one-person/one-vote; and
- **WHEREAS**, the City Council is authorized and required by North Carolina General Statutes 160A-23(b) to revise its electoral district boundaries to correct population imbalances shown by a federal census; and
- **WHEREAS**, it is generally accepted by the courts that there should not be more than a ten percent overall deviation in population for districts used by local governments; and
- **WHEREAS**, Tharrington Smith LLP, of Raleigh, NC was engaged to serve as counsel to the Clinton City Council in connection with redistricting following the 2010 Census: and
- **WHEREAS**, the City Council has recently received and reviewed the information regarding the population of the election districts as determined by the 2010 federal census; and
- **WHEREAS**, from the 2000 federal census until the 2010 federal census, the City of Clinton experienced an overall population increase of only 39; and
- **WHEREAS**, the City Council determines that its election districts remain within acceptable overall balance.
- **NOW, THEREFORE, BE IT RESOLVED** by the Clinton City Council as follows:
- (1) The attached population chart has been prepared by Tharrington Smith LLP, Raleigh, NC using data from the 2010 Census
- (2) The current electoral district boundaries adopted in 2001 shall remain in effect and continue to be used for elections of the Clinton City Council until the boundaries are altered according to law.
 - (3) A copy of this resolution shall be retained in the Office of the City Clerk.
- (4) A copy of this resolution shall be provided to the Sampson County Board of Elections.

CONTRACT – SAMPSON COUNTY COMMUNITY DEVELOPMENT CORP

Planning and Zoning Director Mary Rose spoke regarding this item. She stated that Sampson County Community Development Corporation entered into a contract with the City on March 3, 2009 to utilize the city market. She stated that the contract was effective for two years and approved to be modified from time to time by mutual consent of the parties. Ms. Rose stated that Mr. Homer Marshall, Jr., and Sampson County CDC, Inc. request that the contract be extended for another two year period. Ms. Rose asked City Council to approve the request.

Although Mr. Homer Marshall, Jr. was present, he felt it unnecessary to speak on the request.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the contract between the City of Clinton and Sampson County CDC, Inc., d/b/a Sampson County Farm Fresh Association passed unanimously to be extended for two additional years. Originally, the contract was approved on March 3, 2009 expiring on or about March 3, 2011. A two year extension will cause the contract to expire on or about March 3, 2013.

MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE

City Clerk Hunt presented to City Council an amendment to the 2009 Municipal Records Retention and Disposition Schedule. She stated that within the 2009 Municipal Records Retention and Disposition Schedule, there were no guidelines as to how to dispose of abstracts of municipal elections. She stated that she contacted Tom Vincent with the NC Department of Cultural Resources, Raleigh, NC, and he created a local amendment for the City of Clinton. She further stated that eventually, this amendment will be incorporated into a statewide amendment for the Schedule. City Clerk Hunt asked City Council to approve this amendment.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the 2009 Municipal Records Retention and Disposition Schedule amendment as it relates to the disposition of abstracts of municipal elections was approved unanimously.

<u>RESOLUTION -- ALLOWING CLINTON ABC BOARD TO ADOPT CITY'S</u> TRAVEL POLICY

City Manager Connet stated that the North Carolina Alcoholic Beverage Control Commission is requesting all local liquor boards to adopt travel policies. He stated that Ms. Shurley McCullen and the Clinton ABC Board request permission to adopt the City of Clinton's travel policy that was adopted on November 5, 2002. City Manager Connet recommended that City Council approve this request.

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

RESOLUTION ALLOWING THE ADOPTION
OF THE
CITY OF CLINTON'S TRAVEL POLICY

BY THE CLINTON ABC BOARD

WHEREAS, the North Carolina Alcoholic Beverage Control Commission is requesting that all local liquor boards adopt travel policies as pursuant to Statutory Authority G.S. 18B-702(e) and recent passed legislation *HB* 1717 Modernization of the State ABC System; and

WHEREAS, the Clinton ABC Board requests written confirmation from the Clinton City Council to allow the Board permission to adopt its Travel Policy which became effective November 5, 2002.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Clinton hereby grants the Clinton ABC Board's request to use the City's Travel Policy.

ORDINANCES—BUDGET

Assistant City Manager-Finance Director Shawn Purvis briefed City Council regarding this item. He stated these budget amendments originated because of line item transfers, transfers regarding our storm drainage improvements, and transfers regarding our city hall renovations. He stated that we need to clean up our books to make certain every account balances. He recommended approval of the budget amendments.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the following amendment **#2011.06.01** was unanimously adopted:

Storm Drainage Budget Ordinance Amendment

#2011.06.01

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 and April 5, 2011 is hereby amended as follows:

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

Account Number	Description	Increase	<u>Decrease</u>	
63.4730.7200	Drainage Improvements	\$ 6,000		
	Total Expenditures	\$ 6,000	\$ 0	

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

Account Number	Description	Increase	Decrease
63.3473.0000	Transfer from General Fund*	\$ 6,000_	
	Total Revenues	\$ 6.000	

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

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the following amendment **#2011.06.02** was unanimously adopted:

Budget Ordinance Amendment Fiscal Year 2010-2011 Budget

#2011.06.02

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; February 1, 2011; April 5, 2011; and May 3, 2011 is hereby amended as follows:

Section 1. To amend the General Fund, the expenditures are to be changed as follows:

Account #	Account Title	Increase	Decrease	Total
10-4200-0600	Group Insurance	\$2,150		
10-4200-2600	Legal Advertising		\$500	
10-4200-2700	City code Update		\$500	
10-4200-3600	Uniforms		\$300	
10-4200-5300	Dues & Subscriptions		\$850	
10-4400-0200	Salaries		\$2,500	
10-4400-5300	Contract Services	\$2,500		
10-5100-0200	Salaries		\$17,500	
10-5100-0202	Salaries/HUD	\$500		
10-5100-0203	Salaries/SRO	\$17,000		
10-5100-1100	Telephone	\$6,000		
10-5100-1500	Maint. & Repair/Building		\$6,000	
10-5100-3300	Supplies & Materials		\$3,000	
10-5100-3600	Uniforms	\$3,000		
10-5100-5701	Special Funds	\$1,000		
10-5300-1600	Maint. & Repair/Equipment	\$4,000		
10-5300-2600	Advertising		\$2,000	
10-5300-3300	Fire Hose		\$2,000	

^{*} Corresponds with Operating Budget Amendment

	TOTAL EXPENDITURES	\$133,150	\$108,150	\$25,000
10-6600-8000	Contingency		\$25,000	
10-6600-6500	Xfer to Strom Drain*	\$6,000		
10-6600-6100	Hamilton Beach	\$20,000		
10-6600-5700	Miscellaneous	\$5,000		
10-6600-1000	Professional Services	\$9,000		
10-6400-0201	Temporary Salaries	\$13,000		
10-6400-0200	Salaries		\$13,000	
10-6200-1301	Tipping Fees	\$5,000		
10-6200-1300	Utilities		\$4,000	
10-6200-1200	Printing & Office Supplies		\$1,000	
10-6200-0203	Salaries Contract	\$3,000		
10-6200-0201	Temporary Salaries	\$7,000		
10-6200-0200	Salaries		\$10,000	
10-5900-4502	Recycling	\$5,000		
10-5900-0200	Salaries		\$7,000	
10-5600-5401	Workers Comp		\$3,000	
10-5600-5000	Street Lighting		\$5,000	
10-5600-4502	Contract Services		\$5,000	
10-5600-3100	Auto Supplies	\$7,000		
10-5600-1600	Maint. & Repair/Equipment	\$10,000		
10-5600-0200	Salaries	\$7,000		

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

Account #	Account Title	Increase	Decrease	<u>Total</u>
10-3030-0200	State Drug Forfeiture	\$1,000		
10-3990-0000	Fund Balance	\$24,000		
	TOTAL REVENUES	\$25,000	\$0	\$25,000

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

	TOTAL EXPENDITURES	\$191,000	\$45,000	\$146,000
30-8300-0700	Retirement	\$1,000		<u>.</u>
30-8300-0500	FICA	\$1,000		
30-8300-0401	Engineering Services		\$9,000	
30-8300-0200	Salaries	\$7,000		
30-8200-3303	Water Chem Analysis	\$3,000		
30-8200-3302	Chemical		\$3,000	
	Waste Treatment			

SECTION 4. The revenues are to be changed as follows:

Account #	Account Title	Increase	Decrease	Total
30-3680-0000	Bulk Water/County	\$10,000		
30-3750-0000	Service Fees	\$6,000		
30-3990-0000	Fund Balance	\$130,000		
	TOTAL REVENUES	\$146,000	\$0	\$146,000

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 Turlington, seconded by Councilmember Strickland, the following amendment **#2011.06.03** was unanimously adopted:

Budget Ordinance Amendment Fiscal Year 2010-2011 Budget

City Hall Renovations

#2011.06.03

BE IT ORDAINED by the City Council of the City of Clinton, NC, that the following amendment be made to the City Hall Renovations Capital Project Ordinance adopted May 18, 2010, and amended April 5, 2011 is hereby amended as follows:

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

Account #	Account Title	Increase	<u>Decrease</u>
39-8110-7200	Admin Renovations	\$19,190	
39-8110-7300	City Hall Renovations	\$18,127	
39-8110-8000	Contingency	. ,	\$37,317

^{*}Corresponds with Capital Budget Amendment

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

APPOINTMENTS

Council was asked to continue this item for the appointment or reappointment of District 1, to the Recreation Advisory Board until the July 5, 2011 city council meeting. Currently, David Nordin holds the position for District 1.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, Virginia Grier, 201 N. Chestnutt Street; Allison Bradshaw, 401 Fayetteville Street; and Anne Faircloth, 207 N. Chestnutt Street; were unanimously appointed to the Historic Preservation Commission to replace George Wilson, Ellen Tew, and Fred Dufour, respectively. The Historic Preservation Commission appointment is a four-year term. Susan Heath's appointment will be continued until the July 5, 2011 city council meeting.

Notification was given of the August expiration term of Cary Taylor serving on the ABC Board. City Manager Connet stated that Mr. Taylor does not wish to be reappointed. The term is for three years and an appointment will be made at the July 5, 2011 city council meeting.

REPORTS

The City Council action, finance, police, fire, personnel, and code reports were acknowledged.

City Manager Connet introduced the two interns for the summer: Claire Long and Brittany LeSieur. He stated that Long will be working closely with Human Resource Manager Lisa Carter and LeSieur will be working with Mary Rose performing tasks that relate to Alive after Five, the annual street fair, etc.

City Manager Connet stated that we have witnessed our first Alive after Five event and it went exceptionally well. He stated that the second event will take place on next Thursday, June 16, 2011. He stated John Brown and the Groove Shop Band will be the guests. He further stated that the event begins at 5:30 PM and concludes at 8:00 PM. He invited the public to come out and support the event.

City Manager Connet stated that customers will be receiving a letter with their water bills regarding the changing of its meter reading system. He stated that in August, some may witness a higher than normal usage reading and amount owed on their water bills. He stated that this bill will be offset by a lower reading and lower bill in September. He encouraged anyone with questions to contact the Water Department.

PUBLIC COMMENTS

Rev. Joseph McClain, 221 Pearl Street, Clinton, North Carolina, spoke to City Council regarding two issues:

- (1) He stated that he and the family have used the Royal Lane Park for their reunions since 1977. His concern was the increase in rental fee. He could not understand why the "tremendous" increase.
- (2) He has contacted the Police Department on several occasions regarding loose dogs in his neighborhood. He stated that the dogs are still running rampant.

Mayor Starling asked Chief Mike Brim and Parks and Recreation Director Judi Nicholson to talk to Rev. McClain and resolve these concerns.

Brenda Sloan appeared before City Council and asked permission to read a poem entitled, "Footprints". She thanked them for allowing her the opportunity to do so.

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 June 7, 2011 entered closed session as allowed by G. S. 143-318.11(a)(3) to discuss potential litigations.

Council re-entered regular session at 8:18 PM. Mayor Starling reported that City Council was briefed on potential litigations; however, no action was taken.

ADJOURNMENT/CONTINUATION - ADOPTION OF FY 2011-2012 BUDGET

Upon a motion made by Councilmember Stefanovich, seconded by
Councilmember Becton, and approved unanimously, the meeting was continued unti
Tuesday, June 21, 2011 at 7:00 PM, so that the FY 2011-2012 Budget can be
adopted.

Elaine F. Hunt, MMC, City Clerk	Lew Starling, Mayor	

ADJOURNED AT 8:19 PM.