

## JULY 5, 2011, CITY COUNCIL MEETING

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

Dr. Louie V. Andrews, III, Pastor of Graves Memorial Presbyterian Church, gave the invocation.

### **CITY COUNCIL**

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, the minutes of the June 7, 2011 regular meeting and June 21, 2011 special meeting were approved unanimously.

### **ELIZA LANE INFRASTRUCTURE PROJECT -- CDBG GRANT NO. 10-C-2195**

Planning and Zoning Director Mary Rose stated that the City of Clinton has been awarded a grant in the amount of \$572,765 for Eliza Lane water and sewer improvements. She stated that the following items must be approved by the City Council to utilize this grant funding:

- a. Resolution authorizing persons to sign Requisition for Funds forms
- b. Grant agreement
- c. Funding approval
- d. Signatory form and certification cards
- e. Project Ordinance
- f. Performance based contract: Implementation Schedule
- g. Requisition for CDBG Funds

City Manager Connet stated that signatory cards are required by the North Carolina Department of Commerce to identify individuals authorized to sign requisitions for funds. It was recommended that City Council approve the City Manager, Assistant City Manager-Finance Officer, and Planning and Zoning Director be authorized to sign the appropriate forms.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the abovementioned items were approved/adopted unanimously, which included the following resolution and Project Ordinance:

**CITY OF CLINTON**

**RESOLUTION FOR SIGNATORY FORM AND CERTIFICATION CARDS**

**FOR**

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONTINGENCY  
GRANT NO. 10-C-2195 PROJECT**

**WHEREAS**, in order to receive Community Development Block Grant Contingency Grant funds for Project No. 10-C-2195, the City of Clinton must authorize persons to sign the Requisition for Funds form(s) for the Community Development Block Grant Contingency Grant funds and checks for the City of Clinton CDBG Program.

**BE IT RESOLVED THAT**, the City Manager, Assistant City Manager Finance Director, and Planning Director be authorized to execute the signature requirements for requisition of Community Development Block Grant (CDBG) Contingency Grant No. 10-C-2195 Project Grant funds and checks for disbursement.

**City of Clinton  
FY11-12 Clinton Capital Project Ordinance  
Eliza Lane CDBG Infrastructure**

**#2011.07.01**

**BE IT ORDAINED** by the City Council of Clinton, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**Section 1.** The project authorized is the FY11-12 Community Development Block Grant Infrastructure project described in the work statement contained in the Grant Agreement (#10-C-2195) between the City of Clinton and the North Carolina Department of Commerce. This project is more familiarly known as the Eliza Lane CDBG Infrastructure Project.

**Section 2.** The City of Clinton staff is hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, and the budget contained herein.

**Section 3.** The following revenues are anticipated to be available to complete the project activities:

<u>Account</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
49.3041.0000	CDBG- Eliza Lane	\$572,765		
49.3051.0000	City Contribution*	217,785		
	<b>TOTAL REVENUES</b>	<b>\$ 790,550</b>		<b>\$ 790,550</b>

**Section 4.** The following expenditures are appropriated for the project activities:

<b>Account</b>	<b>Description</b>	<b>Increase</b>	<b>Decrease</b>	<b>Total</b>
49.4170.0400	Administration	\$ 47,500		
49.4170.7400	Road Construction	141,900		
49.4170.8100	Water Improvements	114,375		
49.4170.8200	Sewer Installation	268,990		
49.4170.8300	City Contribution	217,785		
<b>TOTAL EXPENDITURES</b>		<b>\$ 790,550</b>		<b>\$ 790,550</b>

**Section 5.** The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the North Carolina Department of Commerce required by the grant agreement(s) and federal and state regulations.

**Section 6.** Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the North Carolina Department of Commerce in an orderly and timely manner.

**Section 7.** The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

**Section 8.** The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Council.

**Section 9.** Copies of this Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

\* \$ 30,000 from General Fund and \$ 187,785 from Water and Sewer

**APPROVAL OF CONTRACT – FY2009 ELIZA LANE INFRASTRUCTURE PROJECT -- HOLLAND CONSULTING PLANNERS, INC.**

Planning and Zoning Director Rose stated that three proposals had been received for administrative services for the CDBG FY2009 Eliza Lane Contingency Infrastructure Project. She recommended approval of the contract between the City of Clinton and Holland Consulting Planners, Inc., for consultant administrative services.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the contract between the City of Clinton and Holland Consulting Planners, Inc., for consultant administrative services for the CDBG FY2009 Eliza Lane Infrastructure Project was approved unanimously.

**APPROVAL OF CONTRACT – FY2009 ELIZA LANE INFRASTRUCTURE PROJECT -- WITHERS & RAVENEL, INC.**

Planning and Zoning Director Rose stated that three proposals had been received for consultant engineering services for the CDBG FY2009 Eliza Lane Contingency Infrastructure Project. She recommended approval of the contract between the City of Clinton and Withers & Ravenel, Inc., for consultant engineering services.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the contract between the City of Clinton and Withers & Ravenel, Inc., for consultant engineering services for the CDBG FY2009 Eliza Lane Infrastructure Project was approved unanimously.

**CONDEMNATIONS – 87 TRAM ROAD AND 317 MCKOY STREET**

Planning and Zoning Director Rose presented two ordinances of condemnation for **87 Tram Road** and **317 McKoy Street**. She stated that the property owners, Ms. Grace C. Britt and Mr. Christian & Mrs. Anabell Ramirez, respectively, were instructed on April 25, 2011 to remove the unsafe structures, but it has not been done. Ms. Rose stated that bids from demolition contractors had been received with low bids of \$2,740.00 and \$5,850.00 respectively, to remove the structures

Upon a motion by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following ordinances **#2011.07.02** and **#2011.07.03** were unanimously adopted:

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

**#2011.07.02**

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

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

**WHEREAS**, Grace C. Britt, the owner of this structure has been given a reasonable opportunity to bring the structure to the standards of the Housing Code in accordance with G.S. 160A-426 pursuant to an order issued by the Code Enforcement Officer on April 25, 2011, the owner has failed to comply with this order.

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

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

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

on the structure located at 87 Tram Road and in the City of Clinton.

**Section 2.** The Code Enforcement Officer is hereby authorized and directed to proceed to remove or demolish the above-described structure in accordance with his order to the owners thereof dated April 25, 2011, and in accordance with the Code and G.S. 160A-426.

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

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

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

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

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

**#2011.07.03**

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

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

**WHEREAS**, Christian and Anabell Ramirez, the owners of this structure have been given a reasonable opportunity to bring the structure to the standards of the Housing Code in accordance with G.S. 160A-426 pursuant to an order issued by the Code Enforcement Officer on April 25, 2011, the owners have failed to comply with this order.

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

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

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

on the structure located at 317 McKoy Street and in the City of Clinton.

**Section 2.** The Code Enforcement Officer is hereby authorized and directed to proceed to remove or demolish the above-described structure in accordance with his order to the owners thereof dated April 25, 2011, and in accordance with the Code and G.S. 160A-426.

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

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

## **APPROVAL OF CONTRACT – WALL STREET ALLEY WATER LINE PROJECT**

Public Works Director Vreugdenhil stated that proposals for engineering services to design an infrastructure renovation project in the alley between Sycamore Street and Main Street which parallels Wall Street have been received. He stated that this project will also include permitting the new water line and establishing new meter connections along Sycamore Street from Chestnut Street through the alley. He further stated that The Wooten Company was the low bidder with an estimated design fee of \$11,700 (hourly, not to exceed). Mr. Vreugdenhil recommended approval of this contract with The Wooten Company.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the contract between the City of Clinton and The Wooten Company for engineering services to design an infrastructure renovation project in the alley between Sycamore Street and Main Street which parallels Wall Street was approved unanimously.

## **APPOINTMENTS**

City Council was asked to continue this item for the appointment of District 1, to the Recreation Advisory Board until the August 2, 2011 city council meeting. Mayor Starling instructed City Clerk Hunt to send Mr. David Nordin a letter of appreciation for his years of service.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, Frank Butler, of Butler & Faircloth Real Estate, was unanimously appointed to the Historic Preservation Commission to replace Susan Heath. The Historic Preservation Commission appointment is a four-year term. Mr. Butler's term will expire June 30, 2015.

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, Dempsey Craig, 204 Coharie Drive, was unanimously appointed to the ABC Board to replace Cary Taylor. The ABC Board appointment is a three-year term. Mr. Craig's term will expire August 2014.

## **REPORTS**

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

City Manager Connet informed City Council regarding the July 4<sup>th</sup> event at Royal Lane on last evening. He stated that the fireworks and activities went smoothly. He stated that presently, we are preparing for our third Alive after Five event which will occur on Thursday, July 21, 2011 beginning at 5:30 PM and conclude at 8:00 PM.

## **ADJOURNMENT**

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, and approved unanimously, the meeting was adjourned at 7:11 PM.

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Elaine F. Hunt, MMC, City Clerk

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Lew Starling, Mayor