



July 7, 2015, CITY COUNCIL MEETING

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

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

Also present were City Manager Shawn Purvis; Police Chief Jay Tilley; City Clerk Elaine F. Hunt; Planning Director Mary Rose; Recreation Director Jonathan Allen; Interim Fire Chief Austin Tew; Public Works Engineer Russell Byrd; Public Works Director Jeff Vreugdenhil; Finance Director Kristin Stafford; Human Resource Director Lisa Carter; Environmental Program Manager Lisa Osthues; newly-hired Fire Chief Scott Phillips; Clinton Fire Department staff; Barry Templin, WWTP; Public Works Manager Tony Steffen; and WWTP Intern Camille Monroe.

Melvin Henderson, of the Sampson Weekly; and Chris Berendt, of the Sampson Independent, were also present.

Mayor Starling called the meeting to order. He called upon Councilmember Stefanovich, District 1, to give the invocation.

OFFER OF REWARD -- JUNE 19, 2015 MURDER – DOGWOOD CIRCLE

Mayor Starling spoke regarding a recent “unfortunate incident at Dogwood Circle,”—a murder of an individual. He stated that Clinton Police staff is investigating this case fully and will not stop until the person(s) are in jail. He further stated it may be in the City’s best interest to issue a reward. Mayor Starling called Chief Tilley forth to comment.

Chief Jay Tilley stated that the Neighborhood Improvement Team and the State Bureau of Investigation have been working daily trying to get leads to solve this case. He stated that the investigators requested offering a reward in an attempt to solicit information in the case. Chief Tilley asked City Council to approve a \$10,000 reward. Mayor Starling recommended increasing the reward to \$12,000.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, it passed unanimously to offer a reward in the amount of \$12,000 for information leading to the arrest and conviction of those responsible for the murder that occurred on June 19, 2015, at Dogwood Circle.

OATH OF FIRE CHIEF

City Manager Purvis gave a brief introduction of Fire Chief Phillips. He stated that Chief Phillips comes to the City of Clinton from the City of Dunn. He has fifteen (15) years of service in public safety. City Manager Purvis stated that the Chief has a degree from Campbell University in Physical Education with a concentration in Sports Medicine.

The Honorable Mayor Starling administered the oath of office to Christopher Scott Phillips, the newly appointed Fire Chief. Mr. Phillip's daughter, Marlei, and son, Cooper, stood alongside their father as the swearing-in took place. Also present were his parents, his friend Kristen, Clinton Fire Department's personnel, and fire staff from neighboring fire departments.

CITY COUNCIL

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the November 5, 2014, closed session, June 2, 2015, regular and June 16, 2015, special city council meetings, were approved unanimously.

RECOGNITION – ALPHA KAPPA ALPHA SORORITY, INC.

Parks and Recreation Director Jonathan Allen showed a PowerPoint presentation of Newkirk Park regarding May 30, 2015. He stated that the Alpha Kappa Alpha Sorority, Inc. conducted its "1908 Impact Day," and planted plants, put out mulch, provided food, distributed cotton candy, and did face painting for the kids. He stated that the beautification project had a great turn out and was very successful. Mr. Allen stated that the Newkirk Park Committee also assisted in this endeavor. He praised the Sorority was a job well done. Pictures were taken as Mr. Allen and Mayor Starling presented certificates to the following individuals who were at the city council meeting: Marilyn Powell-Godette, President; Nicole Edwards, Chairperson of the 1908 Playground Initiative; Debra Bass; Kimbre Farrow; and Renee Thomas. Mr. Allen also recognized Mrs. Nettie Pernell and Ms. Mary Bennett, of the Newkirk Park Committee.

Ms. Nicole Edwards stated that this event is an international initiative. She stated that the Sorority's goal is to mobilize 1908 playgrounds internationally. She further stated that they have partnered with the City of Clinton and Newkirk Park and will continue to do so for the next three years. Ms. Edwards and the Alpha Kappa Alpha Sorority, Inc. presented a check in the amount of \$500 to the City of Clinton to purchase a bench. Ms. Edwards concluded by stating that her Sorority is the first Greek

organization in the County of Sampson and now, her Sorority is the first Greek organization in the County of Sampson to have a bench in Newkirk Park.

INTRODUCTION – NEW EXECUTIVE DIRECTOR – CLINTON-SAMPSON CHAMBER

City Manager Purvis stated that the new Executive Director, Laura Deans, Clinton-Sampson Chamber, was in the audience and she requested to come and meet City Council.

Ms. Deans stated that it is an honor to be in Sampson County and she welcomed all to stop in and visit at the Clinton-Sampson Chamber, located off Warsaw Road.

PUBLIC HEARING -- OATHS

No oaths were necessary.

P & Z – MADISON LANE/FAISON HWY – EDDIE LEE SAMPSON, JR.

Mayor opened a public hearing on a request by Eddie Lee Sampson, Jr., to rezone approximately 3.96 acres located along Madison Lane/Faison Hwy from RA-20 Residential Agriculture to R-8 Residential MHA-O Overlay District.

Planning Director Mary Rose explained the request and gave the staff and Planning and Zoning Board's recommendation to approve the request upon the findings of fact and zoning consistency statement. She stated that this property is within the ETJ and currently, it is vacant and would meet the minimum lot requirements for an R-8 Residential District in the Clinton Land Development Ordinance.

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

Upon a motion made by Councilmember Turlington, seconded by Mayor Pro Tem Harris, the following amendment **#2015.07.01** to the Zoning Ordinance was unanimously adopted:

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City of Clinton Planning Board does hereby find and determine that the recommendation of ordinance amendment RZ-6-15-1 is consistent with the goals and objectives of the 2035 Clinton Comprehensive Plan and other long range planning documents. Section 6 A. 5. of the 2035 Clinton Comprehensive Plan addresses the appropriateness of medium density residential uses consisting of single-family, two-family, and multi-family dwellings with the location of land uses based on existing residential development patterns; and

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, does enact as follows: The Zoning Ordinance of the City of Clinton

be and the same is hereby amended as follows: That approximately 3.96 acres located along Madison Lane/Faison Hwy. is hereby rezoned from RA-20 Residential Agriculture to R-8 Residential MHA-O Overlay District.

CITY CODE -- ORDINANCE-- CHAPTER 14 LICENSES –

City Manager Purvis stated that this item, “Consideration of amending Chapter 14 Licenses of the Clinton City Code,” was continued from previous meetings. He stated that these proposed amendments are to keep the City Code in compliance with NC General Statutes and the repeal of privilege license other than for beer, wine, and taxis. He stated that these proposed amendments would transfer licensing authority of itinerant merchants and peddlers from privilege licenses to police monitoring. He noted that a section is being proposed for “Registration.” City Manager Purvis stated that with these proposed amendments, peddlers and itinerary merchants will pay a fee of twenty-five dollars (\$25.00).

City Manager Purvis stated that this item will possibly be revisited, due to the General Assembly has not made the final decision regarding legislation for privilege licenses.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, the following amendment(s) to Chapter 14 of the Clinton City Code of 1987 shown highlighted, passed 3 to 2, with Councilmembers Stefanovich and Turlington voting against:

Ordinance #2015.07.02

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

LICENSES & REGISTRATION

ARTICLE I. IN GENERAL

Secs. 14-1 – 14-15. Reserved

ARTICLE II. PRIVILEGE LICENSES

DIVISION 1. GENERALLY

Sec. 14-16 – Definitions.

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

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

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

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

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

~~Delete the following: Sec. 14-17. License tax imposed; license not transferable; amendment by city council through Sec. 14-18. License year and proration of tax~~

Leave as is: Sec. 14-19. Conducting business without a license through 14-22. Payment of tax.

~~Delete the following: Sec. 14-23. When separate license required through Sec. 14-24. Taxes to be cumulative~~

Leave as is: Sec. 14-25. Discontinuance of business before expiration of license

~~Delete the following: Sec. 14-26. Reserved through Sec. 14-46. Barbershops and beauty salons~~

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

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

Leave as is: Sec. 14-127. Taxis

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

ARTICLE III. GROSS RECEIPTS TAX ON SHORT-TERM VEHICLE RENTAL

Add the following:

ARTICLE IV. REGISTRATION

Secs. 14-__ – 14-___. Reserved

ARTICLE V. INTINERANT MERCHANT and PEDDLER REGISTRATION

Sec. 14-___ Registration required.

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

Sec. 14- _____ Definition.

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

- (1) Any person selling edible farm products, such as fruits and vegetables under the Clinton Farmer's Market umbrella;
- (2) Any person selling at a "flea market";
- (3) Any auctioneer licensed and acting under the provisions of G.S. Ch. 85B.
- (4) Any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only;
- (5) Any person selling at a yard sale defined as an occasional sale (no more than four (4) times within a twelve-month period) of personal property on the residential premises owned or rented for residential purposes by the seller;
- (6) Any person, firm, or corporation who otherwise meets the definitions above but who is part of a group of ten (10) or more merchants selling at a shopping area or trade show, and is selling at the invitation of the shopping area or trade show, and where such sale activities do not last longer than seven (7) days;
- (7) Any person selling Christmas trees and holiday decorations;
- (8) Licensed automobile dealers selling new automobiles;
- (9) Any church regularly established, civic organization, or regularly established brotherhoods.

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

Sec. 14- ___ Applications.

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

- (1) The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the city; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm, or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state, the corporation is incorporated;
- (2) Proof of a state sales tax reporting number issued by the North Carolina Department of Revenue;
- (3) The place or places in the city where the applicant proposes to conduct business, the length of time during which it is proposed that said business shall be conducted, proof of permission from the owner or lessee of the property to be used allowing the applicant to conduct business at the proposed location;
- (4) The place or places, other than the permanent place of business of the applicant where the applicant was conducting business within the last six (6) months;
- (5) A statement of the nature, character and quality of the goods, wares, services or merchandise to be sold or offered for sale by the applicant, the invoice value and quality of such goods, wares, services and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed;
- (6) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers and copies of said advertising whether by handbills, circular, newspaper advertising, or otherwise, shall be attached to the application. Any public advertising done by an itinerant merchant must disclose the post office box number, if any,

and street address, as well as city and state of the itinerant merchant's responsible place of business;

- (7) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime or the violation of any municipal ordinance, the nature of such offense and the punishment assessed thereof;
- (8) Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and
- (9) Such other reasonable information as to the identity of character of the person or persons having the management or supervision of applicant's business as the city may deem proper to fulfill the purpose of this chapter in the protection of the public goods.

Sec. 14-__ Investigation and issuance of license.

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

Sec. 14-__ Assurity Bond.

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

chapter. Such bond must be approved by the office of the city attorney, both as to form, and as to the responsibility of the surety.

Sec. 14-___ Service of process.

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

Sec. 14-___ Exhibition of the Identification Badge.

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

Sec. 14-___ Display area.

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

Sec. 14-___ Fees.

(a) Before issuing an Identification Badge under this chapter, the Police department shall collect an administrative processing fee at an amount set by the city council. This fee is to cover the administrative costs of processing the application required by this chapter. It shall not be considered a tax, nor shall it relieve the applicant of paying any other state or local taxes required by law.

(b) The Police Department shall collect the administrative fee.

Sec. 14-___ Identification Badge not transferable.

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

Sec. 14-___ Duty of police to enforce.

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

Sec. 14-___ Revocation of an issued Identification Badge.

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

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

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

- (3) Any violation of this chapter;
 - (4) Conviction of the individual of any felony or a misdemeanor involving moral turpitude; or
 - (5) Conducting the business under this ordinance in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety and general welfare of the public.
- (b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five (5) days prior to the date set for hearing.

Sec. 14-___ Appeal.

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

Sec. 14-___ Penalty.

- (a) Any violation of this chapter shall subject the offender to a civil penalty in the amount of two hundred fifty dollars (\$250.00). Violators shall be issued a written citation which must be paid within seventy-two (72) hours.
- (b) Each day's continuing violation shall be a separate and distinct offense.
- (c) Notwithstanding subsection (a) above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.
- (d) In addition to or in lieu of remedies authorized in subsection (a) and (c) above, violations of this chapter may be prosecuted as a misdemeanor in accordance with G.S. 160A-175. Conviction of a misdemeanor prosecution under this chapter shall subject the offender to a fine of fifty dollars (\$50.00).

PROPOSAL – DEVELOPMENT FINANCE INITIATIVE (DFI) – COMMUNITY AND ECONOMIC DEVELOPMENT EFFORTS

City Manager Purvis stated that at the June 16, 2015 meeting, this item was introduced. He stated that City Council can continue this item until the next city council meeting or approve to accept a proposal from Development Finance Initiative (DFI) based on foretated factors. According to information distributed at an earlier city council meeting, factors include:

- DFI at the School of Government partners with local governments to attract private investment for economic and community development projects such as building reuse, downtown revitalization, neighborhood redevelopment, and small business finance; and
- DFI will assess distressed properties; and
- DFI will create requests for proposals to attract private development into underserved areas; and
- DFI services will include real estate finance and structuring, including identification of investors, lenders, tax credit equity sources and other partners; and
- DFI will advise on public-private partnerships and development incentives; and
- DFI will assist with pre-development including appraisals, cost assumptions, project budgets, operating statements, and marketing data; and
- DFI will evaluate development proposals, agreements, and contracts; and
- DFI will assess developer experience, capacity, and develop small business finance programs.

City Manager previously stated that the funds to support the project can come from the Community Development Fund upon sale of the CAHP house and the recent easement compensation from Fontana Street.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, it passed unanimously to pursue the proposal from Development Finance Initiative (DFI) for community and economic development efforts.

CONTRACT – POLICE SERVICES – CLINTON CITY SCHOOLS

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, a contract between the City of Clinton and Clinton City Schools; whereas, Clinton City Schools will pay \$105,387.41 for a term of one year for the services of two (2) school resource officers, passed unanimously.

CONTRACT – POLICE SERVICES – EASTERN CAROLINA REGIONAL HOUSING AUTHORITY

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, a contract between the City of Clinton and Eastern Carolina Regional Housing Authority; whereas, Eastern Carolina Regional Housing Authority will

reimburse the City in a total amount not to exceed \$44,466.10 for a term of one year for the service of a minimum of one (1) police officer, passed unanimously.

AMENDMENTS – CEMETERY ADVISORY BOARD – MEMBERSHIP; TERMS OF OFFICE; COMPENSATION

City Manager Purvis stated that being a new committee, the Cemetery Advisory Board is still working out small logistical issues with its guidelines. He stated that to ensure appropriate representation, staff and the Board are recommending increasing the membership by two members.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following amendments highlighted in red in the Cemetery Advisory Board guidelines were adopted unanimously:

AMENDMENT

CITY OF CLINTON

CEMETERY ADVISORY BOARD

CITY OF CLINTON CEMETERY ADVISORY BOARD

This Division shall be known as the City of Clinton Cemetery Advisory Board.

PURPOSE

To advise the Clinton City Council, City Manager (or his designee), and city staff in matters affecting cemetery policies and improvements, by way of a majority vote of the members.

MEMBERSHIP; TERMS OF OFFICE; COMPENSATION.

The Clinton Cemetery Advisory Board shall consist of seven (7) members. The Clinton City Council shall appoint members. Members shall be residents of the City with the exception of a minimum of one (1) member and a maximum of three (3) members residing outside the corporate limits. Members shall be appointed for three (3) year staggered terms, excepting that the seven (7) members first appointed shall serve respectively for terms of three (3) years; two (2) years; and two (1) year; and thereafter, members shall be appointed for terms of three (3) years each.

Board members may continue to serve until their successors have been appointed. Vacancies may be filled for unexpired terms only. No member shall serve more than two full three-year consecutive terms, **unless the governing body desires otherwise.** ~~Once a member has served two full consecutive terms, the member must be off the~~

~~Clinton Cemetery Advisory Board for a minimum of one year before being eligible to serve again.~~

If any member shall fail to attend three consecutive meetings or more than half of the meetings in one calendar year without just cause, then they shall be replaced by the Clinton City Council. Any vacancy that occurs during a term shall be filled for the unexpired term by the Clinton City Council. ~~An unexpired term or a term of less than three years shall not count towards the term limit provision.~~ Notwithstanding any provision of this section, all members shall serve at the pleasure of the Clinton City Council.

Members shall receive no compensation for their services.

ORGANIZATION, MEETINGS; QUORUM; VOTES

- (a) The Clinton Cemetery Advisory Board shall meet for the purpose of organization as soon as reasonably possible after January 1 of each year. The Clinton Cemetery Advisory Board shall elect its own officers who shall include a chairman and vice-chairman. The role of secretary shall also be appointed. The members shall propose bylaws for the transaction of business subject to the approval of such bylaws by the Clinton City Council. A copy of the bylaws shall be filed with the city clerk and shall constitute a public record.
- (b) The Clinton Cemetery Advisory Board is a public body and shall meet on a regular basis but not less than quarterly. A special meeting may be called by the chairman or vice-chairman of the Clinton Cemetery Advisory Board. All meetings shall be held in accordance with G.S. 143-318.9 et seq. Minutes shall be kept by the secretary and filed with the city clerk.
- (c) A quorum shall consist of a majority of the members currently appointed. No proxies shall be allowed.

AUTHORITY

The Clinton Cemetery Advisory Board has no special authority.

REPORTS

The Clinton Cemetery Advisory Board shall cause an annual report to be prepared and presented to the Clinton City Council by October 1. The report shall include accomplishments of the past fiscal year and goals for the next fiscal year. Form and content of the report shall be determined by the Clinton Cemetery Advisory Board, subject to the right of the Clinton City Council to require additional information. Special reports and recommendations may be made to the Clinton City Council as the need arises in the judgment of the Clinton Cemetery Advisory Board or at the specific request of the Clinton City Council.

CONTRACT WITH SAMPSON COUNTY—PLANNING SERVICES

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the contract between Sampson County and the City for planning services passed unanimously.

This contract is for a one-year term and has been in existence since approximately 2004.

RESOLUTION – ARBOR DAY

Planning Director Mary Rose stated that Tree City USA had an Arbor Day Celebration on June 25, 2015. She stated that the City's Tree City USA application will be submitted later this year. She and planning staff requested City Council to adopt a resolution proclaiming June 25, 2015, as Arbor Day in the City of Clinton.

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



RESOLUTION PROCLAIMING ARBOR DAY IN THE CITY OF CLINTON

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT RESOLVED by Clinton City Council that, I, Luther D. Starling, Jr., Mayor, of the City of Clinton, North Carolina, do hereby proclaim June 25, 2015, as: **ARBOR DAY**, in the City of Clinton, North Carolina, and I urge all citizens to celebrate **ARBOR DAY** and to support efforts to protect our trees and woodlands; and

FURTHER, BE IT RESOLVED that, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

RESOLUTION APPROVING FINANCING TERMS – SOUTHERN BANK – 2016 MACK MRU FRONT LOADER & 2016 MACK LEU REAR LOADER SANITATION TRUCKS

Finance Director Kristin Stafford informed City Council that the City received National Joint Powers Alliance cooperative purchasing pricing for a 2016 Mack MRU Front Loader and a 2016 Mack LEU Rear Loader Sanitation Truck. She stated that the trucks are part of the City's CIP and in the FY2015-2016 Budget. It was further stated that the pricing for the trucks are: MRU Front Loader - \$258,370 and LEU Rear Loader - \$254,450. Mrs. Stafford stated that the vehicles will be financed at 100%.

Mrs. Stafford stated that proposals were requested from nine banking institutions; however, the following four institutions submitted proposals: Southern Bank, BB&T Governmental Finance, New Bridge Bank, and Government Capital. Southern Bank was the lowest bidder with a 1.55% interest rate and no origination fee. Mrs. Stafford stated that Southern Bank will require an annual payment of \$125,387.44 for four (4) years. Finance Director Stafford asked City Council to adopt a resolution approving the financing terms for the abovementioned sanitation trucks.

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

Resolution Approving Financing Terms

WHEREAS: The City of Clinton ("City") has previously determined to undertake a project for the financing of vehicles (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through Southern Bank and Trust Company, in accordance with the proposal dated June 5, 2015. The amount financed shall not exceed

\$482,820.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.55%, and the financing term shall not exceed four years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as Southern Bank may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Southern Bank financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict.

This resolution shall take effect immediately.

APPOINTMENTS

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, it passed unanimously to appoint Alice Tann to a three-year term on the Recreation Advisory Board. The appointment is for District 5.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, it passed unanimously to reappoint Shurley McCullen to a three-year term on the ABC Board.

REPORTS

The code enforcement, fire, finance, and personnel reports were acknowledged. Also included with the monthly reports were the Clinton ABC Board Budget Message and the annual budget estimates for revenues and expenditures.

STAFF REPORTS

Planning Director updated City Council on the status of the new signs—the wayfinding initiative. She stated that Newkirk Park is the first facility on the list to receive its new sign. She further stated that the sign should be placed within a few weeks.

Ms. Lisa Osthues, Environmental Manager, introduced the new intern to the group, Miss Camille Monroe. She mentioned that Isaiah Peterson, the former intern, was with the City for three (3) years. Ms. Osthues stated that Miss Monroe attends Hollins University, Roanoke, VA. Ms. Osthues concluded by thanking Barry Templin, WWTP employee, for training Ms. Monroe.

City Clerk Elaine F. Hunt spoke regarding the Safety Awards Program sponsored by the NC Department of Labor. She stated that this is the second year which the City of Clinton participated. Ms. Hunt informed the group that last year, the Police Department, Street Division, and WWTP Division were awarded the Gold Awards. She further stated that the Gold Award is based on achieving a rate of days away from work, job transfer or restriction, which is at least 50% below the industry rate.

Ms. Hunt announced that this year, the City of Clinton received seven (7) awards:

- Fire Department – 1st Year Gold
- Street Division – 1st Year Silver
- Recreation Department – 1st Year Gold
- WWTP – 2nd Year Gold
- Water & Sewer Division – 1st Year Gold
- Sanitation Division – 1st Year Silver
- City of Clinton – 1st Year Silver

Mayor Starling presented the certificates to the various individuals representing his department(s).

CITY MANAGER REPORTS

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

He stated that Brooks Brothers has reengaged in their efforts to expand in Sampson County. He stated that since the proposed changes in investment will result in a greater incentive than originally approved, City Council will need to consider this request after another public hearing. Mr. Purvis requested permission at this city council meeting to call for a public hearing so that the hearing might occur at the August 4, 2015, city council meeting.

City Manager Purvis informed the group that our U-8 (coach pitch) Baseball All Stars recently placed second in the Dixie Youth District Tournament. He stated that more importantly, the team represented Clinton well and earned the Sportsmanship Award for the tournament.

City Manager Purvis stated that he would conclude with three announcements: Kristin Stafford is now the Finance Director. He stated that she obtained an accounting degree from ECU, Greenville, NC. He further stated that she has served as interim twice. He stated that Lyden Williams will be moving from the Planning Department to the Finance Department. Mr. Williams will serve as the Budget Analyst. Lastly, he announced the newest addition to the Starling Family, Annie Marie Starling—born on this day, July 7th.

PUBLIC COMMENTS

Mr. Arthur Ruffin appeared before City Council.

CLOSED SESSION

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, 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 July 7, 2015, entered closed session as allowed by G. S. 143-318.11(a)(4) to discuss economic/community development matters.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to exit closed session and re-enter regular session at 8:07 PM. No action was taken.

ADJOURNMENT

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to adjourn this July 7, 2015, city council meeting. This meeting adjourned at 8:07 PM.

Elaine F. Hunt, City Clerk, MMC, NCCMC

Lew Starling, Mayor