

## AUGUST 3, 2010, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on August 3, 2010 in the Clinton City Hall Auditorium. Mayor Starling presided. Councilmembers Becton, Strickland, Turlington, and Stefanovich were present. Because of a prior engagement, Mayor Pro Tem Harris was absent from the city council meeting. City Attorney Dale Johnson; City Clerk Elaine F. Hunt; City Manager John F. Connet; Assistant City Manager Shawn Purvis; Finance Director Betty Brewer; Planning and Community Development Director Jeff Vreugdenhil; Recreation Director Judi Nicholson; Public Works Director Chris Doherty; Police Chief Mike Brim; and Fire Chief Todd Solice were present. Human Resource Manager Lisa Carter and Senior Planner Mary M. Rose were absent. Intern Michael James and Chris Berendt, of the Sampson Independent, were present.

Rev. David Williams, Pastor of Mill Creek Baptist Church, Roseboro, NC read scripture to the group before giving the invocation.

### **CITY COUNCIL**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the minutes of the July 6, 2010 regular city council meeting were approved unanimously.

### **PRESENTATIONS**

Planning and Zoning Director Jeff Vreugdenhil stated that the City of Clinton received a repetitive loss property FEMA grant and purchased the property located at 800 Jasper Street. It was stated that the City was the only grant recipient in the State of North Carolina. According to Mr. Vreugdenhil, the amount of the grant was \$114,309.00. He stated that the City of Clinton can now hold the flood plain property in a conservation trust for 100 years. He further stated that purchasing this property improves the City's rating under the Community Rating System for flood damage prevention and enables property owners to receive a discount on flood insurance premium rates.

Mr. Vreugdenhil stated that this presentation is for information purposes only and no action is necessary.

City Manager John F. Connet introduced Administration Intern Michael James to Mayor and Council. Mr. James presented the City of Clinton's Emergency Operations Basic Plan to Mayor and City Council. He briefed them on what the plan entailed to include the various businesses, hospital, utilities, businesses, etc. and he stated that the purpose of this plan is to give a general outline of how the City will do business in the occurrence of an emergency. Mr. James identified the two key groups involved in the plan: Command Group and Support Group. He further stated that the Command Group is Mayor, City Council, City Manager, Assistant City Manager, City Clerk, Police Chief, Fire Chief, Planning and Zoning Director and Public Works Director. He stated that

the Support Group include operations staff, planning staff, logistics staff, and finance staff.

Mr. Michael James concluded by stating that this Emergency Operations Plan is a living document which will grow and expand. He thanked staff for their assistance.

Mayor Lew Starling thanked Mr. James for coming to work for the City of Clinton and for his diligent work.

### **CODE OF ETHICS**

City Clerk Hunt stated that the proposed Code of Ethics was presented to Mayor and City Council at the July 6, 2010 council meeting for review. She stated that this policy is required to be adopted on or before January 1, 2011. Ms. Hunt asked Mayor and City Council to adopt this policy.

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, the following policy was adopted unanimously:

### **Code of Ethics for the City Council of Clinton, North Carolina**

**WHEREAS**, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

**WHEREAS**, as elected local government officials, we are charged with upholding the trust of the citizens of the City of Clinton, North Carolina and with obeying relevant laws.

**NOW, THEREFORE, BE IT RESOLVED** in recognition of our obligations as citizens of the State of North Carolina and as elected local government officials representing the citizens of the City of Clinton, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the City Council of Clinton, North Carolina, do hereby adopt the following general principles and code of ethics to guide the City Council in its lawful decision-making. (Hereinafter the terms "elected local government official(s) or elected

official(s), the board, board member(s) or elected member(s),” shall be used interchangeably when referring to the City of Clinton City Council.)

### **GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS**

- The stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government, and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Elected local government officials must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Elected local government officials must always remain aware that at various times they play different roles:
  - **As advocates**, who strive to advance the legitimate needs of their citizens,
  - **As legislators**, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions, and
  - **As fair and impartial decision-makers**, when making quasi-judicial and administrative determinations.

Elected local government officials must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

- Elected local government officials must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the

trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

## **CODE OF ETHICS**

**Purpose.** The purpose of this code of ethics is to establish guidelines for ethical standards of conduct for board members and to provide guidance in determining what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

**Section 1.** Board members should take care to obey all laws that apply to their official actions as board members. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To assert that a board member is behaving unethically based upon a disagreement with that board member based on a question of policy (and not on the board member's ethical behavior) is unfair, dishonest, irresponsible, and itself unethical.

The board shall endeavor to keep itself up-to-date, through its attorney or other sources, of new or on-going legal or ethical quandaries or difficulties that they may face in their official positions.

**Section 2.** Board members should act with integrity and with independence from improper influence as they exercise the functions of their offices.

Board members should use their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner. They should be self-governing and not subject to

improper influence, while at the same time being able to consider the opinions and ideas of others.

At the same time, however, board members should recognize that they are part of a larger group and should act accordingly. They should respect their office and not behave in ways that reflect badly on it. They should treat other board members and the public with respect, and should honor the opinions of others even when they disagree. They should recognize that they are not generally authorized to act on behalf of the board, since the board must take official action as a body.

**Section 3.** Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. A board member is considered to be acting with impropriety if a reasonable person who was made aware of the totality of the circumstances surrounding the board member's action would conclude that it was more likely than not that the behavior did not benefit someone in the board member's position.

If a board member concludes that his or her actions, while legal and ethical, may be misunderstood, he or she may seek the advice of the board's attorney. He or she may also state on the record the facts of the situation and the steps taken to resolve it.

**Section 4.** Board members of local governing boards should be faithful in the performance of the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect.

Board members should be faithful in their attendance at meetings and in their preparation for those meetings. They should carefully analyze all credible information that is provided to them.

As a group of citizens to whom much has been entrusted, the board should demand full accountability from those over whom it has authority. The board should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

**Section 5.** Board members of local governing boards should conduct the affairs of their boards in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. This recognition includes sensitivity to those matters recognized by law. The board should remember when meeting that they are conducting the public's business. They should also remember that the records of their local government belong to the public and not to them or their employees. They should make clear that a climate of openness is to be maintained at all times in their governmental units.

In order to ensure strict compliance with the laws governing openness, governing board members should strive to be open. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps before they go into closed session for any reason, to ensure that the closed session will be lawful.

**Censure Procedures.** If the elected board has reason to believe that one of its board members has violated a provision of this code of ethics, it may open an investigation into the matter. All information compiled, including the grounds for the finding of probable cause, shall be shared with the board member when it is received. All information pertaining to the case shall be open to public

inspection and copying as pursuant to the North Carolina General Statute §132-

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Should the board determine, by a minimum two-thirds majority, that it wishes to proceed further with censure proceedings, it shall call for a quasi-judicial hearing at a regular meeting or at a special meeting convened for that purpose. Notice of the hearing stating its time, place, and purpose shall be published twice in two separate calendar weeks in a newspaper of general circulation or shall be advertised for the same amount of time on the jurisdiction's website. The notice shall state that a detailed list of the allegations against the board member is available for public inspection and copying in the office of the city clerk.

The hearing shall be convened at the time and place specified. Any and all votes during the hearing and any deliberations that follow shall be taken by the "ayes" and "noes" and recorded in the board's minutes. The hearing and any deliberations shall be conducted in open session in accordance with the requirements of the North Carolina open meetings statutes – General Statutes §143-318.9 and §143-318.10. The rules governing the hearing shall be those that apply to a standard quasi-judicial hearing. For purposes of illustration but not limitation, the accused board member shall have the right to have counsel present, to present and cross-examine expert and other witnesses, and to offer evidence. An audio or video recording of the proceedings shall be prepared.

The accused board member shall have the right to challenge the participation of any other board member or the presiding officer based on bias or self-interest. If such a challenge is made, the board shall immediately hear evidence and vote on the challenge. Neither the accused board member nor the board member whose participation is challenged may vote, although both may

offer evidence. The challenge shall be decided by a majority vote of those present and voting, a quorum being present. <sup>1</sup>

Once the hearing is concluded, it shall be closed by vote of the board. The presiding officer shall next entertain a motion to adopt a non-binding resolution censuring the board member based on specified violations of the code of ethics. Any motion made must be an affirmative one in favor of adopting a non-binding resolution of censure. If the motion or resolution does not state particular grounds for censure under the code of ethics, the presiding officer shall rule it out of order.

If a motion to adopt a non-binding resolution of censure stating particular grounds under the code of ethics has been made, the board shall debate the motion. The accused board member and any other board members who have been removed from participation because of bias or self-interest may remain present, but shall not be allowed to participate in the debate. At the conclusion of the debate, the board members shall vote, except for the accused board member and any other board members who have been removed from participation. If the motion is approved by a minimum two-thirds vote of those present and voting, a quorum being present, the motion is approved and the non-binding resolution of censure is adopted.

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<sup>1</sup> Under both the city and the county voting statutes, persons may be excused from voting on matters involving their own financial interest or official conduct. See G.S. 160A-75 and 153A-43, respectively. A censure proceeding is a matter involving a member's official conduct, and the member accused in the proceeding should not take part in any votes that take place. Since a censure proceeding is a quasi-judicial matter, board members should also be excused from voting if they are impermissibly biased in the matter under consideration. This is the basis for excusing members other than the person who is being directly accused.



The non-binding resolution of censure shall be made a part of the minutes of the board. Any recording of the board's quasi-judicial proceedings shall be approved by the board as a permanent part of the board's minutes. The proceedings shall then be considered concluded, the board having done all that it legally can with respect to the matter in question.

**Legal Enforcement.** As explained in the prior section and elsewhere in the code of ethics, local governing boards have no legal power to bring criminal or other charges against each other, or otherwise to control each other's behavior directly. At the same time, the board expects that individual board members will probably wish to behave in a manner that is both legal and ethical.

We offer the following legal rules<sup>2</sup> that also relate to ethical principles to help meet this need. Local governing board members should consider legal restrictions in terms of behavior that they should avoid. While requirements found in the law should be viewed as a minimum standard, board members should always consider whether there are ethical problems with other behavior, even if it does not violate criminal or other statutes dealing with conflicts of interest or other subjects:

- Avoid deriving a direct benefit from contracts in which you are involved in making or administering on behalf of the public agency. (G.S. 14-234(a)(1); criminal penalty; note defined terms in the statute: direct benefit, involved in making or administering a contract.)

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<sup>2</sup> The committee thanks Professor Frayda Bluestein of the UNC School of Government for this part of the code documents.

- Avoid attempting to influence others who are involved in making or administering a contract on behalf of the public agency, even if you aren't involved, if you will derive a direct benefit from the contract. (G.S. 14-234 (a)(2); criminal penalty; note defined terms in the statute: direct benefit, involved in making or administering a contract.)
- Avoid soliciting or receiving any gift or reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency you serve. (G.S. 14-234 (a)(3); criminal penalty.)
- Consider the ethical and practical consequences of deriving a direct benefit from a contract that is authorized under any exception to the statute, and weigh these considerations against the potential advantage to the public agency and to yourself.  
Follow reporting requirements to ensure transparency. (G.S. 14-234 (b); (d1).)
- Avoid participating in deliberations about or voting on a contract in which you have a direct benefit, when the contract is undertaken as allowed under any exception to the statute. (G.S. 14-234 (b1); criminal penalty.)
- Avoid using your knowledge of contemplated action by you or your unit, or information known to you in your official capacity and not made public, to acquire a financial interest in any property, transaction, or enterprise, or to gain a financial benefit that may be affected by the information or contemplated action. Avoid intentionally aiding another to do any of these things. (G.S. 14-234.1; criminal penalty.)
- Avoid receiving any gift or favor from a current, past, or potential contractor. (G.S. 133-32(a); criminal penalty.)

- Consider the ethical and practical consequences of accepting a gift or favor under any exception to the statutory prohibition, and follow reporting requirements to ensure transparency. (G.S. 133-32(d).)
- Avoid voting on matters involving your own financial interest or official conduct. (G.S. 160A-75; 153A-44.) Disclose the existence of the direct financial interest in advance, and, when in doubt, obtain an opinion from your local attorney about whether you must vote or may be excused.
- Avoid voting on any zoning map or text amendment where the outcome of the vote is reasonably likely to have a direct, substantial, and readily identifiable financial impact on you.
- Do not participate in or vote on any quasi-judicial matter, including matters that come before the board when acting in a quasi-judicial capacity under G.S. 160A-388 or 153A-345, if participation would violate affected persons' constitutional right to an impartial decision-maker. Impermissible conflicts under this standard include having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. (G.S. 381(d), 160A-388(e1), 153A-340(g), 153A-345(e1); violation of constitutional standard by one board member invalidates the entire vote.)
- Fulfill your statutory obligation to vote on all matters that come before you even when there are appearances of conflict, and only refrain from voting when there is a legal basis for or requirement to be excused from voting.
- Avoid secret meeting(s) before the actual city council meeting.

**Code of Ethics for the  
City Council of  
Clinton, North Carolina**

I, a member of the City of Clinton City Council, acknowledge that I have received and reviewed a copy of the Code of Ethics for the City Council of Clinton, North Carolina, in accordance with N.C. Gen. Stat. § 160A-86.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

**CITY CODE -- ORDINANCE-- ELECTRONIC GAMING OPERATIONS**

City Manager Connet spoke regarding amending Chapter 14, Article II Privilege Licenses of the Clinton City Code of 1987. He stated that at the May 5, 2010 city council meeting, City Council adopted an ordinance unanimously establishing a \$2500 annual license tax per machine and allowing a maximum of 30 machines per location.

City Manager Connet stated that the North Carolina General Assembly has banned Internet Sweepstakes effective December 1, 2010. He asked City Council to reduce the privilege license fee from \$2500 to \$1,000 and allow the City to bill the businesses retroactively from July 1, 2010 to December 1, 2010. He further stated that if the litigation allows these establishments to remain open past December 1, 2010, the remaining portion of the privilege license fee will be due in full at that time.

Councilmember Stefanovich commented that he felt this request was very fair.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following ordinance was unanimously adopted to revise the annual privilege license fee for electronic gaming operations:

**Ordinance 2010.08.01**

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 the recently created section to be numbered Chapter 14, Article II. Privilege Licenses Sec. 14-70.3 Electronic Gaming Operations, which shall read as follows:

Sec. 14.70.3 Electronic Gaming Operations

Every person engaged in the business of electronic gaming operations shall pay an annual license tax of one thousand dollars (\$1000.00) per machine.

For profit business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. A maximum of 30 machines per location. This term includes, but is not limited to internet cafes, internet sweepstakes, video sweepstakes or cybercafés, who have a finite pool of winners. This does not include any lottery endorsed by the State of North Carolina.

To be billed retroactively from July 1, 2010 to December 1, 2010.

### **CITY CODE -- ORDINANCE-- CHAPTER 11 – GARBAGE AND TRASH**

Public Works Chris Doherty spoke regarding amending Chapter 11, Garbage and Trash Section 11-1 Definitions and Section 11-5(g) Collection Practices of the Clinton City Code of 1987. He stated that there are some inconsistencies in the way that the City handles exemption collection and the wording in the City Code. He stated that clarification was needed. He stated that he has researched and his proposal is comparable to those communities that were studied.

Mr. Doherty stated that for future exemption collections, medical notes/forms filled out by physicians will be required and approved by the department.

Councilmember Stefanovich asked whether or not the new containers have been put in place and Mr. Doherty stated that they have not.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the following ordinance was unanimously adopted:

#### **Ordinance 2010.08.02**

**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 the following in Chapter 11, Garbage and Trash to read as:

#### **Sec. 11-1. Definitions**

*Rollout exemption* means special collection consideration given to residents who have physical disabilities, hardship, age (minimum of 80), or a handicap coupled with no one else permanently living at the residence with the ability to perform the rollout process. An exemption must be approved by the public works director or designee, who may require additional documentation including to but not limited to, a doctor's certificate as proof thereof. The city shall perform the collection from a location on the premises approved by the director of public works.

**Sec. 11-5. Collection practices**

(g) Special rollout exemptions, as defined in Section 11-1 of this Code, may be granted to residents who have physical disabilities, age (minimum of 80), or a handicap coupled with no one else permanently living at the residence with the ability to perform the rollout process. In either of these cases, collection shall be limited to once per week. Collections shall be made from a rollout container provided on the premises at a location approved by the public works director or designee.

**ORDINANCE—BUDGET – POLICE DEPT. – SOLIS PUBLIC SAFETY GRANT**

Chief Mike Brim stated that the Clinton Police Department has received enhancement funding in the amount of \$50,000. It was stated that this money must be spent between July 1 and December 31, 2010. He asked City Council to approve amending the budget to include this \$50,000.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following amendment **#2010.08.03** Public Safety Grant Enhancement Funding was unanimously adopted:

**Public Safety Grant  
Enhancement Funding  
July 1, 2010 – December 31, 2010**

**#2010.08.03**

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:

<b>Account #</b>	<b>Account Title</b>	<b>Increase</b>	<b>Decrease</b>
765400.1000	Employee/CAP Training	\$ 1,500	
765400.1201	Printing and Binding	\$ 2,900	
765400.1400	Travel	\$ 1,533	
765400.4500	Advertising/Media	\$44,067	
	<b>TOTAL EXPENDITURES</b>	<b>\$50,000</b>	

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

<b>Account #</b>	<b>Account Title</b>	<b>Increase</b>	<b>Decrease</b>
763040.0000	Enhancement Funding	\$50,000	
	<b>TOTAL REVENUES</b>	<b>\$50,000</b>	

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

### **REGULATION OF RESIDENTIAL RENTAL PROPERTIES**

Mayor Starling stated that he requested City Manager Connet to look into the regulation of residential rental properties.

City Manager Connet stated that most of our nuisance housing issues are related to rental property. He stated that information has been collected as to the way other cities deal with these issues. He stated that Planning and Zoning Director Jeff Vreugdenhil and Administration Intern Michael James would present information to Council.

Planning and Zoning Director Vreugdenhil stated that in September, the Planning and Zoning staff will present a new Land Development Ordinance. He stated that the current ordinance does not define “family” and a clearer definition is needed. Mr. Vreugdenhil stated that in order to limit the number of unrelated individuals living together in a residential unit, we need to know that a family is a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

1. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
2. Three (3) unrelated people;
3. Two (2) unrelated people and any children related to either of them; and
4. A family care home as defined by this Ordinance.

Mr. Vreugdenhil stated that a family does not include:

1. Any society, club, fraternity, sorority, lodge, federation, or like organization;
2. Any group of individuals whose association is temporary or seasonal in nature; and
3. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

Michael James stated that he researched how other cities handle the regulation of residential rental properties. He spoke in particular on how the City of Raleigh handles this matter. Mr. James stated that the City of Raleigh requires that all rental dwellings be registered. He stated that this registration provides a source for more expedient property owner contact for the police department, fire department, and other agencies.

Mr. James described Raleigh's probationary rental occupancy permit which involves inspections on the dwellings due to violations of the city code. He stated the amount of the fees. He emphasized the fact that the rental registration program is not associated with the inspection of the dwelling.

Councilmember Becton asked if these regulations would include such dwellings as Royal Lane Apartments and College Street Apartments. Mr. Vreugdenhil stated that these apartments would be included.

Councilmember Strickland recalled years ago the City of Raleigh attempted to implement this regulation on properties and it caused a great uproar. Mr. James stated reason being was, colleges were involved.

Councilmember Stefanovich suggested looking at the property rather than the fees. Mayor Starling commented that the intent is not the fees but to minimize the number of people living in a home. Mayor Starling stated that it is unsafe when a large number of people live in a home.

Councilmember Becton stated that maintenance of the exterior of the house needs to be examined. He asked that when the City of Clinton does prepare to implement this act, let us also include the exterior.

Mayor Starling stated that this material is being given for informational purposes only. No action was taken.

### **CLINTON POLICE DEPARTMENT – FEE SCHEDULE – AMENDMENT**

Chief Mike Brim stated that presently, the Clinton Police Department charges \$.25 per copy to citizens for all public reports and \$2.00 per copy to insurance companies for mail-in requests. He stated that it is more time-consuming for his staff to retrieve these reports since the implementation of the North Carolina TRACs' Program. He stated that their plans are to place a computer in the lobby of the Police Department so that individuals can retrieve their own information. Chief Brim stated that if his staff retrieves the requested information, he feels the city needs to be compensated.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, the following amendment was unanimously adopted to the City of Clinton's Fee Schedule Fiscal Year 2010-2011:

#### **Police Department**

Reports	Initial report (2 pages)	\$ 2.00 (walk-ins)
	Additional pages	\$ .25 each
Reports		\$ 2.00 (mail-outs)

### **MATT H. KIRKPATRICK – TRIANGLE GRADING & PAVING – LEASE –CITY OWNED BUILDINGS**

City Manager Connet informed City Council that Matt H. Kirkpatrick of Triangle Grading and Paving, Inc. has requested to enter into a lease-purchase agreement for the former Hamilton Beach property. He stated that Mr.



Kirkpatrick wishes to enter a five-year lease to own contract. City Manager Connet stated that Mr. Kirkpatrick was informed of the Council's desire to sell the property; however, he asked Mr. Connet to present to Council nonetheless.

City Manager Connet stated that bids for the demolition of all the structures on the property have been received. He stated that the low bidder was Cecil Holcomb. City Manager suggested to City Council to: (1) negotiate a lease with Mr. Kirkpatrick; or (2) ask Mr. Kirkpatrick to make a purchase and reject lease purchase; or (3) reject all offers and move forward with the demolition. He recommended to move forward with the demolition—unless—Mr. Kirkpatrick agreed to purchase the property.

Councilmember Strickland asked if the low bidder would be comfortable with the work that has to be done. City Manager Connet stated that they are comfortable, they will remove one building at a time, and will recycle the metal. Councilmember Stefanovich recommended moving ahead with the demolition. All were in agreement with Councilmember Stefanovich's recommendation.

City Manager Connet stated that he will inform Mr. Matt Kirkpatrick of City Council's wishes. He further stated that he will update them in a few months regarding this matter.

## **APPOINTMENTS**

Planning and Zoning Director Jeff Vreugdenhil stated that Mr. Burl Williamson does not occupy a residence within the extraterritorial jurisdiction and this seat on the Board of Adjustment should be held by someone who does. He stated that Chad Brewer, of 34 Kristin Drive, Clinton, North Carolina, has been recommended to fill this position. Vreugdenhil stated that he has spoken to Mr. Brewer and he readily agrees to fill this seat. This is a 3-year term appointment of Sampson County; however, the County asked for a recommendation from the City.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton and unanimously passed, Chad Brewer, was appointed to fill the unexpired term of Burl Williamson on the Board of Adjustment. Mr. Chad Brewer's term will expire in January 2013.

Notification was given of the expiration of terms of:

a. Airport Authority

Nash Johnson  
John Clark

These are 3-year terms.

## **REPORTS**

City Manager Connet acknowledged that the financial, police, code enforcement, city council action, personnel, fire, and public works reports were received and he stands ready to answer any questions from City Council

regarding the reports. He commented on the “new face” of the Finance Department finance report. This report will be in the dashboard format which should be easier to read.

City Manager Connet stated that there was one item that was not placed on the agenda sent to Council. He introduced Mr. Robert “Bob” Scott. He stated that Mr. Scott owns Clinton Plaza Shopping Center where Ideal Cleaners is located. City Manager Connet stated that Mr. Scott asks the City of Clinton to participate in a grant program and submit a pre-application to the North Carolina Rural Economic Development Center. Mr. Connet stated that Mr. Scott’s consultants will monitor the grant.

Mr. Robert Scott stated that recently, he learned about an opportunity to obtain some grants. He stated that these grants would benefit him, the City, and the citizens of Clinton. He stated that jobs would be created.

It was asked whether or not, the City of Clinton has participated in a venture such as this before and City Manager Connet stated that the City has submitted a grant for a housing project, but has never submitted a grant for a private individual.

It was the consensus of City Council that they could not commit to such a request at this time. Mayor Starling stated that they will receive this presentation for informational purposes.

### **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 August 3, 2010 entered closed session as allowed by G. S. 143-318.11(a)(3)(5) to discuss potential litigation and acquisition of property.

Council re-entered regular session at 8:19 PM. Mayor Starling reported that City Council was briefed on two matters; however, no action was taken.

### **ADJOURNMENT**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and approved unanimously, the meeting was adjourned at 8:21 PM.

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Elaine F. Hunt, City Clerk

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Lew Starling, Mayor