

OCTOBER 2, 2012 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on October 2, 2012, in the City Hall Auditorium. Mayor Starling presided. Mayor Pro Tem Harris, Councilmembers Becton, Strickland, Stefanovich, and Turlington were present.

Also present were Attorney Dale Johnson; City Clerk Elaine F. Hunt; City Manager John Connet; Planning and Community Development Director Mary Rose; Police Chief Jay Tilley; and Public Works Director Jeff Vreugdenhil. Also present were Human Resource Director Lisa Carter; Planner I Lyle Moore; and a great multitude from the Clinton Police Department.

Absent were Fire Chief Adon Snyder; Assistant City Manager-Finance Director Shawn Purvis; and Planner I Audrey Whetten.

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

Mr. Max Prestage, a student from Harrells Christian Academy, Harrells, North Carolina, gave the invocation. Mr. Prestage was accompanied by his mother and grandmothers.

PRESENTATION

ABC Board members Shurley McCullen, Chairperson, and Perry Solice appeared before City Council to present a check in the amount of \$110,400.00 (last year, it was \$99,200). They presented a check to law enforcement in the amount of \$1,144.00 (last year it was \$ 5,000).

Mr. Solice presented the check(s) to Mayor Starling. He thanked the ABC Board, Ms. Barbara Bailey, ABC office manager, and the Clinton Police Department for the excellent service that they provide.

Mr. Solice thanked City Council for appointing Dempsey Craig to the Board. He stated that Mr. Craig is a great asset.

Mayor Starling thanked Ms. McCullen, Mr. Solice, and the ABC staff for their contribution to the City and hard work.

OATH OF POLICE CHIEF

The Honorable Mayor Starling administered the oath of office to James Buchanan Tilley, Jr., better known as "Jay Tilley," the newly appointed Police Chief. Chief Tilley's spouse, mother, and two sons were present at the swearing-in. Clinton Police Department's personnel attended the city council meeting in support of their new police chief.

Chief Tilley thanked everybody for allowing him to be Clinton Police Chief and stated that he looks forward to serving the City of Clinton to the best of his ability.

CITY COUNCIL

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the minutes of the September 4, 2012, regular and August 3, 2010; September 7, 2010; October 5, 2010; March 1, 2011; and October 4, 2011 closed session city council meetings were unanimously approved.

P & Z – PROPERTY LOCATED ALONG FISHER DRIVE -- W. F. CARR

Mayor Starling opened a public hearing on a request by W. F. Carr to rezone 1.15 acres consisting of the rear of the Sampson Building Supply property located along Fisher Drive, from NS Neighborhood Shopping to CB Central Business.

Planning Director Rose explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon the findings of fact and zoning consistency statement.

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

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, the request by W. F. Carr to rezone 1.15 acres consisting of the rear of the Sampson Building Supply property located along Fisher Drive, from NS Neighborhood Shopping to CB Central Business, was unanimously approved.

P & Z—LAND DEVELOPMENT ORDINANCE – GENERAL GREEN SPACE STANDARD

Mayor Starling opened a public hearing on a text amendment request by the Planning staff to amend Section 8.1.1 General Green Space Standard of the City of Clinton Land Development Ordinance.

Planning Director Mary Rose presented the Planning and Zoning Board's recommendation to amend the abovementioned section of the City of Clinton Land Development Ordinance. She stated that this amendment would exempt the Central Business district from the green space standard.

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following ordinance **# 2012.10.01** to the Land Development Ordinance was adopted unanimously:

2012.10.01

Whereas, upon the recommendation of the Planning and Zoning Board and after public hearing and due notice thereof as required by law, the City Council of the City of

Clinton, NC do enact as follows: That the Land Development Ordinance of the City of Clinton be and the same is hereby amended to read as follows:

8.1.1 General Green Space Standard

A. All new or expanding commercial development, (located within NS-Neighborhood Shopping, OI-Office and Institutional, HC- Highway Commercial, I1-Light Industrial, or I2-Heavy Industrial), shall designate a minimum of 15 percent of the total site area for green space. A minimum of 50 percent of the required green space shall be located along the street frontage with the most traffic and visibility. All green space at a minimum shall be planted in grass, mowed on a regular basis and kept weed and litter free by the property owner. The construction site area calculation shall include all portions of the parcel used for development, including 15 feet beyond the furthest rear portion of the construction site when the entire parcel is not being developed.

B. Although not required, planting of trees and other live vegetation to provide a more pleasing view from the travel ways and to provide a continuity of vegetation throughout the City is preferred.

VANCE STREET PARKING LOT – DESIGNATION OF 2-HR AND ALL DAY FREE PARKING

City Manager Connet informed Mayor and City Council that this item was researched per their request. He stated that the new camera system has been monitoring the parking lot. He stated that according to Chief Tilley, the parking lot was reviewed once an hour from 8 AM to 5 PM on Monday through Friday in September, with an average of approximately 7 vehicles that parked in this lot on an hourly time span.

City Manager Connet recommended designating the parking spaces as two-hour parking; however, suspend enforcement for a six-month period to truly examine the utilization of the lot.

It was the consensus of City Council that this item, "Consideration of designating 8 parking spaces in the Vance Street Parking Lot as 2-hour parking and the remaining 16 parking spaces as all day free parking," be continued to the April 2, 2013 city council meeting. It was stated that during this six-month period, the Vance Street parking lot will continue to be monitored.

STREET CLOSINGS

Planning and Zoning Director Mary Rose spoke regarding the Annual Court Square Street Fair, antique car show, barbecue cook-offs, and "Music on Main" entertainment. Ms. Rose informed Council that activities have been implemented to promote health. She stated that this year, eighteen (18) pigs are to be cooked and currently, sixty-two (62) booth spaces have been assigned. Ms. Rose stated that during this year's celebration, an event will take place at the Immaculate Catholic Church located off Lisbon Street. She stated that this is the 26th Annual Court Square Street Fair and 19th Annual Barbecue Cook-off sponsored by the Clinton Main Street Program.

Ms. Rose asked City Council to approve the street closings of Vance Street from Sampson Street to Wall Street from 5:00 PM on Friday, October 12, 2012, until 5:00 PM on Saturday, October 13, 2012; Main Street from Lisbon Street to Wall Street closed on Friday, October 12, 2012, beginning at 3:00 PM in order to facilitate removal of vehicles for the "Music on Main" entertainment to be held Friday evening and remain closed until Saturday, October 13, 2012 at 5:00 PM; Main Street from Connestee Street to College Street; Main Street from College Street to Wall Street; College Street Parking Lot; Lisbon Street Parking Lot; Vance Street Parking Lot; Lisbon Street from John Street to Elizabeth Street; a short section of Lisbon Street which adjoins Main Street and a short section of Graham Street adjacent to the Lisbon Street Parking Lot closed from 5:00 AM until 5:00 PM, Saturday, October 13, 2012.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and unanimously passed, Vance Street from Sampson Street to Wall Street from 5:00 PM on Friday, October 12, 2012, until 5:00 PM on Saturday, October 13, 2012; Main Street from Lisbon Street to Wall Street on Friday, October 12, 2012, beginning at 3:00 PM in order to facilitate removal of vehicles for the "Music on Main" entertainment to be held Friday evening and Saturday, October 13, 2012 until 5:00 PM; Main Street from Connestee Street to College Street; Main Street from College Street to Wall Street; College Street Parking Lot; Lisbon Street Parking Lot; Vance Street Parking Lot; Lisbon Street from John Street to Elizabeth Street; a short section of Lisbon Street which adjoins Main Street and a short section of Graham Street adjacent to the Lisbon Street Parking Lot from 5:00 AM until 5:00 PM, Saturday, October 13, 2012, are to be closed in order to hold the Annual Court Square Street Fair, antique car show, barbecue cook-offs, and "Music on Main" entertainment.

VOTING DELEGATE – NC LEAGUE OF MUNICIPALITIES

City Manager Connet stated that Councilmember Becton and he will be attending the North Carolina League of Municipalities Annual Conference in Charlotte, NC beginning on October 21, 2012 and ending October 23, 2012. He further stated that Council needs to appoint a voting delegate so that the City of Clinton will have a vote at the annual business meeting.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Stefanovich, and passed unanimously, Councilmember Marcus Becton was appointed as the voting delegate and City Manager John Connet as the alternate delegate for the City of Clinton at the NC League of Municipalities Annual Business Meeting.

CITY COUNCIL

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, and unanimously passed, the regular city council meeting scheduled for November 6, 2012 was rescheduled to Wednesday, November 7, 2012 at 7:00 PM.

CONTRACT – PURCHASE OF COMPUTER SOFTWARE, HARDWARE, ETC. – SOUTHERN SOFTWARE

City Manager Connet stated that over the last several years, the Police Department has been reviewing the need to upgrade their computer software, but delayed the purchase to coordinate their purchase with the Sampson County Sheriff Department and Emergency Management. He stated that the Sampson County Sheriff Department has decided to convert its software programs to Southern Software and Emergency Management may do likewise in the coming months. He further stated that Clinton Police Department has evaluated this software and believes that the purchase of Southern Software will allow the agencies to better communicate and share data. City Manager Connet stated that the budgetary impact of this purchase will be \$114,797 extended over a five-year period.

Chief Tilley confirmed that Southern Software will allow them to access sheriff records. He stated that with the purchase of this software, all duties/tasks can be carried out inside the vehicles, to include, mapping capability for crime trends and locating officers while working throughout the city.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, the contract between the City of Clinton and Southern Software, for the purchase of computer software, hardware and related installation totaling \$114,797 to be paid over a five-year period was approved unanimously.

RESOLUTION APPROVING LEASE PURCHASE FINANCING TERMS – GOVERNMENT CAPITAL CORPORATION -- SOUTHERN SOFTWARE – POLICE DEPARTMENT

City Manager Connet asked City Council to adopt a resolution approving the lease purchase financing terms for the purchase of Southern Software RMS and MDIS. He recommended that City Council approves a lease purchase agreement with Government Capital Corporation with an annual interest rate of 4.652% and an annual payment of \$26,248.56 for a financing term not to exceed five (5) years.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, the following resolution was unanimously adopted:

Resolution Approving Financing Terms

A RESOLUTION REGARDING A LEASE AGREEMENT FOR THE PURPOSE OF PROCURING “SOFTWARE”

WHEREAS, the City of Clinton desires to enter into that certain Lease Agreement by and between the City of Clinton and Government Capital Corporation, for the purpose of procuring “Software”; and

WHEREAS, the City of Clinton desires to designate this Agreement as a "qualified tax exempt obligation" of the City for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the City of Clinton desires to designate Luther D. Starling, Jr., Mayor, as an authorized signer of the Agreement.

NOW THEREFORE, BE IT RESOLVED by the Clinton City Council of the City of Clinton:

Section 1. That the City of Clinton enters into a Lease Agreement with Government Capital Corporation for the purpose of procuring "Software".

Section 2. That the City hereby determines to utilize lease purchase financing through Government Capital Corporation, in accordance with the proposal letter dated July 31, 2012. The amount financed shall not exceed \$114,797.00, the annual interest rate shall not exceed 4.652% and the financing term shall not exceed five (5) years with an annual payment of \$26,248.56.

Section 3. That the Lease Agreement, by and between the City and Government Capital Corporation is designated by the City as a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 4. That the City of Clinton designates Luther D. Starling, Jr., Mayor, as an authorized signer of the Lease Agreement, by and between the City of Clinton and Government Capital Corporation.

RESOLUTION -- DECLARING BADGE AND WEAPON SURPLUS

City Manager Connet stated that Police Chief Michael Brim retired effective September 30, 2012. He stated that the Police Department requests that Police Chief Brim's badge and weapon be declared surplus, so that the items may be awarded to him upon retirement.

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

RESOLUTION

Declaring Surplus Property
To be
Awarded to Retiring Police Chief

WHEREAS, the City of Clinton, North Carolina, City Council desires to dispose of certain surplus property of the City of Clinton and to be awarded to the retiring Police Chief as of September 30, 2012.

NOW, THEREFORE BE IT RESOLVED, the City of Clinton City Council declares the following police weapon and police badge of Police Chief Michael Robert Brim as surplus and no longer have any additional use to the City of Clinton:

Police Chief's badge
Police Chief's weapon: Glock Model 27 Serial #GRB501

NOW, THEREFORE BE IT FURTHER RESOLVED that the City of Clinton City Council authorize the City Manager to proceed with the procedures outlined in G.S. 20-187.2 regarding the service side arms of retiring members of city law enforcement agencies.

UPDATE – DOWNTOWN CLINTON – BUILDING APPEARANCES

Planning Director Mary Rose spoke regarding the various tools implemented to improve the appearance of the buildings in downtown Clinton and the funding opportunities that are available to property owners. She stated that the City of Clinton adopted two incentive programs which may assist property owners with the expense of repairing deteriorating structures: Downtown Clinton Façade Grant Program and Clinton Downtown Special Tax District Incentive Program. She stated that the façade grant program relates to qualifying projects that are eligible for a grant of up to \$1,000 per façade on a 50/50 matching, reimbursement basis. She stated that since the implementation of this program in December 2011, there have been five recipients of these funds: Sessoms' Jewelry, Tickled Pink, Howard & Bradshaw, Greg Thornton, and the Sampson Crisis Center.

Ms. Rose stated that the purpose of the Clinton Downtown Special Tax District Incentive Program is to encourage the rehabilitation of older buildings and/or promote infill growth with new commercial development in the Clinton Downtown Special Tax District. Briefly, she reviewed the application process and stated that since the adoption of this program in 2010, one property owner has utilized this program and has been granted \$10,274.34 from the City of Clinton and Sampson County.

Ms. Rose stated that the City of Clinton has two code enforcement tools to address maintenance of commercial properties within the Downtown Commercial Historic District: NCGS 160A-426. Unsafe buildings condemned and City of Clinton Land Development Ordinance Section 3.5.3.10 – Demolition by Neglect. She stated that regarding both enforcement tool, notice is required to be given to the property owner and a hearing is required to consider evidence relating to the condition of the structures identified as being in violation.

Ms. Rose stated that the abovementioned was given for informational purposes only. She concluded by asking anyone interested in the Downtown Clinton Façade Grant Program to please call her at (910) 299-4904.

Mayor Starling informed everyone that he has spoken to City Manager Connet regarding having a "Restoration and Show off the City of Clinton Day." He proposed that all business owners paint and enhance their buildings so that all might see.

TRAINING AND CERTIFICATION POLICY

City Manager Connet stated that in an effort to look at ways to reward employees, a training and certification policy has been established. He stated that the intent is to motivate and encourage employees to seek out training that will directly improve their skills and abilities to serve our citizens. He stated that the training must be approved by the department heads, Human Resource Manager, and City Manager and have a dramatic impact on the organization. City Manager Connet stated that the employee would not be able to obtain more than a 2.5% increase per fiscal year. He stated that Public Works Director

Jeff Vreugdenhil and Human Resource Manager Lisa Carter established this policy with a focus on the Public Works employees; however, in the near future, the policy will be citywide.

Public Works Director Vreugdenhil stated that it is important to promote successive planning.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following Training and Certification Policy was unanimously adopted:

City of Clinton Training and Certification Policy

Purpose of the Certification and Training Policy

The purpose of this program is to encourage and reward employees to complete training, development, and certification programs that provide them with knowledge, skills, and abilities that will enable the City of Clinton to become more flexible and adaptable, improve client services, ensure that work is performed in a safe manner, and develop capacity to provide continuous services at a high level into the future.

Training and Certification Programs Covered

The program covers training and certification beyond the minimum training and certification requirements listed in job descriptions and classification specifications, and any others that are required and specified upon hire or promotion. Employees may request training or certification from a list of training and certifications approved by the Department Head, Human Resources Manager, and City Manager or other training or certification that is related to their jobs and the purpose of the Training and Certification Program.

Program Description and Operation

The program operates on a fiscal year basis. Participation in the Training and Certification Program is voluntary on the part of employees. Employees who elect to participate must submit a Request for Training and/or Certification form for each certification or training program they request. The Request for Training and/or Certification form shall include the following information:

- Training or certification program requested
- The cost of the training or certification, the location of any training, and its duration
- A brief description of how completion of the certification or training program will benefit job performance, client services, safety, and/or ability of the City to provide services in a continuous manner into the future
- A statement documenting that any pre-requisites have been met

Upon receipt of a form, the Department Head and City Manager will either approve or reject requests considering the following factors:

- The extent to which the training or certification enables the employee to perform higher level duties required by the City, improves client services, ensures that work is performed in a safe manner, and/or develops capacity to provide continuous services at a high level into the future
- Employee workload

- Employee performance
- Departmental needs
- Funds available

Upon approval of a Request for Training and/or Certification, management will indicate to the employee the compensation that they will receive if the training and/or certification are successfully completed and any conditions that must be met such as:

- Continuing education if that is required to continue certification into the future
- Demonstration of new knowledge, skills, and abilities on the job after training/certification is complete
- Timing issues regarding compensation

Any compensation changes may be delayed for up to six months after completion of a training and/or certification program in order for management to determine if the training and/or certification were successful.

Upon completion of training or certification, employees shall be responsible for providing proof of successful completion to management. Management shall enter information regarding the training or certification into the Employee Training and Certification Record.

Compensation

Compensation may be in the form of a one-time bonus or a continuing salary increase according to the following criteria:

Compensation	Criteria
One-time bonus	Certification or training results in improved employee performance or is related to the ability of the Department to provide continuous services into the future
Permanent salary increase	Certification or training results in the employee performing additional duties that are at a significantly higher level or which result in a considerable increase in the variety of work performed

The increase amount shall be the amount on the list of training and certifications approved by the Department Head, Human Resources Manager, and City Manager. For training and certifications not included on the list, the Department Head and City Manager shall determine the compensation amount, if any, considering the difficulty of completing the training or certification, higher level duties that result, improvement to client services or on-the-job safety, and improved capacity to provide continuous services at a high level into the future. In no case shall employees be eligible for more than a 2.5% increase per fiscal year.

If an employee fails to complete continuing education requirements and subsequently loses a certification that resulted in a bonus or continuing salary increase, the employee may be required to reimburse the bonus amount or be subject to a reduction in pay.

Training Expenses

The City of Clinton will pay for course materials, tuition, transportation, and exam fees for the first and second training/certification attempt. For any subsequent training/certification attempts, the City will pay only the exam fee.

APPOINTMENTS

Notification was given of the expiration term of Glenda Bunker on the J. C. Holliday Library Board. This is a two-year term. An appointment or reappointment will take place at the November 7, 2012 city council meeting.

REPORTS

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

City Manager Connet informed City Council that he added, "Staff Reports," and asked department heads to speak on certain topics. Mr. Vreugdenhil informed everyone that Fall Clean-up Week begins on October 15, 2012. He asked everyone to have items that they wish to be collected out on his/her collection day.

City Manager spoke on behalf of Fire Chief Adon Snyder, who was attending a neighboring fire department's event. He informed all that October is Fire Prevention Month and fire staff will be visiting the schools and promoting fire prevention.

City Manager Connet asked for City Council's comments regarding the new water bills. He reviewed the new bills with the group noting the due dates are shown in bold. He thanked Ashley Blackmon and Kristen Stafford for their efforts in making the water bills more customers friendly. Councilmember Turlington suggested putting the due dates in red.

City Manager reported on the following holiday schedule for 2013 and stated that these dates coincide with the holidays taken by the State and the County:

CITY OF CLINTON 2013 HOLIDAY SCHEDULE

Holiday	Observance Date	Date of Week
New Year's Day	January 1, 2013	Tuesday
Martin L. King Jr.'s Birthday	January 21, 2013	Monday
Good Friday	March 29, 2013	Friday
Memorial Day	May 27, 2013	Monday

Independence Day	July 4, 2013	Thursday
Labor Day	September 2, 2013	Monday
Veteran's Day	November 11, 2013	Monday
Thanksgiving	November 28 & 29, 2013	Thursday & Friday
Christmas	December 24, 25 & 26, 2013	Tues. & Wed. & Thurs.

RESOLUTION—CLOSED SESSION

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, 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 October 2, 2012, entered closed session as allowed by G. S. 143-318.11(a)(6) to discuss matters relating to personnel.

Council re-entered regular session at 7:59 PM. Mayor Starling reported that City Council discussed a personnel matter; however, no action was taken.

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, and unanimously passed, the meeting adjourned at 7:59 PM.

Elaine F. Hunt, MMC, City Clerk

Lew Starling, Mayor