

## **NOVEMBER 1, 2011 CITY COUNCIL MEETING**

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 PM on November 1, 2011 in the city hall auditorium. Mayor Starling presided. Councilmembers Becton, Strickland, Stefanovich, Turlington and Mayor Pro Tem Harris were present. City Attorney Dale Johnson was also present. City Clerk Elaine F. Hunt; City Manager John Connet; Assistant City Manager-Finance Director Shawn Purvis; Fire Chief Todd Solice; Planning and Zoning Director Mary Rose; Police Chief Mike Brim; Human Resource Manager Lisa Carter; Public Works Director Jeff Vreugdenhil; Recreation Director Judi Nicholson; Planner 1 Lyle Moore; Planner 1 Audrey Whetten; and Ashley Blackmon, Supervisor of Utilities Billing, were present.

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

Rev. Ted Thomas, Pastor of First Missionary Baptist Church, Warsaw, NC, gave the invocation.

### **CITY COUNCIL**

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, the minutes of the October 4, 2011 regular and October 17, 2011 special city council meetings were unanimously approved.

### **PRESENTATION – JOEL ROSE – HISTORICAL MARKER FOR CLINTON**

Mr. Joel Rose, President of the Sampson County Historical Society, appeared before City Council regarding obtaining a historical marker for the City of Clinton. He updated all regarding the history of the City to include the year of incorporation, 1822, which stemmed from an act of the North Carolina General Assembly. He stated that the Sampson County Historical Society wishes to erect a historical marker in downtown Clinton.

Mr. Rose stated that he had contacted a friend, Mr. Mike Hill, Senior Researcher for the North Carolina Department of Cultural Resources, who had assisted him tremendously. City Council was presented a sample photo of a marker similar to what Mr. Rose and the Committee desire. He requested that the City of Clinton pays half the cost.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it passed unanimously to assist in this request of purchasing and erecting a historical marker in downtown Clinton.

### **PRESENTATION – TAYLOR MCLAMB**

Recreation and Parks Director Judi Nicholson presented a Certificate of Appreciation to Taylor McLamb.

For his Eagle Scout project, Mr. McLamb made three (3) sets of corn hole boards and presented all three sets to the Recreation and Parks Department. Ms. Nicholson stated that one set has the City of Clinton's logo and the other two sets have the Recreation and Parks' logo.

Mayor Starling praised Mr. McLamb for a job well done.

### **PRESENTATION – DAVID NORDIN – FORMER ADV BOARD MEMBER**

A presentation was scheduled to be made to Mr. David Nordin, a former Recreation Advisory Board member for the Clinton Recreation and Parks Department who served for many years. He was not in attendance at the city council meeting; therefore, this item was rescheduled.

### **OUTSIDE VENDORS – CITY OF CLINTON**

At its September 6, 2011 city council meeting, Gary Wayne Hall appeared before City Council to express his concerns regarding outside vendors and their lack of support to the City of Clinton. City Council instructed City Manager Connet to look into Mr. Hall's concern and report to them.

This item was continued from the October 4, 2011 city council meeting, due to the absence of, City Attorney Dale Johnson.

City Manager Connet stated that he, Chief Brim, City Attorney Johnson, and Ashley Blackmon, Supervisor of Utilities Billing, met and reviewed all laws and ordinances associated with precious metal dealers and itinerant merchants. He stated that all three precious metal dealers: Baggett's Jewelry, Inc.; Sessoms Jewelry, Inc., and THR and Associates, are meeting all applicable laws and regulations. He stated that City Council has one option, which is to raise the local administrative fees for itinerant merchants. He further stated that all other fees are set by the North Carolina General Statutes.

City Manager Connet stated that the current itinerant merchant administrative fee is \$200.00 initially / \$100.00 every ninety days plus a \$100.00 annual privilege license. He stated that the minimum fee for precious metals permit is \$228.00 and the total initial fee for itinerant precious metal dealers are \$528.00 plus \$100.00 every ninety days.

City Attorney Johnson stated that the precious metal dealer's approval process is very thorough and very detailed. He further stated that raising local administrative fees would not jeopardize any effort.

Chief Brim informed City Council that photos are taken of every item purchased by the dealers which has proven to be beneficial in the cases of stolen merchandise.

City Council received the abovementioned information for informational purposes only and agreed to revisit this concern periodically.

**P & Z— LAND DEVELOPMENT ORDINANCE – EXCEPTIONS IN ZONING DISTRICTS**

Mayor Starling opened a public hearing that was continued from the October 4, 2011, city council meeting on a text amendment request by the Planning staff to amend Section 3.4.3 D. 1. of the City of Clinton Land Development Ordinance to address Exceptions in Zoning Districts.

Planning and Zoning Director Mary Rose appeared before City Council to speak on this request. She stated that Chemtex International is the reason that this request is being made. She asked Mr. John Swope, Executive Director of the Sampson Economic Development Commission, to come forth and provide additional information.

Mr. Swope stated that although Chemtex International is requesting this amendment, their application has not been approved by the North Department of Agriculture. He stated that the company proposes to establish two towers ranging in height of approximately 113 ft. and 87-1/2 ft.

Ms. Rose requested that this item be continued until the January 3, 2012, city council meeting.

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

The text amendment request by the Planning staff to amend Section 3.4.3 D. 1. of the City of Clinton Land Development Ordinance to address Exceptions in Zoning Districts was continued until the January 3, 2012, city council meeting.

**P & Z— LAND DEVELOPMENT ORDINANCE – SECTION 3.4.2 DIMENSIONAL TABLE**

Mayor Starling opened a public hearing that was continued from the October 4, 2011, city council meeting on a text amendment request by the Planning staff to amend Section 3.4.2 Dimensional Table of the City of Clinton Land Development Ordinance to add a Reference Number 6.

Planning and Zoning Director Mary Rose appeared before City Council to ask that this request be continued until the January 3, 2012, city council meeting.

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

The text amendment request by the Planning staff to amend Section 3.4.2 Dimensional Table of the City of Clinton Land Development Ordinance to add a Reference Number 6 was continued until the January 3, 2012, city council meeting.

**P & Z— LAND DEVELOPMENT ORDINANCE – SECTION 9.5 –PARKING LOT SURFACES**

Mayor Starling opened a public hearing that was continued from the October 4, 2011, city council meeting on a text amendment request by

the Planning staff to amend Section 9.5 of the City of Clinton Land Development Ordinance to address Parking Lot Surfaces.

Planning and Zoning Director Mary Rose appeared before City Council. She stated that the Board has had several meetings to discuss this topic and they request guidance from City Council. She stated that they are proposing that parking lots be concrete or asphalt.

City Manager Connet stated that direction is desired from City Council as to whether or not they want paved requirements. He stated that previously, there were no standards and now it seems the proposed standard is "over the top." He stated that this amendment will allow for the use of gravel or other all-weather surfaces for certain uses and will eliminate the requirement for curb and gutter. He stated that the previous ordinance required all parking lots to be curb and gutter and asphalt which was impractical for some businesses and organizations. He asked City Council to convey to him and staff what they desire.

Councilmember Stefanovich stated that he is in favor of hard surfacing; however, curb and gutter he did not feel was necessary.

Ms. Rose gave examples of where hard surfacing would be required given a reasonable time period: (1) a new church and (2) a house which would be turned into an office.

Because there were concerns, Ms. Rose asked City Council to allow her to review current parking lots and report back at the next city council meeting. She asked City Council to continue this item until the December 6, 2011, city council meeting.

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

The text amendment request by the Planning staff to amend Section 9.5 of the City of Clinton Land Development Ordinance to address Parking Lot Surfaces was continued until the December 6, 2011, city council meeting.

#### **P & Z – NC 24 TURKEY HWY -- SAMPSON CO. ECO DEV COMMISSION**

Mayor Starling opened a public hearing that was continued from the October 4, 2011, city council meeting on a request by Sampson County Economic Development Commission for the rezoning of approximately 156 acres along NC 24 Turkey Hwy from RA-20 Residential to I-2 Heavy Industrial district.

Planning Director Rose asked City Council to continue this public hearing request until the January 3, 2012, city council meeting.

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

The public hearing that was continued from the October 4, 2011, city council meeting on a request by Sampson County Economic Development Commission for the rezoning of approximately 156 acres along NC 24 Turkey Hwy from RA-20 Residential to I-2 Heavy Industrial district was continued until the January 3, 2012, city council meeting.

**PUGH RD W & S IMPROVEMENT PROJECT – AWARD OF BID – T & H CONSTRUCTION**

City Manager Connet stated that the City solicited and received ten (10) bids for the Pugh Road Water and Sewer Improvement Project. He stated that T & H Construction of North Carolina, Inc., Hampstead, NC, was the low bidder with a bid of \$135,402.91. He asked City Council to award this contract to T & H Construction pending reference checks.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, it passed unanimously to award the project to T & H Construction of North Carolina, Inc., in the amount of \$135,402.91.

**CHANGE ORDER – DOWNTOWN REV PHASE III PROJECT**

Public Works Director Jeff Vreugdenhil presented a change order totaling \$27,899 to increase the contract with Paul Howard Construction Co., Inc. He stated this change order originated due to unforeseen conditions and our attempt to improve the finished project. He stated that this amount is available in the original budget approved by City Council. Mr. Vreugdenhil stated that at this time, no additional funding is needed and the approval of this change order will adjust the contract period by 43 days to account for additional work and abnormal weather days.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the change order totaling \$27,899 was approved unanimously which increases the contract with Paul Howard Construction Co., Inc.

**ORDINANCES—BUDGET**

Assistant City Manager-Finance Director Shawn Purvis briefed City Council regarding this item. He stated these budget amendments originated because of unexpected revenues and transfers. He asked City Council to approve the budget amendments.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following amendment **#2011.11.01** was unanimously adopted:

**Budget Ordinance Amendment  
Fiscal Year 2011-2012 Budget**

**#2011.11.01**

**BE IT ORDAINED** by the City Council of the City of Clinton, NC, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2012, and amended on September 6, 2011 and October 4, 2011, is hereby amended as follows:

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
10-6600-0800	Contrib Other Agency	\$ 210		
<b>TOTAL EXPENDITURES</b>		<b>\$ 210</b>	<b>\$ 0</b>	<b>\$ 210</b>

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
10-3900-0000	Relay for Life Fundraiser	\$ 210		
<b>TOTAL REVENUES</b>		<b>\$ 210</b>	<b>\$ 0</b>	<b>\$ 210</b>

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
30-8100-7300	Cap Outlay Improvements	\$43,121		
30-6600-9600	Xfer to Wall St. Alley Proj*	11,700		
<b>TOTAL EXPENDITURES</b>		<b>\$54,821</b>	<b>\$ 0</b>	<b>\$54,821</b>

**Section 4.** The revenues are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
30-9990-0000	Fund Balance	\$54,821		
<b>TOTAL REVENUES</b>		<b>\$54,821</b>	<b>\$0</b>	<b>\$54,821</b>

**Section 5.** Copies of this budget amendment shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

\*Budget Amendment corresponds with Capital Project Ordinance

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following amendment **#2011.11.02** was unanimously adopted:

**Wall Street Capital Project Ordinance**

**#2011.11.02**

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

**Section 1.** The project authorized is the Wall Street Alley Capital Project described in the work statement contained in the Agreement between this unit and The Wooten Company.

**Section 2.** The officers of this unit are hereby directed to proceed with the project within the terms of the documents, and the budget contained herein.

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

<b>Account Number</b>	<b>Description</b>	<b>Increase</b>	<b>Decrease</b>	<b>Total</b>
61-4050-1000	Engineering & Design	\$11,700		
	<b>Total Revenues</b>	<b>\$11,700</b>	<b>\$0</b>	<b>\$11,700</b>

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

<b>Account Number</b>	<b>Description</b>	<b>Increase</b>	<b>Decrease</b>	<b>Total</b>
61-3010-0000	Xfer from W & S	\$11,700		
	<b>Total Expenditures</b>	<b>\$11,700</b>	<b>\$0</b>	<b>\$11,700</b>

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

**Section 6.** Requests for funds should be made to the agency in an orderly and timely manner as funds are obligated and expenses incurred.

**Section 7.** The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this council.

**Section 8.** Copies of this Capital Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

**Section 9.** The Finance Officer is hereby authorized to transfer funds from one line item to another line item without further approval by the City Council.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following amendment **#2011.11.03** was unanimously adopted:

**Budget Ordinance Amendment**  
**Fiscal Year 2010-2011 Budget**

**#2011.11.03**

**BE IT ORDAINED** by the City Council of the City of Clinton, NC, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2011; amended October 5, 2010; November 3, 2010; January 4, 2011; February 1, 2011; April 5, 2011; May 3, 2011; June 7, 2011; and June 21, 2011 is hereby amended as follows:

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
10-5900-4600	Landfill Tipping Fees*	\$ 14,280		
<b>TOTAL EXPENDITURES</b>		<b>\$ 14,280</b>	<b>\$ 0</b>	<b>\$ 14,280</b>

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
10-3990-0000	Fund Balance*	\$ 14,280		
<b>TOTAL REVENUES</b>		<b>\$ 14,280</b>	<b>\$ 0</b>	<b>\$ 14,280</b>

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

\*Budget Amendment is to adjust for funds spent this year but accrued to FY2010-2011 due to costs related to storm response. Those costs caused the Sanitation Departmental budget to be over budget by \$ 14,280.

**PUGH ROAD CDBG PROJECT – AWARD OF BID – CHARLES COLEMAN,  
MALONE CONSTRUCTION & LESLIE VANN**

City Manager Connet introduced Mr. Chip Bartlett, CDBG Project Administrator to the group. Mr. Bartlett stated that recently, the City had its second bid opening for the Clinton CDBG Add-on Program. He stated that this program involves four (4) contracts – the rehabilitation of three (3) houses and the construction of one (1) house. He stated that four (4) bids were received for the rehabilitation of the three houses and five (5) bids were received for the construction of the one.

Mr. Bartlett recommended that City Council award the following contracts for the following projects:

**Rehabilitation of three houses:**

<u>Address</u>	<u>Occupant</u>	<u>Contractor</u>	<u>Amount</u>
495 Pugh Road	Elsie McRae	Charles Coleman	\$27,735
511 Pugh Road	Calvin Davis	Charles Coleman	\$46,705
529 Pugh Road	Adrian Mathis	Malone Construction	\$29,970

Mr. Bartlett stated that the 2<sup>nd</sup> low bidder, Malone Construction, is recommended for Mr. Adrian Mathis' house in accordance with city approved contract award policy. He stated that the low bidder, Charles Coleman, would be unable to complete all three houses within 120 days. He further stated that Mr. Coleman has been advised of this recommendation.

**Construction of one house:**

<u>Address</u>	<u>Occupant</u>	<u>Contractor</u>	<u>Amount</u>
46 Russell Street	Alonzo Vann	Leslie Vann	\$74,500

Mr. Bartlett stated that there were discrepancies in Mr. Leslie Vann's bid which resulted in him being the 2<sup>nd</sup> low bidder after Clint Blanton. He stated that Mr. Blanton has more homes under contract in Clinton than he can complete in 120 days; therefore, Mr. Bartlett recommended awarding the contract to Leslie Vann for the abovementioned amount.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it passed unanimously to award the following projects:

**Rehabilitation of three houses:**

<u>Address</u>	<u>Occupant</u>	<u>Contractor</u>	<u>Amount</u>
495 Pugh Road	Elsie McRae	Charles Coleman	\$27,735
511 Pugh Road	Calvin Davis	Charles Coleman	\$46,705
529 Pugh Road	Adrian Mathis	Malone Construction	\$29,970

**Construction of one house:**

<u>Address</u>	<u>Occupant</u>	<u>Contractor</u>	<u>Amount</u>
46 Russell Street	Alonzo Vann	Leslie Vann	\$74,500

**APPOINTMENTS**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, Sherlene Devane was unanimously reappointed to the J. C. Holliday Library Board for a two-year term ending December 2013.

Notification was given of the following:

- a. Planning & Zoning Board – 5 yr. term -- Moses Williams, District 3
- b. Board of Adjustment – 3 yr. term – Homer Faison (District 3)  
     Board of Adjustment – 3 yr. term -- Barbara Ann Faison (District 5)
- c. All-America City Committee – 3 yr. term-- Marcus Becton; Rev. Willie Bowden; Dee Bryant; Patty Cherry; Susan Bristow; Nettie Pernell; Gloria Edwards; Pat Denton; Jeff Shipp; Susie Bauman; Dr. Gene Hales; Sherry Matthews; and Betty Fortner

Appointments for the abovementioned notifications are scheduled to be made at the December 6, 2011, city council meeting.

**REPORTS**

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

City Manager Connet introduced Audrey Whetten, Planner I, to the group. He asked Ms. Whetten to brief City Council on an upcoming event, “Christmas in the City.”

Ms. Whetten stated that this event will take place on December 8, 2011, beginning at 5:30 PM until 9:00 PM. Excitedly, she stated that there will be choirs to serenade us with the sounds of Christmas; hay rides and carriage rides around historic Clinton; a reception and silent auction at the Sampson County History Museum; marching bands; Santa will be on the Courthouse Square; and much much more!

Mr. Connet informed everyone that Audrey Whetten has a Facebook page and this information is also available at this location.

**RESOLUTION DECLARING THE INTENTION OF CITY COUNCIL TO APPLY FOR A BICYCLE PLANNING GRANT**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, it passed unanimously to place on the November 1, 2011, city council agenda and to adopt the following resolution:

**RESOLUTION DECLARING THE INTENTION OF THE CLINTON, NORTH CAROLINA CITY COUNCIL, TO APPLY FOR A BICYCLE PLANNING GRANT THROUGH THE BICYCLE AND PEDESTRIAN PLANNING GRANT INITIATIVE**

**NCDOT Comprehensive Bicycle Transportation Planning Grant Application**

**WHEREAS**, the City of Clinton is nearing the completion of a successful comprehensive pedestrian transportation planning process that has led to the identification of improvements for pedestrian projects, policies and programs, many of which are already being implemented; and

**WHEREAS**, the City of Clinton has recognized through citizen input during the pedestrian planning process and steering committee recommendations that residents desire projects, policies and programs that will support the utilization of bicycles as a safe means of alternative transportation to lessen traffic congestion, promote healthier lifestyles, and service lower income residents that do not have the resources to own and maintain vehicular transportation; and

**WHEREAS**, the City of Clinton faces many barriers to developing safe bicycle routes connecting major destinations in the City and understands that a comprehensive bicycle transportation plan will help guide their future land use and transportation decisions to create that connectivity and develop complete streets with bicycle and pedestrian facilities; and

**WHEREAS**, the North Carolina Department of Transportation Division of Bicycle and Pedestrian Transportation has issued a call for 2012 grant applications; and

**WHEREAS**, the City of Clinton is submitting an application to fund a Comprehensive Bicycle Plan for the City with \$22,000 in grant funds with a \$5,500 local match; and

**WHEREAS**, the City Council wishes to go on record supporting the grant application; and

**NOW, THEREFORE, BE IT RESOLVED** that the Clinton City Council does hereby endorse the City's grant application and urges the North Carolina Board of Transportation to fund this important initiative.

### **DISTINGUISHED BUDGET PRESENTATION AWARD – SHAWN PURVIS**

City Manager Connet announced that the City of Clinton has received the Government Finance Officers Association of the United States and Canada Distinguished Budget Presentation Award for its budget. He stated that this award represents a significant achievement by the entity. He further stated that it reflects the commitment of the City Council and staff to meeting the highest principles of governmental budgeting. Mr. Connet stated that in order to receive this budget award, the City of Clinton had to satisfy nationally recognized guidelines for effective budget presentation.

City Manager Connet stated that when a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual/department designated as being primarily responsible for its having achieved the award.

City Manager Connet called Mr. Purvis forth and presented Assistant City Manager – Finance Director Shawn Purvis with a Certificate of Recognition for Budget Presentation.

**RESOLUTION—CLOSED SESSION**

Upon a motion made by Councilmember Strickland, 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 November 1, 2011, 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 8:31 PM. Mayor Starling reported that City Council discussed a personal matter; however, no action was taken.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, the meeting was continued until November 17, 2011 at 6:00 PM for the purpose of a second planning workshop.

The November 1, 2011, city council meeting concluded at 8:32 PM.

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Elaine F. Hunt, MMC, City Clerk

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Lew Starling, Mayor