



## **NOVEMBER 6, 2013, CITY COUNCIL MEETING**

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on November 6, 2013, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Becton, Strickland, Turlington, Stefanovich, and Mayor Pro Tem Harris were present.

Also present were Attorney Dale Johnson; Interim City Manager Shawn Purvis; Interim Finance Director Kristin Stafford; Police Chief Jay Tilley; Human Resource Director Lisa Carter; City Clerk Elaine F. Hunt; Fire Chief Adon Snyder; Senior Planner Lyle Moore; Mary Rose, Planning and Community Development Director, Captain Donald Edwards; Recreation Director Jonathan Allen; and Public Works Director Jeff Vreugdenhil.

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

Rev. Elwood McPhail, Pastor of Milton Grove Missionary Baptist Church, gave the invocation. Special thanks to Pastor McPhail who came with 2-1/2 hours notice.

### **CITY COUNCIL**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the October 1, 2013, regular; October 7, 2013, recessed; and October 17, 2013, recessed city council meetings were unanimously approved.

### **PROCLAMATION**

Mayor Starling stated that he and City Council wish to make special recognition to a dear friend who passed recently. He stated that November 8, 2013, would be proclaimed as "Mr. William Madison "Bill" Johnson, Jr. Day" and Councilmember Strickland will present the proclamation to the family on tomorrow, November 7, 2013. Mayor Starling asked City Clerk Hunt to make the following proclamation a part of the minutes:



## **PROCLAMATION**

**WHEREAS**, the Clinton City Council wishes to record its deep sorrow over the passing of Mr. William M. "Bill" Johnson, Jr., on June 4, 2013; and

**WHEREAS**, Mr. Bill Johnson was a man of excellent character, integrity, and superior "people skills;" and

**WHEREAS**, Mr. Johnson devoted his life to family, his community, and improving the quality of life for Clinton and Sampson County; and

**WHEREAS**, the Clinton City Council is grateful for his many contributions as an outstanding citizen in our community; and

**WHEREAS**, Mr. Johnson's service was given with such devotion that he has earned the respect, admiration, and friendship of all the citizens of our community through his professional leadership and dedication.

**NOW, THEREFORE, I, LEW STARLING, MAYOR OF THE CITY OF CLINTON, NORTH CAROLINA and Clinton City Council**, do hereby proclaim November 8, 2013, as:

**"MR. WILLIAM MADISON "BILL" JOHNSON, JR. DAY"**

**FURTHER BE IT RESOLVED** that we hereby express our deep appreciation to Mr. Johnson's service to our community and extend to his family our sincere sympathy upon his passing.

**FURTHER BE IT RESOLVED** that a copy of this proclamation shall be forwarded/presented to the family of Mr. William "Bill" Johnson.

### **OATHS**

No oaths were necessary for the November 6, 2013, city council meeting.

### **P & Z – 232 BEAMAN STREET – MYRTICE MARIE MOORE**

Mayor Starling opened a public hearing on a request by Myrtice Marie Moore to rezone approximately 0.28 acres located at 232 Beaman Street, from R-8 Residential to O & I – Office & Institutional district.

Planning and Zoning Director Mary 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 Mayor Pro Tem Harris, seconded by Councilmember Turlington, a request by Myrtice Marie Moore to rezone approximately 0.28 acres located at 232 Beaman Street, from R-8 Residential to O & I – Office & Institutional district was unanimously approved.

**ORDINANCE—BUDGET**

Interim Finance Director Kristin Stafford briefed City Council regarding these items. She stated these budget amendments are to keep the general ledger balanced in various line items and to reflect expenditures more accurately. She stated that there is a small increase in the General Fund budget offset by increases in revenues. She recommended approval of these amendments.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the following amendment **#2013.11.01** was unanimously adopted:

**Budget Ordinance Amendment  
Fiscal Year 2013-2014 Budget  
#2013.11.01**

**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, 2014, amended on August 6, 2013; on September 3, 2013; and on October 1, 2013, 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>
10-5900-1601	Recycling Containers	\$6,000		
<b>TOTAL EXPENDITURES</b>		<b>\$6,000</b>	<b>\$0</b>	<b>\$6,000</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>
10-3360-0900	Sale of Property	\$4,900		
10-3470-0001	ABC Revenue-Police	\$1,100		

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<b>TOTAL REVENUES</b>	<b>\$6,000</b>	<b>\$0</b>	<b>\$6,000</b>
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**Section 3.** To amend the Water and Sewer Fund, the revenues are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
30-3030-0000 30-3990-0000	Dollar Branch Reimb Fund Bal Approp.	\$8,300	\$8,300	

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<b>TOTAL REVENUES</b>	<b>\$8,300</b>	<b>\$8,300</b>	<b>\$0</b>
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**Section 4.** Copies of this budget amendment shall be furnished to the City Clerk, to the City Manager, and Finance Director for their direction.

**RESOLUTION—SURPLUS PROPERTY**

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

**RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL  
PROPERTY BY THE METHOD KNOWN AS:  
“GOVDEALS”**

**WHEREAS**, the City Council of the City of Clinton, NC desires to dispose of certain surplus property of the City of Clinton;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that:

- (1) The following described property is hereby declared to be surplus to the needs of the City of Clinton:

Year	Make/Model	VIN #
1986	Chevy Tanker	1GBL7D1G4GV121451

- (2) The Accounting Operations Manager is authorized to receive on behalf of the City Council of the City of Clinton bids via GovDeals for the purchase of the described property.
- (3) GovDeals will begin the sale of the described property on or about November 9, 2013, and will continue the sale until the described property is sold. The terms of sale shall be PayPal, credit card, or wire transfer.

- (4) The City Clerk will not cause a notice of the electronic public auction to be published in accordance with G. S. 160A-266 (c).
- (5) The highest bid, if it complies with the terms of sale, may be accepted by the Accounting Operations Manager and the sale consummated.

**ANNEXATION—PROPERTIES LOCATED ALONG PUGH ROAD AND RUSSELL STREET**

Interim City Manager Purvis said at the October 1, 2013, city council meeting, City Clerk Hunt was instructed to investigate the sufficiency of petitions of the property owners located along Pugh Road and Russell Street. He stated that at this time, we present to Council the following City Clerk's Certificate of Sufficiency:

**CERTIFICATE OF SUFFICIENCY**

TO: City Council of the City of Clinton, North Carolina

I, **Elaine F. Hunt**, City Clerk, do hereby certify that I have investigated the petitions attached hereto and have found as a fact that said petitions are signed by all property owner(s) of real property lying in the area described therein, in accordance with G.S. 160A-31 and G.S. 160A-58.1.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the Report of Sufficiency from City Clerk Hunt was approved unanimously.

Interim City Manager Purvis presented for consideration resolutions calling for a public hearing on the request for annexation of property owners located along Pugh Road and Russell Street.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following resolutions were unanimously adopted:

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31**

**WHEREAS**, petitions requesting annexation of the contiguous area described herein have been received; and

**WHEREAS**, the City Council of the City of Clinton, North Carolina has by resolution directed the City Clerk to investigate the sufficiency of the petitions; and

**WHEREAS**, certification by the City Clerk as to the sufficiency of the petitions have been made;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Clinton, North Carolina that:

**Section 1.** A public hearing on the question of annexation of the contiguous areas described herein will be held in the City Hall Auditorium at the December 2013 city council meeting.

**Section 2.** The areas proposed for annexation are described as follows:

DESCRIPTION FOR  
TRACT NO. 1 (159 RUSSELL STREET) OWNED BY  
JAMES MAYO FAISON and DENISE FAISON  
Located in  
NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

**BEGINNING** at a stake on the Northern right-of-way line of Secondary Road No. 1923 (Russell Street), said stake being located South 85 degrees 44 minutes 09 seconds East 1110.19 feet from N. C. G. S. Station "Tractor" having N. C. Grid Coordinates of X = 2,205,809.04 and Y = 457,966.00 (1983 / 2011 N. A. Datum); running thence from said beginning point with T. Carroll Hobbs (see Deed Book 1310 Page 200), North 04 degrees 52 minutes 57 seconds East 212.73 feet to a stake; thence with the existing city limit line and with Campbell Oil Company (see Deed Book 1030 Page 108), South 69 degrees 57 minutes 10 seconds East 100.00 feet to a stake; thence with Blonnie D. Carr, South 04 degrees 52 minutes 57 seconds West 224.71 feet to a stake on the Northern right-of-way line of Secondary Road No. 1923 (Russell Street); thence with the Northern right-of-way line of Secondary Road No. 1923 (Russell Street), North 63 degrees 18 minutes 37 seconds West 45.97 feet to a stake and North 63 degrees 45 minutes 17 seconds West 57.81 feet to the point of **BEGINNING**, containing 0.48 acres, more or less, as computed from Deed Book 1013 Page 561 and other deeds and maps of record by Owen Surveying, Inc., with all lines correct in their angular relation and relative to N. C. Grid North (1983 / 2011 N. A. Datum).

**AND**

DESCRIPTION FOR  
TRACT NO. 2 (PUGH ROAD) OWNED BY  
JACQUELINE MCPHAIL GRAHAM AND OTHERS  
Located in  
NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

**BEGINNING** at an existing iron stake near the Northwestern right-of-way line of Secondary Road No. 1751 (Pugh Road), said iron stake being located South 79 degrees 14 minutes 26 seconds East 1929.09 feet from N. C. G. S. Station "Tractor" having N. C. Grid Coordinates of X = 2,205,809.040 and Y = 457,9666.00 (1983 / 2011 N. A. Datum); running thence from said beginning point with the Eastern line of Lot No. 2 and Lot No. 7 in Block "D" of the J. H. Bradshaw Subdivision, North 06 degrees 49 minutes 24 seconds East 150.01 feet to an existing iron stake and North 83 degrees 10 minutes 36 seconds West 100.00 feet to an existing iron stake on the Eastern right-of-

way line of Bay Street (never opened); thence with the Eastern right-of-way line of Bay Street, North 06 degrees 49 minutes 24 seconds East 50.00 feet to an existing iron stake; thence with Lot No. 9 owned by Moses McRae (see Deed Book 657 Page 279), South 83 degrees 10 minutes 36 seconds East 126.99 feet to a stake; thence with the line of Lot No. 10 and Lot No. 11, North 44 degrees 36 minutes 46 seconds East 108.05 feet to a stake on the Southwestern right-of-way line of Holly Street; thence the same course continued, North 44 degrees 36 minutes 46 seconds East 20.00 feet to a stake, the Northwest corner of Lot No. 1 in Block "E"; thence with the Northeastern right-of-way line of Holly Street, North 45 degrees 02 minutes 28 seconds West 49.84 feet to a stake, the Southernmost corner of Marion R. McLamb (see Deed Book 1031 Page 459); thence with McLamb, North 44 degrees 57 minutes 32 seconds East 100.00 feet to a stake, North 45 degrees 02 minutes 28 seconds West 50.00 feet to a stake, and South 44 degrees 57 minutes 32 seconds West 100.00 feet to a stake on the Northeastern right-of-way line of Holly Street; thence with the Northeastern right-of-way line of Holly Street, North 45 degrees 02 minutes 28 seconds West 99.09 feet to a stake; thence North 28 degrees 24 minutes 16 seconds West 158.25 feet to a stake in the line of Lot No. 1 of the A. & M. Oliver Properties, LLC (see Map Book 56 Page 12); thence with Lot No. 1 and Lot No. 2 of the A. & M. Oliver Properties, LLC, North 63 degrees 00 minutes 43 seconds East 93.85 feet to a stake and North 72 degrees 28 minutes 29 seconds East 179.74 feet to a stake; thence with Ellen Robinson Jones (see Deed Book 1524 Page 721), South 25 degrees 08 minutes 51 seconds East 146.84 feet to a stake; thence with Thomas W. Robinson (see Deed Book 1505 Page 840), South 66 degrees 57 minutes 32 seconds West 25.86 feet to a stake on the Northeastern edge of Poplar Street; thence the same course continued, South 66 degrees 57 minutes 32 seconds West 21.57 feet to a stake on the West edge of Poplar Street (having a right-of-way of 20 feet); thence with the Western margin of Poplar Street, South 45 degrees 02 minutes 28 seconds East 218.67 feet to a stake on the Northern right-of-way line of Secondary Road No. 1751 (Pugh Road); thence with the Northern right-of-way line of Secondary Road No. 1751 (Pugh Road), South 44 degrees 57 minutes 44 seconds West 42.86 feet, South 45 degrees 08 minutes 13 seconds West 148.87 feet, and South 44 degrees 23 minutes 12 seconds West 8.28 feet to a stake on the Northeast edge of Holly Street; thence crossing Holly Street with the Northern right-of-way line of Secondary Road No. 1751 (Pugh Road), South 45 degrees 04 minutes 07 seconds West 20.00 feet, South 44 degrees 16 minutes 40 seconds West 125.26 feet, and South 45 degrees 50 minutes 38 seconds West 26.70 feet to an existing iron stake; thence leaving the right-of-way of Secondary Road No. 1751 (Pugh Road), South 44 degrees 08 minutes 25 seconds West 130.10 feet to the point of **BEGINNING**, containing 2.71 acres, more or less, as computed from deeds and maps of record with all lines correct in their angular relation and relative to N. C. Grid North (1983 / 2011 N. A. Datum).

**Section 3.** Notice of the public hearing shall be published once in The Sampson Independent, a newspaper having general circulation in the City of Clinton, at least ten (10) days prior to the date of the public hearing.

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

**WHEREAS**, petitions requesting annexation of non-contiguous areas described herein have been received; and

**WHEREAS**, the City Council of the City of Clinton, North Carolina has by resolution directed the City Clerk to investigate the sufficiency of the petitions; and

**WHEREAS**, certification by the City Clerk as to the sufficiency of the petitions have been made;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Clinton, North Carolina that:

**Section 1.** A public hearing on the question of annexation of the non-contiguous areas described herein will be held at City Hall Auditorium at the December 2013, city council meeting.

**Section 2.** The areas proposed for annexation are described as follows:

DESCRIPTION FOR  
TRACT NO. 3 (416 PUGH ROAD) OWNED BY  
LOSSIE M. and EUGENE UNDERWOOD  
Located in  
NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

BEGINNING at a stake on the Southeastern right-of-way line of Secondary Road No. 1751 (Pugh Road) at its intersection with the Southwestern right-of-way line of Harden Street, said stake being located South 74 degrees 33 minutes 39 seconds East 1928.83 feet from N. C. G. S. Station "Tractor" having N. C. Grid Coordinates of X = 2,205,809.04 and Y = 457,966.00 (1983 / 2011 N. A. Datum); running thence from said beginning point with the Southeastern of Harden Street, South 56 degrees 33 minutes 35 seconds East 282.99 feet to a stake; thence South 24 degrees 03 minutes 49 seconds West 107.50 feet to a stake; thence North 60 degrees 27 minutes 59 seconds West 298.82 feet to a stake in the Southeastern right-of-way line of Secondary Road No. 1751 (Pugh Road); thence with the Southeastern right-of-way line of Secondary Road No. 1751 (Pugh Road), North 32 degrees 21 minutes 45 seconds East 126.45 feet to the point of BEGINNING, containing 0.78 acres, more or less, as computed from Deed Book 1223 Page 234 and Map Book 01 Page 391 with all lines correct in their angular relation and relative to N. C. Grid North (1983 / 2011 N. A. Datum).

This tract or parcel of land is a portion of the property conveyed by deed dated January 23, 1996 from Lossie M. Underwood to Lossie M. Underwood and Eugene Underwood recorded in Deed Book 1223 Page 234 of the Sampson County Registry.

**AND**



DESCRIPTION FOR  
TRACT NO. 4 (136 RUSSELL STREET) OWNED BY  
ALVARO FLORES and NATALIE FLORES  
Located in  
NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

At a stake on the Southern right-of-way line of Secondary Road No. 1923 (Russell Street), said stake being located South 85 degrees 22 minutes 45 seconds East 914.22 feet from N. C. G. S. Station "Tractor" having N. C. Grid Coordinates of X = 2,205,809.04 and Y = 457,966.00 (1983 / 2011 N. A. Datum); running thence from said beginning point with the Southern right-of-way line of Secondary Road No. 1923 (Russell Street) (30 feet from the center line), South 73 degrees 48 minutes 38 seconds East 46.54 feet to a stake and South 67 degrees 11 minutes 20 seconds East 177.62 feet to a stake; thence with Carlton B. Barefoot and Leslie S. Hobbs (see Deed Book 1088 Page 151), South 61 degrees 39 minutes 35 seconds West 187.50 feet to a stake and South 88 degrees 09 minutes 35 seconds West 30.00 feet to a stake; thence with Concepcion Sanchez (see Deed Book 1632 Page 474), North 04 degrees 27 minutes 46 seconds West 172.33 feet to the point of BEGINNING, containing 0.44 acres, more or less, as computed from deeds and maps of record with all lines correct in their angular relation and relative to N. C. Grid North (1983 / 2011 N. A. Datum).

This tract or parcel of land is a portion of the property conveyed by deed dated October 23, 2009 from Thornton Homes Company to Alvaro Flores and wife, Natalie Flores recorded in Deed Book 1755 Page 991 and Map Book 01 Page 259 of the Sampson County Registry.

**Section 3.** Notice of the public hearing shall be published once in The Sampson Independent, a newspaper having general circulation in the City of Clinton, at least ten (10) days prior to the date of the public hearing.

**AGREEMENT – RURAL CENTER PERFORMANCE -- CHEMTEX**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, a performance agreement required by the Rural Center regarding the number of proposed jobs for the Chemtex project passed unanimously.

Interim City Manager Purvis stated that the agreement commits Carolina Cellulosic Biofuels, LLC (Chemtex) to reimburse the Rural Center for jobs not created. He further stated that this action does not commit the City of Clinton to this project.

**CITY COUNCIL**

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, it passed unanimously to reschedule the regular December 2013, city council meeting to Tuesday, December 17, 2013, at 7:00 PM.

## **AWARD OF CONTRACT – JACKSON BUILDERS – PUBLIC WORKS FACILITY RENOVATIONS**

Public Works Director Vreugdenhil asked City Council to award a contract to Jackson Builders for the renovations at the Public Works facility located at 200 John Street. He stated that staff requested proposals for a design build renovation of the existing Public Works facility and two proposals were received: (1) Smithson Inc., of Rocky Mount, NC, and (2) Jackson Builders, of Goldsboro, NC.

Mr. Vreugdenhil stated that the two proposals which included detailed floor plans and specifications with approximately 1500 square feet of new construction and 3000 square feet of renovations were reviewed by Shawn Purvis, Tony Steffen, Travis Anderson, the developers, and himself. Mr. Vreugdenhil further stated that each proposal included new roofing of the entire facility excluding the garage portion and allowance for temporary office accommodations.

Interim City Manager Purvis stated that \$500,000 has been included in this year's budget.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it passed unanimously to award the contract to Jackson Builders of Goldsboro, NC for the Public Works facility renovations.

## **APPOINTMENTS**

Notifications of the following appointments/reappointments were given:

- a. J. C. Holliday Library Board - 2 year term -- Sherlene Devane
- b. Planning & Zoning Board – 5 yr. term – Maggie Williams, District 5
- c. Board of Adjustment – 3 yr. term – Billy Ray Jordan (District 1) & Howard Hobson (District 4)
- d. All-America City Committee – 2 yr. term -- Jeff Shipp; Gloria Edwards; Dee Bryant; Pat Denton; Sherry Matthews; Susie Bauman; Elaine F. Hunt; Stan Roberts; Marcus Becton; Susan Bristow; Rev. Willie Bowden; Patty Cherry; Nettie Pernel; Betty Fortner; and Victor Fryar
- e. Recreation Advisory Board – 3 yr. term - Lawrence Hargrove (District 2) is resigning (appointee to the unexpired term of Mr. Hargrove)

At the December 17, 2013, city council meeting, City Council will be asked to make its appointments/reappointments to the abovementioned boards.

## **REPORTS**

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

## **STAFF REPORTS**

There was no staff reporting for the month of November.

## **INTERIM CITY MANAGER REPORTS**

Interim City Manager Purvis stated that a written monthly report had been placed at Mayor and City Council's places and feel free to contact him regarding any concerns.

Interim City Manager Purvis reported on the following holiday schedule for 2014 and stated that these dates coincide with the holidays taken by the State and the County:

### **CITY OF CLINTON 2014 HOLIDAY SCHEDULE**

<b><u>Holiday</u></b>	<b><u>Observance Date</u></b>	<b><u>Date of Week</u></b>
New Year's Day	January 1, 2014	Wednesday
Martin L. King Jr.'s Birthday	January 20, 2014	Monday
Good Friday	April 18, 2014	Friday
Memorial Day	May 26, 2014	Monday
Independence Day	July 4, 2014	Friday
Labor Day	September 1, 2014	Monday
Veteran's Day	November 11, 2014	Tuesday
Thanksgiving	November 27 & 28, 2014	Thursday & Friday
Christmas	December 24, 25 & 26, 2014	Wed., Thurs. & Fri.

Upon a motion made by Councilmember Becton, seconded by Mayor Pro Tem Harris, it passed unanimously to approve the 2014 Holiday Schedule.

## **CLOSED SESSION**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to add onto the agenda and to enter closed session to discuss a matter relating to personnel.

Council re-entered regular session at 7:51 PM. Mayor Starling reported that City Council discussed a personnel matter. He called for action regarding City Council's discussion.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, it passed unanimously to appoint David Shawn Purvis as the new city manager for the City of Clinton.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, the meeting adjourned at 7:52 PM until the December 17, 2013, regular city council meeting.

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Elaine F. Hunt, MMC, NCCMC, City Clerk

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Lew Starling, Mayor