

NOVEMBER 8, 2007 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on November 8, 2007 at city hall auditorium. Mayor Starling presided. All councilmembers were present. The city attorney Dale Johnson; city clerk Betty Fortner; deputy clerk Elaine Hunt; city manager John Connet; finance director Betty Brewer; planning and community development director Jeff Vreugdenhil; police chief Mike Brim; public works director Chris Doherty; and recreation director Judi Nicholson were present.

Rev. Pedro Bueno, Maranatha Baptist Church, gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the October 2, 10, and 30, 2007 regular city council meetings and October 2 and 30 closed session minutes were approved unanimously.

PRESENTATIONS

City Historian Joel Rose and Sampson County History Museum Curator David King displayed a family broach of the late Richard Clinton, for whom Clinton is named. The broach is on indefinite loan to the history museum by the family.

Dr. Maxwell, chair of the psychology department at Mount Olive College, appeared to ask the city to participate in a study to investigate alcohol related vehicle crashes. Dr. Maxwell said the college received a grant from the state to conduct the study. The city manager and police chief were instructed to assist with the distribution of surveys to citizens.

Fire Chief Miller and Deputy Fire Chief Solice recognized firefighters Joe Dixon and Tim Donald upon completion of structure collapse school.

PUBLIC HEARING-- ECONOMIC DEVELOPMENT

Mayor Starling reopened a public hearing continued from October 10, 2007 to receive public input concerning expenditures for economic development activities. The proposed company is a biofuels facility that is looking at a site on Railroad Street at Fontana Drive.

John Swope, Sampson County Economic Developer, presented the economic impact the proposed facility would have on Clinton. During construction fifty-two direct jobs would be created and \$8.5 million in direct sales output would be realized. After construction, twelve jobs would be created with an anticipated \$8.7 million in annual sales. He added any economic incentives awarded the company would be used to offset startup costs.

City Manager Connet informed council that since the October 10th meeting, he has talked to officials in Rome, Georgia, and Prince Anne, Maryland about biofuels facilities located in the cities. While biofuels facilities have good characteristics, there are still some questions. Thus he recommended delaying action on economic incentives until after a public hearing on a conditional use permit necessary to operate a biofuels facility within an industrial district. At that time a site plan must be shown, then the city can get a clearer picture of the site layout.

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

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, and unanimously passed, action on granting economic incentives to Greenlight Energy Resources was tabled until after a public hearing to consider a conditional use permit for the facility is held.

P& Z—GRAHAM STREET

Mayor Starling opened a public hearing on a request by the city of Clinton and Sampson County History Museum for the rezoning of approximately 1.4 acres off Graham Street from R-8 Residential to Office and Institutional. Planning Director Vreugdenhil presented the Planning and Zoning Board's and staff's recommendations to approve the request. He added the rezoning meets the finding of fact and zoning consistency. No one else wished to be heard, and the hearing was closed.

Upon a motion made by Councilmember Stefanovich seconded by Councilmember Strickland, the following amendment #2007.11.01 to the Zoning Ordinance was unanimously adopted:

Whereas, in accordance with the provisions of NCGS 160A-383, the City of Clinton Planning Board found and determined that the recommendation of ordinance amendment RZ-10-07-1 is consistent with the goals and objectives of the City of Clinton Land Use Plan and other long range planning documents; and

Whereas, upon the recommendation of the Planning and Zoning Board and after public hearing and due notice thereof as required by law, the City Council of the City of Clinton, NC do enact as follows: That the Zoning Ordinance of the city of Clinton be and the same is hereby amended as follows: That 1.4 acres located on the south side of Graham Street between John Street and West Powell Street is hereby rezoned from R-8 Residential to Office and Institutional.

REAL ESTATE—VANCE STREET

City Manager Connet presented an offer from W. F. and Geraldine Carr for the purchase of the former Kaleel property located at 107 Vance Street in the amount of \$16,640.00. Mr. Connet stated the property was offered for sale through the upset bid procedure and this was the final bid received. Councilmember Turlington moved to accept the offer with the condition that construction of a building on the property must begin with four months from date of closing or the property will revert to the city. Councilmember Harris seconded the motion and it passed unanimously.

APPOINTMENTS

Notification was given of the expiration of Sherlene Devane's term on the Library Board in December 2007

RESOLUTIONS—STREET CLOSING—PIERCE STREET

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

RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL TO CONSIDER CLOSING PIERCE STREET RUNNING BETWEEN THE NORTHWEST EDGE OF ELLEN STREET AND THE DEAD END

WHEREAS, G.S. 160A-299 authorizes the City Council of the City of Clinton to close public streets and alleys; and

WHEREAS, the City Council of the City of Clinton considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of Pierce Street running between the northwest edge of Ellen Street and the dead end.

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

(1) A meeting will be held at 7:00 P.M. on the 8th day of January, 2008 in the auditorium of the Clinton City Hall to consider a resolution to consider the closing of Pierce Street running between the westerly edge of Ellen Street and the dead end.

(2) That the City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Sampson Independent or other newspaper of general circulation in the area.

(3) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon said portion of the street, a copy of this resolution of intent.

(4) The City Clerk is further directed to cause adequate notice of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

RECREATION—SKATEBOARD PARK

Recreation Director Nicholson requested council designate the former putt putt facility at Royal Lane Park a skateboard facility and adopt an ordinance to requiring skaters to wear protective equipment. She introduced members of a local skateboarding association, Skaters of Sampson, who said they are working towards improving the image of skate boarders. Councilmember Stefanovich asked if the association has a design for the facility. Dwayne Warner, a parent of one of the members, said the group is seeking grant money to assist with the design and construction. City Manager Connet informed the council that currently the city does not have liability insurance in case any one was skateboarding in the parks has an accident. He said he stopped all skateboarding until insurance is obtained. He added the council can adopt the requested ordinance and designate a facility pending the city obtaining insurance.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, and unanimously passed, the former putt putt site at Royal Lane Park was designated as a skateboard facility.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, and unanimously passed the following ordinance #2007.11.02 was adopted:

ORDINANCE AMENDING SECTION 18, ARTICLE IV. RECREATION FACILITIES

That the Clinton City Code of 1987 is hereby amended by adding a new section to be numbered Section 18.59.1 Skateboarding safety equipment requirements which shall read as follows:

(a) Purpose. G.S. 99E limits the liability of municipalities for damages that might arise out of a person's participation in skateboarding when the municipality adopts an ordinance requiring any person riding a skateboard in areas designated for that purpose to wear certain protective gear. Although the city is not designating any area of Royal Lane Park, other than the existing skate park facility, as a skateboarding area, the city desires to adopt an ordinance requiring any person riding a skateboard on any approach to the skate park facility in Royal Lane Park to wear protective gear.

(b) Protective gear requirements. Every person operating a skateboard within Royal Lane Park shall wear a protective helmet with the chin strap securely fastened under the chin, protective elbow pads and kneepads.

(c) Enforcement. Violations of this article shall be deemed infractions pursuant to G. S. 14-4 punishable by a fine of \$50.00 and any other costs as prescribed by law.

(d) Parent/guardian responsibility. No parent or guardian of any juvenile operating a skateboard described in subsection (a) above shall knowingly allow a violation of this section. The parents or guardians of juveniles fifteen (15) years of age or under shall be deemed responsible for ensuring such compliance.

(e) Skateboards are prohibited to be ridden in any park except in areas designated and operated as a skate park facility.

FIRE DEPARTMENT—BOARDS

City Manager Connet asked council to consider an ordinance which will bring the Firemen's Relief Board into compliance with practice. He said in January, 1950 council appointed two members to a newly created Board who would serve with two members elected by the fire department and one member appointed by the insurance commissioner. The non council appointees are done in July. Upon a motion made by Councilmember Becton, seconded by Councilmember Stefanovich, the following ordinance #2007.11.03 was adopted unanimously:

ORDINANCE CORRECTING THE FIREMEN'S RELIEF BOARD

WHEREAS, on January 18, 1950 in response to a newly enacted state requirement, the City Council of the City of Clinton appointed two persons to a Firemen's Relief Board to be comprised of two members appointed by the fire department, one by the appointed by the N. C. Commissioner of Insurance in addition to the two council appointees; and

WHEREAS, term limits were not set and future appointments were inconsistent; and

WHEREAS, council wishes to make its appointments on a regular basis and to coincide with the appointments made the fire department and the Commissioner of Insurance.

NOW, THEREFORE, BE IT RESOLVED that the terms of the city of Clinton appointees on the Firemen's Relief Board shall be filed by the mayor with the approval of the city council and shall serve two year terms expiring in July or until his/her successor is appointed.

RESOLUTIONS—BOARDS

City Manager Connet presented a recommendation from the All-America City Steering Committee that the original committee be reorganized into a smaller committee. Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following resolution was unanimously adopted:

RESOLUTION TO REORGANIZE THE ALL-AMERICA CITY COMMITTEE

Whereas, in 2003 the All-America City Planning Committee was named to pursue the goal of being named an All-America City; and

Whereas, Clinton was named an All-America City on June 8, 2007; and

Whereas, the original committee recognized the need to reorganize the committee into a smaller advisory group and asked council to reorganize the committee

Therefore, Be It Resolved that the All-America City Planning Committee is dissolved and there is an All-America City Advisory Committee created and composed of seven members to be appointed as follows: One member from each voting district appointed by the elected councilmember from that district and two members appointed by the mayor, who shall be from within the municipal boundaries. Terms shall be for two years and begin January 1st. Members are eligible for reappointment. City staff necessary to advise the committee shall serve as ex-officio members.

Be It Further Resolved that the All-America City Advisory Committee possesses the following responsibilities:

1. The All-America City Advisory Committee shall be advisory to the council.
2. Shall select from its membership a chairman and vice-chairman to serve one year terms that will be eligible for reelection.
3. The committee or any person representing the committee shall not incur any financial liability in the name of the city outside of regularly budgeted items. All expenditures shall follow normal budget guidelines.
4. The committee shall seek ways to celebrate the city of Clinton's being named an All-America City.
5. The committee shall review and recommend to the council action necessary to market the city in the areas of economic development.
6. The committee shall award annually the Clinton All-America City Spirit Award to a non-profit group, business, or individual who worked collaborately to improve the community.
7. The committee shall advise the council on when to apply for the All-America City Award.
8. The committee shall meet at least quarterly.

ORDINANCE—W&S--DEVELOPMENT FEES

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the following ordinance #2007.11.04 was unanimously adopted:

Ordinance adding Sections 22-4 and 22-5 to the Clinton City Code

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 adding two new sections to be numbered Section 22-4 and 22-5, which shall read as follows:

Sec. 22-4. Development fees.

(a) **General principles.** The planning and extensions of the water and sewer system of the city shall be accomplished in accordance with the following general principles:

(1) Extensions shall be made in a manner so as to promote the orderly growth of the community without regard to city boundaries.

(2) Water and sewer development fees shall be established to aid in the financing of new major sewage collection facilities and major water mains and the replacement or enlargement of existing facilities. This charge shall apply uniformly to all properties to which service is extended.

(3) The city shall be responsible for the maintenance, operation and control of all sewage and water facilities

(b) **Basic policy.** Each developer of land shall be responsible for providing water and sewer line connection between his property and an approved public water and/or sewer disposal system. The developer may be reimbursed for that portion of the cost of off-site facilities or on-site facilities of a regional nature which is in excess of, development fees, such reimbursement to come from development fees levied against property developed subsequent to the installation of his connection and utilizing said connection.

(c) **Financing extensions.**

(1) **Major water and sewer line development fees.** Development fee charges shall be collected by method and amount as stated in the City of Clinton Fee Schedule. The water and sewer development fees shall be collected by the city before permission is granted to connect sewer and water lines serving any property with water and sewer facilities of the city. The schedule of charges shall be as follows:

a. There shall be a charge for connecting with the water system of the city, either within or without the corporate limits, as contained in the City of Clinton Fee Schedule.

b. There shall be a charge for connecting with the sewer system of the city, either within or without the corporate limits, as contained in the City of Clinton Fee Schedule.

c. Development fees shall not be imposed upon the following:

1. Property which is actually tapped onto the city utility system and which is actually using such system.

2. Any usable utility line in existence in a street, adjacent to or within property to be connected with said system which was in place prior to November 1, 2007. (A usable utility line does not include outfalls or water lines where direct service taps are not permitted.)

3. Any other areas for which separate utility contracts have been made between the city and developers.

(2) *Subdivisions.* With respect to the installation and financing of water and sewer lines to serve subdivisions the following policies shall apply:

a. *Specifications.* All installations shall be made according to specifications of the city, including the size of the lines, their locations, grade and materials used.

b. *Ownership and control.* All lines constructed and connected with the facilities of the city under these policies shall become property of the city upon completion and at the end of the one year contractor's warranty period. The city shall have exclusive control of all such lines and shall be responsible for their maintenance, repair and operation after the lines are dedicated to and accepted by the city council.

c. *Contracts.* All installations made under a reimbursement agreement shall be accomplished under contracts let after the receipt of sealed competitive bids. The city shall exercise general supervision over the letting of such contracts in order to assure the securing of free competition on such contracts. Should developers wish to enter into contracts on a private basis for constructing improvements, the city reserves the right to make reimbursement only to the amounts as established by competitive bidding or similar work to be done under similar conditions. The city shall have final control in such instances.

d. *Reimbursement policy.*

1. A reimbursement agreement shall be entered into between the city and each party installing water and/or sewer lines under the reimbursement policy. Only those lift or pumping stations as may be expressly referred to and covered by a written contract between the developer and the city shall be considered as coming within the reimbursement policy of the town.

2. The cost of installing all lines within a subdivision or on property being connected, and the cost of installing all lines between such subdivision or property being developed and the existing lines of the city, shall be borne by the property being so connected.

3. Lines subject to reimbursement shall be those lines which are greater than that required for the project being developed. As to such lines, the city will reimburse the developer for the actual extra costs incurred by installing lines in excess of the needs of the property being developed, as determined by the city engineer. In no instance shall the city reimburse for water and sewer lines eight inches or less in size. Reimbursement will be made in no more than ten equal annual installments provided, that the city council may, in its discretion, make such reimbursement in full at any time.

(d) *Costs and charges.* Costs and charges fixed for water and sewer line connections designated in this section shall be in addition to all other charges prescribed by ordinance or resolution now or hereafter in effect by the town.

22-5 Fire service availability fee.

A base charge shall apply to the entire City with separate water services dedicated to fire protection systems.

ORDINANCES—SANITATION

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the following ordinance #2007.11.05 was unanimously adopted:

ORDINANCE AMENDING CHAPTER 11 GARBAGE AND TRASH

Be It Ordained that Section 11-1 of the Clinton City Code of 1987 is hereby amended by adding:

Open Places shall mean areas of properties or portions thereof that are open to the exterior, including building openings of residential dwelling units, such as carports or porches, and any other exterior portions of properties ordinarily exposed to the outside and/or public view, including front, side, and rear yards.

Be It Further Ordained that Section 11-6 of the Clinton City Code of 1987 is hereby amended by adding:

(c) Every owner and every occupant or other person in control of any building or land in the city is hereby prohibited from placing any of the following items in open places. Violations of this section shall be in accordance with Section 11-11 Notice of Abatement.

1. Any concentration of unusable building materials, including concrete, steel and masonry, which due to deterioration or age are no longer suitable for building construction, alterations or repair, and which are in open places.
2. Any household or office furniture, appliances or other similar products of any kind which are not intended for exterior use and are kept in open places.
3. Any products with jagged edges of metal or glass which are kept in open places.
4. Any junk, waste materials, unusable building materials, trash, garbage, oily rags, barrels, cans, papers, bricks or brickbats and other litter, refuse, rubbish or combustible materials which is scattered, cast, placed or deposited in a yard or yards, so as to constitute an accumulation or concentration in an open area.

That Section 11-11(a) of the Clinton City Code of 1987 is hereby amended to read as follows:

- (a) In the event of a violation of Section 11-6(c) and 11-10, the owner, occupant or agent of such lot or premises shall be notified to remove the cause of this violation at his expense within the time specified in the notice. Such notice shall be deemed sufficient if given by personal service of written notice or service by certified mail to the owner, occupant or agent at his last known address as shown in the office of the Sampson County Tax Collector. If there be no owner, occupant or agent whom the notice can be served, then a written or printed notice shall be posted by a police officer upon the property or premises. The owner, occupant, or agent shall have seven (7) days from the date of such service in which to remedy the same or the city shall cause the same to be remedied, unless appeal for relief is delivered in writing to the city code enforcement officer within the same seven (7) day period and that if an appeal is received with the time stated, the appeal will be heard by the city manager, or his designated agent, with three (3) days. This shall be stated in the notice of abatement.

RESOLUTIONS—SANITATION

City Manager Connet presented bids obtained to finance the purchase of a garbage truck and recommended BB & T at 3.51% and no closing costs:

Bidder	Rate	Terms
RBC Centura	3.49%	\$100.00 closing cost
First Citizens	3.50%	\$150.00 closing cost
BB & T	3.51%	No closing cost

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the bid from BB & T was unanimously accepted.

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

Resolution Approving Financing Terms

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

BE IT THEREFOR RESOLVED, as follows:

1. The City hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated October 22, 2007. The amount financed shall not exceed \$203,752, \$348,886 or \$223,886, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.51%, and the financing term shall not exceed four years from closing.

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

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

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations.

The City hereby designates its obligations to make principal and interest payments under Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City’s general fund or any other City fund related to the project, for the project costs may be reimbursed from the financing proceeds.

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

RESOLUTIONS—FIRE

City Manager Connet presented bids obtained to finance the purchase of a fire truck and recommended RBC Centura at 3.49% and \$100.00 closing costs:

Bidder	Rate	Terms
RBC Centura	3.49%	\$100.00 closing costs
First Citizens	3.54%	\$150.00 closing costs
BB & T	3.55%	No closing costs

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the bid from BB & T was unanimously accepted.

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

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$203,886.00 WITH RBC CENTURA BANK TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE CITY OF CLINTON, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

BE IT RESOLVED by the governing body for the City of Clinton, North Carolina (the “Unit”):

Section 1. The governing body of the Unit does hereby find and determine:

- a) The City of Clinton proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the “Equipment”);
- b) After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract

pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

- c) Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and
- d) RBC Centura Bank (“RBC Centura”) has proposed that RBC Centura enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which RBC Centura will lend the Unit the amount of \$203,886.00 (the “Contract”) and a related Escrow Agreement between the Unit and RBC Centura (the “Escrow Agreement”).

Section 2. The governing body of the Unit hereby authorizes and directs the Authorized Officer, City Manager John Connet to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the City of Clinton to the Contract and the Escrow Agreement and attest the same.

Section 3. The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Centura in such instance.

Section 5. The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the “Code”) as required so that interest on the Unit’s obligations under the Contract will not be included in the gross income of RBC Centura.

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2007. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a “qualified tax-exempt obligation” for the purposes of the Code.

Section 7. This Resolution shall take effect immediately upon its passage.

CONTRACTS—WATER & SEWER

Public Works Director Doherty presented a change order totaling \$134,658.77 necessitated by having to lower a gas line and an error by the engineer who mailed the wrong

set of specifications to bidders. City Manager Connet added Hobbs and Upchurch (the engineers) will pay \$26,000 of the increase.

Upon a motion by Councilmember Strickland, seconded by Councilmember Becton, the change order totaling \$124,658.77 to the construction contract for Phase II of Dollar Branch sewer line was unanimously approved.

ORDINANCES

Police Chief Brim presented a proposed amendment to the Curfew Ordinance which would make parents more responsible for violations. He requested council review the ordinance and asked it be considered at the December council meeting.

REPORTS

The finance, fire, code and police reports were acknowledged.

MISCELLANEOUS

City Manager Connet requested items be added to the agenda. He stated NC DOT requires a resolution before it will order the city limits signs and a change order and budget amendment to the Downtown Revitalization Project is needed. Councilmember Stefanovich moved to add these items to the agenda. Councilmember Strickland seconded the motion and it passed unanimously.

RESOLUTIONS—DOWNTOWN

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

RESOLUTION APPROVING AGREEMENT WITH NC DOT FOR CITY LIMITS SIGNS

A motion was made by Councilmember Becton, and seconded by Councilmember Harris for adoption of the following resolution and upon being put to a vote was duly adopted:

WHEREAS, the city of Clinton has plans to upgrade eight (8) “city limit” signs adding the prototype logo for the city in Sampson County; and

WHEREAS, Department of Transportation shall install the signs; and

WHEREAS, the city of Clinton agrees to acquire any needed right of way and assume all maintenance and replacement costs associated with the signs, and reimburse the Department 100% of the actual cost of the work performed by the Department. (Estimated cost to the city is \$2,500.).

NOW, THEREFORE, BE IT RESOLVED that Project 36249.2683 in Sampson County, is hereby formally approved by the City Council of the City of Clinton and that the Mayor and Clerk of Clinton are hereby empowered to sign and execute the Agreement with the Department of Transportation.

ORDINANCES—BUDGET

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the following ordinance #2007.11.06 was unanimously adopted:

**CAPITAL PROJECT ORDINANCE
Amendment to Downtown Revitalization, Phase II**

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 ordinance adopted June 6, 2006 and amended on September 5, 2006 is hereby amended as follows:

Section 1. To amend the Capital Project Budget Ordinance, the expenditures are to be changed as follows:

<u>Code</u>	<u>Account</u>	<u>Increase</u>	<u>Decrease</u>
554970.6500	Church St. Sewer Relocation	2,700.00	
554970.7300	Construction (Base Bid)	39,453.00	
554970.7500	Transfer other Sources	190,000.00	
554970.8000	Contingency		33,253.00
	TOTAL	\$232,153.00	\$ 33,253.00

Section 2. The following revenues are anticipated to be available to complete this project.

<u>Code</u>	<u>Account</u>	<u>Increase</u>	<u>Decrease</u>
553070.0000	Donations	\$ 8,900.00	
553071.0000	Department of Transportation	\$190,000.00	
	TOTAL	\$198,900.00	

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

CONTRACTS—DOWNTOWN

City Manager Connet presented a change order totaling \$134,658.77 necessitated by installing curb and gutter along Fayetteville Street. Upon a motion by Councilmember Strickland, seconded by Councilmember Becton, the change order totaling \$124,658.77 to the construction contract for the Downtown Revitalization Project was unanimously approved.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and passed unanimously, the meeting adjourned at 8:13 p.m.

City Clerk

Mayor