



December 1, 2015, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on December 1, 2015, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Strickland, Turlington, Becton, Stefanovich, and Mayor Pro Tem Harris were present.

Also present was City Attorney Tim Howard, Howard and Bradshaw, PLLC.

Also present were City Manager Shawn Purvis; Police Chief Jay Tilley; City Clerk Elaine F. Hunt; Planning Director Mary Rose; Public Works Engineer Russell Byrd; Finance Director Kristin Stafford; and Fire Chief Scott Phillips.

Absent were Recreation Director Jonathan Allen; Public Works Director Jeff Vreugdenhil; and Human Resource Director Lisa Carter.

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

Mayor Starling called the meeting to order. He called upon Mrs. Becky Spell-Vann, Tim's Gift and the Learning Station, to give the invocation. She gave an outstanding and unique invocation beginning with the singing of our Lord's Prayer.

ELECTIONS

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following Abstract of Canvass was unanimously accepted:

<u>Mayor</u>	<u>Polls</u>	<u>One Stop</u>	<u>Absentee</u>	<u>Total</u>
Lew Starling	72	11	0	83
Write In	1	0	0	1

City Council—District 2

Neal Strickland 26 0 0 26

City Council—District 4

Jean Turlington 21 1 0 22

The Honorable Judge William B. Sutton, Jr., administered the following oath to Neal Strickland, District 2 Councilmember; Jean Turlington, District 4 Councilmember; and Lew Starling, Mayor:

NORTH CAROLINA

OATH OF OFFICE

SAMPSON COUNTY

I, _____, do solemnly and sincerely swear that I will support and maintain the Constitution and Laws of the United States; that I will bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will support, maintain and endeavor to defend the Constitution of North Carolina and support and maintain the laws of North Carolina, not inconsistent with the Constitution and laws of the United States; and that I will faithfully, well and truly discharge and execute the duties of my office as _____ of the City of Clinton according to law; so help me God.

All abovementioned officials vowed to continue serving the City of Clinton and its citizens to the best of their abilities.

CITY COUNCIL

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, Maxine Harris was unanimously re-elected Mayor Pro Tem.

Mayor Starling administered the following oath of Mayor Pro Tem to Councilmember Maxine Harris:

NORTH CAROLINA

OATH OF OFFICE

SAMPSON COUNTY

I, _____, do solemnly and sincerely swear that I will support and maintain the Constitution and Laws of the United States; that I will bear true allegiance to the State of

North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will support, maintain and endeavor to defend the Constitution of North Carolina and support and maintain the laws of North Carolina, not inconsistent with the Constitution and laws of the United States; and that I will faithfully, well and truly discharge and execute the duties of my office as _____ of the City of Clinton according to law; so help me God.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, Timothy W. Howard was unanimously reappointed city attorney.

Mayor Starling asked that consideration of appointment of the city manager be considered next and a motion made regarding this matter.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, consideration of appointment of the city manager passed unanimously.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, David Shawn Purvis was unanimously reappointed city manager.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Turlington, the minutes of the November 4, 2015, regular; January 6, 2015, closed session; April 7, 2015, closed session; June 2, 2015, closed session; and August 4, 2015, closed session; city council meetings were unanimously approved.

PRESENTATION – FY2014-2015 FINANCIAL AUDIT

Ms. Julie Harrison, of Denning & Sessoms, PA, presented the 2014-2015 Financial Audit. She informed all that this financial audit is state required. Using a PowerPoint, Ms. Harrison explained to City Council in depth the contents of the Audit. She stated that she did not have copies of the audit for City Council at this time. She stated that it has been submitted to LGC; however, she will get to City Council upon receipt from LGC.

Ms. Harrison stated that an unmodified audit opinion—a clean opinion was issued. She stated that there was a 3% increase in Unrestricted General Fund Balance. She praised the City for being at the top of the list with peer group. She further stated that governmental revenues decreased due to motor vehicles tags and taxes. She confirmed that public safety is the largest expenditure; however, there was a 2.76% decrease in expenditures. Grants and contributions also decreased this year by approximately 8%.

Ms. Harrison concluded that all projects were well maintained. She welcomed any questions. There were no questions and City Council thanked Ms. Harrison for their assistance.

RESOLUTION—SAMPSON COUNTY SEXUAL ASSAULT RESPONSE TEAM (SCSART)

City Manager Purvis introduced Mrs. Terrence Miller, SCSART President, to the group. Mrs. Miller informed City Council regarding the purpose of the Sampson County Sexual Assault Response Team, better known as "SCSART." She stated that the primary purpose is to spread awareness of sexual assault. She briefed the group on the creation, organizational chart, and work of the SCSART. Mrs. Miller stated that one goal of the team is to help identify available resources to aid in the elimination of this problem.

Mrs. Miller read and requested approval of the following resolution:

RESOLUTION SUPPORTING THE SAMPSON COUNTY SEXUAL ASSAULT RESPONSE TEAM (SCSART) IN ITS EFFORTS TO ELIMINATE THE RATE OF SEXUAL ASSAULT IN SAMPSON COUNTY

WHEREAS, the Sampson County Sexual Assault Response Team, better known as, "SCSART," is a newly-organized group established on May 14, 2012; and

WHEREAS, SCSART is a multidisciplinary team of individuals from many different agencies and the community, working collaboratively to provide services for the community by offering specialized and coordinated sexual assault intervention services; and

WHEREAS, SCSART strives to increase community understanding and awareness of sexual violence; and

WHEREAS, communication with community stakeholders to include the City of Clinton to be more engaged in anti-sexual violence work is encouraged; and

WHEREAS, the City of Clinton--a dedicated All-America City, and a legion of supporters have dedicated countless hours to improve the quality of life and make Clinton a better and safer place to live.

NOW, THEREFORE, BE IT RESOLVED, that the Clinton City Council commends the Sampson County Sexual Assault Response Team, better known as "SCSART," for its efforts to eliminate sexual assault in the City of Clinton and Sampson County by creating partnerships among agencies, community awareness, support for victim and their families, and aggressive prosecution of all violators. We applaud your civic pride and community collaboration and offer our support to your cause.

A motion was made by Councilmember Stefanovich, seconded by Councilmember Becton, and it passed unanimously to approve the abovementioned resolution supporting the Sampson County Sexual Assault Response Team (SCSART) in its efforts to eliminate the rate of sexual assault in Sampson County.

STREET CLOSING -- CHRISTMAS PARADE

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, and unanimously passed, approval was given for the temporary closing of the following streets on December 12, 2015, from 8:00 AM to 12:00 Noon: Warsaw Road from 701 Business Highway to College Street; College Street from the Warsaw Road/Stewart Avenue intersection to Vance Street; Vance Street from College Street, through Five Points onto Fayetteville Street to North Chestnut Street; North Chestnut Street from Fayetteville Street to West Main Street; West Main Street from North Chestnut Street to Lisbon Street; and Lisbon Street from West Main Street to John Street.

The closing is necessary so the Annual Christmas Parade can be held.

QUASI-JUDICIAL PROCESS AND POLICY

Planning Director Mary Rose spoke on this item. She stated that in October, we held a workshop to discuss the quasi-judicial process in depth. She stated that the Board of Adjustment, staff, applicants, and City Attorney Howard have developed a policy to outline the necessary quasi-judicial process. Ms. Rose stated that this policy represents guidelines for City Council to review during a conditional use hearing and it should help Council become more comfortable with the process.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, the following Quasi-Judicial Process and Policy passed unanimously:

CITY OF CLINTON POLICY STATEMENT REGARDING QUASI-JUDICIAL HEARING PROCEDURAL GUIDELINES

- I. Purpose and General Information
- II. Who May Appear at the Hearing
- III. Prior to the Hearing
- IV. Responsibilities of the Presider
- V. Responsibilities of the Hearing Body
- VI. Responsibility of those who Testify
- VII. Conduct of the Hearing
- VIII. Burden of Proof, Testimony, and Evidence
 - (A) Burden of Proof for Special Use Permits, Subdivision Plan and Site Plan Approvals
 - (B) Burden of Proof for Variances
 - (C) Burden of Proof for Appeals
 - (D) Testimony and Evidence
 - (E) Lay Versus Expert Testimony
- IX. Conditions of Approval
- X. Written Decision

I. Purpose and General Information

Quasi-judicial decisions arise in a variety of local government settings. In Clinton,

the City Council holds quasi-judicial hearings for conditional use permits. The Clinton Board of Adjustment holds quasi-judicial hearings for variances and appeals of staff decisions. The City Council and Board of Adjustment are collectively referred to in this policy as the “Hearing Body.” The Clinton Land Development Ordinance is referred to as the “LDO.”

During a quasi-judicial hearing, the Hearing Body must hold an evidentiary hearing and make its decision based on the written and oral evidence presented. Unlike legislative decisions (like rezonings), a quasi-judicial decision must be based solely on the evidence presented and cannot be based on opinions of members of the Hearing Body. Put differently, a quasi-judicial decision is one that requires the Hearing Body to find facts and exercise discretion when applying the standards of an ordinance to a specific situation.

II. Who May Appear at the Hearing

Both individual applicants and individuals opposed to the application who are aggrieved (as defined in N.C.G.S. 160A-393(d)) may represent themselves or be represented by an attorney, and they may have expert witnesses testify for them. All applicants are strongly advised to have an attorney represent them. Applicants that are corporations (‘corporate applicant’) must be represented by an attorney. Engineers, architects, real estate agents, planners and other non-attorneys may only appear as expert witnesses; they may not represent an applicant or those opposed to an application. If a non-corporate applicant desires to have a non-attorney act as his or her representative (and not solely as an expert witness), the applicant should notify the attorney advising the Hearing Body who will then advise the Hearing Body that it must vote on whether to allow the representation. The request may be denied. Therefore, applicants or their attorney should always be present at the hearing.

III. Prior to the Hearing

If prior to the hearing an applicant or a person opposed to an application has questions about the process, he or she may contact the Staff Representative for more information. It is inappropriate for anyone to contact any member of the Hearing Body.

IV. Responsibilities of the Presider

The Mayor or the Chair of the BOA (if the hearing is before that body), shall preside over the hearing (the “Presider”). The Presider must recognize speakers and members of the Hearing Body before they may be heard. The Presider may rule on any objections or requests from participants in the hearing regarding the procedure of the hearing or evidence presented. The Presider may rule on the competence (i.e. the admissibility) of evidence with or without an objection from a participant. The Presider should allow every speaker to be heard, but may limit and/or cut off evidence or testimony that is irrelevant, repetitive, incompetent, inflammatory, or hearsay. The Presider may place reasonable and equitable limitations on the presentation of evidence, arguments, and cross-examination of witnesses so that the matter at hand is heard without undue delay.

The Presider may impose additional requirements and take actions as may be

necessary or desirable to facilitate the fair and efficient conduct of the hearing and other agenda items. Additional requirements or actions may include requiring witnesses to sign up in advance of the hearing, and delaying a hearing to a later point in the agenda or continuing the hearing to a later meeting.

V. Responsibilities of the Hearing Body

Members of the Hearing Body must make their decision solely on the written and oral evidence presented and cannot consider information obtained through independent research or undisclosed ex parte communications. Members may, however, view the premises at issue before the hearing so long as at the commencement of the hearing the members disclose the site visit and any facts or information gleaned from the site visit that are relevant to the case. Likewise at the commencement of the hearing, or during the hearing if it only becomes evident then, members must disclose any specialized knowledge that they may have that is relevant to the case.

Members of the Hearing Body should refrain from ex parte communications about upcoming or ongoing cases with any parties or other members of the Hearing Body, and at the commencement of the hearing, members must disclose any intentional or inadvertent ex parte communications. Members may seek and receive general, technical information pertaining to the case from Town staff prior to the hearing, but Town staff should provide the information to all during the hearing before the entire Hearing Body.

VI. Responsibilities of those who testify

Witnesses shall avoid all hearsay evidence. Hearsay evidence is testimony that the witness does not know of his or her own personal knowledge, including that which someone else told the witness and the use or introduction of signed petitions and letters. Witnesses shall focus their testimony on the applicable criteria. Unless they are a qualified expert, witnesses are not competent to testify about the impact of a proposed land use on the value of nearby property, the danger to public safety resulting from increases in traffic or other matters that require special training or expertise like the level of noise that will be generated. Non-expert witnesses are competent to testify about facts known to them and their opinion so long as it is not about the impact on property values, the danger to public safety from increases in traffic, and other matters that require special training or expertise.

VII. Conduct of the Hearing

This section discusses the general format for a quasi-judicial hearing. Section VII provides details about testimony and evidence. The order of business for each hearing should be as follows:

- (a) All persons, including City staff, who intend to present evidence must be sworn in.
- (b) The Presider shall call the case as advertised on the agenda. The Presider may state something along the lines of:

This matter requires this body to conduct a quasi-judicial hearing, which means the body must find facts and base its decision upon the application of the ordinance

standards/criteria and the competent, substantial and material evidence received during this hearing. All testimony must be competent and not repetitious. Speculative opinions and general expressions of fear of potential increases in crime, traffic or impacts on property values do not constitute competent evidence.

- (c) If the applicant is to be represented by anyone other than a licensed attorney, the applicant shall request the consent of the Hearing Body for such representation. See, Section II, above.
- (d) Members of the Hearing Body should disclose the following:
 - (1) Any site visits,
 - (2) Ex parte communications,
 - (3) Specialized knowledge they have relevant to the case,
 - (4) Whether they have a fixed opinion that is not susceptible to change based on what they learn at the hearing;
 - (5) Whether they have a close familial, business or other relationship with the applicant or other affected person;
 - (6) Whether they have a financial interest in the outcome of the case; and
 - (7) Any other information relevant to determining whether a conflict of interest exists.

If necessary, the Hearing Body will vote on recusal of members at this time. A member shall not participate in the hearing if the member has a fixed opinion prior to the hearing that is not susceptible to change; has engaged in undisclosed ex parte communications; has a close familial, business or other associational relationship with the applicant or an affected person; or has a financial interest in the outcome of the matter.

- (e) The applicant or other affected person (having been sworn in) shall present any objections they may have to a member's participation. If an objection is made to the participation of a member based on personal bias or other ground for disqualification, the Hearing Body shall determine the matter as part of the record.
- (f) The Presider shall open the hearing.
- (g) The Staff Representative should present the staff report.
- (h) Evidence and the appropriate number of exhibits that were not provided by the deadline in advance of the hearing shall be given to the Clerk and any opposing party. The Clerk shall number the exhibits if they have not already been numbered and shall distribute to Hearing Body. If an exhibit is presented it becomes part of the record and will not be returned.
- (i) If all parties are represented by attorneys, the applicant, followed by any opposing party, may present a brief opening statement.
- (j) The applicant shall present the arguments and evidence in support of his/her case or application. The applicant shall address applicable approval criteria. Members of the Hearing Body or any attorney representing the Hearing Body or

- the City may ask questions for clarification. If all parties are represented by attorneys, opposing parties may ask questions of (cross-examine) the applicant (if the applicant testifies) or supporting witnesses at this time. If those opposed to the applicant are not represented by attorneys, the Presider may prefer to delay cross-examination until all sides present their arguments and evidence.
- (k) Persons opposed to granting the application shall present the arguments and evidence against the application based on the applicable approval criteria. Members of the Hearing Body or any attorney representing the Hearing Body or the City may ask questions for clarification. If all parties are represented by attorneys, the applicant may cross-examine the speaker or opposing witnesses at this time.
 - (l) The Presider will provide City staff and/or their attorney an opportunity to present relevant arguments or evidence.
 - (m) If cross-examination was not done at the conclusion of each side's case, then both sides will be permitted to cross examine previous witnesses. Those who oppose the application should cross examine the applicant (if the applicant testified) and the applicant's supporting witnesses first. Then the applicant may cross examine those witnesses who spoke in opposition to the application. Both sides will be permitted to present rebuttals to opposing testimony. Both sides may, as necessary, object to incompetent evidence and testimony (such as improper lay opinion testimony and hearsay) offered by other witnesses. The Presider may rule on such objection or take it under advisement.
 - (n) After all evidence has been presented, the Presider may ask the parties if there is additional relevant information that has not been presented that would make a continuance in order. The Presider will entertain objections and rule on the admissibility of the evidence or exhibit.
 - (o) Unless the Presider continues the public hearing to the next regularly scheduled quasi-judicial meeting of the Hearing Body or to a publicly stated date, time and location, the Presider shall close the period for public discussion. The Hearing Body shall publicly discuss the case without further general input from the public. Members of the Hearing Body, however, may seek clarification or ask questions of persons previously sworn on any piece of evidence presented. Cross-examination and rebuttals may be made only on new evidence presented. The hearing shall be closed after Hearing Body deliberations are complete.
 - (p) Unless the hearing has been continued, the Hearing Body shall render a decision on the matter, or, if it so chooses, recess the case to the next regularly scheduled quasi-judicial meeting of the Hearing Body or to a publicly stated date, time and location. The City Council may approve an application by vote of a majority of the members. The BOA may approve variances only by a vote of four-fifths of the members of the board (excluding vacant positions and members who are disqualified from voting, if there are no qualified alternates available); all other BOA decisions may be made by majority vote.
 - (q) Any motion to approve an application that does not receive the required

majority or super-majority vote effectively means the application has been denied. Even if an application is effectively denied, however, the better practice is to approve a formal motion denying an application and then make findings of fact and conclusions to support that decision. A motion to deny an application that fails does not mean that an application has been effectively approved. An application can only be approved on an affirmative vote.

- (f) A written decision must be approved for every quasi-judicial application, generally at the next scheduled meeting of the Hearing Body. As part of the written decision, the Hearing Body must make findings of fact and conclusions as to applicable standards and any conditions.

VIII. Burden of Proof, Testimony, and Evidence

(A) Burden of Proof for Special Use Permits: The applicant has the burden of producing sufficient substantial, competent and material evidence for the Hearing Body to conclude that the standards of the applicable ordinance(s) have been met. If the applicant shows they meet all the standards of the LDO, the applicant is entitled to approval unless those opposed to the application produce substantial, competent and material evidence that one or more of the standards have not been met. If the applicant fails to put forth sufficient evidence to show they meet all the criteria, then the Hearing Body must deny the application. For example, for a special use, the applicant must establish that the application meets the specific criteria for the specific use proposed and that it meets all of the general criteria of LDO.

(B) Testimony and Evidence: All testimony, including from Town staff, must be sworn testimony. All persons wishing to speak will be given a reasonable time in which to be heard; however, groups are encouraged to select a spokesperson to speak for the group in order to avoid repetitive testimony. Inflammatory, irrelevant, repetitive and incompetent testimony and hearsay is not permitted.

The Hearing Body's decision must be based on substantial, competent, and material evidence. Substantial evidence is "that which a reasonable mind would regard as sufficiently supporting a specific result." Competent evidence is evidence that can be subjected to cross-examination, inspection, explanation and rebuttal. Courts often refer to competent evidence as being "admissible." Material evidence is evidence that is relevant to the issue being considered by the Hearing Body.

(C) Lay versus Expert Testimony: As a general rule, anyone with knowledge material (i.e. relevant) to the case may provide factual information, but only experts may provide opinion testimony. Except as provided in G.S. 160A-393(k) (3), lay witnesses may provide opinion testimony, but this testimony is generally deemed incompetent unless it is corroborated by competent evidence. Even expert testimony must be competent (i.e. the expert has qualifications relevant to the issue) and material before the Hearing Body can rely on it.

G.S. 160A-393(k) (3) requires expert testimony in three cases:

- a. The use of property in a particular way would affect the value of other property;

- b. The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety; and,
- c. other matters about which only expert testimony would generally be admissible under the rules of evidence, such as the level of noise that will be generated.

IX. Conditions of Approval

Conditions Generally: The Hearing Body may attach conditions to approvals of special use permits, and variances, and such other approvals as law may permit. For special use permits conditions must be reasonable and appropriate and limited to those that require changes in a project “that are necessary to bring the project into compliance with the standards” of the applicable statutes and ordinances. For variances, conditions must be “reasonably related to the variance.”

Conditions cannot require the applicant to take action with regard to a piece of property that is not a part of the application being considered, and conditions cannot require the alteration of a special use permit previously issued to a third party.

X. Written Decision

The Hearing Body must reduce its decision to writing, and the written decision must reflect the Hearing Body’s determination of contested facts and their application to the specific standards for the particular use and the general standards contained in the LDO for special uses as follows:

- a) If completed as proposed, the development will comply with all of the requirements of this Ordinance;
- b) The use will not materially endanger the public health or safety; and
- c) The use will not substantially injure the value of adjoining or abutting property; and
- d) The use will be in harmony with the area in which it is to be located; and
- e) The use will be in general conformity with the Land Development Ordinance, thoroughfare plan, or other plan officially adopted by the Council.

For approvals or denials of these types of applications, the Hearing Body should make conclusions as to each applicable standard as appropriate. Even if the Hearing Body denies an application because it fails to meet one or two criteria, the better practice is to make findings of fact and conclusions as to all standards, so the record is clear in the event the decision is appealed.

A simple majority of the Hearing Body is necessary to approve a conditional use request. Therefore in the case of City Council, three out of the five voting members would be necessary to approve a conditional use permit request.

With regard to a variance request, state law requires a four-fifths majority of the decision-making board (City Board of Adjustment) to issue a variance. Therefore six out of seven members of the BOA would be necessary to approve a variance. GS 160A-388 (e) states the concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an

appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

Findings of fact must also be made to support conditions attached to any approval.

The written decision must be signed by the Presider or other authorized member of the Hearing Body, and becomes effective upon filing with the City Clerk. A copy of the written decision must be delivered to the applicant, property owner, and others as required by state law.

FIRE DEPARTMENT – CERTIFICATION OF FIREFIGHTERS

City Manager Purvis submitted a roster of personnel who have completed the required training by the State of North Carolina. It was noted that these individuals will be entitled to benefits provided by the State for line of duty injury or death and this certification is submitted on a yearly basis.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, the following were certified as being eligible firefighters in accordance with North Carolina G.S. 58-86-25: Cameron Adams, Matthew Andrasko, Matthew Booth, Edmon Boyette, Claude A. Buchanan, Jared Cobb, Joshua W. Coombs, Joe B. Dixon, Jr., William M. Edwards, Ronald Ellis, Bradley Gainey, David B. Hairr, Olen G. Jackson, Ivon Johnson, Rodney Lambert, Jr., Chavis Lee, Gerald Lee, Jimmy Lewis, Rommie A. Melvin, Christopher L. Norris, Robert T. Owen, Lawrence Parrish, William M. Parrish, Christopher Phillips, George Raynor, Robert Rosario, Matthew Smith, Todd A. Solice, Clark T. Strickland, Richard W. Taylor, Joshua Tyndall, Donald Williams, Joshua Williams, Ronald Williams, Jr., and Greg Wise.

FIRE DEPARTMENT – FIRE INSPECTION SERVICES

City Manager Purvis stated that in October, information was presented to City Council regarding the County's proposed changes in fire inspections and the impact on the city. He stated that the presentation outlined a few options for Council to consider including the County continuing to provide the service or the City bringing the service in house. City Manager Purvis asked for direction from City Council because staff will need time to develop a fire inspections program if City Council wishes the City to perform its own service.

City Manager Purvis stated that County has asked for a response by the end of January. Also, he stated that at a later date, City Council would approve the final program and fees.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, it passed unanimously to proceed with developing a fire inspections program so that the City of Clinton might perform its own services.

RESOLUTION -- NC DOT – ROYAL LANE – SPEED LIMIT

City Manager Purvis briefed the group that at its November 4th meeting, a concerned citizen originated this discussion. He stated that Chief Tilley was requested to conduct a speed survey on Royal Lane. He further stated that upon reviewing the survey findings, Chief Tilley made several recommendations to improve safety in this area which included reducing the speed limit.

City Manager Purvis stated that Royal Lane is a State street and NCDOT would be responsible for reducing the speed limit. Mr. Purvis asked City Council to adopt a resolution requesting NCDOT to reduce the speed limit on Royal Lane. He stated that a letter and other pertinent information will be sent to NCDOT upon City Council adopting the resolution.

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

RESOLUTION REQUESTING NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO REDUCE THE SPEED LIMIT ON ROYAL LANE

WHEREAS, property owners requested that the speed limit be reduced on Royal Lane;
and

WHEREAS, the Clinton Police Department conducted a speed survey for the Royal Lane area and has provided recommendations including a reduction in the posted speed limit;
and

WHEREAS, the City Council of the City of Clinton desires to improve highway safety along this route; and

WHEREAS, at its November 4th meeting, it was the consensus of City Council to adopt a resolution requesting the North Carolina Department of Transportation to provide for the recommendations of the Clinton Police Department's speed survey.

NOW, THEREFORE, BE IT RESOLVED that the City of Clinton requests the North Carolina Department of Transportation to lower the speed limit to 25 mph on Royal Lane, a residential dead end street that starts in the 1100 block of Sunset Avenue.

NOW, THEREFORE, BE IT RESOLVED that a copy of this resolution be forwarded to the North Carolina Department of Transportation.

BE IT FURTHER RESOLVED that the Chief of Police is hereby directed to post the appropriate signs prohibiting speeds above 25 miles per hour in the area designated above.

BE IT FURTHER RESOLVED that this change be appropriately reflected on the Official Traffic Map of the City of Clinton.

EDA GRANT – NC-24 INDUSTRIAL PARK – INFRASTRUCTURE PROJECT

City Manager Purvis stated that the City has received an EDA grant to provide for half the cost to install and upgrade the necessary infrastructure to serve the proposed industry—Chemtex—in the NC-24 Industrial Park. He stated that we will stand the risk of losing this grant if the City does not begin infrastructure work by summer 2016.

Public Works Engineer Russell Byrd stated that The Wooten Company and staff were consulted on potential components that could move forward without financial commitments from Chemtex. It was decided that the installation of approximately up to twelve (12) insertion valves within the existing water system, particularly along the Southeast Boulevard corridor from north of Warsaw Road to south of Rowan Road is a workable project that would maintain the viability of keeping the grant in place.

Mr. Byrd stated that these valves would provide more reliability to the existing system, would diminish water service interruptions, and boil water notices to the area. Furthermore, Mr. Byrd stated that if the valves are installed, future need for valves in the future water plant expansion at far greater costs will be eliminated.

Mr. Byrd concluded that current estimates indicate this work would cost \$250,000, with the City's part to be \$125,000.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, it passed unanimously to move forward with the installation of approximately up to twelve (12) insertion valves within the existing water system, particularly along the Southeast Boulevard corridor from north of Warsaw Road to south of Rowan Road for an estimated cost of \$250,000, with the City's part to be an estimated cost of \$125,000.

AGREEMENT – NC GROWTH AND UNC SCHOOL OF GOVERNMENT –ECONOMIC DEVELOPMENT STRATEGY SERVICES

City Manager Purvis stated that City Council has expressed a desire to engage our existing industry in an effort to see how the city could better support them. Furthermore, he stated that City Council has expressed a desire to enhance the city's economic development efforts to generate job growth and broaden the local economy.

City Manager Purvis informed the group that city staff reached out to the NC Department of Commerce, the SOG, and NC Growth to identify potential methods for the city to begin devising an economic development strategy. Mr. Purvis stated that economic development experts from the SOG and NC Growth proposed a collaborative effort to assist the city that includes three phases—to design and conduct surveys to gather information from existing industry, to analyze and report on the findings, and to develop a strategy for economic

development based on the findings. It was stated that NC Growth focuses on sustainable job creation primarily in rural communities. Also, Mr. Purvis stated that the cost for phases 1 and 2 would be \$5,000 and the cost for phase 3 would be \$3,500. Mr. Purvis added that phase 3 is an optional proposal and represents the application of the study's findings.

City Council believed this proposal to be a "grand and smart" investment. City Manager made mention that the cost has not been budgeted previously.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it passed unanimously to proceed with the proposal(s) and allocation of funds for investment in economic development.

RESOLUTION—SURPLUS PROPERTY

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, it passed unanimously to approve the following resolution authorizing the disposition of personal property by GovDeals sale:

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 properties of the City of Clinton;

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

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

One (1) 1999 Ford F-150 -- Recreation VIN# 1FTZF1726XNA74197	Estimated value \$2,500.00
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One (1) 1992 Chev – Street VIN# 1GBHC34K5NE199908	Estimated value \$2,500.00
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One (1) 1995 Stationary compactor 20 HP motor, Model # 450 HD (8000 lbs.)	Estimated value \$2,500.00
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- (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 properties.

- (3) GovDeals will begin the sale of the described properties on or about December 10, 2015, and will continue the sale until the described properties are sold. The terms of sale shall be Pay Pal, 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.

WALK-ON ITEM: RESOLUTION –SAMPSON COMMUNITY COLLEGE EMERGENCY MANAGEMENT DEGREE PROGRAM

Fire Chief Phillips commended Mr. Richard Stephenson, of Sampson Community College, for his assistance to the Clinton Fire Department. He stated that they have discussed candidates for the Fire Department having college degrees.

Mr. Stephenson appeared before City Council to give more information regarding this request. He stated that the degree will be in Emergency Management. He stated that there will be opportunity for fire fighters, law enforcement, and all public servants to transfer into this program and receive credit. He stated that an Associate Degree can be obtained upon completion of the course. Mr. Stephenson informed City Council that this program is under the leadership of Dr. Starling, Fayetteville State University is currently a partner, and much of the work is online. He concluded by stating that this program will improve the quality of education among fire fighters and other public servants.

Chief Scott Phillips asked City Council to adopt a resolution in support of this Emergency Management Degree Program.

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

**Resolution in Support of Emergency Management
Degree Program at Sampson Community
College**

WHEREAS, the City of Clinton values educational opportunities for the citizens of Clinton and residents of Sampson County, and believes that everyone should have the opportunity to have access to new and emerging educational programs; and

WHEREAS, Sampson Community College is now making application for a two-year degree program in Emergency Management with concentrations in Law Enforcement, Emergency Medical Services and Fire Service disciplines; and

WHEREAS, these programs will allow current and future public servants to continue professional development and to earn an educational credentials that recognizes their knowledge and training; and

WHEREAS, recent studies have indicated the need for continuing job growth in the area of Emergency Management through the year 2022 with emphasis being placed on Law Enforcement, Emergency Medical Services and Fire Service concentrations; and

WHEREAS, the City of Clinton relies upon the training offered through Sampson Community College to maintain the academic and professional level of preparedness our public servants require in order to meet our local community needs.

NOW, THEREFORE, BE IT RESOLVED, that the Clinton City Council offers its support for the College's application for the Emergency Management degree program, as programs and courses provided by the College provide essential opportunities for education, development, and training for public safety personnel and all citizens of Clinton and Sampson County.

APPOINTMENTS

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, Sherlene Devane, was unanimously reappointed to the Library Board for a two-year term ending December 2017.

Notifications of appointments were given for the following:

- a. 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
- b. Board of Adjustment – 3 yr. term – John Naylor, District 2
Glenn Clark & Chad Brewer
- c. Planning and Zoning – 5 yr. term – Donald Summerlin, District 2

At its January 5, 2016, meeting, City Council will be asked to reappoint/appoint individuals to the abovementioned boards. However, it should be noted that John Naylor,

District 2, Glenn Clark, and Chad Brewer of the Board of Adjustment do not wish to be reappointed.

REPORTS

The code enforcement, fire, and personnel reports were acknowledged.

STAFF REPORTS

Planning and Zoning Director Mary Rose excitedly spoke about the upcoming event—Christmas in the City. She stated that it will take place on Thursday, December 3, 2015, beginning at 5:30 PM with the community tree lighting, and ending at 9:00 PM. She thanked Mayor Starling in advance for his participation in the tree lighting. She stated that the Kiwanis Club will be in charge of Santa Secret House; Snowzilla, an inflatable snow mountain will be located on Vance Street, antique cars will be on the Square, shops will be opened, carolers will be singing, delightful hayrides, and horse carriage rides. She stated that proceeds from the carriage rides will go to the History Museum.

Ms. Rose stated that at the city market, there would be a “Taste of Christmas.” She further explained that for \$7.00 per person, one could eat from the various vendors which included: Ribeye’s, Piggly Wiggly, Cowboys, and Smokehouse.

Ms. Rose stated that one hundred and forty-four (144) Christmas ornaments have been sold and another order has been placed.

Ms. Rose commended Public Works staff for the phenomenal job that they have done in the preparation for Christmas in the City.

CITY MANAGER REPORTS

City Manager Purvis stated that City Council has received his monthly report and he stands ready to address any concerns.

CLOSED SESSION

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, it passed unanimously to enter closed session to discuss a matter relating to personnel.

While preparing to go into closed session, Mayor Starling recognized Mayor Butler from Roseboro, NC.

Upon a motion made by Councilmember Becton, seconded by Mayor Pro Tem Harris, it passed unanimously for Council to re-enter regular session.

ADJOURNMENT

Upon a motion made by Councilmember Becton, seconded by Mayor Pro Tem Harris, it passed unanimously to adjourn the December 1, 2015, city council meeting. The meeting adjourned at 8:02 PM.

Elaine F. Hunt, City Clerk, MMC, NCCMC

Lew Starling, Mayor