

DECEMBER 6, 2011 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on December 6, 2011, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Strickland, Stefanovich, Becton, Turlington, and Mayor Pro Tem Harris were present. City Attorney Dale Johnson; City Clerk Elaine F. Hunt; City Manager John Connet; Assistant City Manager-Finance Director Shawn Purvis; Fire Chief Todd Solice; Planning and Zoning Director Mary Rose; Public Works Director Jeff Vreugdenhil; Human Resource Manager Lisa Carter; Parks and Recreation Director Judi Nicholson; and Police Chief Mike Brim were present. Also present were Lyle Moore, Planner 1; Audrey Whetten, Planner 1; Kristin Norris, Accounting Manager; Ashley Blackmon, Utilities Billing Supervisor; Brenda Potter, Recreation Center Supervisor; and Bokeeter "Kshaun" Mozee Evans, Recreation Center Program Assistant.

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

Rev. Councilmember Marcus Becton gave the invocation.

ELECTIONS

Upon a motion made by Mayor Pro Tem Harris, 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	273	58	4	335
Write In	9	2		11
<u>City Council—District 2</u>				
Neal Strickland	89	34	4	127
Albert Johnny Kaleel, Jr.	80	12		92
Doug Shaw	7			7
<u>City Council—District 4</u>				
Jean Turlington	46	10		56
Write In	3			3

The Honorable Judge Carol Wilson Jones administered the oaths of offices to Neal Strickland, District 2 Councilmember; Jean Turlington, District 4 Councilmember; and Lew Starling, Mayor.

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 Strickland, seconded by Councilmember Stefanovich, Maxine Harris was unanimously re-elected Mayor Pro Tem.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, Dale Johnson was unanimously reappointed city attorney.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, John Connet was unanimously reappointed city manager.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the minutes of the November 1, 2011 regular and closed session, and the November 18, 2011 special city council meetings were unanimously approved.

APPEARANCE

Mr. Jerry Hope, Jordan and Hope Grocery, appeared before City Council to voice his concerns regarding the produce vendors selling their products in the various parking lots around town.

City Council asked City Manager Connet to look into this concern of Mr. Jerry Hope and report back to them.

RECOGNITION

Parks and Recreation Director Judi Nicholson announced the winners/participants of the 2011 Walk across Sampson County. She stated that last year, the Fire Department won the trophy. She also stated that we had 11 employees and 5 departments who participated this year, as compared to, 5 employees and 3 departments who participated in 2010. Ms. Nicholson further stated that a total of 559.5 miles was walked and approximately 55,950 calories were burned.

Ms. Nicholson asked that the following results be recorded within the minutes:

Department Challenge Results:

- The department with the most miles: Recreation with 217 miles
- The department with the highest daily participation average: Fire
- The department with the most participants: Tie—Planning & Recreation

City Employee Individual Results:

- Eric Brown – Recreation Department - 6 miles total
- Betty Holland – Planning Department – 10 miles total

- Mary Rose – Planning Department – 15 miles total
- Linda Harrington – Finance Department – 23 miles total
- Kristin Norris – Finance Department – 30 miles total
- Audrey Whetten – Planning Department – 38 miles total
- Elaine F. Hunt – Administration Department – 54.5 miles total
- Keshawn Evans – Recreation Department – 57 miles total
- Clark Strickland – Fire Department - 86 miles total
- Chris Norris – Fire Department – 86 miles total
- Judi Nicholson – Recreation Department – 154 miles total

Clinton Group & Individual Results:

- On-Line Group – 11 participants – 1551.25 miles total
- Bellamy Center Walkers – 56 participants – 452 miles total
- Janice Armwood – 95 miles total
- Ann Stephenson – 15.5 miles total

Ms. Nicholson asked Brenda Potter and Keshawn Evans, of the Parks and Recreation Department, to come forth to receive the trophy for the 2011 Walk Across Sampson County. Ms. Nicholson presented certificates to all participants.

Councilmember Stefanovich stated that in 2012, City Council would like to participate in this Walk across Sampson County event. Ms. Nicholson gladly accepted this challenge.

PRESENTATION(S)

Anthony Sessoms, CPA, presented the 2010-2011 Financial Audit. He explained to City Council in depth the contents of the Audit which included the financial highlights, City of Clinton's Net Assets, the two major funds: General and Downtown Revitalization Phase III. He stated that the City of Clinton is in very good shape and compares well with its peers who include Dunn and Whiteville.

Mr. Sessoms concluded by thanking Finance Director Shawn Purvis, Kristin Norris, and all city staff for our assistance.

Mayor Starling stated that City Council would receive this information; however, no action was taken.

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

Mayor Starling opened a public hearing that was continued from the October 4, 2011 and November 1, 2011, city council meetings on a text amendment request by the Planning staff to amend Section 9.5 of the City of Clinton Land Development Ordinance to address Parking Lot Surfaces.

Planning and Zoning Director Mary Rose appeared before City Council. She presented the newly proposed amendment. She stated this amendment pertains to new and/or expanded construction.

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance # 2011.12.01 to the Land Development Ordinance was adopted unanimously:

2011.12.01

Whereas, upon the recommendation of the Planning and Zoning Board and after public hearing and due notice thereof as required by law, the City Council of the City of Clinton, NC do enact as follows: That the Land Development Ordinance of the City of Clinton be and the same is hereby amended to read as follows:

Section 9.5 Parking Lot Surfaces

- A. This shall not apply to single-family or two-family residences or other uses that are required to have only one or two (2) parking spaces.
- B. All parking spaces shall be paved with asphalt, concrete, or similar paving material ~~except that required parking may be constructed with gravel or other comparable all-weather surface for:~~
 - 1. ~~Parking facilities used on an irregular basis by religious assembly uses, or other similar non-profit organizations.~~
 - 2. ~~Parking areas for agricultural uses.~~
 - 3. ~~Parking areas in the I-2 Heavy Industrial District and I-1 Light Industrial District.~~
 - 4. ~~Parking areas for tracked heavy construction equipment, skid-mounted equipment, and similar equipment.~~
 - 5. ~~Parking areas for uses which will require 8 or fewer parking spaces as set forth in Section 9.2.~~
- C. ~~When parking areas constructed with a gravel or other comparable all-weather surface, such parking areas shall be required to provide a buffer which shall meet the buffer dimensional requirements set forth in Section 8.2.B.~~
- D. All paved parking areas ~~a minimum of six (6) inches of concrete or two (2) inches of asphalt shall be used~~ must be of sufficient thickness and consistency to support anticipated traffic volumes and weights. Spaces in paved parking areas shall be appropriately demarcated with painted lines or other markings.
- E. ~~All parking areas of greater than 10 spaces shall have curb and gutter.~~ Access drives must be paved and maintained from the curb line to a point at least 10 feet beyond the public right of way line for all parking and loading facilities, whether paved or unpaved.

~~F. Parking lots shall be properly maintained in all respects. In particular, and without limiting the foregoing, parking lot surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.~~

P & Z – 512 SUNSET AVENUE – AGODICHI NWOSU

Mayor Starling opened a public hearing on a request by Agodichi Nwosu for the rezoning of approximately 0.46 acres at 512 Sunset Avenue from R-8 Residential to O & I Office and Institutional.

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 Councilmember Stefanovich, seconded by Councilmember Becton, a request by Agodichi Nwosu to rezone approximately 0.46 acres at 512 Sunset Avenue from R-8 Residential to O & I Office and Institutional, was unanimously approved.

STREET CLOSING -- CHRISTMAS PARADE

Upon a motion made by Councilmember Becton, seconded by Mayor Pro Tem Harris and unanimously passed, approval was given for the temporary closing of the following streets on December 10, 2011 from 8:30 AM to 12:00 Noon: Warsaw Road from College Street down Vance, Fayetteville, Chestnut, West Main, and Lisbon Streets and onto Morisey Boulevard.

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

STREET CLOSING -- CHRISTMAS IN THE CITY

Planning Director Mary Rose requested City Council approve the closing of a small section of Vance and Wall Street from 5:00 PM to 9:30 PM and the Lisbon Street parking lot from 4:00 PM to 10:00 PM on Thursday, December 8, 2011. She stated that the closing of these areas will prohibit traffic around the courthouse during the first time Christmas in the City event, as well as, accommodate the carriage and hay rides. She stated that all carriage rides tickets have been sold, the museum reception and silent auction are all in place.

She stated that this is a wonderful community effort with the Clinton Main Street in partnership with the Sampson County Arts Council, the Sampson County History Museum, the Clinton-Sampson Chamber of Commerce, the Sampson County Visitors Bureau, and many volunteers.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton and unanimously passed, approval was given for the temporary closing of a small section of Vance and Wall Street from 5:00 PM to 9:30 PM and the Lisbon Street parking lot from 4:00 PM to 10:00 PM on Thursday, December 8, 2011.

CLINTON DOWNTOWN SPECIAL TAX DISTRICT FAÇADE GRANT PROGRAM

Planning Director Mary Rose requested consideration of a Clinton Downtown Special Tax District Façade Grant Program. She stated that the objective of this program is to provide financial incentives to business and property owners, and to assist them in façade preservation and restoration. She stated that this program will allow us to offer small grants to property owners within the Special Downtown Tax District to make improvements to their building facades. It was further stated that the program would be funded through the Downtown Special Tax District Revenue. Ms. Rose proposed the program be funded in the amount of \$5,000.00 per year. She stated that the Historic Preservation Commission will review the applicant's application.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton and unanimously passed, approval was given for the Planning Department to apply for the Clinton Downtown Special Tax District Façade Improvement Grant.

RECREATIONAL TRAILS PROGRAM GRANT – PARKS AND RECREATION DEPARTMENT

Parks and Recreation Director Judi Nicholson asked City Council to approve a request to apply for a Recreational Trails Program Grant. She stated that this grant will be used to pave the existing fitness trail and enhance the nature trail at Royal Lane Park. She stated that the City of Clinton is prequalified to submit an application, the maximum grant amount is \$75,000 and the City will be required to provide a 25% match.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the request to apply for a Recreational Trails Program Grant was unanimously approved.

FIRE DEPARTMENT

Fire Chief Todd Solice submitted a roster of personnel who have completed the required training by the State of North Carolina. He stated that these individuals will be entitled to benefits provided by the State for line of duty injury or death. Also, he stated that this certification is submitted on a yearly basis.

Upon a motion made by Councilmember Becton, seconded by Mayor Pro Tem Harris, and unanimously passed, the following were certified as being eligible firefighters in accordance with North Carolina G.S. 58-86-25: Jamie P. Beasley, Matthew Booth, Edmon Boyette, Claude A. Buchanan, Joshua W. Coombs, Michael Cottle, Joe B. Dixon, Jr., Ronald Ellis, David B. Hairr, Olen G. Jackson, Bradley Johnson, Jimmy Lewis, Rommie A. Melvin, Christopher L. Norris, Robert T. Owen, Lawrence Parrish, George Raynor, Todd A. Solice, Clark T. Strickland, Richard W. Taylor, Brian Royal, and Harold Woodall.

WATER DEPARTMENT – UTILITY BILLING ERRORS – NCDOT

City Manager Connet stated that a recent review of several utility accounts has revealed inconsistencies in the NCDOT account on North Boulevard. He stated that the City of Clinton has improperly billed this account since a code change in September of 2009.

City Manager Connet told City Council that the Customer Service Policy allows the City Manager to refund any overbilling for up to twelve (12) months. He stated that due to the fact that the NCDOT overbilling is money owed to the taxpayers of North Carolina and has transpired over a twenty-six (26) month period, he asked City Council to approve the refunding for the total 26 months. He concluded by stating that NCDOT will have the option of receiving a monetary refund or an account credit in the amount of \$35,533.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to refund/credit the overbilling for a total of 26 months to NCDOT totaling \$35,533.

ORDINANCES—BUDGET

Assistant City Manager-Finance Director Shawn Purvis briefed City Council regarding this item. He stated these budget amendments originated because of renovations at Royal Lane and to balance line items. He asked City Council to approve the budget amendments.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following amendment **#2011.12.02** was unanimously adopted:

Budget Ordinance Amendment Fiscal Year 2011-2012 Budget

#2011.12.02

BE IT ORDAINED by the City Council of the City of Clinton, NC, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2012, and amended on September 6, 2011; October 4, 2011; and November 1, 2011, is hereby amended as follows:

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

Account #	Account Title	Increase	Decrease	Total
10-5300-1500	Maint & Rpr Building		\$2,000	
10-5300-3300	Departmental Supplies	\$ 8,000		
10-5300-7400	Capital Outlay		\$6,000	
10-5600-7400	Capital Outlay/Equip	\$ 27,585		
10-5610-1500	Maint & Rpr PW Complex	\$ 2,860		
10-6200-7300	Capital Outlay Improv.	\$265,000		
10-6600-7403	City Hall Loan Principal	\$ 16,667		
10-6600-7404	City Hall Loan Interest	\$ 5,650		

TOTAL EXPENDITURES	\$325,762	\$8,000	\$317,762
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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>
10-3040-0200	Insurance Revenue	\$ 2,860		
10-3910-0200	Xfer from W & S	\$ 22,317		
10-3990-0000	Fund Bal Approp.	\$292,585		
TOTAL REVENUES		\$317,762	\$ 0	\$317,762

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
30-6600-5700	Miscellaneous	\$34,720		
30-6600-6100	Xfer to General Fund	\$22,317		
30-6600-7403	City Hall Loan Principal		\$16,667	
30-6600-7404	City Hall Loan Interest		\$ 5,650	
30-8300-7400	Capital Outlay/Equip		\$27,585	
TOTAL EXPENDITURES		\$57,037	\$49,902	\$7,135

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
30-3990-0000	Fund Balance Approp	\$7,135		
TOTAL REVENUES		\$7,135	\$0	\$7,135

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

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following amendment **#2011.12.03** was unanimously adopted:

**Capital Projects Ordinance Amendment
Phase III Downtown Revitalization Project**

2011.12.03

BE IT ORDAINED by the City Council of the City of Clinton, NC that the following amendments be made to the Capital Project Ordinance adopted June

17, 2008, and amended on May 5, 2009; June 29, 2010; February 1, 2011; April 5, 2011; and May 3, 2011, is hereby amended as follows:

Section 1. To amend the Downtown Revitalization Phase III Capital Project, the expenditures for the project are changed as follows:

Account #	Account Title	Increase	Decrease	Total
56.4970.7300	Construction	\$27,899		
56.4970.8000	Contingency		\$27,899	
TOTAL EXPENDITURES		\$27,899	\$27,899	\$0

Section 2. Copies of this budget amendment shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following amendment **#2011.12.04** was unanimously adopted:

**Clinton Police Supplemental Project Amendment
Fiscal Year 2011-2012**

#2011.12.04

BE IT ORDAINED by the City Council of the City of Clinton, NC that the following amendment be made to the Clinton Police Supplemental Project Ordinance that was adopted on October 4, 2011, is hereby amended as follows:

Section 1. The expenditures are to be changed as follows:

Account #	Account Title	Increase	Decrease	Total
75.5110.5701	Drug Enforcement - Federal		\$ 950	
75.5110.5702	Drug Enforcement - State	\$2,250		
TOTAL EXPENDITURES		\$ 2,250	\$ 950	\$1,300

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

Account #	Account Title	Increase	Decrease	Total
75.3010.0100	State Sub Abuse Tax	\$1,300		
TOTAL REVENUES		\$1,300		\$1,300

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

CITY CODE -- ORDINANCE-- CHAPTER 11.SECTION 11-3(G) TYPE OF RECEPTACLES REQUIRED.

Public Works Director Jeff Vreugdenhil stated that he wants the ordinance to be user friendly for all citizens. He requests that the bagging of loose leaves and debris be prohibited. He stated that this amendment is necessary due to landfill regulations prohibiting the mixing of green waste with residential trash. He further stated that this proposed amendment instructs citizens to place debris away from obstructions and utilities to allow for more efficient collection.

Mr. Vreugdenhil asked City Council to amend Chapter 11. Section 11-3(g) Type of Receptacles Required to read as follows:

(g) Any person may have leaves removed by the city if such leaves are placed within 8' of the edge of pavement or curb line during the leaf collection season (October 15 through February 24). Leaves must be placed in areas free of obstructions and utilities including but not limited to: fire hydrants, utility poles, guide wires, ditches, catch basins, and fences. No tree limbs, shrubs or other materials shall be mixed with leaves. The leaves shall be collected on the regularly scheduled collection day. Bagged leaves shall not be accepted for removal and disposal.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, the following **Ordinance #2011.12.05** was unanimously adopted:

Ordinance 2011.12.05

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 revising the below section in Chapter 11, Garbage and Trash to read as follows:

Sec. 11-3. Type of receptacles required.

(g) Any person may have leaves removed by the city if such leaves are placed within 8' of the edge of pavement or curb line during the leaf collection season (October 15 through February 24). Leaves must be placed in areas free of obstructions and utilities including but not limited to: fire hydrants, utility poles, guide wires, ditches, catch basins, and fences. No tree limbs, shrubs or other materials shall be mixed with leaves. The leaves shall be collected on the regularly scheduled collection day. Bagged leaves shall not be accepted for removal and disposal.

APPOINTMENT

Upon a motion made by Councilmember Becton, seconded by Mayor Pro Tem Harris, the following individuals were reappointed to the respective boards:

Board	Name	District	Length of Term
Planning	Moses Williams	3	5-year
Bd of Adjustment	Homer Faison	3	3-year

Bd of Adjustment	Barbara A. Faison	5	3-year
All-America City	Marcus Becton	NA	2-year
All-America City	Rev. Willie Bowden	NA	2-year
All-America City	Dee Bryant	NA	2-year
All-America City	Patty P. Cherry	NA	2-year
All-America City	Dr. Gene Hales	NA	2-year
All-America City	Nettie Pernell	NA	2-year
All-America City	Gloria Edwards	NA	2-year
All-America City	Pat Denton	NA	2-year
All-America City	Betty Fortner	NA	2-year
All-America City	Jeff Shipp	NA	2-year
All-America City	Susie Bauman	NA	2-year
All-America City	Susan Bristow	NA	2-year
All-America City	Sherry Matthews	NA	2-year

REPORTS

The City Council, finance, personnel, fire, code, public works, and police reports were acknowledged.

City Manager Connet concluded his report by inviting everyone to Christmas in the City on Thursday, December 8, 2011 beginning at 5:30 PM and the Annual Christmas Parade on Saturday, December 10, 2011 beginning at 10:00 AM.

CONTINUATION – PLANNING WORKSHOP – DECEMBER 13, 2011

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and approved unanimously, the meeting was continued until Tuesday, December 13, 2011 at 6:00 PM, so that a second planning workshop might take place.

Elaine F. Hunt, MMC, City Clerk

Lew Starling, Mayor

ADJOURNED AT 7:55 PM.