



APRIL 4, 2017, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on April 4, 2017, in the City Hall Auditorium. Mayor Starling presided. Present were Councilmembers Strickland, Turlington, and Becton.

Councilmember Stefanovich was absent.

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

Also present were City Manager Shawn Purvis; City Clerk Elaine F. Hunt; Planning Director Mary Rose; Public Works Engineer Russell Byrd; Fire Chief Scott Phillips; Recreation Director Jonathan Allen; Police Chief Jay Tilley; Captain Donald Edwards; Human Resource Director Lisa Carter; Public Works Director Jeff Vreugdenhil; and Finance Director Kristin Stafford. Lt. Robbie King, Officer Donald Fisher, and Officer Zayne Trent, of the Clinton Police Department, were also present. Captains Todd Solice, Josh Coombs, and Firefighter Cameron Adams, were also present.

Sylvia Chestnutt, of the Sampson Weekly; and Chris Berendt, of the Sampson Independent, were also present.

Mayor Starling called the meeting to order. He called upon Councilmember Jean Turlington to give the invocation.

CITY COUNCIL

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the minutes of the March 7, 2017, regular city council meeting, and March 21, 2017, CIP Workshop, were unanimously approved.

It was the consensus of Mayor and City Council to recognize the CHS Dark Horses Girls Basketball Team and Head Coach Chris Owens before proceeding with the next item on the

agenda, "Discussion and selection of an appointee to the unexpired term of Mayor Pro Tem Maxine W. Harris, District 5."

RECOGNITION – CHS GIRLS BASKETBALL TEAM – 2017 STATE CHAMPIONS

Mayor Starling recognized this awesome group of girls. He asked City Manager Purvis to read the following proclamation:

**PROCLAMATION
CLINTON HIGH SCHOOL GIRLS BASKETBALL TEAM
2016-2017 NORTH CAROLINA STATE 2A CHAMPIONS**

WHEREAS, Clinton City Council would like to recognize the Clinton High School Girls Basketball Team for its most recent accomplishment; and

WHEREAS, Clinton High School Dark Horses Girls Basketball Team represented Sampson County and the City of Clinton as they won the North Carolina State 2A Championship; and

WHEREAS, the Dark Horses defeated North Surry High School on March 11th at the Reynolds Coliseum, Raleigh, North Carolina, in the championship game with a score of 59-49; and

WHEREAS, the Team finished the 2016-2017 season 30-2 overall and a perfect 14-0 in the Four County 1A/2A Conference; and

WHEREAS, Tanaziah Chestnutt, Sumiya Raynor, Kiera Mabry, Mikayla Boykin – named Most Valuable Player, Sha’Niya Nurse, Isabella Faison, Ashlyn Williams, Alex Canady – named Most Outstanding Player, Charica Joyner, Zebria Vann, DeKyla Moore, Destiny Faircloth, Mariah Boone-Whitted, and Jada Lee worked long and hard to achieve this goal; and

WHEREAS, Head Coach Chris Owens, assistant coaches, managers, Clinton High School staff, volunteers, and parents represented themselves and their community with honor and integrity throughout the season.

NOW THEREFORE BE IT RESOLVED, I, Lew Starling, Mayor, and Clinton City Council, do hereby congratulate the Clinton High School Girls Basketball Team on a job well done and offer special recognition to their coaches and staff for an outstanding job.

FURTHER BE IT RESOLVED that we hereby proclaim April 4, 2017 as:

“CHS DARK HORSES GIRLS BASKETBALL TEAM DAY”

Mayor Starling asked the girls and Coach Owens to join him at the front for a presentation. He asked City Council and City Manager Purvis to assist him with the distribution. Engraved Cross Pens and City of Clinton's lapel pins were given to each of them. Pictures were taken by The Sampson Weekly and The Sampson Independent. A standing ovation was given to the CHS Girls Basketball Team and Coach Chris Owens.

APPOINTMENT – DISTRICT 5

Mayor Starling stated that, "City Council has a duty to appoint someone to the unexpired term of a very fine lady, Mayor Pro Tem Maxine Harris, on tonight." He stated that this is a very sad occasion. He stated that District 5 is a very vigorous district and Mayor Pro Tem Harris worked very hard for her district.

Mayor Starling stated that five individuals submitted letters of interest. He stated that agenda packets were sent to the five individuals, they were invited and agreed to eat with the group before the meeting. Furthermore, he stated that he met with each person individually. Mayor Starling stated that he conveyed to each person that he knows how this process goes and everyone cannot win. He informed the group that when Councilmember Thomas Turlington passed, he submitted a letter of interest for District 4; however, he was not appointed. He stated that this is "short-lived" because he/she will be filling the unexpired term of Mayor Pro Tem Harris. He further stated that the filing period for this office is in July of this year. He encouraged and thanked each person for his/her willingness to serve. He asked City Clerk Hunt to give him the order in which they submitted their letters and this would be the order for them to come up and speak to City Council. Ms. Hunt gave the order: Barbara A. Faison, Perry E. Solice, Jr., Delynn Solice, Darue Bryant, and Wanda Corbett.

One by one the candidates appeared before Mayor and City Council. They introduced themselves, told of present/past employments, mission/goals for District 5 if appointed, etc. All candidates agreed on two subjects: (1) Mayor Pro Tem Harris was a great person whose shoes **CANNOT** be filled, and (2) All the candidates are qualified and good selections for the office. It was stated more than once, that whoever is selected will be a great choice.

At the conclusion of the candidates' remarks, Councilmember Becton stated that he knew all the candidates. Also, he stated that Ms. Harris made an impact on every one of us.

Councilmember Becton made a motion to appoint Barbara Faison to the unexpired term of Mayor Pro Tem Harris. No one seconded the motion; therefore, the motion died. Councilmember Strickland made a motion to appoint Darue Bryant to the unexpired term. Councilmember Turlington seconded the motion. With a 3-0 vote, Darue Bryant was appointed to serve the unexpired term.

Mayor Starling congratulated and gave Mr. Bryant the oath of office. Mr. Bryant stated that he, "is very humble and will do my best to work with the City Council and the City. I will try not to disappoint anyone. I am not Maxine Harris, but I will do my best." Mr. Bryant thanked Mayor Starling and City Council.

Jokingly, Councilmember Becton stated that he lost his status of being the youngest councilmember.

Mayor Starling stated that the office of Mayor Pro Tem needed to be reconstituted for Clinton City Council. Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, it passed to approve Councilmember Becton as Mayor Pro Tem.

RECOGNITION – BOY AND CUB SCOUTS TROOP 133 – OMEGA PSI FRATERNITY, INC.

Mayor Starling welcomed Scoutmaster Willie Mitchell, Boy Scouts and Cub Scouts Troop 133, to speak. Mr. Mitchell gave praise to Ms. Patty Cherry. He stated that she vowed to get them on the Clinton City Council's agenda, and she did so. Mr. Mitchell stated that they are a new group. He stated Dr. Theodore Thomas was the cub/pack representative and asked him to come forth and speak. Dr. Thomas stated that a few years ago, they were approached by Mrs. Lucy Grist to organize a minority boy and cub scouts troop. He stated that the cub/pack originated under the guidance and leadership of Dr. Rodney Sessoms. He further stated that they saw an opportunity to make a difference in a few advantages and disadvantaged boys' lives.

It was mentioned that the Pack was chartered in March 2015. The charter organization for Pack 133 is Omega Psi Fraternity, Inc., with an enrollment of twelve boys and three adult leaders from the Clinton and Rowan district areas. He praised Mr. Mitchell for his dedication and commitment to the Pack. He stated that Omega Psi Fraternity, Inc., will always do what they can to assist the young boys. It was further mentioned that a short time later, Pastor Gerald Underwood and Andrews Chapel Missionary Baptist Church started a Boy Scouts Troop to co-exist with Cub Scout Pack 133.

Mr. Gary Cooke, District Committee Chair, Tuscarora Council, Goldsboro, NC, and Mr. Seth Bartosik, Coharie District Executive, appeared before City Council in support of Boy Scouts Troop and Cub Scouts Pack 133. They asked City Council to assist these groups as much as possible.

Mayor Starling thanked the young men and their leaders for being a part of the community.

RECOGNITION – ELAINE F. HUNT – PUBLIC SECTOR MANAGER OF ENVIRONMENTAL, SAFETY, AND HEALTH (PS-MESH) CERTIFICATION

City Manager Purvis stated that City Clerk Elaine F. Hunt serves as the risk manager for the City of Clinton. He stated that Ms. Hunt coordinates and leads the employees' Health and Safety Committee. Mr. Purvis stated that her efforts with the committee have resulted in recognition from the NC Department of Labor for safe work environments and the City has experienced a decline in claims and insurance rates over the past three years. Mr. Purvis stated that these changes translate into savings for the taxpayer. City Manager Purvis further stated that this certification requires 100 hours of initial training and coursework, which City Clerk Hunt has worked toward over the past several years.

Mayor Starling presented City Clerk Hunt with a plaque signifying that the requirements for the Public Sector Manager of Environmental, Safety and Health Certification Program had been satisfied.

RECOGNITION – KRISTIN STAFFORD – CERTIFIED FINANCE OFFICER DESIGNATION

City Manager Purvis stated that Kristin Stafford has been the Finance Director for the City of Clinton for two years. He stated that over the past several years, she has taken several classes through the School of Government and NC Government Finance Officers Association to expand her knowledge and capacity for governmental accounting and budgeting. He further stated that recently, she completed all courses and required exams to receive her Certified Finance Officer designation.

Mayor Starling invited Mr. Stafford and children to join him in presenting Finance Director Kristin Stafford with her plaque signifying her Finance Officer Certified Designation.

PUBLIC HEARING -- OATHS

At this April 4, 2017, city council meeting, oaths were given to Captain Trey Ball, Goldsboro Police Department, and Planning and Zoning Director Mary Rose.

P & Z – INTERSECTION OF SOUTHEAST BOULEVARD AND PUGH ROAD – JOSEPH SNIDER

Mayor Starling opened a public hearing on a request by Joseph Snider, for a conditional use permit to operate a Special Event, Carnival, at the intersection of Southeast Boulevard and Pugh Road, in an HC-Highway Commercial District.

Planning Director Mary Rose presented the following findings:

1. The property under consideration contains approximately 20,400 square feet.
2. Felipe and Nelly Gutierrez have signed the application as the owners.

3. The property is currently zoned HC-Highway Commercial.
4. The property is bordered on the north by I-2 Heavy Industrial. The properties to the south, east, and west are zoned HC-Highway Commercial. **(SEE ATTACHMENT 1)**
5. The applicant will be responsible for any tipping fees associated with using City owned trash dumpsters. The applicant is proposing to have 6 portable toilets that must remain inside the proposed area identified on the site map.
6. The applicant is proposing to come into town for set up on Sunday, May 14th, continue set up on Monday and Tuesday, May 15th and May 16th, then operate the Carnival on Wednesday. From May 15th through May 19th, 6:00 PM to 11:00 PM; Saturday, May 20th, from 2:00 PM to 11:00 PM and Sunday, May 21st, from 1:00 PM to 9:00 PM. They will break down the operation on Sunday and Monday, May 21st and May 22nd.
7. The applicant is proposing 2 million dollars of liability insurance coverage in the event of an accident.
8. If approved, the applicant will seek out a local non-profit to partner with, making a donation to this local non-profit organization.
9. The conditional use standards from Section 11.4 Step 6, B.2 of the City of Clinton Land Development Ordinance shall be considered by City Council.

Ms. Rose presented a Certificate of Recommendation from the City of Clinton Planning Board.

Captain Trey Ball, of the Goldsboro Police Department, appeared before City Council on behalf of Mr. Joseph Snider. He confirmed what was previously stated by Planning Director Rose.

Fire Chief Scott Phillips stated that an inspection will be necessary after the carnival is set up. Mayor Starling emphasized that the City of Clinton is not sponsoring this Special Event.

Ms. Patty Cherry asked Captain Ball if more than one non-profit organization might be considered for partnership. Captain Ball replied positively.

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

Mayor Starling read Standard 1: If completed as proposed, the development will comply with all of the requirements of this Ordinance. He then called for a vote on whether the requested use would meet this standard. Three voted that the standard

would be met. No one voted no.

Mayor Starling read Standard 2: The use will not materially endanger the public health or safety. He then called for a vote on whether the requested use would meet this standard. Three voted that the standard would be met. No one voted no.

Mayor Starling read Standard 3: The use will not substantially injure the value of adjoining or abutting property. He then called for a vote on whether the requested use would meet this standard. Three voted that the standard would be met. No one voted no.

Mayor Starling read Standard 4: The use will be in harmony with the area in which it is to be located. He then called for a vote on whether the requested use would meet this standard. Three voted that the standard would be met. No one voted no.

Mayor Starling read Standard 5: The use will be in general conformity with the Land Development Ordinance, thoroughfare plan, or other plan officially adopted by the Council. He then called for a vote on whether the requested use would meet this standard. Three voted that the standard would be met. No one voted no.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, and with the incorporation into the minutes of the following Certificate of Recommendation, which was executed on March 28, 2017, a conditional use permit was unanimously approved for Joseph Snider to operate a Special Event, Carnival, at the intersection of Southeast Boulevard and Pugh Road, in an HC- Highway Commercial District:

**Certificate of
Recommendation
Conditional Use
Permit - CU-3-17-1**

In accordance with the provisions of the Clinton Land Development Ordinance, on Monday, March 20, 2017, the City of Clinton Planning Board unanimously (7-0) recommended approval of Conditional Use Permit 3-17-1 to permit the operation of a special event, carnival, in the Roses parking lot at the intersection of Pugh Road and US Highway 701 in an HC-Highway Commercial District, further identified by Parcel Identification 12023276203. This recommendation was based upon the following findings of fact as related to the corresponding conditional use standard:

Conditional Use Standards

1. If completed as proposed, the development will comply with all of the requirements of this Ordinance.

FACT: *The facts as noted in the meeting minutes and presented during the Planning Board meeting demonstrate the proposed event as presented meets all requirements of the Clinton Land Development Ordinance.*

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City of Clinton Planning Board does hereby find and determine that the recommendation of ordinance amendment RZ-3-17-1 to be rezoned from R-6 Residential to NS – Neighborhood Shopping is consistent with the goals and objectives of the Clinton 2035 Comprehensive Plan and other long range planning documents. Section 5. D. of the Clinton 2035 Comprehensive Plan addresses the need for commercial infill of structures and properties will access to established infrastructure. Of the proposed 0.65 acres to be rezoned, 0.46 acres are currently vacant and there is an existing 1,700 square foot vacant building. Both have access to water and sewer.

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, does enact as follows: The Zoning Ordinance of the City of Clinton be and the same is hereby amended as follows: That approximately 0.65 acres at 540 McKoy Street, is hereby rezoned from R-6 Residential to NS – Neighborhood Shopping.

P & Z – INTERSECTION OF BEAVER DAM DRIVE AND FAISON HIGHWAY – MARSHALL THORNTON

Mayor Starling opened a public hearing on a request by Marshall Thornton to rezone approximately 1.31 acres, located at the intersection of Beaver Dam Drive and Faison Highway, from R-8 Residential to HC-Highway Commercial.

Planning Director Mary Rose explained the request and gave the staff and Planning and Zoning Board’s recommendation to approve the request upon the findings of fact and zoning consistency statement.

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

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, the following amendment **#2017.04.02** to the Zoning Ordinance was unanimously adopted:

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City of Clinton Planning Board does hereby find and determine that the recommendation of ordinance amendment RZ-3-17-2 to be rezoned from R-8 Residential to HC-Highway Commercial is consistent with the goals and objectives of the Clinton 2035 Comprehensive Plan and other long range planning documents. Section 7. F. I. 27 of the Clinton 2035 Comprehensive Plan encourages commercial development to occur in clusters at the intersection of major thoroughfares with an emphasis on US 701 Business. The proposed rezoning is along Faison Highway, adjoining existing commercially zoned properties, and is within 350’ of the intersection of US 701 and Faison Highway.

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, does enact as follows: The Zoning Ordinance of the City of Clinton be and the same is hereby amended as follows: That approximately 1.31 acres located at the intersection of Beaver Dam Drive and Faison Highway, is hereby rezoned from R-8 Residential to HC-Highway Commercial.

ALIVE AFTER FIVE

City Manager Purvis announced that the Alive after Five events will begin on Thursday, May 18, 2017. He further stated that the City Code permits the Arts Council to sell alcohol at the event with a letter from the City Manager. He stated that the Arts Council will have to obtain the necessary permits.

He asked City Council to approve the closing of the City Market parking lot and the section of Graham Street just north of the J. C. Holliday Memorial Library driveway which would then be closed to the stop sign located behind the Bee Hive building. He announced the dates: May 18, 2017; June 15, 2017; September 21, 2017; and October 5, 2017.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Bryant, it passed unanimously to close the City Market parking lot and the section of Graham Street just north of the J. C. Holliday Memorial Library driveway which would then be closed to the stop sign located behind the Bee Hive building on the following dates to accommodate the Alive after Five concerts: May 18, 2017; June 15, 2017; September 21, 2017; and October 5, 2017.

PERSONNEL POLICY – ARTICLE VII. SECTION 27. SHARED LEAVE AMENDMENT

City Manager Purvis asked City Council to continue this item until the April 18, 2017, Budget Workshop. City Council agreed to continue the item.

APPOINTMENT(S)

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, it passed unanimously to appoint Rev. Willie Bowden, Sr., who resides at 214 Finch Street, to a three-year term on the Environmental Affairs Advisory Board. Rev. Willie Bowden, Sr., now holds the position that former At-large member Harold Woodall held.

Notifications of appointments/reappointments were given for the following:

- a. Recreation Advisory Board – 3 year terms

Cameron Spell -- District 1
Johnny Boykin – District 3
Troy Fardy – At-Large

b. Historic Preservation Commission

Albert D. Kirby, Jr.
Kenneth W. Buffkin, Jr.
Debbie Roberts

At the May 2, 2017, city council meeting, City Council will be asked to appoint or reappoint individuals to the Recreation Advisory Board and the Historic Preservation Commission.

REPORTS

The code enforcement report was acknowledged.

STAFF REPORTS

Public Works Director Vreugdenhil informed the group that Spring Clean-up Week is April 24-28, 2017. He stated that previously City Council suspended Sections 11-4 (e)(g) and (i), except the collection of batteries of the City Code during this Week unless hazardous to city staff or items that the landfill will not accept. Councilmember Turlington asked if refrigerators will be removed during this time and Mr. Vreugdenhil replied, “Yes.”

Fire Chief Scott Phillips updated City Council on the insurance rating. He stated that the rating of the Clinton Fire Department directly impacts the citizens of Clinton as it relates to their property insurance calculations. Chief Phillips stated that Clinton Municipal rating was “5”, and Clinton Rural rating was 5/9E. He stated that the North Carolina Response Rating System ranges from one (highest) to 10 (not recognized as a certified fire department by the state).

Chief Phillips praised Captain Josh Coombs and Captain Todd Solice for their hard work. Also, he thanked Public Works Director Vreugdenhil and his staff for maintaining the hydrants.

CITY MANAGER REPORTS

City Manager Purvis stated that City Council has received his monthly report and he stands ready to address any concerns. He stated that last week, the Police Chief assessment took place. He stated that three (3) qualified candidates participated. He further stated that they expect to make an offer soon.

City Manager Purvis mentioned that this would be his last city council meeting. He thanked everyone for their assistance, cooperation, and support during his tenure as city manager.

Mayor Starling thanked City Manager Purvis for his excellent years of service. He announced to the public that on Wednesday, April 19th, from 4 PM until 5:30 PM, a floating reception will be held in the City Hall Auditorium for Mr. Purvis. He welcomed all to stop in and say their farewells to City Manager Purvis.

PUBLIC COMMENTS

There were no public comments from the audience.

RESOLUTION—CLOSED SESSION

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

RESOLUTION TO ENTER CLOSED SESSION

Be It Resolved that the regular meeting of the City Council of the City of Clinton, North Carolina held at 7:00 PM on April 4, 2017, entered closed session as allowed by G. S. 143-318.11(a)(6) to discuss matters relating to personnel.

Council re-entered regular session at 8:28 PM. Mayor Starling reported that City Council discussed personnel as it relates to an interim city manager. He introduced Mr. Robert Hyatt. He stated that Mr. Hyatt retired from Davidson County and has many years “under his belt” as a manager. Mayor Starling stated that Mr. Hyatt has been both a city and county manager. He stated that he is here as the interim, full-time temporary status, and his salary will be prorated.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, it passed unanimously to accept Mr. Robert Hyatt as the interim city manager, in a full-time temporary status with a prorated salary.

CONTINUATION

Upon a motion made by Councilmember Becton, seconded by Councilmember Bryant, it passed unanimously to continue this meeting until April 17th at 6:00 PM in the City Hall Administrative Conference Room.

The April 4, 2017, city council meeting adjourned at approximately 8:40 PM.

Elaine F. Hunt, City Clerk, MMC, NCCMC

Lew Starling, Mayor