



AUGUST 1, 2017, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on August 1, 2017, in the City Hall Auditorium. Mayor Starling presided. Present were Councilmembers Strickland, Turlington, Stefanovich, Bryant, and Mayor Pro Becton.

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

Also present were Interim City Manager Robert Hyatt; City Clerk Elaine F. Hunt; Planning Director Mary Rose; Public Works Engineer Russell Byrd; Fire Chief Scott Phillips; Recreation Director Jonathan Allen; Police Chief Donald Edwards; Human Resource Director Lisa Carter; Finance Director Kristin Stafford; Chris Medlin, Distribution & Collections System Manager; Janice Hillabrand, Budget Analyst; Angie Bell, Accounts Payable; Linda Harrington, Payroll; Brittany Locklear, Senior Administrative Specialist; Austin Tew, Fire Inspector; Dulce Banos, Police Officer; Saturnino Crespo, Police Detective; Alpha Clowney, Police Sergeant; Noemi Siebert, Police Detective; Adrian Matthews, former Clinton Police personnel; Jay Tilley, Former Police Chief; Mark Lopez, Police Intern; Robbie King, Lieutenant; Anthony Davis, Lieutenant; and Jean Ko, Senior Administrative Specialist.

Bill Roberson, of the Sampson Weekly; and Chris Berendt, of the Sampson Independent, were also present.

Mayor Starling called the meeting to order. He informed the group that the "National Night Out" event was taking place at Newkirk Park, as he spoke. He stated that he attended for a little while, as well as City Council and staff. He thanked everyone for supporting the event. He further stated that he read the following proclamation and asked City Clerk Hunt to place the proclamation in these minutes:

PROCLAMATION

“NATIONAL NIGHT OUT 2017”

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 1, 2017, entitled “National Night Out”; and

WHEREAS, the “34th Annual National Night Out” provides a unique opportunity for Clinton to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the City of Clinton plays a vital role in assisting the Clinton Police Department/Sampson County Sheriff’s Department through joint crime, drug, and violence prevention efforts in Clinton and Sampson County and is supporting “National Night out 2017” locally; and

WHEREAS, it is essential that all citizens of Clinton be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in Clinton and Sampson County; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the “National Night Out” program.

NOW, THEREFORE, WE, LUTHER D. STARLING, JR., AND CITY COUNCIL, do hereby call upon all citizens of Clinton to join the City of Clinton, the National Association of Town Watch in supporting “34th Annual National Night Out” on August 1st, 2017.

FURTHER, LET IT BE RESOLVED THAT WE, LUTHER D. STARLING, JR., AND CITY COUNCIL, do hereby proclaim Tuesday, August 1st, 2017, as “NATIONAL NIGHT OUT” in the City of Clinton.

Mayor Starling called upon Mr. Chick Gancer to give the invocation.

CITY COUNCIL

Mayor Starling administered the following oath of Police Chief to Donald E. Edwards:

NORTH CAROLINA

OATH OF OFFICE

SAMPSON COUNTY

I, Donald E. Edwards, do solemnly swear (or affirm) that I will be alert and vigilant to enforce the criminal laws of this State; that I will not be influenced in any matter on

account of personal bias or prejudice; that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith; and that I will faithfully and impartially discharge and execute the duties of my office as a law enforcement officer of the City of Clinton, Sampson County, North Carolina, according to the best of my skill, abilities, and judgment, so help me God.

Chief Edwards' daughters participated in the ceremony—one daughter held the Bible and the other daughter stood with him. Mrs. Donald Edwards was present; however, she was taking pictures. Former Chief of Police Jay Tilley pinned the badge upon Chief Edwards. His brother, Kenneth Edwards, Police Chief of Benson, NC, presented him with their father's Bible and several pins belonging to their father.

CITY COUNCIL

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the July 11, 2017, city council meeting were unanimously approved.

PRESENTATION – SATISFACTION SURVEY – MR. MARK LOPEZ, POLICE INTERN

Chief Edwards introduced Mr. Mark Lopez, Intern for the Clinton Police Department. Mr. Lopez gave a brief presentation regarding the Satisfaction Survey and other accomplishments as it relates to the Clinton Police Department. Before expounding on his accomplishments, Mr. Lopez informed the group as to how he obtained internship.

Mr. Lopez stated that he was selected to obtain Simple Gifts funds. He stated that this fund is awarded annually to Sampson County Schools and Clinton City Schools' high school seniors, Sampson Community College's GATEWAY scholars, or Sampson Community College graduates. He further stated that these funds give individuals the opportunity to make visionary life decisions that might not have been otherwise possible. Mr. Lopez acknowledged Mrs. Margaret Turlington for her assistance. He stated that he began in June.

Mr. Lopez stated that he assisted in setting up the substation in Dogwood Circle. He stated that he worked on the citizenship satisfaction survey, case management and investigative work, as well as assisted in the organization of the evidence room.

He concluded by stating that his experience with the Clinton Police Department has been very fulfilling. He praised the Department.

Mayor Starling and City Council thanked Mr. Lopez for his service.

**PRESENTATION – GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA)
DISTINGUISHED BUDGET PRESENTATION AWARD**

Interim City Manager Hyatt called forth Finance Director Kristin Stafford to explain this item. Mrs. Stafford stated that this recognition acknowledges the City of Clinton's FY2016-2017 budget information.

Mrs. Stafford introduced Janice Hillabrand, a graduate of Campbell University and UNC Chapel Hill.

Interim City Manager Hyatt elaborated upon the distinguished budget presentation award. He stressed the importance of this recognition. Mr. Hyatt stated that this award is the highest form of recognition in governmental budgeting and represents a significant achievement by the City of Clinton. Furthermore, he stated that a lot of work goes into budget implementations. He stated that although the City of Clinton has received this award since 2010, it still is a "big deal." Mr. Hyatt praised Mrs. Stafford and former City Manager Shawn Purvis in his absence.

CONTRACT – POLICE SERVICES – CLINTON CITY SCHOOLS

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember Bryant, a contract between the City of Clinton and Clinton City Schools; whereas, Clinton City Schools will pay \$119,000.00 for a term of one year for the services of two (2) school resource officers, passed unanimously.

**CONTRACT – POLICE SERVICES – EASTERN CAROLINA REGIONAL HOUSING
AUTHORITY**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, a contract between the City of Clinton and Eastern Carolina Regional Housing Authority; whereas, Eastern Carolina Regional Housing Authority will reimburse the City in a total amount not to exceed \$44,065.00 for a term of one year for the service of a minimum of one (1) police officer, passed unanimously.

Also, it was noted that the Clinton Police Department shall purchase and maintain in full force and effect during the term of this agreement a general comprehensive liability insurance policy with coverage in an amount of not less than one million dollars (\$1,000,000) for any acts or omissions that occur or claims that are made during the term of the agreement.

**CONTRACT WITH SIMMONS & SIMMONS MANAGEMENT, INC.—DISASTER
RESPONSE DEBRIS MANAGEMENT**

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, a contract between Simmons & Simmons Management, Inc., and the City for disaster response debris management; whereas, the parties agree that pricing for mobilization/demobilization to 1022 Southwest Blvd., Clinton, NC, including documentation for submittal to and approval from FEMA for reimbursement to the City shall be \$3,000.00 (lump sum); reduction of natural wood hurricane debris \$13.50 per ton; hauling costs of green waste per load with a minimum of 20 tons per load to Sampson County Landfill (24 mile round trip) \$285.00 per load; and additional services for road right of way clearing and removal, etc., will be negotiated based on the individual bidder standard rate passed unanimously.

This contract is valid for 180 days from the date executed, with the option to renew for additional storm events over a three-year period.

STREET CLOSING—WOODLAND DRIVE FROM ROYAL STREET TO HERRING STREET – NEW STORM DRAIN SYSTEM

Mayor Starling stated that Chris Medlin, Utilities Superintendent, and his crew need to install a new storm drain system near Woodland Drive. It was stated that the time frame of closing Woodland Drive from Royal Street to Herring Street is August 14th thru August 25th.

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember Stefanovich, it passed unanimously to close Woodland Drive from Royal Street to Herring Street from August 14th thru August 25th, if necessary, to install a new storm drain system.

VOTING DELEGATE – 2017 NCLM – ANNUAL BUSINESS MEETING

Mayor Pro Tem Becton and Councilmember Bryant will be attending the North Carolina League of Municipalities Annual Conference in Greenville, NC, which begins on Wednesday, September 20, 2017, and ends on Saturday, September 23, 2017. City Council was asked to appoint Mayor Pro Tem Becton as the voting delegate and Councilmember Bryant as the alternate delegate, so that the City of Clinton will have a vote at the annual business meeting.

It was the consensus of Mayor and City Council to allow Mayor Pro Tem Becton to serve as the voting delegate and Councilmember Bryant as the alternate delegate, so that the City of Clinton will have a vote at the 2017 NC League of Municipalities Annual Business Meeting.

CONDEMNATION – 425 MCKOY STREET – WILLARD I. SWINSON

Planning Director Mary Rose presented an ordinance of condemnation for 425 McKoy Street. She stated that this structure belongs to Mr. Willard I. Swinson. She

stated that at a previous meeting, City Council affirmed the findings of the Code Enforcement Officer and we are now ready to request condemnation of this structure.

Mayor invited Mr. Swinson to tell City Council of any updates regarding the structure. Mr. Swinson stated that the house has a top on it; however, it is not covered completely. He stated that a contractor was scheduled to visit him on this day; however, the contractor did not make it to his residence. He stated that he had received two estimates from two different contractors—one estimate was \$20,000 and the other estimate was \$30,000. Mr. Swinson stated that another contractor is to visit on Saturday, August 5th. He spoke regarding two grants—one totaling \$25,000 and another one totaling \$40,000. He stated that he is “pretty sure that he can get one; but will have to wait and see.”

Mr. Swinson stated that the area has been maintained—grass has been mowed.

City Council spoke:

Stefanovich: “Mr. Swinson, you spoke about potential grants at the last meeting.”

Strickland: “Mr. Swinson, do you have any documentation—anything in writing?”

Turlington: “Do you think that they can put the house back in order for \$20,000?”

Mr. Swinson stated that these two grants that he was referring to are from the City; however, the big grant will be available in September. Also, he stated that he had nothing in writing to present to City Council.

Lastly, Councilmember Strickland asked Mr. Swinson, what the contractor would repair. Mr. Swinson stated that a frame and the top of the house would be repaired. It was stated that the underlying structure is in jeopardy and a lot more money will certainly be needed.

Planning Director Rose stated that if City Council adopts the ordinance of condemnation, her staff will report any asbestos and obtain quotes for destruction. She stated the turnaround time would be approximately six to eight weeks. Also, it was noted that Mr. Swinson was stating the City had two grants available, when in actuality, it was the County. Ms. Rose informed the group that Juanita Brewington and another individual met with the Code Enforcement Officer. She stated that the Code Enforcement Officer was told that Mr. Swinson would not be eligible for any grant(s) because he does not live in the house. One requirement is that the owner occupies the dwelling.

Upon a motion by Councilmember Strickland, seconded by Mayor Pro Tem Becton, the following ordinance **#2017.08.01** was unanimously adopted:

**AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO REMOVE OR DEMOLISH
THE PROPERTY HEREIN DESCRIBED AS UNSAFE**

#2017.08.01

WHEREAS, the City Council of the City of Clinton finds that the structure described herein is unsafe pursuant to G.S. 160A-426; and

WHEREAS, this structure has been identified and documented by the Code Enforcement Officer to be an unsafe structure due to the conditions found within this structure being identified as a danger to health and safety, this structure should be removed or demolished as soon as is possible as directed by the Code Enforcement Officer; and has been placarded by placing thereon a notice prohibiting use; and

WHEREAS, Willard Swinson, the owner of this structure has been given a reasonable opportunity to be heard during a hearing before the Code Enforcement Officer on March 27, 2017, and was informed at such time that due to the danger to health and safety the structure must be immediately brought to the standards of the Housing Code in accordance with G.S. 160A-426 or demolished pursuant to an order issued by the Code Enforcement Officer on May 15, 2017. The owner having attended such hearing and provided notice of having 60 days to repair or demolish the structure, as well as provided the opportunity to appeal such decision by the Code Enforcement Officer to City Council. Mr. Swinson appealed the determination of the Code Enforcement Officer to City Council and was heard on June 6, 2017 and July 11, 2017. Having made findings of fact and determined the structure was unsafe, the City Council affirmed the order of the Code Enforcement on July 11, 2017. Mr. Swinson was provided verbal notice on July 11, 2017 and written notice on July 20, 2017 that City Council would consider condemnation of the structure at their August 1, 2017 meeting,

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

Section 1. The Code Enforcement Officer is hereby authorized and directed to place a placard containing the legend:

“This structure is unsafe; the use or occupation of this structure is prohibited and unlawful.”

on the structure located at 425 McKoy Street and in the City of Clinton.

Section 2. The Code Enforcement Officer is hereby authorized and directed to proceed to remove or demolish the above-described structure in accordance with his order to the owner thereof dated May 15, 2017, and in accordance with the Code and G.S. 160A-426.

Section 3(a). The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Sampson County Tax Collector, and shall have the same priority and be collected

in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

Section 3(b). Upon completion of the required removal or demolition, the Code Enforcement Officer shall sell the materials of the structure and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer shall deposit the surplus in the Superior Court where it shall be secured and disbursed.

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any structure to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any structure therein declared to be unsafe.

Section 5. This ordinance shall become effective upon adoption.

WALK-ON ITEM: OFFER TO PURCHASE CITY PROPERTY

Interim City Manager Hyatt informed City Council that an offer has been made to purchase City property located off Rowan. He stated that this property was also on the City Council's December 2016 agenda. He stated the last offer was withdrawn. Mr. Hyatt stated that a city employee has made the offer for \$15,000. City Council questioned the list price and Mr. Hyatt replied, "It is \$25,000."

City Council requested that Interim City Manager Hyatt and City Attorney Howard contact the employee and seek to get additional money. City Council asked that this item be placed on the September agenda.

APPOINTMENT(S)

City Council continued the appointment to the ABC Board until the September 5, 2017, city council meeting. This appointment is a three-year term and currently, Dempsey Craig holds this position. Mr. Craig does not wish to be reappointed.

REPORTS

The code enforcement and fire reports were acknowledged.

STAFF REPORTS

Parks & Recreation Director Allen reported on the progress of the Dog Park—Bark Park and Royal Lane Park. Mr. Allen praised Jeff Vreugdenhil and Public Works' staff on the dog park. He presented a PowerPoint. He stated that the benches are in

place here at Fisher Drive and the work was done by Public Works. Mr. Allen showed the placement of the dog fire hydrants within the park.

Also, Mr. Allen showed pictures of Newkirk Park. He stated that sand has been added in the necessary spots at Newkirk Park. He stated that a new swing has been added to the equipment at Newkirk Park.

Briefly, Mr. Allen informed the group on Royal Lane Park. He stated that they are now ready for the irrigation and the track is ready for paving. Also, he informed City Council that the sidewalks have been completed. He showed via PowerPoint of the street lighting locations. He concluded by stating that the pool has been very busy.

CITY MANAGER REPORTS

Interim City Manager Hyatt proposed having a work session to update City Council on the work on Hwy 24. He stated that it is too much information and cannot be done in five/ten minutes. City Council nodded their heads agreeing with a work session. Also, Mr. Hyatt announced that he received notification from a vendor that receives our recyclables that as of August 21, 2017, they will no longer render this service free of charge. He stated that he will bring back options for City Council at the September city council meeting.

OTHER BUSINESS

Mayor Pro Tem Becton thanked everyone for coming out to the "National Night Out" earlier. He truly appreciated everyone taking time out of his/her schedule to do so.

CLOSED SESSION

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Becton, the following resolution passed unanimously to enter closed session to discuss matters relating to personnel:

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 August 1, 2017, entered closed session as allowed by G. S. 143-318.11(a)(6) to discuss matters relating to personnel.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Bryant, it passed unanimously for Council to re-enter regular session.

CONTINUATION

Upon a motion made by Councilmember Strickland, seconded by Councilmember Bryant, it passed unanimously to continue this meeting until August 9, 2017, at 5:30 PM.

The meeting adjourned at approximately 8:20 PM.

Elaine F. Hunt, City Clerk, MMC, NCCMC

Lew Starling, Jr., Mayor