



FEBRUARY 7, 2017, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on February 7, 2017, 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; 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; Distribution & Collections System Manager Chris Medlin; Environmental Program Manager Lisa Osthues; and Officer Colton Strouth.

Finance Director Kristin Stafford and Public Works Director Jeff Vreugdenhil were absent.

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 Ms. Pam Gonzalez, Executive Director of U-Care, to brief City Council on the happenings of U-Care and to give the invocation.

Ms. Gonzalez thanked the City Council for allowing U-Care to use the city owned building rent-free. She stated that this past year, they served over 300 women, 600 children, and 10 men. Also, she added that 128 individuals resided in the shelter. Ms. Gonzalez thanked law enforcement for its ever-readiness to serve. She announced U-Care's "16th Annual Reverse Drawing," which will take place on Friday, February 10th. She further stated that tickets are \$100.00 which include meals for two, and the theme is, "LOVE SHOULDN'T HURT." She stated that proceeds from the drawing, to include a silent auction, will go toward the shelter. Before giving the invocation, Ms. Gonzalez stated that they were blessed to receive two means of transportation—a pickup truck from a sexual assault victim and the State sold them a car for \$500.

Mayor Starling thanked Ms. Gonzalez for the update and the invocation.

CITY COUNCIL

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the January 3, 2017, regular city council meeting, and January 24, 2017, strategic planning workshop were unanimously approved.

PRESENTATION – POLICE DEPARTMENT – RECRUITMENT VIDEO

Police Chief Jay Tilley appeared before City Council to make a presentation. Chief Tilley stated that the City of Clinton has a challenge as it relates to recruitment and retention of officers. He stated that the Clinton Police Department does have a recruitment committee and a recruitment strategy in place. He stated that if City Council approves this video, they will be shipping a copy to community colleges and job fairs.

City Council and Mayor Starling were very impressed with the recruitment video. The presentation was awesome!

PRESENTATION – WWTP DEPARTMENT – REPEAL AND REPLACEMENT OF CHAPTER 22 WATER AND SEWERS* ARTICLE VII. CROSS CONNECTION CONTROL

Environmental Program Manager Lisa Osthues, of the WWTP, appeared before City Council regarding Chapter 22 Water and Sewers* Article VII of the Clinton City Code of 1987. She stated that the City of Clinton, as well as other cities throughout the United States, has adopted a Cross Connection Control Ordinance and within the City's Code it is recognized as Chapter 22, Article VII. She distributed handouts to the group and briefly, she reviewed the material. She clarified the term, "backflow," and how it occurs. Ms. Osthues stated that any loss of pressure in the water system can create a potential backflow or cross-connection issue. She explained indirect and direct backflow. Ms. Osthues stated the responsibilities of water system users, the City and its departments, prevention device installers and testers. She stated that the ordinance defines who installs back flow devices, what type of device must be installed, and the maintenance schedule for such devices. Ms. Osthues concluded the presentation and asked for questions from Mayor Starling and City Council.

City Manager Purvis asked Mayor Starling and City Council to read over the material that was given to them and in March, this item will be brought back for discussion.

Mayor Starling stated that no action would be taken and the information would be received for informational purposes.

PUBLIC HEARING -- OATHS

No oaths were necessary for the February 7, 2017, city council meeting.

P & Z— LAND DEVELOPMENT ORDINANCE – CHAPTER 3. ZONING DISTRICTS

Mayor Starling opened a public hearing on a text amendment request by Planning Staff to amend Chapter 3. Zoning Districts of the Clinton Land Development Ordinance to include restaurants as a conditional use in the NS Neighborhood Shopping District.

Planning and Zoning Director Mary Rose appeared before City Council to speak regarding the request. She stated that the recommended changes are in response to concerns raised by citizens. She stated that City Council, upon approval, will be able to place additional conditions on restaurants. She concluded by stating that the Planning and Zoning Board unanimously recommended this request.

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

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, the following ordinance # 2017.02.01 to the Land Development Ordinance was adopted unanimously:

2017.02.01

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:

Chapter 3, Zoning Districts

Current

Retail & Wholesale Uses	PC	RA-20	R-20	R-15	R-8	R-6	NS	OI	CB	HC	I-1	I-2	PI	PRD	MU	SR
Restaurants (no drive-through)							P		P	P					P	
Restaurants (with drive-through)							C			P						4.10.1

Proposed

Retail & Wholesale Uses	PC	RA-20	R-20	R-15	R-8	R-6	NS	OI	CB	HC	I-1	I-2	PI	PRD	MU	SR
Restaurants (no drive-through)							C		P	P					P	
Restaurants (with drive-through)							C			P						4.10.1

P & Z – REFINANCING – USDA DOWNTOWN PHASE 3 LOAN

Mayor Starling opened a public hearing to receive public comment regarding refinancing of USDA loans. City Manager Purvis stated that in accordance with N.C.G.S. 160A-20, the City is required to hold a public hearing regarding financing or refinancing contracts involving real property.

It was stated that currently, the City has an outstanding USDA loan used to finance the 2013 Downtown Revitalization Phase 3 Project, and the interest rate is 3.5%, with a payoff amount of \$909,679. According to a memo from Finance Director Stafford, the City has solicited proposals to refinance this loan and the City could save an estimate of \$127,000 and reduce the debt service payment by five years. Furthermore, the Local Government Commission is required to approve this refinancing opportunity and a public hearing is one of the Commission’s requirements.

City Manager Purvis stated that this public hearing is to receive comments.

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

SUBDIVISION—BUNTING AND LAYTON STREETS – CITY OF CLINTON

Planning Director Mary Rose presented this request to City Council. She informed the group that this proposed preliminary subdivision plat approval is for single family dwellings and services can be provided by the City. It was stated that this property was purchased by the City in 2016 for the purposes of housing development and neighborhood revitalization. It was further stated that the City will meet all open space and infrastructure requirements for the subdivision.

Ms. Rose stated that the Planning and Zoning Board unanimously recommends this request.

Mayor Pro Tem Harris emphasized that she would like to have close contact with Planning and Zoning Director Rose regarding this construction. She voiced her concerns for District 5.

Councilmember Strickland praised the development that had taken place in District 2—Belfield Acres.

Mayor Starling clarified that at this time, only the designation of lots was being approved.

After a brief discussion, a motion was made by Councilmember Becton, seconded by Councilmember Strickland, to approve a twelve (12) lot preliminary subdivision plat containing approximately 2.06 acres located between Bunting and Layton Streets, requested by the City of Clinton. It was approved unanimously.

REAL ESTATE – LOTS 1 THRU 6 LOCATED ALONG WEST CARTER AND BUNTING STREETS – CLIFF FAISON

City Manager Purvis stated that Cliff Faison submitted an offer to purchase six (6) lots in the Bunting-Layton Streets subdivision for a total of \$17,400. He stated that the parcels combined are approximately 1.03 acres with road frontage along West Carter and Bunting Streets. City Manager Purvis stated that the terms of the offer are consistent with an agreement between Mr. Faison and the City to construct single-family homes as part of the City's housing and neighborhood revitalization efforts.

City Manager Purvis recommended that the property be sold in accordance with N.C.G.S. 160A-269 Negotiated offer, advertisement, and upset bids.

Mayor Starling asked City Manager Purvis to set up a meeting between Mr. Cliff Faison and Mayor Pro Tem Harris.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, it passed unanimously to consider the offer by Cliff Faison to purchase six (6) city-owned lots (Lots 1-6) in the Bunting-Layton Streets subdivision for the amount of \$17,400, in accordance with N.C.G.S. 160A-269 Negotiated offer, advertisement, and upset bids.

RESOLUTION IN SUPPORT FOR THE MOUNTAINS-TO-SEA TRAIL ROUTE WITH A REQUEST TO ADD THE COASTAL CRESCENT TRAIL TO THE MOUNTAINS-TO-SEA STATE PARK

Mr. Bill Scott appeared before City Council requesting its support of adding the Coastal Crescent Trail Route to the Mountains-to-Sea Trail Route. He stated that this Resolution will be

sent to Senator Brent Jackson upon City Council’s approval. He stated that this vision came to him in 1977—to implement a hiking trail. He would like to celebrate the hikers. He stated that they desire the rights-of-way and access to public land to get the hikers off the road(s). He further stated that they direct hikers to the Coastal Crescent Trail.

Mr. Scott stated that when the proposed trail is built, it will become part of the State Park Division. He stated that he wants to give the people of Sampson County, a place to walk. He further stated that the Towns of Newton Grove and Roseboro, as well as the Sampson County Commissioners, have approved this resolution. He asked City Council to adopt the Resolution.

Upon a motion made by Councilmember Becton, seconded by Councilmember Stefanovich, the following resolution passed unanimously:



Resolution in Support of Adding the Coastal Crescent Trail Route to the Mountains-to-Sea State Park

WHEREAS, the Mountains-to-Sea Trail runs 1,150 miles from the Great Smoky Mountains to the Outer Banks to showcase North Carolina’s natural, rural, cultural and historic features for the enjoyment, health, and economic benefit of its citizens and visitors; and

WHEREAS, North Carolina’s Mountains-to-Sea Trail is a unit of the State Park System created and maintained in partnership with local, state, and federal governments and citizen groups; and

WHEREAS, the North Carolina Division of Parks and Recreation designates official sections of the Mountains-to-Sea Trail and has yet to designate any miles of trail along the Coastal Crescent route as part of the Mountains-to-Sea Trail; and

WHEREAS, Sampson County is part of the “Agricultural Heartland” section of the Coastal Crescent Trail currently used by hikers seeking to complete the Mountains-to-Sea Trail across North Carolina; and

WHEREAS, the City of Clinton seeks to promote respect for the agricultural and natural heritage of the community and Sampson County while improving the quality of life for its

residents; and

WHEREAS, the City of Clinton views the designation of the Coastal Crescent Trail route as part of the Mountains-to-Sea Trail as a benefit to the residents of Sampson County;

NOW, THEREFORE BE IT RESOLVED that the Clinton City Council supports and encourages official designation of the Coastal Crescent Trail as part of the Mountains-to-Sea Trail.

CITY OF CLINTON -- LANGUAGE ACCESS PLAN

City Manager Purvis stated that the United States Department of Housing and Urban Development and the North Carolina Department of Commerce require that all Community Development Block Grant recipients adopt a Language Access Plan. He stated that the purpose of this plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP).

City Manager Purvis stated that the Language Access Plan was last adopted in 2010; however, it needs to be re-adopted now and every three year hereafter.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the City of Clinton's Language Access Plan passed unanimously.

ORDINANCES—BUDGET

City Manager Purvis briefed City Council regarding this item. He stated these budget amendments are to keep the general ledger balanced in various line items and to reflect expenditures more accurately. He further stated that there is an increase in the General Fund with use of fund balance for \$357,600. City Manager Purvis stated that this increase represents the police station addition and property purchases on Willow Road and Bunting Street that City Council has already approved and the police chief search cost. He stated that we expect to recoup the Bunting Street cost and do not anticipate using the full amount of allocated fund balance. He stated that the project ordinance is to account for the police station addition.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the following amendment #2017.02.02 was unanimously adopted:

**Budget Ordinance Amendment
Fiscal Year 2016-2017 Budget
#2017.02.02**

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, 2017, amended on October 4, 2016; November 1, 2016; and December 6, 2016; is hereby amended as follows:

Section 1. To amend the General 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>
10-4400-4500	Contract Service	\$ 3,000		
10-4400-7400	Capital Outlay		\$ 3,000	
10-5100-4500	Contract Service	\$ 15,500		
10-5300-1402	Fire & Life Safety		\$ 3,000	
10-5300-1700	Maint/repair auto	\$ 3,000		
10-6600-4500	Contract Service		\$14,000	
10-6600-5900	Employee Relations	\$ 14,000		
10-6600-7405	Capital Outlay/Prop. Acq.	\$ 50,900		
10-6600-7500	Transfer to Cap. Proj.	\$291,200		
TOTAL EXPENDITURES		\$377,600	\$20,000	\$357,600

Section 2. To amend the General Fund, the revenues are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
10-3990-0000	Fund Bal. Approp.	\$357,600		
TOTAL REVENUES		\$357,600	\$0	\$357,600

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>
30-6600-4500	Contract Service	\$ 3,000		
30-6600-7400	Capital Outlay		\$ 3,000	
30-8100-7300	Capital Outlay/Improv.	\$30,000		
30-8100-7400	Capital Outlay		\$30,000	
TOTAL EXPENDITURES		\$33,000	\$33,000	\$0

Section 4. To amend the Downtown 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>
71-6910-2500	Craft fair		\$2,300	
71-6910-8100	Special Events	\$2,300		
TOTAL EXPENDITURES		\$2,300	\$2,300	\$0

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 Turlington, seconded by Councilmember Strickland, the following amendment **#2017.02.03** was unanimously adopted:

**Capital Project Ordinance
Police Department Evidence Room Project
#2017.02.03**

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Police Department Evidence Room Capital Project Ordinance is hereby adopted:

Section 1. The project authorized is the Police Department Evidence Room Capital Project described in the work statement contained in the Agreement between this unit and funding agencies.

Section 2. The officers of this unit are hereby directed to proceed with the project within the terms of the documents and the budget contained herein.

Section 3. The following expenditures are appropriated for the project:

<u>Account Number</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
59-5100-0400	Professional Service	\$ 37,400		
59-5100-3300	Furniture	35,000		
59-5100-7000	Construction	198,900		
59-5100-7300	Contingency	19,900		
Total Expenditures		\$291,200	\$0	\$291,200

Section 4. The following revenues are anticipated to be available to complete this project:

<u>Account Number</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
59-3010-0100	Transfer from GF	\$291,200		
	Total Revenues	\$291,200	\$0	\$291,200

Section 5. The Finance Officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to provide the accounting to the agency required by the agreement(s) and federal and state regulations.

Section 6. Requests for funds should be made to the agency in an orderly and timely manner as funds are obligated and expenses incurred.

Section 7. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this Council.

Section 8. Copies of this Police Department Evidence Room Capital Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Section 9. The Finance Officer is hereby authorized to transfer funds from one line item to another line item without further approval by the City Council.

ACCEPTANCE OF OFFER TO PURCHASE PROPERTY –FORMER WELL SITE PROPERTY – ROWAN ROAD

City Manager Purvis stated that two offers have been received for our former well site property located on Rowan Road—one from Mr. Mario Funes for \$23,000 cash and one from Mr. Christopher Gainey for \$25,000 through pre-approved financing. He stated that a third offer was rejected. He stated that both parties request that the City removes the 10-inch well casing on the site which would cost approximately \$3,500. City Manager Purvis informed that City Council can accept one offer or reject both offers. He further stated that City Council may sell the property in accordance with N.C.G.S. 160A-269 – Negotiated offer, advertisement, and upset bids. City Manager Purvis recommended taking the cost to remove the 10-inch well casing into consideration.

After a brief discussion, it was the consensus of City Council to reject both offers—one from Mr. Mario Funes for \$23,000 cash with the request that the City removes the 10-inch well

casing, and the one from Mr. Christopher Gainey for \$25,000 through pre-approved financing with the request that the City removes the 10-inch well casing.

WALK ON: RESCHEDULING OF THE FEBRUARY 21, 2017 CIP WORKSHOP

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, it passed unanimously to accept the Walk on Item: “Rescheduling the February 21, 2017, CIP Workshop.”

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, it passed unanimously to change the date of the CIP Workshop from February 21, 2017, to Tuesday, March 21, 2017.

APPOINTMENT(S)

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, it passed unanimously to appoint/reappoint the following individuals to three-year terms on the Environmental Affairs Advisory Board and continue two appointees* until the March 7th city council meeting:

- a. Deborah Johnson, District 1, **was replaced by Dawn Williamson.**
- b. Carl Hairr, District 2 – **this appointment was continued.***
- c. Tawana Carr, District 3, **was replaced by Martha Southerland.**
- d. Ted Best, District 4, **was reappointed.**
- e. Jimmy Ezzell, District 5, **was reappointed.**
- f. Harold Woodall, At large – **this appointment was continued.***
- g. Cebron Fussell, At large, **was reappointed.**
- h. Annabelle Fetterman, Industrial, **was replaced by Richard Rogers.**

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, it passed unanimously to appoint Susan Heath to fill the unexpired term of Virginia Grier (Ginny Grier Judge) on the Historic Preservation Commission. This term will expire on June 30, 2019.

REPORTS

The fire and personnel reports were acknowledged.

STAFF REPORTS

Parks and Recreation Director Jonathan Allen gave an update of the PARTF grant and recreation renovations. He stated that he had received three bids and all three bids were

overbid. He stated that it was readvertised and the second bid opening would be February 14th. Mr. Allen stated that staff would reevaluate the renovations and assistance has been requested from Public Works to help reduce cost. He stated that Public Works will assist with such cost as removing the press box. Mr. Allen stated that the old playground will be removed soon and signs will be placed directing citizens to other accessible playgrounds.

CITY MANAGER REPORTS

City Manager Purvis presented to City Council a concern of the Cemetery Advisory Board. The Board wants to confirm that City Council is in agreement with the wording and contents of the following:

“The City is not responsible for damages to any grave markers/monuments as a result of vandalism or any other event not under the control of the city.”

City Council agreed wholeheartedly with the above statement.

Briefly, City Manager Purvis mentioned the work that is being performed at the intersection of College Street and Eastover Avenue. He stated that city staff and NCDOT are working together on this project and the goal is to have a safer intersection when completed.

City Manager Purvis announced that Finance Director Kristin Stafford is in the hospital and staff has heard no word as to whether there is a new addition.

PUBLIC COMMENTS

Arthur Ruffin appeared before Mayor Starling and City Council.

ADJOURNMENT

Upon a motion made by Councilmember Turlington, seconded by Councilmember Stefanovich, it passed unanimously to adjourn this meeting.

The February 7, 2017, city council meeting adjourned at 7:45 PM.

Elaine F. Hunt, City Clerk, MMC, NCCMC

Lew Starling, Mayor