



## JANUARY 9, 2018, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on January 9, 2018, in the City Hall Auditorium. Mayor Starling presided. Present were Councilmembers Strickland, Turlington, Ruggles, Bryant, and Mayor Pro Tem Becton.

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

Also present were Interim City Manager Leonard Barefoot; newly-appointed City Manager Tom Hart, Jr.; City Clerk Elaine F. Hunt; Planning Director Mary Rose; Recreation Director Jonathan Allen; Police Chief Donald Edwards; Human Resource Director Lisa Carter; Finance Director Kristin Stafford; Chris Medlin, Interim Public Works Manager; Austin Tew, Interim Fire Chief; Senior Administrative Specialist Natalie Blue; Senior Administrative Specialist Brittany Locklear; Budget Analyst Janice Hillanbrand; Sgt. Eddie Carter; Lt. Robbie King; Sgt. Matthew Bland; and Senior Police Officer Salah O'Neill.

Public Works Engineer Russell Byrd was absent.

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

Mayor Starling called the meeting to order.

Mayor Starling called upon newly elected Councilmember Daniel E. Ruggles, District 1, to give the invocation.

### CITY COUNCIL

Mayor Starling administered the following oath to City Manager Thomas C. Hart, Jr.:

**NORTH CAROLINA  
SAMPSON COUNTY**

**OATH OF OFFICE**

**“I, Thomas C. Hart, Jr., do solemnly swear (or affirm) 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 discharge the duties of my office as City Manager, so help me God.”**

After the swearing in of City Manager Hart, Mayor Starling took a few minutes to praise the Public Works Department for their excellency during the inclement weather. He asked the group to give a round of applause for the Public Works Department.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Becton, the minutes of the December 5, 2017, regular city council meeting were unanimously approved.

#### **OLD BUSINESS – PART ONE – WILLARD SWINSON’S RECONSIDERATION OF APPEAL**

It was the consensus of Mayor Starling and City Council to allow this item to be heard next, so that, Mr. Swinson’s attorney might leave sooner. She drove a great distance to appear before Mayor Starling and City Council.

Mayor Starling administered oaths to Planning and Zoning Director Rose, Code Enforcement Officer Jimmy Fannin, County Inspector Tony Watson, and Willard Swinson’s attorney, Anne D. Fisher, of Blowing Rock.

Ms. Rose spoke first, briefing everyone on the previous meetings and what led up to this item. She stated that Mr. Swinson was mailed notice on March 16, 2017, requesting a hearing and inspection on March 27, 2017, at 11:00 AM. According to a memorandum from Planning Director Rose presented to City Council, due to the fact that a building inspector was not available on March 27, 2017, a second inspection was arranged on May 2, 2017. Ms. Rose stated that upon inspection of the structure located at 425 McKoy Street on May 2, 2017, by Mr. Fannin and Mr. Watson, with Mr. Swinson present, Code Enforcement Officer Fannin mailed notice to the property owner of the structure as unsafe and unfit for human habitation on May 15, 2017. She further stated that the structure was posted for a second time as unsafe and unfit for human habitation on May 23, 2017, and the owner was given 60 days from receipt of the notice (until July 19, 2017) to repair or demolish the structure which was found to have damage to the roof, interior and exterior walls, ceilings, flooring, gas water heater, kitchen, bathroom, windows, and porch area.

Mr. Swinson no longer resides within the structure, and he provided Mr. Fannin with 428 McKoy Street, Apartment A, Clinton, NC, as his current mailing address.

Ms. Rose asked Mr. Watson to come forth. He gave his name and address. He was asked his opinion of the structure and he stated, “The ceiling is deteriorated, walls are leaning and deteriorated, flooring system is deteriorated, foot and foundation have collapsed—the whole building is beyond repair.” Mr. Watson further stated that, “The wiring is hanging out of the walls, the water heater is leaning over—the whole building is just collapsing.”

Councilmember Strickland asked if the power had been disconnected and Mr. Watson stated, “Yes.” Attorney Fisher, from her seat, asked Mr. Watson about the state of the structure foundation and he stated, “It is beyond repair.”

Ms. Rose asked Ms. Anne D. Fisher to come forth. She stated her name and stated that she is from Blowing Rock. She stated that the building is not in good shape. She stated that Mr. Swinson contacted her and she does condemnation law. Ms. Fisher stated that Mr. Swinson is an outstanding individual, who graduated from Winston Salem State University, served in the Air Force, worked at the post office, and served with distinction. She stated that during Hurricane Fran, he worked far beyond the call of duty.

Ms. Fisher explained that Mr. Swinson has been unsuccessful in getting the assistance that they hoped to obtain. She has tried to get him assistance. She stated that the original goal was to try and prevent the destruction; however, the house is beyond repair. She stated that currently, they are trying to: (1) establish a trust on behalf of Mr. Swinson to raise money through fundraising so that the house can be demolished in the least expensive way; and (2) set up a GoFundMe account and looking into in-kind donations; and (3) have a home built for Mr. Swinson after the demolishing of this structure.

Ms. Fisher asked City Council to grant her client, 90 days or more to obtain funds. She stated that Ms. Rose tried to get the Clinton Fire Department to burn down the house perhaps in a training exercise; however, that was not possible.

Mayor Starling asked Ms. Fisher if City Council granted Mr. Swinson ninety (90) days, “would that work.” She responded hopefully.

Upon a motion made by Councilmember Bryant, seconded by Councilmember Strickland, it passed unanimously to grant Ms. Fisher and her client, Mr. Willard Swinson, ninety (90) days to raise money to demolish the structure and as fore stated above, they hope to raise enough money to build him a home.

## **PRESENTATION – FY2016-2017 FINANCIAL AUDIT**

Mr. Keith Joyce, Joyce and Company, CPA, presented the 2016-2017 Financial Audit. He presented to City Council a document entitled, “City of Clinton Audit Highlights – June

30, 2017.” He reviewed the document with them line-by-line. He stated that cash balances increased because of a big capital project going off. He indicated that June 30, 2016, cash balance was \$8,440,000 and June 30, 2017, was \$12,318,000. He stated that the project that was ending had approximately \$4.5 million dollars tied into it. He stated that General Fund total balance increased from June 30, 2016, approximately 5.2%. Mr. Joyce informed City Council that Water and Sewer Fund cash balance showed a decrease. He further stated that the overall collection for June 30, 2017, was 98% compared to June 30, 2016, which was 98.6%. Mr. Joyce made mentioned that during the fiscal year ending June 30, 2017, the City implemented Government Accounting Standards Board (GASB) Statement No. 73, Accounting and Financial Reporting for Pensions and Related Assets that are not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68. The implementation of this standard required an adjustment to beginning Net Position in the Governmental Funds of \$629,809.

Mr. Joyce stated that audit opinion is clean, meaning that the financial statements, presented fairly in all material respects the financial position and the results of the operations and the cash flows of its proprietary fund types of the City of Clinton for the year ended June 30, 2017.

Mayor Starling and City Council received Mr. Keith Joyce’s presentation of the 2016-2017 Financial Audit.

## **PRESENTATION – CITIZEN SATISFACTION SURVEY RESULTS**

Police Chief Donald Edwards stated that Clinton Police Department is always open and available to the public. He stated that its goal is to provide the highest service possible. He introduced Brittany Locklear, Senior Administrative Specialist.

Mrs. Locklear informed City Council that in the summer of 2017, the Clinton Police Department developed a twenty-six (26) question survey with the goal of using feedback from citizens to improve its services. She stated that summer intern, Marc Lopez, led in the developing of the questions and design for the survey. She further stated that the survey was distributed through water bills, the City of Clinton’s website, Face book, etc. Mrs. Locklear presented to Mayor Starling and City Council a copy of the Citizen Satisfaction Survey 2017. Please note that this survey is found within the January 9, 2018, Agenda Packet. Mrs. Locklear stated that the majority feels as follows:

- More community involvement is needed between the Clinton Police Department and citizens; and
- More officers are needed; and
- Crime has remained the same; and
- 89% of the businesses feel safe; and

- Schools agree with Clinton Police's values 100%

Police Chief Edwards stated that this presentation was for informational purposes only.

### **RETIREMENT – POLICE OFFICER KENNETH OATES**

Police Chief Edwards stated that Police Officer Kenneth Oates retired effective December 28, 2017. He stated that Officer Oates was employed for thirty years with the City of Clinton. He had worked in many divisions and was an inspiration to all. Chief Edwards stated that Officer Oates always exemplified his best and that he had a great impact on others, to include Chief Edwards. Chief Edwards asked City Council to approve a resolution to surplus Officer Oates' firearm and badge, so that it might be presented to him. Mayor Starling commended Officer Oates on his service to the citizens of Clinton. He stated that he served the city well. On behalf of City Council, Mayor Starling presented a gift to Police Officer Kenneth Oates.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the following Resolution Declaring Surplus Property to be Awarded to Retiring Police Officer Kenneth Oates passed unanimously:

#### **RESOLUTION**

#### **Declaring Surplus Property to be Awarded to Retiring Police Officer**

**WHEREAS, the City of Clinton, North Carolina, City Council desires to dispose of certain surplus property of the City of Clinton and to be awarded to the retiring Police Officer who retired on December 28, 2017.**

**NOW, THEREFORE BE IT RESOLVED, the City of Clinton City Council declares the following police weapon and police badge of retired Police Officer as surplus and no longer have any additional use to the City of Clinton:**

**Police Officer Kenneth Oates' badge  
Officer Kenneth Oates' weapon: Glock Model 22 Serial #XXV-780**

**NOW, THEREFORE BE IT FURTHER RESOLVED that the City of Clinton City Council authorize the City Manager to proceed with the procedures outlined in G.S. 20-**

**187.2 regarding the service side arms of retiring members of city law enforcement agencies.**

**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 recognized Dr. Ted Thomas, Pastor Gerald Underwood, Seth Bartosik, and the Boy and Cub Scouts Troop 133. He stated that the pack and troop have increased since they appeared before City Council last year. He stated that they have been very busy. He stated that they have participated in Veteran Day's ceremonies, annual Christmas parades, community and church clean-up projects, and camping activities at Camp Tuscarora. He stated that funds are limited; and, if anyone wishes to contribute to their pack, please feel free to do. He asked Seth Bartosik, District Executive, to speak.

Mr. Bartosik briefly told City Council when he met Mr. Mitchell—approximately two years ago when the program with Clinton City Schools known as “Blazing Stars,” was very active. He stated that Blazing Stars had an awesome scout program. He further acknowledged that Blazing Stars are no longer in existence; however, the scouts have determined to push on. Mr. Bartosik offered Mr. Willie Mitchell's assistance to any youth or underprivileged youth.

Mr. Mitchell asked all parents, scouts, and adult leaders to stand. Mayor Starling asked all to come forth for a picture to be taken by the news media. Mayor Starling thanked the Boy Scouts, Cub Scouts Troop 133, and all involved for coming out.

**P & Z— LAND DEVELOPMENT ORDINANCE – SECTION 9.5 PARKING LOT SURFACES – WASTE CONNECTIONS OF NC, INC.**

Mayor Starling opened a public hearing on a text amendment request by Waste Connections of NC, Inc., to amend Section 9.5, Parking Lot Surfaces, of the Clinton Land Development Ordinance by including the PI Planned Industrial District within Section 9.5.B.3., as one of the districts in which gravel or other comparable all-weather surfaces may be used. This hearing was continued from the December 5, 2017, city council meeting. Mayor Starling stated that Waste Connections of NC, Inc., has a contract with his father; therefore, he would not be partaking in the discussion regarding this item.

Planning and Zoning Director Mary Rose presented the proposed amendment.

Councilmember Strickland stated that he is glad to see this item come before City Council. He stated that he is in favor of this request and asked that the City looks into expanding this amendment further. He briefly shared a conversation that he had with a business owner.

Councilmember Ruggles questioned the material of the parking lots at Schindler Elevator Corp. and DuBose National Energy Services. Planning and Zoning Director Rose responded.

Councilmember Turlington expressed the need to encourage businesses.

Councilmember Bryant questioned the advantage for the City of Clinton to have asphalt versus gravel in these areas. Ms. Rose stated that overall it is just the looks—cosmetics—nothing more.

Ms. Rose was asked to gather more information regarding this text amendment.

The public hearing was closed.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Becton, it passed unanimously to continue this item until the February 6, 2018, city council meeting.

**P & Z— LAND DEVELOPMENT ORDINANCE – SECTION 3.3, PERMITTED USES TABLE – TATTOO STUDIOS -- LUIS GUZMAN**

Mayor Starling opened a public hearing on a text amendment request by Luis Guzman to amend Section 3.3, Permitted Uses Table, of the Clinton Land Development Ordinance to include Tattoo Studios as a Permitted Use in the HC Highway Commercial District. This public hearing was continued from the December 5, 2017, city council meeting.

Planning and Zoning Director Mary Rose stated that if City Council approves this request as is, tattoo studios would be approved as permitted use.

Councilmember Bryant asked if a location had been decided upon and how would this tattoo studio be regulated. Planning and Zoning Director Rose stated that she had contacted Perry Solice, with the Sampson County Environmental Health Department. She stated that studios are inspected annually and sterilization of tools is inspected, similar to how tools within restaurants are inspected.

Mayor Pro Tem Becton questioned whether there are regulations prohibiting tattoo studios near churches. Ms. Rose stated that this matter could be addressed, as well as buffing and fencing.

Councilmember Strickland questioned outdoor lighting and signage. Ms. Rose stated that these matters are tricky and she will need to check regarding these concerns.

After more discussion, the public hearing was closed. No one appeared to be heard.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Becton, City Council amended the text amendment request by Luis Guzman to amend Section 3.3, Permitted Uses Table, of the Clinton Land Development Ordinance to include Tattoo Studios as a Permitted Use in the HC Highway Commercial District to a **Conditional Use in the HC Highway Commercial District**. The Conditional Use in the HC Highway Commercial District passed unanimously. The following ordinance #2018.01.01 to the Land Development Ordinance was adopted unanimously:

**# 2018.01.01**

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:

**TA-11-17-3**

**TA-11-17-3** – A text amendment by Luis Guzman to amend Section 3.3, Permitted Uses Table, of the Clinton Land Development Ordinance to include Tattoo Studios as a **Conditional Use in the HC Highway Commercial District**.

**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
Tattoo Studios																

**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
Tattoo Studios										C						

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**AGREEMENT – EXPENSE REDUCTION & REVENUE ENHANCEMENT CONSULTING – SOUTHERN RESOURCE ADVISORS, LLC**

It was the consensus of Mayor Starling and City Council to continue this item until the February 6, 2018, city council meeting.

**OFFER TO PURCHASE CITY PROPERTY—LOCATED AT 423 MCKOY STREET**

It was stated that there were no upset bids for the property located at 423 McKoy Street.

Upon a motion made by Councilmember Bryant, and seconded by Councilmember Ruggles, it passed unanimously to accept the offer to purchase the property located at 423 McKoy Street in the amount of \$2,450 by Pastor Russ Emanuel and Olive Grove Church.

**RESOLUTION—NC MAIN STREET CENTER AND RURAL PLANNING CENTER**

Upon a motion made by Councilmember Ruggles, seconded by Mayor Pro Tem Becton, the following resolution was unanimously adopted:

**Resolution Requesting the Services of the  
NC Main Street and Rural Planning Center  
for the City of Clinton**

**WHEREAS**, the Clinton City Council wish to undertake the preparation of an economic development plan to focus on economic prosperity; and

**WHEREAS**, the Clinton City Council would like assistance with this project from the NC Main Street and Rural Planning Center; and

**WHEREAS**, the NC Main Street and Rural Planning Center and the City of Clinton have reached an agreement on the work to be performed;

**NOW THEREFORE BE IT RESOLVED**, that the City of Clinton Council hereby request the NC Main Street and Rural Planning Center to assist the City with the preparation of an economic development plan, agree to reimburse the NC Main Street and Rural Planning Center for the materials, mileage and meal allowances of the Rural Planning staff who assist the City on this project, and are committed to the implementation of this project when the work is completed.

## **REPORTS**

The code enforcement, police, personnel, and finance reports were acknowledged.

## **STAFF REPORTS**

No staff came forth to report. Police Chief Edwards placed within the agenda packet, information for City Council. Parks & Recreation Department's report was overlooked; therefore, Parks & Recreation Director Jonathan Allen will be called upon to give his report at the February 6, 2018, city council meeting.

## **CITY MANAGER REPORTS**

City Clerk Elaine F. Hunt informed every one of the upcoming district meetings to begin in March 2018. She stated that a memorandum was placed in City Council's agenda packet with the dates, times, and locations of the district meetings.

## **PUBLIC COMMENTS**

Johnny Boykin, who resides on Still Street, stood and thanked Public Works staff for a job well done during the inclement weather. He praised them for the wonderful job that the men performed on the streets.

## **CONTINUATION**

A motion was made by Mayor Pro Tem Becton, seconded by Councilmember Turlington, to continue this January 9, 2018, city council meeting until Tuesday, January 23, 2018, at 6:00 PM, for a strategic planning and goal confirmation workshop in the City Hall Training Room. It passed unanimously.

Time adjourned: 8:00 PM.

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Elaine F. Hunt, City Clerk, MMC, NCCMC

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Lew Starling, Jr., Mayor