



JUNE 14, 2016, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on June 14, 2016, 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; Finance Director Kristin Stafford; Fire Chief Scott Phillips; Recreation Director Jonathan Allen; Public Works Director Jeff Vreugdenhil; Police Chief Jay Tilley; Human Resource Director Lisa Carter; Senior Planner Lyle Moore; WWTP Operator Alan Mintz; and Management Intern Rachel Chavez.

Also present was Kara Donatelli, Executive Director of the Sampson County Arts Council.

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

Mayor Starling called the meeting to order. He called upon Outreach Pastor Eddie Barnes, Clinton Community Church, 1901 Sunset Avenue, to give the invocation.

Mayor Starling called for a moment of silent prayer in the wake of the Orlando Shooting.

CITY COUNCIL

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the minutes of the April 19, 2016, special; May 3, 2016, regular; and May 17, 2016, special city council meetings were unanimously approved.

PRESENTATION – CLINTON POLICE DEPARTMENT – ANNUAL REPORT -- CALEA

Chief Tilley presented the 2015 Annual Report of the Clinton Police Department to Mayor and City Council. Chief Tilley stated that, “The Clinton Police Department began reporting five year averages on key operational police functions based upon available data in 2014. For the year 2015, we continue this reporting practice. This annual report will address the current year data and analyze that data based on the five year average. The best available data is used where five year data is not currently available.”

Chief Tilley spoke regarding the 11 Use of Force incidents, types of force used, use of force by race, sex, age, types of internal affairs, etc. for 2015. He stated that 1,395 traffic stops were reported primarily due to speeding and regulatory violations; whereas, citations were the highest enforcement action taken, totaling 47%.

He stated that CALEA requires that the agency uses the early warning system, which is designed to identify potential patterns or similar incidents and requires a review of the employee’s actions.

Chief Tilley concluded by stating that although it is not required of the Clinton Police Department to collect and report bias base data consistent with the General Statutes of North Carolina, they choose to do so. He stated that the agency prides itself on the relationship it has with the local community. He concluded that providing this information allows the department to maintain openness and transparency with the community and is one step to ensure the efficient operation and management of the Clinton Police Department.

Chief Tilley stated that this report was given for informational purposes only. Mayor and City Council received the 2015 Annual Report from the Clinton Police Department.

RECOGNITION – ALAN W. MINTZ, CITY OF CLINTON’S EMPLOYEE

Mrs. Kara Donatelli spoke and City Manager Purvis showed Mr. Mintz’s artwork. Mrs. Donatelli stated that Mr. Mintz received First Place in the Sampson Arts Council’s 7th Annual Juried Art Show for his oil painting, “Bath Time.” She stated that the Show was sponsored by Smithfield and Mr. Mintz received a \$250 cash prize. She stated that Mr. Mintz is new to the area and a very talented painter! Mrs. Donatelli encouraged the City of Clinton’s employees to stop by the Small House and view the show. Five of the eight winners resided in Sampson County. She further stated that there are thirty-three (33) pieces of art from twenty-four (24) talented local and regional artists. Mrs. Donatelli informed City Council that 8 counties participated which included Sampson, Wayne, Harnett, Wake, Johnston, New Hanover, Cumberland, and Lee Counties.

Mr. Mintz thanked Mrs. Donatelli and staff for allowing him to participate in the art show. He stated that he started painting at the age of seven. Mr. Mintz's artwork is an oil on canvas painting:



Mayor Starling asked Mrs. Donatelli to briefly tell the group about the Small House. She stated that tallying the events that have taken place at the Small House, approximately 15, 500 people have attended. She stated that the Sampson County Arts Council is in partnership with the City of Clinton, very active, and trying to promote the County of Sampson. Mrs. Donatelli concluded by stating that over 850 people have visited the gallery thus far in 2016 and there are 125 very talented student artists in the area.

PUBLIC HEARING -- OATHS

Oaths were not needed during the June 14, 2016, city council meeting.

BUDGET – FY2016-2017

Mayor Starling opened a public hearing to receive input on the FY 2016-2017 Fiscal Year Budget.

City Manager Shawn Purvis stated that staff recommends approval of the FY 2016-2017 Budget. He stated that five workshops were scheduled leading up to the budget. Before presenting the FY 2016-2017 Fiscal Year Budget, City Manager Shawn Purvis presented highlights regarding the proposed budget:

- General Fund = \$9,102,000
 - Water & Sewer Fund = \$4,786,400
 - Non-major Fund = \$118,400
-

Total Operating Budget = \$14,006,800

City Manager Purvis stated that the FY2016-2017 Recommended Budget is 3.3% less than the FY2015-2016 Amended Budget. He stated that the budget is balanced with no increase in the city's tax rate, no increase in the monthly garbage collection rate, a half-percent increase in water and sewer fees, and no use of reserves. He stated that General Fund revenues for FY2016-2017 are down 4.54 percent from the FY2015-2016 Amended Budget and ad valorem taxes represent the largest portion of city revenues at 32%, and with little to no growth within the corporate limits.

City Manager Purvis stated the proposed capital outlay highlights:

Vehicles and equipment
Street resurfacing
Police Station addition
Royal Lane Park Renovations Phase 1
NC24 Industrial Park Utilities
Water Plant and Well Site Expansion
Utility lines replacement and rehabilitation

Mr. Purvis concluded by saying that within the City of Clinton:

There is modest increase in revenues;
We are experiencing modest growth;
We are investing in community and assets; and
We are witnessing economic recovery.

City Manager Purvis asked if City Council had questions and requested that they delay adopting the budget until the convening of a special meeting on next week, Tuesday, June 21, 2016, at 6:00 PM, in the Clinton City Hall Auditorium.

City Council had no questions. No one else wished to be heard, and the public hearing was closed.

Mayor Starling stated that no action will be taken tonight; however, City Council is asked to adopt the budget on Tuesday, June 21, 2016, at 6:00 PM.

BUDGET – FY2016-2017 – EXPENDITURES FOR ECONOMIC DEVELOPMENT PURPOSES

Mayor Starling opened a public hearing to receive input regarding proposed expenditures for economic development purposes within the FY 2016-2017 Fiscal Year Budget.

City Manager Shawn Purvis stated that this is a new component deriving from the General Assembly. He stated that proposed expenditures for economic development purposes are required to be shown separately from the budget.

City Manager Purvis asked if City Council had questions and requested that they delay adopting the proposed expenditures for economic development purposes until the convening of a special meeting on next week, Tuesday, June 21, 2016, at 6:00 PM, in the Clinton City Hall Auditorium when adopting the proposed FY2016-2017 Budget.

City Council had no questions. No one else wished to be heard, and the public hearing was closed.

Mayor Starling stated that no action will be taken tonight; however, City Council is asked to adopt these proposed expenditures during the special meeting on Tuesday, June 21, 2016, at 6:00 PM.

P & Z— LAND DEVELOPMENT ORDINANCE – APPENDIX A – DEFINITIONS

Mayor Starling opened a public hearing on a text amendment request by Planning Staff to amend Appendix A: Definitions of the Clinton Land Development Ordinance.

Senior Planner Lyle Moore appeared before City Council to speak regarding this request. He stated that some of these recommended changes are required by statutes and some changes are requested to correspond with our 2035 Comprehensive Plan. Mr. Moore stated that without specific definitions in the Land Development Ordinance, the City would have to find the closest use when deciding on zoning and permitting. He stated that these amendments will help to clarify and eliminate confusion when dealing with zoning and/or permitting.

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

Councilmember Stefanovich asked to continue this public hearing on a text amendment to amend Appendix A: Definitions til the July city council meeting. It was the consensus of Mayor Starling and City Council to continue at the July city council meeting.

P & Z— LAND DEVELOPMENT ORDINANCE – CHAPTER 7. OPEN SPACE

Mayor Starling opened a public hearing on a text amendment request by Planning Staff to amend Chapter 7 Open Space of the Clinton Land Development Ordinance.

Senior Planner Lyle Moore stated that the proposed revision is to address planned greenways per the Clinton Pedestrian Plan and 2035 Comprehensive Plan as qualifying open space for developers. He stated that the Planning and Zoning Board recommends approval.

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

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following ordinance # 2016.06.01 to the Land Development Ordinance was adopted unanimously:

2016.06.01

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 7: Open Space

7.2.2 Minimum Open Space Dedication

*Conservation Development minimum open space dedication shall meet the requirements of the Section 4.2. ~~4 and PUDs shall meet the requirements of Section 4.9.5.~~

7.2.3 General Provisions for Open Space

D. City and County plans, particularly park and open space plans, shall be considered when evaluating proposals for dedication. ~~If a property is located along a designated future greenway in the City of Clinton Comprehensive Pedestrian Plan, then the greenway open space type in Section 7.2.4 shall be used to meet minimum open space standards.~~

E. **Greenway**-Greenways are large, irregular open spaces designed to incorporate natural

settings such as creeks and significant stands of trees within and between neighborhoods. Greenways are typically more natural and may contain irregular topography. Greenways shall be used for certain active recreational uses including, at a minimum, trails for walking, jogging, and biking. Greenways shall connect points of interest in the community such as schools, parks, and other civic uses. **This open space type shall be used for any development that is shown along a designated greenway corridor within the City of Clinton Comprehensive Pedestrian Plan.**

P & Z— LAND DEVELOPMENT ORDINANCE – CHAPTER 8. LANDSCAPING & GREENSPACE

Mayor Starling opened a public hearing on a text amendment request by Planning Staff to amend Chapter 8 Landscaping & Greenspace of the Clinton Land Development Ordinance.

Senior Planner Lyle Moore stated that this recommended text amendment addresses required greenspace for commercial structures and clarifies buffer requirements. He stated that if City Council approves this amendment, an applicant has the option of installing a fence in conjunction with evergreen plants to satisfy the buffer requirements. Mr. Moore stated that it is being proposed that all new commercial development or commercial development expanding an existing structure by 20% or more of its square footage shall designate a minimum of 15% of the total site area for green space. He informed City Council that the “20%” came from the consultant; however, City Council has the authority to change the percentage.

Councilmember Stefanovich asked that the “common sense approach” be used to aid businesses in expansions. Mayor Starling echoed Councilmember Stefanovich’s sentiments.

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following ordinance # **2016.06.02** to the Land Development Ordinance was adopted unanimously:

2016.06.02

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 8: Landscaping & Buffering

8.1.1 General Green Space Standard

A. All **new commercial development** or commercial development expanding **an existing structure by 20 percent or more of its square footage** (located within NS-Neighborhood Shopping, OI-Office and Institutional, HC-Highway Commercial, I1- Light Industrial or I2-Heavy Industrial) shall designate a minimum of 15 percent of the total site area for green space. A minimum of 50 percent of the required green space shall be located along the street frontage with the most traffic and visibility. All green space at a minimum shall be planted in grass, mowed on a regular basis and kept weed and litter free by the property owner. The construction site area calculation shall include all portions of the parcel used for development, including fifteen (15) feet beyond the furthest rear portion of the construction site when the entire parcel is not being developed.

Section 8.2 Buffers

A. Buffer strips shall be required where any use permitted in the NS (Neighborhood Shopping), HC (Highway Commercial), I-1 (Light Industrial), I-2 (Heavy Industrial), **and PI (Planned Industrial), and PUD (Planned Unit Development)** districts abuts land zoned for residential use. ~~Buffer strips shall not be considered a part of the lots in Planned Unit Developments and shall be counted as common area.~~

B. Unless otherwise specified elsewhere in this Ordinance, buffer strips shall be composed of evergreen plantings and shall be no less than six (6) feet in height **and fifteen (15) feet in width** at the time of planting. ~~Buffer widths shall meet as indicated in the Table below:~~

Buffer Width Standards	
Zoning District	Minimum Buffer Width (Feet)
NS	15
HC	15
I-1	15
I-2	15
PI	15
PUD	15

C. The applicant may choose to install a fence in conjunction with evergreen plants to satisfy the buffer requirements of Section 8.2 with the approval of the permit issuing authority. Any fence used to meet the requirements of this section shall be a minimum six (6) feet in height, opaque, constructed of vinyl or composite wood, and constructed so the finished side of the fence faces the residential use. The use of a fence allows for a 50 percent reduction in the evergreen buffer requirements of this section. All fences must remain free from mold and any areas of the fence that are broken or damaged must be replaced.

~~D.~~ The buffering requirements may be waived by the City Council upon recommendation of the Planning Board along a boundary that is naturally screened by evergreen plant materials or topography. The buffer ~~requirement~~ may be deferred by the City Council in isolated areas. In residential ~~URD's~~ (Planned ~~Unit-Residential~~ Developments), buffering may be waived in lieu of a fence as approved by the City Council.

P & Z— LAND DEVELOPMENT ORDINANCE – CHAPTER 10. INFRASTRUCTURE

Mayor Starling opened a public hearing on a text amendment request by Planning Staff to amend Chapter 10 Infrastructure of the Clinton Land Development Ordinance.

Senior Planner Lyle Moore stated that if this text amendment is approved, sub-collector, local, and minor residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

Mr. Moore gave the following example to present this request: a driver going from McDonald's to Murphy Gas would not have to go on Hwy 24 to get from one point to the next location. Currently, he stated that Mr. George Wilson is using this method.

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

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the following ordinance # 2016.06.03 to the Land Development Ordinance was adopted unanimously:

2016.06.03

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 10: Infrastructure

10.1.2 Coordination with Surrounding Streets

C. Sub-collector, local, and minor residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

~~Whenever connections to anticipated or proposed surrounding streets are required by this Section, the street right of way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this Subsection, no temporary dead-end street in excess of 1,000 feet may be created unless no other practicable alternative is available.~~

~~D. In an effort to improve and promote overall street connectivity, public streets constructed within the Clinton City Limits shall provide connections to existing adjacent public streets. When no off-site street stubs are present, the following connections shall be provided to undeveloped properties at the appropriate rate indicated below.~~

1. All new commercial developments are required to provide at least one stub-out street to extend and connect with future streets. In the event that adjacent land is already developed with stub-outs present, the developer shall build streets to connect to the existing stub-out(s).
2. Residential developments containing 10 or more dwelling units shall include street connections or stubs to adjacent undeveloped properties. In the event adjacent land is already developed with streets, the developer shall connect to the existing stub-out(s).
3. Non-residential developments shall provide one stub to each adjoining parcel where, considering topography, land use compatibility and future development or redevelopment potential, it is deemed feasible and appropriate.

10.1.4 Street Width, Sidewalk, and Drainage Requirements in Developments

C. The latest edition of the NCDOT Division of Highways *Traditional Neighborhood Development Guidelines* may be followed for developments that utilize a more traditional design. In the absence of TND specific design guidelines, the criteria of the NCDOT *Development Roads Minimum Construction Standards* shall be followed. Additionally, the City of Clinton Pedestrian Plan shall be consulted for applicable street cross sections.

P & Z – HOBBDON HIGHWAY – THORNTON HOMES COMPANY AND LARRY HARRINGTON

Mayor opened a public hearing on a request by Thornton Homes Company and Larry Harrington to rezone approximately 2.5 acres along Hobbton Highway from RA-20 Residential Agriculture to HC Highway Commercial.

Senior Planner Lyle Moore 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 Becton, the following amendment **#2016.06.04** 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-5-16-1 to be rezoned from RA-20 Residential Agriculture to HC Highway Commercial is consistent with the goals and objectives of the Clinton 2035 Comprehensive Plan. Section 7.F. Economic Development of the Clinton 2035 Comprehensive Plan encourages commercial development to occur in clusters along major thoroughfares such as US Hwy 701.

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 2.5 acres located along Hobbton

Highway, is hereby rezoned from RA-20 Residential Agriculture to HC Highway Commercial.

NORTH CAROLINA FIRE CODE – ADOPTION OF APPENDIX G AND APPENDIX H

Fire Chief Scott Phillips stated that at the last city council meeting, this item was introduced. He stated that the other appendixes in the 2009 North Carolina Fire Code has been adopted previously and the adoption of Appendix G and Appendix H will enable the Fire Department to proceed with the implementation of its Fire Inspection Program.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it passed unanimously to adopt Appendix G and Appendix H of the 2009 North Carolina State Fire Prevention Code.

CITY CODE -- ORDINANCE-- CHAPTER 9. FIRE PREVENTION AND PROTECTION

Fire Chief Phillips stated that previously, there were no regulations within the Clinton City Code of 1987 regarding fire inspections or hazardous materials. He stated that the adding of Article IV and Article V will give the City the authority to have an inspector, issue permits, respond to hazardous materials emergencies, etc. Chief Phillips stated that the implementation of these articles will be a great benefit to the City of Clinton. He concluded by stating that July 1, 2016, will be the beginning of performing inspections in-house.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following amendments/additions to Chapter 9 of the Clinton City Code of 1987 shown highlighted, passed unanimously:

Ordinance #2016.06.05

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina that Chapter 9, Fire Prevention and Protection of the Clinton City Code of 1987 is hereby amended to read as follows:

Chapter 9

FIRE PREVENTION, PROTECTION, AND INSPECTION*

- Art. I. In General, §§ 9-1—9-15
- Art. II. Fire Prevention Code, §§ 9-16—9-30
- Art. III. Fire Department, §§ 9-31—9-50
- Art. IV. Fire Inspection Code, §§ 9-51—9-65
- Art. V. Hazardous Materials, §§ 9-66—9-75

ARTICLE I. IN GENERAL

Secs. 9-1—9-15. Reserved.

ARTICLE II. FIRE PREVENTION CODE

Sec. 9-16. Adoption.

There is hereby adopted by Clinton City Council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the International Fire Code, 2006 edition, including Appendices B-H with North Carolina amendments, as recommended by the North Carolina Department of Insurance, being particularly the 2009 edition thereof amended, of which code a copy is now filed in the office of the city clerk; and the same is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions thereof shall be controlling within the city limits and its extra-territorial jurisdiction. (Code 1975, § 9-11; Ord. No. 2010.02.01, 2-2-2010)

State law reference –authority of city to adopt technical code by reference, G.S. § 160A-76(b).

Secs. 9-17—9-30. Reserved.

ARTICLE III. FIRE DEPARTMENT†

Sec. 9-31. Duties of chief.

(a) Subject to supervision by the city manager, the chief of the fire department shall have general control of the department, its personnel and apparatus, and of the fire alarm system.

***Cross references**—Fire limits, § 5-2; civil defense, Ch. 7; housing, Ch. 12; parking near fire hydrant, § 15-48.1; fires restricted in parks and recreation areas, § 18-57.

State law references—Fire protection generally, G.S. § 69-1 et seq.; fire protection in municipalities, G.S. §§ 160A—293.

†Cross reference—Administration generally, Ch. 2.

State law reference—Authority of city to provide for the organization, equipment, and maintenance of a fire department, G.S. § 160A—291.

(b) Whenever a fire shall occur, it shall be the duty of the fire department to proceed immediately to the place of the fire and to take active charge of the firefighting.

(c) The chief of the fire department shall perform the responsibilities as the City's fire code official and as the City's fire inspector in accordance with the provisions of the North Carolina Fire Code and in accordance with Article IV of this Chapter 9 not inconsistent therewith.

(Code 1975, §§ 9-16, 9-17)

State law reference –Duties of fire chief, G.S. § 160A-292.

Sec. 9-32. Duties of assistant chief.

In the absence of the chief of the fire department or if he is prevented from attending to his duties through sickness or otherwise, the deputy assistant chief shall perform all duties required of the chief and he shall be clothed with the same authority as the chief.

(Code 1975, § 9-18; Ord. No. 2006.11.04, 11-14-2006)

Sec. 9-33. Reserved.

Sec. 9-34. Annual report.

A report of the fire department shall be made annually by the chief and transmitted to the city manager. It shall contain all proceedings under this article with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the Fire Prevention Code which, in his judgment, shall be desirable.

(Code 1975, § 9-15)

Sec. 9-35. Authority of officials, members, and of the police during a fire.

During a fire, the persons listed below shall have the respective authorities set forth as follows:

- (1) *To enter on premises.* Any member of the fire department shall have the right to go upon the premises of any person, to enter any building or room, insert the hose, and turn on the water, whenever in the judgment of the chief of the fire department, it is necessary.
- (2) *To act as police officers.* The chief, deputy chief, and captains of the fire department have all the powers of a police officer; it shall be their duty to arrest any person for violation of any law, any provision of this Code, or any ordinance of the city, within a distance of one hundred (100) yards of the fire.
- (3) *To order electric current cut off.* The chief and deputy chief of the fire department may order the electric current to be cut off whenever they consider it necessary for the protection of life or property; and it shall be unlawful for any utility company to maintain current on their wires after receiving such a cut-off order.
- (4) *To block off streets.* The fire department and the police are authorized to block off, by rope or otherwise, such portions of the street lots adjacent to a fire as may be deemed necessary for proper firefighting. It shall be unlawful for any person, except for owners of burning or endangered property, to cross over or enter an area so blocked off without the permission of the police or firemen.

(Code 1975, §§ 9-19—9-22; Ord. No. 2006.11.04, 11-14-2006)

Sec. 9-36. Interference with fire department.

- (a) No person shall stand or be in any street, alley, or square near where a fire is in progress, so as to interfere with the duties of the fire department.

(b) No person may interfere with a fireman on duty nor shall any person other than a member of the fire department remain about any fire station, or change, meddle with or handle in any manner any fire engine or other fire apparatus.

(Code 1975, § 9-23)

Sec. 9-37. Riding on firefighting vehicles.

No person other than a bona fide member of the fire department may mount any fire engine, wagon, or apparatus either at the station, while it is on its way to or from a fire, at any other time, unless by permission of the driver or the officer in command of such engine, wagon or other apparatus.

(Code 1975, § 9-24)

Sec. 9-38. Reserved.

Editor's note—Ord. No. 2006.11.04, adopted Nov. 14, 2006, repealed § 9-38 in its entirety. Former § 9-38 pertained to use of fire apparatus beyond city limits and derived from Code 1975, § 9-24.

State law reference—Authority of city to provide fire protection outside the corporate limits, G.S. § 160A—293.

Sec. 9-39. Unauthorized use of fire apparatus.

No fire engine, fire truck, or other apparatus shall be removed from the city without the consent of the chief of the fire department or the city manager, and no fire apparatus shall be used for other than firefighting purposes without the consent of the chief of the fire department or the city manager.

(Code 1975, § 9-26)

Sec. 9-40. Intoxicating liquors on fire department quarters.

It shall be unlawful to take or cause to be taken any spirituous, vinous, malt or other intoxicating liquors into any of the fire department quarters.

(Code 1975, § 9-27)

Sec. 9-41. Interfering with alarm system.

No person shall interfere carelessly or willfully with the fire alarm system or injure the poles, wires, boxes, or other apparatus connected therewith.

(Code 1975, § 9-28)

State law reference—Molesting fire alarm system, G.S. § 14-286.

Sec. 9-42. Obstructing fire hydrants.

It shall be unlawful to obstruct any hydrant or fire plug in such manner as to interfere with the easy approach to or the convenient use of it by the fire department.
(Code 1975, § 9-29)

Sec. 9-43. Tampering with valves and hydrants.

It shall be unlawful for any person **not involved in fire prevention activities in an official position** to open, close, operate or otherwise tamper with any valves or hydrants which are a part of the water system of the city without first notifying and receiving prior approval of the public works director of the city, or his designated agent. A penalty of five hundred dollars (\$500.00) may be assessed for any violation of this section.
(Ord. No. 01.4.1, 4-3-2001)

Sec. 9-44. Private fire hydrants to be used only in case of fire; penalty.

Private fire hydrants or any other fire protection fixtures on unmetered services located on private premises to secure lower insurance rates shall not be used, except in case of a fire or for periodic testing of the hydrants or fixtures, without special permission from the public works director, or his authorized agent. A penalty of five hundred dollars (\$500.00) may be assessed for any violation of this section.
(Ord. No. 01.4.1, 4-3-2001)

Sec. 9-45. Tampering with or damage to public fire hydrants, water meters, meter boxes, valve boxes, meter boxes in driveways or any other elements of the City of Clinton water system.

(a) It shall be unlawful for any person to tamper with, break, damage, or cause to be broken or damaged, any public fire hydrant, water meter, meter box, valve box or any other element of the city water system. In addition to any applicable penalties for violating this section, such person shall pay the reasonable cost for any necessary repairs.

(b) If any of the above-mentioned structures are broken or damaged by accident or otherwise, it shall be the duty of the person causing the damage to report the location and description of the damage to the police department, fire department, or the public works director of the city, or his designated agent. Failure to make the report shall be unlawful.

(c) A penalty of five hundred dollars (\$500.00) may be assessed for any occurrence of damage as described in (a) above.

(d) This section shall not prevent any person shutting off a fire hydrant or closing a valve in order to stop a flow of water caused by an accident or any other cause provided that such person shall immediately notify the public works department of the city of this occurrence.
(Ord. No. 01.4.1, 4-3-2001)

Sec. 9-46. Residency requirements.

Unless otherwise first approved by the city manager, all firefighting personnel below the rank of fire chief shall reside within a forty-mile radius from the main fire station. The fire chief, unless otherwise first approved by the city manager, shall be required to live within the city limits of the city or the boundaries of the extraterritorial jurisdictional area established by ordinance pursuant to G.S. 160A-360.
(Ord. No. 2008.05.01, 5-6-2008)

Secs. 9-47—9-50. Reserved.

ARTICLE IV. FIRE INSPECTION CODE

Sec. 9-51. Adoption.

This Ordinance is hereby adopted by Clinton City Council for the purpose of prescribing regulations for the conduct of inspections, pursuant to G.S. 160A-412, G.S. 160A-424, and it shall be enforced consistent with the provisions of the North Carolina Fire Code and the Administrative Code and Policies promulgated thereunder.

Sec. 9-52. Duties and responsibilities of fire inspector.

The chief of the fire department in carrying out his responsibilities as fire inspector shall:

- (a) Have the authority to enter all premises at reasonable times for purposes of inspection.
- (b) Make inspections of all structures located within the city and its extra-territorial jurisdiction in accordance with the inspection schedule provided herein.
- (c) Upon receipt of a complaint, forthwith investigate.
- (d) Investigate the causes of fires and keep records of his findings as to the origin, location, owner, extent of damage, injury, and amount of insurance carried. These findings shall be reported to the state insurance commissioner at regular intervals.
- (e) Cause the removal of fire hazards by serving a proper order to the owner or agent of the premises in question, the order to state a reasonable time for which the hazard shall be eliminated. Failure to comply with the order shall be considered a violation of this section.

State law reference—Investigation of fires, G.S. 58-79-1 et seq.; appointment of fire prevention inspector, G.S. 160A-411.

Sec. 9-53. Duties and responsibilities of fire code official.

The chief of the fire department in carrying out his responsibilities as fire code official shall:

- (a) Receive applications for permits and issue or deny permits, assess and collect fees, make

necessary inspections, issue or deny certificates of compliance, issue orders, including stop orders, to correct violations, issue civil penalty citations for violations, bring or cause to be brought civil and criminal judicial actions against actual or threatened violations, keep adequate records of administrative and enforcement activities, and take any other actions that may be required to fulfill the intent and purpose of this Chapter.

(b) Make periodic inspections required by this Chapter.

(c) Compile and maintain a record of all reports of alleged violations. The records shall be public records and shall be used to compile an annual report covering the fire prevention activities conducted in the city each year. The report shall be submitted to the city manager along with advice and recommendations for improvement of fire prevention for the city.

(d) Plan and cause a public education program to be executed for the purpose of acquainting the public with the standards and requirements of this Chapter and to coordinate with other interested agencies in conducting public fire education programs.

Sec. 9-54. Permits.

(a) All permits required or authorized by the North Carolina Fire Code and this Chapter shall be issued by the chief of the fire department. Each construction permit shall be valid until revoked or for the period of time specified thereon, not to exceed one year, and may be made subject to renewal. Each operational permit shall be renewed in accordance with the inspection schedule herein provided. The permit shall not be a substitute for any license required by law.

(b) Construction permits shall be obtained before work is begun. In all cases where work for which a permit is required is commenced before the permit is obtained, (except in those instances where specific permission to proceed is granted by the chief of the fire department), the permit fee shall be double the amount of the basic fee which would have been due had the permit been obtained prior to commencing work.

(c) The chief of the fire department, in consultation with the city manager, may recommend to Clinton City Council a schedule of fees for the issuance of permits and for inspections required by law or ordinance. The fees shall be established annually by the Clinton City Council and shall be placed on file in the office of the city clerk. The chief of the fire department shall charge and the city shall collect such permit and inspection fees for the purpose of defraying, wholly or in part, the cost of providing fire prevention services.

(d) The fees for construction and operational permits and for inspections shall be due and payable in accordance with the rules promulgated by the city manager in consultation with the chief of the fire department. The chief of the fire department shall pay over and account to the city for fees collected hereunder in accordance with rules promulgated by the city finance director.

Sec. 9-55. Inspection schedules.

Inspection schedules of existing buildings shall be in accordance with Section 106 of the North Carolina Fire Code, and shall be conducted no less frequently than described in the schedule below:

<u>Occupancy Classification</u>	<u>Inspection Frequency</u>
Hazardous	Every year
Institutional	Every year
High rise	Every year
Assembly	Every year
Residential* [Excludes one and two family dwellings]	Every year
Industrial	Every two years
Educational [Except public schools]	Every two years
Foster Care Home (G.S. 131-D)	Every two years
Group Care Home	Every two years
Business	Every three years
Mercantile	Every three years
Storage	Every three years
Churches and Synagogues	Every three years

*The North Carolina Fire Code definition of a residential occupancy is a multi-family building. The Fire Code does not apply to one and two family dwellings.

Sec. 9-56. Violations.

(a) Any person who shall violate or fail to comply with any of the provisions of the North Carolina Fire Code, the provisions of this Chapter, or who shall fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or who shall violate any certificate or permit issued thereunder shall be subject to the penalties hereinafter provided. The imposition of a penalty for any violation shall not be deemed to relieve the offender of any obligation to take such action necessary to correct or remedy a violation within a reasonable time. Unless otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

(b) The application of any penalty shall not be construed to prevent the enforced removal of prohibited conditions.

Sec. 9-57. Penalties

(a) Misdemeanor. A violation of the North Carolina Fire Code or the provisions of this Chapter shall be punishable as a misdemeanor and shall subject the offender to a fine of not more than \$500.

(b) Civil penalty. A violation of the North Carolina Fire Code or the provisions of this Chapter

shall subject the offender to the assessment of a civil penalty upon the issuance of a citation by the chief of the fire department, such civil penalty to be in an amount provided below. Penalties assessed shall be recovered by the City in a civil action in the nature of debt if the offender does not pay the civil penalty within 30 days after the offender has been cited for the violation. Each day's continuing violation shall constitute a separate offense for the purpose of assessing a civil penalty.

(1) For a first offense for violation of the North Carolina Fire Code, Chapter 1. Section 107.6 **Overcrowding**, as the same now exists, or as it may hereinafter be amended or replaced, a civil penalty of five hundred dollars (\$500.00) per door of the business being operated by the offender. Any subsequent offense within twelve (12) months of the first offense shall result in a civil penalty of one thousand dollars (\$1,000.00) per door of the business being operated by the offender.

(2) For a first offense for violation of North Carolina Fire Code, Chapter 10. Section 1028.3 **Blocked Exits**, as the same now exists, or as it may hereinafter be amended or replaced, a civil penalty of five hundred dollars (\$500.00) per door of the business being operated by the violator. Any subsequent offense within twelve (12) months of the first offense shall result in a civil penalty of one thousand dollars (\$1,000.00) per door of the business being operated by the violator.

(3) For a first offense for violation of North Carolina Fire Code, Chapter 10. Section 1027.5 **Locked Exits**, as the same now exists, or as it may hereinafter be amended or replaced, a civil penalty of five hundred dollars (\$500.00) per door of the business being operated by the violator. Any subsequent offense within twelve (12) months of the first offense shall result in a civil penalty of one thousand dollars (\$1,000.00) per door of the business being operated by the violator.

(4) For a first offense for a violation of North Carolina Air Quality Rule, 15A North Carolina Administrative Code 2D. 1900, et seq., as the same now exists, or as it may hereinafter be amended or replaced, a written warning. For a second offense a civil penalty of fifty dollars (\$50.00). For a third offense a civil penalty of one hundred dollars (\$100.00) and notification by the city to the state division of air quality.

(5) For any other violation of the North Carolina Fire Code or this Chapter as they now exist, or as they may hereinafter be amended, not specifically set forth in this section, and which is not provided for in the city re-inspection fee schedule, as the same now exists, or as it may be amended or replaced, for a violation beyond the third re-inspection, a civil penalty of one hundred dollars (\$100.00) per day, until the violation has been corrected.

(6) Whenever the chief of the fire department shall determine that there has been a violation of the provisions of the North Carolina Fire Code or this Chapter, as both now exist, or as they may be hereinafter amended or replaced, by any owner or by a lessee under a written or oral lease, the chief of the fire department shall issue a civil citation to the offender by mailing or otherwise delivering such citation to the owner or lessee or the manager or person who appears to be in charge and control of the premises at the time of the violation. The citation shall specify the nature of the violation the provision of the North Carolina Fire Code or this Chapter that has been violated, the amount of the civil penalty, if any, and a

directive that the civil penalty shall be paid within seven (7) days to the City Finance Department. The citation shall further notify the offender that in the event the civil penalty is not paid within the prescribed time period, the City may initiate a civil action of enforcement through any of the means prescribed in G. S. § 160A-175.

(c) This Chapter may be enforced by any other remedy at law or equity which the City is authorized to pursue, to include actions in the General Court of Justice for injunctive relief, other remedies authorized in G. S. § 160A-175 and remedies authorized herein.

(d) The civil penalties, criminal prosecution and other remedies provided for in this Chapter are neither cumulative nor exclusive, and may be independently and separately pursued against the same person for the activity constituting a violation of this Chapter. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies in other provisions of this Chapter or other laws and regulations.

Secs. 9-58—9-65. Reserved

ARTICLE V. HAZARDOUS MATERIALS

Sec. 9-66. Purpose.

The City Fire Department or its designated municipal emergency response team responding to a hazardous materials emergency within the territorial jurisdiction of City, or in accordance with a contract, mutual aid agreement or inter-local undertaking, and having reasonable cause to believe that a hazardous materials emergency exists, shall remove, abate, or remedy the emergency to the extent of its authority and capabilities.

Sec. 9-67. Abatement and cost recovery.

Definitions:

Hazardous material means any substance which, when discharged in any quantity, may present an imminent and substantial danger to the public health, welfare, or to the environment.

Hazardous material response means the sending of the Fire Department equipment to abate hazardous materials which endanger the health, safety of persons, or the environment.

Sec. 9-68. Authority of the chief of the fire department.

The chief of the fire department shall have the authority to summarily abate or remedy the effects of hazardous materials which are emitted into the environment in such a manner as to endanger the health, safety of the general public, or the environment. The chief of the fire department shall have the authority to enter public or private property, with or without the owner's consent, to respond to such hazardous materials emergencies. The chief of the fire department

shall determine the type, amount, and quantity of equipment and personnel required to adequately abate or remedy the effects of all hazardous materials which are emitted into the environment.

Sec. 9-69. Responsibility for abatement expenses and financial liability of owner.*

The expense of the abatement of a hazardous materials emergency or intentionally or negligently caused fire emergency shall be charged to and paid by the person owning, storing, or transporting the hazardous materials which were released or by the person whose intentional or negligent act caused the emergency. Expenses shall include actual labor costs, fringe benefits, administrative overhead, cost of equipment, cost of disposal, the cost of any contract labor, materials and the costs, including the attorney's fees, of collecting paid expenses. The person responsible shall be held financially liable to the city or municipal fire department during that emergency.

Sec. 9-70. Assistance by owner in emergency.

The property owner or the person having control over hazardous materials shall assist the fire department in the abatement, removal, and remedial measures associated with the hazardous material agency. Assistance shall consist of any of the following:

1. Compliance with the direction of the fire department;
2. Provision of the emergency response plan for the site; or
3. Provision of emergency response equipment, personnel, and materials available on site.

Sec. 9-71. Charges for emergency response

The charges for hazardous material emergency response on behalf of the city by the fire department shall be based upon a schedule to be approved by the city manager and Clinton City Council and kept on file in the fire chief's office for review by the public.

Sec. 9-72. Reimbursement of abatement expenses.

Abatement expenses incurred by organizations conducting the abatement and collected by the city as set forth above shall be remitted to the organizations upon collection less any costs of collection incurred by the city or municipality.

Sec. 9-73. Payment of penalties.

(a) Any charge assessed pursuant to this Article V that does not exceed five hundred dollars (\$500.00), shall be payable within thirty (30) days of the date of assessment by the chief of the fire department, which assessment shall be in writing and delivered to the responsible party by personal delivery or certified mail. Any charge in excess of five hundred dollars (\$500.00) for a violation of this Article V, shall be payable within a period of time as determined by the chief of the fire department and subject to the approval of the city manager.

(b) Any charge not paid within the required time period shall be a lien upon the land or premises where the abatement took place, and shall be collected as unpaid taxes pursuant to the authority of G.S. 160A-193 and G.S. 105-1 et seq.

CONTRACT – LAW ENFORCEMENT – CLINTON ABC BOARD

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, a contract between the City of Clinton and Clinton ABC Board for ABC law enforcement passed unanimously.

The City of Clinton shall provide law enforcement in the Clinton School District in return for the sum of \$5,000/more to be paid by September 30, 2016, dependent upon revenues collected. It was noted that this contract has been in existence for many years and the City has had no problems with the Clinton ABC Board and this partnership.

RESOLUTION -- ALLOWING CLINTON ABC BOARD TO ADOPT CITY'S TRAVEL POLICY

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

**RESOLUTION ALLOWING THE ADOPTION
OF THE
CITY OF CLINTON'S TRAVEL POLICY
BY THE
CLINTON ABC BOARD**

WHEREAS, the North Carolina Alcoholic Beverage Control Commission is requesting that all local liquor boards adopt travel policies as pursuant to Statutory Authority G.S. 18B-702(e) and legislation *HB 1717* Modernization of the State ABC System; and

WHEREAS, the Clinton ABC Board requests written confirmation from the Clinton City Council to allow the Board permission to adopt its current Travel Policy which became effective April 2012.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Clinton hereby grants the Clinton ABC Board's request to use during the FY2016-2017, the City's Travel Policy which was adopted in April 2012.

ANNEXATION – 412 OVERLAND ROAD – HARPERS GLEN APARTMENTS, LLC

City Manager Purvis stated that property owners are required to petition for voluntary annexation. It was noted that property owners of Harpers Glen Apartments, LLC, are requesting that their property located at 412 Overland Road, be annexed. Mr. Purvis asked City Council to direct City Clerk Hunt to investigate the sufficiency of the petition presented to staff. He further stated that Ms. Hunt will report back to them at the July 2016, city council meeting.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the following resolution directing the clerk to investigate the sufficiency of a petition for annexation received from property owners of Harpers Glen Apartments, LLC, passed unanimously:

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-58.1**

WHEREAS, a petition requesting annexation of an area described in said petition was received on May 12, 2016, by the City Council of the City of Clinton, N. C.; and

WHEREAS, G.S. 160A-58.1 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Clinton deems it advisable to proceed in response to this request for annexation;

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

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

ORDINANCES—BUDGET

City Manager Shawn 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 are no net changes in the General Fund or Water & Sewer Fund; however, there is an increase of \$3,500 in the Downtown Fund offset by additional revenues. Mr. Purvis further stated that the increase of \$83,000 in the Community Development Fund reflects the pending sale of the Ferrell Street house, which will place money in the Community Development Fund and repay the General Fund. He recommended approval of the budget amendments.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, the following amendment #2016.06.06 was unanimously adopted:

Ferrell Street Affordable Housing Capital Project Amendment

#2016.06.06

BE IT ORDAINED by the City Council of the City of Clinton, NC that the following amendment be made to the Ferrell Street Affordable Housing Capital Project Ordinance that was adopted on August 5, 2014, amended on May 3, 2016, and is hereby amended as follows:

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
57-5000-8100	Transfer to General Fund	\$25,900		
57-5000-8200	Transfer to Com Dev	56,600		
	TOTAL EXPENDITURES	\$82,500	\$0	\$82,500

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>
57-3050-0000	Sale of Ferrell St. House	\$82,500		
	TOTAL REVENUES	\$82,500	\$ 0	\$82,500

Section 3. 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 Mayor Pro Tem Harris, seconded by Councilmember Strickland, the following amendment #2016.06.07 was unanimously adopted:

**Budget Ordinance Amendment
Fiscal Year 2015-2016 Budget**

#2016.06.07

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, 2016; amended on October 6, 2015; on January 5, 2016; on February 2, 2016; on March 1, 2016; on April 5, 2016; and on May 3, 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>
10-4100-0400	Professional service		\$ 800	
10-4100-2600	Advertising	\$ 800		
10-4200-2700	City code update	800		
10-4200-4500	Contract services	300		
10-4200-5300	Dues & subscriptions		1,200	
10-4400-1400	Travel and education	500		
10-4400-5300	Dues and subscriptions		400	
10-4400-5400	Bond		100	
10-4900-0200	Salaries		6,800	
10-4900-0600	Group Insurance		700	
10-4900-1200	Printing & office supplies		500	
10-4900-2600	Legal Advertising	400		
10-4900-4500	Contract Service	6,800		
10-4900-5401	Workmen's comp	300		
10-4900-5402	Auto insurance		100	
10-4900-7400	Capital Outlay	700		
10-5100-1500	Maintenance/janitorial	3,500		
10-5100-2600	Advertising	500		
10-5100-3100	Fuel		30,000	
10-5100-4500	Contract Service	1,500		
10-5100-5700	Misc expense	500		
10-5100-7400	Capital Outlay equipment		1,600	
10-5300-0200	Salaries	1,200		
10-5300-1500	Maint/repair bldg.	1,000		
10-5300-3300	Departmental supplies	800		
10-5300-3600	Uniforms	2,500		
10-5300-5700	Miscellaneous	500		
10-5600-0200	Salaries	13,400		
10-5600-0500	FICA	500		
10-5600-1400	Travel and education	500		
10-5600-1600	Maint/Repair equipment	2,000		
10-5600-3400	Special tools		3,000	
10-5600-5000	Street lighting contract		17,800	
10-5600-5403	Equipment insurance	500		
10-5600-7400	Capital outlay equipment	500		

10-5610-0200	Salaries	1,000		
10-5610-0500	FICA	500		
10-5610-0700	Retirement	500		
10-5610-1200	Printing & Office supplies	500		
10-5610-1500	PW complex maint.	1,000		
10-5610-5403	Building insurance		800	
10-5900-1700	Maint/Repair Auto	9,500		
10-5900-2600	Advertising	500		
10-5900-3100	Fuel		8,000	
10-5900-4500	Contract service	10,200		
10-5900-4600	Landfill tipping fees	1,000		
10-5900-5401	Workmen's comp		1,000	
10-5900-5700	Miscellaneous	500		
10-6200-1500	Maint/repair bldg.	500		
10-6200-1600	Maint/repair equipment	3,000		
10-6200-3100	Fuel		1,000	
10-6200-3301	Athletic supplies	1,500		
10-6200-3302	Bellamy center programs	1,600		
10-6200-3700	Team uniforms	1,500		
10-6200-7400	Capital outlay equipment	2,000		
10-6400-1700	Maint/repair auto	500		
10-6400-2600	Advertising		500	
10-6400-4500	Contract service	1,000		
10-6400-5401	Workmen's comp		3,500	
10-6600-0300	Tax refunds	1,000		
10-6600-0301	Payment in lieu of taxes	13,800		
10-6600-5405	Unemployment insurance	500		
10-6600-5600	Safety committee		2,500	
10-6600-5700	Misc/non-departmental	2,000		
10-6600-8000	Contingency		13,800	
TOTAL EXPENDITURES		\$94,100	\$94,100	\$0

Section 2. 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>
30-6600-1200	Printing/office supplies	\$ 1,000		
30-6600-5600	Safety committee		\$5,000	
30-6600-5700	Misc expense	1,000		
30-8100-3100	Fuel		4,500	
30-8100-4500	Contract service	10,000		
30-8100-5402	Auto insurance		500	
30-8100-5403	Bldg insurance		1,100	

30-8100-7400	Capital outlay equipment		1,500	
30-8200-3300	Dept. supplies	500		
30-8200-3700	Safety supplies	1,000		
30-8200-5301	Plant certifications	1,500		
30-8200-5403	Bldg insurance		3,600	
30-8300-1500	Maint/repair bldg	1,000		
30-8300-1602	Maint/repair meters	5,000		
30-8300-3100	Fuel		4,000	
30-8300-3301	Lab chemical/equip	2,500		
30-8300-5300	Dues & subscriptions		1,400	
30-8300-5403	Bldg insurance		1,900	
30-8400-1400	Travel and education		1,000	
30-8400-3300	Department supplies	500		
30-8400-4500	Contract service	500		
	TOTAL EXPENDITURES	\$24,500	\$24,500	\$0

Section 3. To amend the Community Development 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>
52-4970-8000	Miscellaneous	\$83,000		
	TOTAL EXPENDITURES	\$83,000	\$0	\$83,000

Section 4. To amend the Community Development 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>
52-3050-0000	Transfer from Affordable Hsg	\$56,600		
52-3350-0000	Miscellaneous revenue	26,400		
	TOTAL REVENUES	\$83,000	\$0	\$83,000

Section 5. 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>
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71-6910-1200	Travel and education	\$1,100		
71-6910-2600	Advertising	1,600		
71-6910-5700	Miscellaneous	1,300		
71-6910-8000	Contingency		\$1,000	
71-6910-8100	Special events	500		
TOTAL EXPENDITURES		\$4,500	\$1,000	\$3,500

Section 6. To amend the Downtown 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>
71-3360-0000	Fundraising revenue	\$3,500		
TOTAL REVENUES		\$3,500	\$0	\$3,500

Section 7. Copies of this budget amendment shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

CITY COUNCIL

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, it passed unanimously to reschedule the regular July 5, 2016, city council meeting to Tuesday, July 12, 2016, at 7:00 PM.

AWARD OF BID – ACE PLAZA PARKING LOT PROJECT

Public Works Director Vreugdenhil stated that the following seven (7) bids were received for the Ace Plaza Parking Lot Project:

Cadet Construction Company.....	\$233,888.55
Charles Hughes Construction.....	\$172,721.50
Herring-Rivenbark, Inc.....	\$236,350.10
Wells Brothers Construction Co., Inc.....	\$173,220.00
Heath Grading & Utility, Inc.....	\$198,155.75
Keen Plumbing Co.....	\$374,254.85
Barnhill Contracting Co.....	\$237,436.00

Mr. Vreugdenhil stated that although one bid was very high, others were compatible. He stated that the engineers encountered difficulty in design primarily in attempting to correct the drainage problems. It was further stated that the lot is physically

flat with a near zero-percent grade, which makes drainage efforts difficult—water falling besides the building(s) brings about uneasiness among the engineers.

Mayor Starling stated that a lot of money has been spent downtown and this project needs to be done correctly from the beginning. Mr. Vreugdenhil stated that the completed project should last at least for the next thirty (30) years.

City Manager Purvis stated that the City will need to allocate an additional \$50,000 to continue with the project. He stated that the grant is already the maximum award of \$100,000 and if the City does not continue with the project, we will lose the grant.

Councilmember Stefanovich stated that he does not like that the City has to spend so much in this project; however, he realizes it needs to be done correctly.

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, it passed unanimously to proceed with the Ace Plaza Parking Lot Project and award the bid to Charles Hughes Construction, LaGrange, NC in the amount of \$172,721.50.

DONATION – WORSLEY GROUP TWO – 1270 TURKEY HIGHWAY

City Manager Purvis stated that the Worsley Group Two has contacted the City about gifting the property located at 1270 Turkey Highway, to the City of Clinton. He stated that several years ago, the City inquired about this property. Mr. Purvis stated that due diligence is required including a Phase I Environmental Report. He further stated that the City would pay \$2,400 for Phase I. City Manager Purvis recommended provisional acceptance of the property pending the result of the Phase I Environmental Survey that would identify possible contamination, provide record of the responsible party, and if the two parties can reach an acceptable indemnification agreement.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it passed unanimously to accept the property provisionally, pending the result of the Phase I Environmental Survey that would identify possible contamination, provide record of the responsible party, and if the two parties can reach an acceptable indemnification agreement.

APPOINTMENT(S)

Notification of appointment/reappointment was given for Perry E. Solice, Jr., on the ABC Board. This is a three-year term appointment/reappointment. At the July 2016 city council meeting, City Council will be asked to make the appointment/reappointment.

REPORTS

The code enforcement and personnel reports were acknowledged.

STAFF REPORTS

There were no staff reports at the June 14, 2016, city council meeting.

CITY MANAGER REPORTS

City Manager Purvis stated that City Council has received his monthly report and he stands ready to address any concerns.

He announced that there would be an Alive after Five event this Thursday, June 16th.

City Manager Purvis introduced Rachel Chavez, Administration Intern. Planning and Zoning Director Mary Rose stated that Ms. Chavez is working with the Design Committee and stakeholders to develop a public art and beautification policy. Ms. Rose stated that Ms. Chavez will present to City Council her accomplishments at the August 2016 city council meeting.

PUBLIC COMMENTS

No one appeared with public comments.

CONTINUATION

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, it passed unanimously to continue this meeting until Tuesday, June 21, 2016, at 6:00 PM in the City Hall Auditorium and Training Room for the purpose of adopting the FY2016-2017 Budget and other business as deemed necessary.

The June 14, 2016, city council meeting ended at 8:00 PM.

Elaine F. Hunt, City Clerk, MMC, NCCMC

Lew Starling, Mayor