



NOVEMBER 1, 2016, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on November 1, 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; Police Chief Jay Tilley; Public Works Director Jeff Vreugdenhil; and Human Resource Director Lisa Carter.

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 Minister Michael Boykin to give the invocation.

CITY COUNCIL

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the December 2, 2014, closed session; July 7, 2015, closed session; March 1, 2016, closed session; October 4, 2016, regular; and October 18, 2016, special city council meetings, were unanimously approved.

PROCLAMATION – NATIONAL AMERICAN INDIAN HERITAGE MONTH

Ms. Betty Lou Griffin, Chairperson, Richard Clinton Chapter National Society Daughters of the American Revolution, requested that Mayor Starling and the Clinton City Council adopt a proclamation declaring the month of November as Native American Heritage Month. Ms. Griffin, via a letter, stated that “last year, Sampson County municipalities/towns participated 100% in passing proclamations.”

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following proclamation passed unanimously:

NATIONAL AMERICAN INDIAN HERITAGE MONTH

WHEREAS, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and

WHEREAS, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

WHEREAS, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational, and historical activities have been planned.

NOW, THEREFORE, I, LUTHER D. STARLING, JR., MAYOR OF THE CITY OF CLINTON, NORTH CAROLINA, on behalf of the City of Clinton City Council, do hereby proclaim November as the National American Indian Heritage Month, in the City of Clinton, and urge all our citizens to observe this month with appropriate programs, ceremonies, and activities.

PROCLAMATION – IN MEMORY OF OFFICER DONALD RAY TUCKER (1968-1991)

City Manager Purvis stated that November 14, 2016, will mark 25 years that Officer Donald Ray Tucker passed. Officer Tucker died in the line of duty. It was further stated that a memorial service will take place at Grove Park Baptist Church, 609 Northeast Boulevard, on Monday, November 14th beginning at 4:00 PM.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, it passed unanimously to adopt the following proclamation:

*Proclamation in Memory
Of
Officer Donald Ray Tucker*

WHEREAS, on September 21, 1990, the City of Clinton's Police Department added to its force one individual by the name of Donald Ray Tucker; and

WHEREAS, on November 14, 1991, we were saddened by Officer Donald Ray's death which occurred while in the line of duty; and

WHEREAS, the City of Clinton and the Clinton Police Department, after twenty-five (25) years, still remember and miss this very fine officer; and

WHEREAS, Officer Donald Ray Tucker, will be honored and remembered by friends and relatives on November 14, 2016, during a ceremony orchestrated by the Clinton Police Department.

NOW, THEREFORE, by the virtue of authority vested in me as Mayor of the City of Clinton, North Carolina, and Clinton City Council, we do humbly hereby deem it an honor to extend this:

***Proclamation in Memory
Of
Officer Donald Ray Tucker***

PRESENTATION – ASSESSMENT REPORT FOR 2016 CALEA ASSESSMENT

Police Chief Jay Tilley updated City Council on a 29-page assessment report received from Mr. W. Craig Hartley, Jr., Executive Director, regarding Clinton Police Department's CALEA Accreditation. He stated that the assessment report included observations and findings from the most recent standards-based review of the Department. Chief Tilley stated that the on-site assessment took place on July 11-13, 2016 and this was the first reaccreditation for the Clinton Police Department. He stated that within the report, future issues were discussed which include recruitment and retention of employees; grievances; complaints; trainings; etc.

Police Chief Tilley concluded by stating that the agency's files were found to be well-organized and documented. He further stated that the Department is scheduled for a Review Committee Hearing on November 5th in Charleston, South Carolina, which will be followed by an Awards Banquet.

Chief Tilley presented this report for informational purposes only. No action was required.

PUBLIC HEARING -- OATHS

No oaths were necessary for the November 1, 2016, city council meeting.

P & Z – INTERSECTION OF WEST ELIZABETH STREET & FERRELL STREET – WARREN THORNTON

Mayor Starling opened a public hearing on a request by Warren Thornton to rezone approximately 1.62 acres, located at the intersection of West Elizabeth Street and Ferrell Street from O & I Office and Institutional to CB Central Business.

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

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

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following amendment **#2016.11.01** 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-10-16-1 to be rezoned from O & I Office and Institutional to CB Central Business is consistent with the goals and objectives of the 2035 Clinton Comprehensive Plan and other long range planning documents. Section 6. B. 1. of the 2035 Clinton Comprehensive Plan addresses the Downtown Area and CB Central Business District by stating the CB District is established to provide residential, retailing, personal services, and office space for local and regional commercial activities (particularly those that are pedestrian-oriented) that will result in the most intensive and attractive use of the City's Central Business District.

WHEREAS, upon the recommendation of the Planning and Zoning Board and after public hearing and due notice thereof as required by law, the City Council of the City of Clinton, NC, does enact as follows: The Zoning Ordinance of the City of Clinton be and the same is hereby amended as follows: That approximately 1.62 acres located at the intersection of West Elizabeth Street and Ferrell Street, is hereby rezoned from O & I Office and Institutional to CB Central Business.

WALK-ON ITEM – CONTRACT AMENDMENT – DENNING, HERRING, SESSOMS & CO., P.A.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Turlington, it passed unanimously to add on the following item, "Consideration of approving an amendment to the contract between the City of Clinton and Denning, Herring, Sessoms & Company, P.A."

City Manager Purvis asked City Council to approve an amendment to the contract to audit accounts between Denning, Herring, Sessoms & Company, P.A., and the City of Clinton. He stated that the auditor agreed to audit the accounts of the City and to render its audit report on or before October 31, 2016. He stated that City personnel originally, agreed to draft the financial statements in its entirety. City Manager Purvis stated that due to time constraints—some of which relate to the City's response to Hurricane Matthew, it is necessary for the audit firm to draft the financial statements, thus necessitating an amended contract. It was noted that the auditor agree that the time for completion of the audit and submission of the report to the City of Clinton and the Local Government Commission will be by November 30, 2016. Also, it was noted that the audit fee will increase to \$24,000.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Turlington, it passed unanimously to amend the contract between the City of Clinton and Denning, Herring, Sessoms & Company, P.A., so that the audit firm will draft the financial statements, audit the accounts of the City and render its audit report to the City of Clinton and the Local Government Commission on or before November 30, 2016, and acknowledging the audit fee will increase to \$24,000.

PUBLIC HEARING CALL – ADOPT RESOLUTION REGARDING NEED OF AFFORDABLE HOUSING

City Manager Purvis stated that for the City to effectively promote community development and participate in affordable housing partnerships with private and non-profit agencies, pursuant to NCGS 157-4, the City Council must create a housing authority or exercise such powers themselves upon adoption of a resolution. He stated that the process to pass such a resolution requires a public hearing. He recommended calling for a public hearing at the December 6, 2016, city council meeting and instructing the City Clerk to publish the appropriate notice at least 10 days prior to the hearing.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, it passed unanimously to call for a public hearing at the December 6, 2016, city council meeting to adopt a resolution of finding for the increased need of safe, affordable housing in Clinton and designation of housing authority responsibilities to the City Council.

POLICE STATION ADDITION -- AWARD OF BID –VORTEX CONSTRUCTION CO., LLC

Finance Director Stafford stated that the City opened bids for the police station addition on Thursday, October 20th. She stated that the evidence storage room addition was approved in the FY2016-2017 Budget. Mrs. Stafford stated that six (6) bids were received:

American Builders, Inc.....	\$272,800
G & G Builders, Inc.....	\$281,342
Player, Inc.....	\$243,000
Progressive Contracting Co., Inc.....	\$257,600
Vortex Construction Co., LLC.....	\$198,965
Burney & Burney.....	\$225,000

Mrs. Stafford stated that Vortex Construction Co., LLC, 190 Jordan Narron Road, Selma, NC, was the low bidder with a bid of \$198,965 and asked City Council to award this contract to them.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Stefanovich, it passed unanimously to award the project to Vortex Construction Co., LLC, in the amount of \$198,965.

NEW OVERTIME RULE – EMPLOYMENT STATUSES – DECEMBER 1, 2016

City Manager Purvis stated that approximately one year ago, the President issued an executive order regarding exempt and non-exempt employee laws that will become effective as of December 1, 2016. He stated that the new law increases the salary threshold necessary for an employee to be classified as exempt. He further stated that because of this, we must adjust our pay and classification schedule to comply with Federal labor laws and maintain internal equity. City Manager Purvis stated that changing the statuses of the employees affected will have a budgetary impact of approximately \$20,000; therefore, he proposed to take approximately \$8,000 from General Fund and approximately \$8,000 from Water and Sewer. City Manager Purvis recommended approval of the abovementioned proposal.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it passed unanimously to adjust the City’s pay and classification schedule to comply with Federal labor laws and maintain internal equity.

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 no net change in the General Fund or Water & Sewer Fund; however, there is an increase of \$94,340 in the Downtown Fund resulting from our allocation from the NCGA. Also, he stated that the project ordinance is to make adjustments for the Water Expansion Project for the City’s contribution, which was budgeted in the FY2016-2017 Budget.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, the following amendment #2016.11.02 was unanimously adopted:

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

#2016.11.02

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, is hereby amended as follows:

Section 1. To amend the Water & 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>
30-6600-8700	Interest Bonds		\$125,000	
30-6600-9600	Transfer to capital project	\$147,500		
30-8100-4501	Maint/Repair Lines		22,500	
		_____	_____	
	TOTAL EXPENDITURES	\$147,500	\$147,500	\$0

Section 2. 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 Becton, the following capital project ordinance amendment #2016.11.03 was unanimously adopted:

**CAPITAL PROJECT ORDINANCE AMENDMENT
Water Production Plant Expansion**

2016.11.03

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 capital project ordinance adopted September 4, 2012, amended April 2, 2013, June 21, 2016, and October 4, 2016, 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>
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44-7140-9000	Eng. & Design-Ineligible Expense	\$ 22,500		
44-7140-9100	Capitalized Interest	125,000		
	TOTAL EXPENDITURES	\$ 147,500	\$0	\$147,500

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>
44-3040-0200	City Contribution	\$147,500		
	TOTAL REVENUES	\$147,500	\$0	\$147,500

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 Councilmember Turlington, seconded by Councilmember Becton, the following capital project ordinance amendment **#2016.11.04** was unanimously adopted:

**Capital Project Ordinance
Downtown Grant Project**

#2016.11.04

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 Downtown Grant Capital Project Ordinance is hereby adopted:

Section 1. The project authorized is the Downtown Grant Capital Project described in the work statement contained in the Agreement between this unit and the North Carolina Department of Commerce.

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>
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70-4900-7300	Crosswalk Improvements	\$70,500		
70-4900-7301	Landscaping Improv.	23,840		
Total Expenditures		\$94,340	\$0	\$94,340

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>
70-3010-8000	Grant Revenue	\$94,340		
Total Revenues		\$94,340	\$0	\$94,340

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 Downtown Grant 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.

ANNEXATION— 180 OVERLAND ROAD – SPIRIT OF LIFE CHURCH

City Manager Purvis said at the October 4, 2016, city council meeting, City Clerk Hunt was instructed to investigate the sufficiency of the petition of property owner, Spirit of Life Church, for property located at 180 Overland Road. He stated that at this time, we present to Council the following City Clerk’s Certificate of Sufficiency:

**CERTIFICATE OF SUFFICIENCY
(180 Overland Road – Spirit of Life Church)**

TO: City Council of the City of Clinton, North Carolina

I, **Elaine F. Hunt**, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all property owner(s) of real property lying in the area described therein, in accordance with G.S. 160A-31.

Upon a motion made by Councilmember Turlington, seconded by Mayor Pro Tem Harris, the Report of Sufficiency from City Clerk Hunt was approved unanimously.

City Manager Purvis presented for consideration a resolution fixing the date for a public hearing on the voluntary contiguous annexation of property located at 180 Overland Road, Clinton, NC.

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

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the City Council of the City of Clinton, North Carolina has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held in the City Hall Auditorium at 7:00 PM on December 6, 2016.

Section 2. The area proposed for annexation is described as follows:

Owner: Spirit of Life Church of God
180 Overland Road
Clinton, North Carolina 28328
Deed Book: 1401 Page: 884
Pin: 15010159501

Legal Description:

BEGINNING at a PK nail in the centerline of State Secondary Road No. 1229 (Overland Road), said beginning PK nail being located South 69 degrees 45 minutes 25 seconds West 2311.55 feet from N.C. Grid Station "Wrecker," having N.C. Grid Coordinates X=2,195,790.24 and Y=452,447.18, and runs thence from said beginning, so located, South 06 degrees 17 minutes 12 seconds West 662.80 feet with the centerline of State Secondary Road No. 1229 (Overland Road) to a PK nail; thence South 04 degrees 17 minutes 12 seconds West 72.22 feet with the centerline of State Secondary Road No. 1229 (Overland Road) to a PK nail in the centerline of said road; thence leaving said road, North 84 degrees 31 minutes 02 seconds West 650.19 feet with the Oscar Harold Simmons line to an iron; thence with the line of Cleamon Eure, Walter Carr, Michael Lindsey, and A. G. Thornton & Son, Inc., North 03 degrees 13 minutes 12 seconds East 738.00 feet to an iron; thence a new line with the Thornton lands, South 84 degrees 18 minutes 36 seconds East 687.12 feet to the beginning, containing 10.77 acres, more or less, excluding the right-of-way of State Secondary Road No. 1229 (Overland Road), and being the same lands shown on that certain plat prepared by Lewis G. Paschal, Registered Land Surveyor, under date of May, 1996. This also being the same lands conveyed to W. E. Stafford, Adise Barbery and Joe Pearsall, Trustees of the Clinton Church of God (now Spirit of Life Church of God), by deed from Annie Grace Faison, widow, dated March 14, 1975, and recorded in Book 884, at Page 240, of the Sampson County Registry.

Section 3. Notice of the public hearing shall be published once in The Sampson Independent, a newspaper having general circulation in the City of Clinton, at least ten (10) days prior to the date of the public hearing.

STREET AND PARKING LOT CLOSINGS -- CHRISTMAS IN THE CITY

Planning and Zoning Director Rose appeared before City Council to request the streets and parking lots closings for "Christmas in the City," on December 1, 2016. She stated that this event is sponsored by the Clinton Main Street Program and held in partnership with the Sampson Arts Council, Sampson Convention and Visitors Bureau, Clinton-Sampson Chamber of Commerce, Sampson County History Museum, and Clinton Kiwanis. She asked that Council would approve the closing of Main Street from Wall Street to Lisbon Street, Vance Street from Sampson Street to Wall Street, the parking lot at the west end of the Sampson County Courthouse, and the City Market parking lot from 3:00 PM to 9:30 PM on Thursday, December 1, 2016.

She stated that she, downtown retailers, and restaurant owners have discussed and are all in agreement of the closings.

Ms. Rose asked that Section 4-7 Animals on Streets and Sidewalks be suspended specifically for this event by special permit from City Manager Purvis on this date also from 4:00 PM until 9:30 PM in order to accommodate the horse drawn carriage rides as in the past.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and unanimously passed, approval was given for the temporary closing of Main Street from Wall Street to Lisbon Street, Vance Street from Sampson Street to Wall Street, the parking lot at the west end of the Sampson County Courthouse, and the City Market parking lot from 3:00 PM to 9:30 PM on Thursday, December 1, 2016, in addition to, suspending Section 4-7 Animals on Streets and Sidewalks specifically for this event by special permit from City Manager Purvis from 4:00 PM until 9:30 PM in order to accommodate the horse drawn carriage rides as in the past.

APPOINTMENT(S)

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to reappoint Mrs. Brenda Nordin to a two-year term on the Library Board.

Notifications of appointments/reappointments were given for the Board of Adjustment. Currently, Mr. Curtis Barwick and Mr. Billy Ray Jordan are the appointees. These appointments are for three years. At the December 2016 city council meeting, City Council will be asked to make the appointments/reappointments.

Notification of appointment/reappointment was given for the Planning and Zoning Board. Currently, Mr. Moses Williams is the appointee. This appointment is for five years. At the December 2016 city council meeting, City Council will be asked to make the appointment/reappointment.

REPORTS

The code enforcement, fire, and personnel reports were acknowledged.

STAFF REPORTS

Planning and Zoning Director Mary Rose spoke regarding the positive comments from citizens regarding the textured crosswalks. She stated that the white stripes will be re-painted. She stated that approximately 1500 people attended the "Halloween on the Square". She concluded by stating that the event was very well received.

Ms. Rose announced that the Saturday after Thanksgiving will be "Small Business Saturday," in Sampson County. Citizens are encouraged to shop in Sampson County. Also she

announced that there will be a “City Lights Contest.” She stated that this is a partnership with Lowe’s of Clinton. She further stated that all residents whose homes are in the corporate limits of the City will have the opportunity to decorate their homes while joining in to support Clinton Area Foundation for Education. Ms. Rose stated that all funds raised will be contributed to this non-profit organization devoted to providing classroom resources needed to enrich the learning of students in the Clinton City Schools.

Ms. Rose stated that there is a registration fee of \$20.00 and each voting district will be judged separately on the evening of November 29th. She concluded by stating that winners will be awarded a \$50 Lowe’s gift card and be recognized with signs posted in their yards the morning of Thursday, December 1st. Caroling will be provided by one of the local churches.

CITY MANAGER REPORTS

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

He mentioned that the State Fire Marshall will be in town within the upcoming days to perform our ISO inspection. He stated that we are prepared for this inspection and expect our rating to remain as they are if not improve.

Also, Mr. Purvis mentioned that he has spoken with both parties interested in the Layton Street property, as well as, DFI. He stated that the City needs to exercise its option to ensure that we maintain control of the property. He further stated that a letter of intent is being written by Attorney Howard because the option ends on November 20th.

PUBLIC COMMENTS

No one appeared for public comments.

ADJOURNMENT

Mayor Starling recognized Mr. Lenzie Grice. Last month, Mr. Grice was inducted into the Hall of Fame at North Carolina Central University. Also, Mayor Starling recognized a group from Union High School under the leadership of Instructor Megan Thornton. These students were participants of a Citizenship Project.

Being no further business, upon a motion made by Councilmember Becton, seconded by Councilmember Stefanovich, it passed unanimously to adjourn this meeting.

This November 1, 2016, city council meeting ended at approximately 7:30 PM.

Elaine F. Hunt, City Clerk, MMC, NCCMC

Lew Starling, Mayor