



## **SEPTEMBER 2, 2014, CITY COUNCIL MEETING**

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on September 2, 2014, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Becton, Turlington, Strickland, Stefanovich, and Mayor Pro Tem Harris were present.

Attorney Dale Johnson entered retirement effective August 31, 2014.

Also present were City Manager Shawn Purvis; Finance Director Harry Staven; Police Chief Jay Tilley; City Clerk Elaine F. Hunt; Fire Chief Adon Snyder; Senior Planner Lyle Moore; Recreation Director Jonathan Allen; Public Works Director Jeff Vreugdenhil; Captain Donald Edwards; and Fire Department staff.

Planning and Community Development Director Mary Rose and Human Resource Director Lisa Carter were absent. Ms. Rose was attending the County's meeting.

Melvin Henderson, of the Sampson Weekly, was also present. Chris Berendt, of the Sampson Independent, was absent.

Councilmember Becton gave the invocation and prayed for the victims' families of the August 30, 2014, fire in Garland, NC.

Mayor Starling stated that he had spoken to Mayor Murphy and a fund has been established for the six (6) victims and their families. He stated that the Fire Department is providing smoke detectors to citizens who want them. He asked Chief Snyder to expound on this matter.

Chief Snyder stated that the fire in Garland, NC, was indeed a tragedy. He stated that earlier this year, the City received a grant from the fire marshal for two hundred and fifty (250) smoke detectors. He stated that the Fire Department offers free smoke detectors and free installation.

### **CITY COUNCIL**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the July 30, 2014, special (Ethics Training

webinar), August 5, 2014, regular, and August 19, 2014, special city council meetings were approved unanimously.

### **PROCLAMATION – MUSCULAR DYSTROPHY ASSOCIATION (MDA)**

Ms. Christine Bender, MDA Executive Director, appeared before City Council to request approving a proclamation to designate the month of September as “Clinton Fire Fighters Appreciation Month.” She spoke regarding the “Fill the Boot” fundraising campaign that has been in existence for sixty (60) years. She presented facts such as: 128 families in this county live with these diseases; \$28 million have been raised this year for this cause; and the water challenge that people are participating in at this time comes under the umbrella of MDA. Ms. Bender stated that funds raised will assist in promoting an area camp located in Winston Salem.

Mayor Starling asked the firefighters to stand and he thanked them openly for the excellent job that they do daily.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following proclamation passed unanimously:



### **CLINTON Fill the Boot Proclamation**

**Whereas**, the **Clinton Fire Department** exemplifies the most time-honored American ideals of public service and sacrifice, protecting the citizens of our community from tragedy on the home front; and

**Whereas**, the **Clinton Fire Department** members are highly trained and dedicated individuals who demonstrate daily an extraordinary caliber of character and courage in the face of danger; and

**Whereas**, the **Clinton Fire Department** members selflessly donate their time and energy to supporting the battle against muscular dystrophy by Filling the Boot for the Muscular Dystrophy Association; and

**Whereas**, this year-2014- for the first time, the **Clinton Fire Department** has joined together with the MDA to raise funds for the many families that we serve in Sampson County and the surrounding areas through what is known nationally as the **Fill the Boot Campaign**; and

**Whereas**, the **Clinton Fire Department** will provide so much hope for families fighting neuromuscular diseases.

**NOW, THEREFORE, I, Luther D. Starling, Jr., Mayor of the City of Clinton**, by virtue of the authority vested in me by the Constitution and the laws of the great state of North Carolina, do hereby proclaim the **month of September 2014**, as:

**“CLINTON FIREFIGHTER APPRECIATION MONTH”**

### **RECOGNITION**

Mayor Starling introduced Dawson Batts to City Council and the public. He stated that Mr. Batts participated in a showcase of the best 12U travel baseball players in the country. He stated that Mr. Batts was the only player from North Carolina in the 2014 Baseball Youth/NYBC All-Star Games. Mayor Starling further informed the group that Mr. Batts was unable to be here on last month because he was representing us in Yaphank, NY.

Mayor Starling invited Dawson Batts and his family to come forth and he presented to him the following Certificate of Recognition:

### **CERTIFICATE OF RECOGNITION**

#### **DAWSON BATTS**

**WHEREAS**, we give honor at this time to Mr. Dawson Batts for his great achievements within the city, surrounding areas, and the State of North Carolina; and

**WHEREAS**, Dawson is an extraordinarily gifted young man, particularly in baseball; and

**WHEREAS**, he has been selected as the only player from North Carolina to represent the East Region in the 2014 Baseball Youth/NYBC All-Star Games at Baseball Heaven in Yaphank, NY on August 1-4, 2014; and

**WHEREAS**, Dawson will participate in a showcase of the best 12U travel baseball players in the country to be broadcast live on the CBS Sports Network.

**NOW, THEREFORE, BE IT RESOLVED**, I, Lew Starling, Mayor and City Council of Clinton, North Carolina, do hereby extend our congratulations and best wishes to Mr. Dawson Batts and his family.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that we recognize this to be a very rewarding experience and we wish Dawson well in all future endeavors.

### **PRESENTATION – CHIEF JAY TILLEY – POLICE DEPARTMENT**

Chief Jay Tilley demonstrated the newest tool to City Council—the tip-line software. He stated that anyone will be able to text a tip about any event occurring in the city. Chief Tilley stated that instantly, Clinton Police Department will be able to receive the text anonymously and text back. He informed the group that one would text, “847411 tip cpd”. Chief Tilley stated that is the first stage of this project.

Chief Tilley proceeded to say that Stage Two will allow individuals to also text, as well as send pictures. He stated that Stage Three will include accessibility to a digital pin map. He stated that data from the management system will be illustrated on the digital pin map. He further stated that this pin map will help to eliminate the misconception about crime in Clinton and allow one to see how safe his/her community is. He concluded by stating that this new tip-line software will be for a two-year trial period and will be advertised on the city website, Facebook, flyers, newspaper, and on the police cars.

This presentation was for informational purposes.

### **OATHS**

There were no oaths administered.

### **P & Z – 407 SOUTHEAST BOULEVARD – SAWAN REOM**

Mayor Starling reopened a public hearing on a request by Sawan Reom for a conditional use permit to operate an electronic gaming establishment at 407 Southeast Boulevard, in a HC Highway Commercial district. This public hearing was continued from the August 5, 2014, city council meeting.

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

Mayor Starling read Standard 1: The use will not endanger the public health, safety, or general welfare if located where proposed and developed according to plan. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 2: The use meets all required conditions and specifications as outlined in the conditional use application, and/or as imposed by the City Council. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 3: The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood,

or is a public necessity. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would not be met. No one voted yes.

Mayor Starling read Standard 4: The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in conformity with the Clinton Development Plan. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

### **Conclusions of Law**

The proposed application for a Conditional Use Permit as submitted fails to meet the requirements of the Zoning Ordinance and, therefore, the Application is hereby DENIED.

### **Final Action**

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, a conditional use permit was unanimously denied for Sawan Reom to operate an electronic gaming establishment at 407 Southeast Boulevard, based on Standard 3 not being met.

### **ADOPTION -- COLUMBARIA BYLAWS**

City Manager Purvis stated that since City Council approved the installation of columbaria at both city cemeteries at its budget workshop in April, bylaws need to be implemented to provide guidance for the use of the columbaria and to outline the responsibilities and rights of the customers, as well as the City of Clinton. Mr. Purvis stated that legal counsel has reviewed the bylaws.

Public Works Director Vreugdenhil requested that City Council approve the bylaws and that we implement them into the City of Clinton, North Carolina, Clinton City Code of 1987.

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

#### **Ordinance 2014.09.01**

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina that the Clinton City Code of 1987 is hereby amended by adding a new section to be numbered Chapter 6, Sec. 6-7. Rules and regulations governing columbaria, which shall read as follows:

#### **Sec. 6-7. Rules and regulations governing columbaria**

The city/owner of Springvale, Sandhill, and all city cemeteries has erected columbaria within the bounds of said cemeteries and intends hereinafter to erect

additional columbaria.

The city/owner adopt certain rules and regulations to govern the interment of human remains within the columbaria.

Any person making application to the city for the purchase of interment rights shall be subject to said rules and regulations and any amendments and modifications that may be made hereafter.

**a. Management and Maintenance:** The City shall have the right and obligation to manage the columbaria and will maintain and preserve the same in perpetuity. The city shall not be liable for any loss or damage to the columbaria, niches, urns, or cremated remains interred in said columbaria. The city will maintain a record of each interment in the columbaria. The city will also maintain a list of all eligible individuals reserving niches, together with the names of the next of kin of such eligible individuals.

**b. Purchase of Interment Rights:** Any individual, or person acting on behalf of the estate of a deceased individual, may purchase and use one or more of the columbarium niches for the interment of cremated human remains. Such purchase is valid only upon the approval of a written Application (hereinafter referred to as "Application") and the entry of a Purchase Agreement (hereinafter referred to as "Agreement") between the City and the Purchaser and the payment in full of the purchase price.

**c. Title:** The entry of an Agreement for use of a niche and the making of a payment for such use does not convey legal title of any real estate in which the columbarium is located, nor any ownership rights in the niche or columbarium.

**d. Reservation and Selection of Niche:** To reserve a niche in any columbarium, an individual must complete an Application and submit to the city for approval and acceptance. Applications will be reviewed in the order they are received by the city. The city will maintain a list of available niches and each submitted Application must identify the requested niche. The city will review the Application for compliance with applicable policies and procedures and confirm the availability of the identified niche. If accepted, the city and purchaser may enter into an Agreement for the Purchase of interment rights.

**e. Transferring a Niche Reservation:** The purchaser of a niche may transfer the reservation to a new owner upon approval by the city. The Purchaser must complete and submit a Transfer of Ownership form to the city. The city will review the transfer request for compliance with applicable policies and procedures and, if approved, will deliver the signed transfer form to the new owner, the original purchaser, maintain a copy, and update city records accordingly.

**f. Cancellation of Niche Reservation:** The purchaser of a niche may cancel the reservation by providing written notice of said cancellation to the city. No compensation will be due to the purchaser, his or her heirs or assigns.

- g. Use and Contents of Niche:** The use of each columbarium niche shall be limited to the cremated remains of one (1) or two (2), but not more, individuals. The contents of the columbarium niche are limited to cremated human remains and an urn. Niche measurements are 11.5" x 11.5" x 12".
- h. Urns:** Such cremated human remains shall be interred in the columbarium niche in urns. The material, design, construction, type, size, shape, character of such urns shall be subject to the absolute and sole control of the city and must be approved prior to interment.
- i. Memorial Tablets:** The purchaser shall pay for the actual cost of any inscription made on the memorial tablet corresponding with the reserved niche. All lettering and legends thereon shall conform in all respects to standards approved by the city and are subject to rejection by the city in its sole discretion. Engraving on said memorial tablets must be performed by a company approved by the city and no engraved inscription may be made upon the marker of any niche until the fee for the reservation of said niche has been paid in full.
- j. Decorations:** Flowers, plants, flags, signs, and other decorations may not be placed in or near the columbaria. Prohibited items will be removed and disposed of by the city without notice or liability to the owner of the item or any individual related to the niche reservation.
- k. Designation of Person or Persons to be Interred:** Each submitted application must designate the individual or individuals to be interred and must include a list of approved individuals who may be interred in the same niche. No remains may be interred in a niche except those of the individual designated on the last accepted Application for said niche. A niche purchaser may, at any time prior to the death of the individual to be interred, designate a different individual by submitting an appropriate request to the city for consideration. The city will deliver an accepted change form to the purchaser, maintain a copy, and update its records accordingly.
- l. Lapse and Termination of Rights:** If a columbarium niche is not used within five (5) years after the death of the individual designated on the final accepted application, or one hundred and twenty (120) years after their birth, the agreement shall terminate, all rights under such agreement shall lapse and revert to the city. No compensation shall be due to the niche reservation owner or the designated individual's estate, heirs or assigns.
- m. Removal of Remains:** If the remains of an individual designated on the final accepted application are interred in the niche and subsequently removed by a member of the individual's family, or to comply with any law, the agreement shall terminate, with no compensation due to the purchaser or his or her heirs or assigns. The expense of relocation shall be the sole responsibility of the individual making such relocation and said individual shall be responsible for the replacement cost of the memorial tablet associated with the niche from which the

remains are removed.

**n. Purchaser's Change of Address:** The purchaser, or his or her heirs or assigns, is responsible for notifying the city of any change of address or contact information.

**o. Amendment of Rules and Regulations:** The city may, at any time, modify, amend, or repeal any or all of the rules and regulations stated herein.

### **VOLUNTEER COACHING POLICY – RECREATION & PARKS DEPARTMENT**

Recreation & Parks Director Allen informed City Council that Recreation and Police staffs had prepared a volunteer coaching policy to ensure greater conformity and consistency. He stated that the policy outlines the responsibilities of the volunteer and the eligibility requirements.

Councilmember Strickland questioned the tolerance and Councilmember Stefanovich questioned the possibility of performing drug testing for these volunteers. Mr. Allen stated that there will be zero tolerance and sex offenders will not be considered as volunteers. Also, Mr. Allen stated that he has not found drug testing to be common among volunteer coaches. City Manager Purvis stated that drug testing will be considered.

It was the consensus of Mayor and City Council that drug testing be implemented within the Volunteer Coaching Policy.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the Volunteer Coaching Policy which includes an application, Coaches Code of Ethics, and criminal background and credit check, was unanimously adopted.

### **AWARD OF CONTRACT – E ONE PUMPER – FIRE DEPARTMENT**

City Manager Purvis stated that in this FY2014-2015 Budget, City Council approved the purchase of a new fire truck to replace the 1992 engine and 1988 tanker at the Beaman Street Fire Station. He stated that we will not have the expense of bidding because the Fire Department was able to identify a truck that had already been part of a previous bid. He further stated that according to NC G.S. 143-129(g), a waiver of bidding for previously bid formal procedure purchase contracts, also known as piggybacking, can be used when it is in the best interest of the unit and the contract was executed within the past twelve (12) months. The City obtained bidding and contract documents from Montgomery County and saved approximately \$15,000 by doing so.

City Manager Purvis and staff recommended waiving the formal bid process and awarding the fire pumper purchase contract to E-One for an estimate of \$296,299.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, it passed unanimously to waive the formal bid process and award the fire

pumper purchase contract to E-One for an estimate of \$296,299 through piggyback procurement.

**CONTRACT – POLICE SERVICES – SAMPSON COMMUNITY COLLEGE**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, a contract between the City of Clinton and Sampson Community College; whereas, the College will provide to the City \$57,676 for police services for a term of one year, passed unanimously.

**CONTRACT -- PLANNING SERVICES – SAMPSON COUNTY**

City Manager Shawn Purvis presented a contract between Sampson County and the City for planning services. He stated that this contract is for a one year term and the contract has been in existence since approximately 2004.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the contract between Sampson County and the City; whereas, the Sampson County will provide to the City \$157,600 or 50% for planning services for a term of one year, passed unanimously.

**ANNEXATION— ELIZA LANE AREA (ELIZA LANE, ABRON STREET, & JEROME STREET)**

City Manager Purvis said at the August 5, 2014, city council meeting, City Clerk Hunt was instructed to investigate the sufficiency of the petition of the property owners located in the Eliza Lane Area, which includes Eliza Lane, Abron Street, and Jerome Street. He stated that at this time, we present to Council the following City Clerk's Certificate of Sufficiency:

**CERTIFICATE OF SUFFICIENCY  
(ELIZA LANE AREA 1)**

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 Councilmember Strickland, the Report of Sufficiency from City Clerk Hunt was approved unanimously.

City Manager Purvis presented for consideration a resolution calling for a public hearing on the annexation of the Eliza Lane Area (Eliza Lane, Abron Street, and Jerome Street).

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 October 7, 2014.

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

**CITY OF CLINTON 2014 ANNEXATION PROJECT  
ELIZA LANE AREA 1  
located in**

**NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA**

**BEGINNING** at a stake in the Run of Lockamy's Branch, said stake being located North 36 degrees 20 minutes 50 seconds East 1495.27 feet from N. C. G. S. Station "Patrol" having N. C. Grid Coordinates of X = 2,199,361.32 and Y = 461,531.56 NAD 83 (2001); running thence from said beginning point up the Run of Lockamy Branch, with the line of W. F. Partnership (see Deed Book 1798 Page 790 and Map Book 14 Page 72), North 15 degrees 41 minutes 51 seconds East 185.00 feet to an existing iron pipe; thence with South River EMC (see Deed Book 692 Page 402), North 20 degrees 03 minutes 36 seconds East 185.01 feet to an existing iron pipe; thence again with said branch and with W. F. Partnership, North 42 degrees 32 minutes 56 seconds East 217.60 feet to an existing iron pipe, North 47 degrees 11 minutes 23 seconds East 426.02 feet to an existing iron pipe, North 86 degrees 24 minutes 47 seconds East 53.65 feet to a stake; thence the line between Barbara J. Cooper Robinson (see Estate File 02-E-74), and with W. F. Partnership, North 86 degrees 24 minutes 47 seconds East 20.90 feet to an existing iron pipe and North 69 degrees 18 minutes 01 seconds East 83.78 feet to a stake; thence the line between Pearl F. Fryar (see Deed Book 828 Page 780) and with Robinson, South 01 degrees 29 minutes 13 seconds East 128.00 feet to a stake in the North edge of Jerome Street (formerly known as Lewis Street); thence with the North edge of Jerome Street, North 88 degrees 30 minutes 47 seconds

East 50.00 feet to a stake; thence the line between Fryar and Eldora Laws (see Deed Book 1724 Page 592), North 01 degrees 29 minutes 13 seconds West 145.42 feet to a stake; thence with Laws and W. F. Partnership, North 69 degrees 18 minutes 01 seconds East 13.90 feet to a stake; thence North 88 degrees 30 minutes 47 seconds East 46.87 feet to a stake; thence with Laws and Robert Earl Fryar (see Deed Book 877 Page 760), South 01 degrees 29 minutes 13 seconds East 150.00 feet to a stake in the Northern edge of Jerome Street; thence with the Northern edge of Jerome Street, North 88 degrees 30 minutes 47 seconds East 60.00 feet to a stake; thence the line between Fryar and Kenneth Faison (see Deed Book 1025 Page 487), North 01 degrees 29 minutes 13 seconds West 150.00 feet to a stake; thence North 88 degrees 30 minutes 47 seconds East 60.00 feet to a stake; thence with Faison and Federal National Mortgage Association (see Deed Book 1872 Page 305), South 01 degrees 29 minutes 13 seconds East 150.00 feet to a stake in the Northern edge of Jerome Street; thence South 09 degrees 49 minutes 23 seconds West 25.50 feet to a stake in the Southern edge of Jerome Street; thence with Kenneth Faison (see Deed Book 1259 Page 297 and Blanche Cassidy (see Deed Book 731 Page 434), South 01 degrees 29 minutes 13 seconds East 143.25 feet to a stake; thence North 89 degrees 46 minutes 07 seconds West 25.15 feet to a stake; thence with Christopher Jerome Herring (see Deed Book 1607 Page 723), South 01 degrees 32 minutes 09 seconds East 157.96 feet to a stake in the Northern edge of Abron Street (formerly known as Robinson Street); thence with the Northern edge of Abron Street, South 88 degrees 24 minutes 32 seconds West 150.00 feet to a stake; thence with Priscilla W. Myers (see Deed Book 1142 Page 976, North 01 degrees 30 minutes 38 seconds West 162.73 feet to a stake; thence with James L. Hall (see Deed Book 738 Page 587 and Deed Book 740 Page 568), North 89 degrees 46 minutes 07 seconds West 89.97 feet to a stake; thence with Hall and with Durand Brent McCollum (see Deed Book 1472 Page 812), North 01 degrees 29 minutes 13 seconds West 135.30 feet to a stake in the Southern edge of Jerome Street; thence North 01 degrees 29 minutes 13 seconds West 25.00 feet to a stake in the Northern edge of Jerome Street; thence with the Northern edge of Jerome Street and with Barbara J. Cooper Robinson (see Estate File No. 02-E-74), South 88 degrees 30 minutes 47 seconds West 60.00 feet to a stake; thence South 01 degrees 29 minutes 13 seconds East 25.00 feet to a stake in the Southern edge of Jerome Street; thence South 01 degrees 29 minutes 13 seconds East 133.50 feet to a stake; thence South 89 degrees 46 minutes 07 seconds East 50.00 feet to a stake; thence South 01 degrees 29 minutes 41 seconds East 165.91 feet to a stake in the Northern edge of Abron Street; thence South 01 degrees 29 minutes 41 seconds East 36.00 feet to a stake in the Southern edge of Abron Street; thence with the Southern edge of Abron Street, and with Elaine Royster (see Estate File No. 88-E-419) and continuing with Itesta Fryar (see Deed Book 1842 Page 59), North 88 degrees 24 minutes 32 seconds East 150.00 feet to a stake; thence with Fryar, South 01 degrees 29 minutes 13 seconds East 150.00 feet to a stake in the existing city limit line of the City of Clinton Area No. 2 annexed in 2005; thence with the existing city limit line, and with Jerome Lewis Robinson (see Deed Book 1186 Page 81), South 88 degrees 24 minutes 32 seconds West 200.00 feet to a stake; thence with Robinson, South 01 degrees 29 minutes 13 seconds East 246.25 feet to a stake in the Northern line of Lot No. 41 of the "Hillcrest" Britt Corporation Subdivision (see Map Book 02 Page 99); thence with Lot No. 41, North 89 degrees 26 minutes 17 seconds West 60.94 feet to a stake; thence continuing with the existing city limit line of the City Of Clinton, North 84 degrees 57 minutes 00 seconds West 141.63

feet to a stake, the Northeast corner of Greenpointe Regional Housing, Inc. (see Deed Book 1606 Page 795); thence with the existing city limit line and with the Northern property line of Greenpointe Regional Housing, Inc., North 84 degrees 57 minutes 00 seconds West 448.72 feet to the point of **BEGINNING**, containing 11.41 acres, more or less, as computed from adjoining deeds and maps of record during April, 2014 by Owen Surveying, Inc., with all lines correct in their angular relation and relative to N. C. Grid North.

**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.

### **ANNEXATION— 440 PUGH ROAD – BLONNIE D. CARR**

City Manager Purvis said at the August 5, 2014, city council meeting, City Clerk Hunt was instructed to investigate the sufficiency of the petition of Ms. Blonnie D. Carr for property located at 440 Pugh Road. He stated that at this time, we present to Council the following City Clerk's Certificate of Sufficiency:

#### **CERTIFICATE OF SUFFICIENCY (440 PUGH ROAD)**

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 Councilmember Strickland, the Report of Sufficiency from City Clerk Hunt was approved unanimously.

City Manager Purvis presented for consideration a resolution calling for a public hearing on the annexation of the property located at 440 Pugh Road.

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 October 7, 2014.

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

### DESCRIPTION FOR

**CITY OF CLINTON 2014 ANNEXATION (PUGH ROAD TRACT)  
BLONNIE DELOIS CARR  
located in  
NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA**

**BEGINNING** at a stake on the Southeastern right-of-way line of Secondary Road No. 1751 (Pugh Road) at its intersection with the Southwestern right-of-way line of Hardin Street, said stake being located South 74 degrees 33 minutes 39 seconds East 1928.83 feet from N. C. G. S. Station "Tractor" having N. C. Grid Coordinates of X = 2,205,809.04 and Y = 457,966.00 (1983 / 2001 N. A. Datum); running thence from said beginning point with the Southeastern right-of-way line of Secondary Road No. 1751 (Pugh Road) as it curves to the right, North 34 degrees 44 minutes 52 seconds East 49.21 feet to a stake and North 39 degrees 30 minutes 26 seconds East 128.73 feet to a stake, the Northern most corner of Lot No. 14 of the Ruby Goode Hardin Subdivision (see Map Book 01 Page 391); thence with Jennifer T. Pope (see Deed Book 1592 Page 497 and Map Book 32 Page 61), South 53 degrees 01 minutes 12 seconds East 137.60 feet to an existing iron pipe and South 16 degrees 50 minutes 47 seconds East 56.00 feet to an existing iron pipe, a corner between Lot No. 9 and Lot No. 10 of the Ruby Goode Hardin Subdivision; thence with the Northwestern line of Lot No. 9 and then crossing Hardin Street, South 32 degrees 12 minutes 57 seconds West 132.96 feet to a stake in the southwestern right-of-way line of Hardin Street; thence with the Southwestern right-of-way line of Hardin Street, North 56 degrees 33 minutes 35 seconds West 197.99 feet to the point of **BEGINNING**, containing 0.73 acres, more or less, as computed from Deed Book 1434 Page 563 and Map Book 01 Page 391 with all lines correct in their angular relation and relative to N. C. Grid North (1983 / 2001 N. A. Datum).

This tract or parcel of land is a portion of Hardin Street and is also a portion of the property conveyed by deed dated September 18, 2000 from Joseph V. Boykin and others to Blonnie Delois Carr recorded in Deed Book 1424 Page 563 (Parcel No. 11) 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.

**VOTING DELEGATE – 2014 NCLM – ANNUAL BUSINESS MEETING**

City Manager Purvis stated that Councilmember Becton and he will be attending the North Carolina League of Municipalities Annual Conference in Greensboro, NC, which begins on October 11, 2014, and ends on October 14, 2014. He further stated that Council needs to appoint a voting delegate so that the City of Clinton will have a vote at the annual business meeting.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, and passed unanimously, Councilmember Marcus Becton was appointed as the voting delegate and City Manager Shawn Purvis as the alternate delegate for the City of Clinton at the 2014 NC League of Municipalities Annual Business Meeting.

**RESOLUTION ALLOWING ALCOHOL SALE –ALIVE AFTER FIVE EVENT – COTTON STREET**

City Manager Purvis stated that at the May 20, 2014, city council meeting, City Council adopted a resolution allowing the sale of alcohol on the City's parking lot during the Alive after Five event. Mr. Purvis stated that because of the setup of the stage and vendors, the Alive after Five Committee is requesting the use of Cotton Street, located adjacent to the Andy's of Clinton. The Committee is requesting that the sale of alcohol be allowed on the premises of Cotton Street.

It was the consensus of City Council at the May 20, 2014, city council meeting that this request addresses this one particular time; therefore, we are making this request to coincide likewise.

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

**RESOLUTION ALLOWING THE SALE OF ALCOHOL  
ON THE PREMISES OF COTTON STREET, ADJACENT TO THE  
201A WEST ELIZABETH STREET PARKING LOT  
FOR A LIMITED TIME ONLY**

**WHEREAS**, it shall be unlawful to consume intoxicating, beverages, that is, beer, wine or liquor, in any public place or upon or in any public street, sidewalk, alley parking lot, or property owned, leased or maintained by the city or by the state and within the city limits, or on any such place owned, leased or maintained by the city outside the corporate limits except by special event permit issued by the city manager or his designee; and

**WHEREAS**, previously, City Council amended the Clinton City Code of 1987 to allow alcoholic beverages be possessed, consumed, sold, or distributed at special events held only at the Clinton City Market, adjoining Lisbon Street Parking Lot, upon the issuance of a special event permit as set forth in Section 16-1. Intoxicating Beverages – Consumption; and

**WHEREAS**, the Alive after Five Committee and the Arts Council request permission to allow the sale of alcohol during the special event on Cotton Street, adjacent to the 201A West Elizabeth Street parking lot to be held on Friday evening, October 10, 2014, prior to the “Annual Court Square Fair.”

**NOW, THEREFORE BE IT RESOLVED THAT**, the City Council of the City of Clinton hereby grants the Alive after Five Committee and the Arts Council’s abovementioned request.

**NOW, THEREFORE BE IT FURTHER RESOLVED THAT**, the approval of this request is in conjunction with the regulations set forth in Chapter 16. Section 16-1. Intoxicating beverages – Consumption.

### **CITY OF CLINTON’S AFFORDABLE HOMEOWNERSHIP PROGRAM**

City Manager Purvis stated that the City does not have any formal policy to provide guidance for its Affordable Homeownership Program. He stated that a program would ensure that goals are met and the City is addressing affordable housing needs. He asked City Council to adopt the Affordable Homeownership Program located within its agenda packet.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the City of Clinton, North Carolina Affordable Homeownership Program passed unanimously.

### **BRANDING INITIATIVE**

City Manager Purvis stated that City Council received the preliminary design for a brand statement, logo, slogan, and a concept for an updated city seal at its August 19, 2014, Strategic Workshop. He stated that the full initiative will include more market analysis and brand implementation strategy.

He showed a brief PowerPoint and summarized the highlights of the August 19, 2014, Strategic Workshop, stating that the millstone is our image and “Perfect Place to call Home,” is our slogan.

City Council had a few questions: (1) what is the purpose and reason for the City having both a millstone and seal? (2) Will the City implement the new seal and discard the old seal? (3) What method will we use to make the citizens aware of this new brand design? (4) Can we tweak anything at this point; such as, the ribbon on the seal?

City Manager Purvis responded to the questions: (1) the millstone will be used during retailing and activities; the seal will be used on letterhead, official letters, resolutions, etc. (2) We will not discard the old seal (3) some of the components will be easier than the much larger components (4) Yes, we can tweak.

City Manager Purvis and staff asked City Council to approve the brand design and basic concept in order to incorporate it into upcoming events and move forward with finalizing various materials.

Upon a motion made by Councilmember Becton, seconded by Councilmember Stefanovich, it passed unanimously to approve the brand design and basic concept in order to incorporate it into upcoming events and move forward with finalizing various materials.

## **REPORTS**

The City Council action, code enforcement, fire, and finance reports were acknowledged.

## **STAFF REPORTS**

There were no reports from staff.

## **CITY MANAGER REPORTS**

City Manager Purvis stated that his report had been distributed and he was ready to answer any questions regarding the report.

City Manager Purvis reported on the following holiday schedule for 2015 and stated that these dates coincide with the holidays taken by the State and the County:

### **CITY OF CLINTON 2015 HOLIDAY SCHEDULE**

| <b><u>Holiday</u></b>         | <b><u>Observance Date</u></b> | <b><u>Date of Week</u></b> |
|-------------------------------|-------------------------------|----------------------------|
| New Year's Day                | January 1, 2015               | Thursday                   |
| Martin L. King Jr.'s Birthday | January 19, 2015              | Monday                     |
| Good Friday                   | April 3, 2015                 | Friday                     |
| Memorial Day                  | May 25, 2015                  | Monday                     |
| Independence Day              | July 3, 2015                  | Friday                     |
| Labor Day                     | September 7, 2015             | Monday                     |

|               |                        |                   |
|---------------|------------------------|-------------------|
| Veteran's Day | November 11, 2015      | Wednesday         |
| Thanksgiving  | November 26 & 27, 2015 | Thursday & Friday |
| Christmas     | December 24 & 25, 2015 | Thursday & Friday |

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, it passed unanimously to approve the 2015 Holiday Schedule.

City Manager Purvis stated that recently, the City sold a small parcel adjoining 631 Williams Street. He stated that the City has received an offer to purchase property on Lee Street. City Manager Purvis stated that this particular property is developable and can be used by the city. He asked for direction from Mayor Starling and City Council.

It was the consensus of Mayor Starling and City Council to proceed forward in obtaining an appraisal for this property located on Lee Street.

### **ADJOURNMENT**

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, it passed unanimously to adjourn this September 2, 2014, city council meeting at 7:45 PM.

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Elaine F. Hunt, MMC, NCCMC, City Clerk

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Lew Starling, Mayor