

FEBRUARY 6, 2007 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on February 6, 2007 at city hall auditorium. Mayor Starling presided. All councilmembers were present. The city attorney Dale Johnson; city clerk Betty Fortner; deputy clerk Elaine Hunt; city manager John Connet; finance director Betty Brewer; fire chief Phillip Miller; planning and community development director Jeff Vreugdenhil; public works director Chris Doherty; and recreation director Judi Nicholson were present.

Rev. Steve Porter, White Oak Baptist Church, gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the minutes of the January 2, 2007 city council meeting were unanimously approved.

RECOGNITIONS

Mayor Starling presented Thomas Pope with a certificate of commendation upon receiving the Eagle Scout designation.

AGREEMENTS—CITY OWNED PROPERTY

City Manager Connet presented a request from Immaculate Conception Catholic Church that the church be released effective July 1, 2007 from a three lease signed January 2, 2006 for the property located at 303 Lisbon Street. He said the church no longer requires the space. Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the request was approved unanimously.

REPORTS

Public Works Director Doherty reviewed the odor problem coming from the waste water treatment plant beginning with April 2004 until the present. He told of efforts by Premium Standard Farms and the city to control the problem and the consensus to utilize a third party to resolve the problem.

AGREEMENTS—ENGINEERS

Public Works Director Doherty requested council to approve a scope of work with Cabe & Associates for an operational review of the wastewater treatment plant at a cost not to exceed \$45,000.00. Councilmember Becton moved to approve the scope of work. Councilmember Harris seconded the motion and it passed unanimously.

ORDINANCES—CONDEMNATIONS

Upon a motion made by Councilmember Harris, seconded by Councilmember Turlington, the following ordinance #2007.02.01 was adopted unanimously:

AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO REMOVE
OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNSAFE AND
DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT
BE OCCUPIED

WHEREAS, the City Council of the City of Clinton finds that the structure described herein is unsafe pursuant to G.S. 160A-426; and

WHEREAS, this structure should be removed or demolished as directed by the Code Enforcement Officer; and should be placarded by placing thereon a notice prohibiting use; and

WHEREAS, Bobbie Ashford and Pat Armwood, the owners of this structure have been given a reasonable opportunity to bring the structure to the standards of the Housing Code in accordance with G.S. 160A-426 pursuant to an order issued by the Code Enforcement Officer on October 19, 2006, the owners have failed to comply with this order.

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

Section 1. The Code Enforcement Officer is hereby authorized and directed to place a placard containing the legend:

“This structure is unsafe; the use or occupation of this structure is prohibited and unlawful.”

on the structure located at 48 Madison Lane.

Section 2. The Code Enforcement Officer is hereby authorized and directed to proceed to remove or demolish the above-described structure in accordance with his order to the owner thereof dated October 19, 2006, and in accordance with the Code and G.S. 160A-426.

Section 3(a). The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the City of Clinton Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

Section 3(b). Upon completion of the required removal or demolition, the Code Enforcement Officer shall sell the materials of the structure and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer shall deposit the surplus in the Superior Court where it shall be secured and disbursed.

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any structure to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any structure therein declared to be unsafe.

Section 5. This ordinance shall become effective upon adoption.

FIRE DEPARTMENT—GRANTS—ORDINANCES

Fire Chief Miller asked council to accept a FEMA grant totaling \$132,917 for the installation of vehicle exhaust systems for both fire stations. The city's share will be \$13,291.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the grant was accepted and the following ordinance #2007.02.02 was adopted unanimously:

FEMA GRANT BUDGET ORDINANCE #2007.02.2
FIRE DEPARTMENT

Be it ordained by the City Council of the City of Clinton, NC that the following FEMA grant ordinance is hereby adopted:

Section 1. That the project authorized is for the purchase of equipment to be financed by federal grant # EMW-2006-FG-16819 and reserves.

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

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

<u>Account Number</u>	<u>Account Title</u>	<u>Amount</u>
805100.7400	Equipment	\$132,917.00
Total		\$132,917.00

Section 4. The following revenue is anticipated to be available to complete this project:

<u>Account Number</u>	<u>Account Title</u>	<u>Amount</u>
803030.0000	FEMA Grant	\$119,626.00
803030.0100	City Share	\$ 13,291.00
Total		\$132,917.00

Section 5. The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grant agreement and federal regulations.

Section 6. Copies of this ordinance shall be furnished to the City Clerk and Finance Officer for direction in carrying out this project.

ORDINANCES—BUDGET

Public Works Director Doherty told of the need to install a gravity sewer line along Tram Road to serve a recently annexed parcel and other parcels in the area at a cost of \$85,535. Fire Chief Miller told of the need to fund the city’s portion of a FEMA grant. Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the following ordinance #2007.02.03 was adopted unanimously:

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, 2007 adopted on June 20, 2006 and amended September 5, 2006 and December 12, 2006.

Section 1. To amend the General Fund the expenditures are to be changed as follows:

Account Number	Title	Increase	Decrease
10-5300-5800	Transfer to Fire Grant	\$13,291	
10-6600-8000	Contingency		\$13,291
Total		\$13,291	\$13,291

Section 2. To amend the Water and Sewer Fund the expenditures are to be changed as follows:

Account Number	Title	Increase	Decrease
30-8200-7300	Cap. Outlay Improvement	\$85,535	
Total		\$85,535	

Section 4. The following revenues are anticipated to be available to fund these changes:

30-3990-0000	Fund Balance Appropriated	\$85,535
Total		\$85,535

Section 4. Copies of this amendment shall be furnished to the City Clerk, City Manager and Finance Director for their direction.

RECREATION

Recreation Director Nicholson presented a request from the Carolina Stingerz, a girls softball team, for permission to stop traffic along Pierce Street March 9-11 and May 11-13, 2007 in order to collect admission fees to softball games held as team fundraising events.

Councilmember Stefanovich moved to approve the request. Councilmember Becton seconded the motion, and it was unanimously approved.

PARKING—WALL STREET

City Manager Connet presented a request to continue the one hour parking along Wall Street between Vance and Main Streets during the downtown construction period. Gary Hall appeared in support of the request. After discussion, and upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the following resolution was unanimously adopted:

Be It Resolved by the City Council of the City of Clinton, NC that the on street parking time limit along Wall Street between Vance Street and Main Street shall remain at one hour during the duration of Phase II of the Downtown Revitalization construction.

Be It Further Resolved that the Official Traffic Map shall reflect this; and

Be It Further Resolved that the Chief of Police shall cause appropriate signs to be erected.

ANNEXATION—MOOSE LODGE

City Manager Connet presented a petition from the Clinton Moose Lodge for the satellite annexation of its property off Main Street. He said before council can proceed with annexation, the clerk must be instructed to investigate the petition. The city attorney and city manager recommended not proceeding with the annexation. No one moved to proceed.

RESOLUTIONS

Resolution to be Adopted by the City Council Designating Official to Sign Papers and to Otherwise Represent the City Council in Connection with Mosquito Control

Upon a motion by Councilmember Becton, seconded by Councilmember Harris, it is hereby ordered that John Connet, as agent for the city of Clinton, is hereby authorized and empowered to sign and execute all papers and documents necessary in connection with the request made to the Division of Environmental Health, N. C. Department of Environment and Natural Resources, for aid in control of mosquitoes. He is further authorized and required to carry out all agreements stipulated in the project application submitted by us to the Division of Environmental Health, N. C. Department of Environment and Natural Resources, and to perform other acts that are proper and necessary in connection with the operation of this project. Acts of said person on behalf of said city of Clinton are in all respects validated, approved and confirmed.

REPORTS

The code violations, finance, fire, and police were acknowledged.

City Manager Connet reported council will conduct a council/staff retreat on February 24, 2007. He asked the council to set dates for district meetings.

MISCELLANEOUS

J. B. Pope appeared to voice concern over the odor coming from the wastewater treatment plant.

RESOLUTIONS—SEWER

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

REVOLVING LOAN FUND FOR SEWER LINE REPLACEMENT

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Clean Water Revolving Loan and Grant Act of 1987 have authorized the making of loans and grants to aid eligible units of government in financing the cost of rehabilitation of wastewater collection systems, and

WHEREAS, the city of Clinton has need for and intends to rehabilitate and/or replace the major sewer outfall line from Premium Standard Farms to US 421, consisting of the construction of approximately 12,480 LF of new 30-inch sewer, and the replacement and/or rehab of 56 manholes, and

WHEREAS, the city of Clinton intends to request State Loan funds assistance for the project.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLINTON:

That city of Clinton will arrange for all remaining cost of the project, if approved for a state loan award.

That city of Clinton will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the city of Clinton agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure to make scheduled repayment of the loan, to withhold from the city of Clinton any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That city of Clinton will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Luther D. Starling, Jr., mayor and successors so titled, is hereby authorized to execute and file an application on behalf of the city of Clinton with the State of North Carolina for a loan to aid in the construction of the project described above.

That Luther D. Starling, Jr., mayor and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State Agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the city of Clinton has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to the Federal and State grants and loans pertaining thereto.

MISCELLANEOUS

Mayor Starling thanked Mayor Pro Tem Harris and her sister, Marge Foster, for providing the delicious meal served before the council meeting.

RESOLUTIONS—CLOSED SESSION

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

RESOLUTION TO ENTER CLOSED SESSION

Be It Resolved that the regular meeting of the City Council of the City of Clinton, North Carolina held February 6, 2007 enter closed session as allowed by G. S. 143-318.11(a)(4) and (6) to discuss economic development and personnel.

Council re-entered regular session.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, and unanimously passed, a public hearing was called for 7:00 p.m. on March 6, 2007 to proposed economic incentives for industrial development.

Upon a motion duly made, seconded and passed the meeting was continued until 8:30 a.m. on February 24, 2007 at city hall auditorium.

_____Clerk _____Mayor