

SEPTEMBER 4, 2007 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on September 4, 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; planner Mary Rose; police chief Mike Brim; public works director Chris Doherty; and recreation director Judi Nicholson were present.

Rev. Marvin Clowney gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the minutes of the August 7, 2007 city council meeting were unanimously approved.

RECOGNITIONS

Mayor Starling recognized Deputy Clerk Elaine Hunt upon receiving the Master Municipal Clerk certification. City Clerk Betty Fortner presented her with a lapel pin signifying the honor.

ABC

ABC Board members Perry Solice and Cary Taylor presented council with a check in the amount of \$96,800, which is the estimated proceeds from sales at the ABC store.

P & Z—OATHS

Mayor Starling administered oaths to Jeff Vreugdenhil who will present testimony during a public hearing for a conditional use permit as requested by Robert E. Scott.

P & Z—VANCE STREET--HULEN

Mayor Starling reopened a public hearing on a request by Stephen Hulen for the rezoning of approximately .83 acres at 411A Vance Street from Neighborhood Shopping to Central Business District. Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon finding of fact. No one else appeared to be heard and the hearing was closed.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the following amendment #2007.08.01 was unanimously adopted:

Whereas, in accordance with the provisions of NCGS 160A-383, the City of Clinton Planning Board found and determined that the recommendation of ordinance amendment RZ-09-07-1 is consistent with the goals and objectives of the City of Clinton Land Use Plan and other long range planning documents; and

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 Zoning Ordinance of the city of Clinton be and the same is hereby amended as follows: That 411A Vance Street is rezoned from Neighborhood Shopping to Central Business District.

P & Z—NORTHEAST BOULEVARD—CLINTON PLAZA

Mayor Starling reopened a public hearing on a request by Robert E. Scott for a conditional use permit to expand the Clinton Plaza Shopping Center located in the 300 block of Northeast Boulevard. Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request. He stated that council may impose conditions. No one else 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 be met. No one voted no.

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.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and after determination that this request is in accordance with the provisions of NCGS 160A-383, the City of Clinton Planning Board found and determined that the recommendation of ordinance amendment CU-08-07-1 is consistent with the goals and objectives of the City of Clinton Land Use Plan and other long range planning documents, a conditional use permit was unanimously approved for Robert E. Scott to expand Clinton Plaza Shopping Center located in the 300 block of Northeast Boulevard.

P & Z—SUNSET AVENUE—BOWLES

Mayor Starling opened a public hearing on a request by Stan Bowles for a conditional use permit to construct mini storage units at 1300 Sunset Avenue. Mayor Starling said this request was withdrawn and the hearing was closed.

APPOINTMENTS

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, Glenda Bunker was unanimously appointed to the unexpired term of Cecil Harris on the Library Board. Said term expires December 2008.

Notice was given of the expiration of Mayor Starling, John Clark and Nash Johnson's terms on the Airport Authority in October 2007.

ORDINANCES—BUDGET

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance #2007.09.02 was unanimously adopted:

CAPITAL PROJECTS ORDINANCE Pugh Road Sewer & Lift Station

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 is hereby adopted:

Section 1. The project authorized is the construction of a sewer line and lift station to serve a new development off Pugh Road.

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

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

477140.0400	Engineering/Inspection	\$ 33,900
477140.5700	Miscellaneous	12,055
477140.7200	Easements	25,000
477140.7300	Construction	300,000
477140.8000	Contingency	17,945
	TOTAL	\$388,900

Section 4. The following revenues are anticipated to be available to complete this project.

473714.0400	Developer Contribution	\$ 26,653
473714.0500	From Water & Sewer	362,247
	TOTAL	\$388,900

Section 5. Copies of this budget amendment shall be furnished to the Clerk to the Council and the Finance Officer for further direction in carrying out this project.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance #2007.09.03 was unanimously adopted:

CAPITAL PROJECTS ORDINANCE
Raleigh Road Sewer Line

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 is hereby adopted:

Section 1. The project authorized is the construction of a sewer line to serve a new development off Raleigh Road.

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

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

487140.0400	Engineering/Design	\$ 36,000
	TOTAL	\$ 36,000

Section 4. The following revenues are anticipated to be available to complete this project.

483714.0500	From Water & Sewer	\$ 36,000
	TOTAL	\$ 36,000

Section 5. Copies of this budget amendment shall be furnished to the Clerk to the Council and the Finance Officer for further direction in carrying out this project.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance #2007.09.04 was unanimously adopted:

CAPITAL PROJECTS ORDINANCE
All-America City Park

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 is hereby adopted:

Section 1. The project authorized is the construction of an All-America City Park.

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

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

584200.5700	Miscellaneous	\$ 175
584200.7200	Electrical/Irrigation	2,300
584200.7201	Sod Installation	2,350
584200.7202	Tree Installation	1,000
584200.7300	Curb, grading, drainage	9,475
584200.7400	All-America City Monument	7,000
584200.8000	Contingency	1,100
TOTAL		\$23,400

Section 4. The following revenues are anticipated to be available to complete this project.

583010.0400	From Community Development Fund	\$ 15,400
583020.0000	Donations	8,000
TOTAL		\$ 23,400

Section 5. Copies of this budget amendment shall be furnished to the Clerk to the Council and the Finance Officer for further direction in carrying out this project.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance #2007.09.05 was unanimously adopted:

Budget Ordinance Amendment #07.09.05

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.

Section 1. To amend the Water & Sewer Fund the expenditures are to be changed as follows:

Account Number	Title	Increase	Decrease
30-6600-6400	Transfer to Pugh Road CP	\$362,247	
30-6600-6500	Transfer to Raleigh Road CP	36,000	
30-8100-7300	CO Improvements		\$250,000
Total		\$398,247	\$250,000

Section 2. The following revenues are anticipated to be available to fund these changes:

30-3990-0000	Fund Balance Appropriated	\$ 148,247
Total		\$148,247

Section 3. Copies of this amendment shall be furnished to the City Clerk, City Manager and Finance Director for their direction.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance #2007.09.06 was unanimously adopted:

Budget Ordinance Amendment #07.09.06

Be it ordained by the City Council of the City of Clinton, NC that the following amendment be made to the Community Development Fund for the fiscal year ending June 30, 2007.

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

Account Number	Title	Increase	Decrease
53-4970-6710	Transfer to AAC Park CP	\$ 15,400	
Total		\$ 15,400	

Section 2. The following revenues are anticipated to be available to fund these changes:

53-3335-0000	Miscellaneous	\$ 15,400
Total		\$ 15,400

Section 3. Copies of this amendment shall be furnished to the City Clerk, City Manager and Finance Director for their direction.

BIDS—W&S—PUGH ROAD

City Manager Connet presented the following bids for the installation of a sewer force main along Pugh Road and recommended the low bid of Seaside Environmental in the amount of \$299,845:

Bidder	Amount of Bid
Billings & Garrett	\$527,915.13
Colt Construction	\$327,515.00
CSSI	\$399,970.00
Frank Horne	\$397,283.00
Herring & Riverbark	\$372,505.00
Ralph Hodge Construction	\$416,055.00
Seaside Environmental	\$299,845.00
TA Loving	\$421,800.00
Water & Waste	\$448,000.00

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the bid from Seaside Environmental in the amount of \$299,845 was unanimously accepted.

CONTRACTS—ENGINEERING

Public Works Director Doherty presented a request from Withers & Ravenel for a change order to amend its contract for Task Order #2 not to exceed \$36,000 for preliminary engineering services to the extension of sewer along Raleigh Road. Councilmember Harris moved to amend Withers & Ravenel Task Order #2 for an amount not to exceed \$36,000. Councilmember Turlington seconded the motion and it passed unanimously.

CONTRACTS—W&S—DOLLAR BRANCH

Public Works Director Doherty presented a request from Seaside Environmental for a change order to amend its contract to add fifteen calendar days to the contract completion time and to reduce the contract amount by \$30,393.50. Councilmember Becton moved to add fifteen days to Seaside Environmental contract completion date and to reduce the overall contract by \$30,393.50. Councilmember Turlington seconded the motion and it passed unanimously.

RESOLUTION—W&S

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

A RESOLUTION TO ENCOURAGE THE VOLUNTARY CONSERVATION OF WATER DURING THE CURRENT PERIOD OF GENERAL DROUGHT

Whereas, water is a limited resource vital to the quality of life in Clinton and the surrounding area and that wise use of that resource is necessary to preserve that quality of life; and

Whereas, an area wide drought is deemed to exist due to the lack of normal rainfall during the past several months and the ground water level is decreasing; and

Whereas, to avoid further depletion of the city's water supply during the drought, it is wise to implement voluntary water conservation measures;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLINTON, THAT VOLUNTARY WATER CONSERVATION IS A DESIREABLE GOAL AND THAT CITIZENS OF CLINTON AND OTHER USERS OF WATER FROM THE CLINTON WATER SYSTEM SHOULD TAKE THE FOLLOWING AND OTHER STEPS NECESSARY TO CONSERVE THIS PRECIOUS RESOURCE:

1. Water lawns only when grass shows signs of withering. Do not water lawns on consecutive days and do not apply more than one inch of water per week. Water only in the early morning hours from midnight until 5:00 a.m. and never between 6:00 p.m. to midnight.

2. Check for leaks in toilets and faucets and repair these leaks immediately.
3. Store drinking water in the refrigerator to avoid trying to run it cool in the tap.
4. Use shower for bathing or reduce the depth of water used for tub baths. Take short showers.
5. Do not leave faucets running while shaving, brushing teeth, or rinsing dishes.
6. Install water flow restrictive devices in showerheads.
7. Install water saving devices such as plastic bottles or commercial units in non-water saving toilet tanks or install water saving type toilets.
8. Wash full loads in clothes washers and dishwashers.
9. Do not use the toilet for a trash basket.
10. Commercial and industrial customers should review their water usage and install recycle systems where feasible.
11. Water gardens and shrubbery the minimum required amount.
12. Avoid car washing. Keep water usage to a minimum if a car wash is necessary.
13. Use an automatic nozzle on all hoses.
14. Avoid wash down of outside areas such as sidewalks, patios, driveways, and other impervious surfaces.
15. Limit hours of operation of water-cooled air-conditioners.
16. Limit filling of swimming pools. Do not replenish any filled pool beyond an amount needed to ensure proper operation of chemical feed equipment.
17. Do not fill any decorative fountains or pools.

THEREFORE, BE IT FURTHER RESOLVED THAT THE PUBLIC WORKS DIRECTOR MONITOR THE WATER SUPPLY AND DEMAND WEEKLY AND REPORT THE FINDINGS TO THE CITY MANAGER; AND

THEREFORE, BE IT FURTHER RESOLVED THAT THESE VOLUNTARY RESTRICTIONS SHALL BE IN PLACE AND RECOMMENDED FROM SEPTEMBER 4, 2007 UNTIL THE CITY MANAGER SHALL GIVE PUBLIC NOTICE OF THEIR REPEAL.

CLEAN UP WEEK

City Manager Connet asked council to designate October 8 - 12, 2007 as Fall Clean Up Week and suspend sections 11-4 (e)(g) and (i), except the collection of batteries) of the City Code during Fall Clean Up Week unless hazardous to city staff or items that the landfill will not accept. Upon a motion made by Councilmember Turlington, seconded by Councilmember Harris, the request to suspend sections of the city code was unanimously approved and Fall Clean Up Week was designated October 8-12, 2007.

BIDS—FIRE

City Manager Connet presented the lone bid received for a new rescue engine fire truck from C. W. Williams in the amount of \$348,886.00 with a 335 – 365 delivery date. He said bids specifications were sent to four suppliers. Councilmember Stefanovich moved to accept the bid from C. W. Williams in the amount of \$348,886. Councilmember Strickland seconded the motion, and it passed unanimously.

AGREEMENTS

City Manager Connet presented for approval an agreement with Butler and Faircloth Realtors. Butler and Faircloth will serve as the city's agent in easement acquisitions for the Pugh Road sewer project at a cost of \$500.00 per easement. Councilmember Harris moved to enter into an agreement with Butler and Faircloth Realtors where it will act as the city's agent in the acquisition of easements necessary for the Pugh Road sewer project at a cost of \$500 per easement. Councilmember Becton seconded the motion and it was passed unanimously.

REPORTS

The finance, fire and police reports were acknowledged.

City Manager Connet informed council of a Lundy/Waste Water Treatment task force is making progress and it appears to have found the cause of the odors coming from the plants.

City Manager Connet presented a summary of usage for the Connect CTY phone notification system. The city is using the system frequently with and around 90% of persons called are listening to the messages.

RESOLUTIONS—NC DOT

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

A Resolution Authorizing and Supporting the Submission of a Transportation Enhancement Activity Application for the Fayetteville Street/All-America City Park Project.

WHEREAS, the city of Clinton was named an All-America City on June 8, 2007 and will erect a monument in recognition of this honor on Fayetteville Street (S.R. 1296), a state corridor leading into the central business district; and

WHEREAS, the City is undertaking the renovation and revitalization of the corridors which lead into the central business district and to the Sampson County Courthouse Square in downtown Clinton, and

WHEREAS, the following project benefits are anticipated:

- Promotion of downtown revitalization, private re-investment and tourism
- Enhancement of vehicular and pedestrian safety
- Provision for handicap accessibility to public and private enterprises
- Improvement to aesthetic quality of historic downtown
- Provision of long term benefits to the community as a whole with increased benefits to all age groups, social and economic classes

THEREFORE BE IT RESOLVED, the City Council of the City of Clinton, North Carolina, that it officially requests enhancement funds to provide sidewalks and sidewalk access ramps along Fayetteville Street (S.R. 1296)

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 September 5, 2006 enter closed session as allowed by G. S. 143-318.11 (a)(5) to discuss contracts.

Council re-entered regular session. Mayor Starling reported council discussed three possible contracts.

Councilmember Stefanovich moved to accept an offer from W. F. Carr in the amount of \$15,000 for the purchase of the former Kaleel property on Vance Street subject to upset bid with the stipulation that construction must begin within four months and adopt a resolution authorizing the advertisement of the offer to purchase. Councilmember Becton seconded the motion and it passed unanimously.

Resolution Authorizing the Advertisement of an Offer to Purchase 107 Vance Street

Whereas, the City Council of the City of Clinton desires to dispose of certain surplus property of the City;

Now, Therefore, Be It Resolved by the City Council that:

1. The following described property is hereby declared to be surplus to the needs of the City: 107 Vance Street.
2. The City Council has received an offer to purchase for the sum of \$15,000 the property described above.
3. The City Council proposes to accept the offer unless an upset bid shall be made.
4. The person making the offer must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer.
5. The City Clerk shall cause a notice of such offer to be published in accordance with G. S. 160A-269.
6. The City Clerk is directed, should a qualifying upset bid and deposit be received within the ten (10) days from the publication of said notice in accordance with G. S. 160A-269, to re-advertise the offer at the increased upset bid amount.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, the meeting adjourned at 8:23 p.m.

City Clerk

Mayor