

## MARCH 4, 2008, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on March 4, 2008, in the city hall auditorium. Mayor Starling presided. Councilmembers Becton, Harris, Stefanovich, Strickland, and Turlington were present. The city attorney Dale Johnson; city clerk Elaine F. Hunt; city manager John F. Connet; finance director Betty Brewer; fire chief Philip Miller; planning and community development director Jeff Vreugdenhil; planner Mary Rose; recreation director Judi Nicholson; and police chief Mike Brim were present. Public Works Director Chris Doherty was absent.

Rev. Marvin T. Clowney, Pastor of First Missionary Baptist Church, 900 College Street, gave the invocation.

### **OATH OF OFFICE**

Mayor Starling and Mayor Pro Tem Maxine Harris administered the oath of office to Elaine F. Hunt, newly appointed city clerk.

### **CITY COUNCIL**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the minutes of the February 5, 2008, and February 12, 2008, regular city council meetings were approved unanimously.

### **PRESENTATION**

Fire Chief Philip Miller recognized Deputy Fire Chief Todd Solice upon the completion of a Fire and Rescue Management course at UNC-Charlotte. Mayor Starling and Fire Chief Miller presented Deputy Fire Chief Solice with a certificate.

### **APPEARANCE**

Former councilmember Edward Faison, Jr. appeared before City Council on behalf of the Sampson County Chapter of the North Carolina Central University Alumni Association. The group requested funds to aid in a scholarship fund drive that will take place in the form of a play on March 29, 2008, at the Sampson Middle School. Mayor Starling asked City Manager Connet to contact Mr. Faison within the following days to discuss the request further.

### **PUBLIC HEARING -- OATHS**

Mayor Starling administered oaths to Jeff Vreugdenhil, Julie Graw, of Mills Construction Co., Ricky Moore, and Ted Best who planned to present information during a public hearing for a conditional use permit request.

**P & Z -- 1901 SUNSET AVENUE -- CLINTON PENTECOSTAL CHURCH**

Mayor Starling opened a public hearing on a request by Clinton Pentecostal Holiness Church for the rezoning of approximately 3.8 acres at 1901 Sunset Avenue, from RA-20 Residential to O & I Office and Institutional. Planning Director Vreugdenhil explained the request and gave the staff and Planning and Zoning Board recommendation to approve the request upon the findings of fact and zoning consistency statement. No one else appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, a request by Clinton Pentecostal Holiness Church to rezone approximately 3.8 acres at 1901 Sunset Avenue, was unanimously approved.

**P & Z -- ORDINANCE -- NEW PARKING REQUIREMENT**

Mayor Starling opened a public hearing on an amendment to the Zoning Ordinance to add a new section, to be numbered Section 6.6. Planning Director Vreugdenhil reviewed the amendment. He also presented the Planning and Zoning Board's recommendation to approve the amendment. After a brief discussion, the hearing was closed.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, the following ordinance **#2008.03.01A** was unanimously adopted:

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 by adding to Section 6.6 Minimum Parking Requirements as follows:

<u>Residential and Related Uses</u>	<u>Required Parking</u>
Multi-family residential units for ages 55 and above	One parking space on the lot for each dwelling unit

**P& Z – 804 AND 806 COLLEGE STREET – FRED G. MILLS**

Mayor Starling opened a public hearing on a request by Fred G. Mills of Mills Construction Co., Inc. for a conditional use permit to construct a two story multi-family apartment building at 804 and 806 College Street, on approximately 4.5 acres in an R-6 Residential District. 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 such as a buffer on the property line.

Julie Graw, 1048 Washington Street, Raleigh, NC, appeared before City Council to speak on the approval of the request. Ms. Graw described to Council how the apartment building would be constructed. She stated that it would be fully handicap accessible, an elevator, a library, and computer center. She

further stated that there was an amendment to the number of units. It was decided upon to have forty (40) units, rather than, fifty (50) units. Ms. Graw said that individuals 55 years old and older would be the only residents and a key punch form of security would be constructed at the drive-through. She added that buffers will be located all around the building and will always be maintained.

Ricky Moore of 513 Lafayette Street, appeared before City Council to speak against the approval of the request. His main concerns were security, foot traffic, and privacy. He stated that if Council approved this request, he would request a high privacy fence approximately 8 ft. – 9 ft. across the back portion of the property.

Ted Best of appeared before City Council to speak against the approval of the request on behalf of his mother, Betty Gene Best of 511 Lafayette Street. Their main concern is the walk-through traffic. Ms. Julie Graw stated that there will be more security after the development than there is presently. No one else appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, and unanimously passed, this public hearing item was continued until the next city council meeting to be held on April 1, 2008, in the City Hall Auditorium.

### **APPOINTMENTS**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, Billy Ray Jordan was unanimously reappointed to the Board of Adjustment for a three year term ending January 2011.

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, Carl Hairr, Tawana Carr, Ted Best, Jimmy Ezzell, and Matt Green were unanimously reappointed to the Environmental Affairs Advisory Board for a three year term ending March 2011. Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, Kenneth Buffkin, Jr., was unanimously reappointed to the Environmental Affairs Advisory Board for a three year term ending March 2011.

City Manager Connet was asked to check with Annabelle Fetterman and Dick Osborne regarding whether or not they wish to remain on the Environmental Affairs Advisory Board.

Upon a motion made by Councilmember Becton, seconded by Councilmember Stefanovich, Councilmember Marcus Becton, Rev. Willie Bowden, Dee Bryant, Patty Peterson-Cherry, Rev. Marvin Clowney, Nettie Pernell, Joel Rose, Jeff Shipp, Susie Bauman, and Dr. Gene Hales were unanimously reappointed and Pat Denton was unanimously appointed to the All-America City Committee for a two year term ending January 2010.

### **POLICY -- CUSTOMER SERVICE**

City Manager Connet presented a *Customer Service Policies and Procedures* which will ensure that all water and sewer customers are treated

equally. The policy states the responsibility of each party and how such things as disputed bills and water leaks will be handled. The following policy was given for informational purposes only; however, will be placed on the April agenda for recommended adoption:

## **Customer Service Policies & Procedures**

### **PURPOSE:**

The intent of this policy is to provide the customer and the employees of the City a helpful guide with uniform procedures for providing utility service. The City desires to treat its citizens in a fair and indiscriminate manner while recognizing that each customer has distinct needs and requirements.

This policy is not meant to be all-inclusive but offers direction and guidance for the City Manager and employees of the City.

### **OVERVIEW:**

Employees of the City have been empowered and well-trained to use this policy to deliver high quality service to customers. Employees are expected to deal with each decision with empathy and understanding, listening carefully to the needs and requirements of individual customers. Ultimately, the City Manager accepts the responsibility as the final authority on this policy.

### **APPLICATION OF THIS POLICY:**

This policy applies to every customer or applicant for utility service and garbage/tipping fee. Copies of this policy are available at the City's offices and on the City web site ([www.cityofclintonnc.us](http://www.cityofclintonnc.us)).

This policy may be revised, amended, supplemented or otherwise changed from time to time by action of the City Council. Customers are encouraged to seek answers to any questions by calling the City offices.

These policies are part of all oral and written agreements for providing and receiving utility service from the City.

### **CUSTOMER'S RESPONSIBILITY:**

1. Allow utility department personnel access to property to set up and maintain service.
2. Pay bills by the due date shown on each monthly bill. If customer does not receive a bill, it is their responsibility to contact the City to get the amount of their bill.
3. Notify the utility department if there is someone in the household who is either chronically or seriously ill, or on a life support system, where they need consistent water supply. Notification shall include verification in writing from a medical doctor and be updated in January of each year.

4. Notify the utility department of questions or complaints about service.
5. The City provides utility service for the sole use and convenience of the premises under agreement. The customer will ensure that utility service is not given or resold to a neighbor or tenant. Violation of this policy will be cause for immediate disconnection of service and a fine. (Ref. Section 22-51 of Clinton City Code)

#### **CUSTOMER'S RIGHTS:**

1. The customer has a right to request, free of charge, historic billing and usage information.
2. If the customer is dissatisfied with their utility usage, a recheck of the meter reading may be requested. A fee of \$50.00 will be charged if the customer request more than three (3) rechecks within a twelve (12) month period during the fiscal year. However, if this service discloses that the meter was read in error, no charge will be made.
3. If a utility department employee cannot find any reason for usage changes, the customer may request a meter test. A fee of \$100.00 will be charged if the customer requests more than one (1) test within a twelve (12) month period during the fiscal year and if the meter is within accepted tolerances (plus or minus 2%). The customer has the right to the results of the test. If the meter is found to be faulty, no charge will be made.
4. The customer has a right to request a review of any complaint according to the grievance procedure.

#### **CITY'S RESPONSIBILITY:**

1. To provide prompt, professional and courteous service.
2. To apply the customer's deposit to their account after the final bill reading & final bill calculations are made.
3. To provide and explain rate schedules, how meters are read, and other additional, reasonable information.
4. To provide historic billing and usage information when requested by the customer.
5. To provide conservation information.
6. To provide equal treatment to all customers.
7. To operate the utility system in an efficient manner.

## **CITY'S RIGHTS:**

1. To access the City's utility facilities at any time.
2. To receive notice of changes in address, telephone number, status or utility service, or problems with utility service immediately.
3. To receive timely payment for services delivered to a customer.
4. To discontinue service for non-payment, returned check, or returned automatic bank draft payment.
5. To take legal action regarding equipment tampering or financial delinquencies.

## **ESTABLISHING SERVICE**

### **OFFICE AND SERVICE HOURS:**

1. The City's Finance Department is located at 221 Lisbon Street in the Clinton City Hall building. The City Hall is open from 8:30 am to 5:00 pm, Monday through Friday. Routine and regular service work will be performed during these hours, except for holidays, and during inclement weather.
2. Emergency restoration work is performed 24 hours a day, seven (7) days a week. For after hour utility emergencies, please call 910-592-1151.
3. For customer convenience, the City operates a drive-through window during office hours and has an after hour depository located at the drive-through window for collecting payments. Billing stubs should be enclosed with payments to insure the appropriate credit on the account.

### **REQUEST FOR SERVICE:**

1. Original application for service – Any customer requesting services will complete an application and agreement for services. The customer will provide:
  - Photo Identification, Driver's License
  - Receipt of rental deposit or copy of lease agreement (tenants)
  - Copy of deed, contract of sale, or home owner's insurance policy (owners)
  - Telephone number
  - Signature on the application

The City recognizes that an application for utility service will only establish credit for the husband and wife if the account is processed in both names. In all other situations, credit will be established for only the customer signing the application. In situations where utility service expenses on the same account are to be shared by two or more people (other than

husband or wife), then the signatures and required application information for all persons desiring to have credit established with the City shall be included on the original application for service. Out of town connection requests may obtain the application by mail, fax, or the city's web site ([www.cityofclintonnc.com](http://www.cityofclintonnc.com)). Service will be established after receipt of the signed application, required information, and any deposit fees.

2. Account Deposit – A customer will pay an initial deposit (see Fee Schedule) to begin utility service. All tenants renting properties are required to pay the deposit for any individual or all of the utility services provided. This deposit is non-interest bearing.
3. Non-residential accounts – Accounts established for non-residential service will require the same information as listed above and a signature by an officer of the corporation, or a responsible person (owner, or manager, etc.). That person accepts the personal responsibility for payment of the account.
4. Account information changes – Any changes of account information, mailing address, account name, etc. should be made in writing or in person by the account holder to prevent any errors.
5. Service Requests for All Utilities – Any request for utility service will include water, garbage/tipping fee and sewer if these services are already established at the requested location.
6. Place of Application – Customers may request utility service at City Hall, in person, or by fax (signature required). The individual owner or tenant of the property must make application for utility service. Occupant will be determined to be the person named in the lease agreement, deed, deposit receipts, or contract of sale.
7. Time of Application – The City will strive to meet the customer's needs for connection of service. Normal connection will be made within 24 hours of the request.
8. Explanation of Policies – Customers can request a verbal explanation of the City's policies and may obtain a written copy of the guidelines as well.
9. Welcome Packet – The City may give each new customer brochures that includes information about the utility service.

### **CUSTOMER DEPOSITS:**

1. Need for a Deposit – City employees are charged with the responsibility of prudent management of the City's finances. A deposit for utility services is collected as security that all bills will be paid in full by their due date. Employees realize that most customers pay their bill in full and on time; however, we seek to protect the good-paying customers from the detriment of uncollectible accounts by other customers. Reasonable and uniformly applied deposits are therefore necessary. A deposit shall be required of all persons or businesses occupying but not owning premises

for which a water & sewer connection is made or where sanitation services are provided. A deposit is required for each location. The amount of the deposit shall be set from time to time by the council, and a schedule shall be kept on file in the office of the Finance Director. (Ref. Section 22-62 Clinton City Code)

2. Refunding of Deposits – The deposit will be credited to the customer's account upon discontinuance of service. After the deposit is applied, all outstanding balances on the final bill will be the responsibility of the customer. Any credit balance from the deposit will be refunded to the customer within two (2) months provided a current mailing address is available.

### **BILLING INFORMATION FOR CUSTOMERS:**

1. Bills are mailed on or before the 29<sup>th</sup> of each month. If customer does not receive a bill by the end of the month, it is their responsibility to contact the billing department to get the amount of their bill by calling 910-299-4909.
2. The bill is payable by the 12<sup>th</sup> of each month and is considered past due if payment is not received in City Hall by 5:00 pm on the due date. A 10% penalty will be assessed on the current billing. When the due date falls on a weekend or holiday, the next working day will be considered as the due date grace day. (Ref. Section 22-65 of Clinton City Code)
3. Active utility accounts will receive a minimum bill (according to the Fee Schedule) each month as long as service is provided regardless of water usage.
4. Properties that only have one (1) water connection(tap)and/or one (1) sewer connection (tap) provided to several units are billed a minimum utility bill per unit, and then billed according to the total water consumption on the master meter. (Ref. Section 22-57 Clinton City Code)
5. The City's water calculations are figured in cubic feet.
  - 1 cubic foot = 7.5 gallons
6. Service is scheduled to be discontinued if payment is not received by 5:00 pm on the day before the cutoff date. A delinquency fee and the past due balance (plus the current utility bill, if it has been mailed), and any penalties must be paid before service is reconnected. (Ref. Section 22-65 Clinton City Code)
7. For billing purposes, the city bills for the previous thirty (30) days usage. If services are disconnected by the 20<sup>th</sup> of the month, the customer will be billed for the current usage plus any usage up to the disconnected date.
8. A meter tampering fee of \$100.00 will be charged to any customer's utility account that reconnects their meter without the City's knowledge.

## **WATER & SEWER TAPS/CONNECTIONS:**

1. The owner of the property, general contractor, or plumber must apply in person for the necessary services. Information needed:
  - Service address
  - Billing information
  - Required tap/connection sizes
  - Payment for required taps/connections
  - Telephone Number
2. At least a two (2) weeks notification and payment is required to insure prompt service.

## **BILLING ADJUSTMENTS:**

If the City has inadvertently overcharged or under billed a customer for utility service or garbage/tipping fee, the City will promptly notify the customer. Billing errors will be reimbursed or credited up to twelve (12) months immediately preceding the discovery and report of the error.

1. Should the mistake be in the customer's favor, the City will credit the customer's account in that amount. If the time frame of the mistake cannot be determined, the City will credit the account based on a six (6) month average consumption. The error must be determined within twelve (12) months of the billing. If the exact amount of the excess charge cannot be determined, the City will estimate the amount due based on a six (6) month average of consumption.
2. If the City has inadvertently undercharged a customer for utility service garbage/tipping fee, the City will collect the amount due. If the time frame of the mistake cannot be determined, the City will bill and collect based on a six (6) month average consumption. If the exact amount of the undercharge cannot be determined, the City will estimate the amount due based on a six (6) month average.
3. If an undercharge has occurred because of meter tampering, the City shall demand the overdue amount in full in addition to the meter tampering fee.
4. If an overcharged customer owes the City on another account, the City may apply the credit to the outstanding account.
5. The City of Clinton may make adjustments to a utility customer's bill in the event of seasonal filling of swimming pools. Adjustments shall be made in accordance with the following policy.
  - Adjustments shall be authorized a maximum of one (1) time per year.
  - The customer shall be responsible for notifying the City Utility Billing Department to report a pool will be filled during a particular billing cycle. The City will read the meter before and after the pool has been filled.

- No adjustment shall be made for the water consumption.
- An adjustment may be made for the sewer consumption. The sewer charge for a billing cycle during which a pool was filled shall be calculated based on the usage from the City readers to fill the pool

### **LEAKS AND WATER LINE BREAKS – SEWER ADJUSTMENT:**

The customer who is requesting the adjustment shall provide the City documentation that in fact a leak did exist, when it was discovered, the location of the leak, and a copy of the plumber's invoice showing date the leak was repaired. Upon receipt of this documentation, the City shall determine the customer's average monthly usage of sewer rates. If a six (6) month average is not available, the average will be based on 300 cubic feet of water usage. All sewer charges over the average shall be released. Depending on the cost of the water bill after the above adjustments, the City Manager or Finance Director may allow the customer a reasonable time to pay the bill. No sewer adjustments due to leaks shall be made without documentation.

Adjustments on the sewer portion of the bill will only be given if the leak was located in the following areas:

- Leaks underground or in walls
- Frozen and burst pipes
- Irrigation system or outdoor spigot leaks
- Faulty water heaters or pressure reducing valves
- Vandalism to plumbing that is documented with a police report.

No adjustment shall be made when the request for the adjustment is received more than sixty (60) days after the billing date of the bill to be adjusted in the case of an active customer, or thirty (30) days after the billing date of a final bill. Exceptions will only be made if there is proof for extraordinary mitigating circumstances, e.g., the customer was in the hospital or out of town during the period in question.

### **DROP BOX FOR PAYING AFTER HOURS:**

For the customer's convenience, a drop box is located by the drive through window of City Hall at 221 Lisbon Street. For added security, please do not deposit cash in the after hours depository. The City will not be responsible for any payments not received.

### **EXTENSIONS OF TIME FOR PAYMENT OF BILLS:**

1. Customer Request – All requests must be made by the person in whose name the account is active.
2. Location – The customer requesting the extension must come into the Finance Office or call to request the extension two days prior to the scheduled cutoff date.
3. Maximum – Maximum extended time will be seven (7) days, from the cutoff date.

4. Valid Reason – The customer will be required to give a valid reason as to why the extension is needed. A valid reason for requesting an extension should relate to an unforeseeable hardship or emergency.
5. Agreement – By executing a customer extension, the customer agrees that if payment is not made by the specified time, service will be disconnected without further notice.
6. Approval of Extension – An extension is a privilege and will be granted based on customer need and circumstances. An extension will not be guaranteed and may be denied for excessive abuse. No more than two (2) extensions shall be granted within a 12 month period. Upon approval of the extension, the delinquency fee will still be applied to the delinquent account.

**THE CITY'S RESPONSE TO RETURNED CHECKS AND AUTOMATIC BANK DRAFT PAYMENTS:**

1. The City will accept only cash, certified check or money order from any customer having two (2) returned checks or returned automatic bank drafts within a one (1) year period.
2. Upon receipt of the first returned check or automatic bank draft payment, the customer will be informed by mail and given a copy of the written policy.
3. Upon receipt of the second returned check or automatic bank draft payment, the customer will be advised that all bills must be paid in cash, certified check or money order for the next year.
4. As allowed by NCGS 25-3-506, a Returned Check/Draft Charge of \$25.00 is added to the customers' account due to the returned check or automatic bank draft payment.
5. Returned checks or automatic bank draft payments shall be picked up within seven (7) days of notice from the City. If the returned check or automatic bank draft payment is not picked up with payment in full, including the returned check/draft fee, service shall be disconnected without further notice.
6. In the event a new customer pays a utility account deposit by personal or corporate check and the check is returned to the City for insufficient funds, or the account closed, then the account shall be subject to immediate disconnection without benefit of prior notification.
7. The City does not accept two (2) party checks. We do not cash checks or give change back from a check for payment on an account.

### **AUTOMATIC BANK DRAFT PLAN:**

1. Automatic bank drafts offer customers the option of having their bank accounts drafted on a set date of the month. This relieves the customer from having the possibility of lost or late payments and saves a trip to the City Hall or the cost of a stamp.
2. The draft date is the 7<sup>th</sup> of each month. This will allow the customer time to verify or question their bill.
3. The customer will be required to supply the City with an automatic bank draft application and a voided check for the purpose of drafting.
4. Only good credit customers will be eligible for this program.
5. Any draft returned by the bank because of insufficient funds or a closed account will be treated as a returned check, and the customer will be released from the automatic bank draft program after the 2<sup>nd</sup> occurrence.
6. If the customer wishes to discontinue the automatic bank draft, the Collections Clerk must be notified in writing by the 1<sup>st</sup> of the month.

### **MEDICAL ALERT PROGRAM:**

1. The customer has the responsibility of notifying the City if there is someone in their household who is either:
  - Chronically or seriously ill
  - On a life support system
  - Medically requires uninterrupted utility service
2. The customer must provide a letter or certification from a doctor or hospital advising of the above condition. These letters will be reviewed and brought up-to-date in January of each year. A customer who complies with these notification procedures will have a medical alert seal placed on their meter to designate their household as containing a chronically ill or life support customer.
3. The customer has the full responsibility to carefully handle their account so that service will not be interrupted for failure to pay. With the medical alert designation, the City will make every effort to make personal contact with the customer before service is terminated.

### **DISCONTINUING SERVICE:**

### **TRANSFER OF SERVICE:**

Customers may transfer service from one location to another. Any balance on the current or any previous utility account will have to be paid before service can be transferred. Transferred accounts for tenants must maintain the current deposit amount.

## **CLOSING A UTILITY ACCOUNT:**

After an account has been closed by either customer request or policy of the city, all funds, including deposits, refunds and overcharge credits will be used against amounts owed the city on the closed account first. Remaining funds will then be used against any amounts owed on any other accounts the customer may have with the City. When those accounts have been cleared, a check for the remaining money will be issued to the customer for any net credit.

## **TERMINATION OF SERVICE:**

1. Requesting Discontinuance of Service – Any customer requesting discontinuance of service will inform the City of the location, date service is to be disconnected, the forwarding mailing address, and provide their signature for the final bill.
2. Disconnection Scheduling – Disconnection from the City's utility system will be preformed the same day as requested if notified before 4:00 pm of that day.
3. Death of a Customer – In the misfortunate event of the death of a utility customer, the immediate family or significant other will be required to make the appropriate changes for billing purposes within 60 days after notification from the City. A copy of the death certificate or required documentation shall be provided to the City's Billing Department. Neglect in this matter will result in immediate disconnection of services. After applying the deposit, if any, to the outstanding utility bill the balance owed on the utility account will be billed to the estate. The credit balance of the decease's deposit will be refunded to their estate.
4. Final Bill – The customer's final bill will be processed and mailed by the 29<sup>th</sup> of that month if disconnection is made by the 20<sup>th</sup> of that month.
5. Debt Set-off Accounts – The City will report any discontinued utility accounts that have an outstanding balance of \$50.00 or more on the account to the State of North Carolina for collection from the customer's yearly state tax refund. The customer will be notified (if the mailing information is current) within 30 days before the report is filed.
6. Deposit Settlement or Disposition – According to NCGS 116B, any customer deposits, credits, or other property held to secure payment for utilities that are unclaimed for one year (1) or more years are considered abandoned property and will be subject to the unclaimed property requirements. Upon discontinuance of utility services, a valid forwarding address should be given to the Utility Billing Clerk for possible refund of deposits or credits on the utility account. All unclaimed customer deposits, and credits, regardless of the amount, are subject to the custody and control of the State of North Carolina. Prior to November 1<sup>st</sup> of each year, the City will file a report accounting for all escheatable property with the Escheats Office within the Department of the State Treasurer. A check in the amount of the property listed should accompany the report.

## **CUSTOMER'S RIGHTS PRIOR TO DISCONTINUANCE OF SERVICE:**

1. Reasonable Opportunity – The City will discontinue utility service to customers for nonpayment only after giving the customer a reasonable opportunity to question the accuracy of the bill. Reasonable opportunity is defined as the period of time from the issuance of the bill until the date of potential disconnection.
2. Disputed Bill – If a customer disputes the accuracy of their bill, they have the right to a hearing at which they may be represented in person or by another person of their choosing who may present, orally or in writing, their complaint and contentions.
3. Hearing – The City will discontinue utility service for nonpayment of bill on the cutoff date. The customer has an opportunity to dispute the bill before this date. Any customer desiring a hearing must contact the Finance office. Hearings may be scheduled between 8:30 am and 5:00 pm, Monday through Friday. The City has the authority to settle the issue and reconnect any disconnected account while the matter is investigated.
4. Exceptions – Under special circumstances, the City may choose not to interrupt service during extreme weather or when the meter has been sealed with a medical alert tag about which the City has prior written knowledge.
5. Suspension and Restoration of Service – The temporary suspension of water service for a period of less than sixty (60) days is prohibited. A fee of \$50.00 will be charged to the utility account if this service is provided.

The customer will be notified in a timely manner of the results of any investigation regarding a hearing and of any resulting determination regarding adjustment or cutoff. All further grievances will be heard and addressed by the City Manager.

## **INVOLUNTARY DISCONTINUANCE OF SERVICE :** **(Ref. Section 22-59; Section 22-60 of Clinton City Code)**

1. The City may discontinue utility service for any one of the following reasons:
  - Failure of the customer to pay bills for utility service and garbage/tipping fee, as required in the Billing Information Section of this policy; continuance of the account being delinquent will result in the meter being removed.
  - Failure of the customer to pay deposits as required or to increase deposits as required in the Customer Deposits Section of this policy.
  - Upon discovery of meter tampering including bypassing the meter or altering its function:
  - Failure of the customer to permit City employees access to their meters at all reasonable hours. Locked gates, loose dogs, parked

cars over meters, etc. are violations of City policy. Parked cars over the meter will be towed at the owner's expense.

- Discovery of a condition resulting in the loss of water or a condition which is determined to be hazardous or unsafe.
2. A courtesy call will be initiated for first time delinquent customers provided we have correct contact information. However, this does not alleviate the delinquent fee being charged to the utility account.
  3. Federal laws regarding bankruptcy require that the City not alter, refuse, or disconnect service based solely on the basis of the beginning of bankruptcy proceedings based on the customer's failure to pay for prebankruptcy service, when a petition for bankruptcy has been filed. It is the customer's responsibility to provide the billing department with any legal documents pertaining to bankruptcy.
  4. Partial payments are accepted on an account; however, a partial payment does not waive an involuntary discontinuance of service. A partial payment is first applied to the oldest charges outstanding.
  5. Accounts subject to involuntary discontinuance shall be assessed a delinquency fee at 8:30 a.m. on the morning of the cutoff date. The delinquent fee can be released by the City Manager or the Finance Director one (1) time if the customer has an excellent payment history and a valid reason for the delinquency. All past-due balances must be paid before the cut-off date.
  6. Within three (3) days from the cutoff date, if the utility account is still delinquent, the City will recheck the meter to see if it has been cut back on by the resident. If the meter has been cut back on, the City will pull the meter at that time and apply the meter tampering fee to the account.

### **RECONNECTION:**

When it becomes necessary for the City to discontinue services for any of the reasons listed above, service will be restored after payment of:

- All past due bills due the City including additional fees and charges required by this policy;
- Any deposit as required;
- Any material and labor cost incurred by the City according to the current Fee Schedule.

After hour reconnection will only be available if the customer can show proof of payment in full or an extenuating circumstance. Public Works and Utility employees do not collect fees or charges under any circumstance.

If a Public Works employee is dispatched after 5:00 pm weekdays, on the weekends or holidays for a reconnection, an after hours reconnection fee of \$75.00 will be charged to the utility account after the first occurrence within a (12) twelve month period.

## **METERING GUIDELINES:**

### **METER READING**

1. The City's meters will be read by City employees according to the City's schedule. Reading dates will vary slightly from month to month due to weekends, holidays, weather conditions, and other factors. Monthly billing periods will be assumed to be 30 days, but may range from 27 to 33 days.
2. The City's well-trained meter readers use modern meter reading equipment and techniques. If meter reading corrections are necessary, the City will make the adjustments and a revised bill may be rendered upon request. A credit due to a customer from a meter reading error will be posted to the customer's account.
3. Weather conditions, such as snow and ice, may make meter reading impossible. In those circumstances the City will estimate utility usage based on a twelve (12) month average.

### **METER TAMPERING**

#### **(Ref. Section 22-61 of Clinton City Code)**

1. Tampering with a meter or bypassing a meter is against NCGS 14-151.1. The City may call for prosecution in cases of meter tampering, water theft and fraud to the fullest extent of the law.
2. A service charge representing the City's cost for the investigation and processing of a meter tampering case will be billed to the customer who benefited from the tampering.
3. Repair cost shall be billed to the customer. Any usage, reconnection fees or other applicable fees will be added to the customer's utility account when the meter has been tampered with.

## **GARBAGE, REFUSE AND RUBBISH:**

### **RECEPTACLES REQUIRED**

1. Every person producing or accumulating refuse shall provide and keep on the premises occupied or used by him, refuse rollout containers to handle accumulations of refuse on said premises in the interval between collections by the city. (Ref. Section 11-2 Clinton City Code)
2. A minimum of one (1) or a maximum of two (2) rollout containers are allowed at each property, which shall be purchased from the city at the current market price. Multifamily dwellings shall be limited to no more than two (2) receptacles per dwelling unit. (Ref. Section 11-3 Clinton City Code)
3. Business buildings where refuse accumulates in quantities of more than two (2) rollout containers, the owner or leaser shall be required to use a bulk container. Any business will be limited to a maximum of two (2) eight-

cubic-yard bulk containers. Bulk containers must be obtained from and maintained by private sources.

4. Multifamily apartment complexes may use bulk containers as an alternate. (Ref. Section 11-3 Clinton City Code)
5. It shall be unlawful for any person to deposit trash refuse, waste or any other materials which is not derived from the general operation of the business that the container is assigned to or owned by.

#### **COLLECTION OF GARBAGE, REFUSE AND RUBBISH:**

1. All refuse shall be placed at the street by 7:00 a.m. on the day assigned for collection, but no earlier than 6:00 p.m. the day before and removed from the street by 7:00 p.m. on the same day of collection.
2. Trimmings, hedge cuttings, grass or similar materials for free collection shall be placed on the curb line at the street. Free collections shall include nothing more than six (6) inches in diameter nor more than sixty (60) inches in length. Large accumulations of brush from extensive hedge or tree trimming can be collected for a fee established by city council.
3. No household furnishings, appliances/white goods, mattresses, box springs, or any other refuse other than garbage or rubbish, shall be removed by the city without an additional charge.
4. The public works department shall collect, remove and dispose of refuse in residential sections of the city once per week. During extreme conditions or circumstances, collection may occur on a more frequent basis. (Ref. Section 11-5 Clinton City Code)
5. Refuse from business buildings will be removed once per week. And where deemed necessary by the public works director more than once per week.
6. Occupants of each dwelling, apartment or any other unit of family habitants, or commercial unit shall be assessed a monthly fee, commensurate with the number of collections and the amount of such collection, to be established by the city council. Said collection fee will be added to the water and sewer bill, if applicable, from the city to the occupant. Failure to pay said collection fee shall result in a termination of such water and sewer service in the same manner as failure to pay water and sewer user charges will cause termination of such service. However, that in the event that the unit of habitation or commercial enterprise own a master meter, then said collection fees shall be collected from said occupants and their failure to pay by the twelfth day of the month for which they shall become due shall constitute a charge on the water and sewer bill of the city charged to the master unit.

## **PROFANE, INDECENT, AND THREATENING CALL:**

It is against North Carolina General Statute 14-196 to use “profane, indecent or threatening language to any persons over the telephone; annoying or harassing by repeated telephoning or making false statements over the telephone.”

If a call of this nature is received do the following:

1. At the first profane or indecent word ask the caller to please refrain from that type of language. If the profane or indecent language continues politely inform the caller that if that type of language does not cease that the call will be terminated. If the profane or indecent language continues terminate the call by hanging up.
2. Document the occurrence including the caller’s name, address, and telephone number, if known. Report incident to your supervisor, including the above information.
3. If the calls continue notify your supervisor. The city personnel receiving these calls may wish to contact the City of Clinton Police Department, if deemed necessary.

## **GRIEVANCE PROCEDURES:**

Collection Clerks receive complaints from utility customers or the public in general. We are responsible for directing them to the proper department for information. The complaints for utility service customers are handled within our department.

The following is the grievance ladder for unsatisfied customers:

- Collections Clerk
- Utility Billing Clerk
- Finance Director – if problem is within area of collections/billing
- Public Works Crew Leader – if problem is outside at service site
- Public Works Director – if problem is outside at service site/within the billing
- City Manager

## **CLEAN UP WEEK**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, April 7-11, 2008, is hereby designated as Spring Clean Up Week and suspends sections 11-4 (e)(g) and (i), except the collection of batteries, of the City Code during Spring Clean Up Week unless hazardous to city staff or items that the landfill will not accept.

## **SUBDIVISIONS—NORTHGATE**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, a preliminary plat request by Hugh B. Barwick for a three-lot subdivision off Deer Track Drive was unanimously approved.

**CITY CODE -- ORDINANCES-- GARBAGE, REFUSE, FEES, AND BILLING**

City Manager Connet presented a change to Chapter 11, Section 11-7.1 of the City Code which regulates garbage, refuse, and rubbish collection.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance #**2008.03.01** was unanimously adopted:

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina that Chapter 11, Section 11-7.1. Collection of garbage, refuse and rubbish of the Clinton City Code of 1987 is hereby repealed.

City Manager Connet presented an amendment to Chapter 11, Section 11-8 of the City Code which regulates fees. Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the following ordinance #**2008.03.02** was unanimously adopted:

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina that Chapter 11, Section 11-8. Fees of the Clinton City Code of 1987 is hereby amended to read as follows:

Sec. 11-8. Fees.

Occupants of each dwelling, apartment or any other unit of family habitants, or commercial unit shall be assessed a monthly fee, commensurate with the number of collections and the amounts of such collection, to be established by the city council from time to time, said collection fee to be added to the water and sewer bill if applicable from the city to the occupant; and failure to pay said collection fee shall result in a termination of such water and sewer service in the same manner as failure to pay water and sewer user charges will cause termination of such service. However, that in the event that the unit of habitation or commercial enterprise own a master meter, then said collection fees shall be collected from said occupants, and their failure to pay by the twelfth day of the month for which they shall become due shall constitute a charge on the water and sewer bill of the city charged to the master meter.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the following ordinance #**2008.03.03** was unanimously adopted:

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina, that Chapter 22, Article IV, Section 22-65. Billing of the Clinton City Code of 1987 is hereby amended to read as follows:

Sec. 22-65. Billing.

(a) All bills are due and payable at the Finance Department on the first day of each month.

(b) In addition to the bill as provided in subsection (a), a penalty of ten (10) percent of the delinquent bill is hereby imposed if it is not paid on or before

the twelfth day of each month. If the bill, as provided in subsection (a) and the penalty as provided herein, is not paid on or before the twenty-third of each month, the **service may be disconnected and a delinquent fee**, as established from time to time and on file in the office of the city clerk, shall be imposed.

**RESOLUTION – MOSQUITO CONTROL**

**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.

**ORDINANCES – 2007-2008 FISCAL YEAR BUDGET**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, the following ordinances were unanimously adopted:

**Budget Ordinance Amendment #2008.03.04**

Be It Ordained by the City Council of the City of Clinton, NC, that the following amendments be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2008, and amended on February 5, 2008, and February 12, 2008:

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

Account #	Account Title	Increase	Decrease
104300.3300	Election Expense	\$ 3,151.00	
104400.7400	Capital Outlay	4,000.00	
104900.0200	Salaries		15,000.00
104900.1500	Maintenance	15,000.00	
105100.0200	Salaries		17,000.00
105100.3100	Auto Supplies	17,000.00	
105100.3300	Department Supplies	5,000.00	
105100.5701	Special Funds	12,000.00	
105300.1500	Maint & Repair Bldg	25,512.00	
105300.1600	Maint & Repair Equip	5,000.00	

105300.3301	Fire Hose	2,500.00	
105300.5401	Workman's Comp Ins		6,000.00
105300.5402	Insurance Auto	3,613.00	
105300.5403	Insurance Bldg		5,730.00
105550.3300	Supplies & Materials	1,100.00	
105550.5401	Workman's Comp Ins	600.00	
105550.5402	Insurance/Auto		222.00
105600.0200	Salaries		10,000.00
105600.0201	Temporary Salaries	10,000.00	
105600.4502	Contracted Services	6,000.00	
105600.5402	Auto Insurance		5,627.00
105600.7000	Capital Outlay/Paving	106,529.00	
105600.7400	Capital Outlay	2,930.00	
105900.5402	Insurance Auto		1,000.00
105900.7400	Capital Outlay	204,752.00	
106400.7000	Capital Outlay/Paving	15,000.00	
	<b>TOTAL EXPENDITURES</b>	<b>\$ 439,687.00</b>	<b>\$ 60,579.00</b>

**Section 2.** The revenues are to be changed as follows:

Account #	Account Title	Increase	Decrease
103031.0000	Governor's Crime Grant	\$ 9,000.00	
103040.0200	Insurance Revenue	13,440.00	
103360.0300	Rent	250.00	
103430.0000	Powell Bill	28,738.00	
103470.0000	ABC Profit	16,800.00	
103470.0001	ABC Revenue/Police	5,000.00	
103480.0200	NC Dept. of Health/Mosq Grant	1,720.00	
103560.0300	Fire & Life Safety	600.00	
103920.0000	Loan Proceeds	203,752.00	
103990.0000	Fund Bal Appropriation	99,808.00	
	<b>TOTAL REVENUES</b>	<b>\$ 379,108.00</b>	

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

**Budget Ordinance Amendment #2008.03.05**

Be It Ordained by the City Council of the City of Clinton, NC, that the following amendments be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2008:

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

Account #	Account Title	Increase	Decrease
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306600.8000	Contingency		\$ 13,300.00
308100.1100	Telephone	\$ 1,800.00	
308100.4500	Contracted Service	5,500.00	
308100.7300	Cap Outlay/Improvements	6,000.00	
	<b>TOTAL</b>	\$ 13,300.00	\$ 13,300.00

**Section 2.** Copies of this amendment shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

**Budget Ordinance Amendment #2008.03.06**

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 December 12, 2006, is hereby amended as follows:

**Section 1.** To amend the Capital Project Budget Ordinance, the expenditures are to be changed as follows:

Account #	Account Title	Increase	Decrease
634730.7200	Drainage Improvements	\$ 50,000.00	
	<b>TOTAL EXPENDITURES</b>	50,000.00	

**Section 2.** The following revenues are anticipated to be available for this project.

Account #	Account Title	Increase	Decrease
633473.0000	Transf from General Fund	\$ 50,000.00	
	<b>TOTAL REVENUES</b>	50,000.00	

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

**REPORTS**

City Manager Connet acknowledged that the fire, minimum housing, financial, police, personnel, and public works reports were received and he stands ready to answer any questions from City Council regarding the reports.

He further stated that the annual district meetings will begin soon. City Manager Connet updated City Council regarding the status of the assistant city manager position. He stated that thirty (30) applicants have applied; however, he

has narrowed the interviewees to five. He reminded Council that the National League of Cities conference starts next week and he had made appointments to meet with our delegates.

City Manager Connet made mention of a public notice that the County asked him to mention. The notice was concerning an 2008 North Carolina Housing Finance Agency Single-Family Rehabilitation Program. Sampson County has received funds from this Agency to provide rehabilitation loans to nine (9) lower-income households with the county. Pre-application information will be accepted through March 25, 2008, by calling the County. After March 25, 2008, applicants who contact the County, will not be considered for assistance.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and unanimously passed, the meeting adjourned at 8:21 PM.

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City Clerk

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Mayor