

## **OCTOBER 6, 2009 CITY COUNCIL MEETING**

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 PM on October 6, 2009 in the city hall auditorium. Mayor Starling presided. Councilmembers Becton, Harris, Stefanovich, Strickland, and Turlington were present. City Attorney Dale Johnson; city clerk Elaine F. Hunt; city manager John Connet; assistant city manager Shawn Purvis; finance director Betty Brewer; interim fire chief Todd Solice; planning and community development director Jeff Vreugdenhil; planner Mary Rose; public works director Chris Doherty; police chief Mike Brim; and recreation director Judi Nicholson were present. Also present was Chris Berendt of the Sampson Independent. Absent was human resource manager, Lisa Carter.

Dr. David Kunzman gave the invocation.

### **OATH OF OFFICE**

Mayor Starling administered the oath of office to Todd A. Solice, newly appointed fire chief. At this time, Fire Chief Solice was presented with his badge and bugles (collar pins).

### **CITY COUNCIL**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the minutes of the September 1, 2009 city council regular meeting were unanimously approved.

### **RECOGNITION – RELAY FOR LIFE**

Parks and Recreation Director Nicholson spoke regarding the recent Relay for Life event. She stated that the City of Clinton, raising \$2,693.00, was recognized at the Pewter Level in the 2009 Sampson County Relay for Life South Atlantic Division. She stated that various projects were undertaken to raise this money to include: Walking for Walker and plate sales. Ms. Nicholson concluded with the presentation of the Relay for Life certificate to Mayor and City Council.

### **ABC**

ABC Board members Shurley McCullen and Perry Solice presented City Council with a check in the amount of \$ 100,000 and Clinton Police Department with a check in the amount of \$ 5,900, which are the estimated proceeds from sales at the ABC store. She commended her Board, staff, and General Manager Barbara Bailey for the excellent service that they provide. Ms. McCullen also presented the Audited Financial Statements for the ABC Board – Years Ended June 30, 2009 and 2008 to City Council.

## **OATHS**

Mayor Starling administered oaths to Planning and Zoning Director Jeff Vreugdenhil and Llewellyn Hicks.

## **P & Z – 405 LISBON STREET – LLEWELLYN HICKS**

Mayor Starling opened a public hearing on a request by Llewellyn Hicks for a conditional use permit to operate a daycare facility for a maximum of 80 children at 405 Lisbon Street, in a NS Neighborhood Shopping district. Planning and Zoning Director Jeff Vreugdenhil explained the request and gave the staff, Planning, and Zoning Board recommendation to approve the request with a few stipulations which included: removing and replacing a street sign with a new updated sign to meet city codes and removal of asphalt around the building. He stated that if Council deems it necessary, they might 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 Becton, seconded by Councilmember Harris, a conditional use permit was unanimously approved for Llewellyn Hicks to operate a daycare facility for a maximum of 80 children at 405 Lisbon Street, subject to stipulations to include the removing and replacing of a street sign with a new updated sign to meet city codes and removal of asphalt around the building.

## **BIDS— WTP IMPROVEMENTS -- CLEARWELL ADDITION**

Public Works Director Doherty spoke regarding the award of bid for the Water Treatment Plant Improvements – Clearwell Addition. He stated that a bid opening took place on September 3, 2009, for the ARRA funded Clearwell Addition. He stated that six bids were received with the low bidder being Colt Contracting for the amount of \$245,000.00. Public Works Director Doherty recommended awarding the bid to Colt Contracting Company, Inc.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, it was approved unanimously to award a bid to Colt Contracting Company, Inc. for the Water Treatment Plant Improvements – Clearwell Addition.

## **STREET CLOSINGS – HALLOWEEN-ON-THE-SQUARE**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, approval was given to close Vance Street between Sampson and Wall Streets, Wall Street between Vance and Main Streets, and Main Street between Wall and Lisbon Streets from 5:30 PM until 9:30 PM on October 31, 2009 for the activities sponsored by the Police Department and downtown merchants for Halloween-on-the-Square.

## **STREET CLOSINGS**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, Vance Street from Sampson Street to Wall Street from 6:00 PM on Friday, October 9, 2009 until 5:00 PM on Saturday, October 10, 2009 and Main Street from College Street to Wall Street, Lisbon Street from the City Market to John Street, a short section of Lisbon Street to Main Street, John Street from Lisbon Street to Graham Street, a short section of Graham Street adjacent to the Lisbon Street parking lot, as well as the College Street and Lisbon Street parking lots from 5:00 AM until 5:00 PM Saturday, October 10, 2009, are to be closed in order to hold the Annual Court Square Street Fair, antique car show and barbecue cook-offs.

## **CITY COUNCIL**

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, and unanimously passed, the regular council meeting scheduled for November 3, 2009 was rescheduled to November 4, 2009 at 7:00 PM.

## **BUDGET – ARCHITECTURAL SERVICES – CITY HALL ADDITION**

City Manager Connet stated that we have been working with an architect over the last twelve (12) months to evaluate our long-range building needs. He stated that the greatest needs are a new main office for Recreation and expansion and renovation of City Hall. Also, he stated that the need for a larger police facility is also evident; however, now is not the best time to move forward with a large capital project.

City Manager Connet asked budgetary approval from City Council to allow architect to move forward within the next twelve (12) months with preparing the construction documents to allow the City to bid the following project in the spring:

**Expansion of the administrative suite to include:**

1. Converting the existing conference room into office space in order to move the Assistant City Manager into City Hall; and
2. Allowing Planning Department staff to move from upstairs of the Graham House; and
3. Providing a large conference room directly adjacent to the auditorium and allowing access without walking outside of the building; and
4. Reconfiguration of the back parking lot to provide a more efficient traffic flow to the drive-thru window; and
5. Construction of a second exit to the administrative suite in the case of fire or emergency; and
6. Additional storage space for files and records.

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the following amendment **#09.10.01** City Hall Renovations Budget Ordinance Amendment was unanimously adopted:

**City Hall Renovations**

**Budget Ordinance Amendment  
2009.10.01**

Be It Ordained by the City Council of the City of Clinton, NC, that the following amendment be made to the Annual Budget Ordinance adopted June 23, 2009, is hereby amended as follows:

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
10.6600.1000	Professional Services	<u>56,334.00</u>	
	TOTAL EXPENDITURES:	\$56,334.00	

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
10.3990.0000	Fund Balance Appropriated	<u>56,334.00</u>	

TOTAL REVENUES: \$56,334.00

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

**VOTING DELEGATE – NC LEAGUE OF MUNICIPALITIES**

City Manager Connet stated that he and Councilmember Becton, would be attending the North Carolina League of Municipalities Annual meeting in Greenville, NC beginning on Sunday, October 25, 2009. He further stated that Council need to appoint a voting delegate to vote on behalf of the City at the annual business meeting.

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, and passed unanimously, Councilmember Marcus Becton was appointed as the voting delegate for the City of Clinton and City Manager John F. Connet was appointed as the alternate.

**RESOLUTION -- DECLARING BADGES AND WEAPONS SURPLUS**

Police Chief Mike Brim stated that Master Police Officer Terry Pope retired from the Clinton Police Department effective September 30, 2009 and Reserve Officer Frankie Knowles is also retiring. He stated that the Police Department request that Master Police Officer Pope and Reserve Officer Knowles' badges and weapons be declared surplus, so that the items may be awarded to them upon their retirement.

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

**RESOLUTION DECLARING SURPLUS PROPERTY  
TO BE  
AWARDED TO RETIRING POLICE OFFICERS**

WHEREAS, the City of Clinton, North Carolina, City Council desires to dispose of certain surplus property of the City of Clinton and to be awarded to retiring Police Officers as of October 22, 2009 and November 1, 2009.

**NOW, THEREFORE BE IT RESOLVED**, the City of Clinton City Council declares the following police weapons and police badges of Police Officer Terry Pope and Reserve Officer Frankie Knowles as surplus and no longer have any additional use to the City of Clinton:

Terry Pope's badge  
Terry Pope's weapon: Glock Model 23 Serial #GPX895

Frankie Knowles' badge  
Frankie Knowles' weapon: Glock Model 22 Serial #GPT765

**NOW, THEREFORE BE IT FURTHER RESOLVED** that the City of Clinton City Council authorize the City Manager to proceed with the procedures outlined in G.S. 20-187.2 regarding the service side arms of retiring members of city law enforcement agencies.

**SUBDIVISION—CLINTON RETAIL, LLC – OFF PUGH ROAD & SE BLVD.**

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, a preliminary plat for a one-lot 30,703 square foot subdivision off Pugh Road and Southeast Boulevard requested by Clinton Retail, LLC was unanimously approved.

**APPEAL FROM CONDEMNATION – 304 Barden Street**

Planning and Zoning Director Jeff Vreugdenhil spoke regarding a request by Mrs. Rosa Fryar for an appeal from notice of “Unsafe Buildings Condemned” for property located at 304 Barden Street. He stated that upon an inspection by the Code Enforcement Officer and Building Inspector, this structure has been found to meet the conditions addressed by North Carolina General Statutes 160A-426, Unsafe Buildings Condemned:

- a. Constitutes a fire or safety hazard;
- b. Is dangerous to life, health, or other property;
- c. Is likely to cause or contribute to blight, disease, vagrancy, or be a danger to children.

Mr. Vreugdenhil stated that at some point, this structure needs to be considered for condemnation.

Mrs. Rosa Fryar’s daughter, Elizabeth Tita, stated that they have been working with the Planning and Zoning Department for approximately a year. She stated that they had received notice that the church structure is sound; however, the area that was added (described as the apartment) has been determined to be unsound. Ms. Tita stated that volunteers are vowing to do the repairs. She stated that these volunteers have other jobs as well. Ms. Tita asked for consideration of extension for approximately eleven (11) months.

Rev. Mark Ellis with Steppingstone Ministries, a licensed home builder from South Carolina stated that he has been working with the Fryars. He stated they have been trying to get a structure engineer to come look at the foundation. Rev. Ellis stated that this past Saturday, he and others visited the site and checked out the foundation. He further stated that he has men who will donate the labor to repair the structure and presently, he is working with the Baptist Association to receive funding to buy the materials. On behalf of the Fryars, Rev. Ellis asked for consideration of extension in this matter.

It was noted that no one resides in the church. Also noted was the suggestion of the county inspector to have a structure engineer inspect the property.

Ms. Rosa Fryar spoke regarding the service her husband rendered during his lifetime. She stated that this structure would be used to provide housing for the wayward and homeless.

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, and unanimously passed, this item, "Consideration of a request by Mrs. W. T. Fryar for an appeal from notice of 'Unsafe Buildings Condemned' regarding the Last Day Gospel Fellowship Church located at 304 Barden Street, was continued until the November 4, 2009 city council meeting so that a structure engineer might be brought before City Council to tell of the findings.

### **SOCIAL MEDIA POLICY**

Assistance City Manager Purvis asked City Council to consider adopting a Social Media Policy to provide City departments and personnel with guidelines for participating in social media formats. He stated this policy will govern City personnel in the way that they participate on such sites as Facebook, MySpace, and Twitter.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the Social Media Policy was approved unanimously.

### **CITY CODE -- ORDINANCE-- SALE AND RESALE OF BURIAL SPACES**

This item concerning consideration of amending the section of the Clinton City Code of 1987 Chapter 6, Sec. 6-6 Sale and resale of burial spaces and burial lots, was continued until the November 4, 2009 city council meeting.

### **REIMBURSEMENT – SIDEWALK IMPROVEMENTS –BURGESS GROUP, LLC**

Planning and Zoning Director Jeff Vreugdenhil asked City Council to consider reimbursement of half of the sidewalk, curb, and gutter replacements costs installed by Vince Burgess at 412 Vance Street. He stated that the sidewalk, curb, and gutter are in place per the design of our recently proposed revitalization project, to avoid reconstruction of this segment if the City should consider moving forward with our existing Vance Street project design.

Mr. Vreugdenhil stated that the cost for 50% of this project was determined by taking the average of all unit costs from the bids to our recently bid street revitalization project. He further stated that based on the estimate of probable project cost provided by the Wooten Company, the amount requested for reimbursement is \$13,015.00.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the request for reimbursement for half of the cost for sidewalk, curb, and gutter improvements completed by the Burgess Group, LLC at 412 Vance Street, passed unanimously.

## **RESOLUTION – RURAL CENTER PLANNING GRANTS**

Public Works Director Chris Doherty stated a resolution needs to be adopted so that the City might apply for Rural Center planning grants. He stated that the planning grant projects are a maximum award of \$40,000 with a City match of 35% or \$14,000. He further stated the projects that the City will be applying for are a Water System Study, Beaverdam Branch Sewer Outfall Preliminary Engineering Report, and Reuse Water Plan.

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

### **PLANNING PROGRAM AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT**

**WHEREAS**, in the summer of 2008, the North Carolina General Assembly included a \$50 million appropriation to the North Carolina Rural Economic Development Center in the FY2007-2009 state budget, for the purpose of making grants to rural communities in need of water and wastewater infrastructure improvements; and

**WHEREAS**, the City of Clinton has need for and intends to perform multiple studies of the existing water system and the existing sewer systems, project described as Water System Study, Beaverdam Branch Sewer Outfall Study and Reuse Water plan; and

**WHEREAS**, the City of Clinton intends to request grant assistance from the Planning Grants Program for the project;

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

That the City of Clinton will arrange financing for all remaining costs of the project, if approved for a grant.

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 NCREDC (Rural Center) for a grant to assist in the study project described above.

That Luther D. Starling, Jr., Mayor, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center 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 grants pertaining thereto.

## **APPOINTMENTS**

Notification was given of the expiration term of Sherlene Devane on the J. C. Holliday Library Board. This is a two-year term.

## **REPORTS**

The finance, public works, personnel, fire, code enforcement, and police reports were acknowledged.

City Manager reported that the auditors are working and he should have a report for City Council at the November 4, 2009 city council meeting. Also, City Manager Connet acknowledged the attendance of the Boy Scouts Troop 27. Mayor Starling asked the young men to stand and tell their names. Boy Scouts Troop 27 did so accordingly.

## **RESOLUTION—CLOSED SESSION**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, 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 at 7:00 PM on October 6, 2009 entered closed session as allowed by G. S. 143-318.11(a)(4) to discuss matters relating to economic development.

Council re-entered regular session at 8:10 PM. Mayor Starling reported that City Council was briefed on a property matter; however, no action was taken.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, and unanimously passed, the meeting adjourned at 8:12 PM.

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Elaine F. Hunt, City Clerk

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Lew Starling, Mayor

