

## **NOVEMBER 4, 2009, CITY COUNCIL MEETING**

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on November 4, 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; fire chief Todd Solice; planning and community development director Jeff Vreugdenhil; public works director Chris Doherty; human resource manager Lisa Carter; police chief Mike Brim; and recreation director Judi Nicholson were present. Absent was planner Mary Rose. Also present was Chris Berendt of The Sampson Independent.

Dr. Edward Gunter, Pastor of First United Methodist Church, 208 Sampson Street, Clinton, NC gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the minutes of the October 6, 2009, city council regular meeting were unanimously approved.

### **PRESENTATION(S)**

(1) Lisa Turlington, of the Sampson Arts Council, appeared before City Council to give an update regarding the public art project. She recapped the origination of the project as well as whom the members of the committee are. She stated that the Sampson Arts Council applied for and received a grant in the amount of \$5,000 which the City of Clinton will match. Ms. Turlington stated that with the help of an art consultant, the committee has decided upon a course of action and have spoken to two artists: Heidi Lippman of Silver Spring, Maryland and Kofi Boone of Durham, NC. She presented a PowerPoint presentation of Ms. Lippman's work.

City Manager Connet stated that this presentation was for informational purposes only and that no action was to be taken.

(2) City Manager Connet introduced the next presentation—an update regarding a low-moderate income housing project. He stated that as the City has rid neighborhoods of blight, it has also created vacant lots that must be maintained and depleted affordable housing. He further stated that the staff has been researching the possibility of providing affordable housing by using the vacant lots acquired through condemnation and demolition.

Assistant City Manager Shawn Purvis presented a PowerPoint presentation regarding affordable housing. He stated that affordable housing is often provided for those with income levels less than the area Median Family Income. He stated that within the City of Clinton, the Median Family Income is \$40,566. Assistant City Manager Purvis linked affordable housing with the City's vision and mission statements stating a quality of life unsurpassed in the region,

clean, safe neighborhoods, and opportunities for future generations will be truly exemplified.

Assistant City Manager Purvis stated that it is the recommendation of the City to: (1) partnership with Sampson Community College, whereby, the College build a home and the City of Clinton buy, place, and sell the home, or (2) partnership with a non-profit community housing development organization.

It was stated that City staff has studied and visited three successful municipal housing programs: Farmville, Greenville, and Jacksonville to examine their benefits, costs, and applicability to Clinton.

City Manager Connet stated that Bill Aiken traveled with them to Greenville, NC. He stated that the initial cost of \$75,000 to \$85,000 would be expected which should be recouped upon the sale of the house. He stated that one house would be built at a time and the cost of the house would be a little more than what was paid. City Manager Connet stated that the City have to relocate two families currently on Russell Street which is required within the CDBG Project now being implemented and this low/moderate income housing project would fit well into this required relocation.

Councilmember Stefanovich stated that Sampson Community College is very excited about the proposed partnership. Councilmember Harris stated that this low/moderate income housing project would mean a lot to the City of Clinton and she would like to see us move ahead with this endeavor.

**(3)** Anthony Sessoms, CPA, presented the 2008-2009 Fiscal Year Audit. He stated the report is pending approval from the local government. Mr. Sessoms stated that Ad valorem and local sales tax decreased because of the economy. He stated that fund balance is very good and the City's bond rating had increased. He further stated that the City of Clinton is doing a better job than other comparative cities. He stated that the audit shows that the City is very healthy and is in very good shape. Mr. Sessoms concluded by thanking Finance Director Betty Brewer and all city staff for our assistance.

### **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 officially the Planning and Zoning Department cannot ask that this property be condemned upon mid-November. However, at this time, Mrs. W. T. Fryar is requesting an appeal from notice of unsafe buildings condemned for this property located at 304 Barden Street.

At the October 6, 2009 city council meeting, this item was continued so that a structure engineer might appear before City Council to speak regarding the condition of this property. Mr. Myers A. Colvin, Sr., PE, of M. A. Colvin Engineering & Consulting, Inc., 2547 Ravenhill Road, Suite 103, Fayetteville, NC 28303, appeared before City Council; Mr. Colvin presented a PowerPoint presentation and a hand-out to Council. He stated that the sanctuary is a block structure and salvageable. He stated that the front portion of the adjacent

addition be completely demolished. He stated this is the primary area of concern. He further stated that the rear portion of the adjacent addition was found to be structurally salvageable.

Mr. Colvin figured that it would take a minimum cost of \$50,000 to remedy the structure. He presented the following conclusion and recommendation to City Council:

### **Conclusion & Recommendations**

“It is recommended that the sanctuary and rear portion of the addition remain in place. It is further recommended that the front portion of the two story addition which consists of a proposed bedroom area be demolished. All shoring required to provide structural adequacy as a result of the demolition shall be constructed prior to demolition. After completion of the demolition phase the remaining structure should be enclosed with an inorganic sheathing attached to construction grade or better wood frame construction to prevent further decay. The sheathing should be painted to match as closely as possible the color of the existing sanctuary. The remaining portion of the addition shall not be used for any purposes until such time that a construction renovation has been permitted by the Building Inspections Department for the City of Clinton, NC and construction completed with a ‘Certificate of Occupancy’ issued by said department for the City of Clinton North Carolina. All approved renovation or repair work shall be completed in accordance with all applicable requirements of the 2009 edition of the International Building Code with North Carolina Amendments.”

Mayor Starling asked two pertinent questions: “When can unsafe portion be corrected?” “What is a reasonable time to be completed?” He stated that time is of the essence.

Mr. Colvin stated that if the workers were available, two weeks would be a good amount of time; however, the workers are volunteers who have other jobs. He further asked if the City could demolish unsafe property. Mayor Starling stated that the City can; however after doing so, a lien is placed on the property. Planning and Zoning Director Vreugdenhil stated that it would cost approximately \$7,500 to demolish the unsafe portion.

Councilmember Harris stated that she empathizes with the Fryars; however, City Council cannot delay continuously making a decision on this matter. She pleaded with the Fryars to work hard with the volunteers to complete this task.

Councilmember Becton suggested to the Fryars to consider tearing down the unsafe portion and focus on the sanctuary. He suggested later on, come back, and consider the addition.

This item was continued until the January 5, 2010 city council meeting in hopes that the unsafe portion of the addition will be demolished.

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

City Manager Connet stated this item was continued from the October 6, 2009 city council meeting. He stated that City Council is being asked to amend the Clinton City Code of 1987 Chapter 6, Section 6-6 concerning sale and resale of burial spaces and burial lots. He stated that two issues that cause the most trouble during the sale of cemetery lots are the verification of city and non-city residency and ensuring that all fees are collected for the lots. He stated the issue regarding lot purchases was brought to our attention when the same lot was sold twice. City Manager Connet stated that this mishap occurred because the City of Clinton was allowing funeral homes to purchase lots over the phone and make payments at a later date. He stated that we would like to change our process for selling lots to avoid any other problems. He further stated that we had contacted the League of Municipalities regarding this matter and have obtained a legal opinion from them.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following ordinance effective December 1, 2009 was unanimously adopted:

### **Ordinance # 2009.11.01**

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina that Chapter 6, Section 6-6 Sale and resale of burial spaces and burial lots of the Clinton City Code of 1987 is hereby amended to read as follows:

#### **Sec. 6-6. Sale and resale of burial spaces and burial lots.**

All sales of cemetery lots require photo identification for address verification. All sales are to be done in person at the Public Works Department, 200 W. John Street, or City Hall 221 Lisbon Street, during normal business hours with a Public Works staff member. Before a grave is located for burial it must be paid for in full. The price for cemetery lots and portions thereof in the Clinton Municipal Cemeteries shall be by resolution set by the city council from time to time, and the rate for sale to a resident of the city shall be one-half (1/2) the price charged for a conveyance to non-city residents. No person shall convey any interest in any municipal cemetery property without the concurrence of the city as evidenced by the signature of the city clerk and the city seal; and the register of deeds of Sampson County shall not record any deed conveying any interest in any municipal cemetery property without its having been signed by the Clinton city clerk and attested with the Clinton city seal. The city clerk shall not sign said deed of conveyance without the conveyancer, if the person being conveyed to is a non-resident of the city, paying to the city the difference between the price charged to a Clinton city resident and a non-Clinton city resident at the time of the conveyance, unless the conveyancer is conveying to his or her lineal descendants or spouse.

## **NCG.S. 160A-426, UNSAFE BUILDINGS CONDEMNED**

City Manager Connet stated that prior to the 2009 legislative session, G.S. 160A-426 provided a procedure under which cities may declare a nonresidential

building or structure within a community development target area to be unsafe if specified conditions are met. He stated that some cities have received local legislation authorizing use of the procedures set out in G.S. 160A-426 to declare residential structures to be unsafe. City Manager further stated that in order for the City of Clinton to declare residential structures to be unsafe under G.S. 160A-426, a public hearing must be held and a notice of the hearing provided at least 10 days in advance. City Manager Connet asked City Council to call for a public hearing on the adoption of the required ordinance.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and unanimously passed, City Council called for a public hearing so that the adoption of an Ordinance Amending N.C. G.S. 160A-426, Unsafe Buildings Condemned in Other Localities to Include Residential Buildings or Structures might occur at the December 1, 2009 city council meeting.

**RESOLUTION—WATER & SEWER—NEW CENTURY BANK-CLINTON –  
NEWLY OPENED PORTION OF EAST NICHOLSON STREET**

City Manager Connet asked City Council to adopt a resolution accepting dedication of streets, water, and sewer lines for newly opened portion of East Nicholson Street. He stated that developers of New Century Bank-Clinton located at the intersection of NE Boulevard and East Nicholson Street have performed construction in accordance with the City of Clinton's standards and regulations. He stated that all has been inspected and City Council is being asked to accept the infrastructure as public property in order to ensure future maintenance of the public street and utilities. City Manager Connet further stated that presently there is a one-year warranty on the workmanship of the water, sewer, and drainage lines.

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

**A RESOLUTION ACCEPTING PETITION FOR DEDICATION OF STREET(S)  
WITHIN THE CITY OF CLINTON**

**THAT WHEREAS**, the Developer of New Century Bank-Clinton located at the intersection of Northeast Boulevard and East Nicholson Street, Clinton, Sampson County, North Carolina was desirous of dedicating said newly opened portion of East Nicholson Street's rights-of-way, water and sewer utilities, stormwater structures within rights of way and utility easements to the City of Clinton; and

**WHEREAS**, the recorded plat for New Century Bank-Clinton recorded in Map Book 68 Page 62 depicts the newly opened portion of East Nicholson Street and utility easements within the subdivision as being dedicated for public use; and

**WHEREAS**, the Clinton City Council of the City of Clinton has to this date, not officially accepted the proposed dedication of this newly opened portion of East Nicholson Street, water and sewer utilities, stormwater structures within rights of way and utility easements; and

**WHEREAS**, the newly opened portion of East Nicholson Street, water and sewer utilities and stormwater structures were constructed in accordance with city standards and the Director of Planning and Zoning, Public Works and Utilities Director and City Manager recommend that the City officially accept the newly opened portion of East Nicholson Street, water and sewer utilities, stormwater structures and utility easements so that the City can be legally responsible for the maintenance and upkeep of the newly opened portion of East Nicholson Street, water and sewer utilities and stormwater structures;

**NOW, THEREFORE, BE IT RESOLVED AND ESTABLISHED** by the Clinton City Council of the City of Clinton, North Carolina this 4<sup>th</sup> day of November, 2009, as follows:

**SECTION I.** That, pursuant to N.C.G.S. Chapter 160A, Articles 15 and 16, the newly opened portion of East Nicholson Street and rights-of-way, water and sewer utilities, stormwater structures and utility easements offered for dedication as shown on a map entitled: "New Century Bank-Clinton" prepared by Charles L. Matthis Surveying, P. A., dated February 3, 2009, a copy of said map being incorporated herein, and by reference made a part hereof. Said map also being recorded in Map Book 68 Page 62 of the Sampson County Registry, is hereby accepted as public facilities of the City of Clinton, NC.

**SECTION II.** That this Resolution shall be and the same is hereby effective from and after the date of its adoption.

**RESOLUTION—SAMPSON COUNTY —INSPECTION RESPONSIBILITIES  
WITHIN THE CITY OF CLINTON**

City Manager Connet stated that in years past, Sampson County was asked to do inspections for the City of Clinton. He stated that City Council adopted a resolution on November 7, 1995 requesting the County to perform all inspection responsibilities required by Article 19 of Chapter 160A of the NC General Statutes within the planning and zoning jurisdiction of the City.

City Manager stated that it is his recommendation that the City reaffirm this request by adopting a more current resolution. He stated that the County has the staff with the necessary certifications to provide this service; whereas currently, the City does not have anyone within the organization with the appropriate certifications to provide this service. He further stated that there are other issues associated with maintaining our current level of service that needs to be improved before the City adds a fire inspection division.

City Manager Connet stated that according to NC General Statutes 160A-360, this request/agreement can be rescinded upon 24 months' written notice to the other legislative body involved. Mayor Starling recommended shortening the time frame to 90 days' written notice. Mayor Starling stated that when the City's firemen are certified, we want them to begin taking over these responsibilities.

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

with the stipulation by City Council that the City of Clinton can rescind upon a 90 days' written notice:

**RESOLUTON REQUESTING SAMPSON COUNTY TO PERFORM ALL  
INSPECTION RESPONSIBILITIES WITHIN THE PLANNING AND ZONING  
JURISDICTION OF THE CITY OF CLINTON**

**WHEREAS**, the City Council of the City of Clinton has requested that Sampson County, acting by and through its Inspections Department and Fire Marshal, perform those inspection responsibilities required pursuant to Article 19 of Chapter 160A of the North Carolina General Statutes and Sampson County has agreed to such request; and

**WHEREAS**, North Carolina General Statutes 160A-60(g) directs that such approval or agreement be evidenced by a formally adopted resolution by the City Council of the City of Clinton; and

**WHEREAS**, the City of Clinton, through its City Council, acknowledges that:

1. any county inspector, including the county fire marshal, while exercising the duties of an inspector in the municipality, shall be considered a municipal employee;
2. it shall have the same potential liability, if any, for inspections conducted by a county inspector as it does for any municipal employee;
3. it will defend, hold harmless and indemnify any county inspector and the county against any and all claims arising out of the county inspector's performing or failing to perform any act related to inspections or enforcement within its jurisdiction;
4. its governing board will approve the form of any municipal citations, permits, orders or other enforcement documents to be used by the fire marshal within its jurisdiction;
5. its governing board hereby appoints the county fire marshal as its fire code official;
6. any inspector's responsibility shall only be for inspections, notice and conducting an initial appeal hearing under the state building code and that, once appeal is made to the municipal governing board, all enforcement responsibility lies with the municipality; and
7. it approves any fee schedule adopted by the Board of Commissioners for inspections.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Clinton requests that Sampson County perform all inspection responsibilities required by Article 19 of Chapter 160A of the North Carolina General Statutes within the planning and zoning jurisdiction of the City of Clinton, as those limits currently exist or shall hereafter be changed or modified, subject always to those recision rights reserved by North Carolina General Statutes 160A-360(g).

**SPECIAL SEPARATION ALLOWANCE OF PERSONNEL POLICY – AMENDMENT**

City Manager Connet stated that recently, the General Assembly passed HB816 to clarify NC G.S. 143-166.42 Local Special Separation Allowance. He stated that this amendment clarifies the definitions of “reemployment” and “employment” as it refers to when the separation allowance can be discontinued based on the employee’s enrollment in the local government retirement system. City Manager Connet recommended amending Appendix C – Special Separation Allowance Policy of the Clinton Personnel Policy to be in compliance with legislation.

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, the following amendment to Appendix C – Special Separation Allowance Policy of the Personnel Policy was unanimously adopted:

**Amendment to Appendix C Special Separation Allowance Policy**

Amend Item 1 under **Qualifications for Separation Allowance** to read:

- 1) Thirty (30) or more years of creditable service with the Local Government Employee’s Retirement System or

Amend Item 4 under **Cessation of Separation Allowance** to read:

- 4) Acceptance of reemployment by a local government employer in any capacity.\*

\*Local government employer shall be defined as an employer that is eligible to participate in the Local Government Employee’s Retirement System.

**NUISANCE PROPERTY – DAVID & LENORA BYRD – 124 ROYAL LANE**

Planning and Zoning Director Vreugdenhil stated that the Planning and Zoning Department has been working with Mr. David Byrd, of 124 Royal Lane, since June 17, 2009 regarding notification of violation of Section 15-86 Nuisance Vehicle, and Section 11-6 Open Space Violation. He stated that Mr. Byrd has been very uncooperative

Mr. David Byrd appeared before City Council and asked for this item to be continued until the December 1, 2009 city council meeting. City Council granted Mr. Byrd’s request for continuation.

## **BB&T FINANCING AGREEMENT -- 2010 FREIGHTLINER GARBAGE TRUCK**

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

### **Resolution Approving Financing Terms**

**WHEREAS:** The City of Clinton ("City") has previously determined to undertake a project for a 2010 Freightliner Garbage Truck (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

#### **BE IT THEREFORE RESOLVED, as follows:**

1. The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated October 9, 2009. The amount financed shall not exceed \$116,431.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.04%, and the financing term shall not exceed 3 years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for

project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

### **BIDS—PHASE 3 – DOLLAR BRANCH SEWER PROJECT**

Public Works Director Doherty stated that on October 29, 2009, the City opened bids for Phase 3 Dollar Branch Outfall replacement. He stated that seven bidders submitted bids:

Colt Contracting Company	\$ 207,764.00
T.A. Loving Company	241,210.00
Corbett Contracting, Inc.	269,545.00
Moffat Pipe, Inc.	300,607.50
Frank Horne Construction	310,813.00
Billings & Garrett Utility Contractors	363,988.00
Seaside Environmental Contractors	369,871.00

Mr. Doherty recommended awarding the contract for Phase 3 of the Dollar Branch Sewer Project to Colt Contracting Company contingent upon state approval.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, it passed unanimously to award Colt Contracting Company the contract for Phase 3 of the Dollar Branch Sewer Project contingent upon state approval.

### **STATE LOAN ACCEPTANCE – PHASE 3 – DOLLAR BRANCH SEWER PROJECT**

City Manager Connet asked City Council to consider New Business Item 15 next, Consideration of Acceptance of State Loan for Dollar Branch III Resolution. He stated that the NC Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works. He further stated that the City has been offered a State Revolving Loan in the amount of \$594,020 for the construction of Dollar Branch Outfall Replacement Phase III. City Manager Connet asked City Council to adopt a resolution hereby accepting the loan offer.

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

### **RESOLUTION**

**WHEREAS**, the North Carolina Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works,

wastewater collection systems and water supply systems, water conservation projects, and

**WHEREAS**, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amount of \$594,020 for the construction of Dollar Branch Outfall Replacement Phase III, and

**WHEREAS**, the City of Clinton intends to construct said project in accordance with the approved set of plans and specifications.

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

That the City of Clinton does hereby accept the State Revolving Loan offer of \$594,020.

That the City of Clinton does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer, Section II – Assurances will be adhered to.

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

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

**AMENDMENT—BUDGET—DOLLAR BRANCH SEWER PROJECT**

Finance Director Betty Brewer briefed City Council regarding this item. She stated this amendment is needed so that we might proceed with Phase 3 of the Dollar Branch Sewer Project.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the following amendment **#2009.11.02** was unanimously adopted:

**CAPITAL PROJECT ORDINANCE AMENDMENT  
Lundy's Sewer Line**

**#2009.11.02**

**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 fund ordinance adopted March 2006 and amended June 12, 2007, July 10, 2007, and February 5, 2008 is hereby amended as follows:

**Section 1.** The project authorized is the sewer line.

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

**Section 3.** The following expenditures are changed as follows:

46.7340.0400	Engineering	24,000
46.7340.0500	Closing Cost	6,950
46.7340.7300	Construction	207,800
46.7340.8000	Contingency	<u>10,350</u>

**TOTAL EXPENDITURES            \$ 249,100**

**Section 4.** The following revenues are changed as follows:

46.3714.0400	Clean Water State Rev Funds	<u>249,100</u>
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**TOTAL REVENUES                \$249,100**

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

**AMENDMENT—BUDGET—CDBG RUSSELL STREET PROJECT**

Finance Director Betty Brewer asked City Council to approve a capital project ordinance amendment to the CDBG Russell Street Project that clarifies the budgeted amount for each expenditure category in the existing ordinance.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the following amendment **#2009.11.03** was unanimously adopted:

**CDBG Community Revitalization Capital Project Ordinance Amendment  
CDBG # 08-C-1874  
Russell Street Project**

**2009.11.03**

**BE IT ORDAINED** by the City Council of the City of Clinton, North Carolina, that the following amendment be made to the CDBG Community Revitalization Capital Project Ordinance adopted June 2, 2009, is hereby amended as follows:

**SECTION 1.** The expenditures are to be changed as follows:

<b><u>ACCOUNT NUMBER</u></b>	<b><u>ACCOUNT TITLE</u></b>	<b><u>INCREASE</u></b>	<b><u>DECREASE</u></b>
49.4770.0500	Clearance Activities	\$ 41,500	

49.4770.0600	Rehabilitation, Private	421,000
49.4770.0700	Relocation	170,000
49.4770.8100	Water Improvements	61,220
49.4770.8200	Sewer Improvements	112,280
49.4770.8300	Local Contribution/W & S	<u>100,000</u>
TOTAL EXPENDITURES		\$ 906,000

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

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>INCREASE</u>	<u>DECREASE</u>
49.3010.0800	CDBG Grant Revenue	\$ 850,000	
49.3020.0000	City Contribution	<u>56,000</u>	
TOTAL REVENUES		\$ 906,000	

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

**CAPITAL PROJECT ORDINANCE—BUDGET—WTP IMPROVEMENTS**

Finance Director Betty Brewer asked City Council to adopt a capital project ordinance for Water Treatment Plant Improvements. It was stated that the City of Clinton has been awarded \$458,000 by NCDENR through the American Recovery and Reinvestment Act for construction of a new clearwell. Also, it was stated that this project ordinance will establish a fund to administer the project, which will take place over the next several months.

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, the following capital project ordinance **#2009.11.04** was unanimously adopted:

**Water Treatment Plant Expansion Capital Project Ordinance**

**#2009.11.04**

**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 is hereby adopted:

**Section 1.** The project authorized is the Water Treatment Plant Expansion Capital Project described in the work statement contained in the Agreement between this unit and the North Carolina Department of Environment and Natural Resources.

**Section 2.** The officers of this unit are hereby directed to proceed with the project within the terms of the documents, the rules and regulations of the Department of Environment and Natural Resources, and the budget contained herein.

**Section 3.** The following revenues are anticipated to be available to complete this project:

<u>Account Number</u>	<u>Description</u>	<u>Increase</u>
44.3010.0000	DENR-ARRA Funds	\$ 152,016
44.3020.0000	Principal Forgiveness Grant	<u>152,015</u>
<b>TOTAL REVENUES</b>		<b>\$ 304,031</b>

**Section 4.** The following expenditures are appropriated for the project:

<u>Account Number</u>	<u>Description</u>	<u>Increase</u>
44.7140.0400	Engineering Design	\$ 21,000
44.7140.0401	Engineering Construction	16,700
44.7140.0500	Closing Cost	6,081
44.7140.0600	Geotech Investigation	3,000
44.7140.7300	Construction	245,000
44.7140.8000	Contingency	<u>12,250</u>
<b>TOTAL EXPENDITURES</b>		<b>\$ 304,031</b>

**Section 5.** The Finance Officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to provide the accounting to the agency required by the agreement(s) and federal and state regulations.

**Section 6.** Requests for funds should be made to the agency in an orderly and timely manner as funds are obligated and expenses incurred.

**Section 7.** The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this council.

**Section 8.** Copies of this Capital Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

**Section 9.** The Finance Officer is hereby authorized to transfer funds from one line item to another line item without further approval by the City Council, subject to the regulations of the North Carolina Department of Environment and Natural Resources.

## **RESOLUTION – PEDESTRIAN PLANNING GRANT**

Planning and Zoning Director Jeff Vreugdenhil asked City Council to approve a resolution declaring the intention of the Clinton, North Carolina City Council to apply for a Pedestrian Planning Grant. He stated that the City of Clinton has determined it needs a comprehensive pedestrian plan that will coordinate with the land use plan that is scheduled to be updated by the end of 2011. He stated that by adopting this resolution, a consultant can be procured to

move forward with this project. He further stated that the City is submitting an application to fund a Comprehensive Pedestrian Plan with \$22,000 grant funds and a 20% match requirement locally.

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

**RESOLUTION DECLARING THE INTENTION OF  
THE CLINTON, NORTH CAROLINA CITY COUNCIL,  
TO APPLY FOR A PEDESTRIAN PLANNING GRANT THROUGH  
THE BICYCLE AND PEDESTRIAN PLANNING GRANT INITIATIVE**

**NCDOT Pedestrian Planning Grant Application**

**WHEREAS**, the City of Clinton has recognized through citizen input and investigations that residents need a safe and efficient means of alternative transportation to lessen traffic congestion, promote healthier lifestyles, and service lower income residents that do not have the resources to own and maintain vehicular transportation; and

**WHEREAS**, the City of Clinton's neighborhood schools lack the necessary pedestrian facilities to connect children safely with the surrounding neighborhoods; and

**WHEREAS**, many workers in the City who do not own automobiles must walk to their jobs in hazardous conditions along busy roadways where pedestrian facilities do not exist or need improvement; and

**WHEREAS**, the City of Clinton will be comprehensively updating its land use plan by the end of 2011; and

**WHEREAS**, the City of Clinton has determined it needs a comprehensive pedestrian plan that will coordinate with their land use plan update in order to develop a clear set of priorities for pedestrian facility expenditures that will meet the needs of its residents in the most efficient, fair and effective manner; and

**WHEREAS**, the comprehensive pedestrian plan needs to be completed within the same time period of its land use plan update to ensure future land use patterns incorporate the City's plans for future pedestrian facilities;

**WHEREAS**, the North Carolina Department of Transportation Division of Bicycle and Pedestrian Transportation has issued a call for 2010 grant applications; and

**WHEREAS**, the City of Clinton is submitting an application to fund a Comprehensive Pedestrian Plan for the City with \$22,000 in grant funds with a \$5,500 local match; and

**WHEREAS**, the City Council wishes to go on record supporting the grant application; and

**NOW, THEREFORE, BE IT RESOLVED** that the Clinton City Council does hereby endorse the City's grant application and urges the North Carolina Board of Transportation to fund this important initiative.

**RESOLUTION -- AUTHORIZING ADVERTISING BIDS ELECTRONICALLY**

Assistant City Manager Purvis asked City Council to consider approving a resolution that allows the purchasing manager to advertise bids electronically as pursuant to North Carolina General Statutes 143-129(b). He stated that the City of Clinton would continue to advertise via the newspaper; however, when electronic means are deemed the most effective and efficient, the City would like to have the authority to do so.

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

**RESOLUTION AUTHORIZING PURCHASING MANAGER TO ADVERTISE BIDS ELECTRONICALLY**

**WHEREAS**, the City Council of the City of Clinton, NC has given authorization to the purchasing manager to advertise bids in a newspaper having general circulation pursuant to NC G. S. 143-129; and

**WHEREAS**, the City wishes to advertise bids by all possible means, including electronically, to ensure the greatest benefit for its citizens; and

**WHEREAS**, NC G.S. 143-129(b) allows the purchasing manager or any individual authorized by the governing body at a regular meeting of the board to advertise solely by electronic means when beneficial to the City; and

**WHEREAS**, it is the desire of the purchasing manager to receive authorization to advertise bids electronically.

**NOW, THEREFORE, BE IT RESOLVED** that the purchasing manager is hereby authorized to advertise bids electronically pursuant to NC G.S. 143-129(b).

**CITY COUNCIL – SPECIAL MEETING – UPCOMING CAPITAL PROJECTS**

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, and unanimously passed, a special meeting was scheduled for Thursday, November 12, 2009 at 6:00 PM to discuss upcoming capital projects.

**AUTHORIZATION-- REIMBURSEMENT – HOWELL EDWARDS – PUGH RD**

City Manager Connet stated that in order to provide water to Howell Edwards' development on Pugh Road, Mr. Edwards needed to extend a water line on NC 403. He stated that in order for the City to serve this area, the water line needed to be increased from a 6" to 8" water line and a meter vault needed to be installed on Pugh Road. City Manager asked City Council to, in accordance with the water extension policy, reimburse Howell Edwards for

additional costs associated with upsizing this water line for future growth of the City of Clinton water system.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, authorization was given to reimburse Howell Edwards in the amount of \$10,318.00 for water line improvements on Pugh Road.

### **AUTHORIZATION –COMPENSATION –T&W DEVELOPMENT—BARDEN ST.**

City Manager Connet stated that property had been sold twice. He stated that on August 23, 1989, the City transferred several lots to Robert and Carolyn Malpass in exchange for the former Putt-Putt property adjacent to Royal Lane Park. He stated that within the last several weeks, Mrs. Kennedy (formerly Malpass) sold two lots to T & W Development. City Manager Connet further stated that following the sale of these lots, it was discovered that the City had sold these lots to the Trustees of the Last Day Gospel Church, prior to, exchanging the property with Mr. & Mrs. Malpass.

City Manager Connet stated that the Malpasses never had a clear title to the lots and could not sell the lots to T & W Development. He stated that he had spoken with Attorneys Dale Johnson and Billy Sutton and it seems the best course of action is to compensate T & W Development for the cost of \$3,000 associated with purchasing the property. He stated to City Council that in return for compensating T & W Development, T & W Development would execute a Quitclaim Deed conveying all rights to the Trustees of the Last Day of Gospel Church.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, and unanimously passed, authorization was given to compensate T & W Development for two lots for \$3,000 on Barden Street, in exchange for the execution of a Quitclaim Deed by T & W Development relinquishing all rights to this property.

### **APPOINTMENT**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, Sherlene Devane was unanimously reappointed to the J. C. Holliday Library Board for a two-year term ending December 2011.

Notification of appointments was given of expiration terms of:

- a. Planning and Zoning Board – Hugh N. Carr; Robert Werner; and  
Bennie F. Peterson
- b. Board of Adjustment – John Naylor (District 2); Glenn Clark; and  
Burl Williamson
- c. All-America City Committee—Marcus Becton; Rev. Willie Bowden;  
Dee Bryant; Rev. Marvin Clowney;  
Nettie Pernell; Joel Rose; Gloria  
Edwards; Pat Denton; Jeff Shipp; Susie

Bauman; Dr. Gene Hales; Sherry Matthews; Betty Fortner; and Patty Cherry

## **REPORTS**

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

City Manager reported on the following holiday schedule for 2010 and stated that these dates coincide with the holidays taken by the State:

### **CITY OF CLINTON LOCAL GOVERNMENT PROPOSED HOLIDAY SCHEDULE – 2009**

<b>Holiday</b>	<b>Observance Date</b>	<b>Date of Week</b>
New Year's Day	January 1, 2010	Friday
Martin L. King Jr.'s Birthday	January 18, 2010	Monday
Good Friday	April 2, 2010	Friday
Memorial Day	May 31, 2010	Monday
Independence Day	July 5, 2010	Monday
Labor Day	September 6, 2010	Monday
Veteran's Day	November 11, 2010	Thursday
Thanksgiving	November 25 & 26, 2010	Thursday & Friday
Christmas	December 24 & 27, 2010	Friday & Monday

City Manager Connet reported that the Fire Department will have an Open House on Saturday, November 14, 2009 from 2:00 PM until 4:00 PM.

City Manager Connet asked Parks and Rec Director Judi Nicholson to inform City Council concerning a PARTF Grant for the Clinton Parks and Recreation Department. Ms. Nicholson stated that there will be a public meeting on Monday, November 9, 2009 at Royal Lane at 7:00 PM. She stated that holding a public meeting was one requirement in applying for the PARTF Grant. She further stated that reasons for holding this meeting are to receive feedback from the public and to inform the public of the City's intentions.

## **OTHER BUSINESS -- NC STATE ENERGY OFFICE --GRANT**

Planning and Zoning Director Jeff Vreugdenhil asked City Council to approve a resolution from the North Carolina State Energy Office in support of a

Main Street Energy Grant which is to be used for business buildings in the "Main Street" Downtown Program's geographical area. He stated that we have a businessman who is interested in applying for this grant.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following resolution regarding the North Carolina State Energy Office Main Street Energy Grant was unanimously approved:

**NORTH CAROLINA STATE ENERGY OFFICE MAIN STREET ENERGY  
GRANT  
(Bid # 200901019)  
Resolution**

**WHEREAS**, the City of Clinton has recognized through information from the North Carolina State Energy Office, investigations by town management and a study done by Synergy Solar, Inc. a need to reduce the city's use of carbon fuels by using renewable energy, specifically solar energy; and

**WHEREAS**, the United States wants to increase the amount of renewable energy use, increase the numbers of new jobs, and reduce carbon emissions through the American Recovery and Reinvestment Act's stimulus funds put into law in February, 2009 and is allotting the funds through state governments; and

**WHEREAS**, the State of North Carolina has put forth an initiative for a possible \$250,000 grant with matching funds of \$250,000 (1 to 1) with approved cities which Clinton is one. The matching portion will be paid by the business building owner. In this case, Vince Burgess, who will receive the tax credits and bonus depreciation allowances to offset his investment; and

**WHEREAS**, this initial grant due to the State Energy Office by November 18, 2009 (there is a second grant starting in January 2010 with details to follow) is to be used for a business building in the "Main Street" Downtown Program's geographical area; and

**WHEREAS**, the selected building should be one that is currently being "unfitted" with new equipment and having adequate roof space enough and direction with no shade for a renewable energy solar system to boost economic development; and

**WHEREAS**, the citizens of Clinton can say they have helped the area reduce its carbon emissions for cleaner air, the children of Clinton can have a "mini learning laboratory with a monitoring system" to see how solar energy works and how many trees are being saved and how many cars emissions are being taken off their highways; and

**WHEREAS**, the children of Clinton can start learning the basics of renewable energy which will provide 15% of new jobs in the next 15 years. And the city officials of Clinton can model to its citizens and its businesses the progressive nature and responsibility they are taking on by such a project to provide healthier lifestyles; and

**WHEREAS**, the project will commence as soon as possible and be

completed in 4 weeks so the panels are producing electricity through net metering which allows the building to still be on the grid so when the sun is out and producing more electricity than needed, the meter is running in reverse and "banking electricity" so on cloudy days and at night the meter is running as normal and using that banked electricity. The equipment is UL listed with AC and DC cutoffs in case of emergencies and using an "inverter" to change the current from DC (produced from the panels) to AC current (what is used inside buildings). The panels will not be visible and deter from the historical "look" of downtown Clinton; and

**WHEREAS**, the City Council of Clinton wishes to go on record supporting the grant application.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Clinton City Council does hereby endorse the City's grant application and urges the North Carolina State Energy Office to fund this important initiative.

### **RESOLUTION—CLOSED SESSION**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, 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 November 4, 2009 entered closed session as allowed by G. S. 143-318.11(a)(6) to discuss matters relating to personnel.

Council re-entered regular session at 9:02 PM. Mayor Starling reported that City Council was briefed on litigation and a number of personnel matters. He asked for a motion to approve an EOCC matter.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, an EOCC matter was approved unanimously and the meeting was continued until November 12, 2009 at 6:00 PM.

Time: 9:05 PM

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Elaine F. Hunt, City Clerk

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Lew Starling, Mayor