

MAY 5, 2010, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on May 5, 2010, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Stefanovich, Turlington, Strickland, Becton, Mayor Pro Tem Harris, and City Attorney Dale Johnson were present. Also City Clerk Elaine F. Hunt; City Manager John Connet; Assistant City Manager Shawn Purvis; Fire Chief Todd Solice; Deputy Fire Chief Jamie Beasley; Planning and Community Development Director Jeff Vreugdenhil; Planner Mary Rose; Police Chief Mike Brim; Recreation Director Judi Nicholson; Finance Director Betty Brewer; Human Resource Manager Lisa Carter; and Public Works Director Chris Doherty were present. Chris Berendt, of the Sampson Independent, was also present.

Rev. Chris Schneider, Pastor of Unity Baptist Church, 712 Faison Hwy, Clinton, NC gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the minutes of the October 6, 2009 and December 1, 2009 closed sessions, and April 6, 2010 regular city council meeting were unanimously approved.

RECOGNITION

Mayor Starling introduced Forrest Cary Strickland to City Council and the public. He stated that Forrest received his Eagle Scout Award on April 25, 2010. Mayor Starling presented him with a certificate of commendation upon receiving this prestigious Eagle Scout designation.

Mayor Starling introduced Janet Prestage, of 208 West Arrowhead Drive, Clinton, NC to City Council. Ms. Prestage introduced Kaylin Rose Prestage, Allyson Marie Warren, and Cameron Elizabeth Sutton to City Council and the group. She stated that each young lady received her Girl Scout Gold Award on May 2, 2010. Mayor Starling presented Kaylin Rose Prestage and Cameron Elizabeth Sutton with a certificate of commendation. Allyson Marie Warren was absent; therefore, Ms. Prestage received her certificate of commendation to present to her at a later date.

PRESENTATION

Police Chief Mike Brim reported on the Police Department's Annual Report which was enclosed in the agenda packet. Chief Brim stated that, "For the first time, the Clinton Police Department has developed and is utilizing a Strategic Management Plan process to promote strategic leadership and performance planning while prioritizing goals within the organization that addresses the major objectives we expect to face over the next few years." He stated that in 2009, index crime decreased 16%; DWI arrest decreased 15%; and vehicular accidents decreased 38%.

It was stated that this information is for informational purposes only.

OATHS

Mayor Starling administered oaths to Jeff Vreugdenhil, Chief Mike Brim, Stephen Conway, and Lyman Horne who plan to present information during the public hearing for a conditional use permit request to operate a restaurant and entertainment facility at 347 Northeast Boulevard in an HC Highway Commercial district.

P & Z – 347 NORTHEAST BOULEVARD – STEPHEN CONOWAY

Mayor Starling opened the public hearing on a request by Stephen Conoway of Fire Wired Breakfast and Fire Grill for a conditional use permit to operate a restaurant and entertainment facility with bands and live entertainment at 347 Northeast Boulevard in an HC Highway Commercial district. This public hearing was continued from the April 6, 2010 city council meeting.

Decision: Denied

This matter came before the Clinton City Council (the “City Council”) following a hearing by the Clinton Planning and Zoning Board on April 19, 2010. The Planning and Zoning Board recommended approval of this application with the following findings of fact based on the fact that the applicant submitted evidence that he could meet the four standards as described in Section 10 of the City of Clinton Zoning Ordinance:

1. The business associated with the requested use would occupy a 3,400 square foot space within the Clinton Plaza Shopping Center, the primary use of which would be a 24-hour restaurant and coffee shop. The address of the unit is 347 Northeast Boulevard.
2. The property is currently owned by Granny Scott, LLC.
3. The property under consideration is zoned HC Highway Commercial which provides for entertainment not elsewhere classified as a conditional use.
4. The applicant is requesting a conditional use permit to have occasional entertainment in the form of bands, music, comedians, etc. on Friday and Saturday nights from 9:00 PM until 2:00 AM with security provided. The performance or band area will be approximately 240 square feet with a 1357 square foot area for public seating and dancing. The maximum occupancy will be approximately 130.
5. The Clinton Plaza property contains sufficient parking to accommodate this type of use per City of Clinton Zoning Ordinance requirements.
6. The following conditional use standards from Section 10.7 of the City of Clinton Zoning Ordinance shall be considered by City Council:

- a. The use will not endanger the public health, safety, or general welfare if located where proposed and developed according to plan.
- b. The use meets all required conditions and specifications as outlined in the conditional use application, and/or imposed by City Council.
- c. 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.
- d. The location and character of the use if developed according to the plan 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.

The City Council conducted a quasi-judicial hearing on the Applicant's Conditional Use request for 347 Northeast Boulevard on May 5, 2010. A video recording of the proceeding and evidence presented by Chief of Police Mike Brim are attached to this decision and incorporated herein by reference.

Based upon the Application and related documentation, the applicable City ordinances, the sworn testimony and documentary evidence presented by the Applicant, the City Staff and those supporting and opposing the Application, the City Council makes the following Findings of Fact and Conclusions of Law:

A. Findings of Fact

1. The applicant submitted the application to the City for review in March 2010. Pursuant to the City Zoning Ordinance (dated May 2, 1995 and herein referenced as the "Zoning Ordinance"), the application was reviewed by the City Planning and Zoning Board. On April 19, 2010, the Planning and Zoning Board by majority vote on each standard found all four standards to have been met. Pursuant to Section 10.6 of the Zoning Ordinance, the application is sent to the City Council, with a recommendation from the Planning and Zoning Board, for final approval or denial.
2. The applicant requests a conditional use permit to operate an entertainment facility at 347 Northeast Boulevard in Clinton, (the "property"). The property is zoned HC Highway Commercial which provides for entertainment not elsewhere classified as a conditional use.
3. The Zoning Ordinance requires that the applicant establish compliance with the following standards in order to be approved:

Section 10.7 Standards

Standard 1: The use will not endanger the public health, safety, or general welfare if located where proposed and developed according to plan.

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.

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.

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.

4. The Planning staff materials included in the City Council's agenda indicates that the property under consideration contains approximately 3,400 sq. ft. in the Clinton Plaza Shopping Center to be leased by the applicant, with the applicant utilizing 1,597 sq. ft. of this space for a 240 sq. ft. stage area and 1,357 sq. ft. dance and seating area for the entertainment activities.
5. Stephen Conoway, of Fire Wired Breakfast and Fire Grill, appeared before City Council as the applicant. He asked for consideration of his request to open a restaurant and an entertainment facility at 347 Northeast Boulevard. Mr. Conoway presented no documentary exhibits and did not specifically address any of the Section 10.7 standards.
6. Upon inquiry by the City Council for additional information, Mr. Conoway responded to questions by stating:
 - a. He wishes to open primarily a breakfast style restaurant which would be open from 6:00 AM until 11:00 PM Monday through Thursday, and 24 hours Friday through Sunday.
 - b. Entertainment would consist of bands, DJs, and comedians on Friday and Saturday nights from 9:00 PM until 2:00 AM.
 - c. The maximum occupancy of the building would be approximately 130.
 - d. Security would be provided by way of off-duty police/sheriff department personnel.
7. Mr. Conoway stated that security will come from the off-duty police/sheriff department personnel; however, the Clinton Police

Department is not allowed to perform services of this type, so there was no competent evidence showing how security would be provided.

8. Clinton Chief of Police Mike Brim appeared before City Council. He stated that his department did an investigation regarding this request for public safety reasons. He stated the investigation showed that while Mr. Conoway owned and operated the Wired Coffee House and Deli at 935 Sunset Avenue, he violated Clinton City Code on numerous occasions and as a result of those violations, his business created numerous disturbances. Chief of Police Mike Brim stated that Mr. Conoway opened this business at night as a club with music and liquor being the main attraction, by doing so, Mr. Conoway was in direct violation of Clinton City Code Section 14-151 which a privilege license is required.
9. Clinton Chief of Police Mike Brim presented CAD reports which showed that Clinton police officers responded to five fights call, two disturbances, and made two felony drug arrests from the Wired Coffee House and Deli while it was operating as a club.
10. Clinton Chief of Police Mike Brim stated that Mr. Conoway was cited by the North Carolina ALE for possession of spirituous liquor with no tax stamp and being a permittee and allowing violations. He stated that also, Mr. Conoway was charged with Aid and Abet Prostitution by Cumberland County Sheriff Office.
11. The attached binder was admitted into evidence without objection.
12. The applicant did not present any additional evidence on how he was going to provide security at this facility. Furthermore, he did not present any evidence on how he was going to prevent criminal activity in and around this entertainment facility.
13. The proposed use will cause significant disturbances to nearby establishments as a result of additional noise, crime, and vehicular traffic.
14. The proposed use is different from and inconsistent with other uses in the area, some of which are frequented by families with children and senior citizens.
15. The proposed use could endanger the health, safety, and welfare of citizens or visitors who may patronize other businesses in the vicinity.
16. Lyman Horne, representative for the Trustees Board of Grace United Methodist Church, 800 Smith Street, Clinton, NC, appeared before City Council. He spoke in opposition of this conditional use permit request. Mr. Horne presented a letter to the Planning and Zoning staff which was also presented to City Council explaining in-

depth, his opposition as a representative for the Grace United Methodist Church.

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 not be met. No one voted yes.

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 not be met. No one voted yes.

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 not be met. No one voted yes.

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 not be met. No one voted yes.

B. Conclusions of Law

The proposed application for a conditional use permit as submitted fails to meet the requirements of the Zoning Ordinance and; therefore, the application is hereby **DENIED**. In addition, the applicant fails to carry his burden of proof on any of the above-mentioned required elements of Section 10.7.

C. Final Action

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, and with the incorporation into the minutes of the attached Stephen Conoway – Fire Wired Breakfast and Fire Grill binder notated as Exhibit A, a site map notated as Exhibit B, and a letter from the Trustees Board of Grace United Methodist Church notated as Exhibit C, a conditional use permit was unanimously denied for Stephen Conoway of Fire Wired Breakfast and Fire Grill to operate a restaurant and entertainment facility with bands and live entertainment at 347 Northeast Boulevard.

P & Z – 315 EAST CARTER STREET -- DENISE HARMON

Mayor Starling opened a public hearing on a request by Denise Harmon for a conditional use permit to operate an in-home daycare at 315 East Carter Street 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 upon the findings of fact. No one else wished to be heard, and the hearing was closed.

Mayor Starling read Standard 1: The use will not endanger the public health, safety, or general welfare if located where proposed and developed according to plan. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 2: The use meets all required conditions and specifications as outlined in the conditional use application, and/or as imposed by the City Council. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 3: The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood, or is a public necessity. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 4: The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in conformity with the Clinton Development Plan. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, a conditional use permit was unanimously approved for Denise Harmon to operate an in-home daycare at 315 East Carter Street in an R-6 Residential district.

P & Z – NC HWY 403/FAISON HWY -- JESSE PARKER

Mayor Starling opened a public hearing on a request by Jesse Parker for the rezoning of approximately 2 acres off NC Hwy 403/Faison Hwy from R-8 Residential to HC Highway Commercial. 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 the following zoning consistency statement:

“WHEREAS, in accordance with the provisions of North Carolina Statute 160A-383, the City of Clinton Planning Board does hereby find and determine that the recommendation of ordinance amendment RZ-4-10-1 is consistent with

the goals and objectives of the City of Clinton Land Use Plan and other long range planning documents.”

No one else appeared to be heard, and the hearing was closed.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, a request by Jesse Parker to rezone approximately 2 acres off NC Hwy 403/Faison Hwy was unanimously approved.

P & Z -- USDA RURAL DEVELOPMENT – PHASE 3 DOWNTOWN REVITALIZATION PROJECT -- CITIZEN’S INPUT

Mayor Starling opened a public hearing on a request to receive citizen input regarding the City of Clinton’s proposal to obtain financing from USDA, Rural Development for the purpose of Phase III of the Downtown Revitalization Project.

City Manager Connet stated that the City has applied for loan and grant funding from USDA Rural Development for Phase III of the Downtown Revitalization Project. He stated that in order to be eligible for funding, the City must conduct a public hearing to obtain citizen input. He further stated that a public hearing notice was published in the Sampson Independent at least ten days prior to this city council meeting. He concluded by stating that no action is requested at this time.

No one else wished to be heard and the public hearing was closed.

RESOLUTION – REMOVAL OF SIGNAL LIGHT – INTERSECTION OF WALL STREET AND ELIZABETH STREET

City Manager Connet stated that at the April 6, 2010 city council meeting, NCDOT Traffic Engineer Ben Hughes appeared before City Council asking approval of a resolution in support of the removal of the signal light and proposed re-striping plan at the intersection of Wall Street and Elizabeth Street. He stated that in City Council’s agenda packet was an email with attachments from Mr. Hughes. City Manager Connet stated that he had received comments from the public regarding the removal of the signal light. He further stated that it was his intentions to request that NCDOT cover the signal light and establish a four-way intersection at this location for a trial period of ninety (90) days; however, because Mr. Hughes was absent from this meeting, City Manager asked that this item be continued at the June 1, 2010 city council meeting.

Councilmember Stefanovich stated that he had received input from others and these individuals are not against the removal of the signal light.

Mayor and City Council continued this item—consideration of a resolution in support of the removal of the signal light and proposed re-striping plan at the intersection of Wall Street and Elizabeth Street—until the June 1, 2010 city council meeting.

CITY CODE -- ORDINANCE-- ELECTRONIC GAMING OPERATIONS

City Manager Connet spoke regarding amending Chapter 14, Article II Privilege Licenses of the Clinton City Code of 1987. He stated that this item was continued from the March 2, 2010 city council meeting. He stated that City Council had requested that a survey be performed to determine the locations of existing establishments and the number of machines. City Manager Connet stated that it was discovered that 89 machines exist in the City of Clinton. Also, he stated that City Council was presented with a list of fees from other municipalities.

Councilmember Stefanovich stated that he visited a site recently where these electronic games were. He stated that he felt \$500 was too low. It was stated that the City of Wilmington is proposing a fee of \$3,000 per machine.

Mayor Starling questioned whether or not these electronic gaming operations can be banned. Police Chief Brim stated that by law, these operations cannot be banned. Police Chief Brim further stated that these businesses require more service and with the increase of these businesses will come more robberies.

Human Resource Manager Lisa Carter stated that the ordinance before City Council stated that there could only be a maximum of 12 machines per location. City Council agreed that the maximum should be 30 machines per location.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, the following ordinance was unanimously adopted to establish a \$2500 annual license tax per machine; and, upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, this same ordinance was unanimously adopted to allow a maximum of 30 machines per location:

Ordinance # 2010.05.01

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE II. PRIVILEGE LICENSES OF THE CLINTON CITY CODE OF 1987

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina that the Clinton City Code of 1987 is hereby amended by adding a new section to be numbered Chapter 14, Article II. Privilege Licenses Sec. 14-70.3 Electronic Gaming Operations, which shall read as follows:

Sec. 14.70.3 Electronic Gaming Operations

Every person engaged in the business of electronic gaming operations shall pay an annual license tax of twenty-five hundred dollars (\$2500.00) per machine.

For profit business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and

where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. A maximum of 30 machines per location. This term includes, but is not limited to internet cafes, internet sweepstakes, video sweepstakes or cybercafés, who have a finite pool of winners. This does not include any lottery endorsed by the State of North Carolina.

ORDINANCES—BUDGET

Finance Director Betty Brewer briefed City Council regarding this item. She requested approval of the following budget ordinance amendments to account for our actual spending and revenue numbers regarding the 2009-2010 Fiscal Year Budget.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following amendment **#2010.05.02** was unanimously adopted:

Budget Ordinance Amendment

2010.05.02

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina, that the following amendment be made to the Annual Budget Ordinance adopted June 7, 2005, and amended September 5, 2006; June 12, 2007; February 5, 2008; February 12, 2008; June 17, 2008; and June 2, 2009, is hereby amended as follows:

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

| <u>ACCOUNT NUMBER</u> | <u>ACCOUNT TITLE</u> | <u>INCREASE</u> | <u>DECREASE</u> |
|---------------------------|-------------------------|------------------|------------------|
| 534970.7300 | DOWNTOWN REVITALIZATION | | 30,044.00 |
| 534970.7900 | TRANSFER TO FUND 57 | 43,000.00 | |
| TOTAL EXPENDITURES | | 43,000.00 | 30,044.00 |

SECTION 2. The following revenues are anticipated to be available to complete this project.

| <u>ACCOUNT NUMBER</u> | <u>ACCOUNT TITLE</u> | <u>INCREASE</u> | <u>DECREASE</u> |
|-----------------------|----------------------|------------------|-----------------|
| 533290.0000 | INTEREST EARNED | 5,243.00 | |
| 533350.0000 | MISCELLANEOUS | <u>7,713.00</u> | |
| TOTAL REVENUES | | 12,956.00 | |

SECTION 3. Copies of this budget amendment shall be furnished to the City Clerk, City Manager, and Finance Director for further direction in carrying out this project.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following amendment **#2010.05.03** was unanimously adopted:

**Budget Ordinance Amendment
Fiscal Year 2009-2010**

2010.05.03

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, and amended October 6, 2009 and February 2, 2010, 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> |
|------------------|-----------------------------------|-----------------|-----------------|
| 104100.0400 | Professional Service | 2,000.00 | |
| 104100.0500 | FICA TAXES | | 900.00 |
| 104100.1400 | Travel & Education | | 1,500.00 |
| 104100.5300 | Dues & Subscription | 400.00 | |
| 104100.5700 | Miscellaneous | 4,000.00 | |
| 104200.0200 | Salaries | 1,500.00 | |
| 104200.0600 | Group Insurance | 1,600.00 | |
| 104200.1400 | Travel & Education | 2,000.00 | |
| 104200.1600 | Maintenance & Repair equipment | | 500.00 |
| 104200.2600 | Legal Advertising | | 500.00 |
| 104200.3600 | Uniforms | 300.00 | |
| 104200.5700 | Miscellaneous | | 200.00 |
| 104200.7400 | Capital Outlay/Equipment | | 200.00 |
| 104300.3300 | Elections | | 878.00 |

| | | | |
|-------------|----------------------------------|-----------|-----------|
| 104400.1100 | Telephone | | 500.00 |
| 104400.1400 | Travel & Education | | 1,000.00 |
| 104400.3300 | Departmental Supplies | | 1,000.00 |
| 104400.5300 | Dues & Subscription | | 400.00 |
| 104400.5401 | Worker's Comp Insurance | | 500.00 |
| 105100.0600 | Group Insurance | | 6,000.00 |
| 105100.1200 | Office Supplies | | 2,500.00 |
| 105100.1401 | Auto Allowance | | 2,400.00 |
| 105100.1700 | Maintenance & Repair Auto | 3,000.00 | |
| 105100.2100 | Equipment Rental | 1,200.00 | |
| 105100.5402 | Insurance/Auto | 500.00 | |
| 105100.4500 | Contracted Services | | 3,000.00 |
| 105100.5404 | Public Liability Insurance | 1,900.00 | |
| 105100.5701 | Special Funds/Drugs | 900.00 | |
| 105100.7200 | K-9 Dog | 7,000.00 | |
| 105100.7400 | Capital Outlay/Equipment | 15,532.00 | |
| 105300.0200 | Salaries | | 12,000.00 |
| 105300.0203 | Part time Salaries | 10,000.00 | |
| 105300.1000 | Transfer Funds to Firemen's Fund | 7,834.00 | |
| 105300.3100 | Auto Supplies | | 1,000.00 |
| 105300.3300 | Departmental Supplies | | 5,000.00 |
| 105300.3303 | Haz-mat Supplies | 200.00 | |
| 105300.3600 | Uniforms | 400.00 | |
| 105300.3601 | Turnout Equipment | 3,000.00 | |
| 105300.4500 | Contracted Services | 5,500.00 | |
| 105300.5401 | Worker's Comp Insurance | | 4,000.00 |

| | | | |
|-------------|-------------------------------------|-----------|-----------|
| 105300.5700 | Miscellaneous | 200.00 | |
| 105600.0600 | Group Insurance | | 4,000.00 |
| 105600.1600 | Maintenance & Repair equipment | 2,000.00 | |
| 105600.3100 | Auto Supplies | | 7,000.00 |
| 105600.3302 | Signs/Signals/Paint | 5,400.00 | |
| 105600.3600 | Uniforms | | 2,000.00 |
| 105600.4502 | Contracted Services | 1,600.00 | |
| 105600.5000 | Street Lighting Contract | 20,000.00 | |
| 105600.5401 | Worker's Comp Insurance | | 6,000.00 |
| 105600.5402 | Auto Insurance | | 1,000.00 |
| 105610.1300 | Utilities | 1,500.00 | |
| 105610.1301 | Tipping Fees | | 500.00 |
| 105610.1400 | Travel & Education | 600.00 | |
| 105610.1500 | Public Works Complex Maintenance | 1,000.00 | |
| 105610.1600 | Maintenance & Repair equipment | | 1,000.00 |
| 105610.3200 | Office Supplies | 500.00 | |
| 105610.3400 | Small Tools | 800.00 | |
| 105610.3600 | Uniforms | | 800.00 |
| 105610.5401 | Worker's Comp Insurance | | 700.00 |
| 105610.5403 | Insurance Building | | 380.00 |
| 105900.0200 | Salaries | 3,300.00 | |
| 105900.3100 | Auto Supplies | | 4,000.00 |
| 105900.1400 | Travel & Education | 600.00 | |
| 105900.5700 | Miscellaneous | 500.00 | |
| 106200.0201 | Part time Salaries | | 16,150.00 |
| 106200.1600 | Maintenance Equip and Fields | 13,000.00 | |

| | | | |
|-------------|-----------------------------|-------------------|-------------------|
| 106200.1601 | Pool Supplies | | 9,000.00 |
| 106200.3600 | Uniforms | 270.00 | |
| 106200.4500 | Contracted Services | 3,280.00 | |
| 106200.5300 | Dues & Subscription | | 1,200.00 |
| 106200.7300 | Capital Outlay/Improvements | 9,800.00 | |
| 106400.0200 | Salaries | | 9,000.00 |
| 106400.0201 | Part-time Salaries | 9,000.00 | |
| 106400.5401 | Worker's Comp Insurance | 1,500.00 | |
| 106400.5402 | Insurance Auto | | 1,000.00 |
| 106400.7400 | Capital Outlay/Equipment | | 1,150.00 |
| 106600.0300 | Overpayment Taxes | 500.00 | |
| 106600.5404 | General Liability Insurance | 1,500.00 | |
| 106600.5600 | Safety Committee/OSHA | 1,000.00 | |
| 106600.5700 | Miscellaneous | 8,500.00 | |
| | TOTAL EXPENDITURES | 155,116.00 | 108,858.00 |

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

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> |
|------------------|-------------------------------|------------------|-----------------|
| 103030.0100 | Federal Forfeiture Drug Funds | 15,532.00 | |
| 103040.0200 | Insurance Revenue | 15,000.00 | |
| 103260.0000 | Hold Harmless Funds | 15,726.00 | |
| | TOTAL REVENUES | 46,258.00 | |

Section 3. To amend the Water and Sewer Fund, the expenditures are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> |
|------------------|---------------------------|-----------------|-----------------|
| 306600.0400 | Misc Professional Service | 1,000.00 | |
| 306600.7400 | Capital Outlay/equipment | 1,100.00 | |

| | | | |
|---------------------------|-----------------------------|------------------|------------------|
| 308100.1601 | Maint & Repair equipment | | 2,000.00 |
| 308100.4500 | Contracted Services | | 5,000.00 |
| 308100.5401 | Worker's Comp insurance | | 3,000.00 |
| 308100.5700 | Miscellaneous | 300.00 | |
| 308100.7300 | Capital Outlay/Improvements | 10,318.00 | |
| 308200.1300 | Utilities | 45,000.00 | |
| 308200.1602 | Maintenance Drying Beds | 15,000.00 | |
| 308200.3101 | Special Sludge Disposal | | 10,000.00 |
| 308200.3600 | Uniforms | | 1,500.00 |
| 308200.5403 | Insurance Bldg & Equipment | | 1,600.00 |
| 308300.1300 | Well Utilities | | 1,300.00 |
| 308300.1400 | Travel & Education | | 500.00 |
| 308300.5401 | Worker's Comp insurance | 800.00 | |
| 308300.5403 | Insurance Bldg & Equipment | 1,000.00 | |
| 308300.7300 | Capital Outlay Improvements | | 750.00 |
| 308300.7400 | Capital Outlay Equipment | 750.00 | |
| TOTAL EXPENDITURES | | 75,268.00 | 25,650.00 |

Section 4. The revenues are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> |
|------------------------|----------------------|---------------------|-----------------|
| 303040.0000 | Insurance | 17,445.00 | |
| 303360.0000 | Sales Tax Refund | 15,908.00 | |
| 303710.0000 | Sewer Surcharge | <u>16,265.00</u> | |
| Total Revenues: | | \$ 49,618.00 | |

Section 5. To amend the Downtown Special District, the expenditures are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> |
|------------------|------------------------------|-----------------|-----------------|
| 716910.2600 | Advertising | 600.00 | |
| 716910.8100 | Special Events | 3,600.00 | |
| 716910.8300 | College St. Parking Lot Rent | | <u>4,200.00</u> |

Total Expenditures: \$ 4,200.00 \$ 4,200.00

Section 6. To amend the Revolving Loan Fund (52), the expenditures are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> |
|----------------------------|-----------------------------|--------------------|-----------------|
| 524970.7900 | Tran to Housing Fund/Lee St | <u>22,000.00</u> | |
| Total Expenditures: | | \$22,000.00 | |

Section 7. The revenues are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> |
|------------------------|----------------------------|---------------------|-----------------|
| 523990.0000 | Fund Balance Appropriation | <u>22,000.00</u> | |
| Total Revenues: | | \$ 22,000.00 | |

Section 8. Copies of this budget amendment shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following amendment **#2010.05.04** was unanimously adopted:

**Public Safety Grant Amendment
For Second Year
Fiscal Year 2009-2010**

#2010.05.04

Be It Ordained by the City Council of the City of Clinton, NC, that the following amendment be made to the Public Safety Grant Ordinance that was adopted on May 5, 2009, and amended on July 14, 2009 is hereby amended as follows:

Section 1. The expenditures are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> |
|---------------------------|----------------------|-----------------|-----------------|
| 765200.0400 | PROFESSIONAL SERVICE | | \$ 7,000 |
| 765200.1000 | EMPLOYEE TRAINING | \$ 2,000 | |
| 765200.4500 | MEDIA CONTRACTS | 5,000 | |
| TOTAL EXPENDITURES | | \$ 7,000 | \$ 7,000 |

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following amendment **#2010.05.05** was unanimously adopted:

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

2010.05.05

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, and amended November 4, 2009 is hereby amended as follows:

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

| <u>ACCOUNT NUMBER</u> | <u>ACCOUNT TITLE</u> | <u>INCREASE</u> | <u>DECREASE</u> |
|-----------------------|--------------------------|-----------------|------------------|
| 49.4770.0400 | Administration | \$ 50,000 | |
| 49.4770.8300 | Local Contribution/W & S | | <u>\$ 50,000</u> |
| | TOTAL EXPENDITURES | \$ 50,000 | \$ 50,000 |

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following amendment **#2010.05.06** was unanimously adopted:

Affordable Housing Capital Project Ordinance

#2010.05.06

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 is hereby adopted:

Section 1. The project authorized is the Affordable Housing Capital Project described in the work statement contained in the Agreement between this unit and Sampson Community College.

Section 2. The officers of this unit are hereby directed to proceed with the project within the terms of the documents, 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> |
|-----------------------|-----------------------|---------------------|
| 573010.0000 | Trans from Fund 53 | 43,000.00 |
| 573020.0000 | Trans from Fund 52 | <u>22,000.00</u> |
| | Total Revenues | \$ 65,000.00 |

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

| <u>Account Number</u> | <u>Description</u> | <u>Increase</u> |
|-----------------------|---------------------------|---------------------|
| 574970.0500 | Appraisal | 450.00 |
| 574970.0600 | Plumbing Connection | 1,000.00 |
| 574970.0700 | Electrical Connection | 1,000.00 |
| 574970.0800 | Grading | 500.00 |
| 574970.7200 | Driveway Extension | 1,000.00 |
| 574970.7300 | House Moving | 4,800.00 |
| 574970.7400 | Home & Appliance | 52,855.00 |
| 574970.8000 | Contingency | <u>3,395.00</u> |
| | Total Expenditures | \$ 65,000.00 |

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.

AGREEMENT BETWEEN THE CITY OF CLINTON & PRATT INDUSTRIES

City Manager Connet asked City Council to continue this item until the June 1, 2010 city council meeting. Mayor and City Council agreed to this request.

CHANGE ORDER -- DOLLAR BRANCH OUTFALL PHASE 3 PROJECT

Public Works Director Chris Doherty presented a change order totaling \$709.33 to the contract with Colt Contracting, Inc. He stated this change order originated due to wet conditions; whereas, 66.71 tons of stone bedding were required to provide stabilization of the pipe, manholes and for the bore machine. He stated that originally, 55 cy of select backfill material was thought to be needed totaling \$825.00; however, after acquiring the tons of stones, the backfill material was unnecessary.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the change order totaling \$709.33 was approved unanimously.

LIENS RELEASE – LOT MAINTENANCE

City Manager Connet stated that the City is currently managing approximately 101 lot maintenance liens. He stated that during a recent review, it was discovered that three liens were filed against property owners that were not responsible for the maintenance of the lots at the time the work was completed. He stated that the liens were filed on the lots several months after the work was completed and during that period of time the properties changed ownership. City Manager Connet asked City Council to release the following individuals from liens for lot maintenance:

| | | |
|---------------------|----|-----------|
| William B. Grantham | -- | \$ 250.00 |
| Gary W. Parker | -- | \$ 250.00 |
| William H. Harris | -- | \$ 645.00 |

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, consideration of releasing liens for lot maintenance for the above-mentioned individuals passed unanimously.

ORDINANCE—BUDGET – NC EMERGENCY MANAGEMENT REPETITIVE LOSS GRANT

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, the following **#2010.05.07** NC Emergency Management Repetitive Loss Grant Ordinance was unanimously adopted:

NC EMERGENCY MANAGEMENT GRANT ORDINANCE

#2010.05.07

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 NC Emergency Management Grant Ordinance is hereby adopted:

Section 1. The project authorized is a North Carolina Emergency Management Grant Budget.

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

Section 3. The following amounts are appropriated for the grant.

| <u>Account Number</u> | <u>Description</u> | <u>Increase</u> | <u>Decrease</u> |
|----------------------------|--------------------|-------------------|-----------------|
| 624970.4000 | CONSULTANT FEE | 4,000.00 | |
| 624970.0500 | INTAKE INTERVIEW | 500.00 | |
| 624970.0600 | APPRAISAL | 500.00 | |
| 624970.0601 | TITLE SEARCH | 500.00 | |
| 624970.0602 | RECORDING FEE | 75.00 | |
| | SURVEY AND | | |
| 624970.0700 | MAPPING | 750.00 | |
| 624970.0800 | LOAN CLOSING | 500.00 | |
| | ASBESTOS | | |
| 624970.0900 | INSPECTION | 500.00 | |
| | ASBESTOS | | |
| 624970.0901 | ABATEMENT | 2,000.00 | |
| 624970.1000 | DEMOLITION FEE | 21,701.00 | |
| | PROPERTY | | |
| 624970.7200 | PURCHASE | <u>100,000.00</u> | |
| TOTAL EXPENDITURES: | | 131,026.00 | |

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

| <u>Account Number</u> | <u>Description</u> | <u>Increase</u> | <u>Decrease</u> |
|------------------------|--------------------|----------------------|-----------------|
| 623010.0000 | NCEM GRANT | \$ 117,923.39 | |
| 623020.0000 | OWNER'S MATCH | <u>13,102.61</u> | |
| TOTAL REVENUES: | | \$ 131,026.00 | |

Section 5. Copies of this grant ordinance shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

SUBDIVISION—WEST MAIN STREET – MARETTA L. BREWINGTON

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, a preliminary plat request by Maretta L. Brewington for a one-lot subdivision, consisting of approximately 0.87 acres off West Main Street was unanimously approved.

**SUBDIVISION—WEST ARROWHEAD DRIVE – CHARLES HOLDEN
DUBOSE, III**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, a preliminary plat request by Charles Holden Dubose, III for a two-lot subdivision, consisting of approximately 14.71 acres off West Arrowhead Drive was unanimously approved.

ANNEXATION – NC HWY 403

Planning and Zoning Director Jeff Vreugdenhil presented petitions from Charles Holden Dubose, III for the contiguous annexation of Lots No. 1 and 2 in the North Clinton Township, Coharie Country Club vicinity.

City Manager Connet stated if City Council desires to proceed with this request, a resolution instructing the clerk to investigate these petitions should be adopted. He stated that we are requesting that Council direct the clerk to investigate the sufficiency of these petitions and that the clerk report back at the June 1, 2010 city council meeting.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the resolution directing the clerk to investigate the sufficiency of petitions for annexation, passed unanimously.

BIDS—CITY HALL ADMINISTRATIVE ADDITION

City Manager Connet spoke regarding consideration of award of bid for the new City Hall Administrative Addition. He stated that he is working on a small renovation and expansion project that will improve the accessibility and efficiency of City Hall. He stated that bids were received on April 1, 2010, with Diamond Contracting being the low bidder with a base bid of \$188,444 and alternate bids of (1) \$135,226 and (2) \$191,326. City Manager Connet stated that it is his recommendation to award the bid to Diamond Contracting for the base project and alternate (2) totaling \$373,170; however, he asked City Council to delay making a decision until after the budget workshop scheduled for May 18, 2010.

No action was taken at this time.

APPOINTMENTS

Notification was given of expiration terms on the Fireman's Relief Board. These are two-year terms. City Manager Connet stated that City Council has two appointees on this Board:

- (a) Dewey Elmore
- (b) Jamie Little

REPORTS

The personnel, fire, finance, public works, police, and code reports were acknowledged. Also, City Manager Connet acknowledged the newly-created City Council Action Report, as well as, a report regarding the recent Spring Clean-up which was held April 12-16, 2010.

City Manager Connet stated that we are working on the budget and will provide City Council with a copy before the budget workshop on May 18, 2010. He recognized the newly-appointed deputy fire chief, Jamie Beasley.

PUBLIC COMMENTS

Several residents from the Pugh Road area were present. Ms. Beverly Jacobs of 149 Pugh Road appeared before City Council seeking information as to why some residents in the area have been approved for home improvements and some have not.

Others who spoke were: Audrey Eason, Milford McRae, and Janice King of 161 Pugh Road.

Assistant City Manager Shawn Purvis stated that only two houses on Pugh Road had been approved in the Russell Street Project. He stated that the block grant was for \$850,000 and there was not enough money to renovate as many as needed to be renovated. He stated that the State of North Carolina defined which area to perform the work. He stated that the City applied for another grant; however, we were denied. He concluded by stating that his plans are to re-apply in another ten (10) years.

Janice King questioned whether or not a neighbor, Bettie R. Morrissey, might be able to hook up to the system. Mayor Starling directed City Manager Connet to meet with Ms. King to discuss this matter further.

Mayor Pro Tem Harris stated that clarification is needed regarding this Russell Street Project. She further stated this project and process need to be redefined for the residents on Pugh Road and surrounding areas.

Beverly Jacobs requested to make a final statement regarding the traffic flow and speed in the area. She stated the speed needs to be monitored. Chief Brim stood and declared that he would direct someone from his department to investigate the matter immediately.

Bob Carr, 201 Tomahawk Trail, stood and introduced to City Council two Boy Scouts. Mayor Starling welcomed Mr. Carr and the scouts.

ADJOURNMENT/CONTINUATION

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and approved unanimously, the meeting was continued until Tuesday, May 18, 2010 at 7:00 PM in the City Hall Auditorium.

Elaine F. Hunt, City Clerk

Lew Starling, Mayor

ADJOURNED AT 8:32 PM.