

JUNE 1, 2010 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on June 1, 2010, 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 F. Connet; Assistant City Manager Shawn Purvis; Finance Director Betty Brewer; Fire Chief Todd Solice; Planning and Community Development Director Jeff Vreugdenhil; Senior Planner Mary Rose; Recreation Director Judi Nicholson; Public Works Director Chris Doherty; Human Resource Manager Lisa Carter; and Police Chief Mike Brim were present. Also present were Intern Michael James and Chris Berendt, from the Sampson Independent.

Rev. Thomas R. Farrow, newly-appointed Pastor of First Baptist Church, 900 College Street, Clinton, NC, gave the invocation.

CITY COUNCIL

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the minutes of the May 5, 2010 regular city council meeting and May 18, 2010 special city council meeting were approved unanimously.

BUDGET

Mayor Starling opened a public hearing to receive input on the 2010-2011 Fiscal Year Budget.

City Manager Connet began the presentation by stating this upcoming fiscal year, the City of Clinton will be attempting to do more with less. He stated that the FY 2010-2011 Budget is based on the goals and objectives of City Council. City Manager Connet stated that the budget will be available online. He stated that the General Fund (Unreserved) balance estimate is \$3,803,467, and the Water and Sewer Fund (Unreserved) balance estimate is \$2,374,253. He further stated that the total FY 2010-2011 Budget totals \$12,677,115 – General Fund \$8,143,662; Water and Sewer Fund -- \$4,424,223; and all other funds \$109,230. He stated that there is a decrease in this budget from the FY 2009-2010 Budget of \$1,060,743.

City Manager Connet spoke regarding highlights of this budget which included: no new positions, the elimination of three positions, an increase in the City's contribution to Local Government Retirement System by 1.55%, Implementation of the pay and classification study for labor and trade classes, suspended City's 401K contribution, insurance funded at 5% increase, and no COLA increase. He further stated capital outlay highlights which included: repairs to the community theatre, leaf vacuum, and small pickup truck for the

Cemetery Department, three police vehicles, and Royal Lane Park improvements.

City Manager Connet stated that a few fee changes were proposed. He stated that we are proposing to continue using the drop off centers for recycling services. He stated a proposed \$.15 increase in the based water and sewer rates, \$.05 increase in the water consumption rate, and \$.02 increase in the sewer consumption rate are being recommended. He further stated that fee changes within the Recreation Department include: a late registration fee, new picnic shelter rental rates, non-resident football registration fee, swimming pool and lessons fees. City Manager Connet concluded with proposed fee changes by requesting increases as it relates to taxi drivers. He stated that there has not been an increase within this area since approximately 1991. He recommended increasing taxi owners' permits from \$1.00 to \$5.00, initial taxi drivers' permits from \$54 to \$60, and taxi drivers' renewals from \$15 to \$20.

City Manager Connet concluded his presentation by asking if City Council had questions and requesting that City Council delay adopting the budget until the convening of a special meeting on Tuesday, June 29, 2010 at 7:00 PM in the Clinton City Hall Auditorium.

City Council had previously reviewed the budget at a work session held on May 18, 2010. City Council had no questions. No one else wished to be heard, and the public hearing was closed.

Mayor Starling stated that no action will be taken tonight; however, City Council is asked to adopt the budget on June 29, 2010 at 7:00 PM.

CITY HALL RENOVATIONS/ADDITION

Mayor Starling opened a public hearing on a request to receive citizen input regarding the proposed renovations and addition to City Hall and approval of a resolution authorizing the filing of an application.

City Manager Connet stated that prior to obtaining private financing for the construction or renovation of a public building, the governing board must conduct a public hearing and approve a formal resolution authorizing the filing of an application with the Local Government Commission. He stated that the required public notice has been advertised and recommended City Council adopting the proposed resolution. City Manager Connet asked Finance Director Betty Brewer to come forth and speak regarding the awarding of bid for the proposed renovations and addition to City Hall.

Finance Director Brewer stated that three bid packages were mailed to RBC, BB&T, and First Citizens Banks to obtain quotes for the financing of the City Hall Renovation Project. She stated that RBC and BB&T responded; however, First Citizens Bank was not interested in the proposed 10-year term. Ms. Brewer stated that regarding the Build America Bond Program, RBC Bank offered a 4.71% rate; whereas, BB&T offered a 5.19% rate. She further stated that RBC Bank quoted a \$7500 bank fee and BB&T quoted a 3.39% interest rate with no bank fee. Finance Director Brewer recommended accepting the bid quote of BB&T at 3.39% over a 10-year term. She stated that a resolution

approving financing terms is required if City Council chooses to accept BB&T's bid quote.

Mayor Starling informed City Council that two resolutions were on the table to be approved or denied.

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

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following resolution was adopted by a vote of 4 to 1, with Councilmember Stefanovich having the dissenting vote:

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION
FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY
NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the City of Clinton, North Carolina desires to make renovations and expand the Clinton City Hall (the "Project") to better serve the citizens of Clinton; and

WHEREAS, the City of Clinton desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A-, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Clinton, North Carolina, meeting in regular session on the 1st day of June, 2010, make the following findings of fact:

- (1) The proposed contract is preferable to a bond issue for the same purpose because the City of Clinton has always depended upon the efficiency and effectiveness of City Hall operations and the accessibility to all citizens.

The Clinton City Hall Project offers an opportunity to make the building handicap-accessible. This Project will address the Americans with Disabilities Act, safety issues, and extend the life of Clinton City Hall.

The project will be financed for a ten (10) period.

- (2) The proposed contract is preferable to a bond issue for the same purpose because the cost of financing is greater than the cost of issuing general obligation bonds. By using a financing agreement to finance the Clinton City Hall project, the city can award bid(s) sooner than if using other financing methods. This is anticipated to be a cost-savings since contractors are presently in a "slow" work schedule.

- (3) The sums to fall due under the contract are adequate and not excessive for the proposed purpose because as stated in Number 2 above, the City anticipates to save on construction costs. Engineering estimates for the project are in line with similar projects.
- (4) The City of Clinton's debt management procedures and policies are good because the Local Government Commission has records which reflect the city's history of compliance. The City bond ratings (Moody's - A3, SAP- A+, NCMC - 82) reflect good fiscal management in accordance with state laws and procedures.
- (5) The increase in taxes necessary to meet the sums to fall due under the proposed contract will be \$ -0- cents per \$100 valuation and is not deemed to be excessive.
- (6) The City of Clinton is not in default in any of its debt service obligations.
- (7) The attorney for the City of Clinton has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager is hereby authorized to act on behalf of the City of Clinton in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the following resolution was adopted by a vote of 4 to 1, with Councilmember Stefanovich having the dissenting vote:

Resolution Approving Financing Terms

WHEREAS, The City of Clinton, North Carolina (the "City") has previously determined to undertake a project for renovations to City Hall (the "Project"), and the Finance Director 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 June 1, 2010. The amount financed shall not exceed \$500,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.39%, and the financing term shall not exceed ten (10) 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 Director 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 Director 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 Director shall approve, with the Finance Director'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.

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

City Manager Connet requested that 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 be removed from the agenda.

City Council removed the abovementioned item from the agenda and no action was taken.

AGREEMENT BETWEEN THE CITY OF CLINTON & PRATT INDUSTRIES

City Manager Connet asked City Council to remove from the agenda consideration of agreement with Pratt Industries for recycling services.

City Council removed this item from the agenda and no action was taken.

WATER AND SEWER

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, the following water, sewer, and garbage charges for the period July 1, 2008 – June 30, 2009, were written off as uncollectible:

Write-off Accounts Listing May, 2010

<u>Account #</u>	<u>Account Name</u>	<u>Charge Off</u>	<u>Amts</u>
1001700.96	Aquatic Life	\$	9.20
1005300.92	Annie Smith	\$	134.44
1017930.96	Richard Douglas	\$	30.79
1017970.98	Daisey Stokes	\$	79.35
1018900.76	Dion Matthis	\$	62.95
1019100.77	Delmon Johnson	\$	40.23
1019400.73	Patrick Jones	\$	46.63
1019400.75	Sean Bateman	\$	3.24
1020175.93	Rebecca Herring	\$	40.53
1020340.97	Michael Wortham	\$	256.63
1020920.80	Antonino Chestnutt	\$	123.32
1020920.81	Torri Owens	\$	25.55
1021000.97	Booker Draughon	\$	67.94
1021300.89	Tishona Kirby	\$	65.36
1021900.83	Lawrence Johnson	\$	24.46
1022562.95	Wanda Barfield	\$	47.44
1022565.93	Anita Harris	\$	6.47
1022569.95	Virginia Lewis	\$	1.66
2014800.98	Mary Gainey	\$	74.69
3000600.89	Sharon Harper	\$	248.10
3002920.93	Yoni Chavarria	\$	175.48
3003330.94	Conrad Jacobs	\$	0.20
3006100.84	Gina Nelson	\$	137.54
3011400.85	Edith Hartis	\$	65.08
3015700.87	Peggy Long	\$	98.38
4002700.77	Juan Rodriquez	\$	5.15
4009100.97	Dorothy Oliver	\$	212.84
4012900.89	Martie Nance	\$	11.92
4015700.82	Sylenia Lewis	\$	9.56
4018300.92	Terry Baldwin	\$	9.71
4019300.87	Dwight Alphin	\$	14.97
5002300.72	Mary Chamberlain	\$	12.26
5010500.94	Martha Lane	\$	36.93
5012100.82	Bobby Lloyd	\$	0.98
5016800.96	Richard Brown	\$	42.93
6007300.91	Talisha Becton	\$	30.65
6008100.84	Debbie Rich	\$	40.99
6011800.91	Alease Guerrier	\$	69.30
6012000.80	Daniel Flores	\$	81.72
6012400.92	Wanda Carr	\$	68.33

6012900.92	Gerado Beristain	\$	10.25
6014385.91	Yolanda Escalante	\$	293.76
7002400.97	Timothy Odum	\$	200.40
7003450.84	Tomekia Aycock	\$	6.38
7003600.94	Bessie Matthews	\$	112.23
7004750.88	Walter Mainor, Jr.	\$	70.97
7010310.86	Katie Oates	\$	94.09
7011500.85	Garry Parker	\$	80.35
7013400.77	Mitchell Strickland	\$	165.48
7013600.82	Gary Matthews	\$	18.85
7013800.90	Vonda Brewington	\$	26.81
7015200.91	Lorie Butler	\$	5.74
7015300.79	William Chavis, Jr	\$	182.01
7016400.73	Brenda Tatum	\$	1.48
7016440.94	Eloise Oates	\$	53.04
7018200.95	Hardy Williams	\$	35.25
7021540.76	Brenda Ebron	\$	174.19
8003700.89	Veronica Darden	\$	108.17
8005300.93	Ruri Romero	\$	48.41
8006450.90	Oscar Isaula	\$	33.26
8007200.86	Willie Melvin	\$	66.61
8008600.85	Eric Santiago	\$	27.04
8008750.89	Betrix Mcintire	\$	16.60
8015020.98	Estate of Robert Jacobs	\$	311.60
8016700.87	Ovidio Mazariegos	\$	71.45
8019200.86	Linda Herring	\$	43.31
9006800.90	Jose Alvarado	\$	379.46
9019300.86	Olivia Council	\$	26.56
10008600.83	Jerry Jones	\$	13.50
10010300.93	Nathan Hudson	\$	4.08
10012700.92	Alice Mcallister	\$	161.62
10014800.98	Margaret Jacobs	\$	212.34
10022800.95	Donald Morrissey	\$	135.78
11010100.98	Roosevelt Bennett	\$	106.23
12000200.98	Estelle Johnson	\$	148.66
12004200.94	Marjorie Sloan	\$	191.21
12007660.90	Shatisha Rhodes	\$	55.97
12009900.92	Christol Paschal	\$	31.95
12011400.95	Rock Brunson	\$	10.22
12013120.95	Joe Killett	\$	106.17
12019450.94	Timothy & Angel McNeil	\$	3.89
12019450.95	Freddie King, Jr.	\$	86.07
12025250.93	Hair Max	\$	85.74
12025255.97	Angelica Palacios - Santos	\$	68.36
12030500.98	Bessie Mathis	\$	314.00
12061330.98	Julia Bunting	\$	81.65
13004900.94	Gail Holmes	\$	23.19
13007000.96	Suebell Jackson	\$	14.45
13013100.94	Gilber Aragon	\$	157.42
14050270.97	Dorothy Butler	\$	79.35
14050300.92	Marlina Cruz	\$	76.70
14050300.93	Alfreda Wortham	\$	50.48
14050450.91	Jamy Aycock	\$	10.24
14052600.85	Alejandro Rodriguez	\$	204.59
14055900.93	Chrystal Faircloth	\$	38.47

14059500.85	Phillip Brock	\$	658.64
14059600.87	Lisa Barefoot	\$	56.73
14060645.90	China Garden	\$	312.17
14067100.94	James Boone	\$	26.14
14112837.98	Craig Blue	\$	58.21
15068200.88	Jose Linares	\$	35.97
15068400.86	Frenzie Jackson	\$	19.54
15077970.86	Mary Faircloth	\$	48.88
15078060.92	Sheila Brewington	\$	33.84
17001300.84	Lastasia McNeil	\$	9.34
17021000.85	Ora Fisher	\$	64.12
17022100.90	Erica Jacobs	\$	392.74
17022200.94	Jennifer Hanna	\$	309.60
17024100.86	Virginia Joyner	\$	17.38
17024700.93	Odessa Brunson	\$	110.35
	TOTAL	\$	9,803.63

HAMILTON BEACH PROPERTY UPDATE

City Manager Connet stated that this item is for informational purposes only. He wants to keep City Council abreast on the former Hamilton Beach site and the contaminated ground water. He introduced Daphne Jones, Environmental Consultant with Duncklee & Dunham, to the group.

Ms. Jones presented a handout to City Council showing such significant information as the Brownfields Agreement Process. She stated that the City of Clinton cannot receive a brownfields agreement because we owned the site for several years towards the end of Hamilton Beach/Proctor Silex's era. She stated the City gained ownership from the Industrial Development Corporation of Sampson County in March 1989. She stated that a "ready for reuse" brownfields agreement is possible for the City of Clinton.

Ms. Daphne Jones stated that Hamilton Beach/Proctor Silex has stepped forward as the responsible party for contamination at the site. She stated that they have performed numerous phases of assessment work and are ready to advance a step further by performing a pilot study.

City Manager Connet reiterated that this item is for informational purposes only. He recommended to City Council that we work with Hamilton Beach to remove the building down to the slab. He stated that he had spoken with someone who agreed to remove the metal building at no cost to the City—provided—he could possess the metal building structure.

It was the consensus of City Council to continue working with Hamilton Beach representatives to eliminate the contamination at the site. No action was taken.

ANNEXATION—CHARLES H. DUBOSE, III – LOTS #1 & 2—NORTH CLINTON TOWNSHIP

City Manager Connet said at the May 5, 2010 city council meeting, the city clerk was instructed to investigate the sufficiency of the petitions of the property owner—Charles Holden Dubose, III -- of designated Lot 1 and Lot 2 in the North Clinton Township. He stated that at this time, we present to Council the City Clerk's Certificate of Sufficiency.

City Manager Connet presented for consideration resolutions calling for a public hearing on the annexation. Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following resolutions were unanimously adopted:

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the City Council of the City of Clinton, North Carolina has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Clinton, North Carolina that:

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held in the City Hall Auditorium at 7:00 PM on June 29, 2010.

Section 2. The area proposed for annexation is described as follows:

DESCRIPTION FOR
LOT NO. 1 OWNED BY
CHARLES HOLDEN DUBOSE, III
Located in
NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

BEGINNING at an existing concrete monument, said concrete monument being located North 34 degrees 29 minutes 59 seconds East 4169.03 feet from N. C. G. S. Station "Griffin" having N. C. Grid Coordinates of X = 2,188,503.546 and Y = 453,470.563 (1983 N. A. Datum); running thence from said beginning point with Coharie Country Club "Prestage Coharie, LLC" (see Map Book 55 Page 65 and Deed Book 1608 Page 182), North 55 degrees 59 minutes 16 seconds West 157.40 feet to an existing concrete monument and North 88 degrees 18 minutes 06 seconds West 148.64 feet to an existing concrete monument in the line of Charles Holden Dubose, III (see Deed Book 1765 Page

597 and Map Book 72 Page 05); thence with Lot No. 3 owned by Charles Holden Dubose, III, North 53 degrees 20 minutes 00 seconds East 200.00 feet to an existing iron stake, North 69 degrees 55 minutes 00 seconds East 470.00 feet to an existing iron stake, North 58 degrees 30 minutes 00 seconds East 420.00 feet to an existing iron stake, and South 77 degrees 30 minutes 00 seconds East 249.86 feet to an iron stake set; thence with Lot No. 4 owned by Charles Holden Dubose, III, the same course continued, South 77 degrees 30 minutes 00 seconds East 155.14 feet to an existing iron stake, North 85 degrees 15 minutes 00 seconds East 550.00 feet to an existing iron stake, South 39 degrees 30 minutes 00 seconds East 270.00 feet to an existing iron stake, South 82 degrees 00 minutes 00 seconds East 205.00 feet to an existing iron stake, South 01 degrees 15 minutes 00 seconds East 215.10 feet to an existing iron stake, and South 01 degrees 15 minutes 00 seconds East 27.13 feet to a stake on the Northern right-of-way line of West Arrowhead Drive (having a 60 feet wide right-of-way); thence with the Northern right-of-way line of West Arrowhead Drive, around a curve to the left having a radius of 706.76 feet for an arc distance of 26.57 feet (chord = North 84 degrees 58 minutes 29 seconds West 26.57 feet) to a stake; thence with Lot No. 2 owned by Charles Holden Dubose, III, North 31 degrees 25 minutes 22 seconds West 278.92 feet to an iron stake set, North 82 degrees 00 minutes 00 seconds West 50.00 feet to an iron stake set, North 39 degrees 30 minutes 00 seconds West 272.72 feet to an iron stake set, South 85 degrees 15 minutes 00 seconds West 564.61 feet to an iron stake set, South 52 degrees 33 minutes 16 seconds West 145.49 feet to an iron stake set, and South 03 degrees 51 minutes 33 seconds East 135.00 feet to an iron stake set; thence with Coharie Country Club "Prestage Coharie, LLC" (see Map Book 55 Page 65 and Deed Book 1608 Page 182), South 86 degrees 08 minutes 27 seconds West 361.91 feet to an existing concrete monument, South 46 degrees 09 minutes 34 seconds West 289.56 feet to an existing concrete monument, North 87 degrees 35 minutes 26 seconds West 225.75 feet to an existing iron stake, and South 73 degrees 07 minutes 48 seconds West 151.52 feet to the point of **BEGINNING**, containing 8.65 acres, more or less, as surveyed during January and March, 2010 by Owen Surveying, Inc., with all lines correct in their angular relation and relative to N. C. Grid North (1983 N. A. Datum).

Section 3. Notice of the public hearing shall be published once in The Sampson Independent, a newspaper having general circulation in the City of Clinton, at least ten (10) days prior to the date of the public hearing.

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the City Council of the City of Clinton, North Carolina has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Clinton, North Carolina that:

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held in the City Hall Auditorium at 7:00 PM on June 29, 2010.

Section 2. The area proposed for annexation is described as follows:

DESCRIPTION FOR
LOT NO. 2 OWNED BY
CHARLES HOLDEN DUBOSE, III
Located in
NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA

BEGINNING at an iron stake set in the Coharie Country Club line (see Map Book 55 Page 65), said iron stake being located North 34 degrees 29 minutes 59 seconds East 4169.03 feet, North 73 degrees 07 minutes 48 seconds East 151.52 feet, South 87 degrees 35 minutes 26 seconds East 225.75 feet, North 46 degrees 09 minutes 34 seconds East 289.56 feet, and North 86 degrees 08 minutes 27 seconds East 361.91 feet from N. C. G. S. Station "Griffin" having N. C. Grid Coordinates of X = 2,188,503.546 and Y = 453,470.563 (1983 N. A. Datum); running thence from said beginning point with Lot No. 1, North 03 degrees 51 minutes 33 seconds West 135.00 feet to an iron stake set, North 52 degrees 33 minutes 16 seconds East 145.49 feet to an iron stake set, North 85 degrees 15 minutes 00 seconds East 564.61 feet to an iron stake set, South 39 degrees 30 minutes 00 seconds East 272.72 feet to an iron stake set, South 82 degrees 00 minutes 00 seconds East 50.00 feet to an iron stake set, and South 31 degrees 25 minutes 22 seconds East 278.92 feet to a stake on the Northern right-of-way line of West Arrowhead Drive (having a 60 feet wide right-of-way); thence with the Northern right-of-way line of West Arrowhead Drive, North 86 degrees 03 minutes 07 seconds West 52.65 feet to a stake; thence around a curve to the left having a radius of 130.20 feet for an arc distance of 35.56 feet (chord = South 86 degrees 07 minutes 23 seconds West 35.45 feet) to a stake and South 78 degrees 17 minutes 53 seconds West 96.41 feet to an existing iron stake; thence around a curve to the left having a radius of 208.23 feet for an arc distance of 122.44 feet (chord = South 61 degrees 27 minutes 11 seconds West 120.68 feet) to an existing iron stake; thence with the Northern right-of-way line of Carolina Power & Light (now Progress Energy) Power Transmission lines (see Deed Book 406 Page 244), and with the Northern line of Jackie Parrish (see Deed Book 994 Page 70), South 78 degrees 17 minutes 53 seconds West 131.23 feet to an existing concrete monument (broken); thence with Coharie Country Club "Prestage Coharie, LLC" (see Map Book 55 Page 65 and Deed Book 1608 Page 182), North 02 degrees 34 minutes 29 seconds West 325.94 feet to an existing concrete monument, South 87 degrees 12 minutes 14 seconds West 182.21 feet to an existing concrete monument, and South 86 degrees 08 minutes 27 seconds West 425.00 feet to the point of **BEGINNING**, containing 6.06 acres, more or less, as surveyed during January and March, 2010 by Owen Surveying, Inc., with all lines correct in their angular relation and relative to N. C. Grid North (1983 N. A. Datum).

Section 3. Notice of the public hearing shall be published once in The Sampson Independent, a newspaper having general circulation in the City of Clinton, at least ten (10) days prior to the date of the public hearing.

**RESOLUTION -- RURAL CENTER GRANT – BEAVERDAM BRANCH SEWER
OUTFALL & WATER SYSTEM LEAK DETECTION AUDIT**

Public Works Director Doherty stated that the city would like to apply for a Rural Center grant for two utility planning projects—the Beaverdam Branch Sewer Outfall Rehabilitation PER and the Water System Leak Detection study. He stated that the grant is for a maximum award of \$40,000.00 with a local match of 50%. He stated that the recipients of the grant will be announced on August 25, 2010. Mr. Doherty asked City Council to approve two resolutions authorizing staff to apply for the grant.

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

AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT
Planning Grants Program

WHEREAS, the Appropriation Planning grant funds have authorized the making of grants to aid eligible units of government in financing the cost of planning for construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects; and

WHEREAS, the City of Clinton has need for and intends to plan for the construction or rehabilitation of a publicly-owned treatment works or an alternate wastewater system, for wastewater collection systems or for water supply and distribution systems, project described as Beaverdam Branch Sewer Outfall Rehabilitation Preliminary Engineering Report; and

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

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

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

That City of Clinton will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Luther D. Starling, Mayor, and successors so titled, are hereby authorized to execute and file an application on behalf of City of Clinton with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

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

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

AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT
Planning Grants Program

WHEREAS, the Appropriation Planning grant funds have authorized the making of grants to aid eligible units of government in financing the cost of planning for construction of wastewater treatment works, wastewater collection systems, water supply systems, water conservation projects; and

WHEREAS, the City of Clinton has need for and intends to plan for the construction or rehabilitation of a publicly-owned treatment works or an alternate wastewater system, for wastewater collection systems or for water supply and distribution systems, project described as Water System Audit and Leak Detection Study; and

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

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

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

That City of Clinton will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Luther D. Starling, Mayor, and successors so titled, are hereby authorized to execute and file an application on behalf of City of Clinton with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

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

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

PRELIMINARY PLAT – OFF NC HWY 403/FAISON HWY -- EDDIE LEE SAMPSON, JR.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, a preliminary plat request by Eddie Lee Sampson, Jr., for a one-lot subdivision consisting of approximately 0.69 acres off NC Hwy 403/Faison Hwy was unanimously approved.

CLOSING OF WALL STREET PARKING LOT – TENT SALE – REBECCA LEE

Senior Planner Mary Rose appeared before City Council concerning a request by Rebecca Lee, owner of The Children's Boutique. Ms. Rose stated that Ms. Lee has requested permission to close the Wall Street parking lot for the purpose of conducting a tent sale beginning Friday, June 4, 2010 after 5:00 PM until Sunday, June 6, 2010. Ms. Rose stated that the Public Works' staff will position barricades and cones appropriately. She further stated that a request such as this one has taken place in the past and the Planning and Zoning Department recommends the approval.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the request by Rebecca Lee to close Wall Street parking lot to conduct a tent sale beginning June 4, 2010 and ending on June 6, 2010 passed unanimously.

APPOINTMENTS

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, Dewey Elmore and Jamie Little were unanimously reappointed to the Fireman's Relief Board for a two-year term as City Council's appointees. Elmore and Little's terms will end July 2012.

Notification was given of the expiration of terms of:

- a. ABC Board – three-year term

Perry E. Solice, Jr.

- b. Board of Adjustment – three-year term

Burl Williamson

Planning and Zoning Director Jeff Vreugdenhil stated that Mr. Burl Williamson does not occupy a residence within the extraterritorial jurisdiction and this seat should be held by someone who does.

REPORTS

The finance, personnel, fire, public works, city council action, and police reports were acknowledged.

City Manager Connet introduced the summer intern, Michael James. He apologized for not doing so at an earlier meeting.

OTHER BUSINESS

Planning and Zoning Director Jeff Vreugdenhil asked City Council to approve a resolution regarding the Downtown Revitalization Phase III Project. He stated that the approval of this resolution will allow the Mayor and the City Clerk to execute all forms necessary to obtain a loan and grant from USDA, Rural Development when advised that funding is available.

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

DOWNTOWN REVITALIZATION PHASE III PROJECT

BE IT RESOLVED that the City Council of the City of Clinton are pursuing loan and grant assistance from USDA, Rural Development for Downtown Revitalization Phase III. In that regard, the Mayor and Clerk are hereby authorized to initiate / sign any required paperwork with regard to obtaining a loan in the amount of \$1,000,000 and a grant in the amount of \$455,000 from USDA. This authorization includes acceptance of the Letter of Conditions when prepared by USDA, RD.

That the **Mayor** and **City Clerk** be authorized to execute all forms necessary to obtain a loan and grant from Rural Development when advised that funding is available, including, but not limited to the following forms:

Form RD 1942-47-1	Loan Resolution (Public Body) (Real Estate)
Form RD 1942-46	Letter of Intent to Meet Conditions
Form RD 442-7	Operating Budget
Form RD 400-1	Equal Opportunity Agreement
Form RD 400-4	Assurance Agreement
Form RD 1940-1	Request for Obligation of Funds
Form RD 1910-11	Applicant Certification Federal Collection
Policies	
Form AD 1047	Certification Regarding Debarment
Form AD 1048	Certification Regarding Debarment – Lower
Tier	
Form AD 1049	Certification Regarding Drug Free
Workplace (Grant)	
1940-Q, Exhibit A-1	Certification for Contracts, Grants, and
Loans	
Form RD-3570-3	Community Facilities Grant Agreement
Unnumbered Form	Certificate of Compliance

That if the interest rate charged by Rural Development should change between this date and the date of actual approval, the Mayor and City Clerk be authorized to execute new forms reflecting the current interest rate and revised payments as required by Rural Development.

That the City Council elects to have the interest charged by Rural Development to be the lower of the rate in effect at either the time of loan approval or loan closing.

ADJOURNMENT/CONTINUATION

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, the meeting was continued until June 29, 2010 at 7:00 PM.

(Time: 7:50 PM)

Elaine F. Hunt, City Clerk

Luther D. Starling, Jr., Mayor