

## NOVEMBER 3, 2010 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 PM on November 3, 2010 in the city hall auditorium. Mayor Starling presided. Councilmembers Becton, Strickland, Turlington, Stefanovich, and Mayor Pro Tem Harris were present. City Attorney Dale Johnson; City Clerk Elaine F. Hunt; City Manager John Connet; Assistant City Manager Shawn Purvis; Finance Director Betty Brewer; Planning and Zoning Director Jeff Vreugdenhil; Senior Planner Mary Rose; Police Chief Mike Brim; Public Works Manager Tony Steffen; Fire Chief Todd Solice; and Recreation Director Judi Nicholson were present. Also present was Chris Berendt of the Sampson Independent.

Human Resource Manager Lisa Carter was absent.

Rev. Ted Thomas, Pastor of First Missionary Baptist Church, Warsaw, NC, gave the invocation.

### CITY COUNCIL

Mayor Starling made mention of the passing of Carl Landes, a former councilmember. City Manager Connet read the following proclamation:

### *Proclamation*

**WHEREAS**, it is with deep sadness that the City of Clinton announces the death of former City Council Member Carl Landes; and

**WHEREAS**, Carl Landes served faithfully and honorably on the City Council from December 4, 1973 to December 1, 1981; and

**WHEREAS**, Carl Landes provided outstanding public service to the citizens of Clinton through his dedicated efforts and supported programs which benefited all citizens of our community; and

**WHEREAS**, notable accomplishments during Mr. Landes' tenure on the City Council include: expansions of Royal Lane Park and the Waste Water Treatment Plant; the establishment of the Downtown Special Tax District; the adding of fluoride to the public water supply; and the first Cable TV franchise for the City of Clinton; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council, of the City of Clinton do hereby send its condolences to the family of Carl Landes;

**BE IT FURTHER RESOLVED** that the Mayor and City Council hereby proclaim November 4, 2010 as:

## **CARL LANDES DAY**

**FURTHER BE IT RESOLVED** that a copy of this certificate shall be delivered to the family of Carl Landes for his distinguished service to the City of Clinton.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the minutes of the October 5, 2010 regular city council meeting were unanimously approved.

### **PRESENTATION**

City Manager Connet called forth Finance Director Betty Brewer and Assistant City Manager Shawn Purvis. He stated that for the first time in history, the City of Clinton has been awarded a budget presentation award, the "Distinguished Budget Presentation Award" from the Government Finance Officers Association. City Manager Connet stated that this award is the highest form of recognition in governmental budgeting and represents a significant achievement by the City of Clinton. He presented this "Distinguished Budget Presentation Award" to Mayor Lew Starling.

City Manager Connet further stated that when an award such as this is granted to an entity, a "Certificate of Recognition for Budget Presentation" is also presented to the individual or department designated as being primarily responsible for its having achieved the award. He presented this "Certificate of Recognition for Budget Presentation" to Finance Director Betty Brewer.

### **OATHS**

Mayor Starling administered oaths to Planning and Zoning Director Jeff Vreugdenhil; Stan and Debbie Roberts, 508 Sunset Avenue; Evelyn Dosen, 1996 Old Raleigh Road; Ralph Hamilton, and C. H. Warren.

### **P & Z -- CDBG INFRASTRUCTURE FUNDING – PUGH ROAD**

Mayor Starling opened a public hearing on a request to receive citizen input relative to the intention of the City of Clinton to apply for FY2009 CDBG Infrastructure Funding under Title I of the Housing and Community Development Act for improvements along Pugh Road.

City Manager Connet stated that Holland Consulting Planners have helped prepare an application to receive CDBG contingency funding from NC Division of Community Assistance for water and sewer improvements along Pugh Road. He stated that this public hearing is a requirement specific to this project for consideration of the grant funding. He further stated that pursuing CDBG funds require two public hearings. City Manager Connet stated that the first public hearing took place on April 6, 2010. He stated that the following notice was placed in the local newspaper regarding this public hearing:

NOTICE OF PUBLIC HEARING  
RELATIVE TO APPLICATION  
BY THE CITY OF CLINTON

FOR FUNDING UNDER THE HOUSING AND COMMUNITY  
DEVELOPMENT ACT OF 1974, AS AMENDED

Notice is hereby given that the City of Clinton City Council will conduct a public hearing on Wednesday, November 3, 2010, at 7:00 p.m., at the Clinton City Hall, 221 Lisbon Street, Clinton, North Carolina, relative to the intention of the city to apply for FY2009 CDBG Infrastructure funding under Title I of the Housing and Community Development Act.

The City of Clinton intends to submit an application for a grant of approximately \$215,000 in CDBG Infrastructure funds to undertake capital improvements involving water and sewer system upgrades along Pugh Road in the City of Clinton.

The following is a tentative list of proposed activities and an estimated budget. The final application will be reviewed at the public hearing.

1.	CDBG Water & Sewer Improvements	\$ 190,000
2.	City-Funded Water & Sewer Improvements	\$ 12,000
3.	Administration	\$ <u>25,000</u>
	Total	\$ 227,000

All citizens are requested and encouraged to attend the public hearing and make comments and suggestions. If additional information is needed, please contact the City Manager at (910) 592-1961, ext. 3003.

Formal written complaints or comments concerning the application process that are submitted to the City Manager will be responded to within ten working days by the City of Clinton City Council.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con John Connet, City Manager al (910) 592-1961, extension 3003 o en 221 Lisbon Street, Clinton, NC, de alojamiento para esta solicitud.

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

**P & Z -- ANNEXATION—HOWELL EDWARDS – VILLAS @ BIRCH COVE —  
NORTH CLINTON TOWNSHIP**

Mayor Starling opened a public hearing on the annexation of Howell Edwards, President/property owner's property, known as Villas @ Birch Cove, located in the North Clinton Township and the consideration of adoption of an ordinance of annexation. City Manager Connet stated that this is a voluntary annexation request that would take place as of June 30, 2011, upon City Council's approval.

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance to extend the corporate limits of the City of Clinton, North Carolina, effective June 30, 2011, was unanimously adopted at 7:11PM:

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE CITY OF CLINTON, NORTH CAROLINA**

**2010.11.1**

**WHEREAS**, the City Council of the City of Clinton, North Carolina has been petitioned under G.S. 160A-31 to annex the area described below; and

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

**WHEREAS**, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this contiguous annexation was held in the City Hall Auditorium at 7:00 PM on November 3, 2010, after due notice by publication on October 13, 2010; and

**WHEREAS**, the City Council of the City of Clinton finds that the petition meets the requirements of G.S. 160A-31;

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

**Section 1.** By virtue of the authority granted by G.S. 160A-31, the following described contiguous property is hereby annexed and made part of the City of Clinton as of **June 30, 2011**:

**VILLAS @ BIRCH COVE  
Located in  
NORTH CLINTON TOWNSHIP, SAMPSON COUNTY, NORTH CAROLINA**

To reach the point of **beginning**, begin at an existing PK nail in the Centerline intersection of Faison Hwy. (NC Hwy 403), (60-foot public R/W) and Pugh Road (NCSR 1751), (60-foot R/W), thence leaving Faison Hwy and running with the centerline of Pugh Road, South 11° 48'43" West 84.96 feet to a tack set in the centerline; thence South 18° 09'08" West 34.51 feet to an existing railroad spike in the centerline; thence continues S 18°18'05"W 36.52 feet to an existing railroad spike, "Control Corner"; thence leaving said road and running South 59 25'29" East 194.65 feet to an iron stake on east bank of ditch; northeast corner American Legion (PIN 2405889801; D.B. 725, Pg. 259), also southwest line of Emmett Bartlett (PIN 240598196; D.B. 1006, Pg. 885); thence running a northern line of said subdivision along the line of Emmett W. Bartlett (PIN 2405981896, D.B. 1006, Pg. 885) and (PIN 2405379001; D.B. 921, Pg. 611) S 36°52'00"E 833.50 feet to an existing concrete monument ("Control Corner") in the west edge of the ditch; thence running along another ditch South 52° 06'00" West 421.32 feet to an existing concrete monument ("Control Corner") in the centerline of the ditch; also monument being in the line with Ivory C. Boykin (PIN 2405970845; D.B. 873, Pg. 527); thence leaving said ditch and running the

western line of said subdivision North 48° 28'22" West 326.14 feet to an iron stake; thence continuing the following:

N 15°44'08"E 1.42 feet to an iron stake; thence N22°20'32"W 8.25 feet to an iron stake; thence N 41°55'38"W 25.03 feet to an iron stake; thence N 28°05'48"W 84.40 feet to an iron stake; thence N 08°23'41"W 119.06 feet to an iron stake; thence N 22°18'59"W 152.15 feet to an iron stake; thence S 67°41'01"W 6.71 feet to an iron stake, also corner of 0.20 Acre septic easement area; thence runs N 47°44'43"W 60.01 feet to an iron stake; thence S 40°59'25"W 23.73 feet to an iron stake; thence N 49°00'35"W 84.51 feet to an iron stake on the eastern right-of-way of Pugh Rd. (SR 1751); thence continues with the eastern right-of-way of Pugh Rd. N 38°13'50"E 62.32 feet to an iron stake; thence continues N 36°02'59"E 99.02 feet to an iron stake; thence leaving the right-of-way and running with the line of American Legion (PIN 240588700; D.B. 725, Pg. 479) and (PIN 24058889801; D.B. 725, Pg. 479) S 49°34'25" E 31.63 feet to an iron stake; thence running with American Legion (PIN 24058889801) N 53°08'00"E 275.00 feet to the **POINT OF BEGINNING**, containing 8.48Acres, more or less, as shown as Villas at Birch Cove Subdivision on plat prepared by Enoch Engineers, PA, dated 08-25-2010.

**Section 2.** Upon and after **June 30, 2011**, the above described contiguous property and its citizens shall be subject to all debts, laws, ordinances, and regulations in force in the City of Clinton and shall be entitled to the same privileges and benefits as other parts of the City of Clinton. Said contiguous property shall be subject to municipal taxes according to G. S. 160A-58.10.

**Section 3.** The Mayor of the City of Clinton shall cause to be recorded in the office of the Register of Deeds of Sampson County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed property, described in Section 1 above, along with a duly certified copy of this ordinance. Such a map shall also be delivered to the Sampson County Board of Elections, as required by G.S. 163-288.1.

## **P & Z -- CLINTON LAND DEVELOPMENT ORDINANCE**

Mayor Starling opened and continued a public hearing on a request by the City of Clinton Planning Staff regarding the proposed City of Clinton Land Development Ordinance for the purpose of replacing the existing City of Clinton Zoning Ordinance and Subdivision Regulations.

Planning and Zoning Director Vreugdenhil stated that the present Land Development Ordinance is approximately fifteen (15) years old. He stated that the Ordinance included in the agenda packet will replace this outdated ordinance.

Mayor Starling stated that numerous discussions have taken place regarding this item.

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

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, it passed unanimously to adopt the proposed City of Clinton Land Development Ordinance for the purpose of replacing the existing City of Clinton Zoning Ordinance and Subdivision Regulations.

### **P & Z – 1996 OLD RALEIGH ROAD – EVELYN DOSEN**

Mayor Starling opened a public hearing on a request by Evelyn Dosen for a conditional use permit to operate a riding stable on approximately 4.51 acres at 1996 Old Raleigh Road in an RA-20 Residential district.

Planning and Zoning Director Vreugdenhil stated that Evelyn Dosen is requesting approval to operate a riding stable on property owned by her mother. He stated that the property is zoned RA-20 Residential which provides for riding stables. He stated that the Planning and Zoning Board recommended approval of this request with the following stipulations: (1) a maximum of 8 horses be permitted and (2) drainage concerns be addressed in a manner which will not adversely affect adjoining properties.

Evelyn Dosen appeared before City Council and stated that she recognizes the property has drainage issues and she is attempting to handle the problem. She stated that riders will not be on the public highway. Ms. Dosen stated that Ralph Hamilton is assisting her with the drainage problem(s). Ms. Dosen stated that if approved by City Council, she will board 4 horses initially. She further stated that the first phase of her endeavor will consist of boarding horses and giving lessons to horse owners. Ms. Dosen told Council that no opening date has been made because her first priority is the drainage.

Also, Evelyn Dosen acknowledged that odor can be an issue if not maintained properly. She stated that she has a three-fold manure plan. She further stated that horse manure serves as a very valuable fertilizer. Ms. Dosen told City Council that pest control can be another problem if it is not monitored closely. In the past, she stated that wineries obtained the waste from her business.

Sandy Maddox, of 1955 Old Raleigh Road, appeared before City Council. She stated her concerns regarding the request by Evelyn Dosen. She stated that a documented drainage issue is on file and Dosen's land is very poorly drained. She stated that personnel from the State of North Carolina have reviewed this matter. Ms. Maddox stated that her concerns consist of: poor water drainage, the number of animals to be housed, and the waste issue; however, Ms. Dosen addressed the waste issue. Sandy Maddox made mention of her 30-year background in agriculture.

Briefly, councilmembers discussed Ms. Maddox's concerns. Ralph Hamilton spoke in favor of Evelyn Dosen's request. Stan Roberts spoke in favor of Dosen's request. He further stated that if Ms. Dosen does not remain true to her word/request, pull her permit.

Planning and Zoning Director Vreugdenhil stated that when the riding stable came into existence, this matter became a special conditional permit matter. He stated that this request can be rescinded if Ms. Dosen does not do as

she is stating. Mr. Vreugdenhil remarked that this is a worthwhile project; however, he stated one concern will be if water remains in the ditch for a long period of time. He further stated that then the water becomes stagnant and a health issue might occur.

Mayor Starling reiterated that if City Council approves and Ms. Dosen does not abide by what is said at this city council meeting, City Council can rescind the request.

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 Mayor Pro Tem Harris, seconded by Councilmember Becton, a conditional use permit to operate a riding stable on approximately 4.51 acres at 1996 Old Raleigh Road was unanimously approved, with the stipulations that a maximum of 8 horses be permitted and drainage concerns be addressed in a manner which will not adversely affect adjoining properties.

### **“ON CALL” PAY – POLICE DEPARTMENT DETECTIVE DIVISION**

Chief Mike Brim stated that in reviewing the process to compensate employees who are “on call” for the Police Department, they are proposing to change the pay structure and how these employees are compensated. He stated that currently, each detective who is “on call” for a week is compensated (8) eight hours compensatory time per week for the “on call” rotation for that week. He stated that these detectives have collectively acquired some 347

hours of compensatory time and the expense to pay them would be more than \$5,000.00. Chief Brim stated that the minimum wage of a detective is \$14.77 per hour which equates to \$118.00 and the maximum wage is \$19.27 per hour which equates to \$154.00 per week of "on call" rotation.

Chief Brim asked City Council to approve establishing a flat rate of \$100.00 per week for the "on call" rotation compensation to be paid directly to the detective. Also, he stated that this approval will eliminate a second problem, employees trying to take the compensation time off with the department being down-sized.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and unanimously passed, City Council approved the establishment of \$100.00 per week "on call" pay for the Police Department Detective Division.

### **CITY CODE -- ORDINANCE-- CHAPTER 21 – VEHICLES FOR HIRE**

City Manager Connet spoke regarding amending Chapter 21. Vehicles for Hire of the Clinton City Code of 1987. He stated that a citizen came to the Planning and Zoning Department requesting a permit to operate a shuttle service. He further stated that we have in place an ordinance for the operation of taxis and commercial limousines. City Manager Connet stated that General Statute 160A-304 permits municipalities to regulate all vehicles operated for hire in the city. He recommended approval of this amendment to include shuttle service(s).

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

**2010.11.02**  
**AN ORDINANCE AMENDING CHAPTER 21. VEHICLES FOR HIRE**  
**OF**  
**THE CITY CODE**

**BE IT ORDAINED** that the Clinton City Code of 1987 is hereby amended to read as follows:

Chapter 21

**VEHICLES FOR HIRE\***

**Sec. 21-1. Owner's permit.**

(a) Every person engaged in the business of operating a taxicab/commercial limousine/shuttle within the corporate limits of the city or between the limits of the city and any point within five (5) miles of the limits of the city shall first secure an owner's permit for each vehicle so operated. The owner's permit for such vehicles shall be obtained from the police chief, after the approval of the application therefor by the police chief and upon the payment of an annual fee for each vehicle, to be sent from time to time and kept on file in the office of the city clerk. The permit shall run for one (1) year from the first day of July of

each year; and the fee therefor shall not be apportioned if the permit is obtained for a part of the year.

(b) A taxicab/commercial limousine/shuttle licensed by the state and regularly garaged and operated in another municipality may make a trip to or through the city for a purpose other than picking up a fare without thereby becoming subject to this section.

(Code 1975, § 23-1)

**State law reference:** License tax limited, G.S. § 20-97.

### **Sec. 21-2. Financial responsibility.**

(a) It shall be unlawful for any person to operate a taxicab/commercial limousine/shuttle within the city or to permit anyone to operate a vehicle owned by him without being in compliance with Section 280 of Chapter 20 of the General Statutes, or its successor.

(b) Each policy required by Section 280 of Chapter 20 of the General Statutes shall be filed with the police chief along with the application for an owner's permit; and the filing and maintaining of such policy in force shall be a condition precedent to the operation of a taxicab/commercial limousine/shuttle within the corporate limits.

(c) Notice of this section shall be given by the owner to each insurer, and the insurer or owner shall give the police chief five (5) days' notice prior to the cancellation of any policy required by this section.

(d) Each policy shall be effective, unless cancelled after notice, as above stated, for a period covering the period for which the license is issued.

(Code 1975, § 23-4(a)--(c), (e))

**State law references:** Authority of city to license, regulate and control taxicab drivers, G.S. § 20-37; similar provisions, G.S. § 160A-304(a).

**\*Cross references** – Privilege license for taxis, § 14-127; motor vehicles and traffic, Ch. 15; streets and sidewalks, Ch. 20.

**State law reference** – Municipal regulation of taxicabs and other vehicles for hire, G.S. § 160A-304.

### **Sec. 21-3. Driver's permit.**

(a) No person shall drive a vehicle for hire as a taxicab/commercial limousine/shuttle without a driver's permit issued pursuant to this section. No person who owns or has authority and control over a vehicle shall permit any other person to drive the vehicle for hire as a taxicab/commercial limousine/shuttle unless that person has such a permit.

(b) Application for a permit under this section shall be made to the police chief, who may deny the application for a good cause, but who shall otherwise issue a permit upon payment of the license fee and the giving of the oath required in subsection (d). The application for a permit shall include a fingerprint card

containing the fingerprints of the applicant made by and under the supervision of the police department.

(c) The permit fee shall be set from time to time and shall be kept on file in the office of the city clerk.

(d) Every applicant shall show under oath that he has not within the last two (2) years of the date of the application:

(1) Been convicted of violation of any federal or state law relating to the possession for sale or sale of any intoxicating liquor or barbiturate drugs;

(2) Been addicted to or a habitual user of intoxicating liquors or narcotic or barbiturate drugs;

(3) Been in violation of any federal or state law relating to prostitution; nor

(4) Been a habitual violator of traffic laws or ordinances.

Any permit issued upon a false oath by an applicant will be immediately revoked upon receipt of evidence of a falsity thereof.

(e) Any permit issued under this section may be revoked at any time by the police chief upon a showing that, because of occurrences after the issuance of the permit, the permittee could not at that time truthfully give the oath required in this section.

(Code 1975, § 23-5; Ord. No. 89.12.1, 12-5-89)

#### **Sec. 21-4. Rates to be posted.**

Every taxicab/commercial limousine/shuttle licensed under this chapter shall carry a sign, clearly visible to passengers, stating the rates or fares charged for the use of the vehicle; and it shall be unlawful for any taxicab/commercial limousine/shuttle to be operated without such a sign, or for any person to charge a fare in excess of the rate stated on the sign.

(Code 1975, § 23-2)

#### **Sec. 21-5. Regular stands; cruising.**

Every owner of a taxicab/commercial limousine/shuttle licensed under this chapter shall maintain within the city a regular stand or station from which the taxicab/commercial limousine/shuttle shall be operated. Every such owner shall post at the station or stand a sign in letters clearly visible for a distance of ten (10) feet stating the name of the owner of the vehicle and the hours during the day and night during which such vehicle is available for public rental. During such hours, except when actually answering a call or when going to or returning from a call, every vehicle so licensed shall remain at such stand or station; and it shall be unlawful for any taxicab/commercial limousine/shuttle operated within the corporate limits to cruise in search of passengers or for any other reason.

(Code 1975, § 23-3)

### **RESOLUTION – SAMPSON COUNTY – HAZARD MITIGATION PLAN**

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

**RESOLUTION OF ADOPTION**  
**Sampson County Multi-Jurisdictional Hazard Mitigation Plan**

**WHEREAS**, the citizens and property within Sampson County are subject to the effects of natural hazards and man-made hazard events that pose threats to lives and cause damages to property, and with the knowledge and experience that certain areas, i.e., flood hazard areas, are particularly susceptible to flood hazard events; and

**WHEREAS**, the County desires to seek ways to mitigate situations that may aggravate such circumstances; and

**WHEREAS**, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214—Senate Bill 300 effective July 1, 2001), states in Item (a) (2) “For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after November 1, 2004, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act”; and

**WHEREAS**, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local government must develop an All-Hazards Mitigation Plan in order to receive future Hazard Mitigation Grant Program Funds, and

**WHEREAS**, it is the intent of the Board of Commissioners of Sampson County to fulfill this obligation in order that the County will be eligible for state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

**WHEREAS**, the Board of Commissioners of Sampson County adopted the Sampson County Multi-Jurisdictional Hazard Mitigation Plan Update on October 18, 2010;

**WHEREAS**, the **City of Clinton** actively participated in the planning process of the Sampson County Multi-Jurisdictional Hazard Mitigation Plan and has fulfilled all their part of the multi-jurisdictional planning elements required by FEMA;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Clinton hereby:

1. Adopts the Sampson County Multi-Jurisdictional Hazard Mitigation Plan Update.
2. Separately adopts the sections of the plan that are specific to the City of Clinton.
3. Vests the **Planning and Zoning Director** with the responsibility, authority, and the means to:
  - (a) Inform all concerned parties of this action.

- (b) Develop an addendum to the Sampson County Hazard Mitigation Plan if the unique situation of the municipality warrants such an addendum.
  - (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
  - (d) Adjust the boundaries of the municipal planning jurisdiction whenever an annexation or extraterritorial jurisdiction revision results in a change whereby the municipality assumes or relinquishes the authority to adopt and enforce floodplain management regulations for a particular area in order that all Flood Hazard Boundary Maps (FHBMs) and Flood Insurance Rate Maps (FIRMs) accurately represent the planning jurisdiction boundaries. Provide notification of boundary revisions along with a map suitable for reproduction, clearly delineating municipal corporate limits and extraterritorial jurisdiction boundaries to all concerned parties.
4. Appoints the **Planning and Zoning Director** to assure that, in cooperation with Sampson County, the Multi-Jurisdictional Hazard Mitigation Plan is reviewed at least annually and that any needed adjustment to the city's addendum be developed and presented to the Clinton City Council for consideration.
5. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan and the city's addendum.

#### **CHANGE ORDER(S) – CITY HALL ADDITION PROJECT**

Assistant City Manager Shawn Purvis presented change orders to City Council totaling \$3,741.48. He stated that these change orders originated from the removal of the oil tank and subsequent removal of contaminated soils from the City Hall Renovation Project. He further stated that the total amount is within the contingency budget.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the change orders totaling \$ 3,741.48 were unanimously approved.

#### **TASK ORDER/AGREEMENT – WITHERS & RAVENEL – ELIZA LANE, ABRON STREET, AND JEROME STREET**

Planning and Zoning Director Jeff Vreugdenhil appeared before City Council. He asked City Council to endorse a task order with Withers and Ravenel for a Preliminary Engineering Report required for an Infrastructure Grant application. He stated that this application is for water, sewer, drainage, and street improvements for Eliza Lane, Abron Street, and Jerome Street. He informed Council that payments to the engineering firm will not be required until execution of the grant agreement or notification of denial of grant application. Mr. Vreugdenhil declared this provision enables the grant to pay for engineering costs of the Preliminary Engineering Report pending a successful grant award.

Costs for the Preliminary Engineering Report will be paid directly by the city if the grant is not awarded.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, approval of the task order/agreement with Withers and Ravenel for engineering services for Eliza Lane, Abron Street, and Jerome Street passed unanimously.

### **RECLASSIFICATION --DIRECTOR OF PUBLIC WORKS AND UTILITIES POSITION**

City Manager Connet stated that staff has evaluated recently the Director of Public Works and Utilities position and found it to be higher than other cities in our peer group. He stated that in his opinion, this position should be as the same pay grade as the police chief. He asked City Council to approve reclassifying this position from Pay Grade 29 to Pay Grade 27.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, it passed unanimously to reclassify the Director of Public Works and Utilities position from Pay Grade 29 to Pay Grade 27.

### **REORGANIZATION -- FINANCE DEPARTMENT**

City Manager Connet told City Council that with the approaching retirement of Betty Brewer, Finance Director, and lack of qualifying applicants, staff has evaluated the organization of the Finance Department. He recommended the merger of the Assistant City Manager and Finance Director positions and the hiring of an Accounting Operations Manager. City Manager Connet further recommended reclassifying this Assistant City Manager/Finance Director position from Pay Grade 24 to Pay Grade 29 and the Accounting Operations Manager from Pay Grade 18 to Pay Grade 21.

Councilmember Becton inquired regarding the pay difference in terms of money. It was stated that this proposed position of Assistant City Manager/Finance Director would yield an increase of approximately \$4000/\$5000 in pay.

Councilmember Turlington made a motion to approve this request to merge the Assistant City Manager/Finance Director position. No one seconded the motion; therefore, Councilmember Turlington withdrew the motion.

City Manager Connet has been directed to provide City Council with the current pay plan.

### **AMENDMENT — 2010-2011 BUDGET ORDINANCE**

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, the following amendment **#2010.11.03** Budget Ordinance Amendment Fiscal Year 2010-2011 Budget was unanimously adopted:

**Budget Ordinance Amendment  
Fiscal Year 2010-2011 Budget**

**#10.11.03**

Be It Ordained by the City Council of the City of Clinton, NC, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2011, hereby amended as follows:

**Section 1.** 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>
30.6600.0400	Misc Professional Services	\$ 10,000	
30.6600.8000	Contingency		\$ 20,000
30.8100.7300	Capital Outlay Improvements	10,000	
<b>TOTAL EXPENDITURES</b>		<b>\$ 20,000</b>	<b>\$ 20,000</b>

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

**CONDEMNATIONS – 257 & 267 RUSSELL STREET – STOKES' HEIRS**

Planning and Zoning Director Jeff Vreugdenhil presented two (2) ordinances of condemnation for 257 Russell Street and 267 Russell Street. The heirs of Daisy B. Stokes and Virginia Stokes, respectively, were instructed on September 1, 2010 to remove, abate, or remedy the unsafe structure, but it has not been done.

Upon a motion by Councilmember Strickland, seconded by Councilmember Becton, the following ordinances **#2010.11.04** and **#2010.11.05** were unanimously adopted:

AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNSAFE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED

**#2010.11.04**

**WHEREAS**, the City Council of the City of Clinton finds that the structure described herein is unsafe pursuant to G.S. 160A-426; and

**WHEREAS**, this structure should be removed or demolished as directed by the Code Enforcement Officer; and should be placarded by placing thereon a notice prohibiting use; and

**WHEREAS**, Daisy Stokes Heirs, the owners of this structure have been given a reasonable opportunity to bring the structure to the standards of the Housing Code in accordance with G.S. 160A-426 pursuant to an order issued by the Code Enforcement Officer on September 1, 2010, the owners have failed to comply with this order.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Clinton, that:

**Section 1.** The Code Enforcement Officer is hereby authorized and directed to place a placard containing the legend:

“This structure is unsafe; the use or occupation of this structure is prohibited and unlawful.”

on the structure located at 257 Russell Street and in the City of Clinton.

**Section 2.** The Code Enforcement Officer is hereby authorized and directed to proceed to remove or demolish the above-described structure in accordance with his order to the owners thereof dated September 1, 2010, and in accordance with the Code and G.S. 160A-426.

**Section 3(a).** The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Sampson County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

**Section 3(b).** Upon completion of the required removal or demolition, the Code Enforcement Officer shall sell the materials of the structure and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer shall deposit the surplus in the Superior Court where it shall be secured and disbursed.

**Section 4.** It shall be unlawful for any person to remove or cause to be removed the placard from any structure to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any structure therein declared to be unsafe.

**Section 5.** This ordinance shall become effective upon adoption.

AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNSAFE

AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME  
MAY NOT BE OCCUPIED

**#2010.11.05**

**WHEREAS**, the City Council of the City of Clinton finds that the structure described herein is unsafe pursuant to G.S. 160A-426; and

**WHEREAS**, this structure should be removed or demolished as directed by the Code Enforcement Officer; and should be placarded by placing thereon a notice prohibiting use; and

**WHEREAS**, Virginia Stokes Heirs, the owners of this structure have been given a reasonable opportunity to bring the structure to the standards of the Housing Code in accordance with G.S. 160A-426 pursuant to an order issued by the Code Enforcement Officer on September 1, 2010, the owners have failed to comply with this order.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Clinton, that:

**Section 1.** The Code Enforcement Officer is hereby authorized and directed to place a placard containing the legend:

“This structure is unsafe; the use or occupation of this structure is prohibited and unlawful.”

on the structure located at 267 Russell Street and in the City of Clinton.

**Section 2.** The Code Enforcement Officer is hereby authorized and directed to proceed to remove or demolish the above-described structure in accordance with his order to the owners thereof dated September 1, 2010, and in accordance with the Code and G.S. 160A-426.

**Section 3(a).** The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Sampson County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

**Section 3(b).** Upon completion of the required removal or demolition, the Code Enforcement Officer shall sell the materials of the structure and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer shall deposit the surplus in the Superior Court where it shall be secured and disbursed.

**Section 4.** It shall be unlawful for any person to remove or cause to be removed the placard from any structure to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any structure therein declared to be unsafe.

**Section 5.** This ordinance shall become effective upon adoption.

## **APPOINTMENTS**

Upon a motion made by Councilmember Turlington, seconded by Councilmember Stefanovich, Glenda Bunker was unanimously reappointed to the J. C. Holliday Library Board for a two-year term ending December 2012.

Notification was given of the unexpired term of Annette Dumpson on the Planning and Zoning Board. This is a five-year appointment and this unexpired term will end in January 2012.

## **REPORTS**

The finance, police, City Council action, public works, code enforcement and fire reports were acknowledged.

City Manager Connet briefed City Council concerning a seminar on Redistricting after 2010 Census that he, City Attorney Johnson, and City Clerk Hunt attended recently in Chapel Hill, NC. He stated that in order to meet the requirements of Section 2 of the Voting Rights Act and North Carolina General Statute 160A-23, City Council must review and possibly revise electoral district boundaries at least every ten (10) years. He stated that this review must be completed by the beginning of the filing period for the November 2011 election and the one-person/one-vote requirement of the United States Constitution must be upheld. He further stated that in accordance with federal and state laws and a Consent Decree dated July 13, 1989, the City of Clinton is required to have five electoral districts.

City Manager Connet stated that his intention is to proceed as follows:

- (1) The current districts are functioning well and shall only be changed as required by one-person/one-vote requirement.
- (2) The current districts will be reviewed for compliance with one-person/one-vote requirement as soon as 2010 census data is available (March/April 2011).
- (3) City Council will be asked to recertify the existing map if the districts do not exceed the "ten percent (10%) rule."
- (4) A redistricting process will be developed that will provide City Council with at least two alternatives to consider and allow for public input if the districts do exceed the "ten percent (10%) rule."

He concluded by confirming that municipalities candidate-filing period begins in July. City Manager Connet asked Police Chief Brim to brief City Council concerning "Halloween in the Park." Chief Brim stated that approximately 1,000 people came out and \$900+ was raised at this event for Relay for Life. Chief Brim thanked City Council and everyone for their participation.

**COMMUNITY THEATER REPAIRS – BUDGET AMENDMENT**

Assistant City Manager Purvis appeared before City Council. He stated that in the Fiscal Year 2010-2011 Budget, City Council appropriated \$50,000 to make electrical repairs and upgrades to the Community Theater. He stated that this amount was based on an estimate from January 2010 and since that time, material costs have increased. Purvis stated that the new estimate totals \$58,172. He asked City Council to approve a budget amendment to compensate for this new estimate. He further stated that the need to repair the building electrical system is apparent and the City’s liability is increased as long as the building is being used and the repairs are incomplete.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following amendment **#2010.11.06** Budget Ordinance Amendment Fiscal Year 2010-2011 Budget was unanimously adopted:

**Budget Ordinance Amendment  
Fiscal Year 2010-2011 Budget**

**#2010.11.06**

Be It Ordained by the City Council of the City of Clinton, NC, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2011, hereby amended as follows:

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
10.6600.7500	Theatre Wiring	\$ 8,172	
10.6600.8000	Contingency		\$ 8,172
<b>TOTAL EXPENDITURES</b>		<b>\$ 8,172</b>	<b>\$ 8,172</b>

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

**BLACKBOARD CONNECT -- CONTRACT**

City Manager Connet asked City Council to approve renewal of contract with Blackboard Connect. He stated that Blackboard Connect is the company that provides the City’s automated calling system. He stated that we are pleased with the system and they have agreed to renew the contract for another three (3)

years at the same price as the original contract which was \$2.50 per phone number. He stated that due to the fact that the number of phone numbers in the system has increased and the cost of the new contract exceeds approved amounts, City Council is asked to approve this contract.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the approval of the contract with Blackboard Connect passed unanimously.

### **RESOLUTION—CLOSED SESSION**

Upon a motion made by Mayor Pro Tem Harris, 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 3, 2010 entered closed session as allowed by G. S. 143-318.11(a)(3) to discuss a litigation matter.

Council re-entered regular session at 9:00PM. Mayor Starling reported that City Council was briefed on two (2) litigation matters; however, no action was taken.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, and unanimously passed, the meeting adjourned at 9:00 PM.

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Elaine F. Hunt, MMC, City Clerk

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Lew Starling, Mayor