

## **FEBRUARY 1, 2011, CITY COUNCIL MEETING**

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on February 1, 2011, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Becton, Stefanovich, Strickland, and Mayor Pro Tem Harris, and City Attorney Dale Johnson were present. Because of a prior engagement, Councilmember Jean Turlington was absent. Also City Clerk Elaine F. Hunt; City Manager John Connet; Assistant City Manager-Finance Director Shawn Purvis; Fire Chief Todd Solice; Interim Planning and Community Development Director Mary Rose; Human Resource Manager Lisa Carter; Police Chief Mike Brim; Recreation Director Judi Nicholson; Public Works Manager Tony Steffen; and Public Works Director Jeff Vreugdenhil were present. Chris Berendt, of the Sampson Independent, was also present.

Councilmember Neal Strickland invited Mr. Terry Cottle to give the invocation on behalf of District 2.

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, the minutes of the January 4, 2011 regular city council meeting, were unanimously approved.

### **RECOGNITION -- POLICE OFFICER OF THE YEAR**

Police Chief Mike Brim asked Mayor and City Council to continue this item, "Recognition of Police Officer of the Year for 2010 – Officer Alpha Clowney." He stated that Officer Clowney is currently out of work due to sickness. City Council continued this item until the March 1, 2011 city council meeting.

### **RECOGNITION -- HEALTH AND SAFETY COMMITTEE**

City Clerk Elaine F. Hunt appeared before City Council to update them on the happenings of the Health and Safety Committee. Also, she was happy to inform City Council that during the year of 2010, there was no loss time. She further stated that she had researched the past six years of OSHA Forms 300A and 300 and 2010 is the first year in seven years that the City of Clinton has had no loss time. City Manager Connet, Mayor Starling, and City Council praised the employees of the City of Clinton for this accomplishment.

### **P & Z – CDBG COMMUNITY REVITALIZATION PROGRAM – RUSSELL STREET**

Mayor Starling opened a public hearing to review the budget and activities that have been accomplished through the city's FY08 CDBG Community Revitalization Program.

Chip Bartlett, Project Manager for Holland Consulting Planners, Inc., appeared before City Council to give an update regarding the FY08 CDBG Community Revitalization Program. He stated that the Russell Street Project is nearing completion. He stated that eight homes have been rehabilitated and two homes have been relocated. He stated that code enforcement has assisted with

two units. Mr. Bartlett stated that in a couple of weeks this project will be finalized; however, a public hearing is required to report activities which have taken place.

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

### **PRESENTATION – WATER AUDIT AND LEAK DETECTION STUDY**

City Manager Connet stated that the City of Clinton received a Rural Center Grant to complete an audit and leak detection study of its water system. He introduced Gus Simmons, of Cavanaugh & Associates, P.A. who appeared before City Council to present the findings of the study. He stated that on their scale of 0 – 100, the City ranked 60 which is above average. He stated that of the total amount of water produced, the study showed that the City lost 20% of water. He further stated that of the 20% lost, 18% is considered to be real loss and 15% of the 18% can be recovered. He stated that 10 small leaks were found.

Mr. Simmons recommended that we continue to identify leaks.

City Manager Connet stated that older hydrants were found leaking. He further stated that these hydrants will be repaired or replaced. He stated that this study was a very good endeavor.

Councilmembers Strickland and Stefanovich questioned how the City of Clinton ranked against similar size communities and the infrastructure of the City. Mr. Simmons pointed out that there is no average that can be compared. He stated that every water system is different—just as individuals' fingerprints. He stated that our infrastructure is in decent shape and very surprisingly, our water system was not leaky.

Public Works Director Vreugdenhil commended his men in the Public Works because 4 of the 10 leaks found were found previously by Eddie Pietrolaj and his crew. Mr. Vreugdenhil stated these leaks are on Mr. Pietrolaj's list to be repaired.

City Manager informed Council that the Wooten Company will be performing a hydraulic system study very soon.

### **PRESENTATION – SCCVB – MASON TARR**

Mr. Mason Tarr, Chairman of the Sampson County Convention & Visitors' Bureau, appeared before City Council to update them on its progress. He stated that legislation has been passed which allows Sampson County to impose a 3% occupancy tax. He stated that several accomplishments had taken place during the past years: (1) state of the art software was purchased (2) Vickie Crane was hired as the tourism coordinator (3) a comprehensive tourism guide was created and (4) the Sampson County Convention & Visitors' Bureau now has a website. Mr. Tarr stated that he is really excited about what the Bureau is doing.

## **SMITHFIELD FOODS – LIGHTED PEDESTRIAN WARNING SIGNS**

City Manager Connet stated that Smithfield Foods had approached him regarding placing lighted pedestrian warning signs at their two entrances. He stated that the City arranged for Terry Spell Mechanical Service to provide costs for the installation which totaled approximately \$16,892.00. He further stated that Smithfield Foods have agreed to pay the total expense; however, the City Council must approve the placement of the signs in the City's right-of-way. He stated that this change will be noted on the Official Traffic Map.

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

RESOLUTION AMENDING OFFICIAL TRAFFIC MAP  
TO  
PLACE LIGHTED PEDESTRIAN WARNING SIGNS  
IN  
THE CITY OF CLINTON'S RIGHT-OF-WAY AT SMITHFIELD FOODS

BE IT RESOLVED that Smithfield Foods, located at 424 East Railroad Street, Clinton, North Carolina, has asked approval to place lighted pedestrian warning signs in the City of Clinton's right-of-way.

BE IT FURTHER RESOLVED that Smithfield Foods will cover all expense(s) that may occur from the installation of the lighted pedestrian warning signs.

BE IT FURTHER RESOLVED that the above change be appropriately reflected on the Official Traffic Map of the City of Clinton.

## **ORDINANCE—BUDGET – DOWNTOWN REVITALIZATION PROJ PHASE 3**

Assistant City Manager Purvis stated that previously this Downtown Revitalization Project was approved; however, City Council is asked to approve an amendment to give an actual account for spending and revenue numbers for Phase 3 of this Project.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following amendment **#2011.02.01** was unanimously adopted:

**Capital Projects Ordinance Amendment  
Phase III Downtown Revitalization Project**

**2011.02.01**

Be It Ordained by the City Council of the City of Clinton, NC that the following amendments be made to the Capital Project Ordinance adopted June 17, 2008, and amended on May 5, 2009 and on June 29, 2010, is hereby amended as follows:

**Section 1.** To amend the Downtown Revitalization Phase III Capital Project, the expenditures for the project are changed as follows:

<b>Account #</b>	<b>Account Title</b>	<b>Increase</b>	<b>Decrease</b>
56.4970.0400	Engineering & Design	\$ 47,450	
56.4970.0401	Admin. & Legal	1,500	
56.4970.0402	Capitalized Interest	10,000	
56.4970.0403	Insurance	20,000	
56.4970.5000	Century Link	44,000	
56.4970.7000	Progress Energy	187,000	
56.4970.7100	StarVision	15,200	
56.4970.7200	Private Utility Changeovers	50,000	
56.4970.7300	Construction	1,097,327	
56.4970.7301	Construction Observation	46,000	
56.4970.8000	Contingency	55,260	
56.4970.8100	Miscellaneous	27,500	
<b>TOTAL EXPENDITURES</b>		<b>\$ 1,601,237</b>	

**Section 2.** The revenues anticipated to be available to complete this project are changed as follows:

<b>Account #</b>	<b>Account Title</b>	<b>Increase</b>	<b>Decrease</b>
56.3010.0000	USDA Loan	\$ 1,000,000	
56.3030.0000	City Contribution - GF	105,092	
56.3050.0000	City Contribution – W/S	41,145	
56.3060.0000	USDA Grant	455,000	
<b>TOTAL REVENUES</b>		<b>\$ 1,601,237</b>	

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

**AMENDMENT NO. 2 – DOWNTOWN REHABILITATION PROJECT PHASE III**

Interim Mary Rose appeared before City Council to request approval of Amendment 2 for the Downtown Rehabilitation Project Phase III between the City of Clinton and the Wooten Company. She stated that this Amendment addresses the engineering services provided to the City of Clinton during the 2010 expansion, redesign and re-bid of Downtown Rehabilitation Phase III. Ms. Rose mentioned that this Amendment also incorporates contract administration and construction observation to assist City staff with ensuring the construction conforms to the construction documents. Interim Rose informed City Council that construction will begin on March 7, 2011.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the Amendment No. 2 to the Engineering Services Contract between the City of Clinton and the Wooten Company for Downtown Rehabilitation – Phase III dated May 8, 2008 was unanimously approved.

**CITY CODE -- ORDINANCE-- CHAPTER 11. GARBAGE AND TRASH**

Public Works Director Jeff Vreugdenhil stated that presently there are roll out trash containers and dumpsters in the downtown area and his intent is to remove as many as possible. He stated that business locations in the central business district which share in the use of a single bulk container may be provided a bulk container either by the city or through private sources. He informed City Council that four dumpsters have been removed already, due to, businessmen sharing containers. Mr. Vreugdenhil stated that the approval of this amendment will allow for flexibility in regard to removing dumpsters from the downtown area. It will help to beautify the downtown area with less dumpsters. He further stated that the sharing of bulk containers will reduce the cost for our customers, as well as, the City of Clinton's revenue. He stated that the merchants have been contacted and they have no problem with this amendment. He recommended the amending of Chapter 11. Garbage and Trash Section 11-3(c) of the Clinton City Code of 1987.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following **Ordinance #2011.02.02** was unanimously adopted:

**Ordinance 2011.02.02**

**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 revising the below section in Chapter 11, Garbage and Trash to read as follows:

Sec. 11-3. Type of receptacles required.

(c) Stand alone business locations in the central business district shall provide one (1) or more bulk containers for the accumulation of refuse. Bulk containers dedicated to and used primarily by stand alone businesses shall be obtained from and maintained by private sources. The city assumes no responsibility for normal deterioration from the dumping process. Business locations in the central business district which share in the use of a single bulk container may be provided a bulk container either through private sources or by the city. In situations where bulk containers are shared, fees for collection will be collected at the rollout container rate for each business location.

**CDBG INFRASTRUCTURE GRANT NO. 04-D-2088 -- RESOLUTION – SIGNATORY FORM – ETC.**

Interim Planning and Zoning Director Mary Rose stated that the North Carolina Department of Commerce require that certain documents be executed and provided to them when grants are obtained for community development block projects. She stated that the City of Clinton has obtained a Community Development Block Grant for the Pugh Road project. She stated that signatory cards are required by the North Carolina Department of Commerce to identify individuals authorized to sign requisitions for funds. She recommended City Council approve the City Manager, Assistant City Manager-Finance Officer, and Planning and Zoning Director be authorized to sign the appropriate forms.

Furthermore, she asked City Council to approve the execution of the grant agreement and funding approval for the Pugh Road Water and Sewer Project.

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

**CITY OF CLINTON  
RESOLUTION FOR SIGNATORY FORM AND CHECK SIGNATURES  
FOR  
PUGH ROAD INFRASTRUCTURE CDBG GRANT NO. 04-D-2088 PROJECT**

**WHEREAS**, in order to receive Pugh Road Infrastructure CDBG Grant funds for Project No. 04-D-2088, the City of Clinton must authorize persons to sign the Requisition for Funds form(s) for the CDBG Pugh Road Infrastructure Project Grant funds and checks for the City of Clinton CDBG Program.

**BE IT RESOLVED THAT**, the City Manager, Assistant City Manager-Finance Director, and Planning Director be authorized to execute the signature requirements for requisition of Pugh Road Infrastructure CDBG Grant No. 04-D-2088 Project Grant funds and checks for disbursement.

**AWARD OF CONTRACT – PUGH RD INFRASTRUCTURE GRANT –  
HOLLAND CONSULTING PLANNERS, INC.**

Interim Planning and Zoning Director Mary Rose spoke regarding the award of contract for the Pugh Road Infrastructure grant. She stated that proposals were received for the administrative services for the CDBG FY09 Pugh Road Infrastructure Project and based on the rating scale of the City of Clinton, Holland Consulting Planners, Inc., ranked the highest. She further stated that the rating scale included technical approach based on past projects, experience of proposed personnel, prior related experience with the City of Clinton, and available services provided by the firm. Ms. Rose recommended Holland Consulting Planners, Inc., to City Council for the Pugh Road Infrastructure project regarding the administrative services.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, it was approved unanimously to accept the contract of Holland Consulting Planners, Inc., for the Pugh Road Infrastructure project as it relates to the administrative services.

**AWARD OF CONTRACT – UNIFIRST –UNIFORMS FOR THE FIRE DEPT.**

Human Resource Manager Lisa Carter spoke regarding the award of contract to Unifirst for the Fire Department's uniforms. She stated that the Fire Department requested bids for uniforms for the full-time and part-time firefighters. She stated that these bids were received and reviewed on October 18, 2010. Ms. Carter informed Council that initially, Cintas, of 512 West Russell Street, Fayetteville, NC, was the lowest responsible bidder; however, due to an increase in the uniform rates, Cintas was unable to meet their obligations. She stated for this reason, we now recommend Unifirst, of 800 South John Street, Goldsboro, NC, for providing uniforms for the full-time and part-time firefighters.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, and unanimously passed, the contract for providing uniforms for the Fire Department was awarded to Unifirst.

### **LANIER CONSTRUCTION COMPANY'S PROTEST – ATTORNEY DEMYRA MCDONALD-HALL -- DOWNTOWN REVITALIZATION PROJECT**

Mrs. Demyra McDonald-Hall, of Greenville, NC, Attorney for Lanier Construction Company, appeared before Mayor and City Council to protest a recent award of contract to Paul Howard Construction Company for the Downtown Revitalization project.

She began by stating that on December 7, 2010, City Council voted to reject the bid of Lanier Construction Company, who was the lowest responsible bidder for the Downtown Revitalization Phase III Project. She asked City Council to rescind the abovementioned vote because they were not provided with objective, fair, and impartial information so that Council might make an appropriate decision. Mrs. McDonald-Hall stated that the law requires that a decision is made based upon a complete review of the contractor's potential ability to perform the contract that is proposed. She stated that prior to December 7, 2010, City Manager Connet presented City Council with a memorandum dated November 23, 2010. She stated that upon evaluating this memorandum, they discovered that it included: (1) incorrect information, (2) it was outdated, and (3) it was outside the scope of what the bid documents required. She further stated that Lanier's belief is that this information was submitted to purposefully avoid relevant positive facts.

Mrs. McDonald-Hall acknowledged that some unrelated events had taken place with the City of Clinton and another construction company--Global Construction Company. She stated that although Lanier Construction Company's owners and Global Construction's owners are related by blood, the two companies have nothing to do with the other. She stated her awareness that the City is currently in litigation with Global Construction Company because of an alleged overpayment. She stated Lanier Construction Company has nothing to do with this mishap, the two companies never do business together, and their only connection with Global Construction is the companies are owned by siblings. She stated that their position is that City Manager Connet is associating Lanier Construction Company with Global Construction Company.

Mrs. McDonald-Hall presented a PowerPoint to City Council which she stated, served as a "talking point" for her, so that, she would not omit any pertinent information. She acknowledged the presence of Henry Lanier, Vice President; Benjamin Lanier, Secretary/Treasurer; and Sherba Lanier, Office Manager /Accountant. She stated that the key personnel have over 100 years of direct construction experience. She emphasized that what City Council is to do is review recent work—a reasonable sample of recent municipal work--as it relates to this project. She stated that Attorney Brad Evans, with Ward and Smith, could confirm what she was stating.

Mrs. McDonald-Hall reviewed with the group, documents submitted by City Manager Connet to include a memorandum dated November 23, 2010 in regard to five (5) towns/cities referenced, beginning with the Town of Ayden.

She referenced Bid Requirement Subsection 3.2 F & G which states that any negative information or claims history should not exceed five (5) years and any information regarding work that is substantial similar to a job completed by a contractor should not exceed six (6) years. She disputed the information given to City Council for each of the five (5) towns/cities. She reiterated that these findings were outside the scope of the bid requirements and the information was not fair and misinformation. She stated that Lanier Construction Company is a success story and has never been denied a contract when they were the lowest bidder. She referenced towns/cities/clients that they had contacted to include the City of Wilmington, City of Durham, City of Raleigh, City of Fayetteville, NCDOT, etc.

Mrs. McDonald-Hall concluded by once again asking City Council to rescind its vote that occurred on December 7, 2010 because the information received was not fair.

City Manager Connet came forth to speak regarding the information that he previously submitted to them and to comment on Mrs. McDonald-Hall's protest. He stated that in 2009, City Council voted to delay the Project because of the state of the economy. He stated that the purpose of the reference checks are that in the last several years, the City has had contractors who had not performed adequately and this resulted in litigations or payments. He stated for this reason, City Council had directed him and staff to always check our references to make certain we had the lowest responsible bidder and contractor. He stated that the two lowest bidders were considered and the information in their bid packets was acknowledged. He further stated that he went to their websites and pull off their previous clients list. He stated that he contacted the clients and the clients directed him to others. He stated he first did telephone interviews asking each client the same ten (10) questions for each contractor, which included, "Did the project start and end on time?" "What quality of work was performed?" "Would they hire the contractor again?" He stated he followed up with written documentation from the people interviewed and this information included liquidated damages, timely completion, suspension/termination of contract, etc. He stated he did not want to go by hearsay; so his recommendation to disqualify Lanier Construction Company was based on written documentation.

City Manager Connet stated that some of this information, City Council had received previously. He briefed all on the information that he received regarding Paul Howard Construction to include the Town of Zebulon, Cumberland County, City of Raleigh, and the City of Fayetteville. He briefed City Council on the information that he received regarding Lanier Construction Company. He contacted the City of Kinston, the Town of Ayden and he stated that the information he received stated that liquidated damages were assessed. He further stated that he contacted the Town of Farmville, Wake Forest, and NCDOT. He stated that the Town of Wake Forest stated they would not hire Lanier Construction again although the quality of work was fair. He stated that Wake Forest said Lanier Construction was almost 365 days late in completion and liquidated damages were assessed. City Manager Connet stated that timeliness is of the essence and he was looking for the lowest responsible bidder.

In summary, City Manager Connet stated that based on verbal and written information, Paul Howard completed 4 out of 5 projects on time, no liquidated damages were assessed, and was told that Paul Howard Construction would be hired by all 5 clients again. He stated that based on the information found on Lanier Construction, 4 out of 5 projects were not completed on time, liquidated damages were assessed, and he was told that 3 out of 5, would not hire the contractor again.

He stated he made his recommendation to City Council to award the contract to Paul Howard Construction Company. He stated USDA was notified; Lanier Construction appealed the City of Clinton's decision and asked USDA not to concur. He stated that USDA reviewed the information and concurred with the City of Clinton's decision.

Councilmember Becton questioned whether or not this in-depth research was a normal practice for the City of Clinton. City Manager Connet stated that this is the first large project that the City has had in several years and before this time; the City had numerous issues with some of the contractors that were hired—to include a contractor who performed work in the Recreation Department.

Mayor Pro Tem Harris voiced her concerns. She stated that she did not recall researching to this extent when the City did Downtown Revitalization Phase I and Phase II projects. City Manager Connet stated we are trying to learn lessons from our mistakes. She emphasized that her aim is to be fair to everyone because taxpayers' dollars are being spent and people's livelihood is at stake.

Mayor Starling questioned the method in which references were sought and obtained. City Manager Connet stated that he went to the websites, looked at previous clients and contacted them.

Brad Evans, Attorney with Ward and Smith, stated that based on the information that the City had acquired, the City made a proper determination. He further stated that USDA reviewed all the documentation. Mr. Evans stated that the City has the option to affirm its present decision, overrule its present decision, or table the matter.

Mayor Pro Tem Harris made a motion, and seconded by Councilmember Becton, to table awarding the downtown project to Paul Howard Construction Company.

Councilmember Stefanovich made a motion, and seconded by Councilmember Strickland, not to table awarding the downtown project to Paul Howard Construction Company.

Because of the fact that Councilmember Turlington was absent, Mayor Starling was required to break the tie. Mayor Starling ruled not to table awarding the downtown project.

Councilmember Strickland made a motion, and seconded by Councilmember Stefanovich, to affirm City Council's decision to award contract

with Paul Howard Construction Company. Mayor Pro Tem Harris and Councilmember Becton voted in opposition. Mayor Starling broke the tie by ruling to affirm City Council's decision to award contract with Paul Howard Construction Company.

### **ROYAL LANE PARK –CONSTRUCTION OF NEW PUBLIC RESTROOMS**

Parks and Recreation Director Judi Nicholson appeared before City Council requesting approval to proceed with development of plans and specifications for a large restroom facility for Royal Lane Park. She stated that Royal Lane Park was built in 1972 and restrooms are a big concern at the Park.

City Manager Connet stated that Architect John Farkas has presented the City with a preliminary design and cost estimate for the construction of new public restrooms at Royal Lane Park. He asked City Council to approve the "go ahead" to develop formal plans and specifications so that this project can be constructed this summer.

Upon a motion made by Councilmember Becton, and seconded by Councilmember Stefanovich, it passed unanimously to proceed with the development of plans and specifications for new public restrooms at Royal Lane Park.

### **CLINTON POLICE DEPARTMENT – NEW ROOF**

Police Chief Mike Brim asked City Council to approve a contract with Carolina Roofing to replace the roof at the Police Department. He stated that the present roof has been patched approximately three times. Chief Brim stated that several proposals have been received; however, Carolina Roofing provided the most complete proposal for the amount of \$24,578. Chief Brim told City Council that he will find the money to pay for a new roof from the Police Department's budget.

Upon a motion made by Councilmember Stefanovich, and seconded by Councilmember Becton, it passed unanimously to contract with Carolina Roofing to replace roof at the Clinton Police Department.

### **WINTER STORM EMERGENCY OPERATIONS POLICY**

Lt. Chris Oates, of the Clinton Police Department, and Chairman of the Emergency Operations Committee, presented the City of Clinton Winter Storm Emergency Operations Policy to City Council. He stated that this policy has been field tested and recommended City Council's approval, so that it may be incorporated in the City of Clinton's Emergency Operations Plan.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the Winter Storm Emergency Operations Policy was approved unanimously.

## ORDINANCES—BUDGET

Assistant City Manager-Finance Director Shawn Purvis briefed City Council regarding this item. He stated these budget amendments originated because of capital projects that have been approved previously.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the following amendment **#2011.02.03** was unanimously adopted:

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

#### **#2011.02.03**

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, amended October 5, 2010 and is hereby amended as follows:

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
10.5100.1500	Maint. & Repairs/Bldg	\$ 11,000	
10.5600.7300	Capital Outlay Improvements	10,000	
10.6600.6100	Hamilton Beach Property	14,000	
10.6600.7405	Property Acquisition	<u>30,794</u>	
<b>TOTAL EXPENDITURES</b>		<b>\$ 65,794</b>	

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
10.3470.0000	ABC Revenues	12,000	
10.3990.0000	Fund Balance Appropriated	<u>53,794</u>	
<b>TOTAL REVENUES</b>		<b>\$ 65,794</b>	

**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>
30.8200.1500	Maint. & Repairs/Bldg	\$29,018	
30.8200.1600	Maint. & Repairs/Equipment	<u>                    </u>	<u>\$ 29,018</u>
<b>TOTAL EXPENDITURES</b>		<b>\$29,018</b>	<b>\$29,018</b>

**Section 4.** 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 Strickland, seconded by Councilmember Stefanovich, the following amendment **#2011.02.04** was unanimously adopted:

**City of Clinton  
FY09 Community Development Block Grant  
Infrastructure Program Project Ordinance**

**#2011.02.04**

**BE IT ORDAINED** by the City Council of Clinton, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**Section 1.** The project authorized is the FY09 Community Development Block Grant Infrastructure project described in the work statement contained in the Grant Agreement (#04-D-2088) between the City of Clinton and the North Carolina Department of Commerce. This project is more familiarly known as the Pugh Road Water and Sewer Project.

**Section 2.** The City of Clinton staff is hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, and the budget contained herein.

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

<u>Account</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
42.3010.0000	CDBG	\$214,069	
42.3020.0000	City Contribution	12,000	
<b>TOTAL REVENUES</b>		<b>\$226,069</b>	

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

<u>Account</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
42.4770.0400	Administration	\$ 25,000	
42.4770.8100	Water Improvements	98,525	
42.4770.8200	Sewer Installation	102,544	
<b>TOTAL EXPENDITURES</b>		<b>\$226,069</b>	

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

**Section 6.** Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the North Carolina Department of Commerce in an orderly and timely manner.

**Section 7.** The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

**Section 8.** The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Council.

**Section 9.** Copies of this Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

## **APPOINTMENTS**

Notification was given of expiration terms on the Board of Adjustment for: Billy Ray Jordan, District 1, and Howard Hobson, District 4. The term is for three years. Council will make appointments/reappointments at its March 2011 city council meeting.

Notification was given of expiration terms on the Planning and Zoning Board for: Donald Summerlin, District 2. The term is for five years. Council will make an appointment/reappointment at its March 2011 city council meeting.

Notification was given of expiration terms on the Environmental Affairs Advisory Board for the following individuals. These are three-year terms. Council will make appointments/reappointments at its March 2011 city council meeting.

Deborah Hall, District 1  
Carl Hairr, District 2  
Tawana Carr, District 3  
Ted Best, District 4  
Jimmy Ezzell, District 5  
Harold Woodall, At large  
Kenneth Buffkin, Jr., At large  
Annabelle Fetterman, Industrial

## **REPORTS**

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

City Manager stated that he is working on the date(s) for the retreat. He further stated that he would be attending the Annual North Carolina City and

County Management Association Meeting beginning Wednesday, February 2, 2011 through Friday, February 4, 2011.

**RESOLUTION—CLOSED SESSION**

Upon a motion made by Councilmember Strickland, 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 February 1, 2011 entered closed session as allowed by G. S. 143-318.11(a)(5) to discuss matters relating to acquisition of property.

Council re-entered regular session at 9:04 PM. Mayor Starling reported that City Council was briefed on matters relating to the acquisition of property.

Mayor Starling asked City Council to add to the March 1, 2011 agenda, "Public hearing regarding economic development."

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, the abovementioned item was approved to be added to the March 1, 2011 City Council agenda and passed unanimously.

Mayor Starling asked City Council to add to this agenda, "Approval to purchase land in close proximity to the Waste Treatment Plant located on Millbranch and Elam Streets for \$22,400.00."

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the abovementioned item was added to the agenda and passed unanimously.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to purchase land located on Millbranch and Elam Streets for \$22,400.00.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and approved unanimously, the meeting adjourned at 9:05 PM.

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Elaine F. Hunt, MMC, City Clerk

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Lew Starling, Mayor