

MAY 1, 2006 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on May 1, 2006 at city hall auditorium. Mayor Starling presided. All councilmembers were present. City attorney Dale Johnson; city clerk Betty Fortner; deputy clerk Elaine Hunt; city manager John Connet; director of administration Joe Best; finance director Betty Brewer; planning and community development director Jeff Vreugdenhil; police chief Mike Brim; and public works director Chris Doherty were present. Fire chief Phillip Miller and recreation director Judi Nicholson were absent.

Rev. Louie Boykin gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the minutes of the April 4 and 18, 2005 city council meetings and April 4, 2006 closed session minutes were unanimously approved.

RECOGNITIONS

Mayor Starling recognized Eagle Scout Brandon Herring.

ANNEXATIONS—SCHOOLS

City Manager Connet presented a resolution calling for a public hearing on the question of annexation of the proposed high school site property. A certificate of sufficiency signed by the city clerk was presented. Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the following resolution was unanimously adopted:

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2

WHEREAS, a petition requesting annexation of the non-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 non-contiguous area described herein will be held at City Hall Auditorium at 7:00 P.M. on June 6, 2006.

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

AREA 1 BEGINNING at an existing iron stake in the center line of Indiantown Road (SR 1226), said beginning corner being further located south 43 degrees 43 minutes 3

seconds east 239.20 feet to an iron stake and runs from the beginning point so located with the center line of Indiantown Road south 43 degrees 43 minutes 3 seconds east 61.85 feet to an iron stake set (an existing PH nail in the center line of the pavement of said road); thence south 32 degrees 14 minutes 2 seconds west 468.12 feet to an existing iron stake; thence south 43 degrees 43 minutes 3 seconds east 55.86 feet to an existing iron stake; thence south 32 degrees 1 minutes 2 seconds west 1071.20 feet to an existing iron stake; thence south 62 degrees 8 minutes 47 seconds east 356.28 feet to an existing concrete monument; thence south 18 degrees 41 minutes 22 seconds west 655.01 feet to an iron stake; thence 44 degrees 4 minutes 45 seconds west 320.38 feet to a stake; thence north 1 degree 32 minutes 30 seconds east 610.55 feet to a stake; thence north 32 degrees 14 minutes 2 seconds east 1576.67 feet to the beginning corner, containing 8.60 acres, more or less, as described in a deed recorded in Book 1468, Page 376 of the Sampson County Registry.

AREA 2 BEGINNING at an existing iron stake in the center line of Indiantown Road (SR 1226), said stake being further located south 43 degrees 43 minutes 1 second east 1777.50 feet from an existing iron stake in the center of the intersection of Boykin Bridge Road (SR 1214) and Indiantown Road (SR 1226) and runs from the beginning corner so located with the center lines of Indiantown Road south 43 degrees 43 minutes 3 seconds east 461.70 feet to an iron stake; thence south 32 degrees 14 minutes 2 seconds west 1576.67 feet to a point; thence south 1 degree 32 minutes 30 610.55 feet to a point; thence north 44 degrees 4 minutes 45 seconds west 1244.35 feet to an existing iron stake in the ditch; thence with the existing ditch north 86 degrees 42 minutes 23 seconds east 751.58 feet to an iron stake set; thence north 29 degrees 5 minutes 38 seconds east 1230.57 feet to an iron stake set in the ditch; thence north 11 degrees 45 minutes 40 seconds east 270.99 feet to the beginning corner, containing 20.56 acres, more or less, as described in a deed recorded in Book 1468, Page 378 of the Sampson County Registry.

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.

AIRPORT

City Manager Connet informed the council that the Sampson County Board of Commissioners has agreed to split the tax revenue (minus the portion required for debt service) derived from property at the airport with the city. In response to a question from Councilmember Stefanovich, the city manager said currently approximately fifty percent of the airport expenses are met through airport revenue. Councilmember Stefanovich moved to include airport funding in the 2006-07 budget. Councilmember Harris seconded the motion, and it passed unanimously.

City Manager Connet presented for reconsideration the lease of land at the airport to Ralph Hamilton and Pride of Sampson.

Councilmember Strickland made a motion to lease 7.85 acres to Pride of Sampson for \$392.50 per year. Councilmember Harris seconded the motion, and it passed unanimously.

Councilmember Strickland moved to table the request from Ralph Hamilton to lease 13.69 acres at the airport for \$342.25 per year. Councilmember Harris seconded the motion, and it passed unanimously.

APPOINTMENTS

Notification was given of the expiration of the following terms on the Recreation Advisory Board on June 30, 2006: Brian DeMay, District 2; Mac Purcell, District 4; Dawn Ballard, District 5; and Jay Tilley, at-large mayoral appointment.

LIBRARY

Heather Easterling, director of the J. C. Holliday Library, appeared and informed council of library improvements. She thanked them for their monetary contribution to the library.

CHURCHES

Dr. Louie Andrews, pastor of Graves Memorial Presbyterian Church, presented plans for the church expansion showing utilizing land from the closing of Church Street.

CONTRACTS—W & S

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, and unanimously passed, The Wooten Company was awarded the contract for engineering services for a sewer pumping station at the new high school in the amount of \$42,750.

CITY CODE--ORDINANCES—POLICE

Upon a motion made by Councilmember Harris, seconded by Councilmember Becton, the following ordinance # 2006.05.01 was unanimously adopted:

That Section 19.3 of the Clinton City Code of 1987 is hereby amended to read as follows:

WHEREAS, PURSUANT TO North Carolina General Statutes 160A-282 (a) and (b), a City may by ordinance provide for the organization of an auxiliary police department made up of volunteer members: and by enactment of an ordinance, may provide that while undergoing official training and while performing duties on behalf of the city pursuant to orders or instructions of the chief of police of the city, auxiliary law-enforcement personnel shall be entitled to benefits under the North Carolina Workers-Compensation Act and to any fringe benefits for which such volunteer personnel qualify.

There is hereby established within the city police department, as a division thereof, an auxiliary police division. The auxiliary police division shall be a volunteer organization, whose members shall serve without compensation, composed of as many members as may from time to time be determined by the chief of police and approved by the City Manager.

RESOLUTIONS—W & S

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

2006 Clean Water Bond Resolution

WHEREAS, North Carolina's continued prosperity depends on protecting the state's water resources for current use and future generations, and

WHEREAS, North Carolina is expected to grow by 3.5 million people by 2030, placing pressures on the state's water resources and the city of Clinton; and

WHEREAS, North Carolina's and the city of Clinton's businesses, traditional and emerging industries all depend on reliable supplies of clean water, reasonable utility rates and an attractive natural environment, and

WHEREAS, the 1998 Clean Water Bond delivered significant benefits to North Carolina communities and citizens supporting 1,103 projects in 97 counties; and

WHEREAS, North Carolina's public water, sewer and storm water utilities will require investments totaling \$16.63 billion to keep pace with necessary improvements and population growth over the next 25 years, including \$6.85 billion in investments within the next five years;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clinton urges the North Carolina General Assembly to enact a \$1 billion bond bill in the 2006 session to fund construction and repair of urgently needed water, sewer and storm water facilities.

BE IT FURTHER RESOLVED that the City Council of the City of Clinton calls upon the Governor and the General Assembly to activate the State Water Infrastructure Commission to address the state's long-term water infrastructure needs with a visionary plan for sustained funding of water, sewer and storm water system improvements.

POLICY—PERSONNEL

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, the Personnel Policy was amended as follows: Article IX. Unsatisfactory Job Performance and Detrimental Personal Conduct is hereby changed by adding a new section, Section 9. Workplace Violence which reads as follows:

Violence by city employees or anyone else against an employee or visitor on city property will not be tolerated.

All employees are responsible for helping assure that workplace violence incidents are avoided in the workplace. If you receive, overhear or become aware of any threatening communications from an employee or outside third party, you must report it to your supervisor, department head, or the city manager immediately. Your failure to report such conduct or to fully cooperate in the city's investigation of such conduct could result in disciplinary action.

Do not engage in or encourage another employee to engage in either physical or verbal confrontation with a potentially violent individual. If you encounter any individual who is threatening immediate harm to you or any other person, contact the police immediately.

All reports of work-related threats will be investigated and kept confidential to the extent possible.

The city reserves the right to seek a civil “no-contact” order in accordance with the provisions of the North Carolina General Statutes on behalf of any employee who has been the victim or target of workplace violence or other unlawful conduct in the workplace in violation of this policy.

Violations of this policy against workplace violence will subject an employee to disciplinary action up to and including immediate dismissal.

SANITATION—RECYCLING

City Manager Connet and Public Works Director Doherty reviewed options for collecting recyclables originally presented at the 2006 council retreat. The city manager recommended to council that the city change from a contracted, weekly, curbside pickup to convenience sites. Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris and unanimously passed, the city manager was instructed to begin a convenience sites recyclables collection program July 1, 2006.

STREET CLOSING

The city manager presented a request from Connie Bell, 210 W. Carter Street, for the closing of W. Carter between Bunting and Barden Streets from 3:00 p.m to 6:00 p.m. on May 6, 2006. Ms. Bell wants to utilize the street during a birthday party for her son. No motion was made.

TAX

City Manager Connet presented a memo from Tax Collector Lisa Carter informing council that delinquent privilege licenses will be advertised on May 10, 2006. This is the first year delinquent licenses will have been advertised.

POLICY—W & S

Public Works Director Doherty presented a utility extension policy for consideration. City Manager Connet said adoption of the policy will lay the ground work for impact fees. Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following policy was unanimously adopted:

UTILITY EXTENSION POLICY

1. INTRODUCTION

1.01. PURPOSE

The Utility Extension Policy is intended to define how extensions of the City’s utility systems will be made. The Policy establishes procedures for installing new utility infrastructure and the financial obligations thereto.

1.02. OBJECTIVES

The City's primary objective is to provide reliable and affordable utility service to its existing customers. New customers to the system are therefore expected to share in a majority of the expense for their new services. The specific objectives of this Policy are to:

- a) Define how requests for new services shall be submitted to the City.
- b) Define the facilities necessary to provide new services.
- c) Define the construction responsibilities for these new facilities.
- d) Define the financial responsibilities for these new facilities.
- e) Establish funding mechanisms for private contributions to publicly funded utility extensions.

1.03. DEFINITIONS

Major Facilities – facilities defined by the City of Clinton. Major water facilities generally consist of the treatment works, storage facilities, pumping facilities. Major wastewater facilities generally consist of the treatment works, pumping facilities with capacity in excess of 700 gallons per minute.

Minor Facilities – facilities to provide local service to customers. Minor water facilities include fire hydrants, water transmission lines, valves, water meters, and water services. Minor sewer facilities include gravity sewer mains, sewage force mains, service laterals, and in some cases small customer lift stations.

Service Connection – lines and appurtenances connecting a new customer to the City system at the point of sale. The point of sale is generally the right-of-way line.

Tap Fee – a fee paid by all new customers to defray, in part, the cost of the service connection and meter.

2. APPLICATION

2.01. PETITION

Any interested party may request water and/or sewer service from the City. If the service is to be provided within the corporate limits and adequate public water and sewer mains are available to the adjacent property, service will be provided upon payment of the applicable fees. If the service is to be provided outside the corporate limits or requires extension of a main, a formal petition for service shall be submitted to the City Council for consideration.

The City shall require all petitioners requesting water and sewer service shall file a petition for annexation to the City. The City will generally consider annexation and extension of utilities to the areas within the current ETJ. Failure to file a petition for voluntary annexation or satellite annexation on notice from the City shall result in immediate termination of water service. The City has the right to deny any petition for annexation, if it is not in the best interest of the City.

2.02. CITY RESPONSE

Upon receipt of a petition to extend a water and sewer main, the City Council has the following four options for response:

- a) Install the extension at the City's expense.
- b) Approve and allow the petitioner to install the extension at his expense.
- c) Jointly finance the extension in cooperation with the petitioner and have the petitioner install the extension.
- d) Deny the request.
- e) Jointly financed and City install.

The criteria under which an option will be chosen are generally defined herein; however, the City Council may act to any aforementioned option, which it feels is in the best interest of the City.

The City Council may also extend water and/or sanitary sewer mains on their own volition without receipt of a petition and assess the cost or collect utility fees as described herein, from those who connect to the main.

3. CONSTRUCTION & PERMITTING

3.01. SERVICE CONNECTIONS

New service connections to existing mains will generally be installed by the City and paid for by the new customer. Where new service connections are to be installed in conjunction with the extension of water and sewer lines, the customer may, at the City's discretion, install service connections, and pay applicable fees.

No new service shall be commissioned until construction and state and federal required testing are completed, all applicable fees have been paid and the state has commissioned the facilities for public use.

3.02. MINOR FACILITIES

Extensions funded entirely by the petitioner will be designed and constructed by the petitioner in accordance with City standards and applicable State and Federal regulations after review by the City.

Privately funded extension projects constructed by the petitioner shall be reviewed and approved by the City prior to the petitioner submitting the plans to any other state review agency. Upon final approval of the plans the City will issue written notification to the petitioner who shall then secure all additional approvals and permits and construct the facilities. The petitioner will be responsible to pay for any and all permits. The petitioner shall commence construction within 18 months of the final approval and complete the installation and make service connections within 36 months. Failure to comply with the approval plan or time schedule will automatically terminate the approval for service.

3.03. MAJOR FACILITIES

Major facilities shall be funded, designed and constructed by the City. In the event where a major facility project benefits one area, those benefiting from the improvement shall help fund the project by an assessment according to state laws. These facilities shall be constructed in order of priority as adopted in the City's Capital Improvement Plan. Projects will only be undertaken as adequate capital funds are available. Projects to improve existing services will generally be funded by Availability Fees and sales revenue.

Petitioners wishing to expedite a major utility extension project may be asked by the City Council to prepay System Development Charges, make a contribution to the project cost or both such that accelerating the project does not adversely impact existing customers or the orderly expansion of the utility system.

3.04. PERMITS & RESPONSIBILITY of MAINTENANCE

The petitioner will be responsible for obtaining all required permits prior to any work is to be done, either by the city or the petitioner.

The petitioner will perform any and all maintenance for one year on any utility extension project, that they install, after the lines have been put into use. Once the year has passed, the City will assume all maintenance responsibilities within the right-of-way only, after an inspection is performed and the utilities are found to be in good repair. The petitioner will also be required to turn over all maintenance records.

4. FEES AND CHARGES

4.01. TAP & METER SET FEES

Tap fees will be collected from each new customer prior to initiating service. The fees are established by the City Council, and amended from time to time, to reflect the cost to the City for the installation of the taps and meter set. Where new service connections are installed as part of a new development, the fee reflects the cost of the meter set only.

Payment of the tap & meter set fees shall be made prior to the installation of any meter or commissioning any new service connection.

4.02. IMPACT FEES

Impact fees are calculated to recover a portion of the capital cost of providing a water and sewer system that has adequate capacity. Impact fees will be collected in conjunction with the tap and meter set fees prior to the initiation of any service. Impact fees will be established by City Council and amended from time to time as needed.

BIDS—BANKING

City Manager Connet presented proposals from four banks for the city's banking services. Mayor Starling disclosed his membership on the First Citizens Bank Board of Directors.

<u>Bank</u>	<u>Minimum Balance</u>	<u>Interest Rate on Checking</u>	<u>Est. Net Income</u>
BB & T	\$120,000	3.90%	\$6,300
First Citizens	107,500	4.58%	8,902
RBC	75,000	4.05%	8,775
Southern	45,000	3.65%	8,925

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, the proposal from First Citizens Bank was unanimously accepted.

REPORTS

The code violations, finance, fire, personnel, police, and tax reports were acknowledged.

RESOLUTIONS—CLOSED SESSION

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, 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 April 4, 2006 enter closed session as allowed by G. S. 143-318.11(a)(6) to discuss personnel and G. S. 143-318(a)(5) to discuss land acquisition.

Council re-entered regular session. Mayor Starling reported no action was taken.

Upon a motion duly made, seconded and passed the meeting was continued until May 9, 2006 at 7:00 p.m.

_____ Clerk

_____ Mayor