

OCTOBER 4, 2005 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on October 4, 2005 at city hall auditorium. Mayor Starling presided. All councilmembers were present. The 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; fire chief Phillip Miller; planning and community development director Jeff Vreugdenhil; public works director Chris Doherty; and recreation director Judi Nicholson were present.

Garnie Edwards gave the invocation.

Upon a motion made by Councilmember Harris, seconded by Councilmember Stefanovich, the minutes of the September 6, 2005 city council meeting were unanimously approved.

RECOGNITIONS

Mayor Starling presented an A Water Distribution Operator Certificate to Travis Anderson.

Councilmember Harris introduced Adrian McLawhorn, a state juvenile counselor, who is new to Clinton.

CONDEMNATIONS

Planning Director Vreugdenhil requested council to continue until the November 1, 2005 council meeting consideration of an ordinance of condemnation of 803 Warsaw Road. He said his office has been unable to enter the property to check for improvements.

APPOINTMENTS

Notice was given of the vacancy of an at-large seat on the Environmental Affairs Advisory Board.

TAXES

Upon a motion made by Councilmember Becton, seconded by Councilmember Harris, the following 2005 taxes were unanimously released: Joseph Nathan McRae, #182304/7851, \$331.58.

STREET CLOSING

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, and unanimously passed, approval was given to close Vance Street between Sampson and Wall Streets and Main Street between Wall and Lisbon Streets from 6:00 p.m. until 9:00 p.m. on October 31, 2005 for the activities sponsored by the police department and downtown merchants for Halloween.

POLICIES--PERSONNEL

Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, and unanimously passed the Personnel Policy was amended by adding the following new section, Section 14.1 Sick Leave—Transfer from Other Entities
Employees hired by the city of Clinton who were previously employed by the State or one of its governmental subdivisions will be allowed to transfer unused sick leave as may have been accumulated during prior employment. This applies only to governmental entities that were the employee’s place of employment immediately preceding their employment with the city of Clinton. The employee will receive credit for the transferred sick leave upon successful completion of the probationary period. A written verification from the previous employer is required before the sick leave hours can be credited.

ORDINANCES—BUDGET

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following ordinance #2005-10.1 was unanimously adopted:

Budget Ordinance Amendment #05.10.01

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, 2006:

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

<u>Account Number</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
106600.7401	Airport Capital Outlay	\$44,444.50	
Total Expenditures		\$44,444.50	

Section 2. To amend General Fund the revenues are to be changed as follows:

<u>Account Number</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
103990.0000	Fund Balance Appropriated	\$44, 444.50	
Total Revenues		\$44,444.50	

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

RESOLUTIONS—NIMS

City Manager Connet showed a presentation on what the city must do in order to implement the National Incident Management System (NIMS). He asked council to consider a resolution adopting NIMS as the city’s official response system. Upon a motion made by Councilmember Turlington, seconded by Councilmember Stefanovich, the following resolution was unanimously adopted:

Resolution Establishing the National Incident Command System Management System
as the City of Clinton's Standard for Incident Management

WHEREAS, the President in Homeland Security Directive HSPD-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resources management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the City's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management training programs; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State and governmental subdivisions, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

Now, Therefore, Be It Resolved by the City Council of the City of Clinton, NC that the National Incident Management System (NIMS) is hereby adopted as the official standard for incident management; and

Be It Further Resolved that the City implements ICS training for all applicable employees.

PRELIMINARY PLAT

Upon a motion made by Councilmember Strickland, seconded by Councilmember Harris, a request by Charlie J. Wynn for a preliminary plat for a four lot subdivision located off Tram Road was unanimously approved.

STREET CLOSING

Upon a motion made by Councilmember Becton, seconded by Councilmember Harris, and unanimously passed, approval was given to close McKoy Street between Vance Street and the entrance to the Vance Street Parking Lot on October 7, 2005 from 10:00 a.m. to 2:00 p.m. for the grand opening of the Members Credit Union, 100 Fayetteville Street.

AGREEMENTS—DOWNTOWN REVITALIZATION

Planning Director Vreugdenhil requested council to approve an agreement with the Wooten Company for engineering and design of Phase II of the Downtown Revitalization Project in the amount of \$72,000.00. In response to a question from the mayor, he said the city did not seek bids on the project since the cost was in line, the Wooten Co. designed the first phase and substantial work has been done on Phase II. City Manager Connet said since the project was a continuation of the downtown revitalization, it was not bid. Purchasing Director Best said bids were not required.

Councilmember Harris moved to enter into an agreement with the Wooten Company for engineering and design of Phase II of the Downtown Revitalization Project in the amount of \$72,000.00 and to bid engineering agreements in the future. Councilmember Becton, seconded the motion, and it passed unanimously.

CONDEMNATIONS—ORDINANCES

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following ordinance #2005.10.2 was 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

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, Guiding Light Church, the owner of this structure has 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 June 16, 2005, the owner has 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 349 Martin Luther King, Jr. Boulevard 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 owner thereof dated June 16, 2005, 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 City of Clinton 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.

REPORTS

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

TAXES

City Manager Connet presented an agreement with K-Mart Corporation to settle the 2002 tax bill for \$2,164.52, which is 70% of the original amount. He recommended the agreement since if K-Mart files Chapter 7 bankruptcy; the city's claim could be discharged by the courts.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and unanimously passed, the city manager was instructed to accept the agreement.

ORDINANCES—CITY CODE

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following ordinance #2005.10.3 was unanimously adopted:

ORDINANCE 2005-10-03

§ Article IV. Chapter 16 Prohibiting Loitering for the Purpose of Engaging in Drug Related Activity.

Purpose.

Whereas, the City of Clinton is authorized by G.S. 160A-174 to define and prohibit acts detrimental to the health, safety, or welfare of its citizens and peace and dignity of the City.

Whereas, the City Council of the City of Clinton, NC has determined that there are problems in the City with the sale and use of controlled substances on public property, and

Whereas, it is in the public interest to prohibit such activities;

Now, Therefore, Be It Ordained by the City Council of the City of Clinton, NC that:

Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

PUBLIC PLACE. Any public streets, public highways, public alleyway, public sidewalks, public vehicular areas, as defined in G.S. 20-4.01, public parks and plazas, other publicly owned or leased property, public transportation facilities and grounds, schools and school grounds, common areas of apartment and condominium communities, common areas of public housing projects, places of business or amusement which are open to the public, any private property which adjoins any of the above-described areas and to which the public has ready access, any other property which is open to the public, whether publicly or privately owned, and motor vehicles in or on the above-described areas.

KNOWN UNLAWFUL DRUG USER, POSSESSOR OR SELLER. A “known unlawful drug user, possessor, or seller” is a person who has, within the knowledge of the arresting officer, been convicted in any court within the state of any violation involving the use, possession or sale of any of the substances referred to in Chapter 90, Article 5 of the North Carolina General Statutes, the North Carolina Controlled Substance Act, or had been convicted of any violation of any substantially similar laws of any political subdivision of this state or of any other state or of Federal law.

REPEATEDLY. Three or more times.

Offenses.

It shall be unlawful for a person to remain or wander about in a public place in a manner and under circumstances manifesting a purpose to engage in a violation of any

provision of the North Carolina Controlled Substances Act, G.S. 90-86 et seq. Such circumstances may include:

- (1) Repeatedly beckoning to, stopping or attempting to stop passersby, or repeatedly attempting to engage passersby in conversation;
- (2) Repeatedly stopping or attempting to stop motor vehicles;
- (3) Repeatedly interfering with the free passage of other persons;
- (4) Being a known unlawful user, possessor or seller;
- (5) Behaving in such a manner as to create a reasonable suspicion, as defined by the United States Supreme Court, that he may be about to engage in or has just engaged in an unlawful drug-related activity;
- (6) Repeatedly passing to or receiving from passersby, whether on foot or in a vehicle, money or objects;
- (7) Attempting to flee or evade a police officer;
- (8) Being at a location frequented by persons who use, possess or sell drugs;
- (9) Occupying a vehicle which is registered to a known unlawful drug user, possessor or seller, or which has been recently involved in illegal drug-related activity; or
- (10) Stopping, conversing with the occupants of, handing money or any object to the occupants of, or receiving money or any object from the occupants of a vehicle which is registered to a known unlawful drug user, possessor or seller or which has been recently involved in illegal drug-related activity.

Fines.

A violation of any provision of this section shall be a misdemeanor punishable with a fine not to exceed \$ 500.00 as provided by NCGS 14-4.

This ordinance is effective upon adoption.

MISCELLANEOUS

Ralph Hamilton appeared and requested council to re-look at possible routes for the NC 24 connector road. He said that an alternate route from Overland Road to Beulah Church Road would serve a large population and will require less paving.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris and unanimously passed, the meeting adjourned at 7:45 p.m.

Clerk

Mayor