



June 1, 2021, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on June 1, 2021, in the City Hall Auditorium. Mayor Starling presided. Present were Councilmembers DuBose, Ruggles, Strickland, Bryant, and Mayor Pro Tem Becton.

Also, present was City Attorney Tim Howard, Howard, and Carr, PLLC.

Also, present were City Clerk Elaine F. Hunt; Senior Planner Lyle Moore; City Manager Tom Hart; Police Chief Donald Edwards; Lt. Adrian Mathews; Finance Director Kristin Stafford; Public Works Director Chris Medlin; Parks and Recreation Director Jonathan Allen; Public Works Engineer Russell Byrd; and Fire Chief Stephen Lovette.

Planning Director Mary Rose and HR Director Shelvia Ashford were absent.

Emily M. Williams, of the Sampson Independent, and Sylvia Chestnutt, of the Sampson Weekly, were present.

Mayor Starling called the meeting to order.

Mayor Starling called upon Dr. Ray Ammons, Senior Pastor, First Baptist Church, Clinton, NC, to give the invocation.

CITY COUNCIL

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember Strickland, the minutes of the May 4, 2021, regular and May 18, 2021, budget workshop city council meetings, were unanimously approved.

RECOGNITION – ERNEST BEARD

Mayor Starling, City Council, and Public Works Director Chris Medlin recognized Public Works' employee, Ernest Beard, who retired March 12, 2021, after approximately 28 years of service with the city. Mr. Medlin informed the group that Mr. Beard, was the "face of Public Works in Downtown Clinton." He was the one who kept Downtown Clinton looking nice and neat. Public Works Director Medlin stated that Mr. Beard will truly be missed.

Mayor Starling and Mr. Medlin presented a gift to Mr. Beard, and the audience applauded him for his dedication and service to the city.

RECOGNITION – BILLY DRAUGHON

Mayor Starling, City Council, and Public Works Director Chris Medlin recognized Public Works' employee, Mr. Billy Draughon, who retired April 30, 2021, after 30+ years of service with the city. Mr. Medlin spoke on Mr. Draughon's service to the City of Clinton. Mr. Medlin stated that, "Billy was the best that he has ever seen!" Mr. Medlin stated that, "Billy had a knack for talking to the bereaved families." Furthermore, Mr. Medlin stated that upon Mr. Draughon's retirement, Mr. Draughon gave him various tests which he failed. Public Works Director Medlin wished Mr. Draughon all the best and congratulations!

Mayor Starling, Mayor Pro Tem Becton, and Mr. Medlin presented a gift to Mr. Draughon, and the audience applauded him for his dedication and service to the city.

PROCLAMATION – TOURETTES' AWARENESS DAY

City Manager Hart introduced this item, stating that the adoption of this proclamation was requested by Ms. Paula Brinkley, an advocate for individuals with Tourette Syndrome. Tourette Syndrome is a Tic disorder.

Upon a motion made by Councilmember Bryant, seconded by Mayor Pro Tem Becton, the following proclamation passed unanimously:

P R O C L A M A T I O N

WHEREAS, Tourette Syndrome is an inherited neurological disorder that is characterized by involuntary physical and vocal tics that occur many times a day; and

WHEREAS, Tourette Syndrome is often accompanied by other mental health disorders such as attention deficit and obsessive-compulsive disorder, learning disabilities, and anxiety; and

WHEREAS, Tourette Syndrome and tic disorders affect 1 in 100 children. More than 23,000 school age children in the State of North Carolina alone are dealing with Tourette Syndrome and although some of these cases are aided by medication, there is no standard treatment or known cure for the disorder; and

WHEREAS, there is an important need for more professional help with interest and expertise to identify, counsel, and treat people with Tourette Syndrome, a disorder that is often misdiagnosed and misunderstood; and

WHEREAS, positive actions to assist children and families living with Tourette Syndrome would result from a broadening of public and professional knowledge and acceptance of Tourette Syndrome; and

WHEREAS, the Tourette Association of America is actively providing services to families, educating medical professionals and teachers, and supporting research to better understand the signs and treatments of TS.

NOW, THEREFORE, I, Luther D. Starling, Jr., and Clinton City Council, do hereby proclaim June 4, 2021, as:

“Tourette Syndrome Awareness Day”

in the City of Clinton—a special day to promote understanding, compassion, and acceptance for all of our fellow citizens who deserve and need our support to break the stigma that surrounds Tourette Syndrome.

PRESENTATION – CITYWIDE COMPREHENSIVE PARKS PLAN

Parks and Recreation Director Jonathan Allen introduced the representatives from Withers and Ravenel who were scheduled to speak—Mr. Dan Greenberg, Project Manager, and Mr. Brian Starkey, Director of Parks and Recreation. Also, he informed City Council that members of the Recreation Advisory Board were present.

Mr. Dan Greenberg stated that the Citywide Comprehensive Parks Plan—Master Plan—is a long-range planning document that is meant to help shape the direction and development of the City’s parks and recreation facilities. Also, he stated that this plan considers previous planning documents, department goals, existing conditions, and assessment of needs to develop a strategic vision for parks and recreation in Clinton. According to the handout, this plan is the first Comprehensive Plan undertaken by the Parks and Recreation Department and is founded from other studies to include the 2035 Comprehensive Plan, the Economic Development Strategic 5-Year Plan, and the Comprehensive Pedestrian Plan.

Mr. Greenberg proceeded to state that they visited all four parks, performed a community needs assessment, initiated a vision development, and have recommendations and implementation strategies for City Council.

Mr. Greenberg stated that everybody is satisfied with the Royal Lane Park, but not everybody is satisfied with the Newkirk Park, Sampson Center, or Fisher Drive. He stated that Royal Lane Park has a lot of amenities. Mr. Greenberg stated the following recreation programs in high demand:

- Adult sports leagues, specifically softball, basketball, and volleyball
- Adult programs, such as cards, movies, games
- Educational programs for kids and teens, such as soft skills, auto repair, etc.
- Youth programs, such as after school and tutoring
- Special needs programs
- Summer camps
- Arts and cultural programs
- Nature programs and access to trails
- Facility and field rentals

Mr. Greenberg informed the group of the following improvements identified for each park:

ROYAL LANE PARK:

- Relocation of maintenance yard.
- Consolidation of sports fields and associated parking.
- Enhanced baseball/softball complex and concessions.
- Expanded walking and fitness trails.
- Repairs, updates, and additional staffing for gymnasium facilities.
- Connections to Sunset Avenue, Western Loop, and Dollar Branch Greenway.

SAMPSON CENTER PARK:

- Repairs to parking lot paving and concrete four square pad.
- Maintenance and repairs to picnic shelter.
- Accessible surface for playground equipment.
- New signage and enhanced landscaping at park entrance.
- Repairs, updates, and additional staffing for gymnasium facilities.
- Connections to future Williams Old Mill Greenway and downtown via McKoy Street & Boney Street.

FISHER DRIVE PARK:

- Repairs to drainage and stormwater infrastructure.
- Removal of concrete pads, metal equipment and wooden bollards.
- Repairs to sidewalks to meet ADA accessibility requirements.
- New picnic shelter.
- New outdoor fitness facilities.
- New signage and enhanced landscaping at park entrances.
- Expand walking trails to north side of park and provide creek access.
- Connections to downtown via Sampson Street and to the north via the future Cat Tail Branch Greenway.

NEWKIRK PARK:

- Repairs to picnic shelters, restrooms, and grills.
- Accessible entry and surfacing for playground equipment.
- Upgrading and expanding field areas for sports practices and free play.
- Accessible sidewalks to connect park amenities.
- Additional court facilities for basketball and pickleball.
- New splash pad.
- Enhanced and consolidated playground equipment.
- Connections to Clinton Cemetery open space via Morisey Boulevard and future Dollar Branch Greenway.
- Connections to downtown via Wall Street and railroad.

Mr. Greenberg briefly reviewed with City Council the Phase 1: Short-Term Projects, which included stormwater repairs and improvements in Fisher Drive Park; Repairs to the parking lot and four-square paving at Sampson Center; Improvements to playground accessibility and replacement of play surfacing at Newkirk Park.

He proceeded to brief City Council on Phase 2: Long-Term Projects, which included the relocation of maintenance yard at Royal Lane Park; and entrance signage and landscaping for Sampson Center, Fisher Drive, and Newkirk Park.

Lastly, Mr. Greenberg stated recommendations for Phase 3: Future Projects, which included splash pad at Royal Lane Park; enhancement of playground equipment, with accessible surface and edging at Fisher Drive and Newkirk Park; and enhanced site furnishings, including benches, bike racks, trash receptacles, and picnic tables at all parks.

Mr. Greenberg announced that the City of Clinton will now be able to qualify for federal and state funding.

City Manager Hart stated that whenever the city applies for grants, this Master Plan makes the City more competitive. He stated that this is a very useful document.

PUBLIC HEARING – OATHS

Senior Planner Lyle Moore and Ms. Patricia Boykin-Moore were given the oath by Mayor Starling.

BUDGET – FY2021-2022

Mayor Starling opened a public hearing to receive input on the FY2021-2022 Budget.

City Manager Tom Hart presented the proposed FY2021-2022 Budget and budget message to City Council. He presented an overview of the budget. City Manager Hart presented a \$15,820,200 operating budget. Below are highlights from his presentation:

- General Fund = \$10,062,100
- Water & Sewer Fund = \$5,635,000
- Downtown Fund = \$82,100
- Cemetery Fund = \$40,000
- Community Dev. Fund = \$500
- Fire Special Fund = \$500

Total Operating Budget **\$15,820,200**

- Maintain current \$0.40 tax rate.
- 1% over current year amended budget.
- Maintains all current services.
- 150k appropriate for Royal Lane Park tennis courts.
- Major capital items to include police vehicles, truck for Recreation, mower for Grounds, and street resurfacing.
- Water & Sewer major capital items include truck and filter refurbishment for WWTP, trailer for Utilities, SCADA, and forklift for Water Production.
- 2.0% increase to consumption rate: Water rate \$2.12 base; Sewer rate \$2.06 base.
- Downtown District Fund – no change in tax rate; continued funding of events and incentive programs.

City Manager Hart concluded the presentation by stating that:

Economic projections are positive.

Most NC local government revenues resisted the pandemic impact.

Modest growth in property tax base.

Sales tax far exceeded expectations in the past year and we project modest growth this year.

Restored employee's COLA, merit increase, and 401k, but still have work left to remain competitive.

American Rescue Plan money is expected to help shore up capital spending.

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

Mayor Starling stated that no action will be taken tonight; however, City Council is asked to adopt the budget on Tuesday, June 15, 2021, at 6:00 PM in the City Hall Auditorium.

PUBLIC HEARING -- EXPENDITURES FOR ECONOMIC DEVELOPMENT PURPOSES – FY2021-2022 BUDGET

Mayor Starling opened a public hearing to receive input on the expenditures for economic development purposes in the proposed FY 2021-2022 Budget.

City Manager Hart stated that in accordance with NC General Statutes 158-7.1 and 158-7.2, this public hearing is required regarding proposed expenditures for economic development purposes in the Clinton FY2021-2022 Budget. He stated that this Budget includes \$8,300 for grant back incentive.

City Council had no questions. No one else wished to be heard, and the public hearing was closed.

No action was taken; however, City Council is asked to adopt the expenditures for economic development purposes in the proposed budget for FY2021-2022 on Tuesday, June 15, 2021, at 6:00 PM in the City Hall Auditorium.

P & Z – 510 NORTHEAST BOULEVARD – PRIDGEN MOTOR COMPANY

Mayor Starling opened a public hearing on a request by Pridgen Motor Company to rezone approximately 0.30 acres at 510 Northeast Boulevard from R-8 Residential to HC Highway Commercial.

Senior Planner Lyle Moore explained the request and gave the staff and Planning and Zoning Board's recommendation to approve the request upon the findings of fact and zoning consistency statement.

No one appeared to be heard and being no further discussion, Mayor Starling closed the public hearing.

Upon a motion made by Councilmember Ruggles, seconded by Councilmember Bryant, the following amendment #2021.06.01 to the Zoning Ordinance was unanimously adopted:

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City of Clinton Planning Board does hereby find and determine that the recommendation of map amendment RZ-5-21-1 to be rezoned from R-8 Residential to HC Highway Commercial is consistent with the goals and objectives of the Clinton 2035 Comprehensive Plan. Section 7 Goals and Implementing Strategies, of the Clinton 2035 Comprehensive Plan encourages commercial development to occur in clusters along major thoroughfares such as US 701.

WHEREAS, upon the recommendation of the Planning and Zoning Board and after public hearing and due notice thereof as required by law, the City Council of the City of Clinton, NC, does enact as follows: The Zoning Ordinance of the City of Clinton be and the same is hereby amended as follows: That approximately 0.30 acres at 510 Northeast Boulevard is hereby rezoned from R-8 Residential to HC Highway Commercial.

P & Z – 610 LISBON STREET – PATRICIA BOYKIN-MOORE

Mayor Starling opened a public hearing on a special use request by Patricia Boykin-Moore to operate a restaurant at 610 Lisbon Street in the NS Neighborhood Shopping District.

Senior Planner Lyle Moore presented the following findings:

1. The property under consideration contains approximately 0.13 acres.
2. Choya Boykin has signed the application as the owner.
3. The property is currently zoned NS- Neighborhood Shopping.
4. The property is adjacent to NS-Neighborhood Shopping on the north and west. The property to the east is zoned I-2 Heavy Industrial and the property to the south is zoned R-8 Residential.
5. The applicant is proposing a Deli style restaurant which will be take out only.
6. The applicant is proposing to operate the business Monday through Saturday from 10 AM to 9 PM.
7. The property has been posted and all property owners within 100' have been notified by mail.
8. Appendix C of the 2035 Clinton Comprehensive Plan identifies the desire, during the neighborhood district meeting in District 3 to have more restaurants.
9. The special use standards from Section 11.4 Step 6, B.2 of the City of Clinton Land Development Ordinance shall be considered by City Council.

Senior Planner Moore presented a Certificate of Recommendation from the City of Clinton Planning Board to Mayor Starling and City Council.

Mrs. Boykin-Moore chose not to speak; therefore, no one else appeared to be heard, and the hearing was closed.

Mayor Starling read Standard 1: If completed as proposed, the development will comply with all of the requirements of this Ordinance. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met.

Mayor Starling read Standard 2: The use will not materially endanger the public health or safety. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met.

Mayor Starling read Standard 3: The use will not substantially injure the value of adjoining or abutting property. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met.

Mayor Starling read Standard 4: The use will be in harmony with the area in which it is to be located. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met.

Mayor Starling read Standard 5: The use will be in general conformity with the Land Development Ordinance, thoroughfare plan, or other plan officially adopted by the Council. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met.

Upon a motion made by Councilmember Bryant, seconded by Mayor Pro Tem Becton, and with the incorporation into the minutes of the following Certificate of Recommendation, which was executed on May 17, 2021, a special use request was unanimously approved for Patricia Boykin-Moore to operate a restaurant at 610 Lisbon Street in the NS Neighborhood Shopping District:

**Certificate of
Recommendation
Special Use Permit
SU-5-21-1**

In accordance with the provisions of the Clinton Land Development Ordinance, on Monday, May 17, 2021, the City of Clinton Planning Board unanimously recommended approval of Special Use Permit 5-21-1 to permit, a special use request by Patricia Boykin-Moore to operate a Restaurant at 610 Lisbon Street in the NS-Neighborhood Shopping District and further identified in DB 1017 PG 0486 of the Sampson County Registry. This recommendation was based upon the following findings of fact as related to the corresponding special use standard:

Special Use Standards

1. If completed as proposed, the development will comply with all of the requirements of this Ordinance.

FACT: *The facts as noted in the meeting minutes and presented during the Planning Board meeting demonstrate the proposed use, as presented, meets all requirements of the Clinton Land Development Ordinance.*

2. The use will not materially endanger the public health or safety; and,

FACT: *The facts as presented during the Planning Board meeting demonstrate the proposed use would not materially endanger public health or safety.*

3. The use will not substantially injure the value of adjoining or abutting property; and,

FACT: *The facts as presented during the Planning Board meeting demonstrate the proposed use would not substantially injure the value of adjoining or abutting properties.*

4. The use will be in harmony with the area in which it is to be located; and,

FACT: *The facts as presented during the Planning Board meeting demonstrate the proposed use will be in harmony with the area in which it is to be located.*

5. The use will be in general conformity with the Land Development Ordinance, thoroughfare plan, or other plan officially adopted by the Council.

FACT: *The facts as presented during the Planning Board meeting demonstrate the proposed development is in general conformity with the Clinton Land Development Ordinance, thoroughfare plan, or other plan officially adopted by the Council. Appendix C of the 2035 Clinton Comprehensive Plan identifies the desire, during the neighborhood district meeting in District 3 to have more restaurants.*

Approved: _____

Elizabeth Stewart, Planning Board Chair

_____ Date

Director: _____

Mary M. Rose, Staff

_____ Date

P & Z – 201 NORTH CHESTNUTT STREET – GEORGE E. WILSON FAMILY ENTERPRISES, LLC

Mayor Starling opened a public hearing on a special use request by George E. Wilson Family Enterprises, LLC to operate a Bed and Breakfast at 201 North Chestnutt Street in the R-8 Residential District.

City Manager Hart informed the group that this request was withdrawn by the applicant.

RESOLUTION -- ALLOWING CLINTON ABC BOARD TO ADOPT CITY'S TRAVEL POLICY

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

**RESOLUTION ALLOWING THE ADOPTION
OF THE
CITY OF CLINTON'S TRAVEL POLICY
BY THE
CLINTON ABC BOARD**

WHEREAS, the North Carolina Alcoholic Beverage Control Commission is requesting that all local liquor boards adopt travel policies as pursuant to Statutory Authority G.S. 18B-702(e) and legislation *HB 1717* Modernization of the State ABC System; and

WHEREAS, the Clinton ABC Board requests written confirmation from the Clinton City Council to allow the Board permission to adopt its current Travel Policy which was adopted in April 2012 and revised in November 2015.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Clinton hereby grants the Clinton ABC Board's request to use during the FY2021-2022, the City's Travel Policy which was adopted in April 2012 and revised in November 2015.

CONTRACT – POLICE SERVICES – EASTERN CAROLINA REGIONAL HOUSING AUTHORITY

Upon a motion made by Councilmember Strickland, seconded by Councilmember Ruggles, a contract between the City of Clinton and Eastern Carolina Regional Housing Authority; whereas, Eastern Carolina Regional Housing Authority will reimburse the City in a total amount not to exceed \$48,450.00 for a term of one year for the service of a minimum of one (1) police officer, passed unanimously.

Also, it was noted that the Clinton Police Department agrees to hold the Eastern Carolina Regional Housing Authority, its agent, and employees free, harmless, and indemnified from and against any and all claims, suits or causes of actions arising from or in any way out of the performance of the duties of the police officer assigned to the Authority.

RESOLUTION – ACCEPTING THE ADDITIONAL SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT OF 2019 (ASADRA)

City Manager Hart spoke regarding a request from staff. He stated that because the city is accepting grant money from the State, City Council is asked to adopt a Resolution Accepting ASADRA LOAN FORGIVENESS/GRANT to replace the existing influent pumping station with a new influent pump station out of the flood plain and other Wastewater Treatment Plant resiliency improvements. This grant is for a maximum of \$3,000,000.

Upon a motion made by Councilmember DuBose, seconded by Councilmember Bryant, the following resolution was unanimously adopted:

**RESOLUTION BY CLINTON CITY COUNCIL
ACCEPTING ASADRA LOAN FORGIVENESS/GRANT
WWTP RESILIENCY IMPROVEMENTS**

WHEREAS, the Additional Supplemental Appropriations for Disaster Relief Act of 2019 (ASADRA) provided funding to State and Local Governments to address infrastructure damaged during storm events; and

WHEREAS, the North Carolina Department of Environmental Quality, Division of Water Infrastructure (NCDEQ DWI) through the State Water Infrastructure Authority (SWIA) has approved the City's application and has offered the City an ASADRA loan, with 100 percent principal forgiveness (grant) up to a maximum of \$3,000,000, to relocate and replace damaged, aged, and vulnerable infrastructure out of the flood plain. (NCDEQ Project No. CS370425-07); and

WHEREAS, the City of Clinton intends to perform said project in accordance with this loan forgiveness (grant) award (NCDEQ Project No. CS370425-07).

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

That the City of Clinton does hereby accept the ASADRA Loan Forgiveness (grant) offer of \$3,000,000, to replace the existing influent pumping station with a new influent pump station out of the flood plain, including influent gravity sewer from existing pump station to new pump station, a standby emergency generator, and related electrical controls, in accordance with the grant application and offer letter (NCDEQ Project No. CS370425-07).

That the City of Clinton does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Luther D. Starling, Mayor, and successors so titled, is hereby authorized and directed furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

RESOLUTION – AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH MOST QUALIFIED FIRM FOR THE IMPLEMENTATION OF THE NCDEQ ASADRA WASTEWATER TREATMENT PLANT RESILIENCY IMPROVEMENTS

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

**RESOLUTION OF THE CITY OF CLINTON, AUTHORIZING THE CITY MANAGER
TO NEGOTIATE WITH THE MOST QUALIFIED FIRM, A PROFESSIONAL
SERVICES CONTRACT, FOR THE IMPLEMENTATION OF THE NCDEQ ASADRA
WWTP RESILIENCY IMPROVEMENT**

WHEREAS, the Additional Supplemental Appropriations for Disaster Relief Act of 2019 (ASADRA) provided funding to State and Local Governments to address infrastructure damaged during storm events; and

WHEREAS, the North Carolina Department of Environmental Quality, Division of Water Infrastructure (NCDEQ DWI) through the State Water Infrastructure Authority (SWIA) has approved the City's application and has offered the City an ASADRA loan, with 100 percent principal forgiveness (grant) up to a maximum of \$3,000,000, to relocate and replace damaged, aging, and vulnerable infrastructure (influent pump station) out of the flood plain. (NCDEQ Project No. CS370425-07); and

WHEREAS, the City of Clinton intends to perform said project in accordance with this loan forgiveness (grant) award (NCDEQ Project No. CS370425-07); and

WHEREAS, the city staff has solicited for, received, and reviewed Letters of Interest and Statements of Qualifications (LOI SOQs), from six firms, has reviewed these submittals, and provided a ranking of the firms as to their qualifications to perform the professional services under this grant.

NOW, THEREFORE, BE IT RESOLVED that the City Manager, or his designee, is hereby authorized to negotiate a professional services contract with the selected firm, to include specific scopes and fees, and schedules, in accordance with NCGS 143-64.31, in accordance with the grant submittal, offer letter, and referenced required documentation, for the NCDEQ DWI ASADRA SWIA awarded City of Clinton WWTP Resiliency Improvements Project NO. CS370425-07, in order to perform the necessary professional services including engineering report, design, (plans, calculations specifications, bidding and construction contract documents), as well as permit applications, and assist the City with bidding, contract administration and construction inspection, and to implement the administration of this project in accordance with the applicable regulations and standards.

APPOINTMENTS

The appointment to replace Mrs. Pam Griffin on the Historic Preservation Commission was continued until the July 2021, city council meeting.

Upon a motion made by Councilmember Ruggles, seconded by Councilmember Bryant,

it passed unanimously to appoint Mrs. Deborah Johnson to fill the unexpired term of Mr. Robert Werner, District 1, on the Planning and Zoning Board. This term will expire January 2025.

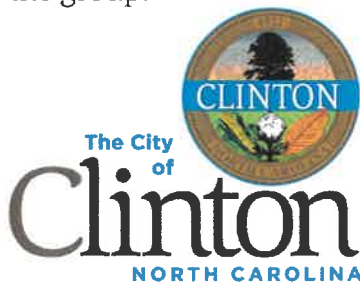
Notification was given of the appointment/reappointment to the ABC Board. Currently, Billy Ray Jordan, Jr. serves, and this appointment is a three-year term. At the July 2021, city council meeting, an appointment/reappointment will be requested.

REPORTS

The monthly combined staff report was acknowledged.

STAFF REPORTS

City Manager Hart stated that the Fallen Heroes Ad Hoc Committee was given the task of reviewing and establishing policies and procedures of how to honor fallen heroes and weigh in on the bridge in question. He stated that the Committee decided upon four primary recommendations for Mayor Starling and City Council. The following letter was distributed to the group:



06/01/2021

Mayor Starling & Members of City Council,

As you are aware, the Fallen Heroes Ad-Hoc Special Committee was formed on October 9, 2020. The committee was formed as a result of the recent request to name the Faircloth Freeway Bridge after fallen Clinton Police Officer Donald Tucker. The City Council charged this committee with the task of reviewing and establishing policies and procedures of how to honor fallen heroes and weigh in on the bridge in question.

Our committee met on April 13 and May 11. Present at our meetings we had a news reporter, members of Donald Tucker's family, and concerned citizens. These people in attendance helped bring transparency to the overall process and realized the important work tasked to the committee. Our ten-member committee has a variety of members including current law enforcement, other first responder professionals and citizens from the community. We diligently researched and discussed the issues at hand and unanimously made the recommendations listed below.

1. The City should adopt the definitions for a "first responder" and the criteria for "line of duty death" found in federal law. Specifically, the Public Safety Officers Benefit (PSOB)

Program maintains clear eligibility distinctions. Using the definitions maintained as part of this federal program will prevent the City from having to revise definitions or requirements in the future.

2. Both the Clinton Police Department and Clinton Fire Department should maintain permanent monuments in a prominent location on the grounds of each department. The Committee understands the Clinton Police Department already has such a monument. While fire service traditions are more varied, the Committee recommends the Clinton Fire Department work to establish a similar permanent monument. These monuments should be reserved for members who die in the line of duty. Honors for tragic but non-work-related deaths should be handled separately.
3. The City Council should **support any** bridge naming resolution brought by the surviving family of any first responders employed by the City who dies in the line of duty that meet the criteria to qualify for the Federal Public Safety Officers' Benefit Program and meets the bridge naming criteria established by NCDOT. It is understood that ultimately, NCDOT controls the naming process; however, they require a local resolution supporting any application to name a bridge or roadway, which we recommend the City Council should support such request.
4. The Committee recommends that the City **should not** seek to generically name a bridge in honor of all fallen first responders, in lieu of individually naming bridges for fallen first responders. If the City wishes to and initiates actions to have a generically named bridge in honor of a group or all first responders (i.e., "Clinton Heroes' Bridge" or "Public Safety Officers' Memorial Bridge"), **such action SHOULD NOT conflict with the previous recommendation that the City honors any surviving family requests for individually named bridges.**

Please allow me to express my sincere gratitude on behalf of the entire Fallen Heroes Ad-Hoc Special Committee to the Mayor and City Council for entrusting us with the responsibility of advising the City Council and making recommendations on such an important Community issue.

Sincerely,

Bryan Smith
Chairman
Fallen Heroes Ad-Hoc Special Committee

City Manager Hart concluded by stating that a resolution should be provided to City Council that can be adopted at the July city council meeting.

CITY MANAGER REPORTS

City Manager Hart provided the following memorandum to City Council regarding the elections and the 2020 Census:

To: Mayor & City Council
From: Tom Hart City Manager
Date: 06/01/21
Subject: Impact of Census Data Delay on 2021 City Elections

Background

Every time there is a federal census, as there was in 2020, the City of Clinton must take the new census numbers, apply them to the City's old electoral districts, and determine whether the districts become imbalanced over the course of the 10 years since the last census. If they have, then the City must draw new districts to bring them back into balance.

After the census of 1990, the City drew new districts in 1991. After the 2000 Census, the City drew new districts in 2001. After the 2010 Census, there was not enough change in population to warrant new districts and the old districts were reaffirmed in 2011.

Census numbers typically have been available in February or March, and the new districts were put quickly in place in time for the July candidate filing period ahead of the November elections. This year, The U.S. Census Bureau has said that the numbers needed for redistricting may not be available until the end of September.

The City Council seats for Districts 1, 3, and 5 will be up for election November 2021. The candidate filing period for the election in November 2021 will run from July 28 to August 13. The City would need new districts in place before the filing period, so candidates know what seat to file their notices of candidacy for. But the new census numbers, upon which any changes to the districts would be based, are not expected until September.

The City has retained Tharrington Smith Law Firm as outside counsel to help with the redistricting once the census data becomes available. Tharrington Smith has helped the City of Clinton navigate redistricting after the last 3 censuses.

Discussion

Advice from the UNC School of Government advises cities to wait to see what, if anything, the General Assembly does on this issue. The General Assembly, by statute, sets the time of municipal elections, and sets the time of candidate filing. The General Assembly can, if it chooses, delay the 2021 municipal elections, giving cities time to receive the new census numbers, draw the new districts, have candidates file, and go through the election. The City by itself has no authority to alter the election. At this time, there is no indication the General Assembly will take any action giving guidance to cities.

With the General Assembly not acting on the matter, the UNC School of Government has advised cities that use true electoral districts (such as Clinton) to simply hold their 2021 elections on the regular

schedule using their old districts. If the City's districts are found to be out of balance (remember they very well might not be), the City is technically vulnerable to lawsuits. But, in fact, it seems there is no alternative, and the UNC School of Government speculates a judge in such a lawsuit would understand the problem the city faced.

As an additional note about the dynamic that the City faces, the City will, presumably, have the new census numbers by the time of the elections in November 2021. We could learn by that point in time, the districts are unbalanced. Without authorization from the General Assembly, there is no corrective or preventative measure to take.

Recommendation

The City of Clinton should proceed into the November 2021 Election using the existing districts. At this time, I am not aware of any formal action needed.

This recommendation is based on a thorough review of the literature from the UNC School of Government, counsel from City Attorney Tim Howard, and counsel from Deborah Stagner at Tharrington Smith Law Firm.

City Manager Hart concluded by saying, "Best recommendation is to do nothing."

PUBLIC COMMENTS

Mr. Cody Suggs, 403 Underwood Street, appeared before City Council to express concerns regarding traffic on Underwood Street. He stated that he is fairly new to Clinton, moving from Charlotte, NC. He thanked staff for what is already being done—an active assessment in place until Friday. However, he feels more need to be executed. He questioned if Underwood Street meets the NCDOT requirement to install a stop sign. Mr. Suggs stated that the speed limit is posted at 25 mph; however, drivers are not abiding by this speed. He is asking if a stop sign, Children at Play sign, or some other sign might be possible. Mr. Suggs asked City Council to look into this matter.

Mr. Johnny Boykin appeared before City Council. He stated that, last year, he asked for work to be done to the bathroom at Newkirk Park; however, no work has taken place. He asked, "With all the money in the budget, why not help Newkirk Park?" Mr. Boykin informed the group that "Night Out" will be taking place soon, so, "When can we have the bathroom fixed?"

Mr. Terry Lee appeared before City Council. He stated that City Council was elected for the job that they do. He gave one last quote: "We are doing this because it is the right thing to do." – Mayor Lew Starling.

OTHER BUSINESS

Mayor Starling asked Mrs. Delynn Solice to tell the group about the happenings of her daughter, DaCiya Solice. She asked the group to pray for DaCiya. She will be competing for Miss

North Carolina from June 22 – June 26.

Councilmember Strickland requested that the July city council meeting be moved from July 6th to July 13th. Upon a motion made by Councilmember Strickland, seconded by Councilmember DuBose, it passed unanimously to reschedule the meeting until July 13, 2021.


CONTINUATION

Being no further business, a motion was made by Councilmember Ruggles, seconded by Mayor Pro Tem Becton, and it passed unanimously to continue this June 1, 2021, City Council meeting until June 15, 2021, at 6:00 PM for the adoption of the FY2021-2022 Budget. The meeting is scheduled to be held in the City Hall Auditorium.

The June 1, 2021, regular city council meeting adjourned at approximately 8:10 PM.



Elaine F. Hunt, City Clerk, MMC, NCCMC



Lew Starling, Jr., Mayor