



## October 3, 2023, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in a regular session at 7:00 PM on October 3, 2023, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Ruggles, Corbett, DuBose, Strickland, and Mayor Pro Tem Becton were present.

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

Also present were City Clerk Elaine F. Hunt; City Manager James Duncan; Finance Director Kristin Stafford; Public Works Director Chris Medlin; Public Works Engineer Russell Byrd; HR Director Natalie Blue; Parks and Recreation Director Jonathan Allen; Planning Director Mary Rose; Assistant Police Chief Adrian Mathews; Police Chief Anthony Davis; Lt. Robbie King; Lt. Jeremy Honeycutt; and SRO Kaleab Stevens.

Jack Tunnell of The Sampson Independent was present. Sylvia Chestnutt of The Sampson Weekly was absent.

Mayor Starling called upon Councilman Holden DuBose to give the invocation.

### CITY COUNCIL

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Becton, it passed unanimously to approve the September 5, 2023, regular city council minutes.

### PROCLAMATION – FIRE PREVENTION WEEK

Upon a motion made by Councilmember DuBose, seconded by Councilmember Ruggles, the following Fire Prevention Week Proclamation, was unanimously approved:

# Proclamation

## “Fire Prevention Week”

### In the City of Clinton

**WHEREAS**, the City of Clinton, NC, is committed to ensuring the safety and security of all those living in and visiting Clinton; and

**WHEREAS**, fire is a serious public safety concern, both locally and nationally, and homes are where people are at the most significant risk to fire; and

**WHEREAS**, this year’s focus on cooking safety works to educate the public about simple but necessary steps they can take to help reduce the risk of fire when cooking at home, keeping themselves and those around them safe; and

**WHEREAS**, according to the National Fire Protection Association (NFPA), cooking is the leading cause of home fires, with half (49 percent) of all home fires involving cooking equipment; and

**WHEREAS**, cooking is also the leading cause of home fire injuries and related deaths, and cooking was the only major cause of fire that resulted in more fires and fire deaths in 2014-2018; and

**WHEREAS**, a home fire escape plan provides the skill set and ability to escape a home fire situation quickly and safely; and

**WHEREAS**, a home fire escape plan includes two exits from every room in the home; a path to the outside from each exit; smoke alarms in all required locations; and a meeting place outside where everyone in the home will meet upon exiting; and

**WHEREAS**, this year’s theme, “**Cooking Safety Starts with YOU! Pay Attention to Fire Prevention,**” emphasizes staying in the kitchen, using a timer, and avoiding distractions that remove your focus from what is on the stove.

**NOW, THEREFORE**, I, Mayor Lew Starling, Jr., and the Clinton City Council hereby proclaim **October 8 - 14, 2023, Fire Prevention Week** throughout this community. We urge all citizens of Clinton to find and develop a home fire escape plan with all household members and practice it twice a year. We encourage all citizens to practice safe cooking skills at home.

## PROCLAMATION – NATIONAL AMERICAN INDIAN HERITAGE MONTH

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember DuBose, the following proclamation passed unanimously proclaiming November as the “National American Indian Heritage Month:”

### **NATIONAL AMERICAN INDIAN HERITAGE MONTH**

**WHEREAS**, this historic week of awareness and recognition for native American Indian and Alaska natives began in 1976 and was orchestrated by a Cherokee Indian named J. C. Elliott-High Eagle; and

**WHEREAS**, recognition was expanded by Congress and approved by President George Bush on August 3, 1990, designating the month of November as “National American Indian Heritage Month,” also referred to as “Native American Heritage Month;” and

**WHEREAS**, the United States of America was founded on an idea: that all of us are created equal and deserve equal treatment, equal dignity, and equal opportunity throughout our lives; and

**WHEREAS**, this month is a time to celebrate rich and diverse cultures, traditions, and histories and to acknowledge the significant contributions of Native people; and

**WHEREAS**, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and

**WHEREAS**, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

**WHEREAS**, in honor of National American Indian Heritage Month, communities celebrate and recognize the achievements and contributions of Native Americans.

**NOW, THEREFORE, I, LUTHER D. STARLING, JR., MAYOR OF THE CITY OF CLINTON, NORTH CAROLINA**, on behalf of the City of Clinton City Council, do hereby proclaim November as the National American Indian Heritage Month, in the City of Clinton, and encourage all our citizens to educate themselves regarding Native American history, rights, culture and contemporary issues, to better assist them in their jobs and for overall awareness.

**PROCLAMATION –SAMPSON COUNTY ARTS COUNCIL 50<sup>TH</sup> ANNIVERSARY**

Mrs. Jonelle Strickland appeared before the City Council to talk about the Sampson County Arts Council. She spoke regarding the following recipients who had received grants in conjunction with the Sampson County Arts Council: The Sampson County Schools; the Clinton Library System; the Coharie People; The Town of Roseboro; Sampson Community Theatre; Sampson County Convention & Visitors Bureau; and The City of Clinton. Mrs. Strickland mentioned the Annual Golf Tournament Fundraiser and stated that the membership drive ends on October 31, 2023.

Upon a motion made by Councilmember Ruggles, seconded by Councilmember DuBose, the following proclamation passed unanimously:



**PROCLAMATION  
CELEBRATING THE SAMPSON COUNTY ARTS COUNCIL  
ON ITS 50<sup>TH</sup> ANNIVERSARY**

**WHEREAS**, the Sampson County Arts Council is a non-profit organization chartered in 1973 and has as its mission to enrich the cultural lives of people in The City of Clinton and Sampson County by nurturing and supporting excellence in the arts; and

**WHEREAS**, the Sampson County Arts Council membership consists of a diverse group of more than two hundred individual members, artists, businesses, cultural and civic organizations who appreciate the role of art to move, inspire, inform, engage, and unite a community; and

**WHEREAS**, for fifty years, the Sampson County Arts Council has displayed the artistic talents of our citizens by sponsoring gallery shows for local artists, and supporting concerts and musical theatre; and

**WHEREAS**, the Sampson County Arts Council has served as a conduit for state and federal funding to local programs and organizations such as Sampson County Public Library System, Sampson Community College, the Sampson County Theatre, the Town of

Roseboro's Bloomfest, the Coharie People, the Sampson County Multicultural Committee, and the Sampson County Performing Arts Series; and

**WHEREAS**, the Sampson County Arts Council inspires creativity and appreciation for the arts in all ages by coordinating arts and pottery classes for children and adults, partnering with private businesses and local governments for public concerts, and supporting The City of Clinton, Sampson County Schools Arts Camp, and the Sampson CenterStage for Students; and

**WHEREAS**, for fifty years, the Sampson County Arts Council's board members have dedicated their time to leading, advocating for, and advance arts and culture to ensure a vibrant city and community attractive to business, industry, and residents.

**NOW THEREFORE, BE IT PROCLAIMED** that The City Council of The City of Clinton congratulates the Sampson County Arts Council on its 50<sup>th</sup> Anniversary and commends them for their dedication to supporting, strengthening, and promoting the arts, and thereby enhancing the quality of life of within the City of Clinton and Sampson County.

#### **PRESENTATION – LIFE-SAVING OFFICER'S AWARD**

Police Chief Anthony Davis appeared before the City Council to tell of the heroic efforts by one of his officers. He shared that last month at Sampson Middle School, a student was choking, and SRO Caleab Stevens stepped in and performed the Heimlich maneuver. Chief Davis stated that with quick thinking and bravery, Officer Stevens cleared the student's airways and saved a life. Chief Davis stated that SRO Stevens is an inspiration to the City of Clinton.

Police Chief Davis, along with Mayor Starling and Mayor Pro Tem Becton, presented SRO Stevens with the Life-saving Officer's Award. Applause was heard throughout the room.

#### **PRESENTATION – THE SAMPSON HIGH ALUMNI ASSOCIATION**

Planning Director Rose stated that the staff has been working with the Sampson High Alumni Association for approximately two (2) years. She stated that staff and the Association were unable to save the former Sampson High School building and she introduced Mr. Robert Bennett and Dr. Jesse Williams to come forth with their request.

Mr. Bennett thanked Mayor Starling, the City Council, and staff for all the assistance given to them. He stated that they are requesting approval of a payment plan. He asked Dr. Williams to elaborate on the payment plan.

Dr. Williams thanked everyone for his/her assistance. He recognized former City Manager Tom Hart, City Manager Duncan, and the Planning staff. Dr. Williams stated that, "what has happened has made them stronger." He stated that the Association has maintained its commitment of supporting students annually. Furthermore, he stated that if the City Council agrees with the Association's requested payment plan, they will be able to continue giving scholarships to the students.

Dr. Williams asked the City Council to honor one of the following:

- A) Allow the SHSAA, Inc. additional time (one year) to find local, state, and/or federal funds to reimburse the City for the cost of the demolition; or
- B) Set up a (10-year) repayment plan with 1/10<sup>th</sup> repayment each year until the full amount is paid or lump sum funds are available to pay off the balance sooner.

Mr. Bennett stated that, "if the City Council agrees to B) Set up a (10-year) repayment plan with 1/10<sup>th</sup> repayment each year until the full amount is paid or lump sum funds are available to pay off the balance sooner," he would give to the City Council a check on tonight for \$16,300 (1/10<sup>th</sup> of the total cost of \$163,000).

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember DuBose, it passed unanimously to approve B) Set up a (10-year) repayment plan with 1/10<sup>th</sup> repayment each year until the full amount is paid or lump sum funds are available to pay off the balance sooner.

**PRESENTATION – MR. LEE KENNEDY, NC DEPARTMENT OF INSURANCE, OFFICE OF STATE FIRE MARSHAL**

City Manager Duncan introduced Lee Kennedy, NC Department of Insurance, Office of State Fire Marshal. He stated that during the budget preparation, the City Council requested information regarding the next fire apparatus purchase and how the ISO Rating will be affected.

Mr. Kennedy stated that because the City of Clinton has several buildings that are five (5) stories or taller, Clinton needs a ladder truck. He stated that the Office of State Fire Marshal, when requested, will gladly recommend to a municipality what type of apparatus is needed, to obtain or maintain a particular rating.

Mr. Kennedy's presentation was for informational purposes only.

CITY COUNCIL – RESCHEDULING OF NOVEMBER CITY COUNCIL MEETING

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember Ruggles, it passed unanimously to reschedule the regular November 7, 2023, city council meeting to the second Tuesday, November 14, 2023, at 7:00 PM.

RESOLUTION—SURPLUS PROPERTY

Upon a motion made by Councilmember Strickland, seconded by Councilmember DuBose, it passed unanimously to approve the following resolution authorizing the disposition of personal property by GovDeals sale:

**RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL  
PROPERTY BY THE METHOD KNOWN AS:  
“GOVDEALS”**

**WHEREAS**, the City Council of the City of Clinton, NC desires to dispose of certain surplus properties of the City of Clinton.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that:

- (1) The following described properties are hereby declared to be surplus to the needs of the City of Clinton:
  - One (1) 2010 Freightliner Estimated value \$10,000.00  
VIN# 1FVHCYBS8ADAS4247
- (2) The Financial Analyst is authorized to receive on behalf of the City Council of the City of Clinton bids via GovDeals for the purchase of the described properties.
- (3) GovDeals will begin the sale of the described properties on or about October 13, 2023, and will continue the sale until the described properties are sold. The terms of sale shall be Pay Pal, credit card, or wire transfer.
- (4) The City Clerk will not cause a notice of the electronic public auction to be published in accordance with G. S. 160A-266 (c).
- (5) The highest bid, if it complies with the terms of sale, may be accepted by the Financial Analyst and the sale consummated.

**RESOLUTION -- ACCEPTING THE FUNDING OFFER FOR THE 2023 STORMWATER MAPPING AND ASSESSMENT PROJECT – NO. SRP-SW-ARP-0053**

Upon a motion made by Councilmember Ruggles, seconded by Councilmember Strickland, the following resolution passed unanimously:

**RESOLUTION ACCEPTING THE FUNDING OFFER FOR  
THE 2023 STORMWATER MAPPING AND ASSESSMENT PROJECT  
NCDEQ/DWI PROJECT NO; SRP-SW-ARP-0053**

**WHEREAS**, the American Rescue Plan Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or stormwater infrastructure needs; and

**WHEREAS**, the **City of Clinton** made application to the NC Department of Environmental Quality, Division of Water Infrastructure (NCDEQ/DWI) for funding to identify stormwater infrastructure needs; and

**WHEREAS**, the State Water Infrastructure Authority (SWIA), upon the recommendation of NCDEQ/DWI staff approved the City's application; and

**WHEREAS**, the North Carolina Department of Environmental Quality, Division of Water Infrastructure (NCDEQ) has offered LASII\_ARPA funding in the amount of **\$400,000.00** for the **2023 Stormwater Mapping and Assessment Project, NCDEQ DWI Project Number SRP-SW-ARP-0053** to perform the work detailed in the submitted application and project scope; and

**WHEREAS**, the **City of Clinton** intends to perform said project in accordance with the agreed upon scope of work.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL:**

That the **Clinton City Council** does hereby accept the ARPA grant offer of **\$ 400,000,00** for this project; and

That the **Clinton City Council** does hereby give assurance to the North Carolina Department of Environmental Quality that any *Conditions* or *Assurances* contained in the *Funding Offer and Acceptance* (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North



Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and

That James P. Duncan, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

**ADOPTION -- LETTER OF AGREEMENT FOR AIRPORT SAFETY/MAINTENANCE PROJECTS**

Upon a motion made by Councilmember DuBose, seconded by Councilmember Corbett, the following letter of agreement for airport safety/maintenance projects passed unanimously:

**LETTER OF AGREEMENT FOR  
AIRPORT SAFETY/MAINTENANCE PROJECTS**

THIS AGREEMENT is made, this \_\_\_\_ day of \_\_\_\_\_, 2023 by (Airport Owner) SAMPSON COUNTY and THE CITY OF CLINTON as owner and operator (hereinafter referred to as "Sponsor") of the CLINTON-SAMPSON COUNTY AIRPORT (CTZ) (hereinafter referred to as "Airport,") and the North Carolina Department of Transportation (Division of Aviation), an agency of the State of North Carolina (hereinafter referred to as "Department"), for the purposes of future and as-yet unspecified safety or maintenance services to be performed by said Department in accordance with the terms, conditions and provisions hereof.

**WITNESSETH**

WHEREAS, the Sponsor is primarily responsible for maintaining the facilities of the Airport to protect and preserve the safety of flight operations at, from and to the Airport; and

WHEREAS, and the Department shares the interest of the Sponsor in the prompt and adequate maintenance and repair of the paved surfaces of the Airport which support aircraft movements on the Airport; and

WHEREAS, the Sponsor and the Department may, from time to time, mutually determine that certain paved surfaces and adjacent areas on the airport have aged and deteriorated and/or that other infrastructure is in need of maintenance or repair, and that the Sponsor could benefit from the assistance of the Department in accomplishing such maintenance and repair; and

WHEREAS, pursuant to Article 7 of North Carolina General Statute 63, the Department is authorized to undertake safety improvements of aircraft movement areas, on publicly owned and operated airports in North Carolina; and

WHEREAS, the Sponsor and the Department agree that upon the request by the sponsor and the acceptance by the Department, certain needed improvements at the Airport may be undertaken by the Department in conformance with the provision of North Carolina General Statute 63; and

WHEREAS, the Department requires a Commitment and Release of Liability statement to be on file in its offices, in order to be able to provide and oversee such maintenance and repair at the Airport;

NOW THEREFORE, the Sponsor does hereby commit to the following measures:

1. This Letter of Agreement supersedes all prior agreements between the Department and Sponsor with respect to the subject matter of this Letter of Agreement.
2. Upon the Sponsor's approval, the Department, using NCDOT state forces and/or private contractor(s) under a Purchase Order Contract, may perform the requested maintenance and repair to the Airport. This work may include, but not be limited to; Joint and Crack Sealing, Pavement Repairs and Patching, Surface Treatments, Maintenance Overlays, Electrical, Grading, Drainage Improvements, Pavement Markings, or other infrastructure maintenance.
3. The Sponsor will receive notification from the Department of the Department's willingness to perform (or pay to have performed) any item or items of work approved by the Sponsor and a proposed schedule for performing the work and the force or contractor the Department proposes to perform the work.
4. If the schedule and the force or contractor proposed by the Department for performing the work is acceptable to the Sponsor, the Sponsor shall authorize the Department (or its contractors) to enter upon the property of the Airport during the scheduled time to perform the work.
5. If the schedule and the force or contractor proposed by the Department for performing the work is unacceptable to the Sponsor, the Sponsor shall inform the Department of the reasons for its objections and the Sponsor, and the Department will engage in dialogue with the intent of determining if an alternative schedule or force or contractor is acceptable to both the Sponsor and the Department. If the Sponsor and the Department cannot reach agreement through the process described in paragraph 4 then the Department will withdraw its offer to perform the requested work.
6. The Sponsor hereby represents to the Department that the title to the pavement and adjacent areas of the Airport is vested in the Sponsor.
7. The Sponsor agrees to provide a duly authorized representative who will be present and/or available at all times the work is in progress (including nights and weekends, as applicable) to monitor project operations and assist the Department's representative.

8. The Sponsor agrees to provide a duly qualified operator who will monitor the airport's UNICOM radio transceiver at all times the work is in progress (including nights and weekends, as applicable) and will issue airport advisories as necessary on the UNICOM radio transceiver.

9. The Sponsor agrees, when needed, to formally close any runway, taxiway, or apron at all times when the work is in progress on that pavement area and to take appropriate steps to prohibit use of such areas by aircraft and/or ground vehicles while the work is being performed or the subject pavement areas are in an unsafe or uncured condition due to the conduct of the work.

10. The Sponsor agrees to issue and keep current the necessary Notices to Airmen (NOTAMS) through the Federal Aviation Administration (FAA) until all work is completed and the Department's representative notifies the Sponsor's representative that the affected areas may be returned to service.

11. The Sponsor agrees that the Department may, in its sole discretion, determine the design, scope of work, materials to be used, and methods of accomplishing the authorized work. The Department covenants that any and all such work as it performs or has performed at the Airport pursuant to this agreement will meet or exceed all relevant State of North Carolina and Federal Aviation Administration specifications for the type of pavement concerned and the type of maintenance or repair that is being performed.

12. To the maximum extent allowed by law, the Sponsor shall indemnify and hold harmless the Department and its officers and employees from all suits, actions, or claims of any character because of injury or damage received or sustained by any person, persons, or property resulting from work performed under this Commitment. This indemnity does not extend to causes of action arising from the negligence of the Department, its officers and employees or any of Department's contractors who performed the work.

13. Should Sponsor fail to comply with any material duty required of it under this Agreement the Department shall give written notice to the sponsor of the details of its non-compliance and provide a reasonable period in which the Sponsor can cure its non-compliance. Upon the expiration of said cure period without the Sponsor having come into compliance, the Sponsor agrees that, at its sole and unlimited discretion, the Department shall have the right to immediately stop all work being performed at the Airport and release the work area to the jurisdiction of the Sponsor.

14. The Sponsor understands that for the Department to perform maintenance or safety services, the Airport and Sponsor must be in good standing on all State and Federal Grant Requirements and Assurances before any project shall be performed under this Commitment.

15. Subject to the provisions of paragraph 13 above, this Commitment will expire on December 31, 2028. Subject to the provisions of paragraph 13 above, this Commitment may be terminated by either the Department or the Sponsor by providing written notification of termination. The effective date of

termination pursuant to this paragraph shall be the date of receipt of the notice of written termination by the non-terminating party.

A digital copy of this LETTER OF AGREEMENT in adopted form should be emailed to the Statewide Program Manager and your Airport Project Manager. General telephone number is: (919) 814-0550.

Statewide Program Manager – Raj Kondapalli, P.E. rkondapalli@ncdot.gov

Airport Project Manager (NW) – Caleb Whitby, P.E. cwhitby@ncdot.gov

Airport Project Manager (NE) – Robin Peele, P.E. rdpeelee@ncdot.gov

Airport Project Manager (SW) – Emily Ferreira. eafferreira@ncdot.gov

Airport Project Manager (SE) – Tommy Mann, P.E. tmann@ncdot.gov

#### STREET CLOSINGS –HALLOWEEN ON THE SQUARE

Planning Director Rose stated that Ms. Stephanie Graham, downtown businessowner, desires to bring back the “Halloween on the Square”. Mrs. Rose stated that the last event which occurred in 2019 resulted in approximately 2000 attendees. She stated that this event will take place on Tuesday, October 31<sup>st</sup> from 5:30 PM until 7:30 PM. Mrs. Rose requested the City Council close Main Street from Wall Street to College Street, Lisbon Street from Elizabeth Street to Main Street, and the parking lot at the west end of the Sampson County Courthouse from 3:00 PM until 8:30 PM on Tuesday, October 31<sup>st</sup>.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Ruggles, it passed unanimously to close the abovementioned streets and parking lot for the “Halloween on the Square.”

#### PERSONNEL POLICY – AMENDMENT

City Manager Duncan explained this proposed amendment. He stated with the increase in the cost of parts, staff believes the cost which constitutes an employee coming before the Accident Review Board should also increase. Currently, the estimated repair or replacement cost of \$1,500 warranted an employee coming before the Accident Review Board; however, the proposed cost has been increased to \$2,500. Also, City Manager Duncan explained the implementation of an “At-Fault” form which allows cases to be

handled differently. He requested approval of the proposed amendment to the Personnel Policy found within the agenda packet.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Ruggles, the following amendment to the Personnel Policy, which is highlighted in red, was unanimously adopted:

### **Personnel Policy Amendment**

#### **SECTION 10. Accident Review Board Policy**

Whereas, upon the recommendation of the city manager, the City Council is requested to amend Section 10. Accident Review Board Policy to read as follows:

#### **Section 10. Accident Review Board Policy**

In order to find the causes of employee accidents and/or the misuse of City property, the Accident Review Board is to be formed by the City of Clinton.

The Board's responsibilities are:

- 1) To review causes of accidents of employees.
- 2) To find possible solutions to those causes that are detected.
- 3) To find if there is or is not fault on the part of the employee.
- 4) Where there is a fault on the part of an employee, these findings, and a recommendation as to what action is to be taken, are to be forwarded to the City Manager. The decision is sent to the respective department director and the chairperson shall ensure implementation.
- 5) To inform the Health and Safety Committee of findings and possible solutions to prevent future accidents, when applicable.

#### **Accident Review Board**

The Accident Review Board is to consist of nine (9) members. One each from Recreation, Police, Fire, and five (5) appointees from the Public Works Department and a chairperson who will be appointed by the City Manager and who will vote only in cases of a tie.

No department director will be eligible to serve on this Board. On or before July 10<sup>th</sup> of each year, the present chairperson will request

department directors to submit to the chairperson the name(s) of his/her representative to make certain the whole make-up of the Board is in proportion to the City's workforce as it applies to sex and race. The chairperson will notify the members of their appointment no later than July 25<sup>th</sup> of each year.

No employee will serve for more than twenty-four (24) consecutive months—unless the department director deems the employee to serve longer.

The Board will hold its meetings on the fourth Wednesday of any month beginning at 9:30 AM in the City Hall Auditorium as needed. Meeting times and days are subject to change occasionally. The chairperson of the Accident Review Board will call all meetings.

### **Cases Reviewed by Board**

Any City of Clinton real or personal property that is damaged, destroyed, or misplaced by an employee that requires an estimated repair or replacement cost of two thousand five hundred dollars (\$2,500) or more will be reported, in writing, to the City Clerk/chairperson by the appropriate department director.

Any employee who has an accident in a city vehicle when the Police Department's investigation estimates that the total damage is two thousand five hundred dollars (\$2,500) or more will be reported to the City Clerk/chairperson by the appropriate department director.

All vehicular accidents involving non-City of Clinton real or personal property will be reported immediately to the law enforcement agency that has jurisdiction in the area that the accident occurred. The employee shall notify his/her direct supervisor immediately.

Reports/Notifications by department directors concerning vehicular accidents or damage to City property within the monetary limits described will be given to the City Clerk/chairperson within forty-eight (48) hours of the occurrence.

The City Clerk/chairperson will review each department director's report. The City Clerk/chairperson will contact the Board members and the respective department directors as to date, time, and place that the Accident Review Board will convene.

Department directors are responsible for seeing that all employees who are under their authority, who have been summoned by the Accident Review Board, are present at the meeting.

### **Administrative Procedures for Accident Review Board Findings.**

- ~~1) When there are equipment defects, and other things, such as procedure errors that are the causing factors of an accident, recommendations are made by the Board, in writing, to the City Manager. The City Manager, in turn both signs approval or disapproval and forwards it to the respective department head, who in turn handles the matter and returns, in writing, to the City Manager what action was taken.~~
- 1) When the Board finds no fault on the employee's part, then such findings are sent to the City Manager, who in turn forwards the results to the City Clerk/chairperson, who in turn forwards the results to the appropriate department director.
- 2) Where there is a fault on the part of an employee, these findings and what action is to be taken, are to be forwarded to the City Manager. The City Manager, in turn, approves or disapproves of the findings. If the City Manager agrees with the recommendation of the Board, the decision is sent to the appropriate department director for implementation. The chairperson will follow up on implementation.
- 3) Where there is fault on the part of an employee, and he/she wants to accept fault, he/she can opt out of the hearing by filling out an "At-Fault" form agreeing to the fault. No hearing is necessary when this occurs. The City Clerk/chairperson investigates the matter to determine first fault accident, second fault accident, etc., and follow up on the implementation.
- 4) In order to ensure standard procedures are followed when an employee involved in an accident is **found to be at fault**, the following is to be in effect:
  - a. **First fault** accident in a one-year period -  
One day suspension without pay (based on an 8-hour workday)
  - b. **Second fault** accident in a one-year period -  
Two days suspension without pay (based on an 8-hour workday; and two days equate to 16 hours)

- c. Third fault accident in a one-year period –  
This could result in dismissal from employment with the City of Clinton, and in no case will be less than two weeks suspension without pay. (Two weeks equate to 80 hours)

5) In order to ensure standard procedures are followed when an employee involved in an accident is **found not to be at fault**, the following is to be in effect:

- a. No fault on the part of the employee - No suspension

**(Note: One year period relates to a calendar year, January through December. Also, the term “suspension” will be interpreted as an appropriate number of days without pay. Accumulated vacation leave, sick leave, or compensatory time will not be used or earned to satisfy these findings.**

### **Employee Appeal**

Employees have a right to appeal. The appeal procedure is the same for a case originating with the Accident Review Board as that used in any other employee grievance. This format is described in the Personnel Policy and Employee’s Handbook.

The Accident Review Board is administrative and deals with administrative actions. Violations of City Policies can be pointed out **but in no case are they to be handled by the Accident Review Board.** Violations of City policies and regulations are to be dealt with by the department director of the respective employee.

(Amended by City Council on May 20, 2014)

### **APPOINTMENT**

Notification was given for the appointment/reappointment to a two-year term on the Library Board. Currently, Anita K. Oates serves on the Board. At the November city council meeting, the City Council will be asked to appoint/reappoint someone to this Board.

### **REPORTS**

The monthly combined staff report was acknowledged.



## STAFF REPORTS

There were no staff reports.

## CITY MANAGER REPORTS

City Manager Duncan reminded the group that the “2023 Fall Clean-up Week” will take place next week, October 16 – October 20, 2023. He announced the Hazardous Household Waste Collection Day being Saturday, October 21, 2023, from 9:00 AM until 12:00 Noon at 215 Lisbon Street.

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember Corbett, the following Proposed FY 2024-2025 CIP and Budget Schedule was approved unanimously:

### **FY 2024-2025 CIP and Budget Schedule**

<b>Budget Preparation Steps</b>	<b>Date</b>
Departments begin meeting internally to develop CIP project requests	November 1, 2023
Departments submit CIP project requests to Finance & Administration	November 30, 2023
Department Directors meet with City Manager & Finance staff to discuss CIP project requests	December 1-15, 2023
City Manager & Finance staff rank CIP project requests & establish a priority list	December 20, 2023
CIP Project impact & financial analysis is completed to prepare for operating budget	December 21, 2023- January 12, 2024
CIP workshop with City Council	January 16, 2024
Budget packages delivered to departments	February 1, 2024
Departments submit budget request	February 29, 2024
City Manager & Finance staff review budget requests & prepare recommendations	March 1 -31, 2024
Budget Workshop with City Council	April 16, 2024
CIP & preliminary FY24-25 budget	May 3, 2024
Budget Workshop with City Council	May 14, 2024
Submit recommended FY24-25 budget to City Council for review	May 24, 2024
City Council holds public hearing regarding proposed FY24-25 budget	June 4, 2024

City Council adopts FY24-25 Budget	June 18, 2024
Fiscal Year 2024-2025 begins	July 1, 2024

## PUBLIC COMMENTS

Ms. Stephanie Graham appeared before the City Council and thanked everyone who assisted and attended the “Hope and Healing” event in Newkirk Park. She stated that there were approximately 447 attendees and 15 vendors. Ms. Graham stated that the event was 100% sponsored by the community and 3 magnolia trees were dedicated and planted within the park.

Ms. Graham concluded that the day was a big success because everyone worked together.

## OTHER BUSINESS

There was no other business for discussion.

## CLOSED SESSION

Upon a motion made by Mayor Pro Tem Becton, seconded by Councilmember Corbett, the following resolution passed unanimously to enter closed session pursuant to G. S. 143-318.11(a)(6) to discuss personnel:

### 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 October 3, 2023, entered closed session as allowed by G. S. 143-318.11(a)(6) to discuss personnel.

Upon a motion made by Councilmember DuBose, seconded by Councilmember Strickland, it passed unanimously for the Council to re-enter regular session.

Mayor Starling stated that the City Council entered closed session to discuss personnel and he asked City Manager Duncan to further explain.

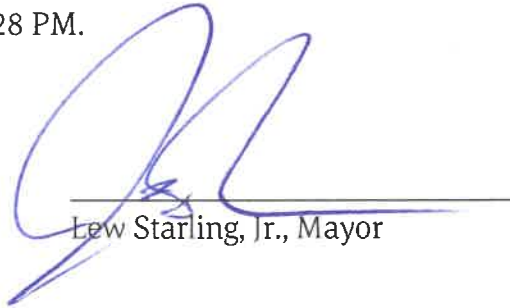
City Manager Duncan stated that Hagan Thornton was appointed as Interim Fire Chief.

Upon a motion made by Councilmember Ruggles, seconded by Councilmember Strickland, it passed unanimously to adjourn the October 3, 2023, city council meeting.

The meeting adjourned at approximately 8:28 PM.



Elaine F. Hunt, City Clerk, MMC, NCCMC



Lew Starling, Jr., Mayor