

## MARCH 6, 2007 CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina met in regular session at 7:00 p.m. on March 6, 2007 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; finance director Betty Brewer; fire chief Philip Miller; planning and community development director Jeff Vreugdenhil; planner Mary Rose; police lieutenant Chris Oates; public works director Chris Doherty; and recreation director Judi Nicholson were present.

The Reverend Marcus Becton, Councilmember from District 3, gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, the minutes of the February 6 and 24, 2007 city council meetings were unanimously approved.

### **RECOGNITIONS**

Mary Rose recognized Margaret Spivey upon being named Clinton's 2006 Main Street Champion.

Melissa Nimmo recognized Tyler James, Lexi Valenti, and Emily Valenti for their exemplary actions in responding to her recent accident. Mayor Starling presented certificates of commendation.

Gene Hart, on behalf of the town of Garland, gave a history of the town.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Harris, the following resolution was unanimously adopted and Mayor Starling presented it to Anthony Johnson, mayor of Garland:

### RESOLUTION OF CONGRATULATIONS

WHEREAS, the Town of Garland, North Carolina, was chartered on February 8, 1907, and celebrated its centennial anniversary on February 25, 2007; and

WHEREAS, the Town of Garland is rich in history that begins with traders traveling along the railroad, pursuing farming and timber operations; and

WHEREAS, the Town of Garland has been and continues to be a valuable community within Sampson County with many fine citizens who have contributed to the development and the character of the Town throughout its existence;

NOW, THEREFORE, we, the Mayor and Council of the City of Clinton, North Carolina, do hereby offer congratulations to Mayor Johnson and Board of Commissioners, on the 100<sup>th</sup> anniversary of the Town of Garland and extend best wishes for continued success.

## **PUBLIC HEARINGS—ECONOMIC DEVELOPMENT—RESOLUTIONS**

Mayor Starling opened a public hearing to receive input on a proposed economic incentive agreement with TRUSSWAY, LTD. John Swope, Sampson County Economic Developer, outlined the agreement which would commit \$16,803 paid to TRUSSWAY over a seven year period if performance based incentives are met.

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

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

### **RESOLUTION APPROVING AGREEMENT WITH TRUSSWAY, LTD., AKA, TRUSSWAY**

WHEREAS, for the past several months, representatives of the City of Clinton, Sampson County and others have been working with representatives of TRUSSWAY, LTD., AKA, TRUSSWAY, concerning the company's desire to locate a manufacturing facility in the City; and

WHEREAS, the City and TRUSSWAY have agreed in principle for the City, along with Sampson County and others, to make certain incentive payments to TRUSSWAY over a seven year period. In return, the company will commit to make certain capital investments in the City, and to maintain certain levels of employment. The mutual obligations of the City and TRUSSWAY will be set forth in an Incentive Agreement, a draft of which was presented during a public hearing held by the Clinton City Council on March 6, 2007 at 7:00 p.m.; and

WHEREAS, the city held the required public hearing pursuant to G. S. 158-7.1 concerning appropriations and expenditures for economic development activities pursuant to the Incentive Agreement. The Incentive Agreement is now presented to the City Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clinton, NC as follows:

1. The Council determines that the City will enter into the proposed Incentive Agreement. The Council approves the form of the Incentive Agreement presented to this meeting. The final version of the Incentive Agreement must be in substantially the form presented, but may have such additional minor changes as may be acceptable to the Mayor, who is authorized and directed to execute the final form agreement. The final form of the agreement may not, however, in any material fashion increase the City's obligation or decrease the company's obligations from the obligations described in the draft agreement. The Mayor's execution and delivery of the final form agreement will be conclusive evidence of his approval.

2. By this resolution, the City Council agrees to provide performance based incentives as prescribed in the agreement requiring certification of jobs created, investment levels verified and documentation submitted by the Corporation.

3. By this resolution the City confirms and accepts its agreement with Sampson County that the incentive payments payable to the Company will be paid in the amounts of

\$16,803 by the City and \$33,197 by the County over a period of seven years, as specified by the Incentive Agreement.

4. All city officers and employees are authorized and directed to deliver all certificates, agreements and instruments and to take all such further actions as they may consider necessary or desirable in furtherance of the transactions contemplated by this resolution. All such prior actions of City officers and employees are ratified, approved and confirmed.

5. All other Council proceedings, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

### **PUBLIC HEARINGS—ECONOMIC DEVELOPMENT—RESOLUTIONS**

Mayor Starling opened a public hearing to receive input on a proposed economic incentive agreement with ALUDISC, LTD.

Mayor Starling disclosed he represents the sellers of the building ALUDISC, LTD. intends to purchase.

John Swope, Sampson County Economic Developer, outlined the agreement which would commit \$23,533 paid to AUDISC over a five year period if performance based incentives are met.

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

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

#### **RESOLUTION APPROVING AGREEMENT WITH ALUDISC, LLC**

WHEREAS, for the past several months, representatives of the City of Clinton, Sampson County and others have been working with representatives of ALUDISC, concerning the company's desire to locate a manufacturing facility in the City; and

WHEREAS, the City and ALUDISC, have agreed in principle for the City, along with Sampson County and others, to make certain incentive payments to ALUDISC, over a five year period. In return, the company will commit to make certain capital investments in the City, and to maintain certain levels of employment. The mutual obligations of the City and ALUDISC, will be set forth in an Incentive Agreement, a draft of which was presented during a public hearing held by the Clinton City Council on March 6, 2007 at 7:00 p.m.; and

WHEREAS, the city held the required public hearing pursuant to G. S. 158-7.1 concerning appropriations and expenditures for economic development activities pursuant to the Incentive Agreement. The Incentive Agreement is now presented to the City Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clinton, NC as follows:

1. The Council determines that the City will enter into the proposed Incentive Agreement. The Council approves the form of the Incentive Agreement presented to this meeting. The final version of the Incentive Agreement must be in substantially the form presented, but may have such additional minor changes as may be acceptable to the Mayor, who is authorized and directed to execute the final form agreement. The final form of the agreement may not, however, in any material fashion increase the City's obligation or decrease the company's obligations from the obligations described in the draft agreement. The Mayor's execution and delivery of the final form agreement will be conclusive evidence of his approval.

2. By this resolution, the City Council agrees to provide performance based incentives as prescribed in the agreement requiring certification of jobs created, investment levels verified and documentation submitted by the Corporation.

3. By this resolution the City confirms and accepts its agreement with Sampson County that the incentive payments payable to the Company will be paid in the amounts of \$23,533 by the City and \$43,467 by the County over a period of five years, as specified by the Incentive Agreement.

4. All city officers and employees are authorized and directed to deliver all certificates, agreements and instruments and to take all such further actions as they may consider necessary or desirable in furtherance of the transactions contemplated by this resolution. All such prior actions of City officers and employees are ratified, approved and confirmed.

5. All other Council proceedings, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

### **P & Z—OATHS**

Mayor Starling administered oaths to Mary Rose, James Woodcock, and Willie Newkirk who plan to present testimony during public hearings for conditional use permits.

### **P & Z—WINFREY STREET--NEWKIRK**

Mayor Starling opened a public hearing on a request by Willie Newkirk for a conditional use permit to convert a single family dwelling at 719 Winfrey Street into a duplex. Planner Rose presented the Planning and Zoning Board's recommendation to approve the request subject to finding of fact. Mr. Newkirk appeared in support of the request. No one else appeared to be heard, and the hearing was closed.

Mayor Starling read Standard 1: The use will not endanger the public health, safety, or general welfare if located where proposed and developed according to plan. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 2: The use meets all required conditions and specifications as outlined in the conditional use application, and/or as imposed by the city council. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 3: The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood, or is a public necessity. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 4: The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in conformity with the Clinton Development Plan. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Upon a motion made by Councilmember Becton seconded by Councilmember Turlington, a conditional use permit was unanimously approved for Willie Newkirk to convert a single family dwelling located at 719 Winfrey Street into a duplex.

### **P & Z—LISBON STREET--WOODCOCK**

Mayor Starling opened a public hearing on a request by James B. Woodcock for a conditional use permit to construct an additional 20' x 80' mini storage unit at 1409 Lisbon Street. Planner Rose presented the Planning and Zoning Board's recommendation to approve the request subject to finding of fact. Mr. Woodcock appeared in support of the request. No one else appeared to be heard, and the hearing was closed.

Mayor Starling read Standard 1: The use will not endanger the public health, safety, or general welfare if located where proposed and developed according to plan. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 2: The use meets all required conditions and specifications as outlined in the conditional use application, and/or as imposed by the city council. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 3: The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood, or is a public necessity. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 4: The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in conformity with the Clinton Development Plan. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Upon a motion made by Councilmember Stefanovich seconded by Councilmember Strickland, a conditional use permit was unanimously approved for James B. Woodcock to construct an additional 20' x 80' mini storage unit located at 1408 Lisbon Street.

**ANNEXATIONS—POWELL—INDUSTRIAL DRIVE**

City Manager Connet presented a petition for contiguous annexation of property owned by Powell Bail Bonding on Industrial Drive. He stated under the water and sewer extension policy, anyone outside the city requesting water and sewer service must petition for annexation. He asked council to adopt a resolution instructing the clerk to investigate the petition. Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, the following resolution was unanimously adopted:

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-31**

Whereas, a petition requesting annexation of an area described in said petition was received on February 26, 2007 by the City Council of the City of Clinton, N. C.; and

Whereas, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

Whereas, the City Council of the City of Clinton, NC deems it advisable to proceed in response to this request for annexation;

Now, Therefore, Be It Resolved by the City Council of the City of Clinton, NC that:  
The City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

City Manager Connet said the clerk investigated the petition upon receipt, and presented a Certificate of Sufficiency. He presented for consideration a resolution calling for a public hearing on the annexation. Upon a motion made by Councilmember Harris, seconded by Councilmember Strickland, the following resolution was unanimously adopted:

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G.S. 160A-31**

**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 contiguous area described herein will be held at City Hall Auditorium at 7:00 P.M. on April 3, 2007.

**Section 2.** The area proposed for annexation is described as follows: **BEGINNING** at an existing iron stake, said iron stake being located South 70 degrees 20 minutes 35

seconds East 2667.57 feet and North 87 degrees 15 minutes 56 seconds East 8.49 feet from N. C. G. S. Station "Ross" having N. C. Grid Coordinates of X = 2,206,934.867 and Y = 453,681.612 (1983 N. A. Datum); running thence from said beginning point, North 01 degrees 27 minutes 45 seconds West 423.34 feet to an iron stake set; thence with Lot No. 1 owned by Wills Enterprise, Inc. (see Deed Book 1553 Page 213), North 87 degrees 15 minutes 56 seconds East 308.77 feet to an iron stake set; thence with William H. Owen (see Deed Book 1182 Page 327), South 01 degrees 27 minutes 45 seconds East 423.34 feet to an iron stake set; thence with Lot No. 3 owned by Wills Enterprise, Inc. (see Deed Book 1553 Page 213), South 87 degrees 15 minutes 56 seconds West 308.77 feet to the point of **BEGINNING**, containing 3.00 acres, more or less, as surveyed during February, 2006 by Owen Surveying, Inc., with all lines correct in their angular relation and relative to N. C. North (1983 N. A. Datum).

This tract or parcel of land is the same property conveyed by deed dated December 28, 2006 from Will's Enterprise, Inc. to Powell Bail Bonding, Inc. recorded in Deed Book 1654 Page 559 of the Sampson County Registry.

A more complete description of the above property is shown as Lot No. 2 on a map entitled: "Survey for Will's Enterprise, Inc. to be conveyed to Powell Bail Bonding, Inc." prepared by Owen Surveying, Inc., dated April 7, 2006, a copy of said map being incorporated herein, and by reference made a part hereof. Said map also being recorded in Map Book 58 Page 31 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.

### **TURLINGTON—REAL ESTATE**

City Manager Connet informed the council of the offer by the Turlington family to donate a parcel of land, identified as tax parcel 2405312766, on Stetson Street near Mathis Street. He said if accepted the city will later ask council to approve the swap of this parcel for an adjacent parcel owned by Johnny Pridgen. The Pridgen parcel has a sewer line running across it.

Councilmember Turlington said she has not talked to council about this matter and asked to be excused from voting. Councilmember Becton moved to excuse Councilmember Turlington from voting. Councilmember Stefanovich seconded the motion, and it passed unanimously with Councilmember Turlington abstaining.

Councilmember Harris moved to accept the offer of land from the Turlington family. Councilmember Becton seconded the motion and it passed unanimously with Councilmember Turlington abstaining.

### **RESOLUTIONS—AIRPORT**

City Manager Connet said negotiations with the Parker family to acquire an aviation easement were unsuccessful. Since the easement is necessary to allow for the removal of trees that FAA has determined are a safety hazard, he requested council to adopt a resolution of condemnation in order to begin the condemnation process.

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

### **RESOLUTION OF CONDEMNATION**

WHEREAS, the city of Clinton and the county of Sampson jointly own the Clinton-Sampson Airport; and

WHEREAS, said City and County must acquire an aviation easement for the unobstructed use and passage of all types of aircraft, in and through the airspace above the land of Parker Family Real Estate, LLC, the right to prevent the erection or growth upon said land of any building, structure, tree or other object, extending into the airspace above the aforesaid imaginary plane, and to remove from said airspace any such building, structure, tree or other objects now upon, or which in the future may be upon said land, together with the right of ingress to, egress from, and passage over said land for the above purposes, and described as follows is necessary for expansion: said land being a portion of the land shown on Map Book 16 at Page 91 of the Sampson County Registry, such portion being described more particularly as Parcel No. 2 (being 0.679 acre, more or less), Tract No. 2A (being 3.210 acres, more or less), and Parcel No. 4 (containing 16.074 acres, more or less) as shown on the survey map entitled "Map for Clinton-Sampson Airport" prepared by Hanover Design Services, P.A. under date of October 18, 2001; and

WHEREAS, a voluntary agreement of price has not been successful.

WHEREAS, the City Council of the City of Clinton is authorized by Chapter 40A of the North Carolina General Statutes to condemn land for public purpose.

NOW, THEREFORE, BE IT RESOLVED that the Timothy W. Howard Sampson County Attorney is hereby directed and authorized to initiate proceedings of condemnation for purpose of acquiring such easement owned by Parker Family Real Estate, LLC by condemnation.

### **CLEAN UP WEEK**

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland April 9-13, 2007 is hereby designated as Spring Clean Up Week and suspends sections 11-4 (e)(g) and (i), except the collection of batteries, of the City Code during Spring Clean Up Week unless hazardous to city staff or items that the landfill will not accept.

### **CITY CODE**

#### **ORDINANCE 2007.03.01 ORDINANCE AMENDING SECTION 2-97(b) PLANNING BOARD MEETING**

Be It Ordained that Section 2-97(b) of the Clinton City Code of 1987 is hereby amended to read as follows:

"The city planning and zoning board shall meet and elect one of its members as chairman. They shall also elect a secretary, who may be a member of the board. They shall meet at some designated place, upon the third Monday in each month at 7:00 p.m., for the

transaction of business, or more often if necessary. However, if the third Monday falls on a legal holiday, they shall meet on the third Tuesday in each month at 7:00 p.m.”

### **CATTAIL—FISHER DRIVE**

City Manager Connet informed council the U. S. Army Corps of Engineers is requiring permanent conservation restrictions as a part of the Fisher Drive Stream Restoration Project. He requested council to adopt a Declaration of Conservation for 0.45 acres at Fisher Drive Park.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Harris, and unanimously passed, a Conservation Declaration for 0.45 acres recorded as Map Book 60, Page 96, Sampson County Register of Deeds and described as follows was declared and the mayor was authorized to execute said Declaration: **BEGINNING** at a stake on the Southeastern right-of-way line of Fisher Drive, said stake being located South 09 degrees 25 minutes 40 seconds East 5621.51 feet, South 35 degrees 55 minutes 15 seconds East 25.24 feet, and North 45 degrees 16 minutes 08 seconds East 11.00 feet from N. C. G. S. Station "Triangle" having N. C. Grid Coordinates of X = 2,201,535.383 and Y = 462,097.455 (1983 N. A. Datum); running thence from said beginning point, with the Southeastern right-of-way line of Fisher Drive, North 45 degrees 00 minutes 46 seconds East 41.00 feet to a stake; thence continuing with the Southeastern right-of-way line of Fisher Drive as it curves to the left chord = North 31 degrees 01 minutes 49 seconds East 33.96 feet to a stake; thence a new line with the City of Clinton, (see Deed Book 779 Page 647 and Deed Book 909 Page 393), North 41 degrees 38 minutes 54 seconds East 36.19 feet to a stake, South 64 degrees 11 minutes 06 seconds East 80.36 feet to a stake, and South 36 degrees 42 minutes 48 seconds East 113.97 feet to an existing iron pipe in the bend of a ditch, a joint corner with the City of Clinton (see Deed Book 779 Page 647 & Deed Book 909 Page 393), Dr. Timothy M. Kosterman (see Deed Book 1456 Page 683), and MSR Land Development, Inc. (see Deed Book 1334 Page 533); thence with said ditch and with MSR Land Development, Inc., South 67 degrees 14 minutes 39 seconds West 88.58 feet to a stake at or near the middle of the Run of Cattail Branch; thence with an area owned by the City Of Clinton and leased to the County of Sampson (see Deed Book 1554 Page 829), South 69 degrees 37 minutes 17 seconds West 56.06 feet to a stake and North 40 degrees 27 minutes 37 seconds West 11.71 feet to a stake; thence new lines with the City of Clinton (see Deed Book 662 Page 100 and Deed Book 1500 Page 275), North 54 degrees 08 minutes 20 seconds East 20.04 feet to a stake, North 38 degrees 16 minutes 02 seconds West 47.60 feet to a stake, and North 56 degrees 31 minutes 40 seconds West 67.08 feet to the point of **BEGINNING**, containing 0.45 acres, more or less, as surveyed during February, 2007 by Owen Surveying, Inc., with all lines correct in their angular relation and relative to N. C. Grid North (1983 N. A. Datum).

### **CITY CODE—CRIMINAL HISTORY CHECKS--ABC**

Upon a motion made by Councilmember Harris, seconded by Councilmember Stefanovich, the following ordinance #2007.03.02 was adopted unanimously:

Be It Ordained that Ordinance #2006.11.02 adopted November 14, 2006 is hereby by amended to read as follows:

WHEREAS, in order to protect the citizens of the city and their properties the City of Clinton, NC desires to provide for fingerprinting and criminal history checks on all final

applicants for regular full and part-time positions in the city government; on all final applicants for all coaches, assistant coaches or other volunteers working directly with children participating in City of Clinton activities and events; persons applying for permits or license to operate adult establishments; dance halls; game rooms; massage parlors; and as a canvasser, pawn broker, peddler or itinerant merchant, precious metal dealer, or taxi driver and for use in making recommendations on the suitability of a person or of a location for an ABC permit.

NOW, THEREFORE, BE IT ORDAINED, the City Manager, or designee, shall conduct an investigation of final applicants for regular full and part-time positions in the city government; on all final applicants for all coaches, assistant coaches or other volunteers working directly with children participating in City of Clinton activities and events; persons applying for permits or license to operate adult establishments; dance halls; game rooms; massage parlors, and as a canvasser, pawn broker, peddler or itinerant merchant, precious metal dealer, or taxi. It shall be a precondition of employment, working directly with children in a volunteer capacity, or before a permit or license to operate a business within the city can be issued shall upon request provide fingerprints and all other necessary personal identification, including a birth certificate, social security number, and drivers license, if available, so the city manager or designee, my cause a thorough search to be made of local and state criminal records to determine if the applicant has a history of criminal convictions by use of the Division of Criminal Information Network (DCIN);

BE IT FURTHER ORDAINED that the police chief or his designee is designated as the official authorized to make recommendations on behalf of the city of Clinton concerning the suitability of a person or location for an ABC permit within the jurisdiction pursuant to NCGS 18B-904(f); and

BE IT FURTHER ORDAINED that the Clinton Police Department shall be authorized to seek state access to SBI/DCI Criminal History Record Information to obtain criminal history information on all persons applying for ABC permits for proposed locations within the city.

BE IT FURTHER ORDAINED, an evaluation of any crime for the purposes enumerated above will take into account the nature and circumstances of the offense and the time frame of the offense as it relates to either essential job functions or the position applied or in the conduct of business.

BE IT FURTHER ORDAINED, prior to denial or termination of employment as a full or part time employee, or volunteer or prior to denial of a permit or license to operate a business within the city based upon Criminal History Record Inquiry (CHRI) received from the city of Clinton police department, the Clinton City Manager or designee shall verify existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the CIIS Section for verification that the CHRI record belongs to the individual;

BE IT FURTHER ORDAINED, the city of Clinton police department shall provide the findings from the use of the DCIN to the city manager, city clerk or human resource officer, provided that all necessary agreements with the State Bureau of Investigation Criminal Information and Identification Section have been executed;

BE IT FURTHER ORDAINED, that if any criminal history check reveals a prior record, the applicable clerk of court shall be contacted to obtain the record. The city of Clinton shall pay the applicable party the cost of obtaining a criminal history record check; and other than for employment or volunteer purposes, the applicant shall reimburse the city the cost of obtaining a criminal history check before a permit or license is issued.

BE IT FURTHER ORDAINED, all parties handling the sensitive information described herein shall comply with North Carolina State Law, particularly G. S. 160A-168, all federal laws, rules, regulations, and the Clinton City Ordinances, as they relate to the confidential handling of criminal record checks.

### **PERSONNEL**

City Manager Connet stated the Director of Administration (pay grade 25) retired and the duties were reassigned. He requested council to eliminate that DOA job description and create a new one, Human Resources/Purchasing Manager, and set the pay grade at 19. Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, the request was unanimously approved.

### **ACCIDENT REVIEW BOARD—POLICIES**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and unanimously passed, the Accident Review Board Policy amended on December 7, 1993 was repealed and replaced with the following policy:

#### **ACCIDENT REVIEW BOARD POLICIES AND GUIDELINES**

As amended on Tuesday, December 7, 1993, the Accident Review Board will no longer be an independent entity, but will operate as a part of the Safety OSHA Committee. However, Accident Review Board members shall be appointed by department heads.

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:

- a. To find causes of accidents of employees.
  - b. To find solutions to those causes that are detected.
  - c. To find if there is or is not negligence on the part of the employee.
  - d. To forward the findings to the City Manager, who will in turn agree or disagree to the findings and in turn send the results to the department head for implementation.
  - e. Where there is negligence 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 City Manager, in turn, approves or disapproves the findings. If the City Manager agrees with the recommendation of the Board, the decision is sent to the respective department head for implementation.
1. 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 head 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 heads to submit to the City Manager the name(s) of his/her representative. Upon the City Manager's review of the eight (8) representatives 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 City Manager 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 head deems the employee to serve longer.

The Board will hold its meetings on the fourth Wednesday of each month beginning in August at 9:30 AM in the City Hall Auditorium as needed. All meetings will be called by the chairperson of the Accident Review Board.

2. Cases Reviewed by Board. Any City of Clinton person property that is damaged, destroyed, or misplaced by an employee that requires an estimated repair or replacement cost of five hundred dollars (\$500.00) or more will be reported, in writing, to the City Manager by the appropriate department head.

Any employee who has an accident in a City vehicle when the Police Department's investigation estimates that the total damage is five hundred dollars (\$500.00) or more will be reported to the City Manager by the employee's department head.

All vehicular accidents involving non-City of Clinton real or personal property will be reported to the law enforcement agency that has jurisdiction in the area that the accident occurred within a twenty-four (24) hour period.

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

The City Manager will review each department head's report and within ten (10) working days notify the department head about his decision as to whether or not the case warrants an appearance before the Accident Review Board. At the same time, the City Manager will forward those reports that are to be heard by the Accident Review Board to its chairperson. The chairperson will in turn contact the Board members and the respective department heads as to date, time, and place that the Accident Review Board will convene.

Department heads are responsible to see that all employees who are under their jurisdiction, that have been summoned by the Accident Review Board, are present at the meeting.

3. Administrative Procedures for Accident Review Board Findings.

a. When there is 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 either signs approval or disapproval or 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.

b. Whereas the findings of the Board are that there is no negligence on the employee's part, then such findings are sent to the City Manager, who in turn forwards the results to the appropriate department head.

c. Where there is negligence 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 City Manager, in turn, approves or disapproves the findings. If the City Manager agrees with the recommendation of the Board, the decision is sent to the respective department head for implementation.

d. In order to insure standard procedures are followed when an employee involved in an accident is found to be negligent, the following is to be in effect:

- ◆ First negligent accident in a one year period -  
One day suspension without pay
- ◆ Second negligent accident in a one year period -  
Two days suspension without pay
- ◆ Third negligent 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.

e. In order to insure standard procedures are followed when an employee involved in an accident is found not to be negligent, the following is to be in effect:

- ◆ No negligence on the part of the employee - No suspension

(Note: The term “suspension” will be interpreted as appropriate number of days without pay. Accumulated vacation leave, sick leave, or compensatory time will not be used or earned to satisfy these findings.

4. 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 head of the respective employee.

This revision is to go into effect on the 6th day of March 2007 and continue until such time when this Board is dissolved or other revisions are approved by the City Council of Clinton, North Carolina.

## **REPORTS**

The finance, fire, code and police reports were acknowledged.

City Manager Connet reported that Councilmember Strickland and he recently met with Fibrowatt, a prospective industry.

## **SCHOOLS**

Adrienne Matthis, the SAVE Club sponsor at Clinton High School, appeared to request city support in promoting safe activities during prom night on April 5, 2007. The city manager was directed to assist Ms. Matthis.

Upon a motion made by Councilmember Becton, seconded by Councilmember Turlington, and passed unanimously, the meeting adjourned at 8:23 p.m.

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City Clerk

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Mayor