

MAY 3, 2011, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on May 3, 2011, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Becton, Strickland, Stefanovich, Turlington, Mayor Pro Tem Harris, and City Attorney Dale Johnson were present. Also City Clerk Elaine F. Hunt; City Manager John Connet; Assistant City Manager-Finance Director Shawn Purvis; Fire Chief Todd Solice; Planning and Community Development Director Mary Rose; Police Chief Mike Brim; Recreation Director Judi Nicholson; Human Resource Manager Lisa Carter; Public Works Director Jeff Vreugdenhil; Accounting Operations Manager Kristin Norris; and City Planner Lyle Moore were present. Chris Berendt, of the Sampson Independent, and Melvin Henderson, of the Sampson Weekly, were also present.

Rev. Willie Bowden, Pastor of Olivet Institutional Baptist Church, gave the invocation.

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, the minutes of the April 5, 2011 regular city council meeting and the April 14 and April 19, 2011 special city council meetings were unanimously approved.

PRESENTATION

Sampson County Board of Commissioners Chairman Jeffrey Strickland appeared before City Council to speak regarding the recent tornadoes event and the County's appreciation of the City of Clinton's staff and assistance. He thanked personnel within all the departments. He presented copies of documents to City Council that was given to Governor Beverly Perdue. Documents included: a briefing of the April 16, 2011 Tornado Event, preliminary damage assessment, photos, etc. He further stated that a press release will be forthcoming in *The Sampson Independent* on Sunday, May 8, 2011.

Mayor Starling echoed Chairman Strickland's sentiments on a job well done by the City of Clinton's personnel, as well as, the County's personnel.

P & Z—LAND DEVELOPMENT ORDINANCE – ACCESSORY STRUCTURES

Mayor Starling opened and continued a public hearing from the April 5, 2011 city council meeting on a text amendment request by the Planning staff to amend Section 4.2.2 of the City of Clinton Land Development Ordinance to address Accessory Structures.

Planning Director Mary Rose presented the Planning and Zoning Board's recommendation to amend Section 4.2.2 Accessory Structures (Residential) of the City of Clinton Land Development Ordinance. She stated that this amendment addresses accessory structures in a more efficient manner than the current Land Development Ordinance.

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the following ordinance # 2011.05.01 to the Land Development Ordinance was adopted unanimously:

2011.05.01

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 do enact as follows: That the Land Development Ordinance of the City of Clinton be and the same is hereby amended to read as follows:

Section 4.2.2 Accessory Structures (Residential)

- A. All accessory structures shall be located in the side or rear yard only, except in the RA-20 district on lots of greater than two (2) acres if the accessory structure is set back a minimum of 150 feet from the street right-of-way.
- B. Cargo containers, trailers, manufactured homes, recreational vehicles and similar items shall not be used as accessory structures or storage containers.
- C. All accessory buildings in residential zoning districts must comply with the street right-of-way and side lot boundary setbacks set forth in the Dimensional Table in Section 3.4.2 but, shall be required to observe an eight (8) foot setback from rear and side lot boundary lines.
- D. Where the high point of the roof or any appurtenance of an accessory building exceeds 12 feet in height, the accessory building shall be set back from **side and** rear lot boundary lines an additional ~~two (2) feet for every one foot of height exceeding 12 feet~~ **one (1) foot for every one foot of height exceeding 12 feet.**
- E. **The high point of the roof or any appurtenance of any accessory building may not exceed 30 feet in height.**
- F. **An additional accessory building shall be permitted to lots containing at least 150 percent of the minimum square footage required for the zoning district in which the use is to be permitted. Not to exceed two accessory buildings per lot.**
- G. **No accessory building may exceed 10 percent of the gross lot area.**

CDBG GRANT NO. 07-D-2178 -- RESOLUTION – SIGNATORY FORM – ETC.

City Manager Connet stated that the City of Clinton has received \$214,069 in additional CDBG funding to extend the water and sewer lines down Pugh Road and \$320,000 in additional CDBG funding to rehabilitate 6 homes on Pugh Road between Russell Street and NC403. He stated that the following items must be approved by the City Council to utilize this grant funding:

- a. Resolution authorizing persons to sign Requisition for Funds forms
- b. Grant agreement
- c. Funding approval
- d. Signatory form and certification cards

- e. Project Ordinance
- f. Contract for Consultant Services
- g. Amendment No. 1 – Work Authorization for Consultant Services

City Manager Connet stated that signatory cards are required by the North Carolina Department of Commerce to identify individuals authorized to sign requisitions for funds. It was recommended that City Council approve the City Manager, Assistant City Manager-Finance Officer, and Planning and Zoning Director be authorized to sign the appropriate forms.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the abovementioned items were approved/adopted unanimously, which included the following resolution and Project Ordinance:

**CITY OF CLINTON
RESOLUTION FOR SIGNATORY FORM AND CERTIFICATION CARDS
FOR
RUSSELL STREET/PUGH ROAD CDBG GRANT NO. 07-D-2178 PROJECT**

WHEREAS, in order to receive Russell Street/Pugh Road CDBG Grant funds for Project No. 07-D-2178, the City of Clinton must authorize persons to sign the Requisition for Funds form(s) for the CDBG Russell Street/Pugh Road Project Grant funds and checks for the City of Clinton CDBG Program.

BE IT RESOLVED THAT, the City Manager, Assistant City Manager-Finance Director, and Planning Director be authorized to execute the signature requirements for requisition of Russell Street/Pugh Road CDBG Grant No. 07-D-2178 Project Grant funds and checks for disbursement.

**CDBG Community Revitalization Project ORDINANCE
CDBG# 08-C-1874
RUSSELL STREET PROJECT**

ADD-ON

#11.05.02

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project is hereby adopted:

Section 1. The project authorized is the CDBG Community Revitalization Project described in the work statement contained in the Grant Agreement between this unit and the North Carolina Department of Commerce and the U. S. Department of Housing and Urban Development. This project is more familiarly known as the **Clinton CDBG Russell Street Project Add-on.**

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the Department of Commerce and the U. S. Department of Housing and Urban Development, and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

ACCOUNT NUMBER	DESCRIPTION	
49.3011.0000	Russell St. Add-on CDBG	<u>\$ 320,000</u>
	TOTAL	\$ 320,000

Section 4. The following expenditures are appropriated for the project:

ACCOUNT NUMBER	DESCRIPTION	
49.4771.0400	Russell St. Add-on Admin	\$ 32,000
49.4771.0500	Russell St. Add-on Clear	\$ 10,000
49.4771.0600	Russell St. Add-on Rehab	\$115,000
49.4771.0700	Russell St. Add-on Relocate	\$163,000
	TOTAL	<u>\$320,000</u>

SECTION 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

Section 6. Requests for funds should be made to the grantor agency in an orderly and timely manner as funds are obligated and expenses incurred.

Section 7. The Finance Officer is directed to report quarterly on the financial status of the project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this council.

Section 9. Copies of this Grant Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Section 10. The Finance Officer is hereby authorized to transfer funds from one line item to another line item without further approval by the City Council, subject to the regulations of the North Carolina Department of Commerce and the U. S. Department of Housing and Urban Development.

RESOLUTION DECLARING INTENT TO CLOSE RIGHT-OF-WAY –CORNER OF LISBON STREET AND MORISEY BOULEVARD

City Manager Connet stated that recently, the City sold a small parcel of land at the corner of Lisbon Street and Morisey Boulevard to Lisbon Street Baptist Church. He stated that directly adjacent to this parcel is an old street "Bizzell Street," whose right-of-way has never been closed. He stated that staff recommends closing this right-of-way to allow the Church to own all the property on this corner. City Manager Connet stated that in exchange for closing this right-of-way, the City would require a utility easement to protect its ability to repair the water line in the old street right-of-way. He further stated that the adoption of this Resolution Declaring Intent would begin the closure of this right-of-way.

Upon a motion made by Councilmember Stefanovich, seconded by Mayor Pro Tem Harris, the following resolution was approved unanimously at 7:26 PM:

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF CLINTON, NORTH CAROLINA, TO CONSIDER THE CLOSING OF A RIGHT OF WAY AT THE CORNER OF LISBON STREET AND MORISEY BOULEVARD

WHEREAS, G.S. 160A-299 authorizes the City Council of the City of Clinton to close public streets and alleys; and

WHEREAS, the City Council of the City of Clinton considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a right of way at the corner of Lisbon Street and Morisey Boulevard in Clinton, NC.

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

- (1) A meeting will be held at 7:00 PM on the 7th day of June, 2011, in the City Hall Auditorium to consider a resolution to close a right of way at the corner of Lisbon Street and Morisey Boulevard in Clinton, NC recorded in Map Book 76, at Page 21, in the Sampson County Registry being described as:

BEING all of that certain tract or parcel of land containing 0.06 of an acre, more or less, designated on that certain map entitled Survey for City of Clinton "Bizzell Street Closing", prepared by Owen Surveying, Incorporated, and recorded in the Sampson County Registry of Deeds in Map Book 76, at Page 21, reference to which is hereby made for a more complete description.

For title history, see Deed Book 171 at Page 268 and Map Book 08 at Page 64, both of the Sampson County Registry.

- (2) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Sampson Independent, or other newspaper of general circulation in the area.

- (3) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting said property at the corner of

Lisbon Street and Morisey Boulevard in the City of Clinton, a copy of this Resolution of Intent.

(4) The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Councilmembers Becton, Turlington, Stefanovich, Strickland, and Mayor Pro Tem Harris all voted in the affirmative.

CHARGE OFF OF UNPAID WATER AND SEWER BILLS

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and unanimously passed, the following water, sewer, and garbage charges for the period July 1, 2009 – June 30, 2010, were written off as uncollectible:

WRITE OFF ACCOUNTS LISTING APRIL, 2011

<u>Account number</u>	<u>Account Name</u>	<u>Charge Off Amount</u>
1004800.87	Sylvia Caldwell	\$357.92
1012300.97	Deborah Thomas	\$1.54
1022572.92	Dominique Vencebi Robinson	\$50.37
2015250.97	Richard Arnold Thornton Jr.	\$208.61
3002900.87	Terry Wayne Knowles	\$43.90
3003100.84	Amanda Knowles Tyndall	40.61
3003100.86	Laurinda Faison	\$30.95
3012700.92	Cheryle Ann Beaty	\$48.35
3014200.97	Subway	\$626.75
4000700.87	Ashley Lambert	\$59.29
4002600.88	Jonathan Class Santiago	\$85.63
4009200.93	James Miller	\$162.98
4009600.86	Michelle Faye Parker	\$13.47
4013800.88	Renee Bass	\$62.87
4014700.98	C.E. Schneider	\$111.32
4019500.92	Tiffany Perez	\$9.92
5004600.69	Jamison Smith	\$74.50
5005200.90	Southeastern United Care, LLC	\$234.91
5008700.94	Laura Stephen Johnson	\$124.96
5016300.97	Antionette Langston Matthews	\$84.10
6010100.91	Letrina Ann Beairs	\$78.65
6012100.91	Bobby Lee Walker	\$86.79
6013100.92	Kermit W. Newman	\$117.24
6013200.93	Guy Thomas Williamson	\$183.17
6014350.88	Doris McLamb	\$26.62
6014350.90	Marco Tulio Ramos Perez	\$121.25
6014380.92	Floro Rosas	\$4.00
6014400.94	Leopoldo Guadarrama	\$31.40
6014410.97	Jacinto Mecia Gomez	\$1.83
7003500.96	Russell Lashawn Skinner	\$139.84
7010300.80	Sharon Bennett	\$17.88
7011300.98	Leon Fowler	\$173.02
7013400.74	Robert Herman Hobbs	\$29.69

7015000.95	Juan G. Felix Hernandez	\$81.76
7015200.89	Abraham William Fryar	\$29.68
7015400.88	Michael Lowe	\$186.24
7018100.88	Arvell Anderws	\$34.07
7018200.94	Antionette Jones	\$141.36
7021500.86	Kathy Jo Lee	\$88.71
8088600.84	Aaron Sherwood Matthews	\$10.98
8011190.96	Delilah Green	\$38.26
8016000.96	Carlos Delanta Jones	\$3.87
8018800.93	Charlinda Corvette Murphy	\$65.95
8019520.76	Bernard Howard	\$68.04
8020000.82	Melvenia Denise McMillan	\$327.61
8020000.83	Mary Williamson	\$91.64
8020300.90	Cesilia H. Delapiedra	\$12.07
9001900.93	Katrina Simmons Moore	\$12.90
9006100.78	Joseph B Dixon	\$61.62
9014300.91	Deborah Newkirk	\$60.06
9014900.91	Wilheminia Spruill	\$13.82
9019200.74	Richard Furmidge	\$40.81
10014000.97	Misty Pope	\$14.00
10020000.95	Dierdre McPherson	\$133.83
11001900.93	Victoria R Middlebrooks	\$61.89
11001900.94	Rhonda Rich	\$35.06
11008800.90	Henry Lewis Moore Jr.	\$221.35
12003400.94	Annie Mae Mathis	\$135.48
12004000.96	Veronica Herring	\$13.55
12006500.98	Elenora P. Newkirk	\$23.95
12007650.95	Crystal Michelle Brooks	\$216.34
12011300.86	Xavier Dexter Herring	\$72.86
12012800.93	Ramon Aguilar Gutierrez	\$73.65
12025055.93	Iris Peterson Highsmith	\$133.13
12025280.95	Kynia Priscilla Samuels	\$14.00
12064710.96	Carolyn Matthis Smith	\$48.40
13005200.88	Darrel Franklin Peterson	\$204.53
13010800.98	R L Harris	\$150.66
14019300.97	Angela Rea Brookins	\$61.70
14021210.97	Arellan Adan	\$219.07
14023019.98	Samuel Albert Goodman	\$79.77
14028100.91	Jennifer Stowers	\$107.32
14037200.94	Perry Hobbs	\$258.79
14045600.88	Dennis Goodman	\$268.57
14054700.86	Mildred Armstrong	\$87.43
14055900.92	Jonathan Chestnutt	\$263.46
14061900.97	Ethel Goode	\$56.20
14090380.98	Audrey May Peterkin	\$115.96
14112840.95	Brian Terrell and Tarsha Boone	\$117.66
14115775.96	Garner Ann Smith	\$53.10
15008100.91	Shane Mannes	\$0.61
15023000.87	Nichollette Locklear	\$25.76
15023400.90	Monica Sharda Brewington	\$20.74
15058000.86	Aburto Alejandro Morales	\$203.26
15075000.94	Edward Byrd	\$108.36
15076500.92	Loraine Parker	\$92.80
15077980.82	Lucy Hooper	\$95.79
15078020.83	Barbara Morrison	\$57.31
15078040.90	Glenda Jean Belton	\$40.99

15078050.88	Mary Anne Simmons	\$82.86
15087800.96	Subway	\$499.30
16078100.98	Burlean W. Boykin	\$28.36
17019800.74	Roger Dale Blagg	\$61.82
17025400.97	Cora I. Langdon	\$160.34
17030700.97	Darryl and Wanda Shipman	\$127.83
17033600.97	Phillip B. Miller	\$25.01
17035400.98	Jerri Deyak	\$25.88
17052100.95	Matthew David Hoffman	<u>\$48.31</u>
	TOTAL	\$9,760.82

CITY CODE -- ORDINANCE—CHAPTER 16 -- SALE OF ALCOHOL

City Manager Connet introduced this item, “Consideration of an ordinance to allow the sale of alcohol during the ‘Alive after Five’ event at Clinton City Market.” Planning Director Mary Rose presented the details of the event(s). She stated that she researched and main street communities such as Clayton and Eden hold events such as being proposed. She stated that an amendment to the Clinton City Code will address the sale and consumption of alcoholic beverages upon the Clinton City Market and Lisbon Street Parking Lot. Ms. Rose stated that this ordinance will specify the requirements needed in order to obtain a special event permit under which specific organizations and 501c(3) non-profit corporations may apply and be granted a permit by the City Manager. She further stated that this permit will allow the sale and consumption of alcohol upon specific properties.

Ms. Rose stated that at these “Alive after Five” events, wristbands and tickets will be required for individuals who purchase alcohol. She stated that a portion of the City Market will be designated as a family area where alcohol and smoking will not be permitted. She stated that the City Market will be the only city property eligible for alcohol consumption.

Councilmember Stefanovich questioned, who will obtain the permit to sell alcohol and who will fund these events. Ms. Rose replied that the Sampson Arts Council will obtain the permit and the fund(s) will originate from sponsors.

Ray Jordan appeared before City Council stating that as of this meeting, the Committee has a total of forty-seven (47) sponsors, \$20,238.56 in-kind contributions and \$24,750.00 in donations.

Councilmember Becton inquired regarding who will be eligible to obtain these special event permits. Ms. Rose responded only specific organizations and 501c(3) non-profit corporations. She further iterated that City Manager Connet will be required to sign these permits. Mr. Jordan added that background checks and 501c(3) are required before obtaining a special event permit.

Ms. Rose stated that no one will be allowed to bring coolers or alcoholic beverages onto the property. She stated that vendors will be present selling ice shavers, food, beverages, etc. Ms. Rose informed City Council on the bands who will be performing: Jim Quick and Coastline; John Brown and the Groove Shop Band; The Fantastic Shakers; and Too Far Gone. She stated that diverse music will be played: beach, country, a blend of soul, blues, and rock, and funk.

Ms. Kara Donatelli, of the Sampson County Arts Council appeared before City Council. She stated the "Alive after Five" events originated from the revitalization project downtown. She stated that the Committee's goal is to bring people together to enjoy the community.

Mr. George Wilson commended City Manager Connet and the City of a job well done during the tornadoes event. He stated that upon hearing of the "Alive after Five," he was very excited. He stated that when he learned of the desire to sell alcohol, he was not excited. He stated that he is totally against the sale of alcohol. He asked City Council to vote against the alcohol proposal. He asked, "Is alcohol what it takes to bring folks downtown?" He further questioned whether or not city employees will be involved in the sale of alcohol.

Mayor Starling declared that city employees will not be involved in the sale of alcohol.

Mr. Wayne Weeks voiced his concerns regarding alcohol and driving. He stated firmly that he is against the sale of alcohol. He stated that Benson, NC observes this event; however, they do not sell alcohol. He questioned the liability of someone having an accident from the use of alcohol. He asked, "What kind of precedent are we setting by allowing the sale of alcohol?" Mr. Weeks stated that if we cannot have a family event without alcohol, we have a problem. He pleaded with City Council to let's not create a problem.

Mr. Ray Jordan appeared again before Council stating that the Arts Council will purchase the liability insurance and the City of Clinton will be showing as an additional insured.

Mr. David B. Jenkins, JR., Financial Advisor at Edward Jones Investment, and a member of the "Alive after Five" committee appeared before City Council. He stated that these events are free to the public and an area will be designated for families. He stated that cities such as Goldsboro, Wilson, Wilmington, and Fayetteville have been researched and the City of Clinton's activities will be controlled.

Mr. Clyde Honeycutt asked City Council to not allow alcohol. He stated that we are in a sad state if we need to drink to have a good time.

Mrs. Nona Honeycutt appeared before City Council totally against the sale of alcohol. She stated that alcohol sale, consumption, and family do not mix.

Rev. Willie Bowden appeared next stating that he is in favor of alcohol sale. He stated that we have an ABC store and alcohol is sold in restaurants. He stated that one should be able to drink in moderation.

Mr. Morris Bell appeared to speak. He stated that he was raised in a home with a father who drank and he is 100% against the proposal to sale alcohol.

Mr. Dean Butler appeared in favor of the sale. He stated that live music in Clinton is long overdue. He stated to give this recommendation a chance before dismissing it.

Councilmember Becton commended the Committee on wanting to unite families. Regarding Mayor Starling's statement that city employees will not be involved with the alcohol, he asked, "If alcohol is bad enough that city employees will not touch, should alcohol be allowed?"

City Manager Connet stated that the time of the events is set for 5 PM until 8 PM.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following ordinance was adopted, with Councilmember Becton casting a "No" vote:

Ordinance 2011.05.03

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina that the Clinton City Code of 1987 is hereby amended by amending the below section to read as follows:

Chapter 16 ARTICLE I. IN GENERAL

Section 16-1. Intoxicating beverages – Consumption.

(a) It shall be unlawful to consume intoxicating, beverages, that is, beer, wine or liquor, in any public place or upon or in any public street, sidewalk, alley or parking lot, or property owned, leased or maintained by the city or by the state and within the city limits, or on any such place owned, leased or maintained by the City outside the corporate limits **except by special event permit issued by the City Manager or his designee as follows:**

- (1)** Alcoholic beverages can be possessed, consumed, sold, or distributed at special events held only at the Clinton City Market and adjoining Lisbon Street Parking lot upon the issuance of a special event permit as set forth in this Section.
- (2)** For purposes of this section, a "special event" is an event sponsored by any of the following: the City of Clinton, the Clinton-Sampson Chamber of Commerce, the Sampson Convention and Visitor's Bureau, the Sampson County Economic Development Commission, Sampson Community College, Clinton City Schools or agencies or organizations affiliated with such system, a non-profit corporation duly incorporated in the State of North Carolina and having received its status as a tax-exempt charitable organization under section 501(c)(3) of the Internal Revenue Code, each of which to be considered an "Event Organizer" under this Section.

- (3) An Event Organizer obtaining a special event permit as set out herein may allow vendors to sell or distribute alcoholic beverages without such vendor or vendors obtaining a special event permit provided that such Event Organizer shall be responsible for such vendor having all state or local permits necessary to sell or distribute such alcoholic beverages.
- (4) A special event permit must be approved at least twenty (20) days in advance by the City Manager or his designee. The City Manager or his designee is authorized to request such information from the event organizer that will allow him or his designee to make such determination.
- (5) A fee of \$50.00 shall be levied for each special event permit issued pursuant to this section.
- (6) Alcoholic beverages as provided in this Section can only be possessed, consumed, sold, or distributed in such area as approved by the City Manager or his designee, which area to be conspicuously marked by the Event Organizer. Upon approval of the City Manager or his designee, instead of marking such area, the Event Organizer can be authorized to give such notice by written or oral notice.
- (7) The Event organizer must provide colored wrist bands or other identification devices, approved by the Chief of Police or his designee, to be used by the wearer or bearer to purchase alcoholic beverages. New colored wrist bands or different identification devices shall be used on succeeding days of multi-day events. Before issuing a wrist band or identification device, the Event Organizer is responsible for determining if the person to be issued a wrist band or identification device is of the legal age to possess alcoholic beverages.
- (8) It is unlawful for a person authorized to purchase an alcoholic beverage as set out herein to pass on an alcoholic beverage to any other person.
- (9) No person shall possess or consume an alcoholic beverage except as set out herein and only upon wearing the appropriately colored wristband issued, or possessing the particular identification device designated, for the day of the event.
- (10) Alcoholic beverages not obtained or acquired as set out in this Section are not permitted and the possession, consumption, sell, or delivery of such alcoholic beverages is considered a violation of this Article.
- (11) A wristband or other identification device issued as set out herein is not transferable and can only be worn by the person to whom such wristband is issued.

- (12) The City Manager is authorized to require any applications and proofs as he may deem necessary to make a determination on the ability of an Event Organizer to sale or distribute alcoholic beverages as provided herein.
- (13) The City of Clinton will be named as an additional insured and the amount of insurance coverage will be at the level recommended by the City of Clinton's insurance provider.

LISBON STREET PARKING LOT CLOSING – ALIVE AFTER FIVE EVENTS

Planning Director Mary Rose asked City Council to close Lisbon Street parking lot and a portion of Graham Street from 3:30 PM until 9 PM on May 19, June 16, July 21, and August 18, 2011 for the “Alive after Five” events. Ms. Rose stated that these events will be free to the public.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, and unanimously passed, Lisbon Street parking lot and a portion of Graham Street from 3:30 PM until 9 PM on May 19, June 16, July 21, and August 18, 2011, are to be closed in order to hold the “Alive after Five” events.

PROBATIONARY RENTAL OCCUPANCY PERMIT (PROP) PROGRAM

Planning Director Mary Rose presented to City Council a Probationary Rental Occupancy Permit (PROP) program for informational purposes only. She stated that the Probationary Rental Occupancy Permit is recommended in order to provide for increased oversight of residential rental properties where the following exists:

- Minimum Housing Violations
- Unsafe Building Violations
- Zoning Violations
- Nuisance Code Violations
- Criminal Violations

Ms. Rose stated that this program is modeled after similar programs in other communities.

City Manager Connet recommended the call for a public hearing at the June 7, 2011 city council meeting in order to give the community the opportunity to learn about the program and provide comments.

RESOLUTION -- AUTHORIZING THE SALE OF SURPLUS PROPERTY ELECTRONICALLY

Accounting Operations Manager Kristin Norris requested City Council to consider a resolution authorizing the purchasing manager to sell declared surplus property electronically. She stated that the City has had communication with GovDeals, an online auction similar to eBay. Ms. Norris stated that selling electronically will allow the City a wider range and a broader audience. Also, it

was mentioned that selling in this manner will create a potential for greater revenue earnings.

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

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO SELL DECLARED SURPLUS PROPERTY ELECTRONICALLY

WHEREAS, the City Council of the City of Clinton, NC has given authorization to the purchasing manager to sell declared surplus property via the Internet upon duly notification as pursuant to NC G. S. 160A-266 (c) and 160A-270(c); and

WHEREAS, GovDeals provides services to various government agencies and allow them to sell surplus and confiscated items via the Internet; and

WHEREAS, the City wishes sell its surplus property by all possible means, including via the Internet and GovDeals, to ensure the greatest benefit for its citizens; and

WHEREAS, it is the desire of the purchasing manager to receive authorization to sell declared surplus property via Internet to include GovDeals.

NOW, THEREFORE, BE IT RESOLVED that the purchasing manager is hereby authorized to sell declared surplus property via the Internet and GovDeals pursuant to NC G.S. 160A-266(c) and 160A-270(c).

RESOLUTION—SURPLUS PROPERTY

City Manager Connet stated that in accordance with City Code Article III 2-77, City Council is required to approve the surplus of personal property over \$2,500. He asked City Council to approve a resolution authorizing the disposition of certain personal property electronically/by GovDeals.

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

**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 property of the City of Clinton;

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

- (1) The following described property is hereby declared to be surplus to the needs of the City of Clinton:

Year	Make/Model	VIN #	# CAR
2002	Ford / Crown Victoria	2FAFP71W62X124799	PD19
2000	Ford /Crown Victoria	2FAFP71WOYX135080	PD01
1996	Ford Ranger	1FTCR10U3TUB91504	SN03
1981	Chevy 1-Ton Truck	1GBHC34M2BV125049	RC07
2000	Ford Crown Victoria	2FAFP71W9YX131271	PD09
2002	Ford Crown Victoria	2FAFP71W42X124798	PD14
1998	Ford Taurus LX	1FAFP52U3WG273880	PD02
2002	Ford Crown Victoria	2FAFP71W02X124796	PD15

- (2) The Human Resource Manager is authorized to receive on behalf of the City Council of the City of Clinton bids via GovDeals for the purchase of the described property.
- (3) GovDeals will begin the sale of the described property on or about June 1, 2011 and will continue the sale until the final described property is 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 Human Resource Manager and the sale consummated.

ORDINANCES—BUDGET

Assistant City Manager-Finance Director Shawn Purvis briefed City Council regarding this item. He stated these budget amendments originated because of line item transfers, transfers to our CDBG projects, downtown project, and a reversal on a previous amendment. He recommended approval of the budget amendments.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the following amendment **#2011.05.04** was unanimously adopted:

CORRECTED COPY

**City of Clinton
FY09 Community Development Block Grant
Infrastructure Program Project Ordinance**

#2011.05.04

BE IT ORDAINED by the City Council of Clinton, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the FY09 Community Development Block Grant Infrastructure project described in the work statement contained in the Grant Agreement (#04-D-2088) between the City of Clinton and the North Carolina Department of Commerce. This project is more familiarly known as the Pugh Road Water and Sewer Project.

Section 2. The City of Clinton staff is hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete the project activities:

<u>Account</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
49.3040.0000	CDBG	\$214,069	
49.3050.0000	City Contribution	12,000	
TOTAL REVENUES		\$226,069	

Section 4. The following expenditures are appropriated for the project activities:

<u>Account</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
49.4070.0400	Administration	\$ 25,000	
49.4070.8100	Water Improvements	98,525	
49.4070.8200	Sewer Installation	102,544	
TOTAL EXPENDITURES		\$226,069	

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the North Carolina Department of Commerce required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the North Carolina Department of Commerce in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Council.

Section 9. Copies of this Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the following amendment **#2011.05.05** was unanimously adopted:

**Budget Ordinance Amendment
Fiscal Year 2010-2011 Budget**

#2011.05.05

BE IT ORDAINED by the City Council of the City of Clinton, NC, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2011; amended October 5, 2010; November 3, 2010; January 4, 2011; February 1, 2011; and April 5, 2011; is hereby amended as follows:

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
10-4200-0200	Salaries	\$4,000	
10-4200-0500	FICA	400	
10-4200-0700	Retirement	300	
10-4400-0200	Salaries		\$4,000
10-4400-0500	FICA		400
10-4400-0700	Retirement		\$300
10-4900-0200	Salaries		\$2,715
10-4900-1401	Auto Allowance		\$1,800
10-4900-3100	Auto Supplies		800
10-4900-3300	Dept Supplies	\$5,315	
10-6200-1300	Utilities		\$8,000
	Maint &		
10-6200-1500	Repair//Building	\$4,000	
10-6200-1600	Maint & Repair/Fields	\$4,000	
10-6400-3300	Dept Supplies	\$3,500	
10-6400-4500	Contract Services		\$3,500
10-6600-7900	Xfer to D'town Ph 3	\$105,092	
10-6600-9000	Xfer to CDBG Pro*	\$30,893	
TOTAL EXPENDITURES		\$ 157,500	\$21,515

Section 2. The revenues are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
10-3990-0000	Fund Balance	\$135,985	
TOTAL REVENUES		\$135,985	

Section 3. To amend the Water and Sewer Fund, the expenditures are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
30-6600-7900	Xfer to D'town Ph 3	\$41,145	
30-6600-9500	Xfer to CDBG*	12,000	
30-8300-0400	Instrument Services	\$10,000	
30-8300-0401	Engineering Services		\$10,000
30-8300-1500	Maint & Rpr/Bldg	\$34,110	
30-8300-1600	Maint & Rpr/Pumps		\$20,000
30-8300-3302	Chemicals		\$10,000
30-8300-3303	Water Analysis		3,700
30-8300-5301	Certifications		410
TOTAL EXPENDITURES		\$97,255	\$ 44,110

Section 4. The revenues are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
30-9990-0000	Fund Balance	\$53,145	
TOTAL REVENUES		\$53,145	

Section 5. Copies of this budget amendment shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

*Corresponds with Capital Budget Amendment

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the following amendment **#2011.05.06** was unanimously adopted:

**Capital Projects Ordinance Amendment
Phase III Downtown Revitalization Project**

2011.05.06

BE IT ORDAINED by the City Council of the City of Clinton, NC that the following amendments be made to the Capital Project Ordinance adopted June 17, 2008, and amended on May 5, 2009; June 29, 2010; February 1, 2011; and April 5, 2011; is hereby amended as follows:

Section 1. To amend the Downtown Revitalization Phase III Capital Project, the expenditures for the project are changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
56.4970.0400	Engineering & Design		\$ 121,250

TOTAL EXPENDITURES **\$ 121,250**

Section 2. The revenues anticipated to be available to complete this project are changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>
56.3030.0000	City Contribution - GF		\$ 121,250

TOTAL REVENUES **\$ 121,250**

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

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the following amendment **#2011.05.07** was unanimously adopted:

**Budget Ordinance Amendment
Fiscal Year 2010-2011 Budget**

(Pugh Road Infrastructure - FY09 Community Development Block Grant)

#2011.05.07

BE IT ORDAINED by the City Council of the City of Clinton, NC, that the following amendment be made to the FY09 Community Development Block Grant Infrastructure Program Project Ordinance (Pugh Road Water and Sewer Project) adopted February 1, 2011, amended May 3, 2011; is hereby amended as follows:

SECTION 1. The expenditures are to be changed as follows:

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>INCREASE</u>	<u>DECREASE</u>
49.4070-0400	Administration	\$ 11,000	
49.4070.8100	Water Improvements		\$ 2,500
49-4070-8200	Sewer Installation		\$ 8,500

TOTAL EXPENDITURES **\$ 11,000** **\$ 11,000**

SECTION 2. Copies of this budget amendment shall be furnished to the City Clerk, to the City Manager, and Finance Director for their direction.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the following amendment **#2011.05.08** was unanimously adopted:

**CDBG Community Revitalization Capital Project Ordinance Amendment
CDBG # 08-C-1874
Russell Street Project**

2011.05.08

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina, that the following amendment be made to the CDBG Community Revitalization Capital Project Ordinance adopted June 2, 2009, and amended November 4, 2009; May 5, 2010; June 29, 2010; and April 5, 2011, is hereby amended as follows:

SECTION 1. The expenditures are to be changed as follows:

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>INCREASE</u>	<u>DECREASE</u>
49.4770.8300	Local Contribution	\$ 30,893	
TOTAL EXPENDITURES		\$ 30,893	

SECTION 2. The revenues are to be changed as follows:

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>INCREASE</u>	<u>DECREASE</u>
49.3020.0000	City Contribution*	\$ 30,893	
TOTAL REVENUES		\$ 30,893	

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

*Corresponds with Capital Budget Amendment

CITY COUNCIL -- PLANNING SESSION/BUDGET WORKSHOP

Upon a motion made by Councilmember Becton, seconded by Mayor Pro Tem Harris, and approved unanimously, a planning session was set for 6:00 PM on May 10, 2011 and a budget workshop was set for 7:00 PM on May 17, 2011 in the City Hall Training Room.

RESOLUTION – FEMA DISASTER ASSISTANCE DOCUMENTS

City Manager Connet stated that the City of Clinton is eligible to receive FEMA disaster assistance for our activities following the tornadoes on April 16, 2011. He stated that in order to submit the paperwork for this assistance, City Council must adopt a resolution designating applicant agents for Public Assistance for NC Division of Emergency Management Disaster Recovery Operations. City Manager Connet recommended approval of the resolution designating the City Manager, John Connet, and Assistant City Manager, Shawn Purvis, as the applicant's agents.

Upon a motion by Councilmember Turlington, seconded by Councilmember Strickland, **BE IT RESOLVED BY** the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. **BE IT FURTHER RESOLVED** that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. **BE IT FINALLY RESOLVED THAT** the above-named agents are authorized to act severally.

APPOINTMENTS

Upon a motion made by Councilmember Strickland, seconded by Councilmember Turlington, Rose Gilford, District 3, and Dr. Gib Palmer, At-Large, was unanimously reappointed to the Recreation Advisory Board for a three-year term ending June 2014. Council was asked to continue this item for the appointment/reappointment of District 1, to the Recreation Advisory Board until the June 7, 2011 city council meeting. Currently, David Nordin holds the position for District 1.

The appointments/reappointments to four-year terms on the Historic Preservation Commission for: Ellen K. Tew, Fred Dufour, George E. Wilson, and Susan Heath, were continued until the June 7, 2011 city council meeting.

REPORTS

The City Council action, finance, police, fire, public works, personnel, and code reports were acknowledged.

City Manager Connet asked Lt. Timothy King to report on the Motor Vehicle Accident Report. Lt. King stated that accidents have reduced tremendously between the months of January and March 2011.

Planning and Zoning Director Mary Rose reported on the findings of the newly created Code Enforcement Task Force. She stated that the Task Force has identified District 5 as an area of concern. She further stated that within District 5, 48 nuisance lots, 13 nuisance vehicles, and 4 minimum housing code violations, have been identified.

PUBLIC COMMENTS

Mr. Johnny Boykin and Rev. Joseph McClain requested to appear before City Council at its May 3, 2011 city council meeting; however, they were not in attendance.

CONTINUATION – PLANNING SESSION – MAY 10, 2011

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and approved unanimously, the meeting was continued until Tuesday, May 10, 2011 at 6:00 PM, so that the final planning session might take place before the budget workshop.

Elaine F. Hunt, MMC, City Clerk

Lew Starling, Mayor

ADJOURNED AT 8:22 PM.