

## SEPTEMBER 6, 2011, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on September 6, 2011 in the Clinton City Hall Auditorium. Mayor Starling presided. Councilmembers Becton, Strickland, Turlington, Stefanovich, and Mayor Pro Tem Harris were present. City Attorney Dale Johnson; City Clerk Elaine F. Hunt; City Manager John F. Connet; Assistant City Manager- Finance Director Shawn Purvis; Planning and Community Development Director Mary Rose; Police Chief Mike Brim; Fire Chief Todd Solice; Recreation Director Judi Nicholson; Public Works Director Jeff Vreugdenhil; and Human Resource Manager Lisa Carter were present. Also present were Planner I Lyle Moore; Planner I Audrey Whetten; Ashley Blackmon, Supervisor of Utility Billing; Neil Carroll, WTP Superintendent; and Travis Anderson, Water Production Supervisor.

Rebecca Spurgeon shadowed Mayor Starling during the evening. Rebecca is a senior at Sampson Early College. Melvin Henderson, of the Sampson Weekly was present; Chris Berendt, of the Sampson Independent was absent.

Rev. Ray Bolton, Pastor of Red Hill Missionary Baptist Church, gave the invocation.

### **CITY COUNCIL**

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the minutes of the August 2, 2011 regular meeting were approved unanimously.

### **MOMENT OF SILENCE**

Mayor Starling conveyed condolence to the Family of the Late Walker Bellamy, Jr., and asked for a moment of silence. He asked City Manager Connet to read the following resolution and deliver the resolution at a later date to the Family:

***Resolution in Memory  
Of  
Mr. W. Walker Bellamy, Jr.***

***WHEREAS***, on the 3<sup>rd</sup> day of September, 2011, death brought to close the earthly life of Mr. W. Walker Bellamy, Jr., affectionately known to many as "Mr. B;" and

***WHEREAS***, he retired from the City of Clinton as Recreation and Parks Director on December 31, 1993, after 30 years of dedicated service; and

**WHEREAS**, because of his impact on recreation, the Clinton Recreation Department honored him by naming our facility at Royal Lane Park, “**The W. Walker Bellamy Recreation Center;**” and

**WHEREAS**, the City of Clinton has benefited greatly because of his interest and love for people, especially the youth of Clinton and Sampson County; and during a long and productive lifetime, he has earned numerous awards, which includes: the John Hale’s Memorial Award; the NC Recreation and Parks Society Meritorious Award; the Youth Service Award; and was inducted into the Sampson County Sports Hall of Fame.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Clinton, North Carolina do hereby wish to send its condolences to the family of W. Walker Bellamy, Jr; and

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to the family of W. Walker Bellamy, Jr., for his distinguished service to mankind.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the abovementioned resolution was adopted unanimously.

#### **PRESENTATION – THE JACK FRAUSON PROFESSIONAL AWARD**

City Manager Connet introduced Mike Waters, Executive Director, of the North Carolina of Recreation and Parks Association. Mr. Waters spoke first on his encounters with Walker Bellamy, Jr., and the legacy that will live on.

Secondly, he presented Recreation and Parks Director Judi Nicholson with The Jack Frauson Professional Award. Mr. Waters commended Ms. Nicholson on her professional leadership, outstanding work, and accomplishments in the area of recreation and park.

#### **PRESENTATION – THE WOOTEN COMPANY -- CHRIS THOMSON – WATER SYSTEM STUDY & CIP**

Mayor Starling asked City Council to allow him to bring forth this presentation later in the city council meeting. City Council agreed to do so.

#### **APPEARANCE -- GARY WAYNE HALL**

Gary Wayne Hall appeared before City Council to express his concerns regarding outside vendors and their lack of support to the City of Clinton. City Council instructed City Manager Connet to look into Mr. Hall’s concern and report back to them.

Mayor Starling thanked Mr. Hall for his contributions to the City of Clinton.

## **P & Z— LAND DEVELOPMENT ORDINANCE – NIGHT CLUB DEFINITION**

Mayor Starling opened a public hearing that was continued from the August 2, 2011 city council meeting on a request by the Planning staff to amend Appendix A – Definitions of the City of Clinton Land Development Ordinance by amending the definition of a night club.

Planning and Zoning Director Mary Rose appeared before City Council to explain this request. She stated that this definition of a night club is for clarification purpose and will require any establishment that stays open after midnight, including restaurants, to obtain a conditional use permit. She further stated that this amendment allows all new restaurants to be treated in the same manner.

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

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, the following ordinance # **2011.09.01** to the Land Development Ordinance was adopted unanimously:

### **# 2011.09.01**

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:

#### **Appendix A – Definitions**

Night Club. An establishment that stays open after 12:00 AM ~~on weekends or on more than an occasional basis~~ that offers food and beverages or entertainment or amusements. This definition includes, but is not limited to, ~~establishments that serve beverages to persons 21 years of age and older~~, dance halls, discotheques, and similar establishments. Excluded from this definition are ~~restaurants that meet both the requirements established by definition in this Ordinance and NCGS 18B-10000(6), clubs used by non-profit organizations, lodges used by non-profit organizations~~, theaters, and health and athletic facilities.

## **P & Z—LAND DEVELOPMENT ORDINANCE – SOUP KITCHEN DEFINITION**

Mayor Starling opened a public hearing on a text amendment request by Delia Middleton of Mr. Window Soup Kitchen to amend Appendix A of the City of Clinton Land Development Ordinance to add the definition for a soup kitchen.

Planning Director Mary Rose presented the Planning and Zoning Board's recommendation to amend Appendix A of the City of Clinton Land Development Ordinance to add the definition for a soup kitchen. She stated that Delia

Middleton requested that a definition be established for a soup kitchen and they are in agreement upon the below definition.

Dr. Carl Barr spoke on behalf of Ms. Middleton. He stated that he is on the Board for this establishment. He stated that Ms. Middleton began this endeavor approximately 1-1/2 years ago to feed the homeless and needy, and it has proven to be a huge success. He further stated that approximately 200-225 individuals are served monthly and this past Christmas, over 500 people were served. Dr. Barr stated that family members, as well as, other volunteers are involved in this worthwhile activity. He concluded by stating that the meals are hot, always include soup, and the feeding of the needy is truly a humbling experience.

Several questions were asked by City Council such as: (1) How often are meals served? (2) Other than the five or six churches involved, do others support this cause? and (3) How long has this humanitarian act taken place?

Councilmember Stefanovich thanked Ms. Delia Middleton for her kindness toward others.

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

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the following ordinance # **2011.09.02** to the Land Development Ordinance was adopted unanimously:

#### **# 2011.09.02**

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:

#### **Appendix A -- Definitions**

Soup Kitchen. Any building, structure, or portion thereof that contains a fully equipped kitchen which is used to prepare and serve food on a regular basis either without cost or at a low cost insufficient to generate a profit.

#### **P & Z—LAND DEVELOPMENT ORDINANCE – PERMITTED USES TABLE TO INCLUDE SOUP KITCHEN AS A CONDITIONAL USE IN O & I OFFICE AND INSTITUTIONAL & HC HIGHWAY COMMERCIAL DISTRICTS**

Mayor Starling opened a public hearing on a text amendment request by the Planning staff to amend Section 3.3 of the City of Clinton Land Development Ordinance by amending the Permitted Uses Table to include Soup Kitchen as a

conditional use in an O & I Office and Institutional and HC Highway Commercial District.

Planning Director Mary Rose presented the Planning and Zoning Board's recommendation to amend Section 3.3 of the City of Clinton Land Development Ordinance by amending the Permitted Uses Table to include Soup Kitchen as a conditional use in an O & I Office and Institutional and HC Highway Commercial District. She stated that this amendment will allow the Soup Kitchen establishment to be considered in the abovementioned districts.

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

Upon a motion made by Councilmember Becton, seconded by Councilmember Stefanovich, the following ordinance # **2011.09.03** to the Land Development Ordinance was adopted unanimously:

**# 2011.09.03**

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:

**3.3 Permitted Uses Table**

	<b>OI</b>	<b>HC</b>
<b>Soup Kitchen</b>	<b>C</b>	<b>C</b>

**P & Z -- REVERSE TRAFFIC FLOW – SYCAMORE STREET**

City Manager Connet stated that at its January 2011 city council meeting, City Council adopted the following resolution requesting a traffic pattern change for Sycamore Street for a trial period of 60 days:

**RESOLUTION REQUESTING NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO CHANGE SYCAMORE STREET FROM ONE-WAY TO TWO-WAY TRAFFIC**

**WHEREAS**, property owners request that traffic be changed from one-way to two-way traffic on Sycamore Street; and

**WHEREAS**, the North Carolina Department of Transportation has studied this location and has given the city a recommendation; and

**WHEREAS**, the City Council of the City of Clinton desires to improve highway safety along this route; and

**WHEREAS**, a motion was made by Councilmember Turlington and seconded by Councilmember Becton for the adoption of this resolution and upon being put to a vote was duly adopted.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Clinton requests the North Carolina Department of Transportation to allow a 60-day trial period turning Sycamore Street into a two-way street, lowering the speed limit to 20 mph, and allowing at the traffic light at the end of Vance Street, right turns only.

**NOW, THEREFORE, BE IT RESOLVED** that a copy of this resolution be forwarded to the North Carolina Department of Transportation.

**BE IT FURTHER RESOLVED** that the Chief of Police be and he is hereby directed to post the appropriate signs prohibiting speed above 20 miles per hour in the area designated above.

**BE IT FURTHER RESOLVED** that if the 60-day trial period results in a permanent change, this change be appropriately reflected on the Official Traffic Map of the City of Clinton.

City Manager Connet stated that the trial period has expired and asked the wishes of the Council. City Attorney Johnson questioned whether or not directional signs will be installed and was told that they will be installed immediately if City Council makes this change permanent. City Manager Connet stated that this change has worked out quite well.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, it passed unanimously to allow this traffic change on Sycamore Street to remain permanent, which means this street is now a two-way street with a speed limit of 20 mph.

### **CONTRACT WITH SAMPSON COUNTY—PLANNING SERVICES**

Planning Director Mary Rose presented a contract between Sampson County and the City for planning services. She stated that this contract is for a one year term and the contract has been in existence since approximately 2004.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, the contract between Sampson County and the City for planning services passed unanimously.

### **FALL CLEAN UP WEEK**

Mayor Starling stated that City Council is being asked to designate October 17-21, 2011, as Fall Clean Up Week and suspend sections 11-4 (e)(g)

and (i), except the collection of batteries of the City Code during Fall Clean Up Week unless hazardous to city staff or items that the landfill will not accept.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, the request to suspend sections of the City Code was unanimously approved and Fall Clean Up Week was designated October 17-21, 2011.

**CONTRACT WITH FLUENT LANGUAGE SOLUTIONS, INC. – INTERPRETING AND TRANSLATION SERVICES**

City Manager Connet stated that the City of Clinton’s Language Access Plan specifies that all departments within the city have access to an interpreter for customers who do not speak English. We have determined that the most efficient way to handle this requirement is to contract with an interpreting service that will provide us with an interpreter via the telephone 24/7. Fluent Language Solutions, Inc., has agreed to charge telephone interpretation at \$1.25 per minute no appointment necessary. City Manager Connet recommended approval of the contract with Fluent Language Solutions, Inc. for a term of one year until terminated by either party in accordance with the agreement.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Turlington, the contract between Fluent Language Solutions, Inc., and the City of Clinton for interpreting and translation services passed unanimously.

**AWARD OF BID – STREET RESURFACING PROJECT**

Public Works Director Jeff Vreugdenhil stated that bids were requested for the Street Resurfacing Project and only one bidder responded.

City Manager stated that the City will utilize the new slurry paving process which will use a thinner layer of asphalt.

Mr. Vreugdenhil asked City Council to approve the award of bid to Slurry Pavers, of Glen Allen, Virginia, the only responder as shown below:

Slurry Pavers .....	\$ 180,063.99
Templeton Paving .....	No Bid
Blythe Construction.....	No Bid
Gordon Company .....	No Bid
Remac Inc. ....	No Bid

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it was approved unanimously to accept the contract of Slurry Pavers, of Glen Allen, Virginia, for the Street Resurfacing Project.

**AWARD OF BID – LEAF VACUUM AND TRUCK CHASSIS**

Public Works Director Jeff Vreugdenhil stated that bids were requested for a leaf vacuum and truck chassis which was budgeted and approved in the 2011-2012 Budget. Mr. Vreugdenhil asked City Council to approve the award of bid to Virginia Truck Center, of Chester, Virginia. He stated Virginia Truck Center was the lowest bidder.

Old Dominion Brush.....	\$ 140,870.34
Public Works Equip & Supply .....	No Bid
Virginia Truck Center .....	\$ 136,870.00

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, it was approved unanimously to accept the contract of Virginia Truck Center, of Chester, Virginia, for a leaf vacuum and truck chassis.

**AWARD OF BID – COMPACT TRACK LOADER & VARIOUS ALTERNATES**

Public Works Director Jeff Vreugdenhil stated that bids were requested for a compact track loader & various alternates which was budgeted and approved in the 2011-2012 Budget. Mr. Vreugdenhil asked City Council to approve the award of bid to Gregory Poole Equipment Company, of Hope Mills, NC. He stated Gregory Poole Equipment Company was the lowest bidder.

Upon a motion made by Councilmember Becton, seconded by Councilmember Strickland, it was approved unanimously to accept the contract of Gregory Poole Equipment Company, of Hope Mills, NC, for a compact track loader and various alternates with a bid amount of \$86,687.00.

**AWARD OF BID – FIREFIGHTERS’ MEDICAL PHYSICALS**

Fire Chief Todd Solice stated that the City of Clinton Fire and Rescue Department advertised for proposals for the firefighters’ annual physicals. He stated that only one bid was received and it was from Clinton Urgent Care (SRMC) in the amount of \$500.00 per physical. Fire Chief Solice asked City Council to consider approving the contract with Clinton Urgent Care (SRMC) for the following bid:

Clinton Urgent Care .....	\$ 500
North Greenville Fitness & Cardiac Rehab Clinic... ..	No Bid

Quick Med .....No Bid

Clinton Medical Clinic ..... No Bid

SRMC .....No Bid

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, it passed unanimously to approve the contract with Clinton Urgent Care for the firefighters’ annual physicals in the amount of \$500.00 per physical.

**LEASE AGREEMENT WITH BETH OGLESBY –DUMPSTER FACILITY**

Public Works Director Vreugdenhil stated that his goal is to reduce the rollout cans downtown. He stated that he has spoken to Beth Oglesby regarding placing a dumpster facility in a parking lot adjacent to Lisbon Street which will reduce rollout cans even the more. He stated that Ms. Oglesby is the property owner and she has agreed to lease this particular area for \$1.00 per year. Mr. Vreugdenhil recommended approving a five-year lease with Ms. Beth Oglesby pending approval of the lease by City Attorney Dale Johnson.

Upon a motion made by Councilmember Turlington, seconded by Mayor Pro Tem Harris, it passed unanimously to approve a lease agreement between the City of Clinton and Beth Oglesby to place an enclosed dumpster facility in a parking lot adjacent to Lisbon Street.

**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, downtown purchase, and grants received. He stated that Recreation and Parks Director Nicholson received a community grant and the Police Department received a federal block grant which increased the budget. He asked City Council to approve the budget amendments.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following amendment **#2011.09.04** was unanimously adopted:

**Budget Ordinance Amendment  
Fiscal Year 2011-2012 Budget**

**#2011.09.04**

**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, 2012, 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>	<u>Total</u>
10-6200-3500	Community Grant	\$3,100		
<b>TOTAL EXPENDITURES</b>		<b>\$ 3,100</b>	<b>\$ 0</b>	<b>\$ 3,100</b>

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

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
10-3370-0000	Franchise Tax Electric		\$ 170,000	
10-3370-0100	Franchise Tax Piped Gas	\$40,000		
10-3370-0200	Franchise Tax Telecomm	\$130,000		
10-3612-0701	Recreation Com Grant	\$ 3,100		
<b>TOTAL REVENUES</b>		<b>\$173,100</b>	<b>\$ 170,000</b>	<b>\$ 3,100</b>

**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>	<u>Total</u>
30-8200-1700	Maint. & Repair/Auto		\$5,500	
30-8200-3100	Fuel	\$5,500		
<b>TOTAL EXPENDITURES</b>		<b>\$5,500</b>	<b>\$5,500</b>	<b>\$0</b>

**Section 4.** To amend the Downtown Special Tax District Fund, the expenditures are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
71-6910-3300	Supplies & Materials	\$16,500		
<b>TOTAL EXPENDITURES</b>		<b>\$16,500</b>	<b>\$0</b>	<b>\$16,500</b>

**Section 5.** The revenues are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
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71-3990-000	Fund Balance	\$16,500		
<b>TOTAL REVENUES</b>		<b>\$16,500</b>	<b>\$0</b>	<b>\$ 16,500</b>

**Section 6.** To amend the Police Supplemental Fund, the expenditures are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
75-5100-3300	Supplies & Materials	\$4,500		
<b>TOTAL EXPENDITURES</b>		<b>\$4,500</b>		<b>\$4,500</b>

**Section 7.** The revenues are to be changed as follows:

<u>Account #</u>	<u>Account Title</u>	<u>Increase</u>	<u>Decrease</u>	<u>Total</u>
75-3030-0000	Justice Assistance Grant	\$4,500		
<b>TOTAL REVENUES</b>		<b>\$4,500</b>		<b>\$4,500</b>

**Section 8.** Copies of this budget amendment shall be furnished to the City Clerk, to the City Manager, and Finance Director for their direction.

**CONDEMNATION – 914 BARDEN STREET – HEIRS OF DAISY MOORE**

Planner I Lyle Moore presented an ordinance of condemnation for 914 Barden Street. He stated the property owner is deceased; however, the heirs were contacted and instructed on June 22, 2011 to remove or demolish the unsafe structure, but it has not been done.

Upon a motion by Councilmember Strickland, seconded by Councilmember Turlington, the following ordinance **#2011.09.05** was unanimously adopted:

AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNSAFE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED

**#2011.09.05**

**WHEREAS**, the City Council of the City of Clinton finds that the structure described herein is unsafe pursuant to G.S. 160A-426; and

**WHEREAS**, this structure should be removed or demolished as directed by the Code Enforcement Officer; and should be placarded by placing thereon a notice prohibiting use; and

**WHEREAS**, the heirs of Daisy Moore, the owners of this structure have been given a reasonable opportunity to bring the structure to the standards of the Housing Code in accordance with G.S. 160A-426 pursuant to an order issued by the Code Enforcement Officer on June 22, 2011, posted upon the structure June 24, 2011, and published in the Sampson Independent on June 3, 2011. The owners have failed to comply with this order.

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

**Section 1.** The Code Enforcement Officer is hereby authorized and directed to place a placard containing the legend:

“This structure is unsafe; the use or occupation of this structure is prohibited and unlawful.”

on the structure located at 914 Barden Street and in the City of Clinton.

**Section 2.** The Code Enforcement Officer is hereby authorized and directed to proceed to remove or demolish the above-described structure in accordance with his order to the owners thereof dated June 22, 2011, and in accordance with the Code and G.S. 160A-426.

**Section 3(a).** The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Sampson County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

**Section 3(b).** Upon completion of the required removal or demolition, the Code Enforcement Officer shall sell the materials of the structure and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer shall deposit the surplus in the Superior Court where it shall be secured and disbursed.

**Section 4.** It shall be unlawful for any person to remove or cause to be removed the placard from any structure to which it is affixed.

It shall likewise be unlawful for any person to occupy or to permit the occupancy of any structure therein declared to be unsafe.

**Section 5.** This ordinance shall become effective upon adoption.

**CONDEMNATION – 502 W. BONEY STREET – PANDORA FRYAR, ROBERT JACOBS, JR., & TERESA JOYNER**

Planner I Lyle Moore presented an ordinance of condemnation for 502 West Boney Street. He stated the property owners are deceased; however, the heirs were contacted and instructed on June 22, 2011 to remove or demolish the unsafe structure, but it has not been done. He further stated that this property was infested with asbestos.

Upon a motion by Mayor Pro Tem Harris, seconded by Councilmember Stefanovich, the following ordinance **#2011.09.06** was unanimously adopted:

AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNSAFE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED

**#2011.09.06**

**WHEREAS**, the City Council of the City of Clinton finds that the structure described herein is unsafe pursuant to G.S. 160A-426; and

**WHEREAS**, this structure should be removed or demolished as directed by the Code Enforcement Officer; and should be placarded by placing thereon a notice prohibiting use; and

**WHEREAS**, Pandora Fryar, Robert Jacobs, Jr., and Teresa Joyner, the owners of this structure has been given a reasonable opportunity to bring the structure to the standards of the Housing Code in accordance with G.S. 160A-426 pursuant to an order issued by the Code Enforcement Officer on June 22, 2011, the owners have failed to comply with this order.

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

**Section 1.** The Code Enforcement Officer is hereby authorized and directed to place a placard containing the legend:

“This structure is unsafe; the use or occupation of this structure is prohibited and unlawful.”

on the structure located at 502 W. Boney Street and in the City of Clinton.

**Section 2.** The Code Enforcement Officer is hereby authorized and directed to proceed to remove or demolish the above-described structure in accordance with his order to the owners thereof dated June 22, 2011, and in accordance with the Code and G.S. 160A-426.

**Section 3(a).** The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Sampson County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

**Section 3(b).** Upon completion of the required removal or demolition, the Code Enforcement Officer shall sell the materials of the structure and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer shall deposit the surplus in the Superior Court where it shall be secured and disbursed.

**Section 4.** It shall be unlawful for any person to remove or cause to be removed the placard from any structure to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any structure therein declared to be unsafe.

**Section 5.** This ordinance shall become effective upon adoption.

**RESOLUTION APPROVING FINANCING TERMS – BB&T – VACUUM LEAF LOADER AND COMPACT TRACK LOADER**

Assistant City Manager-Finance Director Shawn Purvis asked City Council to adopt a resolution approving the financing terms for the awards approved earlier in the meeting. He stated that the City solicited bids for the financing of the vacuum leaf loader with truck chassis and the compact track loader with attachments. He further stated that BB&T was the lowest bidder with an annual interest rate not to exceed 1.66% for a financing term not to exceed three years.

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

**RESOLUTION APPROVING FINANCING TERMS**

**WHEREAS**, the City of Clinton (“City”) has previously determined to undertake a project for a Vacuum Leaf Loader with truck chassis and a compact

track loader with attachments (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

**NOW, THEREFORE, BE IT RESOLVED, as follows:**

- 1) The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated August 25, 2011. The amount financed shall not exceed \$168,234.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.660%, and the financing term shall not exceed three years from closing.
- 2) All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.
- 3) The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
- 4) The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
- 5) The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to

be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

- 6) All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

### **AWARD OF BID – DISASTER DEBRIS MANAGEMENT SERVICES**

Public Works Director Vreugdenhil stated that bids had been solicited for disaster debris removal and management services. He stated that the former Hamilton Beach Building has been designated as the disaster site. He further stated that this is a requirement by FEMA and the contract is for three years. He recommended awarding the contract to Simmons & Simmons Management, the lowest responsible bidder.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, it passed unanimously to approve the contract with Simmons & Simmons Management with a total bid amount of \$1,629,259.75.

### **AWARD OF BID – REHABILITATION & CONSTRUCTION – PUGH ROAD & RUSSELL STREET**

Chip Bartlett, CDBG Project Administrator, Holland Consulting Planners, Inc. appeared before City Council to speak on this item. He stated that bids were solicited for the rehabilitation of one housing unit and the construction of two housing units along Pugh Road and Russell Street. He stated that five bids were received for the rehabilitation and the construction projects. He recommended awarding the contract for the rehabilitation of one housing unit to the lowest bidder:

Milford McRae, occupant -- Contractor, Carolina Home Renovators -- \$29,850.

Mr. Bartlett recommended awarding the contract for the construction of the two housing units as follows:

Ronnie Eason, occupant -- Contractor, Clint Blanton -- \$75,000

Alonzo Vann, occupant -- Contractor, Orals Construction Co. -- \$74,955

It was noted that for the construction projects, these two contractors were the second lowest bidders. The lowest bidder retracted his bid for both units.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, it passed unanimously to approve the abovementioned contracts to: Carolina Home Renovators; Clint Blanton; and Orals Construction Company.

### **APPOINTMENT**

Currently, David Nordin represents District 1 on the Recreation Advisory Board; however, his term expired in June 2011.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Strickland, it passed unanimously to appoint Cameron Spell to the three-year term on the Recreation Advisory Board for District 1.

### **PRESENTATION – THE WOOTEN COMPANY -- CHRIS THOMSON – WATER SYSTEM STUDY & CIP**

City Manager Connet stated that last year, the City of Clinton received a grant from the NC Rural Center to complete a Water System Study and Capital Improvement Plan. He stated that the plan has been completed and introduced Chris Thomson, of The Wooten Company, to present it to the City Council.

Chris Thomson appeared before City Council and commended the City on having a well maintained water system. He presented his information via PowerPoint.

He made it clear that presently, we are not supplying Smithfield Foods, Inc. He made several recommendations which included:

- If we were to supply Smithfield Foods, Inc. with potable water, 1.5 MGD additional supply is needed; and
- Reclaim water system (he explained that reclaimed water is water treated at the wastewater treatment plant; such as, for irrigational purposes.); and
- Redundant finished water line from the WTP to the City along Rowan Road; and
- Water Treatment Plant expansion; and
- New elevated storage tank;
- Looping to the Overland Road tank.

Mr. Thomson stated that the estimated total project cost is

\$10,515,000.00. He stated potential funding sources, which included both state and economic based funding programs. He concluded by stating that a project of this magnitude might possibly be done in phases.

City Manager Connet asked City Council to adopt a resolution approving the Water System Study and Capital Improvement Plan. Also, he asked for permission to seek funding options to implement this capital improvement plan.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following resolution passed unanimously approving the Water System Study and Capital Improvement Plan:

**RESOLUTION APPROVING WATER SYSTEM STUDY  
AND  
CAPITAL IMPROVEMENT PLAN**

**Be It Resolved** that the City Council of the City of Clinton hereby accepts and approves the Water System Study and Capital Improvement Plan which was funded by the Rural Economic Development Center and the City of Clinton.

**Be It Further Resolved** that this Study evaluates the efficiency of water production within the City of Clinton's water system and identifies the relative loss within the system.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following resolution passed unanimously granting permission to seek funding options to implement this capital improvement plan:

**RESOLUTION BY GOVERNING BODY OF APPLICANT**

**WHEREAS**, The Federal Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements; and

**WHEREAS**, The City of Clinton has need for and intends to construct a drinking water system project described as Water System Improvements; and

**WHEREAS**, The City of Clinton intends to request state loan assistance for the project.

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

The City of Clinton, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award; and

The **Applicant** will adopt and place into effect on or before completion of the project, a schedule of fees and charges and other available funds, which will provide adequate funds for proper

operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt; and

The governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Clinton to make scheduled repayment of the loan, to withhold from the City of Clinton any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan; and

The **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof; and

John F. Connet, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above; and

The **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application; and

The **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

## **REPORTS**

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

City Manager Connet made mention of the Mobile 311 Insight Dashboard report that Public Works Director Vreugdenhil created. He stated that this is a very informative and detailed report.

City Manager Connet stated that within the agenda packet was a memorandum from Assistant City Manager Shawn Purvis to inform City Council of legislation passed by the General Assembly in 2011 that affects the City of Clinton. City Manager Connet stated that the Brownfields agreement regarding the former Hamilton Beach site has been obtained and there is a potential buyer.

City Manager Connet congratulated Public Works Director Vreugdenhil and his staff for their efforts during Hurricane Irene. He concluded by stating that the "Alive after Five" events are over and next year's line-up is complete.

## **OTHER BUSINESS**

Planning and Zoning Director Mary Rose introduced Audrey Whetten, the newest Planning and Zoning employee, to City Council.

**RESOLUTION -- CLOSED SESSION**

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

**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 September 6, 2011, entered closed session as allowed by G. S. 143-318.11(a)(6) to discuss matters relating to personnel.

Council re-entered regular session at 8:46 PM. Mayor Starling reported that City Council discussed a personnel matter; however, no action was taken.

**CONTINUATION**

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, and unanimously passed, the meeting was continued until Thursday, September 15, 2011 at 7:00 PM to discuss matter(s) as it relates to recreation.

**Meeting adjourned at 8:48 PM.**

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Elaine F. Hunt, MMC, City Clerk

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Lew Starling, Mayor