

**CITY COUNCIL AGENDA
SANFORD, NORTH CAROLINA
Electronic Meeting by Office Suite HD
April 7, 2020 6:00 P.M.**



1. **MEETING CALLED TO ORDER**
 - 1A. Consider Resolution Adopting Rules of Procedure for Electronic Meetings During a State of Emergency – City of Sanford – (Pages 2-5)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENT**
5. **APPROVAL OF AGENDA**
6. **CONSENT AGENDA**
7. **SPECIAL AGENDA**
8. **CASES FOR PUBLIC HEARING**
9. **DECISIONS ON PUBLIC HEARINGS**
10. **REGULAR AGENDA**
11. **NEW BUSINESS** *(Items for discussion and action will only be taken if necessary. Otherwise, these items will be placed on the next agenda for approval).*
 - A. Consider Ordinance Amending Annual Operating Budget FY 2019-2020 (Police Vehicle Replacement) – (Pages 6-7)
 - B. Consider Discussion about Request from 2018 Urgent Repair Housing Rehabilitation Program Client and Related Promissory Note – (Pages 8-12)
 - C. Consider Health Insurance Renewal for Plan Year 2020-2021 – (Pages 13-14)
 - D. Consider Discussion Regarding Planting of Cherry Trees at Municipal Center – (Pages 15-16)
12. **OTHER BUSINESS**
13. **ADJOURNMENT**



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City of Sanford

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Susan C. Patterson
City Attorney

MEMORANDUM

TO: Mayor and Council Members
City Manager

FROM: Susan C. Patterson, City Attorney *SCP*

DATE: April 2, 2020

SUBJECT: Policy for Electronic Meetings during State of Emergency

On occasion, natural disasters or other emergencies have occurred, making it impractical or not feasible to hold an in person meeting of the Sanford City Council. In response to the Coronavirus (Covid 19) crisis, the Governor of the State of North Carolina has issued a Stay as Home Order limiting travel and business operations throughout the state. In order to protect the public, staff and Council from the threat from this disease, and to comply with the Order to Stay at Home, it has become necessary to participate in a remote meeting in order to conduct the public's business.

Municipalities in North Carolina have the authority to adopt Rules of Procedure to govern conduct at their meetings. A request has been made to enact Rules of Procedure clearly allowing council members to participate in a City Council meeting remotely by way of an electronic meeting, during a declared State of Emergency. This would also provide for advisory boards of the City to so meet, if technology is available to do so.

The attached resolution and Rules of Procedure are submitted for your consideration. The Rules

1. allow a meeting by electronic or teleconferencing platform during a state of emergency;
2. Deems a member "present" when participating electronically;
3. If a member is present when meeting is called to order, disconnection will not destroy a quorum;
4. Members shall identify themselves when stating a motion or second;
5. Vote shall be by roll call vote;
6. Notice shall be given with a means to hear the meeting;
7. Allows the same procedure for advisory boards.

**RESOLUTION ADOPTING
RULES OF PROCEDURE FOR ELECTRONIC MEETINGS
DURING A STATE OF EMERGENCY
CITY OF SANFORD**

WHEREAS, the Governor of the State of North Carolina has the authority to declare a State of Emergency that exists throughout the State of North Carolina; and

WHEREAS, the Mayor, pursuant to North Carolina General Statutes 166A Article 1A and Chapter 14 Article II of the Sanford City Code, has the authority to declare a State of Emergency within the City of Sanford; and

WHEREAS, during a State of Emergency, the Governor or the Mayor has the authority to restrict the movement of persons in public places and to place limitations on the operations of offices, business establishments, and other places to or from which people may travel or at which they may congregate pursuant to NCGS 166A-19.31; and

WHEREAS, in order to protect the health and safety of the citizens of Sanford during the State of Emergency it may be impractical or not feasible to hold an in person meeting of the Sanford City Council; and

WHEREAS, the business of the Sanford City Council must continue while undertaking steps to protect the public health and safety during the State of Emergency.

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

Section 1. When the Governor of the State of North Carolina or the Mayor of the City of Sanford declare a State of Emergency which exists within the city limits of the City of Sanford, North Carolina, the Sanford City Council is authorized to meet by electronic meeting.

Section 2. The public’s business needs to occur in a manner which will protect City Council Members, staff and the public during the State of Emergency.

Section 3. The Sanford City Council hereby adopts the attached Rules of Procedure for Electronic Meetings during a declared State of Emergency.

Adopted this 7th day of April, 2020.

City of Sanford

BY: _____
T. Chet Mann, Mayor

ATTEST:

Vicki R. Cannady, Deputy City Clerk

**RULES OF PROCEDURE
FOR ELECTRONIC MEETINGS OF SANFORD CITY COUNCIL
DURING A STATE OF EMERGENCY**

When a State of Emergency has been declared that is applicable within the City limits, the City Council, and any City advisory board or committee, may hold a regular, special or emergency meeting as a remote, electronic meeting using technology such as Office Suite HD Meeting, Zoom, or another virtual or teleconferencing platform provided that one or both of the following conditions are met:

1. Meeting in person would pose a threat to health and safety of the Council (or advisory board/committee), City staff and the general public who might otherwise attend the meeting in person; or
2. Restrictions or prohibitions implemented in conjunction with the declaration of the State of Emergency make it impractical or not feasible to hold an in-person meeting of the Council.

Any electronic meeting held under this rule must provide, at a minimum, “conditions of opportunity for simultaneous aural communication among all participating Board members equivalent to those of meetings held in one room or area. Under such conditions, an electronic meeting shall be treated as though it were a meeting at which all the Board members who are participating are actually present.”^[1] Electronic participation by a member shall be deemed to be physical presence at the meeting for all purposes under these rules.

The Mayor, or his designee, shall act as the electronic host of the meeting, and shall be responsible for monitoring which members are connected (present) during the meeting. Provided that a quorum is participating and connected to the meeting when the meeting is called to order, if one or more participating members is unintentionally disconnected and reconnection cannot be established within a reasonable time, this shall not defeat the presence of a quorum. For so long as the member is disconnected, the member shall not be counted as “present” for the purposes of counting votes. Notwithstanding the foregoing, any member participating may move to adjourn the electronic meeting if one or more members become unintentionally disconnected from the electronic meeting and reconnection cannot be re-established within a reasonable time.

When stating a motion or second, a Council member shall identify themselves for the record before stating such motion or second. Vote shall be by roll-call vote.

In addition to complying with the normal meeting notice requirements of the North Carolina Open Meetings Law, the City shall give as much advanced notice to the Council members, the media and the public of the fact that a regular, special or emergency meeting will be an electronic meeting as is reasonable under the circumstances. Any electronic meeting must allow access to the meeting by all members of the Council, the media and the public, subject to reasonable limitations in the technology used to hold the electronic meeting as to the number of people that can access the electronic meeting. The notice stating the electronic aspect of a meeting

^[1] RONR (11th ed.), p. 97, ll. 24-30.

shall include the means by which the public can access the electronic meeting, and shall state a location for the public to view or hear the meeting.

All references above to “Council” shall be deemed to refer to City advisory boards or committees and their members, and references to the “Mayor” shall be deemed to refer to the Chairman of the advisory board or committee, for purposes of establishing rules to govern their electronic meetings in a declared State of Emergency.

Any additional requirements imposed by laws adopted by the North Carolina General Assembly after April 3, 2020 regarding electronic meetings shall be deemed to be written herein.

**AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET
OF THE CITY OF SANFORD FY 2019-2020**

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina in regular session assembled.

Section 1: The following amounts are hereby amended to ordinance 2019-37 per G. S. 159-15 for the continued operation of the City of Sanford, its government, and activities for the balance of the fiscal year 2019-2020.

**GENERAL FUND
APPROPRIATION OF FUNDS**

<u>REVENUES</u>		<u>EXPENDITURES</u>	
100045 30334 Insurance Proceeds	27,300	10025100 00000 Police	27,300
Total Appropriation	<u>\$ 27,300</u>		

Section 2. This ordinance shall be in full force and effective from and after the date of its adoption.

ADOPTED this, the 7th day of April, 2020.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

2019-2020 BUDGET ORDINANCE AMENDMENT**GENERAL FUND****Appropriation of Funds - results in increasing of budget****REVENUES**

Insurance Proceeds	27,300	To appropriate insurance proceeds for item described below
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EXPENDITURES

Police	27,300	To budget funds for replacement of total loss vehicle (unit #108)
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Sanford/Lee County

Planning and Development
P.O. Box 3729, Sanford, N.C. 27331-3729

MEMORANDUM

TO: Sanford City Council, Hal Hegwer, City Manager and Susan Patterson, City Attorney
FROM: Karen Kennedy, Community Development Manager *KK*
SUBJ: Promissory Note Discussion- 2018 Urgent Repair Program (URP) Client
DATE: April 1, 2020

Over the past few months, relatives of a 2018 URP client have made me aware of the client's declining health and their need to sell her home to move her in with one of them elsewhere. As part of housing rehabilitation programs, the City is required to have promissory notes executed for the rehabilitation funds expended on each house. Dependent upon the NC Housing Finance Agency program, it may be secured or unsecured; which means either a lien is filed against the property by recording a deed of trust at the courthouse, or no paperwork is recorded. For the Urgent Repair Program, the notes are unsecured. Therefore, unless we are notified of a default situation, we may not often know of an issue.

I contacted NC Housing Finance Agency grant representatives about this request. They informed me that since the project has been completed, and grant requirements have been met, it is up to the City of Sanford to decide next steps for recapture. The City can choose to waive repayment or recoup the note amount and place the funds in community development account funds for future housing programs. The funds must be utilized on approved community development activities established by federal housing programs.

The client's family has stated that someone else from the family will not occupy the house and they would like to sell. The family has requested the City of Sanford waive the loan payback upon the sale of the house estimated in the next three-five months. This note was executed August 14, 2019. Under this program, \$1,000 of the amount is forgiven each year on the note's anniversary date, unless an event of default occurs. If the sale occurs prior to August 14, 2020, the entire amount would be due to the City at the closing. If after, August 14, 2020, then one year's amount (\$1,000) would be deducted with an amount due to the City of \$5,195.

Attachments include the promissory note and an excerpt from the NCHFA URP Admin Manual.

Council should consider whether to waive the payback requirement for this note or to recoup the amount owed upon sale, or when the owner moves out. Feel free to contact me with any questions.

6. **Default.** The note shall be deemed in default and the amount owed under this Note shall become immediately due and payable on the occurrence of any of the following events:

(a) The Property is sold, transferred or otherwise alienated by Borrower whether voluntary or involuntary, or by operation of law, or without Lender's prior written consent, unless otherwise prohibited by applicable federal law;

(b) The Property ceases to be occupied by Borrower, as Borrower's principle residence.

Upon default, Holder may employ an attorney to enforce Holder's rights and remedies, and the Borrower hereby agrees to pay to Holder all reasonable attorney's fees, plus all other reasonable expenses incurred by Holder in exercising any of Holder's rights and remedies upon default. The rights and remedies of Holder as provided by law, by this Note shall be cumulative and may be pursued singly, successively, or together in the sole discretion of Holder. The failure to exercise any such right or remedy shall not be a waiver or release of such rights or remedies or the right to exercise any of them at another time.

7. **Governing Law.** This Note is to be governed and construed in accordance with the laws of the State of North Carolina.

IN TESTIMONY WHEREOF, Borrower has executed this instrument under seal on the date first above written.

BORROWER(S):

[Redacted Signature]

(SEAL)

[Redacted Name]

Printed Name

(SEAL)

Printed Name

- 2.1.9.2. on any dwelling unit for which other sources of state or federal assistance are available at the time of the repair work; or,
- 2.1.9.3. on any dwelling unit for which other sources of state or federal assistance are likely to become available within six months following the completion of the repair work under the Program.

2.2 Prohibited Activity

- 2.2.1. None of the funds provided under the Program shall be used for any partisan political activity or to further the elections or defeat of any candidate for public office.
- 2.2.2. No religious instruction shall be conducted in connection with activities under the Program.
- 2.2.3. The Recipient shall not discriminate against any person employed in the performance of the Program, or against any applicant for assistance under the Program because of race, sex, age, creed, color, physical handicap, or national origin.
- 2.2.4. No employee, officer or agent of the Recipient shall participate in the selection, or in the award or administration of a contract funded by the Program if a conflict of interest, real or apparent, would be involved.
- 2.2.5. Before funds may be disbursed, each private nonprofit Recipient must be in compliance with [GS 143C-6-22](#), which requires that the Recipient submit to the Agency a notarized copy of the Recipient's policy addressing conflicts of interest that may arise involving any member of the Recipient's management, board of directors or other governing body. The policy shall address situations where any of these individuals may directly or indirectly benefit, except in their official capacity, from the disbursement of State funds, and shall include actions to be taken to avoid conflicts of interest or the appearance of impropriety.
- 2.2.6. There shall be no fees charged an applicant for selection into, or participation in, the Urgent Repair Program, or any other program using funds from the Urgent Repair Program, unless approved by NCHFA.

2.3 Form of Assistance

- 2.3.1. Program assistance provided to owner-occupants must be in the form of a loan covering the hard and soft costs of the URP funds associated with the repair/modification of the

unit. Homeowners will receive an unsecured deferred, interest-free loan, forgiven at a rate of \$1,000 per year, until the principal balance is reduced to zero.

- 2.3.2. Recipients must use the Urgent Repair Program Promissory Note document provided by the Agency in the “[Forms](#)” section of this Manual.

2.4 Eligible Households

- 2.4.1. A minimum of 50% of the units assisted under URP must be owned and occupied by very low-income households with special needs. The remaining 50% of the assisted units must be owned and occupied by low-income households with special needs.
- 2.4.2. Low-income households are those households with gross annual incomes not exceeding 50% of the income limits defined in Section 2.4.5 below.
- 2.4.3. Very low-income households are those households with gross annual incomes not exceeding 30% of the income limits defined in section 2.4.5 below.
- 2.4.4. Eligible households with special needs include households with:
- 2.4.4.1. household members who are at least sixty two (62) years old;
- 2.4.4.2. handicapped or disabled members, defined as follows:
- 2.4.4.2.1. A person shall be considered handicapped if he or she has a physical or mental impairment that: 1) is expected to be of long-continued and indefinite duration; 2) substantially impedes the person’s ability to live independently; and 3) is such that the person’s ability to live independently could be improved by more suitable housing conditions. A person with a Developmental disability as defined by the Developmental Disabilities Assistance and Bill of Rights Act ([42 USC 6001\(7\)](#)) shall be considered handicapped. An adult who has chronic mental illness shall be considered handicapped if he or she has a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently and whose impairment could be improved by more suitable housing conditions.
- 2.4.4.2.2. A person shall be considered disabled if they are receiving Social Security Disability, Railroad Retirement Disability, or Supplemental Security Income as disabled, one hundred percent



City of Sanford
Human Resources Department

MEMORANDUM

TO: Mayor and Members of Council

FROM: Christy Pickens, SPHR, SHRM-SCP, Human Resources and Risk Management Director

DATE: April 2, 2020

SUBJECT: Consider Health Insurance Renewal for Plan Year 2020-2021

The City of Sanford has received from our broker Mark Browder with Mark III Employee Benefits the self-funded medical claims analysis and projected funding for the July 1, 2020 renewal. Based on the claims analysis, continuation of employer coverage requirements under the Patient Protection and Affordable Care Act (PPACA), and continuation of newly implemented programs a 7% increase in funding is advised. This results in additional funding needed of approximately \$281,302 annually to the City; \$214,586 to the general fund and \$66,716 to the utility fund.

I have included the cost sheet for the two self-funded health plan options. There are no recommended changes to dependent premiums for plan year 2020-2021 and no recommended changes to the plan design. Plan approval by Council is needed outside of the normal budget process to meet notification requirements of the PPACA and enable employees to prepare for the upcoming annual benefits open enrollment period in May.



City of Sanford FY 2020 - 2021 Benefits Cost Sheet

HEALTH INSURANCE

<i>BCBSNC HEALTH - PPO</i>	EMPLOYEE PAYS	
	Monthly	Bi-weekly
Employee Only	\$0.00	\$0.00
Employee + Children	\$340.43	\$170.22
Employee + Spouse	\$563.74	\$281.87
Family	\$861.92	\$430.96

<i>BCBSNC HEALTH - CDHP w/ HSA</i>	EMPLOYEE PAYS	
	Monthly	Bi-weekly
Employee Only	\$0.00	\$0.00
Employee + Children	\$255.32	\$127.66
Employee + Spouse	\$422.80	\$211.40
Family	\$646.44	\$323.22



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City of Sanford

MEMORANDUM

DATE: April 3, 2020

TO: Mayor and Sanford City Council members

FROM: Hal Hegwer, City Manager

SUBJECT: Cherry Trees in Jonesboro and City Hall

To eliminate any concerns over cherry trees that were recently planted in downtown Jonesboro, Dr. O'Connell has submitted a check to cover all costs associated with this project. His check also includes additional funds of \$2,000 to plant additional trees at his expense at City Hall. This project will not require any trees to be removed, only the planting of additional trees. His request is that you accept his donation and allow approximately 70 trees to be planted at City Hall. A copy of a conceptual rendering from a landscape architect is included for your review and consideration. The Finance Department is in receipt of his check for \$13,250: \$11,250 for prior costs and \$2,000 for additional trees at City Hall.

Plant Legend



Yoshina Cherry / Japanese Flowering Cherry
Prunus x yedoensis

Mature Size: 40-50' high x 30-40' wide
Growth Rate: Medium (12-24" / year)
Crown Shape: Rounded

The Yoshino Cherry is the main attraction at the National Cherry Blossom Festival in Washington, DC. Produces white-pink flowers March-April and 1" fruit that is attractive to birds.



Kwanzan Cherry / Kanzan Cherry
Prunus serrulata 'Kwanzan' / P. serrulata 'Kanzan'

Mature Size: 30-40' high x 30-40' wide
Growth Rate: Medium (12-24" / year)
Crown Shape: Vase-shaped

The Kanzan Cherry is an attraction at the National Cherry Blossom Festival in Washington, DC and is the most popular cultivar of double-flowering cherry trees. Produces double pink flowers April-May and is fruitless. Limited lifespan of 15-20 years.



Google Earth

1560

1515

12 March 2020

Conceptual Planting Plan

SANFORD MUNICIPAL CENTER

CITY OF SANFORD, NC



Scale: 1" = 40'

