MINUTES OF RECONVENED MEETING OF THE
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA

The City Council reconvened its meeting at the Sanford Municipal Center, 225 E. Weatherspoon Street, on Wednesday, March 28, 2007, at 1:00 P.M. The following people were present:

Mayor Cornelia P. Olive
Council Member James G. Williams
Council Member Dan Harrington
Council Member Mike Stone
City Manager Leonard Barefoot
Council Member Linwood S. Mann, Sr.
Council Member Joseph Martin
Council Member Steve Brewer
City Attorney Susan C. Patterson
City Clerk Bonnie D. White
Mayor Pro Tem Walter H. McNeil, Jr. (arrived at 1:45 P.M.)

Mayor Olive called the meeting to order.

REGULAR AGENDA

Consider Motion to Take From the Table a Resolution of Intent to Apply for Urban Forestry Grant Funds

Council Member Joseph Martin made the motion to take from the table a Resolution of Intent to Apply for Urban Forestry Grant Funds. Seconded by Council Member Mike Stone, the motion carried unanimously.

Planner I Liz Whitmore explained that staff realized last week that there were some concerns expressed as to the cost of this grant. Downtown Executive Director David Montgomery and Ms. Whitmore did some further work on it, and they removed the East Sanford tree district from the resolution as it is not a designated historic district at this time. The remaining four historic districts are all on the national register. The tree survey that staff and the Appearance Commission would like to have done would include a computerized inventory data collection of approximately 2,000 trees. If you include the East Sanford Tree District, it would be approximately 4,000 trees. Staff at this time, has local review of any proposal to remove trees in two historic districts which are the Rosemount-McIver District and the Downtown District. The survey would take approximately three weeks to complete depending on the weather. Having an official tree survey would identify any failing or deteriorating trees within these historic districts, and it would provide a plan of intervention of potential corrective measures to save significant trees. The tree survey would include a conservation and management plan for three years. A full-day training session for city employees on topics, at the city's choosing, pertaining to maintaining the health of trees is included in the proposal. Tree preservation is included, and it would address clear-cutting issues. She pointed out that all these measures would take the city to becoming a Tree City USA. If the City would become a Tree City USA, that would open the door for grant money for tree plantings and preservation, and would also get priority treatment. Ms. Whitmore referred to a budget proposal and advised that the City's cash outlay would be $7,710. The cost of the total grant would be over $25,000.

Council Member Williams asked how this would address clear-cutting. Ms. Whitmore replied that when a subdivision comes in now, her understanding is that all the trees are gone and the entire property is clear cut. At City's approval, it would set standards saving particular champion or significant trees that are in buffers or on site, if it works into the layout of the subdivision. Community Development Director Bob Bridwell advised that the money would be used to bring the Forestry Service here to survey the trees. Council Member Williams expressed concern about the money being spent for this project when people are approaching him about the possibility of charging a privilege license tax.

Ms. Whitmore explained that this program is a three-year maintenance program. For trees that are damaged or need to be pruned, or dead trees, the program would address how those trees should be taken care of within three years. Council Member Stone asked who would perform those duties as far as the three years going into the program – the homeowner, the City, or the Forestry. Ms. Whitmore replied that Council could choose to go in and address that and have Public Works to take care of public trees. The information would be available for homeowners to use the information to improve their property for liability reasons.

Council members discussed which area the program should be started in. Council Member Harrington felt that maybe a small section should be done each year and see the pros and cons of the program.

- Consider Adoption of Resolution – (Exhibit A)
  Council Member Joseph Martin made the motion to adopt the resolution and scale back the area to the Rosemount District and look at it year by year. Seconded by Council Member Dan Harrington, the motion carried five to one to adopt the resolution with Council Member Mike Stone casting the dissenting vote. Council Member Stone felt the grant should be used in the East Sanford district.

WORK SESSION ITEMS

Consider Comprehensive Review of Code Enforcement – (Exhibit B)

Code Enforcement Officer Carl Anglin presented council members with information as to how a complaint is handled and the process it requires. Council Member Steve Brewer told Mr. Anglin that they do a good job. He stated that when staff finds a violation, what can council do to strengthen the ordinance to keep staff from going back three to four times. Mr. Brewer asked what is needed and what could be done to canvass a neighborhood and share with the property owners what they think would help the neighborhood if they would take care of the items that need to be done. Community Development Director Bob Bridwell replied that a lot of the procedures now are an amalgamation of the way they have done things for years. Mr. Bridwell stated that staff tries to find a way to send out notification without paying for the certified letter and not to incur a tremendous expense when it returns no great benefit; however, staff will try to do it the way Council wants it done. Staff tries to use a personal touch first with the property owners. Council Member Brewer stated council needs to know if there are others tools that are needed or if change is needed in the verbage in the ordinance to help staff in the future.

Mr. Anglin explained the process they take in notifying property owners. He stated that under our existing ordinance, it stated that staff had to notify customers by certified mail. You

have a fifteen-day period of time to take care of the problem. He commented that he sent one gentleman about fifteen certified letters and that gentleman was not happy. The gentleman told Mr. Anglin that he did not want to stand in line at the post office and that he was being treated like some kind of idiot and all that staff had to do was to send him a letter. It costs $4.95 per certified letter and that is a lot of money when staff handled 3,000 complaints last year. Mr. Anglin said through the process, he has found that 85 percent of the people he sends courtesy letters to, take care of the problem. The courtesy letter is mailed out seven days prior to the fifteen-day certified letter. People would get upset because they received a certified letter stating this is the final notice you will receive.

Mr. Anglin advised that the Board of Appeals has never ruled against him in the last six years. Sanford is growing and there are a lot of things that still need to be done. He stated that they need more help. Mr. Anglin advised that he could put two officers in an area and canvass that neighborhood. They can park their vehicles and walk the area. He added that he is willing to do whatever council wants staff to do. Mr. Brewer asked if canvassing East Sanford would do any good in cleaning it up. Mr. Anglin replied that it would. He said his officers and animal control officers did that one time. Before Christmas, they went down San-Lee Drive and had about 37 cars removed and some animals were taken. He revisited that area last week and seven to eight more cars were back in. Mr. Anglin explained the process of removing junk cars.

Mr. Anglin stated if council wants staff to canvass the East Sanford neighborhood, they will. Mr. Bridwell added that a community development plan for East Sanford will be presented to council with specifics very shortly. Council Member Brewer felt that code enforcement should concentrate on East Sanford, Weatherspoon Street, and the Kendale area.

Mr. Brewer asked about the status of the Whitin-Roberts building. Mr. Anglin replied that the contractor was paid by the city. He stated that he could declare the building an imminent hazard because it is an imminent hazard due to all the blocks, bricks, and wire. If he declares it an imminent hazard, it will fall back on the City to hire a contractor to clean it up and also pay for the cleanup because the owner is in bankruptcy. The owner of the corporation has transferred some corporations around in the past. City Manager Barefoot asked if we get the property. Attorney Patterson commented that she is still looking into it because there is not a clear lien procedure under the statutes for non-residential properties. Council members were concerned about kids and vagrants being seen at the site. Mr. Anglin said he has run out some kids. It will cost around $25,000 to $30,000 to clean it up. Council Member Harrington asked about putting up a chain link fence to keep people out. Mr. Anglin advised that he will check into this matter.

Assistant Community Development Director Marshall Downey presented information (Exhibit C) to council members regarding commercial maintenance – getting existing businesses to keep their property in good shape. He stated that currently under state law, the only power we have to regulate commercial maintenance is through zoning laws. There is new legislation (House Bill 871) that has been introduced to the General Assembly that, if passed, would give local governments the ability to adopt a minimum building maintenance code for commercial structures that is modeled under the existing minimum housing code. If approved, this would grant local governments greater ability to address deficiencies in the appearance of commercial

buildings. The new legislation does not include any language that would allow local governments to address parking lots in the same manner.

Mr. Downey referred to a flow chart in Council's packet, that if a business license program were adopted, how the Certificate of Compliance Program would work and would be tied to the business license program. It would allow the zoning staff an opportunity to look at new businesses as they come into our community and attempt to address zoning issues. It would offer the opportunity of fire inspections and public works officials if necessary. The details have not been worked out yet. Mr. Downey stated that he wanted to show council the significance of the program, and how staff feels it will be a very valuable tool.

Consider Utility Billing and Collection Policy Changes – (Exhibit D)

Assistant Financial Services Director Beth Kelly stated that there are several decisions to be made by council regarding utility billing and collection policy changes. The effect of making these decisions now would allow staff time to educate customers and avoid additional costs that will occur from implementing policy changes later in the conversion process. Mrs. Kelly explained that currently, the city has one billing per month which is the 1st of each month; the due date is the 10th of the month; and the cutoff begins after the 20th of each month.

Staff is recommending to bill four cycles each month and each cycle would have its own due date and the due date would be the same each month. Cycle 1 would be due the 2nd of each month; Cycle 2 due the 8th of each month; Cycle 3 due the 15th of each month; and Cycle 4 due the 25th of each month. The dates of the cycles were chosen to give enough days for meter readers to read the meters. The cycle date depends on the routes. The bill dates for each cycle would be a minimum of 18 days prior to the due date, and this gives customers eight more days than they currently have now. The cut-off would begin a minimum of 10 days after the due date. This is Decision 1 that needs to be made. Financial Services Director Melissa Cardinali advised that approving this decision would allow staff three months to start publicizing the change.

Decision #2 is to change the drop box deadline. Collections Manager Karen Atkinson explained that currently customers have until midnight on the 20th of each month to make the payment. Technically, anyone paying after midnight should be paying a late fee; however, you cannot charge anyone a late fee whether they pay in the drop box, or they call in, or walk in until the entire drop box is processed. Staff recommends that customers have until 5:00 P.M. on the day before cutoff begins which is currently the 20th of each month to make payment. The advantage to this is increased revenue because our current process benefits those that pay by midnight, but those that pay after midnight are not paying a late fee, and they are receiving special treatment. If we go to the 5:00 P.M. deadline, we will be treating everyone equally. Staff also recommends that we begin the 5:00 P.M. deadline on the last day to pay before cutoff begins starting with the June 1st bill. The advantage would be that customers will have time to adjust to the change prior to cycle billing. Council Member James Williams stated that he did not like the 5:00 P.M. deadline because of all the changes being requested. Council Member Joe Martin commented that you have the same people that abuse the system every month, and they are benefiting. The people that pay their bill on time are penalized. City Manager Barefoot added that those habitual people come in at the last minute you set, and it is not fair to give them

the benefit of coming in at 7:30 A.M. the next morning and argue that it has been in the box all night long. Mrs. Cardinali advised that staff comes in as early as 7:00 A.M. and the weekend to process payments. Mr. Williams stated that it is too many changes, and he felt they should all be done at the same time. Council members discussed this issue at length.

Decision #3 deals with second notices. Mrs. Kelly advised that currently we do not send second notice; however, we do send a first time late letter. Staff is recommending that we send a second notice and the advantage to this is to reduce the number of customer complaints. The effective date to do this is July 1. Mayor Olive stated that she thought one of the advantages of going to someone that does the billing for us is that they recommended not sending second notices. Mrs. Kelly replied that staff decided not to send second notices, because it would not impact the customer paying; however, staff has received numerous complaints stating if they would have received a second notice, they would have taken care of the bill. Mrs. Atkinson added that sometimes customers' payments get lost in the mail, or they may have gone on vacation and forgot to pay the bill. Mr. Barefoot gave an example of a gentleman that came in and paid his bill online and had a statement where he paid it online on the 13th; however, he had not received a second notice and he was cut off. His argument was if he had received a second notice, he would have checked on it and his water would not have been cut off. In reference to this customer, Mrs. Atkinson explained that the first time a customer is late we do not cut them off; since he had been previously late within that 12-month period, he did not get a first time late letter of forgiveness. Mrs. Kelly advised that we will still forgive the first-time late fee.

Mrs. Cardinali expressed that staff feels that second notices are necessary. The cost of sending second notices would be approximately $29,000 per year. Mr. Barefoot asked about using postcards for second notices. Mrs. Cardinali replied that staff will check as to whether the new system can print postcards. She stated that a lot of people do not like other people seeing their mail, and postcards get stuck in other mail.

Council Member Harrington stated that it could be advertised on the city's television access station to sign up for bank draft; it can save the customer time and money.

Council Member Steve Brewer made the motion to go forward with the four cycle-billing periods as presented by staff. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Decision 2 to change the drop box deadline and Decision 3 to send out second notices will be on Council's agenda for Tuesday night.

ALL EXHIBITS CONTAINED HEREIN ARE HEREBY INCORPORATED BY REFERENCE AND MADE A PART OF THESE MINUTES.

OTHER BUSINESS

City Manager Leonard Barefoot stated that he received an email from Lee County Interim Manager Lisa Minter regarding a recommendation for consideration of committee members to address 911 issues. Mr. Barefoot advised that he told Ms. Minter that his comments

had been misinterpreted at the commissioner's retreat. He asked for Council's authorization to send a letter to Ms. Minter stating the city's position. There are no committees overseeing the other programs that the city has contracted with the County on such as tax collection, planning and inspections, and the Geographic Information System program. The City already has a protocol for handling complaints.

With reference to a letter written by a citizen regarding police officers not having walkie-talkies, Major Kevin Gray explained that all eleven officers have walkie-talkies. He did not know what the customer was referring to unless it was an officer who did not want to carry the walkie-talkie, or if it had to be charged. They have budgeted for new walkie-talkies in next year's budget.

ADJOURNMENT

With no further business to come before the council, the meeting was adjourned on motion of Council Member Linwood Mann; seconded by Council Member Steve Brewer, the motion carried unanimously.

Respectfully submitted,

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CORNELIA P. OLIVE, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK