

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

The City Council met at the Sanford Municipal Center, 225 E. Weatherspoon Street, on Tuesday, February 5, 2008, at 1:00 P.M. The following people were present:

Mayor Cornelia P. Olive	Council Member Linwood S. Mann, Sr.
Mayor Pro Tem Joseph Martin	Council Member James G. Williams
Council Member Charles Taylor	Council Member Walter H. McNeil, Jr.
Council Member Mike Stone	Council Member Steve Brewer
City Manager Hal Hegwer	City Attorney Susan C. Patterson
City Clerk Bonnie D. White	

Mayor Olive called the meeting to order. Council Member Mike Stone delivered the invocation.

APPROVAL OF AGENDA

On motion of Council Member Walter McNeil, Jr., seconded by Council Member James Williams, the agenda was approved.

CONSENT AGENDA

Approval of January 9, 2008, Law and Finance Committee Minutes - (Filed in the City Clerk's Office)

Approval of January 15, 2008, City Council Minutes – (Filed in Minute Book 68)

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2007-2008 – (Exhibit A)

Ordinance was approved to appropriate funds in the amount of \$3,200 for reforestation of the old landfill tract off Valley Road.

Approval of Airport Funding – (Exhibit B)

Airport funding was approved for the construction of nineteen T-Hangers at the airport. This loan will be combined with an outstanding loan by the Airport Authority owed to the City and County and the new loan will be \$1,062,116. This loan will be paid back by the Airport Authority over a ten-year period at an interest rate of 5.25 percent. The amount owed to the City and to the County each will be \$531,058.

The consent agenda items were approved upon motion of Mayor Pro Tem Joseph Martin. Seconded by Council Member Linwood Mann, the motion carried unanimously.

CASES FOR PUBLIC HEARING

Public Hearing on Capacity Building Grant Application with the Division of Community Assistance and Partnership with Brick Capital Community Development Corporation

Planner II Karen Kennedy explained that the public hearing is a requirement from the Division of Community Assistance for application grants with the submission of an application. The application this year is a capacity building application where the City is partnering with Brick Capital CDC to fund a position for them – a project manager to help with their future development that they will have for single-family, mixed development, for the 27 acres they own at the intersection of Garden Street and Washington Avenue. Part of the partnership is to serve as the pass-through for this application; the City or County would have to apply for the money and Brick Capital would receive the funds for this position. An additional requirement is that within twenty-four months, we submit an infrastructure application so our plans are to assist BCCDC with the application for infrastructure on those 27 acres. No matching funds are required.

Mayor Olive opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

- **Consider Authorization for Mayor and City Manager to Execute Grant Application**
Council Member James Williams made the motion to ratify the execution of the grant application by the Mayor and City Manager. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS

Petition by Brick Capital Community Development Corporation - to rezone 0.29 +/- of an acre from Residential Mixed (R-6) district to LHHH II Conditional Zoning district. (LHHH II is an acronym for Lee-Harnett-Haven Housing.) The property requested for rezoning is three undeveloped tracts located in the northwestern corner of the intersection of Saunders Street and S. Vance Street. The property is the same as depicted on Tax Map 9642.07, Tax Parcels 9642-57-9774-00, 9642-67-0712-00 and 9642-57-9675-00 Lee County Land Records Office. – (Exhibit C)

Planner II Amy McNeill explained that the purpose of the rezoning was to allow for one, six-unit apartment building on site. This is a conditional zoning district with its own unique set of conditions illustrated in the agenda. The Planning Board discussed this rezoning petition at its January 15, 2008, meeting, and unanimously recommended that City Council approve the petition to rezone as presented. The Planning Board provided this recommendation based on the finding that the request is reasonable and is in the public interest due to the existing residential development patterns in the vicinity and the availability of public utilities.

- **Consider Adoption of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina - (Exhibit D)**
Council Member Walter McNeil, Jr. made the motion to go along with the Planning Board's recommendation and approved the rezoning request. Seconded by Council Member Mike Stone, the motion carried unanimously.

REGULAR AGENDA

Consider Solid Waste Bids – (Exhibit E)

Public Works Director Larry Thomas advised that at the last Law and Finance Committee meeting, Council was presented the solid waste bids and he would be glad to answer any questions they may have.

Council Member Mike Stone stated that both Waste Industries and Waste Management are outstanding companies. He said it was interesting in the bid numbers because there are a lot of politics played and this board knows it, as well as the community about how they are received. Mr. Stone said that it is their job on this Council to remain the integrity of this council, and how they conduct business. He added that he knows everyone at Waste Management and they are great people. He did not know anyone at Waste Industries, but he wanted to remind Council that these bids were dramatically different. Six bids were sent out and only three companies were willing to bid. He added that our current bid was a savings of \$6,700 each month for our low bidder. In response to the bid, that is \$108,000 annually over our last bid we had when our existing company bid it again. Mr. Stone stated that we are looking at \$404,000 savings over a five-year period, and it is pretty substantial with taxpayers' money. He said Council has got to step up to the plate and make some tough decisions as they lead the community. He reminded the Council that their integrity is at stake as they move forward and to consider all this information.

Council Member Steve Brewer thanked everyone for bidding. He felt they had a good bid for what was asked to bid upon; however, his personal feeling is that the scope of the bid was not large enough. There are a lot of things that need to be taken into consideration that were not spelled out. Council Member Brewer made the motion to reject all bids and review this matter further at Council's next Law and Finance Committee meeting. Council Member James Williams seconded the motion.

Mayor Pro Tem Joseph Martin commented that it has been a tough issue for him being one of the fathers of the city and trying to do what is best down the road, and also at hand with the amount of money they are looking at. He said ethically, it is hard for him to look at someone and say even though it cost a little more money, we still have to take the low bid. He said we have an opportunity to keep the waste fees where they are. He said it is important that not only are we looking at the bid for what they do, but was sure over the years, that Waste Management has had a tremendous impact in this community. He did not know how many local vendors Waste Management uses, the payroll they have here, and how much of the tax dollars stay here in town. It is something that needs to be asked when bidding, what are you willing to do for our community; this is a big impact. Mr. Martin said bidding is very controversial. Five years ago, this came up for bid again and it was staff's recommendation that it not go out for bids and a lot of people in the community had heartburn with it. He said it goes back to the engineering contract award a while back. Mr. Thomas tested the market and found out what other municipalities was paying and Mr. Thomas felt what we were getting was really good for our money. Mr. Martin stated that five years ago we did the same thing with Waste Management and because of Mr. Thomas's recommendation, we stayed with Waste Management without putting it out for bids. We saved a bunch of money. He added that we

want to try to bid when we can, but it is so important that you test the market to see if you can get a savings. The thing that scares him is if we don't take the low bid, we are setting a precedence that it is going to be hard to get people to bid again.

Council Member Steve Brewer said he is not suggesting to take the next bid; he is suggesting that Council not take any bids. He felt they should review it and if we bid it out again, we put more things that will make the playing field where it won't impact our economy in our city. We can require them to list their equipment in Lee County instead of another county to where this county gets the tax rate for it. There are many things Council can do to make sure that the economic impact is not large on this city. He felt the scope of what they bid out was not large enough. He felt the bids were good for what they asked for. He did not feel he would not be doing our citizens and our city justice if these bids were accepted without going back to the drawing board and deciding what we might do a better way. He stated that we did it with the fire truck and we can surely do it with something this big.

Mr. Hegwer asked Mr. Stone to clarify the \$108,000 savings each year. Mr. Stone replied that it is the difference in the current existing Waste Management contract of \$78,656.44, and Waste Management's bid this year which was \$87,628.19. Mr. Stone was concerned that if it is bid out again, no one may show up to bid and you will have to take what you get.

Council Member Charles Taylor added that he has struggled with this issue also. He said the problem he has is that we had a bid process that went out. We had two companies that were very aggressive in the bidding process. Now, we are basically coming back to them and saying that we cannot accept your bid because we want to go back and factor some different things in. He said he has a problem with this because he has gotten lobbied on this issue by family members of city employees, even the state senator has gotten involved and called him last week. This is a serious issue and under major time constraints. Council still has an obligation to honor the process by which we are bidding here. Both of these companies are great, and we are very fortunate to have representation in this state from Waste Management as well as Waste Industries. He is concerned about the integrity here and this is the deciding factor for him. It went out for bid, and we had criteria established upfront. It was bid out and the bids have come in. We are paying a little bit more but the process is still in place as long as the low bid is accepted with the stipulation that the services are equal or better than we are currently getting. Mr. Taylor said the resolve he has is that we should accept the process the way it worked out. It is a tough decision but at the same time, it is the right thing and so many times they are going to be faced with decisions in their four-year terms to do the right thing.

Mayor Pro Tem Martin stated that after listening to his colleagues again, he wanted to bring up a point. If Council rejects the bids, then it is almost like that the perception is there that we are going to give the opportunity for the company that wasn't the highest to know where everybody is now, and gives them an opportunity to come in and possibly work numbers to make it work. Mr. Martin added that ethically, it will be tough for him not to go with the low bid because of so many different factors.

The vote was four to three to reject the bids and bring it back to the next Law and Finance Committee meeting for discussion. Casting the dissenting votes were Council Members Charles Taylor, Mike Stone, and Joseph Martin.

Consider Ordinance to Erect Stop Signs Within the City of Sanford Chapter 36, Traffic Code of Ordinances – (Exhibit F)

City Manager Hegwer advised that this was discussed previously and it is up to Council for a decision. Council Member Steve Brewer asked if we can put stop bars and a crosswalk at that intersection when stop signs are erected. City Engineer Vic Czar replied that there would be stop bars, but they are not considering a crosswalk. Council Member Brewer advised that Gulf Street and Chisholm Street have crosswalks; any markings staff can do to let them know there is something new there, it might help.

Council Member Charles Taylor made the motion to erect stop signs on Gulf Street at the intersection with Summitt Drive. Seconded by Council Member Steve Brewer, the motion carried unanimously.

Consider Appointment of Council Member to Joint Planning Commission

Mayor Olive explained that this appointment is vacant due to Dan Harrington not being reelected to the Council. She stated that the comment was made at the last meeting to appoint Charles Taylor, Mr. Harrington's replacement. Council Member Mike Stone made the motion to appoint Charles Taylor to the Joint Planning Commission. Seconded by Council Member Steve Brewer, the motion carried unanimously.

Consider Resolution Establishing the Procedure for Evaluating and Unsealing Minutes of Closed Sessions of the City of Sanford City Council - (Exhibit G)

City Manager Hal Hegwer explained that this was discussed at the last Law and Finance Committee meeting. Council Member Stone had some concerns and after talking with him, we have revised a resolution that includes the following language: #2. No minutes shall be open for public review until the City Council has had the opportunity to review and adopt said minutes.

Mayor Pro Tem Martin made the motion to adopt the Resolution Establishing the Procedure for Evaluating and Unsealing Minutes of Closed Sessions of the City of Sanford City Council. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Consider Second Quarter/Mid-Year Financial Report of Golf Course – (Exhibit H)

Golf Course Pro/Manager David Von Canon gave a financial report giving an update through the first six months (Exhibit H). He stated that through the first seven months, the course is up 3,735 rounds ahead of last year at this point and \$58,000 ahead of last year. The course has picked up a couple of tournaments and hopes to get the State VFW Tournament this year.

Consider Revised Preliminary Plat for Phase 1 of Barrington Park Residential Subdivision. The revised design for Phase 1 is 65.72+/- acres, to be developed with 122 total residential lots, a

recreation area and a park located off of Commerce Drive. Developer: Castle Ridge Development, LLC (Exhibit I)

Assistant Community Development Director Marshall Downey stated that as Council may recall, this is a much larger conditional zoning project that was brought before Council and approved in late summer. Developers approached staff before the holidays about the intent to revise Phase I. As part of the conditional zoning, Council approved the overall concept and set the maximum densities for that project. In addition to the overall concept, the developer submitted a preliminary plat for Phase I of the project which includes a little over 60 acres. Mr. Downey explained the changes to the different tracts in Phase I as noted in Exhibit I. Mayor Pro Tem Martin stated for clarification that the original proposal would have allowed up to 1,066 units and the new design is cutting it back to 549. Mr. Downey replied yes. Council Member Brewer stated that in the first approval, the pond was part of the green space. It mentions that two of the ponds are still going to be part of the green space, but the pond in Tract D, you cannot get to the pond without crossing someone else's property. Mr. Downey replied that is correct. In the revised design, you will note that the open space has been removed. *The developer is proposing to take that acreage that was originally put aside for a passive park, and have those areas set aside as part of lots. This portion would be recorded as a wetland map and would be part of everyone's deed.* Most of the active recreational areas are located near the entry way. There are approximately sixteen acres of open space set aside with this phase. Council Member McNeil asked if the lot owners around the pond would have a private pond. Mr. Downey replied yes because the intent is to reserve those areas and not disturb them because with wetlands there is very little you can do. The intent is to avoid and not encourage activities on the wetlands. Tracts H & I are included in Phase I. Mr. McNeil asked who has the liability for the pond. Norman Block, representing Castle Ridge Development, LLC, stated that when they met originally on the property with the Corp of Engineers and their wetlands consultant, Tract B was totally cutover and was grown up in very thick second growth and nobody could get in there and examine it properly. Since the last time they came before Council, they have had some of that area cleared. When they met with the Corp of Engineers again, they were able to determine that some of what Castle Ridge developers thought were wetlands were not wetlands. The reason they took out the linear section that was running behind the lots is that the Corp of Engineers do not want people walking or playing in the wetlands. Wetlands are considered sensitive areas. In the revised plan, there are over five acres of recreation area; in the original plan, it was less than three acres. Attorney Patterson asked who would have liability for the pond. Mr. Block replied it would be in the Homeowner's Association.

Mr. Block stated that they will continue to have dialogue about the development. They are trying to be good stewards and because of the size of the project, it will continue to change. The reason they changed Tract A was because in the past six months, they have held focus groups with realtors, respective buyers, and existing homeowners. They have determined that there is not a demand for townhomes in Sanford. Mr. McNeil stated that in the past, we had a development on the south end of town that had ponds in it and they tried to make the City responsible for them in the development. Mr. McNeil wanted to make sure the City is not being held responsible. Mr. Block replied they will be in the Homeowner's Association. Essentially, these ponds are the type of water feature that you would have a lighted fountain in the middle of it. No one would be boating in it. Mr. Block stated that it would be the Homeowner's Association responsibility. Some of them will be private.

Council Member Brewer asked if Tract H would be done in the first phase. Mr. Block replied that the clubhouse and pool will not be done in the first phase. The playground and the park will be done in the first phase and the landscaping around the pond and the entry-way in the first phase also.

Mayor Pro Tem Martin made the motion to approve the revised preliminary subdivision plat for Barrington Park Residential Subdivision, Phase I. Seconded by Council Member James Williams, the motion carried unanimously.

Development Report – (Exhibit J)

Community Development Director Bob Bridwell gave an update on development requests listed on Exhibit J.

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

PUBLIC COMMENT

James W. Mills, 325 Franklin Drive, said he was present due to the result of the Law and Finance Committee meeting. He thanked Council Member Williams for going forward to have the Institute of Government to talk about some things. Mr. Mills stated that he has been retired for a number of years and lived here over twenty years. About one-half of his working career was in county and municipal administration. He has not had the privilege of meeting the new city manager. Mr. Mills said he wished that Council would listen to the City Manager and the City Attorney when they tell them something because they are charged with the responsibility of keeping the actions legal. Mr. Mills stated that he can certify as the city manager did that the most talented people in this profession and public administration will not come to a place that is all wrangled up in politics. When the City Manager is meeting with staff and employees, that is administrative and the Charter states that the City Manager is the individual who fires and hires. He said they are still living here because of the caliber and the tenant of the city government. When he saw the dialogue going on in the Law and Finance Committee meeting, it reminded him of the mid sixties when he was working with Governor Dan Moore's office, and Governor Moore would send him to various cities and counties to help resolve some problems in various locations.

Michael Humphrey, said he lives on Sunset Drive (address he wrote down on the Public Comment List was 503 Summitt Drive) and spoke on the public meeting process. He stated that he felt a few years ago when some of Council's predecessors made the decision to limit public input, they made a big mistake. He said all of that was under the name of an order that came from the Attorney General's office, and it was in the intent to make sure that these proceedings are done in public. He asked Council, "what public input was put into today's events; none." He said they are held in the afternoon when most of the public cannot come. He urged Council to change the public process and that is should be held at a night meeting. Mr. Humphrey added that the meeting being held in the afternoon is not afforded to most of the citizens to speak about issues.

Michael Humphrey thanked Council for doing something with the four-way stop sign being installed on Gulf Street; however, he felt it is not addressing the problem they have in their neighborhood. He stated that he was able to see the meeting on Law and Finance and much of the information Council received was either twisted or turned or was not complete. Mr. Humphrey said there are about 4,400 cars going down Gulf Street, and the speeds are quite high and a stop sign is not going to address either of those issues. He said they have children living in that neighborhood, and school buses are coming through their neighborhood. Mr. Humphrey added that they have cars speeding up to 70 MPH through that area and this was in the 80th percentile. When you took the 85th percentile, there was a car going through there when the sensor was there at 92 MPH. Mr. Humphrey said when you take the high and the low out, the average speed in the 80th percentile, brings it down to the average speed of 48 MPH.

Michael Humphrey spoke on the Historic District. He is on the Historic Board and Mayor Pro Tem Martin is their liaison. Mr. Humphrey commented that he would think that when there is a Historic Board that has an ad hoc committee that is established to address traffic concerns, and when Council has a topic to come before them that just previously did, Council would come to the Historic Board and ask what is going on especially when they have been working with staff. He said that with the projects going on, we are forgetting and not doing the things they need in their neighborhood. The streets in the Historic District go for months without street sweepers going down them, and it goes for weeks without leaves being picked up. Mr. Humphrey continued that last week, they had a house that was abandoned for four years on the 16th of this month. Code enforcement put a minimum housing standard placard on it four years ago on February 16. That house has not been lived in since then, and all the doors are open. People stay there; they come and they go. The police often come and chase them out. The house has water and electricity. Mr. Humphrey said he called on Sunday, Monday, and Monday afternoon trying to get the water turned off. He talked with code enforcement on Thursday and Friday and finally under an emergency service, not because he called on Saturday, but finally on Saturday afternoon, the gentleman came out to turn the water off. Mr. Humphrey said the other workers were too busy to shut the water off that was damaging that house because they were out shutting water off due to non-payment. He added that 1,200 customers were turned off. Mr. Humphrey said they need some help in the Historic District. He continued that they are doing a lot and spending a lot of money; they need Council's support and help.

Billie Holsopple, 301 E. Raleigh Street, said as Council was aware, she came before Council in December with a problem. It is some better; however, she has not heard any mention of the noise ordinance since she has been attending all of Council's meetings. Her question to Council today is what, if anything, is being done about the noise ordinance.

Mayor Olive encouraged Ms. Holsopple to call Mr. Hegwer or talk with him after the meeting.

OTHER BUSINESS

Mayor Pro Tem Martin asked for clarification on the motion that was made on the solid waste bids. Council Member Brewer stated to reject all the bids and to move forward. He suggested bringing the item back to the Law and Finance Committee meeting.

Council Member Taylor gave an update of his Triangle J Committee meeting. The analogue television set will not be working as of February 17, 2009. He learned that there is a coupon voucher program that is through the federal government that will give you a \$40 coupon toward a converter box. The timeline on this particular item is March of this year. The toll free number is 1-888-DTV-2009.

Council Member Taylor stated that in a meeting with Congressman Etheridge week before last, we are losing a lot of earmarks. We are losing 50 percent of our earmarks by the federal government and at the state level, you are going to see more and more pressure applied to local municipalities to take care of things that the state has traditionally taken care of.

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,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK