

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, December 16, 2008, at 7:00 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 Walter McNeil, Jr. delivered the invocation.

PUBLIC COMMENT

No individuals signed up to speak.

APPROVAL OF AGENDA

On motion of Council Member Steve Brewer, seconded by Council Member Mike Stone, the agenda was approved.

CONSENT AGENDA

Council Member Steve Brewer requested to remove Item G. – Approval of Ordinance to Amend the City of Sanford Code of Ordinances Chapter 16, Environment, Article II. Nuisances Section §16-33 from the Consent Agenda for further clarification on this issue.

Approval of Taxicab Operators License Renewal 2009 – (Exhibit A)

Taxicab Operators License Renewals for Service Cab, American Yellow Cab, and Pronto Vehicles were approved for 2009. All three companies are owned by Lois Fleming of Fleming Transportation Inc., and will operate out of a business located at 307 South Gulf Street.

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2008-2009 – (Exhibit B)

Ordinance was approved to amend the annual operating budget to budget proceeds received from the insurance company for a wrecked vehicle (Unit #110 in the Police Department) in the amount of \$27,563 and to purchase a replacement vehicle.

Approval of Capital Project Ordinance – Rural Economic Development Center – Sewer Capital Project #2007-013-40401-107 – (Exhibit C)

Capital Project Ordinance was approved for sewer collection system improvements/rehabilitation to be financed through state grant funds (Rural Economic Development Center). This ordinance sets the project up on the books.

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2008-2009 – (Exhibit D)

Ordinance was approved to amend the annual operating budget to appropriate local matching funds in the amount of \$500,000 for the NC Rural Center Grant Project #2007-013-40401-107 for sewer collection system improvements/rehabilitation

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

Ordinance was approved to erect stop signs on Summitt Drive at the intersection with Vance Street.

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

Ordinance was approved to erect stop signs on N. Steele Street at the intersection with Chisholm Street.

The amended consent agenda items were approved upon motion of Council Member Walter McNeil, Jr. Seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

SPECIAL AGENDA

Recognition of National Night Out Award Recipients

Council Member Walter McNeil asked the National Night Out coordinators in the audience to stand. He announced that the City received another award this year for its participation in National Night Out. Mr. McNeil thanked the coordinators for their work and help in promoting this program. He thanked the council members and city staff for their help also. Mayor Olive asked the coordinators to come to the podium and state their name and the area they represent in National Night Out. Present were Brenda Johnson – McIntosh Street; J. W. Bailes and Magda Holloway with Falls Creek Apartments at Wilkins Drive; James Williams – Carr Creek area, and Peter Thompson stood in for Bailey Kohl from the Rosemount-McIver area.

CASE FOR PUBLIC HEARING: held jointly with the Historic Preservation Commission.

Public Hearing on Historic Landmark Designation for W. B. Wicker School

Downtown Executive Director David Montgomery stated that the ordinance designates the W. B. Wicker School located at 900 South Vance Street as a local landmark. Brick Capital Community Development Corporation Wicker LLC has requested local landmark designation for the school. The subject property consists of approximately 2.71 acres located in the southwestern quadrant of South Vance Street and Saunders Street. At a prior meeting, Brick Capital Community Development Corporation Wicker LLC submitted a report for Council's review which investigated the historical, architectural, and cultural significance of the W. B. Wicker School. Since then, the City's Historic Preservation Commission (HPC) held a public hearing and discussed this report at its November 24, 2008 meeting. The Commission unanimously recommended that the City Council approve the ordinance before Council. The HPC provides this recommendation based on the fact that the W. B. Wicker School was found to not only have special significance in terms of its architectural, uniqueness of design, and

workmanship, but also its history, cultural importance, and association to the African-American community in Sanford and Lee County. Mr. Montgomery reminded Council that the State Historic Preservation Office did have an opportunity to review the report and concluded that the designation report does provide adequate information to determine that it meets the criteria for landmark designation. It did suggest, however, that more photographic documentation and more in-depth description of the interior may be needed for the records. Kate Rumely, Director of Brick Capital Corporation, has since provided that information.

Mayor Olive opened the public hearing. Kate Rumely, Director of Brick Capital Community Development Corporation, spoke in favor of the landmark status. She stated that there are eight of eleven Brick Capital board members present, along with other people that are here in support of the historic status.

Bill Wilson spoke in favor of landmark status. He stated that the City has been partnering with Brick Capital since the 1990s and also partnered with them on the W. B. Wicker School project. Mr. Wilson said they would not have been able to complete the W. B. Wicker School project and built 60 plus houses in the neighborhood without the City of Sanford. He said look at where it came from – a blighted building that was an eyesore. With the completion of the project it helped the community; there is a dental program, child care, and a community computer room. He asked Council to support the concept of designating the building as a historic landmark property.

Ruth Gurtis, residing at 114 Hawkins Avenue, spoke in favor of the project. Ms. Gurtis stated that she taught school at W. B. Wicker School and it should have remained as a school in the school system. She said it is one of the most historical buildings in Lee County and has a tremendous significance to the black community.

Andre McLeod, residing at 2570 Cotton Road, spoke in favor of the designation. He said he went to W. B. Wicker School for eleven years. His mother and nine other family members graduated from this school. Mr. McLeod added that the school deserves the historical designation.

No one spoke in opposition. The public hearing was closed.

- Consider Ordinance Designating the W. B. Wicker School 900 S. Vance Street as a Local Landmark – (Exhibit G)
Council Member Steve Brewer made the motion to adopt the Ordinance Designating the W. B. Wicker School 900 S. Vance Street as a Local Landmark. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS

Consideration of Adoption of an Amendment to the Unified Development Ordinance (UDO) to Create New Regulations for Concessionaire Vendors. - (Page H)

Community Development Director Bob Bridwell explained that a public hearing was held on this amendment regarding new rules for “concessionaire” vendors. The new language seeks

to add a definition for a “concessionaire” vendor and to add language to exempt these concessionaires from the ten-day limit as set forth in Section 5.34.2.2.

The Planning Board recommended additional conditions: (a) limit the distance that a vendor may be located from the entrance of the supporting business to 50 feet, (b) making sure that appropriate ingress/egress is maintained, and (c) placing a limit on the size of vending carts/trailers to be used.

Mr. Bridwell advised that the Town of Broadway adopted this amendment last night. The Lee County Planning Board and the Board of Commissioners held a public hearing on this amendment last week. The Lee County Planning Board unanimously recommended approval of the amendment and will go before the County Commissioners at its January 2009 meeting.

Council Member Charles Taylor said that when this issue was brought up before, there were some questions regarding liability and food vendors on the premises. He asked who is responsible if something goes wrong. He said they have not seen any updates on this. Mr. Bridwell stated he was not sure how that would be addressed as it is not a land-use issue so it is not something we would do within the context of this ordinance. City Attorney Susan Patterson said that this ordinance is for a zoning, land-use consideration, and as food vendors come to get their itinerant merchant licenses, staff refers them to the Health Department to make sure they are sanitary for food vending. Mr. Taylor stated there was nothing in the ordinance indicating that. Mr. Bridwell said that is correct because this is a land-use zoning ordinance and there is no way to do that within the context of this ordinance. Attorney Patterson advised that it is part of the process when they apply for the itinerant merchant license.

Council Member Brewer stated that the Health Department cannot make you have liability insurance for your food vendors. Some restaurants have it and some may not. Mr. Taylor said his concern is not as much as the liability insurance as it is who has the liability if something goes wrong. If you have a vendor in your parking lot, is it the responsibility of the property owner or the vendor if something goes wrong. Mr. Taylor said we are facing problems with itinerant merchants as we speak now, and we are opening up Pandora’s box here by allowing this to take place in our city and competing against our restaurants that are trying to make an honest living, paying their rent and taxes.

Mayor Pro Tem Martin said he would probably support it; however, if it starts growing to where it gets to be a situation that we have to deal with, there is nothing set in stone to where we cannot look at it again and address the needs as they arise. Mr. Martin expressed that it could open up something that could be a potential concern. He added that he is an advocate for businesses that are established and pay property taxes, etc.

Mayor Olive said a reality is that from time to time there are cases of hepatitis in food establishments and when someone is an itinerant merchant, it is more difficult to govern and oversee. In the event when it requires the public to get shots because of a highly contagious disease, it is a public concern and it is one that we should have, whether it needs to be in this ordinance since it is a zoning issue, but there needs to be some established liability.

Council Member Williams said that the Health Department is the one responsible that restaurants and vendors have the proper grading as far as health concerns. He asked if the Proof of Concessions Agreement comes from the City or the property owner. Mr. Bridwell replied from the property owner. Mr. Martin said that would put the liability back on the property owner. Mr. Brewer said this ordinance makes it 50 feet from the front door which ties the vendor to the property owner so we need to put faith in the businesses to know what they are going to put at their front door.

Council Member Stone stated that listening to the information, he felt it could be a successful tool, but one of the important things is the contract information we get from the vendor. Mr. Stone felt we could enhance that to make sure we get all the information we need. The last time it came up, it was limited information on the contact sheet – who the vendor was and where they lived. Mr. Bridwell said we can make that as detailed as needed. Mr. Stone said we need to look at enhancing the contract with more information and work in conjunction with the Health Department to provide more information to them and everyone involved.

Council Member Taylor said he found it ironic that there was one hot dog vendor on the list of itinerant merchants prior to this coming to the table and since that time, we have had four to five added when this came up in October. He said he did not know if we are just creating ordinances or changes to ordinances to enforce what we already have, but it is a bit of irony in that respect that they won't paying it before, but now they see the urgency in paying it when you are changing the policy to cater to a business.

- Consider Ordinance Amending the City of Sanford Unified Development Ordinance – (Exhibit I)
Council Member Steve Brewer made the motion to adopt the Ordinance Amending the City of Sanford Unified Development Ordinance. Seconded by Council Member Walter McNeil, Jr., the motion carried six to one with Council Member Charles Taylor casting the dissenting vote.

REGULAR AGENDA

Consider Resolution to Participate in National League of Cities' Prescription Discount Card Program – (Exhibit J)

Community Development Director Bob Bridwell explained that the previous resolution had a typo on it and it has been corrected. CVS Caremark has said that we cannot change the media information to just Caremark or place a disclaimer that the program isn't about the CVS Pharmacy. In any media that we develop through the City's website and local TV channels, it has to go to them for approval. Mr. Bridwell said that Karen Kennedy had a tele-conference this afternoon with a number of cities that were participating in this program with CVS Caremark, and there were a lot of questions generated and the process was explained to them all. Once our program is up and running, there will be monthly reports stating how many citizens are actually participating in the program. CVS Caremark will contact pharmacies about our partnership; they will take care of that legwork. There are not any cards in Spanish available by the company at this time; however, there may be some in the future. It looks like a very easy program for the City to help its citizens with. City Manager Hegwer added that not only will

the participation be counted, but the savings that are generated. It will be a good way to determine what benefits are being generated in the community.

Council Member Steve Brewer said he has spoken with Mrs. Kennedy about the program and the National League of Cities, and this is more or less like a Lowe's food card or a Food Lion card. Some things you will get no discount on because a drug may already be offered at the rock bottom price. Sometimes this card will save you more money than Medicaid will, so they would want to buy it with this card. If something happens down the road that we do not like, you can opt out at any time. This is good for anyone without insurance to save on prescription drugs.

Mayor Pro Tem Martin said that he felt it was prudent upon the Council to say that every time you advertise we state that these are the participating pharmacies. Council Member Stone stated that Walgreens and Wal-Mart have a very similar program. Mr. Stone said that Mr. Bridwell just stated that we had to get all our advertising approved before we put it on television and that concerns him. Mr. Stone asked if CVS Caremark allows us to put advertisement on television but make you exempt the rest of the pharmacies. Mr. Bridwell replied that if CVS made us do that, staff would recommend that we opt out.

Council Member Brewer said in conversations with Mrs. Kennedy, you can list everyone that will participate in this program. He said that what CVS wants is that anytime we use their Caremark logo, they want us to use it in an approved form or fashion. Anything out of the norm, they have to approve. Mr. Brewer said that Mrs. Kennedy told him that they have all these things you can advertise without approval. If you get out of this norm, they want to know what we are going to do. Mr. Bridwell stated that staff understands Council's desire and need to not unfairly represent one business.

City Manager Hal Hegwer said that the actual card does not have the name CVS Caremark on it. It promotes the City of Sanford.

Council Member Mike Stone made the motion to adopt the Resolution to Participate in National League of Cities' Prescription Discount Card Program. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Consider Award of Contract to Hazen and Sawyer for Clearwell Rehabilitation – (Exhibit K)

Public Works Director Vic Czar advised that the Engineering Department has entered into negotiations with Hazen and Sawyer, an engineering firm, to provide services for the rehabilitation of the City's clearwell at the water treatment plant. It needs a new roof and some baffling will have to be done inside the existing clearwell. They negotiated with Hazen and Sawyer and reached a contract ceiling price of \$150,000 to perform the work, which is 10 percent of the estimated construction cost. Mr. Czar said they checked with Durham and Fayetteville PWC to see what kind of fees they are getting for projects similar in scope and complexity. They expect 12 to 15 percent of construction cost to be the engineering fee for the services that staff is requesting Hazen and Sawyer to provide. Staff checked with another engineer in Fayetteville who does this type of work and explained to them what the City is doing and asked what kind of price would be expected. They said anywhere from 10 to 12

percent based on scope and complexity of work. Mr. Czar said that staff compared Hazen and Sawyer's hourly rates that were submitted to three other firms and they compare very favorably. Hazen and Sawyer's are different from the other firms. The other firms have a straight fee for certain engineering classifications where Hazen and Sawyer actually gives a little range for the same type of work. All of the hourly rates fall in that range.

Mr. Czar said that staff feels we have a contract amount for the work to be done and we feel we are getting a good value for the money. Mr. Czar stated that Hazen and Sawyer has provided us good service and has always done good work and are recognized as such. Staff recommends awarding the contract to Hazen and Sawyer for a contract amount of \$150,000. The form of the contract is an hourly rate with a multiplier to a ceiling; it is not a lump sum type fee, but it is to a maximum not to exceed \$150,000.

Mr. Czar explained that the clearwell is a large at-grade tank that holds two-million gallons of finished water at the water treatment plant. When you treat the water, it is the first tank that the water goes into; it gives us a little buffer about what needs to be pumped to town. It also gives us a little help in the treatment process; you get a little of what you call "chlorine contact time." The chlorine has to be in contact with the water for a certain amount of time to meet some regulations.

Mayor Olive asked to have a field trip for the council members to the water and wastewater treatment plant.

Mayor Olive asked if this full project, along with the wastewater treatment plant expansion, is something that we might be able to submit to Congressman Bob Etheridge's office so that if public works money that has been hinted at strongly is released, he will know that we are in line with our numbers and plans in hand. Mr. Czar replied that from everything that we hear and see, the projects that are further along will probably get the most favorable attention. Mr. Czar has asked Hazen and Sawyer to accelerate their plans and they think they can be done with the design in March 2009. Assuming we can get through the permitting that is required with it, we have done everything we can do at that point. Staff recognizes the fact that there may be some money available and the further along we are, the better off we will be.

Mayor Olive asked if we can send a profile of the jobs we anticipate including the completion of the 421 Bypass to the Congressman's office so he will know what we are going to be asking for when the other counties in the second district will be asking too. Mr. Czar replied that we could or you may want to wait to see how the incentive plan is written. Mr. Czar stated that we have developed a list that is broader than just the wastewater plant and clearwell.

City Manager Hal Hegwer said he has spoken with several lobbyists recently who are looking for work, and everybody is trying to figure out what the rules of the game are going to be regarding the stimulus money. We are hearing innovation, green concepts, the new technology, and we are not seeing the same infrastructure funded. Hazen and Sawyer has accelerated the wastewater plant so we can be there as quickly as we can.

Council Member Steve Brewer made the motion to award the contract to Hazen and Sawyer for Clearwell rehabilitation. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

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

OTHER BUSINESS

Council Member Walter McNeil thanked the City and Public Works Department for the work they are doing on the Martin Luther King Park on Horner Blvd. Mr. McNeil stated that he has heard that Mr. Jerry Seaman, a National Night Out Coordinator, is sick and wished him well from the City.

Mayor Olive asked for an update on the Martin Luther King Park. Community Development Director Bob Bridwell advised that the Public Works Department is clearing the property; Attorney Patterson has secured ownership of the property; and staff has a conceptual design of the physical layout of the sidewalks, etc. Attorney Patterson and Council Member McNeil expressed thanks to Dan Cape, who donated the property to Brick Capital, and Brick Capital donated the land to the City. Mr. Bridwell said the committee and Mr. McNeil have agreed that on the Martin Luther King Holiday, at 11:00 A.M., we could have a groundbreaking for the project. Mr. Hegwer said this project is being worked on and we will come back to Council to update them and let them know what is going on with the project. Mayor Olive felt that the Appearance Commission should be included on the project.

Mayor Pro Tem Martin said that last night, the Speaker of the House was talking about a \$600 billion stimulus package and the majority of it being in infrastructure. He felt it is imperative with Congressman Etheridge's appointment now, to send a small delegation to Washington to lobby for Sanford for some of the stimulus money. Mayor Olive said that we need to lobby wherever we can through Triangle J Council of Governments and BRAC. Council Member Mike Stone echoed Mr. Martin's comments.

Council Member Charles Taylor gave updates on committee meetings he attended at the Triangle J Council of Governments, the Lee County Parks and Recreation Committee, and the Historic Preservation Commission. Mr. Taylor stated that David Montgomery has relinquished his duties on the Historic Preservation Commission to Liz Whitmore.

Council Member Taylor expressed concern regarding the content of items that are being sold by some of the itinerant merchants. He stated that he has seen women's lingerie sold on mannequins on Horner Boulevard going through the City. This is something that needs to be addressed at some point as to what content can be sold at those venues.

Mayor Olive stated that regarding Green Street, there has been some concern about Summitt Avenue between Gulf Street and Horner Boulevard. It is a blighted area and needs to be cleaned up. Mayor Olive said they encourage people in the Historic District to stay within the guidelines and follow the rules and here is one block that is unsightly and needs to be corrected. She encouraged council members to ride through there.

City Manager Hal Hegwer reminded Council about the Green Cities Conference. He is planning to send a couple of staff members to the conference and asked if any Council Members were interested in attending. With the economic stimulus package, there is a lot of talk about the green concepts and reducing the carbon footprint on the U.S. in terms of energy conservation. The conference is in Portland, Oregon, April 18-22, 2009. The deadline for advance registration is the end of this month.

Mr. Hegwer also added that there have been several Washington lobbyists to come through his office recently. He debated about the issue publicly and privately and he felt maybe a lobbyist could come to a meeting and Council Members hear the pros and cons of using lobbyists. County Manager John Crumpton is interested also and this is a unique time to talk about it with the stimulus package coming out in early January.

Council Member Steve Brewer said there is a meeting the first week of March for the Congress of Cities. It was talked about at the conference in Orlando, Florida, that you need to send people to lobby and push the issues we want them to do. We may need to divide up and send council members to different places to touch all the bases.

Council Member Walter McNeil stated that there is a North Carolina League of Municipalities legislative update on January 21 and they are encouraging all the council members and mayors to attend. It will be a two-hour meeting and our region will meet in Pinehurst.

Council Members wished everyone a Merry Christmas.

Mayor Olive announced that the City offices will be closed Wednesday, December 24, through Friday, December 26.

ADJOURNMENT

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

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK

