

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 Wednesday, January 28, 2009, 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 Steve Brewer	City Attorney Susan C. Patterson
Council Member Mike Stone	City Clerk Bonnie D. White
City Manager Hal Hegwer	

Mayor Olive called the meeting to order and delivered the invocation.

PUBLIC COMMENT

No citizens signed up to speak.

APPROVAL OF AGENDA

On motion of Mayor Pro Tem Joseph Martin, seconded by Council Member Linwood Mann, the agenda was approved.

CONSENT AGENDA

Approval of July 9, 2008, City Council Meeting Closed Session Minutes - (Filed in Minute Book 70)

Approval of July 30, 2008, Law and Finance Committee Meeting Closed Session Minutes – (Filed in Law and Finance Minute Book)

Approval of December 2, 2008, City Council Meeting Closed Session Minutes – (Filed in Minute Book 71)

Approval of December 2, 2008, City Council Meeting Minutes – (Filed in Minute Book 71)

Approval of December 10, 2008, Law and Finance Committee Meeting Minutes – (Filed in Law and Finance Minute Book)

Approval of December 16, 2008, City Council Meeting Minutes – (Filed in Minute Book 71)

Approval of Resolution Endorsing Depot Park Addition to the Lee County Comprehensive Parks and Open Space Plan for Sanford/Lee County, North Carolina – (Exhibit A)

Resolution was approved endorsing the addition of Depot Park to the Lee County Comprehensive Parks and Open Space Plan and supports development of Depot Park as a vital component of the Sanford/Lee County recreation program.

Approval of Resolution Supporting and Authorizing the Submittal of a PARTF Application to the North Carolina Division of Parks and Recreation – (Exhibit B)

Resolution was approved supporting and authorizing the submittal of a PARTF application to the North Carolina Division of Parks and Recreation for a grant to purchase and renovate the Depot building for recreational use.

The consent agenda items were approved upon motion of Council Member Charles Taylor. Seconded by Council Member Steve Brewer, the motion carried unanimously.

CASES FOR PUBLIC HEARING

DECISIONS ON PUBLIC HEARINGS

REGULAR AGENDA

Consider Ordinance Amending the Annual Operating Budget for Fiscal Year 2008 – 2009 – (Exhibit C)

A lengthy discussion involving funding of the Temple Theatre was held. City Manager Hal Hegwer explained that this budget amendment transfers \$20,000 from Contingency to budget additional funds for the Temple Theatre. This will move the funding for Temple Theatre from Fiscal Year 2009-2010 to this fiscal year.

Council Member Mike Stone stated the community has come together to support the Temple Theatre since the last Law and Finance Committee meeting on January 14. He asked Artistic Director of Temple Theatre Peggy Taphorn what has been done differently since she was here the last time and what they are going to do differently next year. He is concerned that the \$20,000 being requested today will hurt their next fiscal year budget.

Ms. Taphorn replied that they have raised over \$40,000 and she felt the funds will continue to pour in. They have scheduled five fundraising events, one per month through June. She met with the North Carolina Arts Council yesterday and they have made up a plan. Because of the economic situation everywhere, they will base their next year's budget on the actual income of this year. They are going to cut down from eight productions to six, which will allow them to focus more on fundraising and community efforts to continue building some working capital for the future. She has cut this year's budget an additional \$5,000 since the last meeting which will enable them to get through Little Women. The only thing left on the table to cut is the final show of the season, if it comes to that. The Board of Directors has been meeting weekly to come up with more fundraising ideas and to continue to keep them on track. She said that in talking with the state yesterday, the financial situation is not going to be solved this year or next year. They are talking a three to five-year range; corporate and state funding are going to be down that long.

Council Member Stone said he wanted to see the Temple to continue to thrive, but he is worried about long-term; he wants to make sure they have the proper ideas in place to fund it next year. Ms. Taphorn said they traditionally break down any grants they receive per show like they do with their corporate sponsorships and season ticket sales. They allow "x" amount of dollars per production; so in regards to the \$20,000, they would eliminate that per production

for next year. They would put it in this year's operating budget to see them through this season. For next year, they would have to come up with a budget excluding \$20,000, which she is working on. Ms. Taphorn said they would have to tighten belts even further and make sure they can do shows that fit with the realistic cut-down budget.

Council Member Taylor asked questions referring to the Black Box. He said he saw the Black Box as a \$60,000 revenue stream and he has seen raw materials go down in cost every day. This would be a prudent time to look at getting the Black Box up and running, because there is a need for somewhere to meet for a group of 50 to 60 people. Mr. Taylor asked where does this stand and is that in the short-term parameters for this year. Ms. Taphorn stated that they need about \$30,000 (estimate) to get the Black Box up and operating. She plans to get a new estimate from Steel and Pipe. She has spoken with Bob Joyce from the Chamber of Commerce to see if they can get the local business community to pull together to support it. Ms. Taphorn said part of the issue is that, with the architect's drawing as it stands now, she is unable to find a local contractor to do that work. Ms. Taphorn said that at this point she is going to throw it all out; start over from the beginning; try to get a new plan that meets all the codes that we need to meet; but it does not entail the structural changes on the plans now. She said if she gets that down and the costs down, then it is something they can do if they can get someone to support that cause specifically. She is looking at trying to raise funds just for that.

Council Member Steve Brewer made the motion to adopt the Ordinance Amending the Annual Operating Budget for Fiscal Year 2008 – 2009. Seconded by Council Member Mike Stone, the motion carried unanimously.

Consider Request from Moore County for Inspections Services – (Exhibit D)

Community Development Director Bob Bridwell advised that the City has received a request to perform inspections for Moore County until they find a recruit. They need building inspectors at levels II, III, and above to do inspections for Moore County for their higher level commercial and industrial projects. The terms they have negotiated are \$50 per hour plus reimbursable travel expenses at the IRS rate. They will be focusing on ten big projects in Moore County, plus some supervision for their less experienced inspectors. We have received an email of their commitment not to recruit our employees.

City Attorney Patterson added that the previous contract was revised to explicitly state that our inspectors were authorized to act within the jurisdiction of Moore County for their department and to remove the fact that we would hold them harmless for any negligent allegations that were brought, and only acts of negligence by our employees would be something the City would be responsible for. These amendments were made and submitted to the Moore County attorney's office and seem to meet her approval. She will take it before her board on February 4.

Attorney Patterson advised that even though Mr. Bridwell received the email from Moore County saying they would not recruit our employees, they indicate that a general recruitment letter had gone out a month or so ago; it was before this agreement.

Council Member Taylor asked if the no recruitment commitment needed to be an addendum to our contract. City Attorney Patterson replied that unless we have some legally binding, non-compete clause that our employees would have to sign, so that they would not hire or compete in another jurisdiction, there really isn't a way to prevent someone from accepting a job in another place. She added that a gentlemen's agreement, as Mr. Bridwell explained, is what they have held out to us that they will not actively solicit these employees, but of course your employees are going to work where they choose to work. Mr. Bridwell said he felt comfortable with the agreement. Attorney Patterson stated for clarification purposes, this is a contract between the two governing boards; it is an interlocal agreement for the employees to be able to act there. We would have to have an agreement with each employee with the non-compete in it.

Council Member Stone stated that the contract says the total amount of compensation for this agreement shall not exceed \$7,500. Mr. Stone asked how many days of work are anticipated out of this amount. Mr. Bridwell replied it would be quite a bit; their projects are not labor intensive and if we start getting close to that amount, we will raise our hands and come up with a solution. Mr. Stone said times are hard economically, and we need to look at more joint ventures to help out.

Council Member Mike Stone made the motion to accept the contract from Moore County for inspection services. Council Member Walter McNeil, Jr., seconded the motion, and it carried unanimously.

Consider Joint Resolution of the City of Sanford, County of Lee, and Town of Broadway Relative to the Proposed Stimulus Package of 2009 – (Exhibit E)

City Manager Hal Hegwer stated that Council has a copy of the Town of Broadway and Lee County's stimulus package. The City of Sanford has already submitted its package to our legislators. Lee County passed this resolution at its last meeting. The Chamber of Commerce is also preparing a resolution similar to this resolution to support it in terms of business prospects and what businesses have to offer.

Council Member Williams referred to Page 6 of Lee County's stimulus projects titled Lee County Emergency Operations. He asked if this project was for Lee County to become a Public Safety Answering Point (PSAP). Mr. Hegwer said he felt it was a new emergency operations center for the whole county and he felt it would include the PSAP which is now currently with the City of Sanford.

Council Member Stone asked for clarification that the City of Sanford has the PSAP license. Mr. Hegwer replied that we do not have a license but we have what is considered the Public Safety Answering Point located in the City of Sanford facility. He asked if the State is issuing any more PSAPs? Mr. Hegwer replied that he did not think so. They recognize the City of Sanford as the primary PSAP. Council Member Brewer clarified that the State is not funding any more. You can be a PSAP without funding from the state, as is Chapel Hill. Mr. Brewer said he has a problem with Page 6 simply because we have the same type project in the City's stimulus package. If you believe what the City is doing is the most efficient way to do it, and we plan to build large enough to accommodate the future, why in the world would we

endorse both. Mr. Brewer said he could not endorse building another project when he felt building the City's is the best way to go. This is the only thing he has a problem with out of Lee County's stimulus projects.

Mayor Pro Tem Martin said he felt the whole 911 system is very involved. He said the stimulus package is cloudy and it is a wish list. We do not know what the rules will be and who will get the funding. Mr. Martin stated that as a taxpaying citizen and in hearing the comments about 911, it is hard to fathom the County operating a 911 center with the amount of calls they receive, versus the amount of money they pay the City for that same amount of calls. He said when you read in the paper how the County is being hit with budget problems with the schools being in such demand for money, it is hard to understand taking money away from the schools to a 911 communication center that has been working so good for so many years. Mr. Martin said that Lee County approved the City's stimulus projects and they might not go along with all the City's projects; however, the County approved it. He said Lee County is known for getting things done because of their joint resolutions and it is very important.

Council Member Brewer said he believed that until yesterday. Mr. Brewer spoke with some representatives from the County and to the City Manager, and he questioned if he was getting the whole story. Mr. Brewer said he spoke to County Manager John Crumpton and he told him the County had no plans of putting a 911 center in this facility. Mr. Brewer said in an informational meeting held in Raleigh yesterday with the State 911 Director, the Director told him that it was the intent of Lee County to put the 911 Center in this facility proposed in the stimulus package. Mr. Brewer said that he is a county resident and he also represents the City. He stated that he felt with the City operating the 911 Center, it was the best thing for the citizens of Sanford. Mr. Brewer said he could not vote for something he did not believe in - spending \$3.6 million for the Lee County Emergency Operations Center, should Lee County get this money. Mr. Brewer said he does feel it is a wish list but you have to be careful what you wish for because it might come true. Mr. Brewer added that later Lee County could say, you endorsed this; you knew it was coming because it is in black and white. He said he could endorse the other projects, but not the Lee County Emergency Operations project.

Mayor Pro Tem Martin asked if the County can do what they want to do without the City. Council Member Brewer replied that he went to the 911 informational meeting with specific questions. Mr. Brewer explained that Lee County gives the City \$150,000 each year out of the estimated \$900,000 for 911, plus they fund the lease on the equipment and the equipment in the center out of 911 funds, which is now \$.70 from each landline and cell phone; this is all that can be funded. You cannot pay for chairs out of it; if you have a computer sitting on your station and the CADD system, it will only fund half of that station because the computer is using the other half. It is very strict where the money can go. Mr. Brewer asked the 911 Director if Lee County decides to be its own PSAP, can they do that. The 911 Director responded why would you mess with something that is not broke, and they have less than five complaints a year out of 45,000 calls. The director said he did not believe the County would ever want to do that. The director said Orange County and Chapel Hill had exactly the same situation and the City of Chapel Hill decided to keep doing their own because they had the bulk of the calls. Mr. Brewer said Lee County can do their own thing and will have to fund it through the tax dollars; it will cost approximately \$600,000 each year plus, just in labor that the City is paying for now. It

would cost the City approximately \$150,000 each year to keep doing what it is doing and not be funded by the County.

Mayor Pro Tem Martin stated that the Board of Commissioners is elected by the people, and their feet will get held to the fire. Mr. Martin said he did not support it; however, he would vote for the resolution because he did not feel it was Council's place to tell the County what they should do or should not do. Mr. Martin said that if the County chooses to do their own 911 Center, he would vote to keep the 911 Dispatch in the City of Sanford due to the amount of calls that comes from the City residents. Mr. Brewer said if you vote yes, you will be endorsing and supporting the Lee County Emergency Operations Center.

Council Member Stone said the point of the joint resolution is to send a message to Congress saying this is what the citizens of Lee County want; it may not be everything good for the City, but it is a way to communicate where you do not have a lobbyist up there beating in certain things. Mr. Stone said it is a good idea to have this in a book because everytime someone picks it up for appropriations, they are going to look at everything in Lee County. Mr. Stone said he did not want to let the differences of 911 hold us up from progress; it is for our citizens. He felt we needed a successful package and present it to someone in Washington that can help us.

Council Member Williams said it talks about emergency operations and training for a ten-year time period. Mr. Williams said what concerns him is the line that says the current EOC in the Police Department has become too small for all the people who need to be in EOC in case of a disaster. Mr. Williams said that we are not providing the space based on what he is reading in the Emergency Operations Center project. City Manager Hal Hegwer said it is the County's opinion that the space is not there and it can be debated. Mr. Hegwer said he hopes to talk at the retreat about our space needs. We still have our inspections and planning employees located on Woodland Avenue. Mr. Hegwer said he hopes to talk about building a new law enforcement center and move our inspections and planning department employees back to this building. Mr. Hegwer said that there is a big hall in the Police Department and in a disaster, you will make room for what you need.

Council Member McNeil stated that he did not mind going along with the stimulus package with the County; however, he could not go along with the 911 concept. He said over the years, the City has been burned numerous times on things we voted on in good faith and ended up with the short end of the stick such as the water system and animal control. He said there needs to be complete clarification. Mr. McNeil said he would vote for the Lee County stimulus package minus the Emergency Operations Center project sheet.

After a lengthy discussion, Council Member Mike Stone made the motion to approve the Joint Resolution of the City of Sanford, County of Lee, and Town of Broadway Relative to the Proposed Stimulus Package of 2009. Council Member Charles Taylor seconded the motion. The vote was four to three in favor to adopt the resolution. Council Members Walter McNeil, Linwood Mann, and Steve Brewer cast the dissenting votes.

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

OTHER BUSINESS

ADJOURNMENT

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

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK