

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, July 7, 2009, at 7:00 P.M. The following people were present:

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

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

PUBLIC COMMENT

No individuals signed up to speak.

APPROVAL OF AGENDA

City Manager Hal Hegwer requested to add two items to the Regular Agenda. The first item to be added would be Item F – Discussion Regarding a Grant Application for Stimulus Funding for the Fire Department and Item G - Closed Session.

On motion of Council Member Linwood Mann, seconded by Council Member Steve Brewer, the amended agenda was approved.

CONSENT AGENDA

Approval of May 27, 2009, Law and Finance Committee Minutes - (Filed in Minute Book 71)

Approval of June 10, 2009, Law and Finance Committee Minutes – (Filed in Vault)

Approval of June 16, 2009, City Council Meeting Minutes – (Filed in Minute Book 71)

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

DECISIONS ON PUBLIC HEARINGS

Petition by the City of Sanford - to rezone 5.00+/- acres developed as Sanford Fire Station #2 and addressed as 2220 Woodland Avenue from the current R-12 Residential-Mixed Zoning District to O&I Office & Institutional Zoning District. The property is the same as depicted on Tax Map 9652.18, as Tax Parcels 9652-31-2046-00 and 9652-31-4148-00 Lee County Land Records Office. - (Exhibit A)

Assistant Community Development Director Marshall Downey advised that a public hearing was held on the rezoning of Fire Station #2. The Planning Board discussed this petition and recommended unanimously that Council adopt this rezoning request.

- Consider Adoption of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit B)
Council Member Stone made the motion to adopt the Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. Seconded by Council Member McNeil, the motion carried unanimously.

REGULAR AGENDA

Consider Resolution in Support of the Temporary Closure of Portions of Several Streets for the Purpose of a “March 4 The Cause” Event – (Exhibit C)

City Manager Hal Hegwer advised that the resolution temporarily closes several streets for the purpose of a “March 4 The Cause” Event on July 11, 2009, from 10 A.M. to 12 P.M. He said that the motion needs to be made subject to the group sponsoring the event having adequate insurance in place. General Services Manager Tim Shaw advised that he has spoken with Street Superintendent Magda Holloway, and she informed him that the insurance certificate has been secured from the group.

Council Member Charles Taylor made the motion to adopt the Resolution in Support of the Temporary Closure of Portions of Several Streets for the Purpose of a “March 4 The Cause” Event. Mayor Pro Tem Martin seconded the motion. Council Member Williams stated that he has been told that a city official said it requires a \$100,000 insurance policy and another official said \$1 million. Council Member Taylor asked what is the required amount of insurance? Attorney Patterson replied that the League requires the City to request a certain amount of insurance. It is the same for each similar type of event and she thought it was \$1 million so that each group can match what the city has, so that one insurance company does not point fingers at the other insurance company if there is a claim; there is even coverage.

The vote was unanimous to adopt the resolution.

Consider Financial Guarantee for Carthage Colonies Subdivision, Phase 4B – (Exhibit D)

Assistant Community Development Director Marshall Downey explained that the purpose of this request is that Beazer Homes Corporation is attempting to record the final plat for Carthage Colonies, Phase 4B. They would like to post a surety bond in the amount of \$22,587 to cover the final one-inch layer of asphalt for the streets. This money would be held aside until the homes are basically built and they would come in after that and put the asphalt down with this money. Staff recommends council accepting a surety bond from Beazer Homes Corporation.

Council Member Steve Brewer made the motion to approve the Financial Guarantee for Carthage Colonies Subdivision, Phase 4B. Seconded by Council Member James Williams, the motion carried unanimously.

Consider Time Limit Extension for Westfall Subdivision – (Exhibit E)

Assistant Community Development Director Marshall Downey advised that Rex Brown, a partner of Westfall Sanford, LLC, approached staff about a request to extend the time limit for expiration of the approved preliminary plat for this subdivision for two years. This subdivision project is located at the corner of Valley Road and Cool Springs Road and consists of approximately 315 lots. It was brought to council for approval in November 2006 and as a condition of that, there were concerns about working with the Department of Transportation regarding some of the access points. This subdivision plat was ultimately approved on July 17, 2007, and the time limit will expire on July 17, 2009. Mr. Brown is requesting a two-year extension due to the economy. Albert Adcock was in the audience for questions.

Council Member Steve Brewer made the motion to grant the two-year time limit extension. Seconded by Council Member Mike Stone, the motion carried unanimously.

Consider Interlocal Contract for 911 (Exhibit F) and Consider Interlocal Agreement for Dispatch Services – (Exhibit G)

City Manager Hal Hegwer stated that after discussion of the contracts and if Council so desires to approve the contracts, he would like for the motion to be made that both contracts are approved contingent upon the County approving both contracts. They need to be done together. Mr. Hegwer advised that the contract for 911 is essentially a funding contract which spells out how the 911 funding will come into the County and subsequently be spent at the City's 911 communications center. The other agreement is for dispatch services. Both agreements spell out what we have been doing for the last twenty years. There has never been a formal agreement in place; only a lot of informal, verbal agreements. There is a slight difference in the dispatch services contract; it is essentially dependent upon changes in the state law. The state law now requires that you cannot purchase radio equipment with 911 funds. These funds are very limited in scope and are very narrowly defined in terms of what those funds can be utilized for. Mr. Hegwer advised that he has spoken with Lee County Manager John Crumpton in detail. Mr. Crumpton and he have ironed out these agreements so they are in the best interest of both entities. It is a good contract for the City and the County.

Mayor Pro Tem Martin stated that Council Member Stone and he met with Lee County Chairman Richard Hayes and Commissioner Doc Oldham several times to resolve some of the differences between the County and the City; however, there were some legal constraints that prevented it from coming to fruition. He said it helped with City Attorney Susan Patterson and Lee County Attorney Dick Hoyle meeting to discuss the differences.

Council Member Mike Stone said that 911 is first and foremost about saving lives, not political, but saving lives. He said, "Before he got on this board, he never thought that 911 would get political; but folks on the city and county level, it is very political." Mr. Stone said that our sheriff and police have enough to do, so he revisited 911 many times. He stated that what was very frustrating is the fact that Mr. Martin and he would meet within a group and we would decide what's best for our city and county going forward, only to be destroyed by the groups as it was taken back on both sides. He found out that it was never about 911, but about the \$800,000 a year - the \$500,000 the County spent that the City did not get any money out of, and the continuing money each year to the 911. It was never about saving lives. He did

extensive research; he spoke to the ambulance; Moore County, Harnett County, and this is going to pass. Mr. Stone said he is fighting for the citizens of Lee County and the City of Sanford to make 911 better and this is what discourages him. It took six months to come up with a better program than we have and as they said, nothing has changed in twenty years.

Mr. Stone said that in Wake County, they have silent dispatch; that means no one is able to go on it and we have not been able to obtain that here. They have GPS in Moore County; Harnett County has gone as far as making every mailbox have green letters on them so they can find it. He stated that the point is 911 is about saving lives and helping get people to the hospital quicker, but it got so political it got out of hand. Our own board could not agree on what we should and shouldn't do. Mr. Stone said that they started out with a citizens group to try to figure out how we can solve these problems. Then we came down with the mayor and the chairman of the board; nothing was good enough. He is voting against the contracts because it is not good for the City or the County. Mr. Stone said that how can you make something better if you won't include the people outside the box to get their opinion. He said "who runs 911; ultimately it falls on the two people that control the money – the county manager and the city manager; that's who runs it." Mr. Stone said that 911 is something very serious and there is no way we should go forward without having the proper technology we need. He said if you were building a 911 center today, how would you do it; it is not doing it the same way twenty years ago because twenty years ago is not sufficient in today's technology; we need a better 911.

City Manager Hegwer explained that this is essentially the same contract but completely different technology from what it was twenty years ago. The technology is different and we are looking at an upgrade right now into technology. We have a lease agreement on the technology in the communications center that is about to expire. We will be purchasing new technology and that is what the 911 funds are for, but there are some parts of that equipment that cannot be purchased with 911 funds with the new changes in the law. The law is a real radical change from what has transpired over the last few years. The state is trying to create equity across the state; there were some 911 centers who charged fees on everybody's cell phone and landline that were different across the state. It is a radical transformation for the state; they have been studying this 911 and they want to limit the number of Public Safety Answering Points (PSAP), which there are about 120 in the state. They are trying to create fairness and equity.

Council Member Taylor asked what percentage of equipment is leased versus purchased and the duration of the lease. Mr. Hegwer replied that the majority of the equipment we have now is leased, but the radio equipment will have to be purchased separately, because it is not a 911 eligible expense. The 911 eligible expenses are so narrow that it comes down to what does it take to receive that call and log it in; anything beyond that is considered dispatch. Mr. Hegwer said that we are on top of technology and he did not know anything that the City is behind the times in. We will probably purchase the equipment because this is equipment that is available on state contract. It has been outlined by the State of North Carolina what you can purchase and how much you will pay. On the down side, you do not want to purchase anything that will become obsolete and that is the reason we have been in lease agreements to this point. Council Member Stone said that the funding will come from the County to the City; so anything we purchase will actually have to have approval time which will take additional time to get the most up-to-date technology. Mr. Hegwer replied that the way the funding has always come

through is the funding will come through the state that collects a fee for every landline and every cell phone line. That money will be funneled through the County, the way it has always been funded. There was just recently a windfall where the County could utilize some of those 911 funds beyond the scope of the essential functions of 911. Beyond that, the funds would come to the City and it would only be able to be spent on the City's PSAP. The reason is the State of North Carolina only recognizes the City of Sanford's PSAP. They do not want more Public Safety Answering Points. When you are a PSAP, you are required to meet certain criteria.

Mr. Stone stated that last year the County spent \$500,000 of those 911 funds. The interesting thing is the funds travel through the County and come to the City, and if you had a direct PSAP separate from the City and County, those funds would fall directly to that PSAP, which would give our citizens the best for their buck. The problem in the future is that the General Assembly is going to have more problems and allow more leniencies. The real issue is going to come when they allow you to tap into another half-a-million dollars. How do you divide it up because the County has first priority to do what they need to those funds and that is what happened last year. That happened because we have not made any changes in twenty years. Mr. Stone said that the point is when you get into the future, you have to have a direct system that works for the citizens not necessarily for government – for a county or city. He said that you set up groups to talk to people on how to make the system work better, but what we do is we talk to government on how to make it better; government does not have a clue. Mr. Hegwer said that the County spelled out in that agreement where the funds (the funds that were to be diverted from 911) were to be spent on something that would benefit every citizen in the county. Essentially, the County had that legal right because that money was collected by the county and it was not funneled through the state; so that is why it has prompted this new agreement because now all the funds are funneled through the state. The state is basically telling PSAPs what you are going to do.

Council Member Brewer disagreed with Mr. Stone and said that it is important for the citizens to know that it is all about saving lives. It is all about picking up a phone and having somebody there when you call. Mr. Brewer told Mr. Stone that 911 takes 40,000 calls each year and 80 percent of those calls are for the City of Sanford; that is the reason this Council thought it was very important that the City of Sanford be the PSAP for the citizens of this city. Everything else aside, that was the most important thing Council thought. Next, they wanted a grievance committee for all the grievances that came through; but four grievances out of 40,000 calls do not warrant changing the whole system. The complaints from the fire departments came through the fire marshal so they cannot be hid anywhere; there are no complaints getting lost unless the fire marshal is not bringing them to the attention of the city. We do have the proper technology and it is being upgraded all the time. This is the second time we are getting ready to upgrade it. It was just upgraded when they came on the council. Mr. Brewer said that he did not want the citizens to think that their lives and calling 911 is not important. The citizens will get help when they call 911. The County has spent money on addressing and took some 911 money because it was available at one time to do the mapping in the County. There are a lot of differences in 911 and dispatch. The City has a good plan and Council represents the citizens of Sanford. Council was elected to represent the citizens of Sanford and Council has to look at the City first. As a

County resident, he did not want the County to build another PSAP and spend \$1 million for 5,000 phone calls each year that the County receives.

Council Member McNeil said that this contract has been long time coming and it is incumbent upon Council to do something about this while people are agreeing to this contract. Council Member McNeil made the motion to approve the Interlocal Contract for 911 and the Interlocal Agreement for Dispatch Services contingent upon approval of both contracts together by the Lee County Board of Commissioners.

Council Member Stone said that if there are only four grievance calls each year, why is there concern about establishing a citizen advisory group or an elected official's group to oversee what makes it better. He did not object to putting someone on the group from the ambulance service to make sure their needs are met. Mr. Stone said that it was fought tooth and nail for over a year to try to make the system better that has been the same for twenty years. He did not care if the City or County does it – he wants the best for all the people who live in Lee County and Sanford; not the second best and not the political best, because that is what you got for the last twenty years – the political best.

Council Member James Williams explained that he felt the citizens deserve an explanation as to how we got to where we are with the 911. When 911 was first started, the City had no taxing authority on the county residents; thereby, we had to involve the county to tax the county residents to help pay for the 911 service. We worked like that for 20 plus years and the state came up with a new law stating that the State of North Carolina was going to tax county residents instead of the county and that in order for Sanford to be the PSAP or to get direct payment, we had to have an agreement with Lee County. It was back and forth with Lee County to get an agreement until we got to this point. Mr. Williams continued that it was never about trying to make 911 better even though we are trying to make it better all the time; it was about trying to conform to what the state asked us to do and that was to get an agreement with Lee County for the dispersement of the 911 funds.

Council Member McNeil echoed Mr. Williams' comments and said that people still received the service throughout the time the contract was being worked on. The problem was we did not have a contract that was going to give us the money to operate the PSAP – that is what it was about.

A vote was taken and the vote was six to one in favor to approve the Interlocal Contract for 911 and the Interlocal Agreement for Dispatch Services contingent upon approval of both contracts together by the Lee County Board of Commissioners. Council Member Mike Stone cast the dissenting vote.

Discussion Regarding a Grant Application for Stimulus Funding for the Fire Department

Public Works Administrator Laura Spivey advised that Fire Chief Wayne Barber and she have been working on the grant application for the fire construction grant for Fire Station #2 on Woodland Avenue. It is stimulus funding (ARRA funding). There is about \$210 million available for the entire United States. It is 100 percent funding with no required match. They anticipate about \$30 billion in requests. She felt the City had a good chance with this project.

Mrs. Spivey said that this grant has a set of 25 to 26 priority points in order to get the funding. This grant has a set of priorities that receive a higher consideration. You get the first points and then there is something that you can do to get the highest consideration for the money. Those higher consideration majority points are job creation, fire fighter and public safety improvements, the timeliness of implementation of the project (ready for bidding and construction if awarded), and also an energy-efficient, environmentally-friendly LEED (Leadership in Energy and Environmental Design) certified building in accordance with Executive Order 13423. The building design needs to be certified by the U. S. Green Building Council. A local cost share would give our project higher consideration. In an effort to produce the most complete application and the best project possible, Chief Barber and she went to Mullins-Sherman Architects, the architects working on this project, and asked what it would take to get this project to a LEED certified, energy-efficient building project. The original design budgeted is \$280,000 to have Fire Station #2 renovated and the addition to the building. If we go to the LEED certification, which is required by the application and the grant if awarded, we do have to have a LEED certified building. It doubles the project cost to approximately \$640,000. If Council decides to have a LEED certified building project, then you are responsible for making this project sustainable and energy efficient. If awarded, you do have to go through with the project parameters.

Mrs. Spivey added that the items we would end up with in a new design for the \$640,000 would be a solar water heating unit, water conservation fixtures, window glazing and sealants, etc. This grant does not require that you have a cost share or match – it is a 100 percent funding; however, you will not lose points and it will not count against you if you do not participate in a cost share. But, it plainly states in the application that those who do contribute will receive the higher consideration for the grant funding and the more you contribute, the more consideration you receive. You will not have to put money in until you are actually awarded. If you put in the application that you are going to cost share, then they expect you to do that or you would lose your grant funding.

Mrs. Spivey said that staff recommends participating 20 percent in a cost share and put it in the application which is due this Friday. She added that 10 percent of a cost share would amount to \$64,000; 15 percent would be \$96,000; and 20 percent would be \$128,000. The entire project involves 1,502 square feet; 768 of it is the renovation portion and they would add 704 square feet to the sleeping and restroom quarters.

Chief Barber informed Council that with the renovation and expansion to Fire Station #2, it would allow them gender separation for sleeping quarters and restroom/shower facilities; it would allow us to have space to run two engine companies out of that station, and hopefully, would allow us three to seven years before we have to come up with \$3 to \$5 million to build that fourth station in that area. It would give us some breathing time there to be able to run better coverage and better response time, but not initial response time, because it does not matter when you go to the far end of that coverage area, it is going to take the same amount of time when we do the expansion as it does now. It would put a second engine company so they would have the ability to do a quicker and more efficient fire-suppression job when they are on the scene of an incident. That side of town is growing with BRAC coming in.

Council Members discussed the issue at length. Mr. Hegwer stated that staff needs a consensus from Council if they would like to participate in a match and if so, how much. Council Member Mike Stone made the motion that the City participate up to 15 percent of the project to be LEED certified. Mayor Pro Tem Joseph Martin seconded the motion. Mayor Olive asked if staff needs a motion or consensus. Mr. Hegwer replied you could get a consensus. Council Members Mike Stone, Joseph Martin and Charles Taylor stated that they would like to participate up to a 15 percent match. Council Members Walter McNeil, Linwood Mann, Steve Brewer and James Williams stated that they would like to contribute up to 20 percent; therefore, staff will put in the application that the City will participate in a 20 percent match.

OTHER BUSINESS

Council Member McNeil informed Council that we had a very good National Night Out Coordinators' meeting on Monday and plan to have another good program this year.

Mayor Pro Tem Martin stated that if the Depot grant and the stimulus funding for the Jonesboro area is received, it might be a good idea to lump these projects together and go after some long-term financing.

Council Member Mann said this would be a good time to do the fire station project because contractors will give a better price for the work to be done. Council Member Stone echoed Mr. Mann's comments.

Council Member Steve Brewer stated that the Fourth of July celebration at the Depot Park was a great event.

Council Member Charles Taylor informed Council that a constitutional amendment limiting eminent domain for economic development was taken up in the Legislature today and it was referred to Committee; so it is basically a dead issue.

General Services Director Tim Shaw gave an update on the progress of the Martin Luther King Park. If anyone wishes to purchase a brick it will cost \$50. You are given four lines with 16 characters per line to put your wording on the brick.

Closed Session

City Attorney Susan Patterson requested a motion to be made to go into closed session in accordance with N.C.G.S.143-318.11(a)(5) to establish and instruct the public body staff concerning the position to be taken by the public body in negotiating the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. So moved by Council Member Walter McNeil, Jr. and seconded by Council Member Mike Stone, the motion carried unanimously.

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

ADJOURNMENT

With no further business to come before the council, the meeting was adjourned on motion of Council Member Charles Taylor; seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK