

LAW AND FINANCE MEETING

Wednesday, March 10, 2010

1:00 P.M.

The Law and Finance Committee met on Wednesday, March 10, 2010, at 1 P.M., in the Council Chambers at City Hall. The following people were present:

Law and Finance Committee:

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| Mayor Cornelia P. Olive | Council Member James Williams |
| Mayor Pro Tem Mike Stone | Council Member Walter McNeil, Jr. |
| Council Member Samuel Gaskins | Council Member L.I. (Poly) Cohen |
| City Manager Hal Hegwer | Council Member Charles Taylor |
| City Attorney Susan Patterson | City Clerk Bonnie White |

Absent:

Council Member Linwood Mann
Council Member Charles Taylor

911 Programs

Mayor Olive introduced Mr. Myron Herron, Jr., from Synergem. He graduated from North Carolina State University; started with Sprint as an engineer; has become a consultant and worked on the N. C. Information Highway Department of Energy sites. He launched the company he is presently with in March 2001. She asked Mr. Herron to give a brief overview of what his company does.

Mr. Herron said that he is President and Chief Operating Officer (COO) of Synergem Service in Greensboro, North Carolina. His company is on the verge of implementing Next Generation 911 in the State of North Carolina as a result of a grant that a compact of counties in the north central part of North Carolina (Winston-Salem, Surry County and the City of Eden) received in September 2009 in the amount of \$2.4 million to establish the first of its kind – Next Generation Network in North Carolina. The reason for Next Generation 911 is to get the information needed from the location from the caller into the 911 center, not just limiting the data coming into the center but share data from one 911 center to another 911 center or a supporting agency. It is very difficult to get that information from Point A to Point B.

Mr. Herron stated that for about five years the industry has been in a substantial transition from that legacy type network to a Next Generation network. There have been a lot of standards being developed by the National Emergency Number Association, which is the industry that provides the guidelines for 911 public safety. They are now on Iteration Three of the standards. They have stages within that iteration; Stage 1, 2, and 3 have been published and made available.

Mr. Herron said that what they are doing now in North Carolina is they are establishing the framework of Next Generation 911 in a data center in Winston-Salem and it will be made available to any 911 center in the state or southeast. They are kicking this project off in April of this year, and they hope to have everything completed and tested where they are testing the 911 calls coming across that network by the end of 2010.

Mayor Pro Tem Mike Stone stated that the City is looking at going through a change of doing a lease for its 911 center; he was assuming that we would be talking about the opportunities with our old 911 center and the new 911 with Next Generation. He wanted to see what the difference is between Motorola and Next Generation 911 and how it can help us do something different and the advantages to the citizens of Sanford. City Manager Hal Hegwer stated that we are looking to upgrade our equipment; our current equipment is not IP capable. We are going to Next Generation 911 just as other entities across the state will be doing. We are upgrading to IP capable; it allows you to have such things as text, voice data, and take pictures. Right now, we do not have that capability and nobody across the state has that capability. Mr. Herron is with a firm who offers the IP network that we could be a part of. We have got to upgrade our equipment first, which is what we are progressing towards to have that capability. There are a lot of legal issues involved with some of the companies now about the relationships. Some of the bigger entities are working towards getting some of these details worked out with the 911 center.

Mr. Hegwer advised that he has contacted and stayed in touch with the Executive Director of the 911 Board. Mr. Herron stated that in reference to upgrading the equipment, there are two standards that have been promoted throughout the industry. One being developed by the National Emergency Number Station Nina; that is the I3 standard that he referenced earlier. Under those standards there is a fundamental difference between the ways that calls are delivered into the network into that model, versus the legacy model.

Mr. Herron said that incumbent providers are promoting separate transitional standard and that standard establishes an IP network, connects it to an existing legacy type controllers such as the Viper, etc. It enables that type technology to continue working as long as the municipalities want to subscribe to it but that it not necessarily consistent with the way the Nina I3 standards are rolling out 911. From Synergem's perspective, they are providing the alternative to the legacy type network today. They are also providing true Next Gem technologies that can take advantage of that network.

Mayor Pro Tem Stone asked if we will be able to text and text messaging. Mr. Hegwer replied we would not be able to do it until we have the equipment and upgrade in place. Then, when we can connect to a network, then you have the capability; nobody in the State of North Carolina has those capabilities that he is aware of. He spoke with Wake County yesterday and they said they are not interested in being the experimental poster child. There are a lot of new things coming on and we are looking at all of them. We have looked at the Viper equipment also. Guilford County just went through an upgrade of Positron Viper. We will look at grants down the road but we have to get the transition out of the way. Mr. Herron stated that the point he has been trying to promote throughout the state at this point is the investment that is being made in the legacy type technologies which will become obsolete when the networks are delivered to that equipment. Those investments if they are geared towards a plan, (a Next Generation Transition Plan), is how we get the Next Generation. Instead of municipalities committing to a long-term transitional legacy type solution, the Next Generation solutions are becoming available. Mr. Hegwer added that you have the traditional telephone companies that are out there where the internet base versus the old telephone system base and the telephone companies are fighting some of these issues saying they should not have access to the network. There are a lot of issues that need to be resolved.

Mr. Hegwer said that he has spoken with the Executive Director of the 911 Board and he is fully aware of what the City of Sanford is doing. We have emailed him our information. Any decision we make, they will have our blessing. We only want the best for this County.

Council Member Charles Taylor stated that he has spoken with the Executive Director also and he strongly encouraged the City to go the RFI (Request for Information) route to see what is out there and find out what each group has to offer; building and specs; make sure you are up to current standards; and more importantly, look at the Next Generation in the process. You can go the RFP (Request for Proposals) route which would require a lot more work. It is not an easy way out. Executive Director Richard Taylor directed him to Jason Barber in Smithfield with Johnston County. Mr. Herron added that Jason Barber was a former national NINA President. Mr. Barber has purchased two Vipers for Johnston County on the Federal Contract. Mr. Taylor said that one thing he is concerned about is that we have an agreement that was basically a proposal for a lease. Mr. Barber bought the highest end furniture from Russ-Bassett Company in California and paid \$15,000 per console versus \$24,000 a console (and that was a purchase versus a lease of \$24,000). Council Member Taylor stated that Mr. Barber indicated that he would not be surprised if he got ten years out of the consoles. Mr. Barber encouraged us to go the Federal GSA route to see what the price is out there and give the option back to Positron to say this is the price where the Federal contract is at; either match it or buy it direct. Mr. Taylor added that the only downfall is Positron does not have its feet on the street as far as maintenance is concerned that you would normally experience.

Consider Resolution to Temporarily Close Several Streets and Parking Spaces in Support of the Downtown Sanford Bicycle Criterium, 5K Fun Run and Spring Festival – (Exhibit A)

Dr. Parker McConville, Jr., said that the bike route is going to be the same route that has been used for the last two years. He has spoken with Jenks Youngblood and they have come to a resolution to provide signage and a parking area for people coming to Downtown to shop that day, not just to participate in that event. The event is a charity event. Last year, they gave money to the Temple Theatre, NC Childrens' Hospital, and a local gymnastics group. This year they plan to give money to the NC Childrens' Hospital and to fund some equipment at the Kiwanis Childrens' Park, and to extend the current greenway that exists in Kiwanis Family Park, hopefully, around the entire perimeter of the Kiwanis Family Park.

Consider Resolution Authorizing Towing Companies Within the Sanford City Limits to Raise Towing Fees and Approving Towing Contracts Between the City of Sanford and the Towing Company - (Exhibit B)

Police Major Kevin Gray presented a powerpoint presentation to explain some of the questions that were asked at the last meeting. They talked about wreckers on rotation contract and what is the interest of the Police Department and wrecker companies getting an increase in fees. Major Gray stated that the Police Department has to have the availability of wreckers to respond as soon as possible to clear the streets. Fees need to be increased so that wreckers will respond when called and they want to protect the citizens, that the Police Department calls wreckers for, to keep them from being overcharged.

Major Gray stated that the biggest issue at the last meeting was the 100 percent increase in fees. It has been twenty years since the fees have been increased. He felt that they needed to forget about the percentages because the wreckers may not show up at the wreck scene if they do

not make a profit. He said that they talked about kicking the businesses off the rotation list for violation of the first offense. People make mistakes and the courts do not throw people in prison for their first offense; there are written warnings or verbal warnings. Mayor Pro Tem Stone clarified that what they were talking about for violations were they did not clean up after the wrecks and they overcharged people and we did not do anything and they are pretty serious. Major Gray talked about what contracts were and what happens when the contract is breached. Mr. Stone said his concern is that we did not follow up on what they were doing or not doing; we knew they were overcharging and we did nothing – not even take them off the call list. Major Gray replied that unless someone calls and reports it to the Police Department that they were overcharged, we do not know anything about it. Major Gray added that this does not come up every day and when they know about an overcharge, they will go to the towing company and tell them to fix it and they do. Council Member Taylor asked if we have had any towing company overcharging more than once. Major Gray replied that he is not aware of one.

Major Gray showed pictures of wrecks and why it is necessary to have wreckers with dollies and winches. He showed some of the wreckers and trucks that the towing companies have on site. He listed the towing companies and what each of them charge. Major Gray informed them of what the highway patrol allows the towing companies to charge.

Major Gray stated that in 2008 there were 1,371 traffic accidents in the city limits; in 2009, there were 1,505 accidents. They towed 1,238 vehicles in 2008; 967 vehicles in 2009; this includes broken-down vehicles, vehicles blocking the highway; DWI arrests, etc.

Major Gray informed Council that the Law and Public Safety Committee in Raleigh held a meeting on November 8, 2005, to discuss their fees being raised. In 2005, those companies were receiving more money than what the City is asking for today. In Durham, they charge \$125 and up for wrecked vehicles; service calls are \$20 to \$75 with no towing; storage - \$25 per day; dollying \$35 per day; and winching \$45 per day. In Greensboro, they charge \$66 to \$103 for non-wrecks; \$133 for wrecked vehicles; large vehicles-\$217; \$72 per hour for service calls; storage - \$24 to \$55; dollying \$36; and winching \$24 per day. He went through several cities stating their fees. Communications Supervisor Pat Garner collected information from the towing companies regarding what they charge the citizens for different services and averaged them out to come up with the new proposed fees (Exhibit C).

Major Gray advised that body shops complying with EPA regulations 40 CFR PART 63 Subsection HHHHHH regarding paint booths will be on the wrecked, vehicle rotation list. Mayor Pro Tem Stone asked what happens when someone requests a particular wrecker service to come and get his vehicle and they do not have a paint and body shop. Major Gray replied that if a citizen requests a particular wrecker service that is not on the rotation list, they can pick the vehicle up as long as the wrecker service arrives within 30 to 45 minutes. If the road is being blocked and you want to call someone from Fayetteville, it is not going to happen. If the towing company does not have a paint booth that complies with EPA regulations, they cannot go on the rotation wrecker list for wrecked vehicles.

Council Member L.I. "Poly" Cohen asked if the companies listed on Exhibit C have paint booths. Major Gray replied no; a couple of the towing services decided that they were not getting enough towing calls, so they got a little building and a can of paint on the window sill

and said they were a body shop now. Major Gray stated that this is not fair to the citizens because if they call a wrecker in to pick up a car that has been wrecked, then it goes to their shop where they cannot fix it; then they have to pay to tow it to a body shop somewhere else to get it fixed. Major Gray said that this is not fair to the citizens if we call a wrecker at the citizen's expense; we want it to go somewhere that they can fix it. Council Member Cohen asked if the insurance company that the automobile is insured with state which body shop it goes to after it is towed. Major Gray replied that is fine; however, that is not every case. Major Gray stated that if the Police Department calls for a citizen, we call a body shop for a car that has been wrecked and take it somewhere that is not a body shop, then the citizen has to pay to have it moved somewhere else. Mr. Cohen asked if someone just wants to be in the wrecker service, what happens. Major Gray replied there is a non-wreck rotation list. Mayor Pro Tem Stone added that this is a complaint he has heard from the wrecker services that there are two lists.

Mr. Stone stated that what we realize is we are discussing changing the amounts of towing; the truth of the matter is that 90 percent of the calls are between the towing company and the car owner probably. He continued that in 2005, things were good everywhere. Now people try to make a living and the majority of the funds are on the back side of the towing. The whole real issue is if you did not have 15 to 20 people wanting to tow, it would probably be an issue that needs to be lengthy discussed, but you have a backlog of people that want to tow. He asked what is propelling the Police Department to change the prices of towing. Major Gray replied that the towing companies have asked to have the prices increased. The towing companies will not come out if we do not pay them enough to break even or make a little bit.

Mr. Stone felt it would be prudent to come up with a solution to do one pricing for the City and the County as much as the City and County can do together; it would just seem logical. Major Gray replied that is the reason he wants to set the fees in the contract. City Manager Hegwer said that the Highway Patrol handles calls in the County; not the Sheriff's Department. Council Members discussed the issue at length.

Consider Award of Contract for Land Application Permit Renewal – (Exhibit C)

Wastewater Superintendent Jay Grainger stated that on December 31, 2009, their five-year land application contract expired with Synagro. Since then, he contacted companies that provide land application service and asked if they would like to submit a price to the City of Sanford's program. There were four companies that expressed an interest but only two submitted prices. Synagro submitted the lowest price at 0.0253 cents per gallon or \$25,300 per million gallons applied. Synagro has been the contractor for the City of Sanford since 1999 and they are very professional in their work and the farmers get along well with them and communicate with the public as necessary to ensure that all regulations are being followed. Staff recommended awarding Synagro a new five-year contract.

Consider Award of Contract 1 for 2009-2010 Sewer Rehabilitation – (Exhibit D)

Consider Award of Contract 2 for 2009-2010 Sewer Rehabilitation – (Exhibit E)

City Engineer Paul Weeks asked to combine the above two items together. He explained that on March 4, they opened bids for the 2009-2010 sewer rehabilitation projects. Contract 1 involves Dry Creek Basin for approximately 7,800 feet of cured in place lining and rehabilitation of 41 manholes. Contract 2 involves Gaster's Creek Basin and that involves 22,000 feet of cured-in-place lining and rehabilitation of 98 manholes. Three bids were received and the low

bidder was Insituform Technologies. The City has worked with Insituform in the past and they have done satisfactory work and worked well with staff.

Staff recommends awarding Insituform Technologies Contract 1 in the amount of \$326,207.90 and Contract 2 in the amount of \$807,621.80.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2009-2010 – (Exhibit F)

General Services Manager Tim Shaw advised that the ordinance amends the budget appropriating funds from the sale of brick for the MLK Memorial to the Infrastructure Fund under Public Buildings in the amount of \$5,090 to help us continue our progress at the site. Mr. Shaw advised that to date, they have sold eight of the 8” x 8” bricks, which are the patron membership and are \$500 minimum, and have sold 22 of the modular-size brick which is about 8” x 4”. The in-kind contributions total \$35,850; \$20,000 of that was from the engineering firm. They started with a budget this year to begin the process of constructing this memorial with \$50,000. To date, we have either spent or encumbered \$37,849. With the move of the \$5,000 on Tuesday night, he will have \$17,241 remaining to spend on this project. To complete the project, \$38,000 is needed in addition to the \$17,241 to complete the project. Mayor Olive asked what the total cost of the project would be including in-kind contributions. Mr. Shaw replied \$141,000. Council Member Williams asked if this figure includes the extra land we bought. Mr. Shaw replied no, it does not. Mr. Williams asked if the figure included the parking lot on the extra land. Mr. Shaw replied no, it does not. The memorial site is called Phase I. City Manager Hegwer stated that we need a budget amendment for \$38,000 to complete Phase I.

Consider Application for Electronics Collection Recycling Grant

Public Works Administrator Laura Spivey informed Council that on January 20, 2011, there will be a landfill ban on electronic materials. It was discussed at the retreat it was an issue we are going to be looking at. In regards to the grant application, Department of Environmental and Natural Resources (DENR) and Division of Pollution, Prevention, and Environmental Assessment (DPPA) are providing assistance through grant funding for municipalities and other people that have projects that relate to current and future legislation regarding recycling efforts. They are offering a \$25,000 or \$40,000 grant to go towards any project that you have. Mrs. Spivey stated that they are proposing a project to replace an existing truck that is getting older with a smaller truck for the purposes of going around curbside and picking up electronic materials, such as televisions, computers, etc. These items would be taken back to the Service Center to be inventoried, palletized, and then taken to the Lee County Landfill to be put in a trailer and then shipped to Mayodan, North Carolina, for recycling.

The application asked that we have the Council’s support on the project. There is nothing to sign at this point; it has to be written in on the application that she has the governing board’s approval to send the application in to buy this truck. Mr. Hegwer wanted to be sure that Council wants to do curbside pickup for these items. Mayor Olive did a roll call consensus that Council approves of the application. It was a unanimous consensus to proceed with the application.

Mr. Spivey said that the project will cost approximately \$50,000 so we are applying for \$40,000. DPPA has said that they have more applicants than money so they have to go by who

has the best criteria and it is possible that we can get about \$20,000. There is a 20 percent match. The truck to be replaced is a 1993 model.

Consider Appointments to Various Boards and Commissions

Mayor Olive asked that this item be continued to the next Law and Finance meeting.

Consider Accomplishments in Ward

Mayor Olive asked that this item be continued to the next Law and Finance meeting.

Other Business

Council Member Charles Taylor asked Mayor Olive if she would like for council members to have a list of goals they would like to accomplish at the next Law and Finance meeting. Mayor Olive replied that everybody has issues within their wards that need to be addressed and what they would like focused on. She mentioned this during the retreat.

Mayor Olive said that the appointments to various boards and commissions need to be shuffled up; we need to have people on the council who will commit to serving on these boards; she needs some help.

Mayor Olive mentioned that the Hawkins Avenue work is going to start right away with the patching and within the week or so, Hawkins Avenue is going to be paved.

Mayor Olive announced that the project on NC 78 is going to be resumed; it has been delayed because of the weather. On Monday, March 29, 2010, at 11 A.M., there is going to be a groundbreaking close to Coty where NC 42 is going to intersect with the bridge where the 421 Bypass will go. Secretary Conti will be present at the groundbreaking. City Manager Hegwer advised that early that morning there is going to be a meeting at the McSwain Center where Secretary Conti will be taking questions from commissioners and council members.

Closed Session

City Attorney Susan Patterson stated that a motion needs to be made to go into closed session in accordance with N.C.G.S. 143-318.11(a) (3) to consult with an attorney employed by the public body in order to preserve the attorney-client privilege. So moved by Council Member Walter McNeil, Jr. and seconded by Council Member Charles Taylor, the motion carried unanimously.

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

Law and Finance Committee Meeting
March 10, 2010

Return to Regular Session and Adjournment

Having no further business to come before the Law & Finance Committee, the meeting was adjourned upon the motion of Council Member Walter McNeil; seconded by Council Member Charles Taylor, the motion carried unanimously.

Respectfully submitted,

Cornelia P. Olive, Mayor

Bonnie D. White, City Clerk