

## LAW AND FINANCE MEETING

Wednesday, June 30, 2010

Immediately Following the Special 1:00 P.M. Meeting of the City Council  
Council Chambers

The Law and Finance Committee met on Wednesday, June 30, 2010, immediately following the special 1:00 P.M. meeting of the City Council in the Council Chambers at City Hall. The following people were present:

### Law and Finance Committee:

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

Mayor Olive called the meeting to order.

### Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2010-2011 – (Exhibit A)

General Services Director Tim Shaw stated that this ordinance reappropriates funds that were earmarked in Fiscal Year 2009-2010 for the completion of the Dr. Martin Luther King Park memorial. He gave an update on the completion of the park.

### Consider Resolution in Support of the Temporary Closure of a Portion of Oakdale Street for the Purpose of a Church Bazaar – (Exhibit B)

Street Superintendent Magda Holloway informed council that the New Bethel Freewill Baptist Church is sponsoring a bazaar on July 17, 2010, and would like to close Oakdale Street from Boykin Avenue to Vance Street between the hours of 7 A.M. and 8 P.M. This event has occurred for several years and they are not making any additional changes. All the appropriate paperwork has been received. The church is in the process of speaking with the neighbors that adjoin this street to be sure they are still okay with the closing.

### Consider Resolution in Support of the Temporary Closure of Portions of Several Streets for the Purpose of a 5K Fun Run and Fundraiser – (Exhibit C)

Street Superintendent Magda Holloway stated that CARA is asking to do a 5K run in portions of the historic district including Carbondon Road, Sunset Drive, and Gulf Street. They did this run last year. It will be held on Saturday, August 28, 2010. Temporary closures of the streets will occur between the hours of 8 A.M. and 11:00 A.M. Staff has received everything except for the special events permit. She requests that council approve the resolution contingent upon the special events permit being obtained before the date of the run.

### Consider Award of Market Street Pipe Bursting Project – (Exhibit D)

City Engineer Paul Weeks explained that as part of the city's effort to decrease its sanitary overflows, the city has put out to bid the Market Street Sewer Rehabilitation Project. Through the Little Buffalo Basin, there is a 12-inch sanitary sewer outfall. That outfall is

interrupted by a 10-inch section. We have approximately 1,670 linear feet of 10-inch pipe that is between two 12-inch sections and it is causing restriction. The purpose of the project is to remove the 10-inch pipe and replace it with 12-inch pipe. Staff and the engineers they talked to selected a procedure called pipe bursting. This particular procedure is quite a bit less destructive than the normal dig and replace. The contractor will dig a receiving pit at one manhole and a launching pit at another manhole, dig up each of the services and then pull HDPE pipe through the existing pipe; while in front of that they will have a hydraulic head to burst the existing pipe. It will break the pipe and push it out. This will have a lot less impact to the surrounding residents and to the streets. All the sewers that we are talking about working on are under city streets.

Mr. Weeks said that five bids were received on June 24 with the low bidder being Portland Utilities Construction Company who submitted a bid of \$196,790. Their bid documents were approved and found to be acceptable. Staff reviewed their references and they came back good. Portland Utilities has not done any work for the city but they have for Winston-Salem and Princeton, North Carolina. Those two entities spoke very highly of Portland Utilities; therefore, staff recommends that council award the Market Street Sewer Rehabilitation Project to Portland Utilities Construction Company.

Mr. Stone wanted to clarify a matter. The city took the bid but the recommendation is coming from Hydrostructures, P.A.; he asked if Hydrostructures, P.A. is doing our engineering work. Mr. Weeks replied yes. Mr. Weeks said that staff brought in Hydrostructures to look at this situation because they have done quite a bit of rehabilitation and have been involved in several pipe bursting projects. They have first-hand experience in what's involved in this and they felt this project would fall well in line with this. Staff submitted the project for bid and received five bids. They selected the lowest responsible bidder who is Portland. Mr. Hegwer added that they helped us with the project because of their expertise in pipe bursting. Mr. Stone said that he was concerned about their letterhead telling council who they recommend and they are in control of some things he has concerns with. Mr. Stone was concerned about the difference between the lowest and highest bidder. Mr. Weeks stated that there is only \$1,000 difference between the two low bidders so they feel the bids were very close and good. The bids were opened in the West End Conference Room with his self being present. All but one of the bids came to City Hall and they were all sealed. We saw the bids opened and saw the bids as they were read and were able to confirm what went on during the bid opening process. Mayor Olive asked how much we paid Hydrostructures. Mr. Weeks replied for this part of the process, probably less than \$4,000, when you are discussing the entire process from engineering going forward, because they were involved in the engineering as well as some of the exploratory work that was necessary for the bidding process. It varies depending on the scope of the work and he did not have the number handy at the moment.

Mr. Gaskins asked if they recommended that alternate items 3A and 4A be disregarded. Mr. Weeks replied yes. Mr. Weeks said that Hydrostructures is recommending that we not add the alternate items to the contract.

Consider Resolution by the Sanford City Council and Contract Between the City of Sanford and the Lee County Economic Development Corporation – (Exhibit E)

City Manager Hal Hegwer said that he would like to bring some developments to council's attention. As council recalls, the committee made up of Council Members Sam Gaskins and James Williams worked on some guidelines and some relationships we have with the Lee County Economic Development Corporation, Lee County, and Broadway. At the last meeting, staff presented to council a resolution with a contract. The resolution spelled out the investment guidelines which would ultimately turn into a policy on guidelines and there was a contract attached.

Mr. Hegwer said that the resolution and contract included in the agenda is what council talked about at its last meeting with changes. Lee County adopted its resolution and contract on June 21. He said that there are some slight changes to what council saw in the past. There were two major issues that changed in the county's contract that was presented previously to council and were discussed. In Lee County's contract it states in 5(a) LCEDC will select, supervise, and annually evaluate the performance of the Economic Development Director. The Chairman of the EDC Board of Directors will review the performance evaluation with the County Manager; and 5(b). Monthly, the Economic Development Director will meet with the County manager and review the upcoming meeting agendas for the Board of County Commissioners. If it is determined that the Director needs to be present for a meeting, then either the Director or if there is a conflict, the Chairman of the LCEDC will attend the meeting. These are the two main changes. He wanted to leave these changes with council and if they want to discuss it they can, or come back at another time for discussion, or have the two members to meet to discuss these changes.

Mayor Olive noted that on Item 4, the last line says that the LCEDC will also provide a monthly written report to the Lee County Board of Commissioners as an update on the activities of the LCEDC. Mayor Olive stated that she assumed that they do not want the city to contribute money any more. Council Member Cohen stated that the people in the City, who also pay Lee County taxes, pay more into the EDC than the people in the County and we should have more say than anybody else.

Mr. Hegwer explained that this is the County's agreement, and this is not what they want us to vote on. Lee County submitted to the City a resolution and a contractual agreement and then we created our own contractual agreement. Lee County has since changed their agreement they had submitted and adopted to include the items 5(a) and 5(b). He wanted council to see the changes. At some point, the City will need to come back and revise our agreement for council to approve. There are some other slight changes but 5(a) and (b) are the significant changes. One thing we had a consensus on was Item 5(e) that we would take out the language that included the Sanford Area Chamber of Commerce, 2<sup>nd</sup> Century Committee, Lee County Board of Education, City of Sanford Downtown Development Corporation, and Central Carolina Community College. He wanted council to be knowledgeable of the changes that the County had made because those were some of the issues where some discussion was held in terms of who the EDC Director reports to. This language that had been added is how they were able to accomplish that concern.

Council Member Gaskins said that he did not see a reason for council to meet again when the information that council wanted is right here; the major work has been done. Rather than have Mr. Williams and him get together, he would rather have the entire council to make any recommendations than the two of them.

Mr. Taylor asked if the county reviewed the city's draft. Mr. Hegwer replied that the city's draft was similar to the county's other than some things that were applicable only to the city.

Mayor Olive said that both the County Commissioners and the City Council are preparing contracts and which one will be approved or will there be two contracts. Attorney Patterson addressed the question and stated there will be two contracts. The City and the County will both have contracts with the EDC and they are very similar but the provisions the County wanted as far as being the entity that pays the individual and some of the reporting to the County is in Lee County's contract; whereas, the City's contract has the paragraph on reporting to the City Council. She said that Mr. Hegwer is trying to point out that the county has made some changes to their contract and adopted it, so we will make either corresponding changes or leave out the things that are not applicable to the city as far as the director of the EDC because Lee County is paying the director and the city is paying into the EDC for the function. She noted that 5(d) on the city's contract will be taken out of the contract that goes before council.

Mayor Pro Tem Stone stated that the reporting function is going to the county and per capita, the city is paying more than anybody. He said they need to decide if this is going to be a city or county function and it operates much better under the county than the city because all the city residents are county residents. The city residents are paying one and one-half times what the county residents are for the same benefit. Mr. Hegwer stated that the city council controls funding the EDC. Mr. Hegwer said that in his perspective, it does not matter how they report to him specifically because that can be changed by this council at any time in terms of the funding. Mr. Stone explained that a resident in the city versus a resident in the county are getting the same benefit but the city resident is paying one and one-half times more because he pays city and county taxes. There is no difference in the benefit.

Consider Parking Ordinance for Single and Two-Family Dwellings for the City of Sanford – (Exhibit F)

Community Development Director Bob Bridwell advised that several months ago, the council directed the Appearance Commission to consider an ordinance regulating parking in residential neighborhoods. Staff did research on other communities and cities which have developed ordinances. They prepared a draft ordinance and presented it to the Appearance Commission at its April meeting. His purpose today is to present some preliminary information on what is in the draft and asked council as to what direction they would like for staff to proceed.

Mr. Bridwell went over the high points of the proposed ordinance. He stated that the ordinance applies to all properties within the city limits of the city. It applies most specifically to single and two-family dwellings. Parking spaces and drives that are constructed and maintained would have to be hard-weather surfaces such as asphalt, concrete, brick, CABG (gravel), or other approved material. Grass and bare earth would not be acceptable. It would require that no more than 33 percent of the front and rear yard be applied for parking. It would also apply to all

existing and future parking proposed areas and drives. Temporary event parking would be allowed for up to three days specifically for holidays, yard sales, family reunions, weddings, etc. The penalties would be levied not to exceed \$50 per incident. Property owners would have twelve months to comply. It would not take immediate effect; there would be an advisory period of one year.

Notification of the ordinance would be done by advertising on all appropriate medias, including the city's website, television, *Sanford Herald*, and notices in water bills. Staff conducted a window survey of the entire city to determine where we had any specific or targeted areas for this kind of issue where front yard parking would be posing as a problem. Staff concluded from that survey that front yard parking is taking place in all areas of the city.

One final issue is that council will have to take a closer look at the applicability of this kind of ordinance under state law. We did consider doing this under zoning. Zoning holds all kinds of issues that would make it difficult to achieve what council is trying to accomplish – to immediately reduce front yard parking and there are grandfather provisions in zoning which would make that difficult. They have not addressed the cost or difficulty of enforcing this ordinance.

Mayor Olive asked if any of the cities who have adopted this had any trouble with lawsuits or challenges. Mr. Bridwell replied that it is his understanding that no challenges have been made yet because they are very new and Raleigh has not adopted its ordinance yet.

Mr. Cohen said that take a section on Seventh Street in front of the old Saco Lowell building where there is no street parking and there are very small houses, they cannot park on the street; you have to park on the yard and it is a problem for those people and they should have the same right to have people over as anybody else. Mayor Olive said that when this was brought before the Appearance Commission, they said that code enforcement does not work on the weekend and at nights. Mr. Cohen named several streets that people will have a problem with parking.

Mr. Gaskins stated that if we pass this, we are requiring people to have an all-weather driveway. Assuming gravel is the low end with a well-defined edge, how much are we going to say people are responsible for, such as 50 feet of driveway with gravel? Do we know how much we are shoving down these people's throat? Mr. Bridwell replied that we would be looking at the perception of the inspector to say does this look unreasonable; they may have to go back and take a measurement. Mr. Gaskins said that we would be forcing people to have an all-weather surface and people will have to pay for this out of their pockets.

Mr. Hegwer said that staff is looking for feedback from council to see if they want staff to pursue this or not. Staff is looking for a consensus from council.

Mayor Olive said that people are not just parking in their yard, they are straddling existing sidewalks. It undermines the sidewalk and cracks it up.

Mayor Pro Tem Stone said that he knew it was unsightly and we all know some people that do not like it; however, he felt people want government a little more out of their life. He did

not know if he would want to go home and find a note telling him where to park after he worked all day to pay their salary. He did not think in the current economy you want to be confronted with that issue.

Development Report and Permits Issued – (Exhibit G)

Community Development Director Bob Bridwell gave an update on commercial zoning approvals issued and commercial site plans approved.

**OTHER BUSINESS**

Mayor Olive advised that this is police officer appreciation week and encouraged everyone to thank a police officer for what they do to keep our community safe. According to national statistics, there have been 62 officers killed this year. Keep them in your prayers and tell them you appreciate what they are doing.

Closed Session

City Attorney Susan Patterson read a motion to go into closed session in accordance with N.C.G.S. 143-318.11(a) (5) to instruct the public body staff and negotiating agents concerning the position to be taken on behalf of the public body in negotiating the price or other material terms of a contract or a proposed contract for the acquisition of real property by a purchase, option, exchange, or lease.

Council Member Sam Gaskins made the motion to go into closed session. Seconded by Council Member L.I. “Poly” Cohen, the motion carried unanimously.

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

**ADJOURNMENT**

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

Respectfully submitted,

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Cornelia P. Olive, Mayor

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Bonnie D. White, City Clerk