

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, February 1, 2011, at 7:00 P.M. The following people were present:

Mayor Cornelia P. Olive	Council Member Walter H. McNeil, Jr.
Council Member Sam Gaskins	Council Member James Williams
Council Member L. I. (Poly) Cohen	Council Member Linwood S. Mann, Sr.
Council Member Charles Taylor	City Clerk Bonnie D. White
City Manager Hal Hegwer	City Attorney Susan C. Patterson

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

PUBLIC COMMENT

No citizens signed up to speak.

APPROVAL OF AGENDA

Council Member L. I. "Poly" Cohen requested to add an item to the Regular Agenda – Consider Appointment to Sanford City Council to Replace Position Held by Former Mayor Pro Tem Mike Stone. Council Member Linwood Mann made the motion to approve the amended agenda. Council Member Charles Taylor seconded the motion. The vote was five to one to approve the amended agenda. Council Member Sam Gaskins cast the dissenting vote.

CONSENT AGENDA

Approval of Audit Services Contract – (Exhibit A)

Approval of Authorization for City Manager to Sign the Electronic Transaction Processing Agreement – (Exhibit B)

ALL THE ITEMS LISTED ABOVE WERE DISCUSSED AT THE LAW AND FINANCE COMMITTEE MEETING ON JANUARY 26, 2011.

Council Member Walter H. McNeil, Jr., made a motion to adopt the consent agenda. Seconded by Council Member L. I. "Poly" Cohen, the motion carried unanimously.

SPECIAL AGENDA

DECISION ON PUBLIC HEARING: held jointly with the Planning Board.

Application by Mansour Rammouni - to rezone 0.04+/- of an acre of land, which was formerly a portion of a 0.38+/- acre tract addressed as 700 Charlotte Avenue, and was recently recombined into a 0.39+/- acre tract addressed as 111 San-Lee Drive, from General Commercial (C-2) District to Residential Mixed (R-12) District. The property is the same as depicted on Lee County Tax Map 9653.08, formerly a portion of Tax Parcel 9653-21-5455-00 and currently a portion of Tax Parcel 9653-21-6487-00 Lee County Land Records. It is also illustrated as Tract

1A as shown on a map entitled survey for “Shree Ram Sanford LLC” recorded in December of 2010 in Plat Cabinet 2010, Slide 151, Lee County Register of Deeds Office. – (Exhibit C)

Community Development Director Bob Bridwell advised that a public hearing was held on January 18, 2011, and the Planning Board voted unanimously to approve the rezoning request.

- Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit D)

Council Member Linwood Mann made the motion to adopt the Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. Seconded by Council Member L. I. “Poly” Cohen, the motion carried unanimously.

REGULAR AGENDA

Consider Discussion Regarding the Process for Appointment to the At-Large Position on the Sanford City Council Vacated by Mayor Pro Tem Mike Stone – (Exhibit E)

Council Member Sam Gaskins made the motion that the Council develop and establish a process for nominating and appointing a council member so the public can be involved. He proposes that the council express the qualifications and characteristics for which they are looking in a new council person; publicly request that any interested parties who have not submitted a brief biography, please do so, including why they would be interested in the position; each council member review the information provided; and each interested party speak to the council prior to making the decision. He felt that this will provide Council with the opportunity to allow all citizens of Sanford to apply for the job in an open forum and so that we would have complete transparency in our selection. Council Member Charles Taylor seconded the motion. The motion failed two to four with Council Members Sam Gaskins and Charles Taylor voting for the motion and Council Members Walter McNeil, Jr., L. I. “Poly” Cohen, Linwood Mann, and James Williams voting against the motion.

Consider Discussion of Continuing Street Lighting Enhancement Program and Lighting at City Hall – (Exhibit F)

General Services Manager Tim Shaw advised that staff was asked to look at and bring back to Council the issue of lighting enhancement for the City Hall area. He said that the lighting we have at City Hall, the bollards, and the parking lot lights have been here since the building was built. Staff is finding it very difficult to find parts for the bollards. The way the lighting is done here is through the metered service of this building except for two lights in the additional parking lot we built here at the Police Department. The new system would be set up as a street lighting service. He has had Progress Energy to look at this on multiple occasions. The design has not changed; we have changed the type of lights we were looking at from a shoebox metal-headlight-type light to LED lights now.

Mr. Shaw explained that there are two different ways we could do this. We could let it be a Progress Energy owned system; we would have to put up some money up front. The one-time underground charge is going to be \$181 per pole and that is anywhere we go underground, whether it is a streetlight or on a street, parking lot, and that is a lifetime. If you do not do that, it will be \$2 to \$3 per month for eternity. We will have the cost of contractor work that Progress

Energy will have to have done such as boring sidewalks, boring roadways, reseeding, etc. We have estimates for that through Progress Energy as a per cost bore, or per foot for seeding and right at this time, we do not know how much that will be. We will have tree removal cost as we would like to remove some of the pear trees from our parking lot. If done under Progress Energy, your up-front charge is going to be around \$37,000; your power bill is about \$15,000 – that is 26 - 205 Site-lighter LED lights and they are modern looking. The manufacturer's warranty is five years. The life-time expectancy is about ten years. Then you could go to another type program that Progress Energy has which is where the City buys the heads; Progress Energy does all the maintenance on the lights but in doing that, you have to have an up-front cost from the City of about \$40,000. The City will have to buy the 26 heads that are used and we will have to keep two to four in stock. As time goes on, the LED heads will become more reasonably priced; the other charges are identical. If they last ten years, we will have them paid for in five years or less. Mr. Shaw said that he did not know what the power bill would be on the existing lights the City has now.

Mr. Hegwer stated that we have backed off on budgeting for these two programs in this fiscal year. Mr. Hegwer said that if we decide to go forward, we will have to budget additional funds.

After much discussion, Mr. Hegwer asked for a consensus if they would like to talk about it more at budget time. Mayor Olive replied that maybe we need to let it rest a while and come back to it at budget time.

Mr. Shaw stated that if we own the lights, we will pay \$8.10 per light per month and that it includes the maintenance by Progress Energy. The initial investment would be \$1,200 to \$1,300 each and they do not want to stock them at this time. Council Member Cohen said that we need the lighting because it is dark around City Hall. Mayor Olive stated that we will start our retreat discussions next week and they can discuss it then.

Mr. Hegwer stated that the additional part of the above item was to talk about the street-light enhancement program. As you recall, this program was to basically add around an estimated 1,500 to 1,600 lights in the City; it would almost double the lights we have now. We installed 298 lights in Year 1 and 136 in Year 2. This is an annual recurring cost of around \$56,000. We did not budget this year for the additional enhancement. Staff looked at each ward, and we looked at some of the darkest areas within those wards and we added lights. We put the program on hold this year because of the recurring costs. Mr. Hegwer said that he has received several requests about the additional lighting. If Council wishes to proceed forward, we would like to get back into the program because many of our designs have been approved by the North Carolina Department of Transportation and they have a time frame that they would expire. Mr. Shaw said that the designs we have are close to expiration.

Mr. Shaw advised that the new subdivisions being built are lit by the new standard. He explained the process in detail. Mr. Hegwer said that staff needs direction as to proceed. Mr. Hegwer explained that when new lights are added we may have to move the poles to meet the new standard. Mr. Shaw stated that all areas are not lit to the new standard and it is hard to do for two blocks of one street and not go six blocks on another street. When you add a light, you

may have to move a light to meet the new standard. Mayor Olive inquired that to resume with the program, what it would cost now and if we have to have a lump sum. Mr. Hegwer replied that we would be looking at adding some additional lights to what we have and there would be a recurring cost. We would want to budget this next year because we want to tackle the requests that would require poles to be set and on state-maintained roads there are a lot of upfront construction costs.

Mr. Hegwer asked if Council would like to proceed with additional lights now or wait another six months. Mayor Olive replied that it seems that Council is interested in resuming the program, and the public seems to support it, so we need some budget figures so Council can vote on it. Mr. Taylor asked for clarity in that there was no money in the budget for the City Hall project and now we are talking about a different project and there seems to be availability to get some money. He asked if there is anything in the budget now that can be allotted to this and he realizes there has to be a budget amendment otherwise. Mr. Hegwer replied there was no money budgeted for either one of these programs. We will come back with some idea of what we think it will cost between now and the end of the fiscal year for the street lighting, not necessarily the lighting around City Hall. Mr. Shaw said that he will get with Progress Energy to see how many lights they can get in so we can come back with a budget figure as far as streetlight enhancement.

Consider Appointment to Sanford City Council to Replace Position Held by Former Mayor Pro Tem Mike Stone

Council Member L. I. "Poly" Cohen nominated Bob Brown to fill the vacancy by Mike Stone. Council Member James Williams nominated Bobby Powell. Council Member Linwood Mann made the motion to close the nominations. Seconded by Council Member L. I. "Poly" Cohen, the motion carried unanimously.

Council Member Sam Gaskins asked Council to clarify the requirements for appointment, the number of votes, majority, plurality, and how that it works. City Attorney Patterson asked Mr. Gaskins if the point of information is "how does Council vote on it" or "what does it take to elect somebody," or "what are the qualifications for office." Mr. Gaskins replied what it takes to elect. She said that the qualifications for office are that you have to live in the city limits; be over 18 years of age, and be registered to vote. In order to elect somebody, it takes the majority of the votes cast.

Mr. Gaskins asked what happens in the event of a tie since we have six council members. Attorney Patterson replied that the way the question is in front of the Council is the nomination of two nominated parties. If there were to be a tie, Council would then have to take another action; there could not be a vote to break the tie. The mayor is allowed to break a tie on motions when there is an equal number of votes in the affirmative and negative, according to statute. A vote for somebody is not a vote in the affirmative or the negative that the way it is proposed for this slate. Mr. Gaskins asked if Council can divide this question. Attorney Patterson replied that technically she felt this is what you do have. You have two parties nominated. The mayor will probably take the votes for one party and then take the votes for another party. That is in essence, a division of the question, although not technically, because the question is not to elect

one person and then to elect the other; it is to see the number of votes for each nominated party; it is considered like a slate.

Mayor Olive said that she will do a roll call vote and every Council Member will have one vote. The votes for Bob Brown were Council Members L. I. "Poly" Cohen, Sam Gaskins, and Charles Taylor; the votes against were Council Members Walter McNeil, Jr., Linwood Mann, and James Williams.

Mayor Olive called the vote on Bobby Powell. The votes for Bobby Powell were Council Members Walter McNeil, Jr., Linwood Mann, and James Williams; the votes against were Council Members L. I. "Poly" Cohen, Sam Gaskins, and Charles Taylor.

Mayor Olive said that we are at the crossroads that our attorney has suggested; so what we can do now, is that she will ask council members for a motion to approve one of these two nominees. Attorney Patterson said it would be a motion to appoint someone to the position.

Council Member Charles Taylor made the motion to appoint Bob Brown to the empty seat vacated by Mayor Pro Tem Mike Stone. Council Member L. I. "Poly" Cohen seconded the motion. The no votes were Council Members Walter McNeil, Jr., Linwood Mann, and James Williams. The yes votes were Council Members L. I. "Poly" Cohen, Sam Gaskins, and Charles Taylor. Mayor Olive stated that it is a tie with three no's and three yes's, at which point she would break the tie. Attorney Patterson said that since it was put in the form of a motion to appoint and the votes were in favor of or against the motion, Mayor Olive can break the tie.

Mayor Olive voted yes for Bob Brown; therefore, Bob Brown was appointed to fill the vacancy seat of former Mayor Pro Tem Mike Stone.

OTHER BUSINESS

Council Member L. I. "Poly" Cohen commented on how heavily the new Endor Iron Furnace Trail is being utilized by the public.

Council Member Linwood Mann stated that at least ten people contacted him in person and by phone supporting Bobby Powell and he tried to represent the majority of people. Mayor Olive stated that we had several people who were supported by various telephone calls. The ones she recognized were Bobby Powell, Bob Brown, Shannon Gurwitch, Kim Lilly, Tamara Brogan, and Brad Simpson. City Clerk Bonnie White stated that Doug Rawls and Larry Cole Thomas also expressed interest. Mr. Gaskins added two additional names - Teresa Dew and Blaine Sutton. He said that we need to have a policy and we need to provide an equal opportunity to all citizens so that there is transparency in what Council is doing. The one reason he decided to support Mr. Brown is because he was formerly elected by the people of Sanford and that is the only position he sees that we have actually tried to do anything to uphold the wishes of the citizens because there was nothing to show why we supported either of these candidates.

Mr. Gaskins advised that on the weekend of April 30 and May 1, which is the Pottery Festival Weekend, that the Parks and Recreation Department is going to have a one mile walk

and a 10K run to the Dam; the Deep River Sporting Clays is having an event of some sort that weekend; Parker McConville is looking at having his bicycle race and a 5K and 10K race also that weekend; the Kiwanis Club is working with Mr. Bridwell and others to work on a possible grand opening for the Endor Trail with a fun walk.

Council Member Taylor wanted to piggyback on Council Member Gaskins' remarks. He said that he received phone calls from several candidates. The interesting thing is that he received calls from some people that support Mr. Powell but he never heard from Mr. Powell himself. In all due respect, he did not return any calls on any potential candidates until yesterday because he felt we needed to respect outgoing Mayor Pro Tem Mike Stone, who is now in the North Carolina House. In doing so, he felt it was inappropriate for us to take action or to make commitments until we had a resignation from Mr. Stone. With that said, we had many great candidates. He had several people in Ward 2 who expressed interest; one which came within a 100 votes of being seated as an at-large candidate in the past election. He is not here to evaluate who is better or who is not, but in looking at the dynamics, had we seated Mr. Powell, we would have had three councilmen within a six-block area of Westlake Valley. Mr. Taylor stated that in keeping with Mr. Stone's wishes and desires of East Sanford, he felt it was pertinent to look at somebody in that area of East Sanford that could make an immediate impact but also had some respect in the community. He admired Council Member Gaskins for standing up tonight for a policy or for a transparency where we can view a candidate; however, that is only as good as if you allow yourself to make that wise decision with all the facts on the table and not make a decision of commitment without listening to the whole list of candidates. He hoped in the future we will take advantage of the diversity that is taking place in our community. He would like to see more females appointed or run for office as well as the Latino community.

Council Member McNeil said in response to Mr. Gaskins and Mr. Taylor's responses, he said that the reason for voting for Mr. Brown is because he was elected by the citizens of Sanford. Mr. Powell was also elected to two terms by the citizens for the Lee County School Board. Mr. McNeil stated that he was appointed to fill a vacancy. In order to change the policy, you have to change the City Code, because the Code says the Council Members elect the person to fill the vacancy, not the people in the City.

Mr. Mann pointed out the fact that when Bobby Powell first moved to this area, he lived in Jonesboro and he has represented the people in other positions all over the City.

Mr. Gaskins pointed out that the policy, at no point in time, did he say that the Council would not be selecting the replacement, he was only pointing out that we should have an open discussion so we would allow equal opportunity for all citizens of Sanford to apply and be heard. He said that the Council would make the appointment.

Mayor Olive recognized Margaret Murchison for her accomplishments over the years as a Sanford native. She received one of two Herald Lifetime Achievement Awards.

Mayor Olive announced that Saturday, at the Civic Center, will be the Scripts Spelling Bee and the winner of that spelling bee will go to Washington for the national finals.

Mayor Olive recognized North Carolina House of Representative Mike Stone, Lee County Commissioner Chairperson Linda Shook and Richard Littiken in the audience tonight.

Mr. Hegwer stated that Council has at their seats tonight the 2011-2012 Municipal Advocacy Goals that were approved by the League of Municipalities on January 20, 2011.

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 James Williams; seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK