

## LAW AND FINANCE COMMITTEE MEETING

Wednesday, March 30, 2011

1:00 P.M.

Council Chambers

The Law and Finance Committee met on Wednesday, March 30, 2011, at 1:00 P.M. in the Council Chambers at City Hall. The following people were present:

### Law and Finance Committee:

Mayor Cornelia P. Olive

Council Member L. I. (Poly) Cohen

Council Member Walter McNeil, Jr.

Council Member Linwood Mann, Sr.

Council Member Charles Taylor

City Manager Hal Hegwer

Council Member Samuel Gaskins

Council Member James Williams

Council Member Bob Brown

City Clerk Bonnie White

City Attorney Susan Patterson

Mayor Cornelia Olive called the meeting to order.

### Consider Discussion of Ordinance Amending the Annual Operating Budget - (Exhibit A)

City Manager Hal Hegwer advised that on March 15, 2011, this ordinance amending the annual operating budget was presented to Council appropriating revenue received from the insurance company to replace two wrecked police vehicles. He said that after analyzing the fleet, he wanted to be very clear and specific about what we are trying to do. We have received some new police cars in this year's budget and what we would like to do is to replace some other police vehicles in our fleet that includes some heavier type vehicles, which includes some SUVs, Tahoes, Suburbans, etc. In the Police Department, we have several vehicles that we use for a lot of different reasons. We are specifically looking at police package Tahoes. The Crown Victoria vehicles, which are typically the police main control vehicle, are phasing out. There are certain advantages to purchasing the Tahoes in terms of resale and gas mileage. They are better than the Crown Victoria vehicles on gas mileage, etc. He wanted to be clear on what they are planning to do with the insurance proceeds.

### Consider Approval of Request for Proposal for Legal Services for the 2009 Maple Avenue Community Revitalization CDBG Project - (Exhibit B)

Community Development Manager Karen Kennedy explained that they are gearing up to starting the Maple Avenue Project and the Autumn Oaks Project. This request is for legal services associated with the Maple Avenue Project for title opinions and researching the properties to make sure of the property owners before we rehabilitate them and/or acquire them. They sent out the specific request and staff would like to recommend the award for legal services to April Stephenson, PA, contingent upon release of funds by the Community and Investment Assistance Department. Mrs. Kennedy stated that one of the new requirements with our grant agency is that we post all our bids on the Interactive Purchasing System called the (IPS). That has expanded our responses we have received; we received more responses out of town and we also mail these requests to our current list and to local individuals.

Consider Approval of Request for Proposal for Lead Based Paint/Asbestos Services for the 2009 Maple Avenue Community Revitalization CDBG Project – (Exhibit C)

Community Development Manager Karen Kennedy stated that in the Maple Avenue Project when you do rehabilitation work, we have each house inspected for lead-based paint and asbestos and that requires more technical type of service provider. We mailed the proposals to the firms that are on our mailing list in the past, placed an ad, and also placed the information on the Interactive Purchasing System (IPS). We received eight proposals and following the criteria, we recommend the award for lead-based paint/asbestos services to Get The Lead Out Company in Charlotte, North Carolina, contingent upon release of funds from the Community Investment and Assistance Department.

Consider Approval of Request for Proposal for Engineering Services for the 2010 Autumn Oaks Housing Development CDBG Project - (Exhibit D)

Community Development Manager Karen Kennedy explained that we are gearing up to begin work for the 2010 Autumn Oaks Housing Project. We are seeking engineering services to assist the developer with this project. We received a wonderful response to our RFPs. We mailed out ten, posted and placed ads, and received twelve responses. We had to engage staff from the City's Engineering Department (Mr. Weeks), our staff, and the developer, to review this information because it is technical in nature to what we need from the engineer to work with a collaborative effort with the developer, the project manager, and the City for their guidelines. Following the detailed evaluation, staff recommends award of the contract to Ken Bright Associates, subject to negotiation of a fair and reasonable fee and contingent upon release of funds from the Community Investment and Assistance Department.

Discussion Regarding Closing of Streets for Bike Race - (Exhibit E)

City Manager Hal Hegwer advised that at our last Council meeting, Council had asked that we revisit this issue out of concerns from some of the businesses that were affected due to the bike criterion. We held a meeting last night in an attempt to bring the interested parties together and to see how we could work through some of the problems. There were a lot of ideas shared and thoughts about how each potential party involved could work together. There were a lot of compromised ideas discussed. Mr. Hegwer said he felt it was a productive meeting; however, there is nothing concrete at this point.

Mr. Hegwer said that a list was put together for options for the Fitness Festival/Sanford Antique Mall. There were nine ideas mentioned:

1. Commitment to explore shortening duration of event and adjusting times to open streets sooner;
2. Flyer given out at Pottery Festival to include map, directions, parking, etc.;
3. Exploration of Shuttle to be handled by DSI from Pottery Festival to Sanford Antique Mall;
4. Advertising in advance – television, Liberty Festival;
5. Availability of Wenger's parking lot for Sanford Antique Mall customers;
6. Availability of Scouts and/or volunteers to help Sanford Antique Mall customers handle their purchases and cross points to get to Sanford Antique Mall;
7. Availability of truck to shuttle purchases to customers' vehicles;

8. Advance planning for next year's event to begin after May 1 event so that obstacles can be worked on ahead of time;
9. Meeting with involved parties on lesson's learned post-event.

Mr. Hegwer said there were no compromises settled on; however, he suggested giving it more time to see if it can be worked on.

Consider Redistricting Plans for Council Wards – (Exhibit F)

Strategic Services Director Don Kovasckitz referred Council to the redistricting timeline in their Law and Finance agenda packets. The process was discussed earlier and Council is on a short timeline to approve a new district plan in order not to delay the next municipal election this coming November. He said that staff is requesting that a selection of one of the three proposed plans be selected so that staff can advertise for a public hearing on April 19, 2011, so we do not have to postpone the municipal election.

Mr. Kovasckitz advised that Council was advised in an earlier meeting that we have three criteria we need to use in establishing electoral ward boundaries. They are the 10 percent rule, which says the largest population district compared to the smallest population district cannot be greater than a 10 percent deviation; we also need to abide by Section 5 of the Voting Rights Act, as Sanford is a preclearance municipality so that we need to maintain two minority/majority districts; and we need to keep all incumbents that are not elected at-large in their current districts.

If you look at the 10 percent rule, you can see that the difference between Ward 1 and Ward 3 have a 17 percent deviation on Ward 1 and a -14 percent deviation for Ward 3. With our ideal ward being at 5,619, there is a 31 percent deviation. In essence, what staff had to do when we redistrict these wards, was to significantly reduce Ward 1 and significantly increase Ward 3. Ward 3 and Ward 1 do not touch; so in essence, what we are going to do is shift the ward over. Deep River Forest is not shown; it would be in Ward 2. The plans you see are going to have a thick, dark line around them so it is easier to see where the current district boundary is compared to the proposed plan. Mr. Kovasckitz said that with proposed Plan #1, the total plan population deviation is 5.5 percent; Plan #2, - a 4.0 percent total plan population deviation; Plan #3 – a 4.7 percent deviation. In each of the plans, Wards 1 and 2 are basically the same. He compared all three proposed plans for council.

Attorney Patterson advised that Mr. Kovasckitz has looked at the redistricting plan with the criteria that he had to meet – the 10 percent deviation, the majority/minority wards, keeping incumbents in their wards, and he has three plans for consideration. The three plans basically shift the ward lines as little as possible to meet those requirements. Council needs to select a plan on Tuesday night that is preferred in order for it to be advertised and a public hearing held before it is submitted to Justice by April 25 for them to determine whether it can be approved or not within our time table. The Department of Justice will be looking at the change from the last census. They will have a snapshot of Year 2000 and a snapshot of 2010 and you end up redistricting the year after that. All three plans meet the criteria.

Other Business

Council Member Sam Gaskins commended City Manager Hal Hegwer and Council Member Taylor for the work they have done independently trying to resolve the issue on the bike race and the concerns of the people with the Sanford Antique Mall.

City Manager Hal Hegwer stated that we are planning a trip to Concord to look at some of the initiatives in the Downtown area. It is tentatively scheduled the week of April 18 through the 21. He asked Council Members to look at those dates and advise him of the date they prefer.

Mr. Hegwer announced that Wednesday, May 4, is the date set for Town Hall Day.

Mayor Olive read a letter recognizing City employee Ralph Holt. He was designated as a Roads Scholar with ITRE.

Closed Session

City Attorney Susan Patterson explained that Council needs to go into closed session in accordance with N.C.G.S. 143-318.11(a)(3) and (5) to discuss within an attorney employed or retained by the public body in order to preserve the attorney-client privilege and to establish or instruct the public body staff on a position to be taken in negotiating the price or other material terms with the contract or proposed contract for the acquisition of real property by purchase, exchange option, or lease.

So moved by Council Member Linwood Mann and seconded by Council Member Bob Brown, the motion carried unanimously.

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

Adjournment

The regular session was closed upon motion of Council Member Charles Taylor; seconded by Council Member L. I. "Poly" Cohen, the motion carried unanimously.

Respectfully submitted,

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Cornelia P. Olive, Mayor

ATTEST:

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Bonnie D. White, City Clerk