

LAW AND FINANCE MEETING
Wednesday, August 10, 2011
1:00 P.M. in Council Chambers

The Law and Finance Committee met on Wednesday, August 10, 2011 at 1:00 P.M. in the Council Chambers at City Hall. The following people were present:

Law and Finance Committee:

Mayor Cornelia Olive	Council Member Walter McNeil, Jr.
Mayor Pro Tem Sam Gaskins	Council Member James Williams
Council Member Bob Brown (left at 3:00)	Council Member L.I. (Poly) Cohen
Council Member Charles Taylor	Council Member Linwood Mann
City Manager Hal Hegwer	Deputy City Clerk Janice Cox
City Attorney Susan Patterson	

Absent:

City Clerk Bonnie D. White

Mayor Cornelia Olive called the meeting to order.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2011-2012 – (Exhibit A)

Downtown Development Manager II David Montgomery stated that in March, Council had authorized the Planning Department to apply to the North Carolina Urban Forest Council for a legacy tree fund grant. The grant was in the amount of \$5,000 for the purchase of trees along Maple Avenue and McIver Street in East Sanford. It seemed a good opportunity to take advantage of the CDBG project planned on Maple Avenue as well as the work being done by the Mayor's East Sanford Task Force. The match for the City is \$5,000; \$1,150 in cash and the remaining part "in kind" for items such as sod, mulch, and staff and volunteer time in planting the trees. He is asking for an amendment of \$1,150.

Mayor Olive asked if maple trees would be planted. Mr. Montgomery stated that while they thought it would be a good idea to do so, there is a disease going around affecting them, and another kind of tree was suggested such as dogwood or elm. They are planting a total of thirty-six trees.

Council Member Williams confirmed that the total grant including "in kind" is \$10,000. Council Member Taylor stated that it would be good for Simon Griffiths of Trees Across Raleigh to come and share his successful project of planting trees in areas where trees may have had to be removed. Mayor Olive asked how big the trees would be when they are planted. Mr. Montgomery replied that they are 3" calipers.

Consider Ordinance Establishing a No-Parking Zone on a Portion of an Alleyway of the City of Sanford – (Exhibit B)

Downtown Development Manager II David Montgomery stated that a request had been received from a business owner to extend the No-Parking Zone on the alleyway behind A Few

Nice Things and Ron Mitchell's Antiques. The request would prevent parking at the back door of the businesses interfering with the property owner's being able to get things in and out and blocking employees' ability to get out in an emergency. There are no dumpsters in this section. Mayor Olive asked if any of the adjacent store owners commented on this. Mr. Montgomery stated that he did not ask Mr. Mitchell, but he did ask the property owners and they agreed to it. It should not affect Mr. Mitchell.

Council Member Williams commented that he works downtown and takes a short cut through that alleyway sometimes, and it is hard to get through with cars parked on both sides. He stated that it would be a problem for fire trucks if they needed to get through there. He believes it is dangerous for people to park in that alleyway.

Consider Capital Project Grant Ordinance – North Carolina Department of Transportation -2011 Comprehensive Bicycle Planning Project – (Exhibit C)

Downtown Development Manager II David Montgomery stated that staff is requesting the authorization of the execution of the municipal agreement for the 2011 Bike Planning Grant and also a grant project ordinance for the City. The request comes as a result of receiving a bike planning grant from the NC Division of Bicycle and Pedestrian Transportation. Mr. Montgomery stated that they received and completed a pedestrian planning grant and this is the bike component of that. They wanted to look at alternative transportation systems, in particular more walk-able and bike-able communities. Our pedestrian plan has already been in use for our Comprehensive Transportation Plan, and Mr. Montgomery believes the bike plan would compliment that as well. The total cost of the estimated plan is \$35,000 with DOT covering \$24,500 and the City's match being \$10,500. The process takes approximately eighteen months, and having a full time, permanent employee of the municipality assigned as project manager is a requirement. There will also be a task force or steering committee of members from the community involved in the planning process.

Mayor Olive asked who would be the project manager. Mr. Montgomery stated that he would be. Referring to the Triangle Area Rural Planning Organization, Mayor Olive commented having a pedestrian plan puts us in advance of other communities involved in this and the bicycle plan would do the same thing. Mayor Olive stated that a lot of DOT money is drying up and we have gotten in right ahead of each one. She hopes these will be approved because we have a lot of bikers in the area, and this has been wanted and needed.

Mayor Pro Tem Gaskins asked if most of the work was done other than formalization. Mr. Montgomery stated they didn't do anything as far as planning the bike round except for the greenway component and multi use of traffic. They had not looked at bike lanes, etc. Community Development Director Bob Bridwell stated that a preliminary bike-routing plan was included in the open-space plan, but actually doing the lane designs will be included in this study. Mr. Bridwell stated that the plan is being used extensively with DOT. This morning, in a scoping meeting for the widening events of NC 42 and Broadway Road, bike lanes and the pedestrian plan were invoked in that design process. Mr. Bridwell agreed with Mayor Olive that we are way ahead of the game, being the only one in the region who has an approved Comprehensive Transportation Plan and an approved Pedestrian Plan as part of that process.

Council Member Williams asked if we would be using a consultant. Mr. Montgomery stated that we would. Mr. Williams asked if the consultant's fee was included in the matching funds. Mr. Montgomery stated that they were included. Mayor Olive asked what percent of the matching funds would be for the consultant's fee. Mr. Montgomery stated it would be put out for a proposal. The percentage is the State 70 percent and the City 30 percent. The consultant gets paid the full amount of the approved bid. Mr. Hegwer stated that public input and involvement would be taken into consideration. Mayor Olive confirmed with Mr. Montgomery that there would be no other costs to the City.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2011-2012 – (Exhibit D)

Downtown Development Manager II David Montgomery explained that this ordinance is to cover the City's part for the Capital Project Grant covered in the item above.

Consider Capital Project Amendment Rural Economic Development Center – Sewer Capital Project #2007-013-40401-107 - (Exhibit E)

City Engineer Paul Weeks stated he would speak to this item and the next item at the same time as they refer to the same project. The Walmart Sewer Improvement Project is coming to an end. The City received \$500,000 from the Rural Center for this project. The City match was \$525,000. The final invoice from the contractor exceeds the contract amount by \$45,359. It exceeds the budgeted amount by \$31,775. During the life of the project, staff adjusted the project by adding and subtracting things based on what was going on in the field. Mr. Weeks stated that that is allowed in the contract documents. During the time of making those changes, there were funds available in the sewer rehab line item to pay for the changes they were going to make. Where the mistake came is that staff did not approach Council to transfer those funds from a sewer rehab line item into the capital project. Today, staff is here to take necessary steps to close out the project. First, Mr. Weeks is asking Council to ratify a contract extension by authorizing an additional \$45,359.61. He is also requesting Council to appropriate \$31,776 to pay the contractor's final invoices. Likewise, he is requesting Council to approve the final payment to the contractor.

Council Member Poly Cohen asked if the project had been put out to bid. Mr. Weeks stated that it was bid in 2009-2010. Referring to the project being over so much money, Mr. Cohen asked if there were changes. Mr. Weeks stated that going through the project, they had run into a number of situations. For example, they found a lot of 6" line that they had believed was 8" and that added to the cost. Mr. Cohen stated that he wished Council had known about it during the time it was happening. Mr. Weeks explained that in staff's minds, they knew they had the funds in a sewer line item. They failed to come to Council and ask to move those funds to from sewer rehab over into this capital project.

Mr. Hegwer stated that it was typical to fund a lot of rehab projects out of the sewer rehab part of it. This was a separate contract with the intent that it be paid out of there, but staff missed a step. Mayor Olive stated that it was troubling when there was this much money involved. She asked for a restatement of how much money he is now asking for. Mr. Weeks stated the funding he is asking for now is an additional \$31,775.41—the amount City owes the

contractor. The \$45,359.61 is what the contract has to be extended to cover everything that was done. He stated there are funds available to pay the contractor except for the \$31,775.41.

Council Member Williams asked Mr. Weeks if all sewer rehab had been completed. Mr. Weeks stated they were finished with this project. They do not have any other sewer rehab projects planned in the near future, but they do plan to rehab more in the future in this manner. Mr. Hegwer stated the work was something we would have done anyway and again stated that the money was in the budget; they had just missed a step.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2011-12 – (Exhibit F)

In the Utility Fund, this ordinance transfers from Contingency to Contribution Capital Project, the amount of \$31,776. This was covered in the information in the previous item.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2011-12—(Exhibit G)

City Engineer Paul Weeks explained that the Dry Creek Basin Lining project was contracted for \$382,651 and the final invoice came in about \$11,205 over that. This project is funded out of the sewer rehab line item. Again, they missed the step of doing an internal transfer of funds to move the money into the project although they knew the money was there.

Mayor Pro Tem Gaskins questioned why the ordinance is requesting \$7,682 when the project came in at \$11,205 over. Mr. Weeks explained that the budget still has roughly a thousand dollars in it, so there are funds available to pay it which will make up the difference. He stated that the previous budget contains about \$5,000 because we don't pay taxes. When a contractor submits a bid to us, that bid includes taxes. He is also asking Council to approve the final payment to the contractor. Council Member Cohen asked for rolling updates during projects in the future to avoid this kind of thing in the end. Mr. Weeks stated that the grant goes back to 2007-2008. Right now, we are at the end of it, closing out. Mr. Weeks explained that they missed a few steps, and if they had taken care of the one step in the grant project, everything would have been taken care of. On the second project, it was a matter of some internal paperwork they should have done to shift the money over to the project.

Mayor Olive stated that it was very unsettling to be left out and the length of the grant has nothing to do with sloppy bookkeeping or putting together what needed to be done or in an orderly way.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2011-12 –(Exhibit H)

Assistant Director of Financial Services Beth Kelly stated that this amendment re-appropriates funds that were budgeted in the prior year's budget, but were not complete or received as of June 30, 2011, as detailed on Exhibit H.

Council Member Williams asked Mrs. Kelly if the amount listed for Public Building was for a skate park sign. Mrs. Kelly explained that it is for the balance for the design of the skate park. Mr. Hegwer noted that \$75,000 was budgeted for the skate park originally, and that money

will be moved over and can be utilized with existing money budgeted this year for the skate park. It is the remaining part of that we did not spend, and we would like to move it over into that project. Mr. Williams stated that he thought the amount had been reduced and did not know if a final design had been received. General Services Director Tim Shaw explained that the consultant is still working on the final design of construction drawings. As for the skate park, no design has been put on paper. He stated that scaling back the actual size of the skating area had been discussed, but the final construction drawing are now being done for the parking lot, restrooms, etc. to determine if they can be done in this year's budget.

Mayor Pro Tem Gaskins asked if the \$73,240 for the Waste Water Treatment Plant was for sludge removal and chemicals which had already been done or something not used from last year. Mrs. Kelly stated that Sewer Plant Superintendent Jay Grainger actually requested the purchase order at the end of May and they had not completed hauling all of the bio-solids as of June 30.

Consider 2011 Assistance Firefighters' Grants (AFG) Application – (Exhibit I)

Fire Chief Wayne Barber stated that on Monday, August 15, the Federal Fire Administration will open the application period for Assistance to Firefighter Grants. This year they have \$404,190,000 to award over the entire United States. With some of their priorities, Chief Barber is looking to replace their SCBA (Self Contained Breathing Apparatus) units they have on hand. He has forty-three on hand; thirty-five of them meet the 1997 standards, six of them meet the 1999 standards, and two meet the 2001 standards. In this year's grant, high priority for funding is being given to any units that do not meet 2002 standards. Chief Barber stated that in 2004, they received a grant for generators and radios, but they had not been as successful in receiving grants since then. Some local departments have worked with a grant writer (John Dorner) out of Brevard, NC. Chief Barber provided a cover letter and a list of Mr. Dorner's successful grants in this process (Exhibit I). The amount of the grant Chief Barber would be applying for would be about \$252,000. The match would be 10 percent of that. If they are successful in getting the grant, the grant writer charges 2 percent of the awarded amount or about \$4,500. There is no charge if the grant application is not successful.

Council Member Taylor stated he was glad to see this item on the agenda today because he has had some conversations with the Cape Fear Fire Department about John Dorner and he has heard from people who worked with him that he has been very professional and he knows how to navigate the process. He feels the city is missing out on some opportunities if the Fire Department has not had a grant since 2004. City Manager Hegwer stated he did not see any cities listed on Exhibit I. Mr. Taylor stated that the master list he provided during the budget process includes some successes with cities, as well.

Chief Barber explained that for this grant, the first part counts for 50 percent. Here they determine if you are eligible and that the request is in their priorities. After that, the application goes to a peer review committee which counts for the other 50 percent. The grants are doled out according to the point ranking system. Mr. Hegwer stated that we had worked on a grant application through stimulus funding for fire station construction, but even though the City received a lot of grant funding through the stimulus funds, this particular grant application was not successful. A lot of effort had gone into the application.

Mayor Olive confirmed with Chief Barber that the current SCABA equipment is out of date. Chief Barber explained that they do not meet the current standards. We do not have the built-in, integrated pass device which is a motion sensor. If a firefighter goes down, it sets off an alarm. These packs also have a locator device with a receiver unit to help locate a firefighter who is down. The newer equipment has a head unit in the mask which shows the cylinder level. There is a chemical/biological face piece and harness. Mayor Olive asked if it were safe for our firefighters to be going into burning buildings with their current equipment. Chief Barber stated that it passed all the flow tests and is maintained in a safe condition for our people to use, but they want to replace them with newer models if the opportunity arises.

Council Member Taylor stated that he finds it troubling that for fourteen years, we have had these air packs in operation and put other priorities (such as trench trailers) ahead of this. It would cost about \$60,000 to put first run at all stations. He wanted something more aggressive in place to have all of them at one time. Chief Barber stated that there were upgrades to the masks, but our firefighters are operating in a safe manner right now. They are trying to take advantage of this funding as this item is a high priority on the list.

Council Member Brown stated that this equipment is continually being upgraded, and he believes that is why the thirty-five are not in compliance. Chief Barber agreed that when those thirty-five were bought, we were in complete compliance. Standards change every three to five years for something major or something minor. If the City is funded for these forty-three packs, it will put us up to standard for today. Mr. Hegwer stated that if the grant was not received, it could come back to Council for funding this year.

Council Member Taylor asked what the typical life of the air packs was in a typical environment. Chief Barber stated that if they are maintained properly and repaired properly, they can run for a number of years. Council Member Williams asked how long the state would let us go without mandating we come into compliance. Chief Barber replied that as long as the air packs are maintained and they see the records that they are maintained regularly and they pass the flow test annually, they may not be required to change anything. The ISO (Insurance Services Organization) provides the fire ratings for insurance rates. Council Member Williams asked about payment to the consultant. Chief Barber stated he charges a \$500 fee if you apply for a vehicle, but Sanford is not applying for a vehicle. If we are not awarded a contract, we do not pay him a dime. If we get the grant for forty-three air packs, there is a \$29,698 match, which includes the 10 percent match to the Federal Government and the consultant's 2 percent fee.

Mayor Olive observed that the standards are continually being upgraded for safety purposes. She expressed concern about being at 2001 compliance. Chief Barber stated that the functionality of the air packs is not a problem; it is just a matter of meeting the standards that were in place when the air packs were purchased. Some of the cost of the new air packs is for terrorism such as upgrading the face mask standards for chemical and biological attacks. Normally, however, if you have terrorist-type activities, you have a HAZMAT team using Level A suits with everything encapsulated. Chief Barber stated that we are trying to get to the newest standards out now. He does not know when the next upgrade will come out. Mayor Olive stated that she was sure Chief Barber had overwhelming support on this Board to apply for this grant

and retain the consultant. Mr. Hegwer stated that it is the same for all firefighting equipment; it is changing daily. He pointed to our 1977 model equipment truck as an example and stated that this Council has been very good in funding new fire trucks and had a lot of major advancements, but we have to keep up constantly. Chief Barber stated that the ISO would accept the air packs if they met the standards for the year they were bought. They keep the records on file so ISO can look at them at any time.

Council Member Williams asked if we had moved any on the HAZMAT side with our department. Chief Barber stated that we had not; we still maintain operations level. When you get above that, you're talking about expending massive amounts of money. That's why there are regional HAZMAT teams in place. Most plants have their own technician level responders to give us guidance if they have chemicals. They can also call in the regional HAZMAT team. Mr. Williams asked about dealing with accidents on the highway. Chief Barber stated that operations allow us to identify and rescue if that is an immediate need. Otherwise, they secure the area and call for HAZMAT and try to stop any leak from reaching waterways or drainage systems and evacuate the area to a safe distance depending on what the chemical is. Mayor Olive stated she believed he had his consensus strongly.

Consider Discussion Regarding Purchase of Radios for Fire Department – (Exhibit J)

City Manager Hegwer stated that at the last Law and Finance meeting, there had been a discussion involving the purchase of radios in the Fire Department. Council Member Taylor had some questions about the purchase. There was a request to look at a comparison with another radio brand, and we have that here today.

Chief Barber stated that in Council packet, there are several handouts including a comparison chart and individual components that go with these radios, such as batteries and a charging system. Chief Barber said that basically they were looking at the Motorola XTS 1500 portable which is a public safety tier radio. Being asked to look at the Kenwood radios, he has a quote from the local dealer on their NX200/300 which falls in their business or professional class radio. Chief Barber stated that both radios are five watts and would have to be intrinsically safe due to their operating in areas that are dangerous to life and health. He reviewed the similarities and differences contained in Exhibit J. He detailed the advantages of the Motorola radios that he had requested. The quoted Kenwood radio is a proprietary digital system. He stated that all the volunteer departments and all of his firefighters have pagers that when communications gets a call on 911, they encode the stations' special tones and sets off their pagers. Ninety-Nine percent of those pagers are Motorola pagers. See Exhibit J for additional information and comparisons.

Mayor Olive asked Chief Barber if he had a representative from Motorola present at this meeting. He stated that he did not.

Council Member Taylor stated that back in the budget process on Page 141, Council received an itemized list of all items that we are paying for, including capital outlay funding as well as an antenna we paid \$4,697 for. He said that buried in the same budget on Page 143, we had an increase on department supplies that went up 283 percent. He said that he asked the question that day and of that \$120,000, \$94,000 of that was relative to radios. He stated that the \$94,000 figure came from a base quote on radios and did not include the state contract rate we

could have paid for radios. Mr. Taylor stated that now we have gone from \$94,000 that was budgeted to \$67,000 as a price. He stated we had over budgeted \$27,000 already.

Mr. Taylor said he was aware of cities having problems with P25 technology and asked Chief Barber what, in his opinion, was so special about the P25 technology and why it was needed in Sanford. Chief Barber stated that P25 is a protocol that was set up by a group of vendors, users, and government officials to allow different manufacturers to be able to produce radios that could be used on the system. Mr. Taylor asked if we currently have P25 radio towers that our radios can be used on. Chief Barber stated that we use analog and currently the main fire channel has a link between an analog repeater and a digital repeater that is on the proprietary system in operation. We do not have P25. Mr. Taylor asked who was going to pay for the infrastructure down the road when it's not supported. Chief Barber stated that the towers are there; it is just a matter of replacing the repeaters. The Viper tower has most of the radio system for fire, law enforcement, and EMS on it already and has room for additional. There is backup at the Harkey Road water tank.

Mr. Taylor asked if the Kenwood system would work for the Fire Department. Chief Barber stated that it would if they would go P25. Mr. Taylor stated that we used the IMBE decoder that was 1.5. There were problems with that, so much that the U. S. Department of Commerce did a detailed study on that technology. We had those same radios in our Fire Department. Mr. Taylor said there had been instances where firemen could not communicate in noisy environments and even in the hospital where you can be in the emergency room and not be able to talk to somebody outside. Mr. Taylor asked that with those problems, if it caused Chief Barber away from P25 technology. Chief Barber stated that they were not currently using P25 technology. Mr. Taylor asked why he was recommending Council to pay for it if it is not being used. Chief Barber stated that they did not have anything that is digital at the moment. The mobile analog units that they have on the truck are upgradeable to do that. Mr. Taylor confirmed with Chief Barber that we have both VHF and UHF on the truck. He asked if there are any other fire departments carrying both radios. Chief Barber stated it is possible; he had not checked. He explained that the reason they have two radios is that back in the '80s when they tried to get an additional VHF unit for the City to use as a fire channel, there were none available. The dealer handling their radios at the time—a dealer out of Virginia—recommended that we just go ahead. UHF channels were readily available. Plus, it gave them capability to talk to local law enforcement—both police and sheriff--on any one of those units. We will have that capability going forward. They will not be able to talk to the county departments in digital mode, but in analog. They will have to monitor analog if they are going to have page out capabilities.

Mr. Taylor stated that an area businessman with Fleet Connect was present. He stated that Coty is one of our most volatile environments. He confirmed with Chief Barber that Coty gives the firefighters an intrinsically safe radio when they arrive on site and that it is a Kenwood proprietary radio. Mr. Taylor stated that the Emergency Management Department and the County fire departments have the same Kenwood radio, so that is six out of seven County fire departments. Mr. Taylor stated that we have employees who are using the Kenwood radio on duty in the City of Sanford now. Chief Barber stated that was his option and he could take care of that problem if it seems to be a problem. He stated that they provide radios for their people when they are on duty. Mr. Taylor inquired if we had asked those individuals what the benefit of

that radio might be versus the Motorola we currently have. Chief Barber said that he had not. Mr. Taylor requested to have Nick Long from Fleet Connect to give the Kenwood side of the story.

Mayor Olive asked Mr. Long to limit his remarks to ten minutes due to the lengthy meeting and his having already provided a comparison (Exhibit J). Mr. Long stated that the Kenwood radios are very similar as shown feature by feature on the chart provided. He stated that he believes there is a significant price difference that could be used for other fire equipment. The County fire departments have adopted this NEXEDGE technology which has a lower price than the P25 and has advanced digital technology, designed in 2005 with the first products released in 2007. The County has plans to install a trunked radio technology so that firefighters can listen to the analog dispatch channel and be assigned on to another talk group, allowing them to handle two events simultaneously without interference. He stated that was a glaring problem during the tornado event as fire fighters were responding to several calls.

Council Member Williams asked if the trunk line was only available with the Kenwood. Mr. Long stated that P25 has a trunking protocol; however, it is very costly and has become proprietary with licenses necessary to do that. The Kenwood radio can be changed to P25, but the cost is \$500 to \$600 per radio. Mr. Williams asked if the Kenwood radios would be compatible with the other radios used by the City. Mr. Long responded that they would be and no other changes would need to be made to make them work.

Mayor Pro Tem Gaskins noted that the obvious difference was the \$41,640.60 versus the \$67,662.35, but with the P25 additions of \$19,500.00 they are in the same ballpark. He asked if the City decided to go to the P23 Digital protocol if that is something that could be added later. Mr. Long stated that it could be added later to the County's radios. The radio's flexibility is one of its most attractive features. Mr. Gaskins questioned the warranties. Mr. Long responded that the standard warranty on the Motorola is one year; the standard warranty on the Kenwood is three years. Motorola does offer an additional three-year warranty. Mr. Gaskins confirmed with Fire Chief Barber that the additional warranty was included in the purchase price. Chief Barber added that it includes complete replacement if the radio is damaged in any manner, whatsoever. Council Member Taylor asked what happens now when we have damaged radios. Chief Barber explained that he has a radio maintenance contract and if it is repairable, it is covered under radio maintenance and does not cost anything. It is sent to the repair shop.

Mr. Taylor asked Mr. Long of Fleet Connect if their radios could be repaired locally or if they had to be sent off. Mr. Long stated that, depending on what the problem was, some could be repaired here and a loaner could be provided, if needed. Chief Barber stated that his radio maintenance contract provides for loaner units both for handhelds, the mobiles, and the repeaters. He stated that if you go with the Kenwood NEXEDGE technology, that means that next year when they are ready to upgrade their mobile radios in the trucks, they would need to replace twenty-eight additional mobile units because of the VHF and UHF and the NEXEDGE Digital proprietary system. Mr. Taylor asked if that was a choice we were making from a management standpoint to stick with both VHF and UHF. Chief Barber responded that it was, but it is also how the fireground channel is set up so that we have a channel to operate on totally on our own. That allows us to get off the main channel so that other calls can be dispatched, and it allows

them to talk directly to law enforcement. Mr. Taylor asked Mr. Long if in the future there was anything the County or City could do differently that would prevent them from being able to communicate with each other. He responded that if the City changes to P25, they would lose the capability of talking with other agencies unless they, too, chose to go with the P25.

City Manager Hegwer stated that the City has a good relationship with Fleet Connect and does a tremendous amount of business with them both for fire and police departments, and they are very satisfied with their work. He has defended them with other vendors regularly. Mr. Hegwer stated that today several vendors could have been brought in to go back and forth all day to talk about what we should and shouldn't do. We could have brought in more expensive radios and less expensive radios, but, at the end of the day, somebody has to decide. He stated that Council always needs to be concerned about money because they have an obligation to the taxpayer, but we are responsible. Chief Barber is responsible every day. If something happens at 2:00 in the morning, he doesn't get on the phone and call Council or anyone else—it is his responsibility. Furthermore, every life of every fireman is his responsibility. Mr. Hegwer stated that he held Chief Barber accountable and the Council held him (Mr. Hegwer) responsible. He stated that we feel confident with where we are going. Mr. Hegwer stated that we do not feel that Mr. Long has a product that meets our needs; however, he is a great vendor and he felt we would always have a great relationship. There is just a difference of opinion. He stated that the County has gone in a direction that we do not feel comfortable in going. He feels we are thinking a little further out. He sees many places gravitating to the 800 MGH, Viper system. Hopefully we can move forward.

Mayor Olive asked which departments we have using Kenwood now. Mr. Hegwer stated that the majority are used in Public Works. Mr. Hegwer stated that we have a difference of opinion in the public safety arena. The police use Motorola, but Mr. Long does about all of their installation work. Mr. Hegwer stated that there were no qualms with his work and that he is very professional.

Council Member Gaskins asked why we want and what the advantage is in having the P25 system if we are not using it. Chief Barber stated it is the system that the Department of Homeland Security has designated as the protocol to use for interoperability. It is used all over the United States and has been adopted in other countries, as well. Mr. Gaskins mentioned surrounding counties coming in to help during the tornado and asked what systems they were using. Chief Barber stated that they were able to talk with them on the 800 Viper System. The Fire Department is equipped with three 800 portable units, now. Units were brought in from Moore County and the local Emergency Management has a cache of 800 portable radios. Mr. Gaskins asked if either radio would have worked to communicate with the neighboring fire departments. Chief Barber stated that using the 800 System would put you into work groups and individual work groups would use their particular radios to work their specific projects. Command and Control was handled through the 800 System. Chief Barber explained 1500 is the model number of the Motorola radio they are replacing. 800 MGH is a Viper System. Mayor Olive confirmed with him that they had only three of those. Chief Barber stated that currently they have three portables available to them for command and control. If they had a large incident, the cache of radios that Emergency Management keeps on hand is available, and they can call in additional from Moore County and the Highway Patrol.

Mr. Hegwer stated that the Viper System is moving toward statewide, and it is his understanding that Motorola and EF Johnson are the only two radio providers, but that is going to change to all P25 and be opened up to the complete vendor market. He thought the reason the County went this way is because they wanted multiple channels to be able to talk off of that. Chief Barber stated it would be great for them to be able to have channels they could work off of and not tie up the main channels so that calls can be dispatched out not only to the City, but other county departments. Mr. Hegwer stated there were no problems with communications today that he is aware of. Mr. Hegwer stated the reason the radio issue is before council today is narrow banding. Chief Barber stated that if the FCC mandate for January 2013 were not looming ahead, they would continue using the radios they have now.

Council Member Taylor stated that the P25 technology has been around for twenty-two years. This particular radio has been out for twelve years. He asked Mr. Long what typically happens in the life of a Motorola product in a series that has been out ten to twelve years concerning any problems with potential obsolescence, and he asked what the next generation would be. He asked if we were backing ourselves into some technology that is old. Mr. Long stated that that particular model is the first generation of P25s. Standards are being released now for Phase II that will address the next step of narrow banding capability. There is another product Motorola has now that they call P25, Phase II which is just hitting the market. It is significantly more expensive, however.

Mr. Taylor stated that he heard Chief Barber mention the channels, and he said he is all for the City having its own channel. It is his understanding that you could achieve a channel for \$5,000. He asked why not go with a technology that can communicate all times with the County, Emergency Management, Sheriff's Department, and Rural Fire Departments and create their own channel. Chief Barber stated they could create a channel, but it would cost more. The repeater would likely be around \$10,000.

Council Member Williams stated that he had researched the radios and talked to different fire departments in Lee County and Harnett County. One fire fighter in Harnett County stated they were using Nextels and had one Motorola. The firefighter said that as far as she was concerned, Motorola is the number one name in radios. Mr. Williams also spoke with the chief who said they had been talked into changing their radio systems and he was getting used to them, but they had some limitations in that there were things they could do with Motorola that they could not do with these. The chief stated that Motorola is the number one name in radios for public safety and everybody else was trying to catch up. He stated that was what he had heard from others he had talked to, and that was enough for him.

Mr. Taylor stated that he was not knocking Motorola quality. They have had the number one radio in public service, and there are other companies behind them that offer an equal or better product at a lower price. He suggested having a field test. He stated there had been a plethora of errors in the process ranging from the initial quote process and the bidding. He stated that we had \$94,000 budgeted and now we get a \$67,000 price. He asked if we were going to squeeze another \$20,000 out of it. He stated that we owed it to our taxpayers, citizens, and employees. He would like to see a trial of six radios, put out at different fire departments to see how they work. He stated that we may be buying technology we don't need. He stated that first

and foremost, we are to represent our public servants in making sure they have the best equipment and can communicate. Second, we represent the taxpayers. He stated that staff should have brought this up, not a council member.

Mayor Olive stated that Council would take a ten minute break.

Council Member Taylor asked if we knew there was a problem with the technology we currently have, if we are held to a higher standard of negligence in case someone is injured or killed in a fire--if we know there are communication problems, for instance, at the hospital which Mr. Taylor stated was one example given today. He stated he would forward that in an email to Counsel, and he would like her to respond to the entire Council so he would know what the answer would be.

Discussion Regarding the Purchase of New Golf Cars – (Exhibit K)

City Manager Hegwer explained that during the budget sessions, Council had discussed the purchase of new golf cars and Council decided to keep those in the budget. Golf Pro David Von Canon has had more time to evaluate the fleet and can see some major expenditures coming. He wants to look at some options and recommendations that might be a little more prudent than going down a refurbishing route. Mr. Von Canon stated that Council has a chart (Exhibit K) showing that the current golf cars will be four years old in September. Already this year, he has spent \$1,100 to repair fourteen cars before the tournament. He had the mechanic to go over each car and make an estimate on what it would take to get this fleet back to where it would be dependable to get around the golf course. Since February of last year, they have put ten sets of batteries in their fifty-two cars, leaving forty-two cars that still need batteries and other cosmetics such as windshields, windshield flaps, hubs, bearings, wires, and back straps to hold bags on cars. He needs twenty-two to twenty-three chargers and has to rotate every night to get cars charged for the next day. In his opinion, this is looking at spending a good amount of money into a bad situation with cars that are already four years old. He stated that if they go ahead quickly; start the bid process; get the new cars; and adjust the golf car rates slightly when the new cars come in, he believes in four years they will be better off by going ahead and purchasing new cars now.

Mr. Von Canon stated that Option B was talking about refurbishing the cars we have and then buying new chargers, and Option A was refurbishing the cars we have and purchasing refurbished chargers. The numbers make it evident and he, staff, and players at the golf course know it is time to get new buggies. He feels the numbers he is presenting justify that. Mr. Hegwer stated that Mr. Von Canon had talked to three vendors and there is about a 3 percent increase in the cost of the golf cars. Mr. Von Canon stated that the current golf cars are now at the highest salvage price they will be at-- somewhere between \$1,100 and \$1,300. Depreciation will bring the prices down more if they wait. Mr. Von Canon stated that the company representatives explained to him that it did not matter if the cars had new batteries or parts, etc. because they were looking at a model that would be six years old as opposed to four years old. They could get the maximum trade in value now, as compared to two years from now. All three of the vendors said that.

Council Member Taylor stated he did not know where the six-year thing came in. He stated he was looking at potentially taking out some of the fleet and buying new cars this year and taking the good cars and extending the life one more year and doing the same next year. He asked if he could get an increase with a partial fleet purchased. Mr. Hegwer stated that what Mr. Von Canon is saying is that in September the golf cars will be four years old. We can put \$44,000 - \$46,000 into those cars with zero maintenance the next year. They would expect to take the refurbished cars out after two years and that would make those cars roughly six years old. So, you could spend about \$46,000 to get two years out of them. What Mr. Von Canon is recommending is go up on rates slightly with the new cars. There is a salvage value now of about \$1,300 and that will decrease each year. Mr. Hegwer stated that you are either putting money in the old cars or buying new cars.

Mr. Taylor asked if the \$145,000 is a cash price for purchase of cars, or if it is a price where they give us \$1,200 for used cars and sell us new cars. Mr. Von Canon responded that is the budgeted figure based on purchase price minus trade in. Mr. Taylor asked how many rounds of golf are paid on the cars now. Mr. Von Canon stated that they had a little over 20,000 car rentals last year. He explained that his price increase for cars was done so as not to price public play out because they do have plenty of play. On average, it was about a 7 percent increase across the board. Mr. Taylor asked if he couldn't go up a dollar on a round of play, anyway, even without new cars. He stated that the \$14,000 could be applied to Option A and Option B. Mr. Hegwer stated they could go up right now on existing cars, but Mr. Von Canon felt it was more palatable to go up when you have new cars. Mr. Von Canon added that was especially true since there is talk of increasing membership rates for next year and other rates. He said the value of the golf course is where the play is coming from and how much are they willing to pay and why they are coming to our course to play. We have a product at a price that is very palatable to a little over 7,000 people they have in their computer system at this time. He would hate to take a good situation and watch it go by the wayside.

Mayor Olive asked what kind of membership fee increase he was looking at. Mr. Von Canon replied that they would look at that later on based on this year's numbers. Mr. Hegwer stated that Mr. Von Canon is compiling information on who is playing golf. Mayor Olive asked if players who came from out of town often had lunch in Sanford. Mr. Von Canon answered that a lot of times they did because people ask where there is somewhere good to go that is quick. He added that sometimes players ask about fun things to do in Sanford and he passes along information about what is available. He has City rack cards available.

Council Member Williams stated that based on car fees budgeted 2010-2011 at \$189,000 multiplied by four years, he is coming up with \$756,000. It looks like cars are paying for themselves. Mr. Von Canon stated that they do, but that is only a portion of their budget. The car fees are their largest source of revenue. The reason the cars are in the shape they are in is because they are not only four years old, but also because they are being used so often. Mr. Hegwer stated that the way they are set up at the golf course does not include a full-time, dedicated mechanic to work on golf cars, and we never have had. We have always looked at extending the life of the cars as long as possible and picking a time when there is still some salvage value. Salvage value is based on age. They have looked at online sales. Mr. Von Canon stated he would feel bad to put a golf car on line without a charger. His opinion is that it is better

to go with a company who will take the cars based on age, charger or no charger. Mr. Hegwer stated both could be done simultaneously—put on line at the same time bids go out.

Mr. Taylor stated that he would like to see a bid price from the three different bidding companies as a cash out price, with the City retaining the golf cars to dispose of them. Mr. Von Canon stated it contains the car specifications he wants, the car price for fifty-two cars, the trade in value, and then net. You will be able to see that when he presents it to Council to request to award the bid. Mr. Von Canon asked what he had to do to start the bidding process. Mr. Hegwer told him to start. Mr. Taylor asked how the battery program was working out now. Mr. Von Canon stated that so far he had recharged twenty-three cars. He stated that he believes that the process should be started once batteries are two years old. Then, at the three and a half year mark, maybe those can get a fourth and a half year out of them. Mr. Hegwer stated the batteries are warranted for two years, and if you charge them before they are two years old, you lose your warranty.

Mr. Taylor asked if Mr. Von Canon had the newer cars identified to get more trade in value on them. Mr. Von Canon stated that he had. It costs a little over \$600 to replace a battery. Mr. Von Canon reported that things are going well—play is up and the weather is good. Mr. Hegwer stated that older and younger people play at the course and there had recently been a junior tournament. Mayor Olive stated that it had been reported to her by someone who went out to play that there was a group of older gentlemen from another county who had brought their lunch in and they were trying to eat and play, and he was forced to wait for them and they were holding up progress. He stated that he didn't think they spent a dime except for the green fees in Sanford and then they left and went back home. He was wondering what percentage of people are taking up space when they are not spending anything here. Mr. Von Canon replied that he did not recall the example, but if there was a big group of people at the golf course who came from out of town, they spent that daily fee at the Sanford Golf Course when they could have been in their hometown. Mr. Von Canon stated that as far as holding up progress because they are eating, he would need to see that example. If it is one person behind a series of foursomes, it is unlikely they are going to let one player through. Mr. Von Canon stated they are having a lot of play. In July, they had a junior clinic with seventy participants for a week and ended with a parent-child golf event on the weekend.

Consider Resolution Establishing the Lee County Animal Control Ordinance as the Applicable Laws for the City of Sanford - (Exhibit L)

City Attorney Susan Patterson stated that Council had discussed implementing a new animal control ordinance for Lee County. Council has copies for their information. Attorney Patterson stated that she had analyzed it versus what we currently have in place in the City. Several of our ordinances would need to be changed or updated. A comparison chart is included in Council Agenda Packet, Page 32. She explained that the County ordinance adopts much of what the City has for inside the city limits. The enforceability of the County ordinance can apply within the city limits, if the governing body so chooses. For Council's consideration, Attorney Patterson prepared a resolution that would allow the Lee County animal control ordinance to be applicable within the city limits. That would allow consistencies with the officers' enforcement activities. It is written such that the Lee County animal control ordinance is applicable and enforceable within the boundaries of the city limits and all ordinances the City has that conflict

with that change are repealed. It would allow us to keep in place the rules we have that are not addressed by the County policy, such as no squirrel hunting/shooting in the city limits, slaughtering, goats, etc. Most items are very much the same and some were improved, such as our current City rules on rabies control require rabies tags and inoculations for animals and then cross references to State controls. The County policy has a little more specificity on what you do with dangerous dogs, dogs that have bitten, and exposure to rabies.

One instance we had happen, in the meantime since the County enacted its new rules and ours hasn't changed, is we have had issues of animal bites. Our policy says that after there is a dangerous dog declaration by the animal control officers, you follow the State law with how that animal is confined. The County's new law has specific obligations to create an enclosure—something with a roof, floor, and sides that are connected to the roof and floor. It has to be a certain height with a certain fence and of a certain size. That secure enclosure allows the animal to be confined and not be at risk to the public. Whereas, the City's rules say that you follow the State law which allows enclosure in a house, but there are no specifications for the enclosure. In her opinion, the County's policy is superior in that area. There are issues requiring tethering which Council discussed for a while. The County's ordinance allows tethering, but must be done on a coated cable and not for a period of time longer than twelve hours, etc. We do want to keep our rules concerning permitting and guidelines for chickens and coops. We also have the Urban Archery season in our policy. If Council so chooses, the Lee County animal control ordinance can be enforceable within the city limits. The Town of Broadway currently handles their animal control in that fashion.

Other Business

Council Member Walter McNeil thanked the City staff and Police and Firefighters for their participation in National Night Out. There was a very good turnout and people enjoyed it.

Mayor Olive stated that yesterday she and Mr. Hegwer attended a meeting in Research Triangle. Keith Crisco, Secretary of Commerce, pointed out that CDBG grants have been cut by three quarters in the State budget for this coming year. She thanked Community Development Manager Karen Kennedy and Community Development Director Bob Bridwell for their work in getting grants for upgrading our homes here. It is also a wake up call that we won't be getting any more.

City Manager Hegwer noted that the National Night Out celebration video will be on our television station.

Closed Session

City Attorney Susan Patterson stated that motion was needed to go into closed session in accordance with North Carolina General Statute 318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

Council Member James Williams made the motion to go into closed session; seconded by Council Member Walter McNeil, the motion passed unanimously. Council met in closed session.

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

Respectfully submitted,

Cornelia P. Olive, Mayor

ATTEST:

Janice Cox, Deputy City Clerk