

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 Wednesday, October 4, 2011, at 7 P.M., in the Council Chambers. The following people were present:

Mayor Cornelia P. Olive	Council Member Bob Brown
Mayor Pro Tem Sam Gaskins	Council Member James Williams
Council Member Walter H. McNeil, Jr.	Council Member Charles Taylor
Council Member L. I. (Poly) Cohen	City Clerk Bonnie D. White
City Manager Hal Hegwer	

Absent:

Council Member Linwood S. Mann, Sr.
City Attorney Susan C. Patterson

Mayor Cornelia Olive called the meeting to order. Council Member James Williams delivered the invocation.

PUBLIC COMMENT – (Exhibit A)

Jenks Youngblood, residing at 1509 Cotten Road, commented on how well the Jubi-Lee event held at Depot Park was this past weekend. There were no streets closed and it looked as if there 1,000 people at the event. A lot of people came from the Cameron Street Fair and visited the stores downtown. It was one of the best days that he has had in a long time.

APPROVAL OF AGENDA

Council Member Charles Taylor requested to remove Item 5A - Approval of Award of Request for Proposal for Engineering Services for the City of Sanford FY 2009 Community Development Block Grant - Maple Avenue Project from the Consent Agenda and place it on the Regular Agenda.

Council Member Charles Taylor made the motion to approve the amended agenda. Seconded by Council Member Bob Brown, the motion carried unanimously.

CONSENT AGENDA

Approval of Law and Finance Committee Meeting Minutes Dated August 10, 2011 – (Filed in Vault)

Approval of City Council Minutes Dated September 6, 2011 – (Filed in Minute Book 76)

Approval of Law and Finance Meeting Minutes Dated September 14, 2011 – (Filed in Vault)

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

Ordinance was approved amending the annual operating budget to reappropriate \$10,000 budgeted in FY 10-11, but not expended at year end for the remainder of the Citizen Self-Service Module and other Munis upgrades; it also transfers \$1,500 from Contingency to the Utility Revenue Collection Department to budget funds for the increase in hours of a temporary employee.

Approval of Award of Construction Contract for Autumn Oaks Apartments Infrastructure – (Exhibit C)

Thomas Construction was awarded the construction contract for the installation of the infrastructure (water and sewer) for the Autumn Oaks Apartments Complex in the amount of \$125,982.40.

Approval Resolution Approving the City of Sanford Hazard Mitigation Plan Update – (Exhibit D)

Council Member L. I. “Poly” Cohen made the motion to approve the amended consent agenda. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS: *held jointly with the Planning Board.*

Application by Terry Stewart of Stewart-James, LLC - to amend the Stewart-James, LLC Conditional Zoning District for a revision to the site plan for a proposed residential subdivision to alter/reduce the lots sizes in the area illustrated as lots 1-6 on the approved site plan, which would increase the number of lots within this area from 6 to 10. The subject property is a vacant 2.26 acre +/- portion of a 10.43 acre +/- tract of land located within the Carbondon Cove Subdivision and is the same as depicted on Tax Map 9632.01, as Tax Parcel 9632-18-0761-00 Lee County Land Records; however, all of the parcels included within the Stewart-James, LLC Conditional Zoning District and illustrated on the original site plan are included within this request as this revision will alter the overall project site plan. Therefore the overall acreage included within the rezoning request is 34.5 acres +/- and includes Tax Parcels 9632-18-8006-00, 9632-18-9905-00, 9632-18-8874-00, 9632-18-7823-00, 9632-18-6941-00, 9632-18-0761-00, 9632-18-6726-00, 9632-18-5748-00, 9632-18-4762-00, 9632-18-3840-00, 9632-18-4642-00, 9632-18-3527-00, 9632-19-1155-00, 9632-19-2242-00, 9632-19-3247-00, 9632-19-6428-00, 9632-19-4345-00, 9632-19-4086-00, 9632-19-1646-00, 9632-19-3703-00, 9632-19-1719-00, 9633-10-2040-00, 9633-10-4025-00, 9632-19-0983-00, 9632-19-2865-00, 9632-19-4899-00, 9632-19-5754-00, 9632-19-5549-00, 9632-19-3571-00, and 9632-19-1494-00 Lee County Land Records. – (Exhibit E)

Assistant Community Development Director Marshall Downey explained that this is a recommendation from the Planning Board regarding a proposed change to the 2007 Stewart-James LLC Conditional Zoning District. This item was presented in detail at the public hearing and the Planning Board recommended unanimously that Council consider adopting the change to the existing zoning district. It modifies lots one through six on the original preliminary plat to ten lots.

- Consider Ordinance Amending the Official Zoning Map of the City of Sanford –(Exhibit F)
Council Member Walter McNeil, Jr., made the motion to go along with the Planning Board’s recommendation and adopt the Ordinance Amending the Official Zoning Map of the City of Sanford. Seconded by Council Member L. I. “Poly” Cohen, the motion carried unanimously.

REGULAR AGENDA

Consideration of a Revised Preliminary Plat for Stewart-James, LLC Conditional Zoning District Residential Subdivision (Also Referenced as Carbonton Cove Subdivision). This project is a major subdivision; therefore, the revised preliminary plat must be approved in addition to the revised site plan. – (Exhibit G)

Assistant Community Development Director Marshall Downey advised that this is a follow-up step to what Council just approved with the conditional zoning. By taking this action, you approved the change from six lots to ten lots. This will update the preliminary plat to reflect that change.

Council Member Bob Brown made the motion to approve the revised preliminary plat for Stewart-James LLC Conditional Zoning District. Seconded by Council Member L. I. “Poly” Cohen, the motion carried unanimously.

Consider Voluntary Annexation Petition by Tramway One Associates, LLC, of Approximately 34.23 Acres of Land Located on US Highway 1/Jefferson Davis Highway and Tramway Road

Community Development Director Bob Bridwell advised that the certificate of sufficiency has been certified by the City Clerk and the resolution sets a public hearing date of Tuesday, October 18, 2011, at 7 P.M., for the proposed voluntary annexation.

- Receive Certificate of Sufficiency – (Exhibit H)
Council Member James Williams made the motion to accept the certificate of sufficiency. Seconded by Council Member Charles Taylor, the motion carried unanimously.
- Consider Resolution Fixing Date of Public Hearing - (Exhibit I)
Mayor Pro Tem Sam Gaskins made the motion to adopt the resolution fixing the date of the public hearing on October 18, 2011, at 7 P.M. Seconded by Council Member Bob Brown, the motion carried unanimously.

Consider Appointment to the Sanford Housing Authority – (Exhibit J)

Council Member Bob Brown made the motion to appoint Munsey Wheby by acclamation to the Sanford Housing Authority to fill an unexpired term which expires June 30, 2013. Mayor Pro Tem Sam Gaskins seconded the motion and it carried unanimously.

Consider Award of Request for Proposal for Engineering Services for the City of Sanford FY 2009 Community Development Block Grant – (Maple Avenue Project) – (Exhibit B)

Council Member Charles Taylor stated that he asked some questions at the conclusion of the Law and Finance Committee meeting last Wednesday regarding this proposal. He was glad to see eighteen companies participating. He said some of the questions he asked were dealing

with the ambiguous nature of their questions. In talking with some municipalities, this criteria is disturbing to him because there is some interpretation on this. When he started looking at the numbers and digging into it, we had eighteen participants in this proposal for the CDBG grant and all but one graded a 25 on the understanding of a problem. That one was actually a 20. He looked at some of the other items; experience of the proposed personnel was the second item they were graded on and they got 25 on that item; CDBG experience – he saw where the total was 15 points and they ranged from 0, 10, to 15; familiarity with locality – there was some variance from 25 to 0; fee proposal was pretty much the same with the exception of one company. He does not care who gets this quote but he questions our process in arriving at some of the numbers. Mr. Taylor said he spoke with some of these companies on the proposal list and he is very concerned about the integrity of our bid process and how we continue to apply the reasoning we do to these projects.

Mr. Taylor said that he was given a couple of places where the awardee had done some work and he would like to see that list before Council takes action on it. He also would like to look at this process to make sure that we are doing what we need to be doing, and even talk with other municipalities how they handle these proposals. Mayor Olive asked Mr. Taylor that when he was talking to other municipalities, did they have the same basic questions on their point system. Mr. Taylor replied that he had a couple that had some of the similar questions, but they had more detailed questions where they were graded at a more granular level rather 25 total points for familiarity or understanding of a problem. Your interpretation and my interpretation can be entirely different on the understanding of a problem. There is too much of a point spread; they had it more granular where they may have had ten to twenty questions that got to the specifics. There are five questions with 25 points total each but you have 18 people quoting it and there can be some wiggle room with these points. He is disturbed with this process.

Mr. Taylor said that he would like to table this matter until they can get some additional information, look at the facts and factors, because as Mr. Weeks pointed out to him after the meeting last week, some of these check out quite quickly because of the point total that they may not have any points on. Mr. Taylor said he is more concerned about the integrity of the product and the bid process going forward.

Mr. Taylor made the motion to table this matter until our next voting meeting.

Mr. Bridwell stated that he was confused because he was a member of that panel and thought they handled it. They are working on another project now. He is a little concerned that there seems to be some question about staff's integrity in working on these projects. He has worked with many municipalities and all of them seem to use a similar type of system. Mr. Bridwell stated that he did not think there is a standard one that everybody uses. They adapted the system based upon the project and the complexity of it. There is not a whole lot of detail that goes into it; you are looking to see if they are competent and qualified and then they start looking at how they responded to the request for proposal. He stated that he was one of the three people on that project. Mr. Bridwell stated that if Mr. Taylor would like for staff to bring them all to him, they would be glad to do that. Mr. Taylor replied that it is not a manner of bringing them to you but the very first question he was asked after the meeting last week was what problem do

you have with the awardee. Mr. Taylor said it is not a personal issue; we have a lot of people that want to quote – this tells him that people are interested in what we are doing.

Mr. Bridwell advised that we are in tough economic times and engineers want to bid on projects. We have engineers bidding on smaller projects now that they would not have done several years ago. He said that based upon his understanding of how this process works and he has done this for forty years, we are following the basic process that he has always followed and staff is trying to do so with the best interest of the City at heart.

Mr. Taylor said that he has some concerns when Hobbs & Upchurch does a lot of work in this area and in the “familiarity of locality,” they got a 10 out of 25 on it. These types of questions are troublesome for him to look at. It is nothing against staff and what they are doing. It leaves a lot up to interpretation and we need to zone it in and make it more definitive and have more granularity.

Mr. Hegwer said that he wanted to clear up a word “bid.” The way it is used may be misleading to other people hearing this. There is a clear distinction between bidding and selection.

City Engineer Paul Weeks explained that this is a request for proposals that falls under a different statute than an actual bid does. When we bid out repair and construction work, we have to go with the lowest responsible bidder; it states that in the general statute. When you look at professional services, it is different – you cannot go with the lowest responsible bidder. You have to put out the request for proposals; evaluate that; select a consultant; and then negotiate a fee with them. If the fee is not to your liking, then you can go to the next one so it is a little different process. He added that the criteria used in this proposal was actually provided to staff by the plan administrator for this project, so the City did not come up with it. We reviewed it and sized it and made sure it worked for us. So this has been used before and recommended to be used again. There are some generalities in it. The advantage to be general is you don’t scare the consultant towards the answer you want. If you stay general, you might get something different. For instance, a trail project that we would like to do. If you tell a consultant that you want to put the trail here; they are not going to look over there and it could be better in another place. They are the engineers and architects and they are the ones to tell us that. There are some advantages to remaining general. Mr. Weeks stated that there is room for interpretation. The interpretation allows staff to select the best consultant for the job. For instance, you do not want an engineer who specializes in wastewater treatment plants working on Maple Avenue. They are in large firms and have a lot of overhead, so they cost a lot. You would not want a one man or two man firm working on a wastewater treatment plant because they probably do not have the background for that. The generalities you see in the selection process allows staff some flexibility to select an engineering firm that may be best suited for the job.

Mayor Pro Tem Gaskins stated that he is interested in getting a better understanding of what these topics are like fee proposal, etc.

Mr. Taylor said it may be that we get to the same conclusion, but they need to understand the process because council members are the ones that will get these questions. He stated that

he wants us to do what we can to have this type of activity; you will not find many municipalities that will put out a request for proposals and get this level of activity. These are some pretty strong companies.

Mr. Taylor said that he would like to make the motion to table this issue and take action at the first voting meeting and to discuss it at Law and Finance to have a better understanding of our process. Seconded by Mayor Pro Tem Gaskins, the motion carried unanimously.

ALL THE ITEMS LISTED ABOVE WERE DISCUSSED AT THE LAW AND FINANCE COMMITTEE MEETING ON WEDNESDAY, SEPTEMBER 28, 2011.

OTHER BUSINESS

Mayor Olive advised that we have three vacancies on our Appearance Commission. To serve on the commission, you have to be 18 years old; live in the City limits; and be a registered voter. Anyone interested in applying needs to contact City Clerk Bonnie White at 775-8364, or download an application off the website.

Mayor Olive asked for a volunteer to serve on the ABC Board as a liaison to replace former Council Member Mike Stone. Council Member Walter McNeil, Jr., volunteered to serve in this capacity.

Mayor Olive echoed Mr. Youngblood's comments about the Jubi-Lee event at Depot Park. It was a very successful event. She said the box-city fundraiser for the Family Promise to help homeless families went very well. She was very proud of the different non-profits that have stepped forward those who cannot help themselves right now.

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 Bob Brown; seconded by Council Member Charles Taylor, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK

