

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, November 15, 2011, at 7 P.M., in the Council Chambers. The following people were present:

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

Mayor Cornelia Olive called the meeting to order. Council Member Bob Brown delivered the invocation.

**PUBLIC COMMENT**

No citizens signed up to speak.

**APPROVAL OF AGENDA**

City Attorney Susan Patterson requested to add an item to the Regular Agenda – Consideration of a Water Assessment of Interest Relief by Mr. Richardson.

Council Member Linwood Mann made the motion to approve the amended agenda. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

**CONSENT AGENDA**

Approval of Law and Finance Committee Meeting Minutes Dated October 26, 2011 – (Filed in Vault)

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

**SPECIAL AGENDA**

Presentation of Farm-City Week Proclamation – (Exhibit A)

Bill Stone, the 4-H Youth Development Agent with the North Carolina Cooperative Extension, introduced Abby Furry from the Home Grown Kids 4-H Club. She spoke about hidden agricultural products such as blueberries, tomatoes, trees; it is not necessarily large commercial farms that produce tobacco, etc. James Emerson, Immediate President of the Kiwanis Club, and Ms. Farmer informed council members of the activities that will take place during Farm City Week.

Mayor Olive read the proclamation designating the period of November 18 – 24 as Farm City Week.

**REGULAR AGENDA**

**Consider Resolution in Support of the Temporary Closure of Portions of Several Streets for the Central Carolina Jaycees 2011 Sanford Christmas Parade – (Exhibit B)**

Street Superintendent Magda Holloway informed Council that this resolution temporarily closes portions of several streets for the Christmas Parade. The date of the parade will be held Monday, December 5. The route will be the same as previous years except the streets will be closed at 6:30 P.M. for safety reasons. The Sanford Jaycees have made arrangements to notify the public through the newspaper, the City's television station and website.

Council Member Charles Taylor made the motion to adopt the Resolution in Support of the Temporary Closure of Portions of Several Streets for the Central Carolina Jaycees 2011 Sanford Christmas Parade. Seconded by Council Member Bob Brown, the motion carried unanimously.

**Consider Ordinance to Temporarily Repeal a Portion of Section 36-115(a)(1) – (Exhibit C)**

David Montgomery, Executive Director of Downtown Sanford, Inc., explained that this ordinance extends the temporary repeal of two-hour parking on Steele Street from Gordon Street to Cole Street until December 31, 2011. This will give them more time to examine the parking situation Downtown. They have just finalized the Downtown merchant survey and that will be going out next week and he would like to get the feedback from that.

Mayor Pro Tem Sam Gaskins made the motion to adopt the Ordinance to Temporarily Repeal a Portion of Section 36-115(a)(1). Seconded by Council Member James Williams, the motion carried unanimously.

**Consider Contract for Engineering Services with Withers and Ravenel for the Design of the Endor Iron Furnace Greenway Extension – (Exhibit D)**

Community Development Director Bob Bridwell advised that the design of an extension of the Endor Iron Furnace Greenway was included in the 2011-2012 budget. The greenway would be extended from the Kiwanis Family Park to Carthage Street - including Carthage Street. It adds a therapeutic dimension to our recreational trail and it helps us have the ability to integrate our trail in the pedestrian plan we completed last year. Staff is preparing a request for a PARTF application to be submitted by the end of January. This work is in preparation for this application.

Mr. Bridwell said that staff received four very good proposals from four very qualified firms. Staff went through the review process and based upon the experience of Withers and Ravenel in the greenway design and thoroughness of their proposal, staff recommends contracting with Withers and Ravenel for the design of the Endor Iron Furnace Greenway Extension.

Mr. Bridwell advised that when they initially budgeted the project, they included the amount of \$50,000 to cover the scope of the project which staff anticipated at that time, primarily to put their PARTF application in for the next phase of the greenway. Since that time, staff has looked at some possibilities and opportunities to enhance this project and one of those was adding curb and gutter – at least on one side of Carthage Street. He said it makes sense to provide curb and gutter when building sidewalks to enhance the project including pedestrian

safety and crossing. Staff also believes this gives us an opportunity to contribute to the development potential of the Medical Village concept, which staff has been working on for some time. This would also position the City for any potential federal funding that may become available.

Mr. Bridwell said that with the funding we have now, it would cover about 90 percent of what we need to do and cover our application for the PARTF application. If we continue to do the additional work we would also have grading plans, construction details, and environmental permits, necessary to make this project shovel ready. To cover the added project scope, it would require an additional \$23,840 which makes it a total of \$73,840.

Staff recommends contracting with Withers and Ravenel for the design of the extension of the greenway and the budget amendment is in the amount of \$23,840 for the additional work if Council so chooses.

Mr. Hegwer added that if Council approves the amendment this would reduce the contingency fund to \$45,488.

Council Member Linwood Mann made the motion to contract with Withers and Ravenel for the design of the greenway extension. Seconded by Council Member L. I. "Poly" Cohen, the motion carried unanimously.

- Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2011-2012 – (Exhibit E)  
Council Member Linwood Mann made the motion to adopt the Ordinance Amending the Annual Operating Budget. Seconded by Council Member L. I. "Poly" Cohen, the motion carried unanimously.

Consider Recommendations to City Council for the \$400,000 Allocated in the Capital Improvements Budget – (Exhibit F)

City Manager Hal Hegwer stated that DSI presented a list of projects they felt were necessary in terms of starting a development project Downtown. He said that \$400,000 was budgeted for the project and \$30,000 was allocated toward the purchase of seasonal decorations, so the balance is \$370,000. He wanted to make sure that Council felt comfortable with the list of projects moving forward. Each project on the list will come back before Council. Staff has spoken with Progress Energy to see what it would take to move the power underground and we will have a report back on it and there will be a fee associated with it.

Council Member Taylor stated that at the Council's last voting meeting, there was reference to Jonesboro during that meeting. He said that one thing that is disconcerting to him is that he does not see that Jonesboro has a place at the table. He said that out of the eighteen DSI board members, fifteen of them own property/businesses in Downtown Sanford. They have no Jonesboro representation that he is aware of. The other part of that is there was an effort several years ago for Jonesboro to be included. He would like to know going forward what this means for Jonesboro and what it means for being equitable to that area as well as just Downtown Sanford.

Mr. Hegwer replied that as Council recalls, we did look at some design work in Jonesboro in the past and we do have a set of plans. We were seeking federal funding at that time and the funding did not come through. We bid a project and it was somewhere around \$1 million. There were also some cost estimates for power underground. We would be happy to pull that project out; however, funds were not put in the budget this year.

Mr. Taylor said he was alluding to some comments made that were made two weeks ago regarding Jonesboro and moving Jonesboro forward. He asked is there an effort being made to look at both Downtowns synonymously.

Mr. Bridwell replied that over the years, they have addressed Jonesboro on many occasions. We even made an effort to organize a group similar to Downtown Sanford in Jonesboro and have had only limited success in doing this. He said that one of the projects going on now is to build sidewalks up to the existing downtown area in Jonesboro to give more pedestrian access.

Mr. Bridwell stated that he expects that staff will be coming before Council at retreat and the next budget year with specific recommendations to doing work in Jonesboro. Mr. Bridwell stated that this work was included in the Downtown Plan, the Pedestrian Plan, and the Thoroughfare Plan. He said it will take some maturation to make it forthcoming.

Mr. Bridwell said the distinction is that Downtown Sanford strategically and corporately from an organizational standpoint, was set up for Downtown Sanford. Their charter does not encompass Jonesboro.

Mr. Taylor said he wanted to make sure that we were not isolating any funding that we do to Jonesboro or to Downtown Sanford and if there is any combination of that funding together. Mr. Bridwell said the \$400,000 allocation was for specific projects in Downtown Sanford, not Jonesboro.

Council Member James Williams made the motion to allocate the \$370,000 (\$400,000 minus the \$30,000 spent for Christmas decorations) to be spent the way DSI has recommended. Seconded by Council Member Walter McNeil, Jr., the vote was in favor five to two with Council Members Charles Taylor and Bob Brown casting the dissenting votes.

Consider Award of Bid for Autumn Oaks Sidewalk Project – (Exhibit G)

City Engineer Paul Weeks explained that the City in conjunction with the developers of Autumn Oaks received about \$225,000 in a CDBG grant. In September, Council awarded a construction project to Thomas Construction to install water and sewer as part of that grant. He is asking to award the construction project to install sidewalk as part of that project. There were four bidders and the lower bidder was Jymco Development, Inc. He said that staff has not heard of them so they made reference checks with Rocky Mount and the City of Fayetteville and they have said they are doing a good job for them. Staff is asking to award the contract to Jymco in the amount of \$51,185.24. This money will be coming out of the CDBG grant so there are no funds out of the City's pocket.

Mr. Hegwer added that this project ties into the Pedestrian Plan in the Jonesboro area and ties into what Mr. Bridwell was previously discussing. Mr. Bridwell advised that the developer is borrowing the money from the City from the CDBG grant and they will pay the City back and that money will be used for other projects. Mr. Hegwer added that this project will double the amount of sidewalk we anticipated.

Council Member L. I. "Poly" Cohen made the motion to award the project to Jymco Development in the amount of \$51,185.24. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Consideration of a Water Assessment Interest Relief Request From Mr. Richardson – (Exhibit H)

City Attorney Susan Patterson advised that at Council's seats is a packet of information regarding a water assessment of interest relief request from Mr. Richardson. The City received a letter from Mr. and Mrs. Anthony Richardson requesting relief from the interest that has accrued on a water assessment at 3401 Evers Avenue.

She said that in 2001, a water assessment was done, which included the property at 3401 Evers Avenue, and an 8 percent interest was levied on the unpaid balance. The statutes require that assessments to be against the record property owner as of January 1. The property was listed in the name of Jasper F. and Christine N. Richardson. However, Jasper died March 19, 1998 and Christine died in 2000 prior to the assessment being levied. The tax listing continues to list the deceased as property owners. Annual bills and letters were sent to Jasper Richardson at the property address – 3401 Evers Avenue.

Anthony Richardson is the sole heir of Jasper and Christine Richardson. However, he lives at a different address and he claims that he never received any notice of any water assessment at this property.

Under the statutes for assessments, unpaid assessments bear interest at a rate of 8 percent per year. There are no provisions under the assessment statutes to waive or modify the amount after the passage of the resolution. However, assessments are collectible like taxes, including by foreclosure, and the lien runs against the property, not against the owner.

She spoke with the School of Government, and once she found that Council could not modify the assessment, it was suggested by Chris McLaughlin that under the tax statutes, there is a valid defense that taxpayers may claim in the enforcement of collection of a tax assessed against the property. Since these assessments are collectible like taxes, the valid defense that taxpayers can assert are (1) through a tax imposed through clerical error; (2) an illegal tax; (3) or a tax levied for an illegal purpose.

As the statutes indicate, we have received from Mr. Richardson, a taxpayer's written statement of defense and request of a release or refund, so the governing body shall determine whether the taxpayer has a valid defense. Mr. Richardson claims that since he did not live at that address and his address was different and he did not receive any mail relating to the assessment, he feels he did not have the opportunity to pay the assessment before the interest

accrued. Mr. Richardson would like to get relief from the interest in the amount of \$710.76. He will pay the assessment of \$1,449.61.

Attorney Patterson stated that Mr. Richardson is asking Council if they will accept his defense of a clerical error and grant a relief from the interest in the amount of \$710.76.

Council Member Taylor asked if we have done this before and do we have a precedent that has been set at any point regarding this matter? Attorney Patterson replied that to her knowledge, she did not think that we have ever done this for an assessment; however, we have granted relief for a solid waste fee that was assessed against a piece of property that then did not have a solid waste collection. Also, we have granted relief if someone was outside the city limits but the tax was imposed on them as if they were inside the city limits. However, she did not know that it was a precedent-setting sort of issue. She thought it was more of a case-by-case basis.

Council Member Linwood Mann made the motion to approve the release of the interest due on the assessment. Seconded by Council Member Walter McNeil, Jr., the motion carried in favor with a six to one vote, with Council Member Charles Taylor casting the dissenting vote.

Resolution to Amend the Contract Between the Lee County Board of Commissioners and the Lee County Economic Development Corporation – (Exhibit I)

City Manager Hal Hegwer explained that we received a copy of a draft resolution (placed at Council's seats) for consideration at Council's December 5 meeting. He was contacted by County Manager John Crumpton that the resolution is still in working form and it may change. It is a resolution to amend the contract between the Lee County Board of Commissioners and the Lee County Economic Development Corporation. Mr. Hegwer said that there are eight items on the resolution to be reviewed by Council. If this changes and if the County approves the resolution, this resolution would set forth changes in the contractual relationship. He stated that we have a separate contractual relationship with EDC and we may want to consider some of these changes or none of them. Mr. Hegwer referred Council to Item 7 which states that the EDC and staff will report directly to the Lee County Manager, Sanford City Manager, and Broadway Town Manager (as long as each group continues to fund the EDC). He asked Council to review it and if there are any changes they would like to pursue to please let him know. Mr. Hegwer said that he would anticipate waiting to see what happens with Lee County first.

Letter Written by National Transportation Safety Board – (Exhibit J)

Mayor Olive read a letter she received from Brian C. Rayner, with the National Transportation Safety Board, thanking the City of Sanford for its support in the investigation of an airplane crash. The immediate response of the police officers, firefighters, EMTs and their coordination with state and local agencies, helped their team recover evidence from a very challenging crash site. He specifically recognized Mr. Dan Swanson, the manager of the Raleigh Executive Jetport, for his support that went well above and beyond the call.

**Recognition of Outgoing Council Members Linwood Mann and Bob Brown**

Joe McDonald and Bob Heuts, representing the Sanford-Lee County Regional Airport Authority, presented Council Member Linwood Mann with a plaque for his tenure on the authority.

City Manager Hal Hegwer read and presented to Mr. Mann a plaque from the North Carolina League of Municipalities, recognizing his sixteen years of service to the City of Sanford.

Mayor Olive read and presented a plaque to Mr. Mann for his sixteen years of dedicated service to the citizens of Sanford. She said that in addition to his years of service to the City, Mr. Mann has also served on the Sanford Housing Authority for sixteen years.

Mayor Olive read and presented a plaque to Council Member Bob Brown for his service to the City of Sanford. She said that Mr. Brown was a County Commissioner for four years and served as chairman for two of those years.

Mr. Mann and Mr. Brown thanked everyone for their support during their tenure for the City.

**OTHER BUSINESS**

Mayor Olive recognized newly elected Council Members Jimmy Haire and Rebecca Wyhof in the audience and congratulated re-elected Council Members Walter McNeil and Charles Taylor.

Mayor Olive reminded everyone of the reception in the lobby of City Hall immediately following the meeting for outgoing Council Members Linwood Mann and Bob Brown.

Council Members thanked Mr. Mann and Mr. Brown for their service to the City.

Council Member Bob Brown asked City Engineer Paul Weeks about the status of the traffic signals on Nash Street and Spring Lane. Mr. Weeks replied that he has not received a status update from the Department of Transportation. The D.O.T. has changed budget years in July, so his last conversation with the Traffic Services Engineer was that he was trying to find the funding. He will try to get up update at the next meeting.

Mayor Pro Tem Sam Gaskins stated that The Character Plus Program with the schools has had a word called cooperation where they work with the young children to discuss what cooperation means. We had three contested races this past week where citizens have been willing to serve and go through the campaign. He encouraged them to continue to be involved and to contribute. He would appreciate any ideas they could bring forward.

Mr. Gaskins said that it is good to see Lee County reconsidering their support of the EDC and working together with the County and Town. He thanked Bobby Powell, David Nestor, Ed Page, Steve Brewer, and Robert Reives for their efforts to help Lee County, Broadway and Sanford.

Mayor Olive encouraged everyone to participate in Farm-City Weeks activities.

Mayor Olive announced that there was an open house today at 4 P.M. at the first green building in Sanford – the Bankingport Building.

**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 Mayor Pro Tem Sam Gaskins, the motion carried unanimously.

Respectfully submitted,

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CORNELIA P. OLIVE, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK