

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, January 17, 2012, 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 Jimmy Haire	City Clerk Bonnie D. White
Council Member Rebecca Wyhof	City Manager Hal Hegwer
City Attorney Susan C. Patterson	

Mayor Cornelia Olive called the meeting to order. Council Member L. I. (Poly) Cohen delivered the invocation.

Mayor Olive recognized and welcomed Boy Scout Troop #942 sponsored by St. Luke United Methodist Church and Boy Scout Troop #941 sponsored by First Baptist Church, who are working on their Citizenship in the Community Merit Badge and to meet the requirements of First Class Rank.

PUBLIC COMMENT – (Exhibit A)

Judy McDonald, residing at 3301 Longview Drive, spoke regarding the bike race. She is an employee of the Carolina Artists Colony and a vendor of the Antique Mall and she will be impacted by the bike. She talked about the impact on the schools. Last year, the bike race organizers awarded \$5,000 to Tramway School for their participation. She teaches at Greenwood School and none of the teachers were aware of the bike race last year. It was publicized and reached them at a very late date so they did not have an opportunity to participate. Ms. McDonald stated that Greenwood School has approximately 80 percent free and reduced lunches and Tramway School has closer to 40 percent for free and reduced lunches. The parents, because of their socio economic disadvantage or differences from the Tramway School parents, do not have the same opportunities to bring their children to that type of event; they do not necessarily have the bicycles, transportation, or the days off from work. She felt there should be a more equitable way to allow for participation and reception of that award. Ms. McDonald said that she wanted Council to look at some type of compromise that would enable the vendors, all the merchants in the area, and people on Moore Street to have their usual traffic flow.

Caren Stuart, residing at 314 W. Weatherspoon Street, spoke regarding the bike race. She is an artist and craftsperson and sells her work at arts and crafts festivals in North Carolina and Virginia. She said the streets being closed does not impact just one business but 110 small business owners; the Antique Mall has more than 40 business owners represented and the Carolina Artist Colony has over 70. Sunday is one of their biggest business days of the week. She said that closing the streets would eliminate all the convenient parking for the people who want to do business with those 110 plus business owners. This event brings in bike racers. The people who are coming are not browsing and shopping with the craft vendors and they are not

wandering the town looking at the shops - closed or open. They may eat but they are not shopping.

Sandy Snyder, residing at 468 Doe Run Drive, spoke regarding the bike race. She is currently the general manager of the Carolina Artist Colony. She is a small business owner and has items she sells at the Antique Mall and at the Carolina Artist Colony and this is where 100 percent of her income comes from. She said the comment was made that several people were polled from Downtown but no one ever came to her and talked about it. She did not have a say in the matter. Ms. Snyder added that John Bane and Jenks Youngblood work 360 days a year to bring business to Downtown Sanford.

Julie Bush, residing at 512 Dundee Trail in Southern Pines, spoke regarding the bike race. She has been a dealer at the Sanford Antique Mall for twelve years. The owners work very hard to bring the business to Downtown Sanford. The dealers work very hard to draw in the Liberty Festival customers and dealers to Sanford. She personally goes every year and hands out fliers to customers and dealers to bring them to Downtown and have been very successful. When the streets are closed, there is no parking for them and they do not know the alternate routes. She asked that the streets be open at 2 P.M.

Alexandra Reid, residing at 2117 Lee Avenue, spoke regarding the bike race. She said that there are two groups wanting to support Sanford and help Sanford grow. Council has the opportunity to help foster and help grow these organizations into one unit to benefit Sanford. She stated there is a barrier about the street closure and that whatever the current ordinance is, it is an open-ended ordinance. She felt the ordinance could be refined. Ms. Reed asked that the vote be postponed in order to capture the passion from all these groups and she would be glad to help Attorney Patterson amend the ordinance so that it is a win-win for everybody.

John Bane, residing on Cotton Road, spoke regarding the bike race. He thanked the bike organizers for all their hard work and efforts on the bike race. This past fall, he attended a planning and promotion meeting held by bike race organizers at the Lee County Library. He said that as far as the bike route, if the organizers feel there would be safety issues for their participants, he understands that and it should be a priority. However, in no way can he find any reasoning why the race cannot start two hours earlier. He said there were no voting members of the DSI Board, director, or staff present at this meeting. He felt that meeting was spirited. He said that DSI has failed him and does not represent him. They have chosen to speak to him by the yes vote on this issue. Nearly 40 to 50 percent of the DSI voting block is Downtown retail business owners. No Downtown business owner voting member of the DSI board has a business that is open on Sunday. He cannot figure out a win-win situation over two hours.

Julian Youngblood, residing on Cotton Road, spoke regarding the bike race. He said that twelve years ago when his business partner, John Bane, and he decided to bring their business to Sanford, they were in Raleigh and could have gone to Pittsboro, or Fayetteville. In the twelve years in Sanford, they have invested \$600,000 in Downtown Sanford. That was their money; it was not grant or tax money. Chatham Street is gorgeous but much of that work was done with grant money. They have opened three great businesses and have created 12 full-time positions. They are asking for two hours. The bike races are scheduled from 9 A.M. to 4 P.M. They are

asking the hours to be changed from 7 A.M. to 2 P.M. If you stop the race at 2 P.M., all of the parking will be open, so that everyone in town can come and enjoy the vendor fair in the park.

Nancy Bouchard, residing at 300 Cricket Hearth, spoke regarding the engineering wastewater study for the City of Sanford, Pittsboro, and Chatham County. Ms. Bouchard advised that in the beginning she was against the study. However, she attended a meeting on December 21, 2011, with the consultant (Raftelis), city manager, city attorney, and all of the City Council, and after carefully listening to the information presented, she felt it is an opportunity for us to be good neighbors and to see if it is economically feasible for both entities. It has a potential to strengthen who we are and what we do as a democracy and as two cities that want to grow economically and to provide their citizens with the best services they can. She said there are some citizens that have a narrow view of the overall picture but she has been enlightened about the possibility that this could be a very positive experience for both entities.

Martha Underwood, residing at 3309 Westcott Circle, spoke against the wastewater study. She said that volunteering to pay 50 percent of Pittsboro's sewage treatment study, of which we are not a part of, violates the City Council's responsibility to provide for our welfare, especially when Pittsboro would pay 25 percent of the cost and Chatham County pays the last 25 percent. She felt that respected regional leadership will not be achieved. Mrs. Underwood stated that she hoped Council would vote no to selling our infrastructure competitiveness outside of Lee County. She also felt it would destroy our future opportunities.

APPROVAL OF AGENDA

Mayor Pro Tem Sam Gaskins made the motion to approve the agenda. Seconded by Council Member Rebecca Wyhof, the motion carried unanimously.

CONSENT AGENDA

Approval of City Council Meeting Minutes Dated December 6, 2011 – (Filed in Minute Book 77)

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

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2011-2012 (Police Department Renovations) – (Exhibit B)

Ordinance was approved to appropriate \$15,000 to the Police Department's budget to soundproof two interview rooms.

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

Ordinance was approved to appropriate \$40,000 to the Finance Department for additional temporary help required for projects.

Approval of Entering Into Agreement with Department of Transportation for the Inspection of City Bridges – (Exhibit D)

Agreement was approved for the North Carolina Department of Transportation to inspect two bridges within the city limits. The City's cost for inspection for each bridge is \$520.

All of the above items were discussed at the Law and Finance Committee meeting on January 11, 2012.

Upon motion of Mayor Pro Tem Sam Gaskins and seconded by Council Member Walter McNeil, Jr., the Consent Agenda items were unanimously approved.

SPECIAL AGENDA

Recognition of National Night Out Award Recipients

Mayor Olive asked all National Night Out recipients to come and stand behind Council. Council Member McNeil thanked the coordinators on behalf of the City Council for their participation this year and in previous years. It has been a good program for the City and he hopes they will continue to serve in this capacity. He said this is the City's 18th year participating and the City's sixteenth consecutive year receiving an award for its participation in NNO. Coordinators present were Ricky Tysor and Bruce Petty representing the Pineland Street area; Martha Underwood representing the West Landing neighborhood; Gladys Ray, Betty Brown, and Bobbie Jordan, representing the Sanford Housing Authority and Stewart Manor Apartments; William Johnson representing the Boys and Girls Club; and O. C. Johnson representing Summerset Place neighborhood. Mr. McNeil presented each coordinator with a City of Sanford key pin.

CASES FOR PUBLIC HEARING

Public Hearing for Program Amendment FY 2010 Autumn Oaks CDBG Housing Development Project – (Exhibit E)

Community Development Director Bob Bridwell explained that a program amendment is needed for the grant project when more than 10 percent of budgeted funds are transferred between line items. A public hearing is part of this process. The water and sewer portion of the project has been completed at a cost of \$125,982.40. This program amendment is to allocate funds budgeted for water and sewer to street improvements to fund the additional sidewalk improvements. The City will be able to run additional sidewalk from the Autumn Oaks project to Main Street in Jonesboro as a result of the cost savings. The amendment is to reallocate \$36,000 into the street improvement line item.

Mayor Olive opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

- **Consider Authorization for Mayor to Execute Amendment Documents for Submission to Community Investment and Assistance – (Exhibit F)**

Mayor Pro Tem Sam Gaskins made the motion to give the mayor authorization to execute the amendment documents for submission to the Community Investment and Assistance Department. Seconded by Council Member L. I. "Poly" Cohen, the motion carried unanimously.

REGULAR AGENDA

Consideration of a Financial Guarantee for Carthage Colonies Subdivision Phase 5B - (Exhibit G)

Community Development Director Bob Bridwell explained that Beazer Homes is requesting to proceed with recording a final plat for Carthage Colonies. As part of the process,

they will need to post a surety bond to guarantee completion of the required land development improvements within Phase 5B. The Engineering Department has estimated the cost to complete the improvements at \$1,630,000; therefore, Beazer Homes Corporation has submitted a Surety Bond in the amount of \$1,630,000.

Council Member Walter McNeil, Jr. made the motion to accept the financial guarantee for Carthage Colonies Subdivision Phase 5B. Seconded by Council Member L. I. "Poly" Cohen, the motion carried unanimously.

Consider Budget Ordinance Amendment for Engineering Wastewater Study for the City of Sanford, Pittsboro, and Chatham County - (Exhibit H)

City Manager Hal Hegwer advised that this ordinance amends the budget by transferring \$12,250 from Sewer Capital to Engineering Department to pay for one-half the cost of the study.

Mayor Pro Tem Sam Gaskins stated that there was a motion that was tabled to not approve the engineering funds for this study. Attorney Patterson said that it was tabled to be discussed at the Law and Finance workshop and it was brought from the table at that time for discussion with the engineers and consultants. She clarified that Mr. Gaskins is saying there is a pending motion that has not been voted on from a previous meeting. Mr. Gaskins replied that is correct. She said there was not a vote yet taken on the first motion which was not to approve the funding. Mr. Gaskins replied "yes, that is correct."

Mayor Olive stated that there was a motion by Council Member Taylor and seconded by Mayor Pro Tem Sam Gaskins to not approve the allocation of \$12,250 for the study. Mr. Gaskins said that we need not be a participant in the study because we can clearly establish our costs. We can establish what we would want to charge Pittsboro and it would be up to them to compare what their expenses would be. He saw no need for the City of Sanford to be involved in the engineering study.

Council Member Taylor said that twenty months ago, Council Member Mike Stone and he made a motion at the time (that was defeated) to put off the expansion for a year because we did not know what the economy was going to do. He said the whole premise that this expansion was built on originally was for Sanford's growth as well as Lee County's growth. Since that time, we saved \$12 million on our wastewater treatment expansion, according to the meeting held December 21; we have also increased our rates to our residents in the City and the County. The problematic issue for him is that we did this on our game plan as it was referred to twenty months ago. Our game plan was to keep our rates down and to service future growth for Lee County and Sanford and we have not done that. Mr. Taylor said that we know the precious commodity we have. We cannot mortgage our future to Pittsboro and potentially put our future tax base in jeopardy. The interesting thing that came out of the December 21 meeting was there were no guarantees we would be able to hold our existing rate structures if we did sell this capacity to Pittsboro. Mr. Taylor said that wherever water and sewer goes, economic development follows.

Council Member Cohen stated that \$12,000 is not a lot of money when you are talking about a \$28 million sewer expansion, but what we would be doing with the \$12,000 is seeing whether we can save the people of the City of Sanford some rate increases that are already built

in by selling our excess capacity to Pittsboro. He said it is a no-brainer for him to pay the \$12,000 to save up to a million dollars of our taxpayer money. He said Council has spent \$12,000 on a lot less important things.

Council Member Williams mentioned that when the City started down this path, we asked the state to increase the amount of sewer capacity that we needed to 9 million gallons per day; we were already selling water to Goldston-Gulf and Moncure. The State looked at us as a regional player because the laws had changed; the cost of treating water and sewer had gone up so much until some of the smaller municipalities could not afford to do it. The State commended us for helping the smaller municipalities and instead of giving us 9 MGD; they gave us 12 MGD and that was more capacity than we needed. He said the State is looking at us more on a regional level. He would like to see the study done so that he can see the facts.

Council Member Haire stated that by participating in the costs, we would be sending them a message that we are willing to share in the cost of the risks. The risk being there may not be enough benefits for either party to proceed; thereby, ending the whole process. One thing we know for sure is that Pittsboro has been there since 1787. Factories come and go, but Pittsboro has been there a long time.

Council Member Wyhof felt that in our own search and due diligence on this issue, we need to have all the facts before we can make a good decision. She said that we may get the results back and decide it is not a good decision for the City. She did not think a vote on this particular issue is a vote saying we are going to go ahead and do this project. It shows we have good faith and are willing to analyze all the facts before we make a decision. She stated by having some money in it, would give us a right to clarify the study and also give the facts so Council can make a good decision.

Council Member Taylor said that at the December 21 meeting, there were no guarantees that the rates would either maintain or go down at that meeting. He said we are holding the commodity, and they want us to share the costs of whether we want to sell our capacity. In the workshop that was held, they did not hear an objective view from the downside to this. He would like to have a commitment from staff, that if it passes tonight and the survey is done, that this will be an objective view with no bias and will give us a straight story either for or against sharing this capacity with Pittsboro.

Mr. Hegwer replied that we have to rely on the ethical and integrity of the study. It will be Council's decision to decide whether it is favorable one way or the other to the City. He cannot guarantee anything. He would think that the engineering firm would look at it in an equitable manner to both parties. If staff saw something wrong and we saw some facts that we thought were wrong, we would point it out.

Mr. Taylor asked how the selection of who will conduct the study be handled. Mr. Hegwer replied that Chatham County has three engineering firms that are on retainer for them to perform certain studies; every so often they choose engineers to work for them so they do not have to go through a selection process on every project. Then they have engineers that are designated by purpose such as water and sewer specialists, street projects, etc. Chatham County

has chosen McGill and Associates to perform this study. Mr. Hegwer said that McGill and Associates did the Pedestrian Plan through the Department of Transportation for the City.

Mr. McNeil stated that he would like to help Pittsboro and Chatham County. The City is holding the capacity and for us to give them that capacity, they want us to pay for half the study. He felt that Pittsboro/Chatham County should pay for the study.

Mr. Williams stated that in reference to the study, if you do not put anything in it, then they are not looking after your interest because you are not participating. When both entities participate, we can hold their foot to the fire. If you do not have anything in it, they do not have to tell you anything.

Mr. Taylor asked Mayor Olive to call for the question. Mayor Olive asked for the motion to be restated. Attorney Patterson replied that the motion was for the City not to enter in to the study and not pass the budget amendment to pay for the study with Pittsboro. Mr. Gaskins clarified that a yes vote means we will not participate in the study.

Yes votes were Council Members Walter McNeil, Charles Taylor, and Sam Gaskins. Voting no were Council Members L. I. "Poly" Cohen, Rebecca Wyhof, Jimmy Haire, and James Williams. The motion not to participate in the study failed.

Council Member James Williams made the motion to pass the budget ordinance amendment to participate in the study. Council Member L. I. "Poly" Cohen seconded the motion. The motion passed by a four to three vote with Council Members L. I. "Poly" Cohen, Rebecca Wyhof, Jimmy Haire, and James Williams voting in favor and Council Members Walter McNeil, Charles Taylor, and Sam Gaskins casting the dissenting votes.

Consider Resolution to Temporarily Close Several Streets and Parking Spaces in Support of the Downtown Sanford Criterium, 5K & 10K Fun Runs – (Exhibit I)

Mr. Hegwer stated the resolution temporarily closes several streets and parking space in support of the Downtown Sanford Criterium. Council Member Charles Taylor said we have been in discussion for quite some time. Before the last race, a couple of people sat down with the organizers of the race as well as with the respective interests from the Sanford Antique Mall. They spent a couple of hours throwing out some ideas but there was still no compromise. He said it is a year and a half later, and we are still at the same crossroads where there has been no compromise. Council has heard tonight from a plethora of people who are very vocal about supporting their business.

Mr. Taylor said that we all need to make the decision tonight if we want to promote Sanford or not. Mr. Taylor made the motion that we grant the street closing for the 2012 period and extend it four more years (through 2016) where they do not have to come before City Council for the street closing and to close it the last Sunday in April. The reason for the five years is that because at the last race, the Pottery Festival fell on the same day as that race. Five years will allow adequate time to prepare for the next City Council to address this issue as the Pottery Festival comes up; it will give you a buffer. He also wanted to add to the motion that if Active Fit Foundation opts not to do the race in any one of those years that it would ultimately suspend the five-year agreement. That provision does not include weather-related cancellations.

Mayor Olive asked if that includes the times as stated. Mr. Taylor replied that the times as originally stated will be in place. Council Member L. I. "Poly" Cohen seconded the motion.

Mr. Hegwer said he wanted to make sure if we go down this road, that we make sure as part of that, we have all the permits and things of that nature which are necessary for closure intact. We will have to follow Department of Transportation procedures. Mr. Taylor said that he amends his motion to include the requirements that all permits be received from the Department of Transportation and all things necessary to hold the event.

Mr. Haire and Mr. Gaskins said that the times need to be clarified regarding the hours of the race. Mr. Gaskins asked that in the past, have the streets been reopened at the end of the bike races? Mayor Olive replied they were closed until around 4:00 P.M. Mr. Gaskins asked about Hawkins Avenue being closed to limit temporary vehicular access to Hawkins Avenue, Weatherspoon Street, Chatham Street and Third Street for the duration of the 5K and 10K runs on the same date, but there is no indication as to when that time frame is. Police Major Kevin Gray replied that the races last about 45 minutes to an hour for the 10K race and then the streets are opened up. There is only one lane closed on Third Street and Charlotte Avenue. We keep Hawkins Avenue open for church. There is only one section of Weatherspoon Street between Hawkins Avenue and the Police Department that is closed because it is so narrow.

Mr. Gaskins stated that with the various parking areas available - behind Dossenbach's Furniture, Horner Square, the parking lot at the end of Steele Street across from the Board of Elections, and the area behind the Chatham businesses, we need to be extremely proactive in making sure people can find parking spaces by installing and maintaining the proper signage for parking. This is something that is going to be critical.

David Montgomery, Downtown Development Manager II, stated that for the last two years, we have provided signage from Horner Boulevard, Hawkins Avenue, and Charlotte Avenue to the parking lots that Mr. Gaskins identified. We have generic signs that say Downtown Event Parking this way. We use these for all our events. Mr. Montgomery advised that they have also used the Heins Education Building, Jones Printing and Ms. Wenger's parking lots.

Ms. Wyhof asked if it becomes necessary within the next five years with the Downtown Streetscape Plan and anything else that could majorly disrupt other traffic flow in Downtown, can Council revisit it and change it if necessary with another resolution. Attorney Patterson replied yes; this vote tonight would set the temporary closing for five years; however, Council can amend or change the resolution in the future.

The vote was unanimous to approve the resolution with the additional language to be added to the resolution by Mr. Taylor's motion.

Consider Appointment to Appearance Commission – (Exhibit J)

Council Member Charles Taylor made the motion to nominate and appoint David Schau by acclamation. Seconded by Council Member Jimmy Haire, the motion carried unanimously.

OTHER BUSINESS

Council Member Wyhof thanked the NAACP, CEAD, and Wilson & Reives, who sponsored some terrific celebrations this past weekend in honor of Dr. Martin Luther King, Jr.'s birthday.

Mayor Pro Tem Gaskins thanked the two Boy Scout Troops for being at the City Council meeting and encouraged them to attend a Law and Finance Committee meeting in the summer, where a lot of the items have been discussed and placed on the Council's Consent Agenda.

Council Member Williams asked about the appointment to the Sanford Housing Authority as liaison to replace former Council Member Linwood Mann. Mayor Olive informed Council that Council Member Jimmy Haire has asked to serve on that committee and the Sanford Housing Authority has expressed interest in him. Therefore, Mr. Haire will serve as the liaison for the City on the Sanford Housing Authority.

Council Member Taylor thanked the citizens for coming to the meeting and speaking tonight on both issues – the bike race and the wastewater study. He hopes both parties regarding the bike race, will work together to make the best of this situation. We need to promote Sanford. He thanked the Boy Scout Troops also for attending the Council meeting also.

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,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK

