

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 Tuesday, June 19, 2012, at 7 P.M., in the Council Chambers. The following people were present:

Mayor Cornelia P. Olive	Council Member Jimmy Haire (arrived at 7:10 PM)
Mayor Pro Tem Sam Gaskins	Council Member L. I. (Poly) Cohen
Council Member James Williams	Council Member Charles Taylor
Council Member Rebecca Wyhof	Council Member Walter H. McNeil, Jr.
City Manager Hal Hegwer	City Clerk Bonnie D. White
City Attorney Susan C. Patterson	

Mayor Cornelia Olive called the meeting to order. A moment of silence was observed. The Pledge of Allegiance was recited.

**PUBLIC COMMENT** – (Exhibit A)

Mark Coggins, at 609 Palmer Drive and 3909 Hunt Springs Drive, spoke against the company, Sirchie Industries, that makes the police evidence collection unit. He said the owner of the company, John Carrington, is a convicted felon and his son, Scott Carrington, runs the company now for his father. He felt the City should purchase the vehicle from another company. (See Exhibit B)

Van Sillaman, residing at 8704 Twin Bridge Circle, spoke on behalf of his son, Ryan Sillaman, in favor of building a skateboard park for the youth. He felt it would be a great asset to Sanford.

**APPROVAL OF AGENDA**

Mayor Pro Tem Sam Gaskins made the motion to approve the agenda. Council Member Rebecca Wyhof seconded the motion and the motion carried unanimously.

**CONSENT AGENDA**

City Manager Hal Hegwer wanted to make sure Council received the memo from City Engineer Paul Weeks where he incorrectly stated the bid amount on the Maple Avenue Revitalization Project. The amount should be \$275,031.50. There is also an addition to the Boards and Commissions applications, which is on the Regular Agenda.

Approval of Special Law and Finance Committee Meeting Minutes Dated May 23, 2012 – (Filed in Vault)

Approval of Law and Finance Committee Meeting Dated May 30, 2012 – (Filed in Vault)

Approval of Ordinance Temporarily Repealing No Parking Areas Along Portions of East Weatherspoon Street and North Steele Street – (Exhibit C)

Approval of Award of Bids for Maple Avenue Revitalization Project to Sandhills Contractors – (Exhibit D)

Sandhills Contractors was awarded the low bid of \$275,031.50 for the Maple Avenue Revitalization Project.

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

Ordinance was approved to amend the operating budget to appropriate the local match the City agreed to put in for the Urgent Repair Program (URP12) in the amount of \$3,750.

Approval of Grant Project Ordinance – North Carolina Housing Finance Agency - 2012 Urgent Repair Program (URP12) and Authorization for City Staff to Execute Grant Documents – (Exhibit F)

Grant Project Ordinance was approved for the 2012 Urgent Repair Program establishing the funds of \$75,000 from the State and the two local contributions of \$3,750 from the City and \$3,750 from the County, making a total of \$82,500. Authorization for City staff to execute the grant documents was approved.

Approval of Grant Project Ordinance 2012 North Carolina Housing Finance Agency – Single Family Rehabilitation (SFR1222) Program and Authorization for City Staff to Execute Grant Documents – (Exhibit G)

Grant Project Ordinance was approved for the Single-Family Rehab Program establishing the initial allocation of \$160,000 received from the North Carolina Housing Finance Agency (Housing Rehabilitation - \$145,000) and (Administration \$15,000). Authorization for City staff to execute the grant documents was approved.

Approval of Community Development Block Grant Program Project Ordinance Amendment Revised Ordinance No. 2012-31 Dated June 5, 2012 – (Exhibit H)

Revised Ordinance Amendment No. 2012-31 was approved to correct Ordinance 2012-31 that Council approved on June 5, 2012. Funds were to be appropriated from the General Fund in the amount of \$15,000 towards the Autumn Oaks Project. Ordinance Number 2012-31 stated they were coming from the grant so this ordinance makes sure all the language is correct on the grant project ordinance.

Approval of Grant Project Ordinance Sanford Farmers Site Infrastructure Cloverleaf Cold Storage – (Exhibit I)

Grant Project Ordinance was approved to set up the appropriation of \$290,000 from the North Carolina Rural Center for infrastructure construction improvements to the Cloverleaf Cold Storage site and the \$14,500 received from Cloverleaf Storage.

Approval of Authorizing Resolution by the Sanford City Council (Cloverleaf Cold Storage) – (Exhibit J)

Resolution was approved that authorizes the mayor and city manager to sign any documents related to the grant and the performance agreement that is required as part of the Cloverleaf Cold Storage project. The performance agreement is an agreement between the company and the City where they guarantee they will create these jobs and retain them in certain periods and, if they do not, they will repay the pro-rata share of the jobs they do not create.

Mayor Pro Tem Sam Gaskins made the motion to approve the Consent Agenda. Council Member Cohen seconded the motion and the motion carried unanimously.

**SPECIAL AGENDA**

Council Member James Williams said he would like to add to the Special Agenda to bring the radios for the Fire Department to a vote tonight. Mayor Olive said we can add this to the Regular Agenda.

Attorney Patterson said that after approval of the agenda, unless they want to amend it, adding something at this stage is late. It would be up to whether the Council would approve an amendment.

Council Member Taylor said that after talking to Council Members Jimmy Haire and James Williams, he submitted to the city manager a list of meetings with the request of setting those meetings up and to this day, he has not heard anything. He mentioned it to the city manager again tonight and he said he would set these up starting tomorrow. Mr. Taylor said if Mr. Williams wanted to try and circumvent the process that we had put in place, so be it.

Mayor Pro Tem Gaskins asked since we approved the agenda, how many votes do we need – a simple majority or what. Attorney Patterson replied there are two ways to go about it. One way is for the person who moved to approve the agenda to change that motion to allow the agenda to be amended and vote on it again. The second way is for the Mayor to take his motion to amend the special agenda and add the item. Normally, you would do this at the time to approve the agenda. It would only take a majority vote.

Mr. Gaskins said he would amend his motion to add to the Regular Agenda that discussion. Ms. Wyhof agreed to the amended motion. Mayor Olive said that we have a motion and a second to amend the agenda and this item would be placed on the Regular Agenda as Item D. The motion passed six to one in favor to amend the agenda. Council Member Charles Taylor cast the dissenting vote.

**REGULAR AGENDA**

Consider Motion To Take From the Table Discussion of Policy for Funding of Non-Profits- (Exhibit K)

Mayor Pro Tem Sam Gaskins made the motion to take from the table discussion of policy for funding of non-profits. Seconded by Council Member Rebecca Wyhof, the motion carried six to one in favor. Council Member L. I. “Poly” Cohen cast the dissenting vote. Mr. Cohen stated that there is no money in the budget to fund the non-profits that we have not funded last

year and one of those is in doubt. He did not know why we would have all this paperwork completed because we are not going to be able to give any money away this year. Maybe later on in the year, he would like to see this issue come back up where we have time to get all the forms printed for next year's budget. He felt it was wasting a lot of time and paper.

Mayor Pro Tem Gaskins said he has spoken on this issue several times and he had nothing new to add.

Council Member Rebecca Wyhof asked if we received any feedback from any discussions that we had with the golf course or anything about changing that or would it be something separate from this policy. Attorney Patterson replied that not having clear direction from a majority of this council, she did not change what is in council's packet. She has what she requested from the golf course manager, which is the parameters he currently follows in regards to usage at the golf course. The golf course manager basically said that the golf course isn't "free" to anybody – school and golf teams are allowed to have practices there on a set schedule that he makes up and they abide by. If any golf team members comes to play on a day that is not their scheduled day, they pay to play; and other than the two times in 2011 and 2012 that the City Council voted to give the golf course to the community college for the tournament, he does not know of any other groups that have used it for "free." It has been more than 40 years that he knows of that the golf course teams have used it for their practice rounds, etc. The Golf Commission several years ago made the idea that getting interest of those children who are already on a sports team to play golf, turns them into future customers at the course, so it makes sense to have the ability of the teams to have an opportunity to play at the course. Basically, no non-profit utilizes the course without paying the appropriate fees. It is not an arbitrary decision that is made. Attorney Patterson distributed an email exchange from Golf Pro David Von Canon to council members.

Attorney Patterson added that she has the information from the seventeen towns and counties regarding a policy for funding non-profits and if any council member would like a copy, she will give them one.

Mr. Hegwer stated that council has a copy of the Temple Theatre and Railroad House budgets. We are still waiting on the budget for the Lee County Arts Center.

Mayor Pro Tem Sam Gaskins made the motion to implement the policy for non-profits. Council Member Wyhof asked if that is to start it now or is that for operating in the budget year to come since the dates in the policy start in January. When is the actual implementation date? Mr. Gaskins replied at this point it would be now but it is not a problem with him. He just feels that we have needed one for over two years.

Council Member Williams asked which policy? Mr. Gaskins replied the draft Council has received that is currently on the table.

Council Member Taylor said that has no provisions that are relative to the use of the golf course. Mr. Gaskins replied not at this time. Mr. Taylor asked Mr. Gaskins if he would be willing to consider an alternative motion that would allow for use of the golf course as Ms.

Wyhof mentioned last week. Mr. Gaskins replied that his concern is that the golf course is in the Enterprise Fund and we are trying to have them work more profitably or to become more profitable. This would be a marketing decision. He would like to see a golf policy written in detail before adding it on rather than confuse the matter because would it mean it would affect discounts for city residents and if it works out in the future that he would want to modify his schedule of fees to allow discounts for large groups. He thought he did not want to put something like that into a policy to “muddy it up” right now. We have a very clear policy that was thought out in detail and we utilized the information from others to combine it into this single policy. If we want to come forth with an addendum later on that would be clear and we could have complete discussion with input from Golf Pro/Manager David VonCanon; this is something we could do later, but he is not interested in doing this tonight.

Mr. Taylor said that we have left the golf course completely unprotected in the sense of a lack of no policy. When the educational institution that happens to have a non-profit as a foundation requests the golf course, it is totally up to the purview of the high schools to do the same. This is his concern.

Mr. Gaskins stated that from what he saw of the policies he read two years ago in trying to work this through, golf courses were not included. He thinks it will take a lot of work and he would like to see the work done before we try to implement it.

Mr. Cohen said we own the golf course and it is subject to the same rules and regulations as everything else. We support it just like the Fire Department, Police Department, etc. and why should they be penalized?

Council Member Rebecca Wyhof seconded the motion. The motion carried four to three in favor of implementing the non-profit policy. Council Members Walter McNeil, Poly Cohen, and James Williams cast the dissenting votes.

Consider Adoption of Annual Budget Ordinance for Fiscal Year 2012-2013 – (Exhibit L)

City Manager Hal Hegwer stated this is the budget ordinance for Council’s consideration. Staff went through a very thorough analysis of the budget and would be glad to answer any questions.

Council Member Taylor said last year, Council appropriated money in the budget for the radios and Mr. Williams had put this issue on the agenda tonight to be discussed and for a vote. In lieu of this, he would like to ask the city manager, a vote on the budget approves money to be allocated for those radios; that does not circumvent or put us in a position to make a rash decision on radios. He said that he has had a discussion regarding this with the city manager and we need to have something in place by August. He outlined that in an email to Mr. Williams as well as Mr. Haire. They both agreed to the email. He submitted it within 24 hours and he will be glad to make that available. He wanted to point out that a vote for this budget tonight will allocate money for radios. Just as with the police forensic vehicle, it does not say it has to go to Sirchie; it just gives you the ability to have that money to go and solicit bids for that vehicle. Mr. Taylor said that is a clear distinction in that tonight and wanted to make it clear and very evident that we have put an agenda for a meeting regarding radios together and it seems to have

been ignored. We were hoping to get that moving forward this week and he had a commitment from the city manager earlier tonight that it would happen.

Mr. Taylor reiterated that a vote for the budget tonight would be a vote to allocate the money that has been requested for radios; it does not necessarily distinguish which radios to get, or the process we have to go through or the possibilities that are out there and alternative plans that may be out there. He said we need to be judicious and exhaustive in our research and information that is presented.

Mr. Hegwer commented that there were funds budgeted this fiscal year and additional funds in Fiscal Year 2012-2013 budget. It would take both years' funds in order to purchase the radios. The reason we did not purchase this year was because there was so much discussion about it. There are funds in this year's budget that would very likely have to be reappropriated into next year's budget in order to fill the requirements of that narrow-banding.

Mr. Taylor said we need to vet everything out and we need to be aware that there was \$38 million that was allocated in the governor's budget for VIPER radios. He stated that is in jeopardy of being reduced; if not eliminated completely. He found out today from the Communications Committee that is in the North Carolina Legislature that they are having some severe problems, even with the Highway Patrol, on their VIPER Radios. Mr. Taylor said we need to be careful of the decisions we make tonight and if Mr. Williams wants to make these in haste, then he will not be a part of it.

Council Member Williams said that Mr. Taylor did not get a confirmation in writing from him on any email he sent. He said that Mr. Taylor says he can produce that, but he doubts that because he never sent a confirmation. As far as the radios are concerned, he has done his homework. Mr. Taylor asked Mr. Williams to go and talk with the firemen. Mr. Williams said he took it a step further and talked with the Lee County firemen, Sanford firefighters, and also went to Harnett County and talked with the firefighters. He felt he had done his due diligence. Mr. Williams said that he is satisfied that our fire chief knows exactly what he is doing; he has been there for 30 plus years and is doing a fine job. He has no reason to doubt him now and that is why he would like to get this behind us. We have been dragging it out for almost two years now and it is time to get it done.

Mr. Taylor replied that maybe we need to vote on the budget first.

Council Member James Williams made the motion to adopt the budget for Fiscal Year 2012-2013. Seconded by Council Member Walter McNeil, Jr., the motion carried in favor five to two. Council Members Jimmy Haire and Charles Taylor cast the dissenting votes.

**Consider Appointments to Various Boards, Commissions, and Committees – (Exhibit M)**  
**ABC Board – (1 appointment)**

Council Member Cohen made the motion to appoint Dr. Jimmy Foster by acclamation. Council Member Walter McNeil, Jr. seconded made the motion, and it carried unanimously.

**ADA Committee – (1 appointment and 1 Council Member)**

Mayor Olive appointed Council Member James Williams to the ADA Committee.

**Airport Authority – (1 appointment)**

Council Member Cohen nominated Joe McDonald. Council Member Walter McNeil, Jr. made the motion to close the nominations and appoint Joe McDonald by acclamation. Seconded by Council Member Cohen, the motion carried unanimously.

**Appearance Commission – (2 appointments)**

Council Member Cohen nominated Irene Jordan. Council Member McNeil nominated Brenda Johnson. Mr. Gaskins asked about the length of terms. Both had served two three-year terms. Attorney Patterson stated the policy is that members can serve two, three-year terms; however, Council can waive this by appointment. There is precedence to appoint members beyond two terms. Mayor Pro Tem Gaskins nominated Carla Thomann.

The mayor took the vote. Irene Jordan received seven votes and Brenda Johnson received seven votes. Ms. Thomann received no votes. Irene Jordan and Brenda Johnson were appointed to the Appearance Commission.

**Board of Adjustment/Housing Board of Appeals – (2 appointments)**

Council Member Cohen made the motion to appoint Williams Bill Jones III and Henry Roger Judd by acclamation. Seconded by Mayor Pro Tem Sam Gaskins, the motion carried unanimously.

**Historic Preservation Commission – (6 appointments) 3 regular appointments; 2 appointments – terms expire 6-30-13; one appointment term expires 6-30-14)**

**Three Regular Appointments**

Council Member nominated Shannon Gurwitch for a three-year term. Council Member Charles Taylor nominated LTC Ash Worboys for a three-year term. Council Member Rebecca Wyhof nominated David Nestor for a three-year term. Mayor Pro Tem Sam Gaskins made the motion to appoint Shannon Gurwitch, LTC Ash Worboys, and David Nestor by acclamation. Seconded by Council Member Walter McNeil, the motion carried unanimously.

**One Appointment – Term Expires June 30, 2014**

Mayor Pro Tem Gaskins nominated Carla Thomann to the two-year appointment. Council Member Jimmy Haire made the motion to appoint Ms. Thomann by acclamation. Seconded by Mayor Pro Tem Gaskins, the motion carried unanimously.

**Two Appointments – Terms Expire June 30, 2013**

Mayor Pro Tem Gaskins moved to appoint John Sheuring for a one-year term appointment by acclamation. Seconded by Council Member McNeil, Jr., the motion carried unanimously.

**Lee County Economic Development Corporation – (1 appointment)**

Council Member Cohen made the motion to appoint O. A. Keller III by acclamation. Council Member McNeil seconded the motion and it carried unanimously.

**Lee County Environmental Affairs Board – (1 appointment)**

Council Member Charles Taylor made the motion to appoint Brooks Gage by acclamation. Seconded by Council Member James Williams, the motion carried unanimously.

**Planning Board – (1 appointment)**

Council Member Walter McNeil made the motion to appoint Robert Lemmond by acclamation. Seconded by Council Member Charles Taylor, the motion carried unanimously.

**Sanford Housing Authority – (1 appointment)**

Council Member Charles Taylor made the motion to appoint Edwin Grogan by acclamation. Seconded by Council Member Jimmy Haire, the motion carried unanimously.

**Fire Department Radios**

Council Member James Williams stated that he has done his research on these radios and he made the motion to give the fire chief the authority to go ahead and buy the radios of his choice. Council Member Walter McNeil, Jr. seconded the motion.

Council Member Taylor said he went back and looked at the emails June 1, 2012, 10:49 A.M., email was sent to James Williams and Jimmy Haire. When they came to the meeting that afternoon, he asked if they had anything to contribute to that or else he was going to forward it to the city manager. At that time, Mr. Williams was in agreement that everything was fine; he did not acknowledge via email because quite frankly, he had not even seen the email. He showed Mr. Williams the printout that Mr. Haire had. Mr. Taylor said that we submitted this to the city manager; it was very detailed as to what we wanted to do and it was being fair to all parties involved. It was looking at it completely objectively. He told the mayor that if you appoint someone to a committee, he would anticipate that you would ask him to be as objective as possible. Mr. Taylor said that Mr. Williams contributed nothing new tonight in his statements regarding radios that he did not say previously in a meeting last year. Mr. Taylor said he would like to hope that we could put this on a table and he made it very clear in the email that he was hoping they could do a thorough investigation within the next month or two and have answers by late July. In conversations with the city manager, he agreed that this was acceptable. He would like to hear from the city manager tonight what has changed in regards to the conversations and the emails we have exchanged.

Mr. Hegwer said that the emails he has exchanged is that Mr. Taylor sent an email and it had about four to five questions or points to talk about and he has had a couple of discussions with the fire chief about that. He has not sent any information out about that but he did send an email to those council members on the committee to see when they would be able to meet.

Mr. Taylor said that in Item Number Two, he has asked that a meeting be set up with Lee County Manager John Crumpton, to be able to talk to our Lee County Emergency Management Group; that has not been done. He reminded the city manager of that tonight and, yet, you see where we are at. Mr. Taylor said the only thing he has asked is that we do proper vetting. There is a lot of information that is coming out in the Legislature that is going to affect VIPER. We have no communications plan going forward and a communications plan needs to be addressed in all departments including public works, police, and fire. We have no long-term

communications plan in place at all. He said he would encourage each council member to go look and see what is going on in the Legislature regarding communications and communications planning.

Mayor Pro Tem Gaskins said that as Council Member Williams indicated, we have been discussing this for quite some time. Last year, he was very concerned that the radios, at which we were looking, did not cover the VIPERs because that is what was of primary importance during the tornado. Since that time, he has had the chaplain of the firefighters come to him because a number of firefighters had gone to him as a group. They had participated in the extensive tests of which we were informed earlier by the fire chief. The chaplain told him that the firefighters were very anxious to approve the Motorola radios because the others did not work properly. He also said that they were anxious to have this done sooner rather than us spending our time. It is better to get the radios in the hands of the firefighters for their safety now and not later. Mr. Gaskins said that he felt this was the most independent information that he had received and coming directly from the firefighters as a group. He strongly recommends that we take action and Mr. Williams has put the motion to leave the decision to the chief and he has no doubt that the chief will be aware of any changes in the Legislature and he would hope that the Legislature which promotes trying to save money, as best they can, will not get carried away with new types of regulations that would cause the City to spend even more money.

Mayor Olive said that in regards to Mr. Taylor's comment about the appointment of a committee, she did that at his request and did it with all sincerity. Having discussed it in passing a couple of times since that committee was appointed and the question was raised about how that would be done, her comment at the time was that it seemed to her that it would be a practical thing to have a blind study to just somehow cover the names of the different manufacturers and let people participate in it who had questions. She still thought it was the practical thing to do. Her concern about it is she would like to see the firefighters get new radios or some radios because she feels it is a life and death situation that we cannot ignore. She also thinks anytime there has been enough passion about an issue that somebody goes to great lengths to work on it, that every effort should be made to satisfy any concerns.

Mr. Taylor commented that it is interesting that we talk about Motorola radios but you have to talk about specific radios because there were two types of radios. There are dual-band radios which he has talked with firefighters and they think they are getting the VIPER dual-band radio and it is not going to happen. The same radios that they are getting, although it is going to be a narrow-band radio, is the same one they had problems with at the burn at the airport the second night; they had a communications breakdown. If that is not the case, then he wants to know and he also wants to look at our policy. There is a reason why these gentlemen and women carry their cell phones with them.

Ms. Wyhof asked Mr. Haire about his thoughts since he was on the committee. Mr. Haire said he had an idea about what they should do but we haven't done anything yet and if the chief says one brand is better than another, that is good enough for him. But, Mr. Taylor has put an awful lot of time and energy in this so he has some point to make. Mr. Taylor would like to do a field test. He asked Mr. Taylor if that was right. Mr. Taylor asked Mr. Haire to comment on the dialogue that he had with Mr. Williams and himself on June 1 regarding what they had

laid out. Mr. Taylor said that Mr. Haire and Mr. Williams had nothing to add and he felt we have gotten about what we would expect out of that.

The vote was six to one in favor of the motion to give the fire chief the authority to go ahead and buy the radios of his choice. Council Member Charles Taylor cast the dissenting vote

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

**OTHER BUSINESS**

Council Member Taylor thanked staff for responding on a sewer issue Hawkins Avenue this week. He said the flashing light is up at Lowes.

Mr. Taylor asked to talk to our legal counsel prior to adjourning potentially for a closed session issue.

Mayor Olive called for a ten-minute recess at 7:54 P.M. The meeting was reconvened at 8:05 P.M. City Attorney Patterson advised that Council Member Taylor would like to add a closed session to next Wednesday's meeting at the conclusion of the meeting.

City Manager Hal Hegwer announced that we will be having a City Council meeting on Wednesday, June 27, at 1 P.M., in the Council Chambers in lieu of the July 3 meeting. The Law and Finance Committee meeting scheduled for June 27 and City Council meeting scheduled for July 3 have been cancelled.

**ADJOURNMENT**

With no further business to come before the council, the meeting was adjourned on motion of Council Member Walter McNeil, Jr., seconded by Council Member James Williams, the motion carried unanimously.

Respectfully submitted,

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CORNELIA P. OLIVE, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK

