

LAW AND FINANCE MEETING  
Wednesday, November 14, 2012  
1:00 P.M. in Council Chambers

The Law and Finance Committee met on Wednesday, November 14, 2012 at 1:00 P.M. in the Council Chambers at City Hall. The following people were present:

Law and Finance Committee:

Mayor Cornelia Olive	Council Member Charles Taylor
Mayor Pro Tem Sam Gaskins	Council Member James Williams
Council Member Jimmy Haire	Council Member L.I. (Poly) Cohen
Council Member Walter H. McNeil, Jr.	
City Manager Hal Hegwer	Deputy City Clerk Janice Cox
City Attorney Susan Patterson	

Absent:

Council Member Rebecca Wyhof  
City Clerk Bonnie White

Mayor Cornelia Olive called the meeting to order.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2012-2013 – (Exhibit A)

City Manager Hal Hegwer explained this ordinance appropriates funds received from our insurance company for damage to a golf cart that ran into a car in the parking lot and transfers the funds from Miscellaneous to Golf in order to repair the golf cart.

Consider McIver Street Sidewalk Addition to Chatham Street Parking Lot

Community Development Director Bob Bridwell stated that they were grateful to be able to move along with the Chatham Street parking lot, but it was felt that not doing the portion of the sidewalk where the rescue squad was located left an unsightly area where some major improvements are planned to be made. He has been advised by Public Works Director Vic Czar that Public Works has some limited funds available annually for sidewalk improvements and curb and gutter. It seemed appropriate to take care of this issue at the same time they are doing the parking lot. Mr. Bridwell requested putting the sidewalk back into the plan, using money out of the sidewalk fund. Mr. Bridwell had requested funds from DSI to do the sidewalk portion. They agreed to commit \$40,000. The bid for the total cost of that sidewalk was around \$58,000.

Mayor Olive confirmed that the sidewalk is now structured higher than the parking area. Mr. Bridwell stated it would be graded down so it would all fit. They will still be asking for funds later on to finish the complete project, but the major facilities would be done. It will include access to Yarborough's Creamery & Grill. Mayor Olive asked if Yarborough's was doing anything to beautify. Downtown Development Manager II David Montgomery responded that they recently repaved the entire parking lot, and a few years ago, they repainted the entire outside and put up a new sign.

City Manager Hegwer stated that there are some improvements that need to be done in that sidewalk, but one reason the work had been delayed is there is no reason to do sidewalk work if you are going to come back with streetscape work at some point.

Mayor Olive asked about the status of the utility lines downtown going underground. City Engineer Paul Weeks responded that Progress Energy is working on the design in house. Mr. Hegwer stated that the goal is to have the Downtown design, cost estimates back, and the design for the underground utilities in hand. We already have design and plans for the Jonesboro area. We would have the projects ready to go when there is access to funds.

Council Member Haire asked if the sidewalk would match the other with the inlaid brick. Mr. Bridwell responded that it would match.

Consider Interlocal Agreement for Bidding Solid Waste Services for the Town of Broadway – (Exhibit B)

City Attorney Susan Patterson explained that there is an interlocal agreement in their packets for bidding solid waste services. Awhile back the Town of Broadway made requests to join in our bids for solid waste services. Staff has been working with the management of the Town of Broadway and has put together the proposal to be sent out. This is an interlocal agreement that the Broadway board and this board would take up. Broadway would be authorizing our city staff to do the bidding process on behalf of both towns. It will be designed, however, that each municipality would have the right to reject any and all bids; to waive informalities; to negotiate the final contract with anyone involved in the process; and to award the bids with separate contracts for each town. It would be an advantage to both the City and Broadway to take advantage of the economies of scale and efficiencies, and, hopefully, save money for citizens of both towns. Attorney Patterson has been advised that Broadway will put it on their agenda for the meeting on November 26<sup>th</sup>.

Council Member Williams asked what Broadway was paying now in relationship to what we pay. Attorney Patterson stated that they paid more, maybe around \$9.00 per unit. Mr. Hegwer stated that their concern was being exposed by themselves and they have asked for our help. He stated that we have worked closely with them over the years and thought it would be helpful to us, too, because it improves the economies of scale and helps them at the same time. Attorney Patterson stated that it increased the total numbers that we are looking for a price on and they have under a thousand customers and we have under ten thousand.

Consider Interlocal Agreement with the Town of Goldston for the Wastewater Project and Encroachment Agreement with the Town of Goldston to Allow Wastewater Collection Pipes to be Constructed Within the City of Sanford Easements – (Exhibit C)

City Attorney Susan Patterson stated that previously the Public Works staff came before council and explained that the Town of Goldston, for many reasons, needed to put in a sewer collection project within the Town of Goldston; however, they didn't have the facility to treat the waste and they wanted to bring it to our facility. They have been working with us to facilitate that project. Once it comes into this side of the river, the City of Sanford would have the easements on this side of the river and the encroachment agreement would be an agreement where they would be able to lay the lines for this operation within our easement. The

encroachment agreement would have Goldston covering all the costs involved; it would have Goldston being responsible for the construction, maintenance, and operations of those things that are their responsibility. At some point they become ours, as this is an expansion of our system. The first interlocal agreement is so that the two bodies are acting together in this and the encroachment is so that the pipes can be laid within the easements that are in the name of the City.

Mayor Olive asked Mr. Hegwer if he wanted to explain about the limitations that our contract has placed so that our public will understand. Mr. Hegwer stated that essentially the Town of Goldston would collect and pay for their wastewater treatment system and then that waste would be pumped to the City's system; they would pay all those costs—the cost of extending the lines necessary via force main and gravity sewer. Part of that gravity sewer extension is inside of Lee County so there would be an extension of the City's sewer system inside of Lee County that there is no cost to us. In the past, we passed an interlocal agreement to limit the area inside Goldston to where we would provide wastewater. Any industrial and commercial accounts would have to have the City of Sanford's permission. There is an aspect of control and making sure it meets our pretreatment program as we don't want anything to disrupt the flow to our plant. This is a residential system with a total of somewhere around 60,000 gallons a day, which is a really small flow and probably will not be realized for years to come. They do not really have any other options. This is our attempt to help them in a public health need.

#### Consider Discussion Regarding Skate Park

General Services Director Tim Shaw stated that they have been working on this project quite a while. In July, they sent out requests for contractor qualifications and received five responses. Those responses were evaluated. Staff looked at their histories and put them in a priority list. Now the City is at a point to decide where to go from here. There could be some issues about the way we move forward in bidding or how the contract is done. We have to be sure to meet all the requirements of the state and do as much as we can to get locals involved in it as far as the construction, itself, goes. Most of the people he has talked to (and these five firms in particular) do design and build across the United States and most have done work in North Carolina.

Mr. Shaw stated that he had received both positive and negative comments about skate parks. He asked for direction from Council on moving forward. City Manager Hegwer asked Mr. Shaw to give information about proposals and fees and the two types. Mr. Shaw stated that a firm would be chosen to design and complete the construction of the project. Another procedure would be to do design and then bid. The number one company was asked if they were interested in doing only a design proposal and they were willing to do that. The estimate for design work alone came in at about \$50,000. We are dealing with a budget of \$140,000 to \$150,000. We used 4,000 square feet as the size of the skate park. Once we had that information, it was decided to send back out again for these companies to give us information if we gave them square footage and maximum budget. All five turned bids in to us again. They were again evaluated and the same company was number one again. The first number three (a company out of California) became number two. At this point, they are trying to make sure they follow all the rules as far as going forward and meeting legal requirements for bidding and

construction, etc. Mr. Shaw stated he had talked to several towns in North Carolina that have built skate parks since 2008. Some have good responses and some say they should never have built them.

Council Member Haire stated he had talked to a skateboard merchant in Moore County. Moore County does not have a skate park. They have had several with private owners, but they come and go. The merchant stated that the popularity of this sport seems to go along with the recession. When the economy is good; the kids buy skateboards. When the economy is bad, they don't. Mr. Haire stated that once you build one, you have it forever. He asked if the City received requests from citizens wanting a skate park. Mayor Olive said there was a time when they were approached constantly about needing a skate park. One reason was that skateboarders were using city streets, parking lots, and areas that folks did not want them to use. The kids and the property owners were asking us to do something. Lately, it has not been asked about as often.

Mr. Haire asked Mr. Shaw if he had spoken with other cities that have skate parks. Mr. Shaw stated that he had. Mr. Haire asked if they were glad they had one. Mr. Shaw stated that they were not. Mr. Haire asked what the ones who were not glad were saying. Mr. Shaw replied that one statement from a staff person was that it was the biggest mistake they ever made. Another mentioned the amount of maintenance they had with such things as graffiti and damage to fences. This park was built on a lot beside the Police Department and they were made to use the restrooms at the Police Department and they still tore it up. The third one was that the skateboarders had a terrible reputation and it seemed that those using the skate park represented what people thought of skateboarders. There were issues with noise.

Mr. Haire stated that the parents who had given him comments have all wanted to know if the skate park would be supervised by an adult. Mr. Shaw stated that ours would be an unmanned facility and the ones he had talked to this week were also unmanned facilities. Mr. Hegwer noted that the one they visited in Cary was a manned facility and was very well received, very nice, heavily used facility.

Council Member Taylor stated that the numbers of Skate Cary have dwindled from what they were two years ago, so there is a downward trajectory of people from Lee County and Sanford using that facility. One of the drawing cards of that facility was that someone could drop the kids off and go shop and do other things and did not have to be present to supervise them. That element would be lost here. Mr. Taylor stated that Council had been talking about this for five years and the trend comes and goes. The people who were active five years ago have graduated, gone on to college, and may not be skating as much as they used to. He says he is not seeing the youthfulness of skating like it was even two years ago. He stated that is the reason he has advocated for a multi-purpose surface rather than create a carved out skate park with bowls, etc. because if skating ceases, you still have a working surface that can be used for other things such as basketball. He would like to see greater detail in the proposals with the elements. There are some carrying costs with maintenance.

Mr. Hegwer stated that, typically, in North Carolina, the process is to pick a designer and design a skate park and then bid it. We have looked at that, and the concern they see as they go

down that path, getting a design would cost about \$50,000 or a third of our budget. If you decided not to build the skate park, that money would be wasted. The other approach used in some localities in North Carolina is Design-Build. When you pick a designer, you are also picking a builder. If Council is not ready to build, Mr. Hegwer stated he would not spend that money to design it. Mr. Shaw stated that they were looking at doing street-type devices on the flat surface and not bowls. Mr. Shaw expressed that he did not know whether the type of concrete used for a skate park could be used for a basketball court. Council Member Taylor stated it could be top-coated later as there have been conversions of skate parks to basketball courts, etc. Mr. Shaw said most of the input they have received from the youth is that they would like the skate park to have street-type surfaces to skate. These do not lend themselves to a flat surface. They do not have bowls and there are flat surfaces in them.

Mr. Shaw stated that in asking these five firms for proposals and giving them guidelines to follow, four of the five responded that they could do that and gave renderings. All they have are the computer renderings. The firms have not come in and talked to staff or the public about what we want.

Council Member Williams asked if that money had been budgeted for this project. Mr. Shaw stated that this money has moved forward on an annual basis for the last several years. They are actually short by \$10,000-\$12,000 of the \$150,000. Mr. Williams stated that he would like to see what these \$150,000 parks look like. Mr. Shaw stated that the chosen firm would be required to come in and find out what is wanted in the skate park. Then, they would meet with the public and make plans with our guidelines and input from the public. Mr. Williams said he would rather see a picture. Mayor Olive asked about seeing pictures of some completed parks. Council Member Cohen stated it comes to his mind if we want to go ahead with this project. If the kids don't want it and the kids are not going to use it, we don't want to build it. Mayor Olive stated that he has a good point and asked if we wanted to spend more money if it was not going to be used. Mayor Pro Tem Gaskins thought it would be good to see who is getting rid of skate parks. If the interest is not there, we have gone on too long. Mr. Hegwer felt that Mr. Shaw had struggled for input. Mr. Shaw thought the location chosen is a good one, and if we just built a skate park, he wasn't sure the community would like it. This is why you have public input from the neighborhoods.

Mayor Olive stated that realizing the high costs had somewhat made Council put brakes on the project considering the way the economy is at this time. It seemed like a lot of money to put into a project that would have a limited audience. She encouraged people to contact the Board members with their comments. Council Member McNeil stated he had not heard anything about it lately. He thought people get disenchanted with no action over five years and only talking. Mr. Williams mentioned the County had said they would put one in and some other people had said they would contribute money, but he had not heard anything lately about that. Council Member Cohen stated that he was on the Parks and Recreation Board and they were having a hard time getting money to fund what they are presently doing without raising the fees every year because their budget gets cut every year.

Council Member Taylor asked if we built it, could the County use their maintenance people to take care of it. Mr. Cohen thought they were stretching their maintenance people thin

now and Mr. Shaw thought they would want to choose the location, as well. Mayor Olive stated they had looked at O. T. Sloan Park as their location, which made sense for the County. Council Member Taylor expressed that building the park would not take skaters off the street who wanted to skate on the street. Mr. Taylor stated he had heard concerns from parents who would not feel comfortable in dropping their kids off. He thought the wrong location could kill it if parents would rather take their children to Cary.

Mayor Olive asked about reviving this conversation at the next Law and Finance Committee meeting and let Council do some research. Mr. Shaw stated he would try to get some pictures and costs from other places. Mr. Hegwer stated their concern is that the design fee is about \$50,000 and then you would bid it. Across the country, the trend is to do Design-Build which picks the designer and builder at the same time. It is a different process.

#### OTHER BUSINESS

Council Member McNeil stated that he had been disappointed in us letting another Veteran's Day pass by without doing something about the flags Council had talked about six to eight months ago. He stated that he hoped we would not get to Memorial Day and the City still not have anything to represent the veterans.

Mr. Williams stated that he had gotten several phone calls about the recent violence in the city. He is surprised that no one showed up at the meeting today because based on his phone calls, he expected some to come. There is a lot of concern within the city.

City Attorney Patterson reminded the Board that the sweepstakes café issue would be taken up and the public hearing held on Tuesday.

City Manager Hegwer stated that we have tried to research these internet cafes in terms of employees and he will have some numbers for Council. It has been difficult to get some of the operators to talk to staff. Some spoke openly and freely. They are generally employing temporary employees and some full-time. Usually, we are trying to communicate with people who work there (not the owners) who are not comfortable talking to us. Hopefully, some will come and share the information to Council.

Mr. Hegwer asked to cancel the Law and Finance Committee meeting scheduled for Wednesday, November 28 as some members will be attending the National League of Cities.

Mayor Olive noted the reopening of Big Lots with a ribbon cutting scheduled for Friday. Tractor Supply is opening on November 17. Mayor Olive said that the tornado was bad, but we are bouncing back from it.

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

ADJOURNMENT

Having no further business to come before Council, Council Member James Williams made the motion to adjourn; seconded by Council Member Sam Gaskins, the motion passed unanimously.

Respectfully submitted,

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Cornelia Olive, Mayor

ATTEST:

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Janice Cox, Deputy City Clerk