

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, December 18, 2012 at 7 P.M. in the Council Chambers. The following people were present:

Mayor Cornelia P. Olive  
Mayor Pro Tem Sam Gaskins  
Council Member James Williams  
Council Member Rebecca Wyhof  
City Manager Hal Hegwer  
City Attorney Susan Patterson

Council Member L. I. (Poly) Cohen  
Council Member Charles Taylor  
Council Member Walter H. McNeil, Jr.  
Council Member Jimmy Haire  
Deputy City Clerk Janice Cox

Absent: City Clerk Bonnie D. White

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

**PUBLIC COMMENT** - (Exhibit A)

Ricky Tysor of 502 Pineland stated that he was sad about the shooting going on in Sanford now. In the last several years that he has been a community leader in Sanford, he has seen much shooting into houses and cars and kids getting killed. He stated he wished there was something else that could be done to get the kids with guns off the street. He asked for a solution. He mentioned hearing stories of elderly ladies getting on the ground when they heard gun shots and others having panic attacks. He stated that a lot of it was not about gangs. He thought the shooters should be hunted down and locked up.

**APPROVAL OF AGENDA**

Council Member Poly Cohen made the motion to approve the agenda; seconded by Council Member Wyhof, the motion passed unanimously.

**CONSENT AGENDA**

- A. Approval of Law and Finance Committee Meeting Minutes Dated October 31, 2012 – (Filed in Vault)
- B. Approval of City Council Joint Meeting Minutes Between Lee County Board of Commissioners, Sanford City Council, Broadway Town Commissioners, and Lee County Economic Development Commission Dated November 13, 2012 – (Filed in Minute Book 78)
- C. Approval of Law and Finance Committee Meeting Minutes Dated November 14, 2012 – (Filed in Vault)

- D. Approval of 2013 Taxicab Operator's License Renewal – (Exhibit B)
- E. Approval of Resolution Accepting and Endorsing the Solid Waste Management Plan of 2012 for the Lee County Planning Area – (Exhibit C)
- F. Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2012-2013 (New Radio Repeater) – (Exhibit D)
- G. Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2012-2013 (2009 JAG Recovery Grant Project) – (Exhibit E)
- H. Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2012-2013 (Purchase of Replacement Vehicle) – (Exhibit F)

Mayor Pro Tem Sam Gaskins made the motion to approve the Consent Agenda; seconded by Council Member Walter McNeil, the motion passed unanimously.

### **SPECIAL AGENDA**

#### **Presentation from Jody Albright with Central Electric Membership Corporation**

Mr. Albright, Manager of Member Services for Central Electric Membership Corporation, stated that it is a rural electric provider for Lee, Moore, Chatham, and Harnett Counties, serving approximately 20,000 members with electric service. The City of Sanford is a member through the water plant on Highway 42. As a cooperative, at the end of each year, the excess revenue remaining after all expenses are paid is retained by the cooperative and treated as equity and is allocated to members individually based on their patronage or power bills. Capital credits are used during the year for expansions, etc. but sometimes later as the financial integrity of the cooperative allows, these monies are returned back to their membership. Mayor Olive accepted the check in the amount of \$58,935.51. The capital credits' check represents a four-year retirement (1989-1992).

#### **Recognition of National Night Out Award Recipients**

A video of participating National Night Out sites and activities was shown. Mayor Olive stated that, this year, there were twenty-nine sites participating in Sanford where neighbors got together to meet their neighbors, police officers, fire fighters, other city employees, and elected officials. Children, particularly, enjoyed getting in the police mobile unit and fire trucks. There is always a good turnout. Of the cities participating in the United States with a population of 50,000 or less, Sanford came in fourth in excellence. Council Member Walter McNeil and City Clerk Bonnie White direct the program for the City of Sanford. Council Member McNeil thanked the participants for helping to make Sanford a little safer with their efforts. He stated that the gun violence in Sanford was not a part of every community, but the council would do its best to help with that. Mr. McNeil introduced the National Night Out coordinators, thanked them, and stated he hoped they would participate again next year. Ms. White presented each with a certificate.

**Cases for Public Hearing: to be held jointly with the Planning Board** – (Exhibit G)

Application by T. L. Stewart Builders, Inc. to rezone two tracts of land totaling 2.16 acres +/-, with one tract addressed as 2203 Woodland Avenue and an adjoining vacant lot, from Residential-Mixed (R-12) Zoning District to Woodland Storage Conditional Zoning District to allow for the development of a mini-warehouse storage business. The property is the same as depicted on Lee County Tax Map 9652.18, as Tax Parcels 9652-31-3881-00 and 9652-31-5897-00 Lee County Land Records.

Mayor Olive confirmed that a Planning Board quorum was present.

Planner II Amy McNeill explained that in September 2012, Mr. Terry Stewart contacted planning staff regarding an interest in developing a mini-warehouse business on property he owned on Woodland Avenue. After meetings with staff, Mr. Stewart decided to pursue rezoning the property to a conditional zoning district in order to pursue the development in the manner proposed. The property is comprised of two adjoining lots totaling 2.16 acres. Lot one is almost half an acre and is developed with a single family home that is currently utilized as a residential rental. Lot two is 1.69 acres and is vacant and partially wooded. The site does appear to have access to public water and public sanitary sewer. The adjoining property to the north is zoned Covington Place Elderly Housing Conditional Zoning District and is approved for development as a multi-family community for seniors aged fifty-five and older. The project has yet to break ground and of the five tracts that comprise the site, three still appear to be developed with single family dwellings. Adjoining property to the south and east is zoned Residential Mixed R-12 and is developed as Dalrymple Park, a public park with baseball fields and basketball courts. The property to the west, opposite Woodland Avenue, is zoned Autumn Oaks Conditional Zoning District and is approved for development as a multi-family apartment community, Phase I of which is already complete. There is also property to the west opposite Woodland Avenue which is zoned Residential R-12 and developed as Jonesboro Presbyterian Church.

The subject property is currently zoned Residential Mixed R-12 which is established to provide for a mix of residential dwellings types with a maximum of three and a half dwelling units per acre. This is an area where large lot development is discouraged and adequate public facilities and services are available. The applicant, Mr. Stewart, is petitioning to rezone to Woodland Storage Conditional Zoning District. This is a Type I Conditional Zoning District which is a stand-alone district with its own unique conditions. This type of zoning district is most suitable in situations where the city's current zoning districts do not accommodate the desired uses or where the developer or owner has a clear vision as to how the property is to be developed. As such, applications require a detailed site plan be included as per Agenda Pages 35-38 which illustrate how the site is proposed to be developed. Original building material samples were available for viewing on the front table. If approved, these plans and samples would be legally binding on the land. Therefore, the site would have to be developed as per the approved plans and samples (material and color) even if a property transfer were to take place.

The landscape plan illustrates landscape buffer yards that comply with the minimum required buffer yard widths, and the developer plans to save as many trees as possible to meet the minimum landscaping requirements. If this is approved, staff will visit the site once the clearing and grading are complete to inspect the remaining on-site vegetation and determine if additional

landscaping needs to be planted in order to comply with the intent of the ordinance, filling in any gaps in the landscape buffer that may be created by any clearing and grading on site.

The proposed design also exceeds the street-yard landscaping requirements of the UDO, in an attempt by the developer to enhance the main street entrance area. The Conditional Zoning process is a negotiated process, and, as such, the City Council and/or Planning Board may request that certain conditions be considered or altered. However, the petitioner must accept such conditions before inclusion in the conditional zoning district. The 20-20 Land Use Plan identifies the use for the subject property as mid-high density residential office. The purpose for this classification is to identify areas which are appropriate for medium and high density residential development, including single family duplexes and multi-family developments and offices.

A neighborhood meeting was held regarding this request on November 15 to allow for discussion of the proposed rezoning. One citizen, a representative of Jonesboro Presbyterian Church which is located across the street, attended the meeting. John Payne of Lee County Parks and Recreation also attended. The major topic of discussion was the overall appearance of the project. Staff recommends that the Planning Board and City Council support this rezoning petition. The Conditional Zoning request appears to be reasonable and in the public interest based on the information/conditions presented in the conditional zoning petition (such as the elaborate brick wall along Woodland Avenue which will screen most of the buildings from view and the intent to maintain as much of the existing mature vegetation as possible), the availability of public utilities, and based on surrounding land uses and zoning patterns in the area. However, information presented at the public hearing may provide additional information that should be considered regarding a final decision on the requested zoning map amendment.

Council Member Wyhof asked if there would be any issues with runoff or anything that will affect the surrounding property. Ms. McNeill stated that the developer plans to address this by putting a small detention pond at the rear of the property. He and the adjoining property owner may work together on a detention pond that may benefit both projects. Mayor Olive asked if it would impact the neighborhood behind this property. Ms. McNeill stated there is a creek that runs through the rear of this area. The biggest concern was that the creek didn't get storm water out of the city fast enough as it was blocked with debris, trees, and branches. It has been cleaned out and since that time Ms. McNeill has not had any complaints. Mayor Olive confirmed with Ms. McNeill that the creek is on private property and it is the responsibility of the owner to keep it clean.

Council Member Haire asked if the fencing would keep the storage units out of sight. Ms. McNeill stated that you could see them, but not much of them. They will be slightly higher than the fence. Mayor Olive asked the material of the fencing. Ms. McNeill stated that approximately half the distance down each side, there will be a wooden privacy fence and that will turn to chain link along the second half of the sides and to the rear. Council Member Williams asked about the results of the neighborhood meeting. Ms. McNeill stated that overall the one citizen who attended and is present at tonight's meeting seemed to be pleased. Everyone seemed to like the brick wall. Mr. Payne, representing the park, seemed to be pleased, as well. He thought securing the property was a good idea.

Mr. Taylor complimented this project. He appreciated the details on the plans. Mrs. McNeill corrected her statement earlier regarding fencing. She stated that along the northern property line, there will be wooden privacy fencing approximately half way and then that fencing will actually run into the building and the building, itself, will serve as fencing on that side. There will be chain link approximately half way back on the side the park is located.

Mayor Olive opened the public hearing.

Mr. Terry Stewart, of T. L. Stewart Builders, spoke in favor of the project stating they had been in business for twenty-nine years in Lee County and Sanford and that he was born and raised here. He stated they had developed several projects in the area, such as Hampton Ponds, Carter's Grove, Brighton Park, and currently are developing Carbonton Cove. He stated they had always tried to pay attention to detail and do more than was expected. He feels that the storage facilities would be an asset to apartment dwellers in the area and fill a need for the whole community. He feels the project will add aesthetic value to the area and will be perceived as an asset to the community. He feels the project will have very little noise and traffic. There has been some problem with vagrancy in the back of the property, and he thinks this will clean that up and that would please Mr. Payne with parks and recreation. Mr. Stewart will probably work with Ray Covington, the owner of the adjoining property, on the detention pond in the back of the property. Mr. Covington, personally, cleaned out the debris on his property and the water has been flowing fine since then.

Bill Jones, III, of 1810 Carbonton Road, is a member of the Jonesboro Presbyterian Church across the street from the property. He stated that he did not have a problem with the project. He has worked with the developers in the past and knows the kind of work done by T. L. Stewart Builders. Only two church members out of their 200 membership have come to him about the project. One member did not like the project and one had a question.

No one spoke against the project. Mayor Olive closed the public hearing and the Planning Board retired to the West End Conference Room to deliberate.

### **REGULAR AGENDA**

#### **Consider Taxpayer's Request for Release of Late Listing Penalty According to NCGS 105-312(k) – (Exhibit H)**

City Attorney Susan Patterson stated that, as was discussed at the Law & Finance meeting, Dr. Parinaz B. Nasserri has requested relief from the penalty for failing to list her property. This went before the county commissioners at their meeting and they denied her request. She listed late this year, and it was discovered that she had not listed for a couple of previous years. She attended the Law & Finance meeting to address this with council and it is on this agenda for a decision.

Mayor Pro Tem Sam Gaskins made the motion to deny Dr. Nasserri's request for release of late tax listing penalty. Mr. Gaskins stated that it is unfortunate as it seems to be a problem with her former accountant, and he hopes that she has the opportunity to be reimbursed for the problems he caused, but it is not a situation he feels the council should be involved with. Mr.

Cohen stated that if it happened to him, he would have to pay and he feels she should to. Mr. Cohen stated that he did not think the accountant was the one responsible for her not paying her taxes. Seconded by Council Member Poly Cohen, the motion passed unanimously.

Consider Autumn Oaks Subordination Agreement

- (1) Consider Subordination Agreement for Autumn Oaks Apartments LP, to subordinate the \$225,000 loan from the City of Sanford behind the \$530,000 loan from Community Investment Corporation of the Carolinas (CICCAR) – (Exhibit I)
- (2) Consider Subordination Agreement for Autumn Oaks Apartments LP, to subordinate the \$225,000 loan from the City of Sanford behind the \$804,000 loan from North Carolina Housing Finance Agency-Rental Program (RPP) – (Exhibit J)
- (3) Consider Estoppel Agreement – (Exhibit K)

Community Development Director Bob Bridwell explained that when the project was proposed, a substantial portion of the project was our ability to apply for a Community Development Block Grant in coordination with the project to build public sidewalks and water and sewer facilities as a condition of approval by North Carolina Housing Finance. We got something built that we really wanted and needed in coordination with that project. In order to do that HUD also gives the ability for the City to take that money and make the payments. We have an agreement still in effect (Estoppel Agreement) that gives us the ability to have cash flow from the repayment of the loan to build those public facilities along with the project.

The original project had a construction loan with a subordination agreement that Council has already approved. This is for the permanent financing, shifting from the construction loan to permanent financing. Those two loans are the permanent take out. One is for \$530,000 to Community Investment Corporation of the Carolinas and the second one is for \$804,000 through North Carolina Housing Finance Agency.

Mr. Bridwell stated it is a wonderful opportunity for us because the Estoppel Agreement, which comes last, is basically saying they have fulfilled the conditions of the loan. To date, those conditions haven't quite kicked in because the two things that need to take place for them to start paying us are to get the permanent financing and the second is for them to have 90 percent occupancy. They have been 100 percent occupied since the day they opened their doors, so it is expected that within thirty days of closing, they will begin making payments to the City on the note to us. The note to us is for \$225,000.

Mr. Bridwell reviewed that the subordination is the two primary financing mechanisms and with the Estoppel Agreement. Mr. Bridwell is certifying they have fulfilled their agreements and Council is authorizing signing the Estoppel Agreement letter.

Mayor Olive confirmed with Mr. Bridwell that our total portion for this was \$225,000. Mr. Bridwell responded that our loan is \$225,000 for sidewalks and water. Council Member Wyhof asked if changing the terms of this have any effect on our other financing or bond rating or other financial obligations. City Attorney Patterson stated that it did not, it is just the priority

in which the lenders could foreclose on the property if it goes belly up and we don't anticipate that happening. Mr. Bridwell stated that we have none of our money in the project as it is all federal money getting paid back to us at 2 percent.

Council Member Charles Taylor made the motion to approve the subordination agreement for Autumn Oaks Apartments LP, to subordinate the \$225,000 loan from the City of Sanford behind the \$530,000 loan from Community Investment Corporation of the Carolinas; seconded by Council Member James Williams, the motion passed unanimously.

Council Member Poly Cohen made the motion to approve the subordination agreement for Autumn Oaks Apartments LP, to subordinate the \$225,000 loan from the City of Sanford behind the \$804,000 loan from North Carolina Housing Finance Agency-Rental Production Program; seconded by Council Member Walter McNeil, the motion passed unanimously.

Council Member James Williams made the motion to approve the Estoppel Agreement Between Autumn Oaks Apartments, LP and the City of Sanford; seconded by Council Member Walter McNeil, the motion passed unanimously.

#### Consider Discussion Regarding Interlocal Agreements with Lee County – (Exhibit L)

City Manager Hal Hegwer stated that at the last Law & Finance meeting, he had been requested to come back to Council with all the agreements between Lee County and the City of Sanford in terms of payments to each entity. This information was sent to Council Members yesterday.

Council Member Williams stated that before getting into the agreement topic, there were people present waiting to see if Council is going to discuss the matter of violence in our City. Mr. Williams had discussed this with Police Chief Yarborough and he is present tonight. Mr. Williams asked if Chief Yarborough could talk a little about that because of the people waiting in the audience. Mayor Olive stated that the agenda could have been amended at the beginning of the meeting. An item has been called before Council. Mayor Olive stated that she appreciated anybody willing to take their time to come to the meeting and if they want to stay until Council gets to the Other Business portion of the agenda, it can be brought up then. Mr. Williams consented.

Mr. Hegwer continued that the City had received a letter from the County expressing concerns with the agreements and the possibility of canceling those agreements. He asked for Council questions or concerns. Mayor Olive asked if there is a deadline for responding to this letter from the County. Mr. Hegwer did not see any mention of a deadline. The original letter was dated July 13, 2011. It was followed up with a letter dated December 4. The letter states in part, "As we move forward toward June 30, 2013, we will need to continue to have a good working relationship to make the transition smooth for both entities and our citizens. Please feel free to contact me." It also states that this is notifying us of the intent of the Lee County Board of Commissioners to end the interlocal agreements. It also states that they are willing to have further discussions or joint discussions renegotiating the contracts.

Mr. Hegwer indicated that anything the City does to move forward quickly with the County is imperative because it is difficult to create a budget when you really don't know the direction the County is moving toward. Mayor Olive stated that would likely hasten the City's budget retreat. Council Member Poly Cohen made a motion that City not take action on this matter at this time, but have a work session and then make an announcement after the first of the year as to what action to take. Council Member Jimmy Haire seconded the motion. Mayor Olive asked if there was any discussion.

Mayor Pro Tem Sam Gaskins stated we could probably turn over the GIS services to the County entirely and purchase those services on an "as needed" basis. He would like to have the tax collection evaluated so that we could see what is better for us compared to what the County wishes to charge us. He stated that the 30,000 citizens of Sanford are paying for their share of the Sheriff's Department and the only thing being received in return from the Sheriff's office is Animal Control. He did not see any need to pay for animal control because we are already paying for half of the Sheriff's Department. Mr. Gaskins thought the lease agreements would work their way out. As far as Planning and Inspections, thanks to Council Member Taylor, he has learned that the state had removed all protection for the City of Sanford as far as having the possibilities of drilling and fracking inside the city limits. He feels that we need to have a lot of input into our planning and inspections services and does not look forward to having the County make all those decisions, especially since the board that has been appointed is packed with everyone related to the gas industry. He stated that he would like to have some justification for all the numbers and would like to know more about what City residents are receiving for their tax dollars going to the County.

Council Member Wyhof asked for a clarification of the motion. Mr. Cohen expressed that he wanted a work session and announce a decision after the first of 2013. With no further discussion and with a motion and second on the floor, council voted unanimously to approve the motion.

### **OTHER BUSINESS**

Council Members Cohen and Wyhof wished everyone happy and safe holidays. Council Member Haire asked Chief Yarborough if the young people responsible for violence in Sanford had driver licenses. Mr. Haire thought it strange that people will go out and commit crimes because engrained in them is the knowledge that to fit into society you have to do certain things—get a driver's license and have insurance and a plate on your car. Somewhere between when they start driving and get to their early twenties, something dramatic is changing in their lives. He stated that according to the Fayetteville paper, the people down there who commit these crimes are also in their early twenties. Mr. Haire emphasized that something is happening to these young people somewhere between the eleventh grade and when they get into their early twenties. They know they have to do certain things to fit into society, but they are going astray for some reason between a four or five year period.

Mayor Pro Tem Gaskins wished everyone happy holidays.

Council Member Taylor stated that Council had honored people in the past for their service and a gentleman who passed away in November in the historic district was very active in

our community. He had mentioned to the city manager about honoring L. D. Kitts who served on four boards within the City. Mr. Taylor thought it would be nice to do a proclamation to honor his service to the community. Mr. Taylor also thanked people for their responses on the bike trail or the splash park. He has had no negative response on those. Regarding a comment made by Mayor Pro Tem Gaskins, Mr. Taylor stated that the Mineral and Energy Board is not entirely made up of people relative to the gas industry. He stated that Council was welcomed to attend their meetings at any point. Mr. Taylor is chairing the Government segment with the regulations and they will be submitting a draft plan to the full commission as well as to the legislature on things that need to be covered. He has put together a team of representatives from all sectors including Mac Paul, former Chief of Staff for Lt. Governor Wicker and chairman of the Wake County Democratic Party. Mr. Taylor stated that the study group has given him jurisdiction to appoint whomever he sees fit. Bill Holman, who used to head DENR in 1999, turned him down because he has just left the Nicholas Institute at Duke and has taken a different job. Aaron Wallier from the NC League of Municipalities and Joanna from the NC Association of County Commissioners and Ginger Werner from the private sector. Also included are a lawyer from the UNC School of Government, Richard Whisnant, who specializes in environmental policy and is a graduate of Harvard University Law School. They had a productive session today with a lot of input.

Council Member Williams asked Chief of Police Yarborough to talk to the Board about the things they can do to help curb the violence in the community. Mayor Olive stated that she had talked to Chief Yarborough regarding the possibility of a law that anyone who was arrested in the commission of a crime with a hand gun receive an automatic five-year prison sentence. That is something the council could recommend and push for.

Chief Yarborough stated that he did not want to speak to any particular shooting offenses we have had that might be pending in court, so he will speak in general terms. He stated that many of the shootings in Sanford are repeat offenders. The police know most of them. Basically, they are retaliating against each other, back and forth. Most of the parents of these children know what is going on and who they are. Chief Yarborough stated that one of the best and first things that could happen is for the parents to take control of some of their kids—know where they are at 12:00, 1:00, 2:00 in the morning. This is an ongoing problem. Making an arrest can be difficult because most of the witnesses are the suspects that the police are already working on with another case. They don't want to tell police who shot at them because they plan to shoot back at them later. There are some parents who will conceal their kids from the police when there is a serious crime going on and they can't talk to them for a day and a half. All those things affect the case and how police can work a case. The laws in North Carolina on what the police can do and how they can do it are very strict. There is a manner for gathering evidence and a manner to be used in producing it. In order to have facts, they must have witnesses. Most of the time, if the police make cases in shootings, by the time they get to court, some or all of the witnesses will back out of giving testimony. That leaves the district attorney with little or nothing when he gets to court.

Chief Yarborough stated that it seems to him that the people involved in the shootings in Sanford don't face a lot of consequences. That's not to reflect on the district attorney because he has worked very closely with the police. Part of the problem is that the laws are not on the

books. It is hard for him to understand that there are repeat shooters, repeat violators using firearms. His personal opinion is that the legislature should look at doing what some other states have done—that if you commit a violent crime with a firearm and you are convicted in court, there will be a sentence added to it, whether it be five years, six years or whatever the legislature would feel was appropriate, but something that would be a very strong deterrent. Then, if you are convicted of any offense with a firearm, that amount of years would be added to the sentence and the judge would have no discretion. That takes out all the plea bargaining and attorneys getting cases broken down. Something has to occur that is mandatory to put firearm violators behind bars and off the street. There is no other way he sees possible for it to be done. He stated that the police are arresting people involved in shootings that they have arrested over and over. Some are placed on probation and commit the offenses while on probation. The police know most of them they are looking for, but their biggest problem is getting people to tell them what occurred. Without that, they have little or no evidence. The biggest obstacle is the victims of most of these shootings over the years have been shooters themselves and would rather take it into their own hands later than tell the police so they can do their job. Chief Yarborough stated that he really thinks it starts at home with parents who know their kids are involved in shootings who could help them do something about it instead of making excuses for them.

Council Member Williams stated that he had been bombarded with calls since the recent the shootings. What he sees happening in the neighborhoods is the innocent people are afraid to come out the door. Mr. Williams stated that innocent people are having to change their living habits and should not have to live like that. Mr. Williams stated he thought we needed to do whatever we could to have a mandatory sentence for shooting into an occupied dwelling. Chief Yarborough stated that police cannot be everywhere at one time. If they knew where a shooting was going to occur, they would be there and stop it. That is never going to happen; the shootings are too random. They have to work their cases with people who are willing to supply information. They cannot deal with what someone thinks; they have to deal with facts. As enforcement officers in the city, they have to do what they do legally. The restrictions on the police investigating crimes today are strict. They have to have audio and video of people they talk to. Most of the rights are for the violators. Mr. Williams expressed that if a victim knew the shooter would get a mandatory sentence, he might be more likely to talk.

Mayor Olive asked if they could draft that bill and send it to the legislature. Council Member Taylor stated he had spent some time lobbying in the legislature and talked to five representatives and a couple of senators in the last forty-eight hours regarding this issue. He has also talked to several organizations including the Metropolitan Mayor's Coalition for North Carolina. Mayor Bell put forth a resolution to the coalition that was adopted dealing with someone who was on bail or had committed the same type of crime in the last five years, they were not put before a magistrate, but would go before a judge. Mr. Taylor stated that you have to do some projections of what it will cost if the bill involves incarceration for ten years. You also have to be sure you have good case law and examples, going in. Mr. Taylor stated he had been researching municipalities where similar crimes have taken place. Mr. Taylor stated that at a later time, he would outline a path forward. He stated there is a strategy involved in getting something before the right people in the legislature and getting movement on it.

Mayor Olive stated that previously they had worked hard on preparing information for the legislature to get the prosecutorial district divided. That has happened and has been a very positive step and the legislature is very receptive after a point, so we know we can get bills passed. Council Member Williams stated that time is of the essence. He stated that neighborhood violence is at the forefront now and he believes this is a good time. Mayor Olive asked if the City Attorney should be involved. City Attorney Patterson stated that she would be glad to put together something. It would be different from what we have done in the past. We have previously done local bills which affect our jurisdiction. This would be considered a statewide bill and would require a fiscal note because it would cost the state to incarcerate people. However, she stated she would be glad to put together something and have legislative counsel look at it. They have helped before with drafting things. This would need a sponsor—a senator or representative or both to be willing to wholly support the bill and introduce and ask their fellow-legislators to vote for it. There would be lobbying efforts both for and against whatever is proposed. Attorney Patterson stated that she would be happy to work with Chief Yarborough and put a draft together, but it would have to go through legislative bill drafting, either way. It would take an appropriate sponsor for them to work on it. They take their instructions from the elected officials. Mr. Taylor stated that he would like to work with Counsel on that as he had actually met with Bill Drafting today.

Chief Yarborough stated that one of the problems they might have is with structured sentencing as this bill is somewhat going against structured sentencing. He stated that he had talked to cohorts around the country and the gun laws in this state are the weakest he has ever seen. Most of the people the police deal with here either have prior records or are on probation. Council Member Haire confirmed that most of these offenders were male. He stated some kind of course was missing on how to be a good citizen. He is interested in preventing the crime. Chief Yarborough stated that many of the offenders are in their twenties and there is no turning around for them. Mr. Haire stated that at some point they were sitting in the classroom as a fifth grader and something happened after that point. City Manager Hegwer stated that one problem is many young people have handguns today, and that was not true twenty years ago.

Mayor Olive stated that council might consider inviting William Johnson of the Boys and Girls Club to come to speak to Council about prevention. He deals with the kids every day and is a great example of someone who has a heart for young people and wants to keep them on the straight and narrow. He could talk to Council about what they do to prevent kids from getting involved in crime. Council Member Williams noted that in Connecticut, mention was made of the violent games young people play. He also thinks peer pressure changes some young people. Mayor Olive stated that some research she read is that young people don't have a concept of consequences until they are in their mid-twenties. If you have never been taught about that, your decisions are really flawed. Mr. Taylor stated that one disturbing nationwide trend is the kids who are committing crimes now have a parent who was incarcerated at some point. So grandparents are now raising the grandkids and it skips a generation that no one is there for those kids once they have kids. That cycle needs to be broken or the problem can continue for generations to come.

Council Member McNeil stated that until kids have consequences in schools, at home, at play, or anywhere, nothing is going to change. Punishment has been taken out of schools and

parents don't want you to touch the kids or straighten them out in any kind of way. At home, in the community when he grew up, outside, the neighbor would deal with you if you were doing something wrong and the parent would do something about it. Now, parents don't say anything about someone else's child because the parents want to come back on you. They are not doing anything about the child's behavior and he thinks he can do anything he wants to do without any consequences. Mr. McNeil stated that he sees kids in the general public whose parents have no control over them. Parents need to control their kids. Reform schools have been taken away. Now, handicapped people are about to be put out on the streets. Mr. McNeil stated that the more people you put on the streets who can't take care of themselves, the worse off we will be. We need to get some kind of sentencing or structure to get control over the offending young people.

City Manager Hegwer stated that Wednesday's Law & Finance meeting would need to be cancelled with the next Law & Finance meeting to be held on January 9, 2013.

**CLOSED SESSION**

Mayor Olive stated that council needed to go into closed session. City Attorney Patterson stated that a motion was needed to go into closed session in accordance with N.C.G.S.143-318.11(a)(5)—to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease and (3)-- to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, or administrative procedure.

Council Member Walter McNeil made the motion to go into closed session; seconded by Council Member Jimmy Haire, the motion passed unanimously.

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

**RETURN TO REGULAR SESSION AND AJOURNMENT**

Having no further business, the regular session was closed upon motion of Council Member Poly Cohen; seconded by Council Member James Williams, the motion passed unanimously.

Respectfully submitted,

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CORNELIA P. OLIVE, MAYOR

ATTEST:

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JANICE COX, DEPUTY CITY CLERK