

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, April 1, 2014, at 7 P.M., in the Council Chambers. The following people were present:

Mayor Chet Mann	Council Member Rebecca Wyhof
Council Member Jimmy Haire	Mayor Pro Tem James Williams
Council Member Sam Gaskins	Council Member Norman Charles Post, III
City Attorney Susan Patterson	Council Member Charles Taylor
City Manager Hal Hegwer	City Clerk Bonnie Davis

Absent:

Council Member Walter McNeil – (Deceased)

Mayor Mann called the meeting to order. He said that tonight we want to honor Council Member Walter H. McNeil, Jr., who passed on Sunday, March 30. Mayor Mann read the following, “Tonight we pause to remember Council Member Walter H. McNeil, Jr. A rose has been placed to honor him where he would normally sit with us. Since 1991, Walter McNeil has served this Council as a representative of Ward 4. He has given us 33 years of service. The first African-American member of the Sanford City Council which he served faithfully. He served three terms as Mayor Pro Tem and was appointed to the North Carolina League of Municipalities Board of Directors for the 2005-2006 years. Walter championed better neighborhoods. He worked with the Police advocating for better public safety. He advocated for and brought about public parks in local neighborhoods. He started our National Night Out Prevention Program in 1993. He more importantly, cared about people. He sought to find a common ground with his fellow council members to do what was right for the people. Walter McNeil did lots of things right for Sanford, but mostly, Walter was a good, honest, kind and compassionate man that all of us call a friend. He will be greatly missed on this Council and in this City. Please join me tonight in honoring the life and service of Walter H. McNeil, Jr., as we take a moment of silence.” Mr. Mann said that there are not enough words to say “thank you” to Walter McNeil.

The Pledge of Allegiance was recited.

**PUBLIC COMMENT**

No one requested to speak.

**APPROVAL OF AGENDA**

Council Member Sam Gaskins made the motion to approve the agenda; seconded by Council Member Norman Charles Post III, the motion carried unanimously.

**CONSENT AGENDA**

Approval of Telecommunications and Electrical Utility Audit Services with DavenportLawrence–  
(Exhibit A)

Approval of Latino Migration Project with University of North Carolina at Chapel Hill — (Exhibit B)

Council Member Norman Charles Post III made the motion to approve the consent agenda. Seconded by Council Member Sam Gaskins, the motion carried in favor five to one with Council Member Charles Taylor casting the dissenting vote.

**REGULAR AGENDA**

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2013-2014 – (Exhibit C)

Financial Services Director Beth Kelly explained that this ordinance amends the annual operating budget to appropriate \$30,000 from Fund Balance to the Public Building Department to pay for expenses related to the diesel spill at City Hall.

Council Member Wyhof asked if there was any update on the insurance claims. Attorney Susan Patterson replied that the risk management officer has been in contact with the insurance company for the subcontractor. Staff is compiling the information for the expenses that have been out of pocket including operational expenses during the time when the City could not function. We are submitting those claims once we receive all the proper backup and we will see how they respond to the claim.

Council Member Gaskins made the motion to approve the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2013-2014. Council Member Williams seconded the motion and it carried unanimously.

Council Member Williams asked what is the total cost so far? City Manager Hal Hegwer stated that, at this point, it is over \$100,000 and there will be additional expenses. There is an underground tank out front that is currently being utilized to serve as the fuel source for the backup generator that runs our building. We are looking to see what the cost would be to replace the underground tank and make it a better situation in the future.

Mrs. Kelly stated that we have appropriated \$73,000 and \$30,000 which totals \$103,000 and there are some additional miscellaneous expenses to come.

Consider Approval to Pay Insurance Premium for Sanford Block Party – (Exhibit D)

City Manager Hal Hegwer explained that the City has had a Housing Task Force for several years. This is our fourth year of this initiative. In the past, there have been several clubs and churches that have helped with this project and have also provided insurance coverage. There are a group of several individuals but we do not have anyone taking the lead on the insurance. He asked Council if the City could contribute or make a donation to a non-profit (yet to be named) so we can carry on this project. Hopefully next year, we will try to work with someone early on to obtain this insurance.

Council Member Wyhof said that she participated last year and it was a lot of fun. You work with a lot of great people who come out to improve the community.

Council Member Post said that this is a great block party and his friend, Chad Spivey, is one of the individuals who spearheads the event. He stated that he would be remiss if he did not ask this question given his profession. He asked that by the City donating this money, does that put us in any sort of liability in case someone gets hurt? Attorney Patterson replied that the City is liable for its own negligence; anything we would do that would cause harm for someone, we would be liable for. This project is on private property and we get permission slips from the owner before they enter on the land. She said that she cannot assure you that the City's insurance would not be looked at if someone was injured – that is always a possibility. The idea of having the insurance premium by the sponsor of the event is to have an available source of funds in the case of an injury or a problem so that they do not come to the City's insurance first.

Mr. Gaskins asked exactly what does the special risk accident insurance cover? Attorney Patterson replied it is a one-time event insurance and it is to cover accidental death, accidental dismemberment, accidental medical expense and total disability sort of expense. She did not know if it covers property because the activity is on people's private property.

Mr. Taylor said that a lot of those properties on Hawkins Avenue are rental properties and it would be nice if we got some buy-in from the owners of the houses; they could even contribute to this cause. It is one thing to help somebody who is down on their luck and cannot keep their house up but it is another thing to help somebody that owns 20 to 30 properties and not keeping their houses up. He felt they should participate from a financial standpoint.

Attorney Patterson added that the point of this program is to help improve the properties in Sanford and help to rid the area of urban blight, which is the public purpose for which the donation would be made to the non-profit. Under the law, we are allowed to make donations to non-profit when they are carrying out a purpose that we ourselves would be able to carry out. The donation to the non-profit is so that we can accomplish this purpose to help improve the community.

Mr. Gaskins said that if he can remember correctly in the past, Wal-Mart donated the drinks and Davenport donated the hotdogs and the people from the church donated the desserts, etc; there has never been a shortage of food.

Council Member Williams made the motion to approve the donation. Seconded by Council Member Taylor, the motion carried unanimously.

Consider Resolution to Temporarily Close Streets in Support of the Sanford Cleanup and Block Party – (Exhibit E)

City Manager Hegwer advised that this resolution temporarily closes Hawkins Avenue between Weatherspoon Street and Hill Avenue between the hours of 8 A.M. to 3 P.M., in support of the Sanford Cleanup and Block Party.

Council Member Gaskins made the motion to adopt the Resolution to Temporarily Close Streets in Support of the Sanford Cleanup and Block Party. Seconded by Council Member Wyhof, the motion carried unanimously.

Consider Renewal of Urban Archery Season – (Exhibit F)

City Manager Hal Hegwer advised that one of the things we need to move forward with tonight is to submit to the North Carolina Division of Wildlife our request to continue with this program. Whether or not we change the ordinance tonight on our rules and regulations, we need to send this form in to them by April 11 with a map of the City limits. We can hold a public hearing later if necessary, we just need to let the NC Division of Wildlife know whether we plan to participate next year. We have this information on the website.

Council Member Sam Gaskins made the motion to renew the urban archery season as it has been. He said that there is no pressing need and no reason to increase the danger and there is no public outcry to do so. For the people whom he has spoken to, they feel to reduce the size to three acres is fool-hearty, so he moved to leave it as it is.

Council Member Taylor clarified that council is voting on just to continue the program. Mayor Mann replied yes, the way he understands it is to renew the season as it exists and we can have further discussion. We will miss the deadline if we don't do it now.

Mr. Hegwer clarified that we need to meet the deadline of April 11 for their publication that goes out statewide that we are a participant. We can change the rule and regulations later.

Council Member Post asked for clarification that Council is voting on mere participation in the program, not acreage or anything of that nature.

Council Member Gaskins stated that is not his motion. His motion was to leave it as it is with ten acres and the 10 feet elevated.

Mr. Gaskins' motion died for the lack of a second.

Council Member Taylor made the motion to continue with this program and give the manager discretion to renew the season and then we will talk about the public hearing at the next item. Mayor Pro Tem Williams seconded the motion. The motion carried five to one with Council Member Gaskins casting the dissenting vote.

Mr. Hegwer stated that the Lee County Board of Commissioners had passed a resolution requesting extension of the deer hunting season and move Lee County from the Central Deer Season to the Eastern Deer Season for the purpose of extending deer hunting season by roughly four weeks and this change in zones be effective January 20, 2011. He said that there are more specifics to the resolution. Mr. Hegwer said that he never received any follow up.

Mr. Taylor stated that he wanted to thank the city clerk for getting the information from Gastonia. They surveyed 38 municipalities and some gave a response and some did not. He said that out of the 38 municipalities, the elevated program that we have – 28 responded as having elevated and 10 did not; 36 did not require a permit and one did require a permit; 30 had no buffer out of the 38 surveyed and that is troubling to him. He has been an advocate of the urban archery program from day one. He likes the elevated stand. He has heard from 27 different people and

some of those live in what used to be Ward 1 but with the redistricting are in Ward 2, and he received no negatives from those people.

Mr. Taylor said that Durham's program had five one-acre lots added into a pool and he did not like that because you are dealing with a small area of land.

Mr. Taylor said that when you talk about bow and arrow safety, look at what the NC Wildlife Commission has published. In 40 years, there has been no innocent bystander injured by an arrow.

After a lengthy discussion, Mr. Taylor asked counsel if it is acceptable to make a motion for three acres, and if it does not pass, hold a public hearing. Attorney Patterson replied yes, Council can decide to set a public hearing; decide to amend the ordinance now; decide to keep the ordinance in place as is; or you can table the matter or ask for it to go to Law and Finance again.

Mr. Taylor said that he failed to mention that 30 of the 38 surveyed did not have a buffer; he is glad we have a buffer. He wants to maintain the buffer, the elevated surface, drop the acreage from ten acres to three acres with the contingency that if it does not work, we will go to five acres. Mr. Taylor made that in the form of a motion.

Ms. Wyhof said that she did not see a buffer in the existing ordinance. She asked Mr. Taylor if he would amend his motion to include a buffer. Mr. Taylor said he did not mind a buffer; he amended it to a 100-foot buffer.

Mr. Taylor said his motion is to amend the urban archery ordinance to include a 100-foot buffer; change the acreage from ten acres to three acres; 10-foot elevated surface and no pooling of lots. Mr. Post seconded the motion.

Attorney Patterson asked for clarification on the buffer requirement. She asked if it is a 100-foot buffer from the property perimeter of each parcel from where you can actually hunt. So, discharging the bow would have to be 100 feet within the parcel from each property edge. Mr. Taylor said within the point of discharging the bow.

Mayor Mann said you would have to be within 100 feet of the property line.

Mr. Hegwer said that all three acre tracts will not meet the rules for discharging of a bow with the 100 foot buffer of the property line due to the shape of the tract of land.

The vote was five to one with Council Member Gaskins casting the dissenting vote.

Consider Setting Public Hearing Date of April 15, 2014 Regarding Size of Acreage (Urban Archery)

This item was addressed in the item listed above.

Consider Ordinance to Amend Section 4-15(f) of the Sanford Code of Ordinances - (Exhibit F)

This item was addressed in the item listed above.

**OTHER BUSINESS**

Council Member Post said that his heart was heavy tonight. He said Walter McNeil, Jr., was a great man and a great City Councilman. Mr. Post extended his condolences and deepest sympathy to the McNeil family and friends. He said that his thoughts and prayers were with them all.

Council Member Wyhof echoed Council Member Post's comments and added that it was hard for her to imagine coming to the Council meetings and not seeing Mr. McNeil. Ms. Wyhof said that Mr. McNeil was very welcoming to her when she became a Council Member and she learned a lot by his commitment to our community and to its citizens and his involvement. She said Mr. McNeil was a great man and she had a lot of respect for him. She said that she knew he would be greatly missed by his family but he would be missed by his City family also.

Council Member Haire said that he believed Walter McNeil was the longest serving member of the Sanford City Council. He said that when the City was chartered in 1874, it was a one-year term and at the turn of the century, they went to a two-year term. He said about thirty-five years ago the City extended the term to four years. Mr. Haire said that all of us were better for having known Walter McNeill. He said Mr. McNeil was like a "great big teddy bear" and you just could not help but love him.

Council Member Gaskins said that many times over the past four years before he proposed anything to Council, either at the budget meetings or Law and Finance meetings, he always ran it by Mr. McNeil first. Mr. Gaskins said that in thirty-three years of service, Mr. McNeil developed a lot of knowledge of local government, of what had been done, and what should not be done. Mr. Gaskins said that Mr. McNeil was a tremendous asset that the City of Sanford has lost.

Mayor Pro Tem Williams said that everything that could be said had already been said. Mr. Williams said that we all miss Walter McNeil, himself in particular. Mr. Williams said that someone needed to speak for the citizens of Sanford, because they all truly loved Walter McNeil. Mr. Williams said that Mr. McNeil always used to tell him that when there was an issue, "That's not the Christian way, boy." Mr. Williams said that he loved him and he was going to miss him.

Council Member Taylor echoed the sentiments of the other Council Members, and added at one of his first meetings as a Council Member he made a motion. He said that he did not remember the motion but remembered the response of Mr. McNeil, which was that he could not do that because he had not been to school. Mr. Taylor said that Mr. McNeil knew a lot about school and that he impacted so many lives from an education standpoint. He said that he had heard stories about Mr. McNeil coaching. Mr. Taylor said that he could not help but think that when we meet our Maker one day, the words we want to hear is, "Well done, thou good and faithful servant" and he thought that when Walter McNeil entered the Gates those words were very fitting because Mr. McNeil a good and faithful servant.

Attorney Patterson said that she would miss Walter McNeil. She said she greatly admired and respected him. She said that Mr. McNeil was very intelligent and his experience on the Sanford City Council was invaluable at times because he knew why things had been done and how they had been done, and whether or not they ought to be done again. She said she very much

appreciated his dedicated service to the community and his care and concern for the everyday person; whether the City should make the assets available to everybody, or care and concern over the City employees and hoping they would be valued and respected by the Council. She said that on behalf of the employees of the City of Sanford she expressed to the McNeil family that we express our sympathy and we very much appreciate his service on the City Council.

City Manager Hal Hegwer said that he would miss Walter McNeil greatly. He said that he had many conversations with Mr. McNeil over the years and the one thing that always stood out was his unwavering passion for the City of Sanford. Mr. Hegwer said that when he visited Mr. McNeil in the last couple of weeks he still wanted to know what was going on in the City and what was happening in the Council meetings. Mr. Hegwer said that Mr. McNeil was the unwavering support for the City of Sanford.

Mayor Mann said that he visited Mr. McNeil with Mr. Hegwer and also by himself and every time he visited, with the exception of the last visit when he wasn't able to talk about it, Mr. McNeil wanted to know how the "new kid Post" was doing, how the rest of the Council was doing and what was going on. Mayor Mann said that there was not a better servant than Mr. McNeil. Mayor Mann said that he believed you could sum up Mr. McNeil by saying that he had his priorities right; he believed in this order: God, family and community. He said that this is what Mr. McNeil taught him since he was an eleven-year old kid playing football for him. Mayor Mann said that he could not think of a better role-model. Mayor Mann said that if all elected officials could have the kind of consensus and willingness to compromise in order to get something done for the better of the community, we should look to Walter McNeil for that example and try to uphold this as we move forward as a Council. Mayor Mann said that he believed the Council is doing that and that Mr. McNeil would be proud that Council was agreeing to disagree but moving things forward.

Mayor Mann said that he hoped everyone would support the Block Party. He said that he felt this was important and that it was something Walter McNeil would appreciate. He said this was a great effort and gave credit to the past Council and Mayor Olive for this initiative and that he wanted to keep it ongoing.

Mayor Mann said that he was trying to spearhead a National Day of Prayer. He said this was moving forward and would be on May 1, 2014. He said he would love to see the National Day of Prayer take root just as the Block Party and the National Night Out, and that it will grow throughout many churches and organizations, and at least one day of year we can come together as a City and community and take time to pray for those things that are important. He said that the National Day of Prayer would start in the morning of May 1, 2014, at First Presbyterian Church then at City Hall the noon service. Mayor Mann said that next week there would be a National Arbor Day at B.T. Bullock School.

City Clerk Bonnie Davis said that she worked with Walter McNeil on the first National Night Out event in 1993 and had worked with him for many years on this program. She said that Mr. McNeil had the vision for this program and it had grown over the years. She said that Mr. McNeil will be missed and did a great job.

City Council Meeting  
April 1, 2014

Council Member Taylor added that Walter McNeil was instrumental in developing the Flag Program. Mr. Taylor said that Mr. McNeil loved this City and asked if the flags could be put out Saturday on the day of his funeral. City Manager said that he would follow up with staff regarding putting the flags out Saturday.

**ADJOURNMENT**

Council Member Sam Gaskins made the motion to adjourn. Seconded by Council Member Jimmy Haire, the motion carried unanimously.

Respectfully Submitted,

---

T. CHET MANN, MAYOR

ATTEST:

---

BONNIE DAVIS, CITY CLERK