

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 17, 2014, at 7 P.M., in the Council Chambers. The following people were present:

Mayor T. Chet Mann
Council Member Jimmy Haire
Council Member Charles Taylor
Council Member Rebecca Wyhof
City Manager Hal Hegwer
City Clerk Bonnie Davis

Mayor Pro Tem James Williams
Council Member Sam Gaskins
Council Member Byron Buckels
Council Member Norman Charles Post, III
City Attorney Susan Patterson

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

PUBLIC COMMENT

There were no public comments.

APPROVAL OF AGENDA

Mayor Mann noted that the speaker for Item A under the Regular Agenda, Consider Comments From Brick Capital Community Development Corporation, could not be present at the meeting and they asked that this item be removed from the Regular Agenda. City Manager Hegwer asked that Item C on the Regular Agenda, Consider Ordinance Establishing a No-Parking Zone Along Portions of Austin Street, be removed and considered at a later date. Mayor Pro Tem Williams asked that Legislature Prayer be added as Item J on the Regular Agenda.

Council Member Wyhof made the motion to approve the agenda as amended. Seconded by Mayor Pro Tem Williams, the motion carried unanimously.

CONSENT AGENDA

Approval of City Council Meeting Minutes Dated May 20, 2014 – (Filed in Minute Book 81)

Approval of Law and Finance Committee Minutes Dated May 28, 2014 – (Filed in Vault)

Approval of City Council Meeting Minutes Dated June 3, 2014 – (Filed in Minute Book 81)

Council Member Gaskins made the motion to approve the consent agenda. The motion was seconded by Council Member Wyhof and carried by a six to one vote, with Council Member Taylor casting the dissenting vote.

REGULAR AGENDA

Consider Comments From Brick Capital Community Development Corporation Executive Director Kate Rumely - (Item Removed From Agenda)

Consider Community Development Block Grant Program Grant Project Ordinance Amendment to Close Project – (Exhibit A)

Community Development Manager Karen Kennedy explained that the Autumn Oaks Apartment Block Grant Program Project had already been closed with the Division of Community Assistance; however, the project needed to be closed on the City's financial books. She said the \$15,000 that was allocated from the General Fund for the grant project was not needed, and the ordinance is to place the funds back into the City's General Fund.

Council Member Wyhof made the motion to approve the Ordinance. Seconded by Council Member Gaskins, the motion carried unanimously.

Consider Ordinance Establishing a No-Parking Zone Along Portions of Austin Street – (Exhibit B)

Item was removed from the agenda.

Consider Ordinance to Erect Stop Signs Within the City of Sanford Chapter 36, Traffic Code of Ordinances – (Exhibit C)

City Manager Hegwer said that due to traffic concerns in the area of Maple Avenue Park, staff felt it prudent to add an additional stop sign in this area.

Council Member Post made the motion to approve the Ordinance, seconded by Council Member Buckels, the motion carried unanimously.

Consider Ordinance Amending the Annual Operating Budget for Fiscal Year 2013-2014 – (Acquisition of Real Property) - (Exhibit D)

Attorney Patterson explained that the City has received notification it will receive a gift of real property at a location behind River Birch Shopping Center. However, there are costs associated with closing expenses, the survey, and taxes on the property. She said this will require that funds be appropriated from the sale of capital assets to close the transaction.

Council Member Taylor made the motion to approve the Ordinance Amendment, seconded by Council Member Post, the motion carried unanimously.

Consider Ordinance Amending the Annual Operating Budget for Fiscal Year 2013-2014 – (Clean Up Amendment) - (Exhibit E)

Finance Director Beth Kelly explained that this is the City's annual Clean Up Amendment, which includes appropriating funds from the General Fund and also transferring funds between departments to ensure each department stays under budget for the closeout of Fiscal Year 2013-2014.

Council Member Gaskins made the motion to approve the budget amendment. Seconded by Council Member Williams the motion carried by a six to one vote, with Council Member Taylor casting the dissenting vote.

Consider Authorizing an Additional Temporary Records Supervisor Position in the Police Department For Six Weeks Due to Retirement – (Exhibit F)

City Manager Hal Hegwer explained that the Records Supervisor is retiring and will be utilizing accrued vacation; therefore, it will be necessary to hire a temporary employee to fulfill these duties until the vacant Records Supervisor Position is filled. Mr. Hegwer explained that the temporary position will be eliminated once the position is filled.

Council Member Wyhof moved to approve the temporary position. Seconded by Council Member Taylor and carried unanimously.

Consider Appointments to Various Boards, Commissions, and Committees – (Exhibit G)

City Attorney Patterson explained the procedures for nominating members to serve on Boards and Commissions. Attorney Patterson explained that the Boards and Commissions policy states that appointments are generally for three years and some boards have their members staggered. Attorney Patterson said that City policy states that it is preferable that a member serve no more than two terms, unless Council waives the policy, which they have done in the past.

ABC Board - One Appointment

Council Member Post nominated Oscar Keller, III, to serve on the ABC Board.

Council Member Gaskins asked how many years Joyce Barger had served on the ABC Board. City Clerk Bonnie Davis said Mrs. Barger had served since 2008, completing two terms.

Mayor Pro Tem Williams moved that the nominations be closed, and appoint Oscar Keller, III by acclamation, to serve on the ABC Board. Seconded by Council Member Post, the motion carried unanimously.

ADA Committee – One Council Member Appointment

Council Member Gaskins nominated Mayor Pro Tem Williams to serve on the ADA Committee.

Council Member Wyhof moved to close the nominations, and Council appoint by acclamation Mayor Pro Tem Williams to serve on the ADA Committee. Seconded by Post, the motion carried unanimously.

Appearance Commission – Three Appointments

Council Member Gaskins asked City Clerk Bonnie Davis how many terms David Schau and Ken Laughinghouse had served on the Appearance Commission. Mrs. Davis said Mr. Schau has served since January 17, 2012, and that this was an unexpired term. Mrs. Davis said Mr. Laughinghouse has served since June 19, 2007.

Mayor Pro Tem Williams nominated David Schau, Kenneth Laughinghouse, and Munsey Wheby to serve on the Appearance Commission.

Mayor Pro Tem Williams moved to waive the policy, close the nominations and appoint David Schau, Kenneth Laughinghouse, and Munsey Wheby by acclamation, to serve on the

Appearance Commission. Seconded by Council Member Buckels, the motion carried unanimously.

Board of Adjustment/Housing Board of Appeals – One Alternate Appointment

Council Member Wyhof asked Attorney Patterson if one individual could serve on more than one Board at a time. Attorney said yes, that under state law, an individual could serve one elected position and one appointed position, or two appointed positions. Attorney Patterson pointed out that the appointment for the Board of Adjustment would also serve on the Housing Board of Appeals and it was unclear whether or not this would constitute serving on two boards.

It was the consensus of Council that the appointment to the Board of Adjustment/Housing Board of Appeals be considered at a later date.

Historic Preservation Commission – Three Appointments

Council Member Gaskins nominated Carla Thomann to serve on the Historic Preservation Commission.

Council Member Gaskins made a motion to close the nominations and appoint Carla Thomann, by acclamation, to serve on the Historic Preservation Commission. Seconded by Council Member Post, the motion carried unanimously.

Economic Development Corporation – Two Appointments (One Expired Term and One Unexpired Term Ending in 2015)

Mayor Mann explained that one appointment for the Economic Development Corporation is for an expired term and one appointment is to fulfill the unexpired term left by Buddy Keller, who has submitted a letter of resignation.

City Manager Hegwer informed Council that Lee County has re-instated Allen Holt to serve on the current EDC Board.

Expired Term

Council Member Gaskins nominated Brandon Atkins to fill the expired term on the Economic Development Corporation Board.

Council Member Taylor moved to close the nominations for the expired term on the Economic Development Corporation Board, and to appoint by acclamation, Brandon Atkins to fill the expired term. The motion was seconded by Mayor Pro Tem Williams and carried unanimously.

Unexpired Term Ending 2015

Council Member Gaskins nominated Tamara Brogan to fill the unexpired term on the EDC Board left by Buddy Keller.

Council Member Post nominated Cliff Stephens to fill the unexpired term ending 2015 on the EDC Board left by Buddy Keller.

Mayor Pro Tem Williams moved that the nominations be closed. Seconded by Council Member Wyhof, the motion carried unanimously.

Mayor Mann asked for Council's vote on the nominations to fill the unexpired term left by Buddy Keller. Council Members Taylor, Haire, Post and Buckels voted to appoint Cliff Stephens to fill the unexpired term ending in 2015. Mayor Pro Tem Williams and Council Members Gaskins and Wyhof voted to appoint Tamara Brogan to fill the unexpired term ending in 2015. The majority vote was to appoint Cliff Stephens to fill the unexpired term ending in 2015.

Planning Board – Two Appointments

Council Member Post nominated Ken Britton to serve on the Planning Board.

Council Member Gaskins asked City Clerk Bonnie Davis how many terms Fred McIver and Brad Simpson had served on the Planning Board. Clerk Bonnie Davis said Fred McIver had served on the Planning Board since June 23, 1998, and Brad Simpson had served since June 21, 2011.

Council Member Gaskins nominated Brad Simpson to serve on the Planning Board.

Council Member Taylor made a motion to close the nominations and to appoint by acclamation, Ken Britton and Brad Simpson to serve on the Planning Board. The motion was seconded by Council Member Post and carried unanimously.

Sanford Housing Authority – Two Appointments (One Regular and One Housing Commissioner Appointment)

Council Member Haire nominated Lowell Albert Hamel to serve on Sanford Housing Authority for the regular position, and April Tibbs to serve as the Resident Commissioner.

Council Member Haire made a motion that the nominations be closed and to appoint, by acclamation, Lowell Albert Hamel to serve the regular position on the Sanford Housing Authority, and April Tibbs to serve as the Resident Commissioner for the Sanford Housing Authority. The motion was seconded by Council Member Gaskins, and carried unanimously.

Consider Discussion Only Regarding Schedule for Law and Finance Committee Meetings

Mayor Mann commented that the goal is to move Law and Finance Committee Meetings to a later time in the day to accommodate Council Members who are working and also to eliminate waste of time by not having a second meeting when there are light agendas.

Council discussed various options for scheduling Law and Finance Committee meetings. City Manager Hal Hegwer said staff would assemble some options and present them to Council for review at a later date.

Consider Legislative Prayer

Mayor Pro Tem Williams commented that he was in favor of opening Council Meetings with Prayer; however, he felt Council should not require anyone to lead the invocation if they are

not willing to do so. Mayor Pro Tem Williams made a motion to restore the practice of having open prayer before the start of Council meetings. The motion was seconded by Council Member Taylor. Mayor Mann opened the floor for discussion.

Council Member Gaskins commented that when he was in the lower grades in school, he was the only male Roman Catholic in the school at a time when prayer was led by teachers in school. He said the interesting part was that he would always finish the Lord's Prayer with "deliverance from evil, Amen;" whereas, everyone else was finishing the Lord's Prayer with "for Thine is the Kingdom, the power and the glory, Amen." He said this led to a number of playground fights, so the pressure is always there. He said he was much more in favor of silent prayer.

Council Member Taylor commented that when he joined the Council, there was open prayer, and it was optional for each Council Member to lead the prayer. He said he went through a period where he did not feel comfortable about praying in public, and the Mayor was very sensitive and respectful of his feelings. He said if the vote was favorable to restore the practice of praying before meetings he looked forward to it. He said his faith had meant a lot to him; however, he would be respectful of other people, and he hoped that if the vote is favorable, respect would be given to anyone wishing not to participate in open prayer.

Council Member Haire asked if the invocations would be given by Council Members or would Council invite various clergy to conduct the invocation. Mayor Mann replied that the motion and second was to invoke legislative prayer before meetings. He said that it was his opinion that each Council Member would take turns giving the invocation; however, if they did not wish to give the invocation, they would not be asked to do so. Mayor Mann said there would always be someone on the Council who would be willing to give the invocation. Mayor Mann noted that Council would be praying for themselves and would not ask anyone in the audience to do anything they do not want to do. Mayor Mann added that he was in favor of the audience remaining seated during the prayer and stand for the Pledge of Allegiance.

Mayor Mann called for a vote to the motion on the floor. The motion carried by a four to three vote, with Mayor Pro Tem Williams, Council Member Haire, Taylor and Buckels voting in favor, and Council Members Gaskins, Wyhof, and Post casting the dissenting votes.

OTHER BUSINESS

Council Member Taylor said that they wrapped up the rule-set at the Mining and Energy Board Meeting in early June. He said that he would like for Council to invite Amy Pickle, who is Vice-Chair of the Mining and Energy Board, to speak to Council concerning the rule-set.

Council Member Taylor commented that he spent the whole week at the US Open in Pinehurst. He said the State Department of Commerce had a tent where all areas in the Research Triangle were represented in this tent, as well as Moore, Montgomery, Robinson, and Cumberland Counties. He said; however, that there was no representation of the City of Sanford with any literature whatsoever, and he was very disappointed. He said he thought Sanford's signs, "Open For Business", were very bland and did not represent a progressive movement forward for Sanford. He said he would like for Council to invite the Chamber of Commerce and

other interested parties to discuss what could have been done better and to look at what other communities did to promote the US Open.

Council Member Gaskins commented that it had been brought to his attention that neither Spring Lane nor Highway #42 exits have mile marker identifications and suggested that staff check with NCDOT regarding the identification of Sanford's exits with mile marker numbers, which would benefit Sanford's businesses.

Council Member Gaskins commented that his thoughts and prayers were going out to the people in Pilger, Nebraska in trying to rebuild following the recent tornado activity.

Council Member Haire complimented the staff member who designed the sign for the parking lot between Kelly's Dance and Capital Bank; he said the design was ingenious.

Council Member Haire commented there were still issues with the houses that are in foreclosure because of overgrown lots, and asked the city manager what the procedures were for taking care of these overgrown lots.

City Manager Hal Hegwer said there were certain notification procedures that had to be followed and then staff had to secure someone to go out and cut the overgrown lots, and these procedures took a long time to complete. Mr. Hegwer said; however, that staff was preparing a Chronic Violators Ordinance that would be brought before Council for approval. Mr. Hegwer added that there were other nuisance issues that staff had to deal with abating, such as debris, and etc.

Council Member Haire asked if the City recuperated the expenses of abating the overgrown lots through the property owners. Attorney Patterson said that the City of Sanford tried to recuperate the lien for the cost of the cuttings and were successful most of the time with straight forward property owners. She said however, there were situations where it was more difficult to collect, for instance, on properties in foreclosure.

Council Member Haire ask if the intention of the fountain at Depot Park was for children to actually get in and enjoy, or was it there for display. He said he had received complaints that children would turn the nozzles so the water does not spray in the fountain, but on the grass. He commented that when the nozzles are turned to spray into the grass, if someone had rented Depot Park for a wedding, the people would get wet.

City Manager Hal Hegwer said the intent of the fountain was never for children to get in it to play. He said staff had dealt with this issue for a long time. Mr. Hegwer said that staff did limit the time of use of the fountain, and that they had looked at some drawings to prohibit this type of activity; however, prohibiting this activity is very hard to enforce. Mr. Hegwer said there was also issues with the bathrooms and there were also drainage problems. Mr. Hegwer said he would be happy to share with Council some of the proposed solutions staff has looked at in trying to solve these issues. Mr. Hegwer said; however, these issues tell us that the park is well-used and that it is an attraction. He said individuals use the park for weddings; children

love it, and people use it just to read a book. Mayor Mann added that there are concerts held every Thursday night that were well-attended.

Council Member Wyhof extended a thanks to all of the citizens who applied to serve on our Boards and Commissions. She commented that there is important work being done in the community every day and she appreciated the citizens who were willing to serve and make our city the great place that it is.

Council Member Post commented that he had visited two business locations in Sanford in the past two weeks by invitation. Council Member Post said one business was Jersey Mikes Boxing Gym on Fayetteville Street in Jonesboro. Council Member Post said that Mike, with Jersey Mikes Boxing Gym, was doing great things with the youth. Council Member Post said he was invited by Carol Carlson to meet with Susan King and Janice Davis at HAVEN to tour the facility, and that he believed HAVEN provided an invaluable service to Sanford and Lee County.

Council Member Post commented that two weeks ago he invited Representative Stone, Representative Reives and Senator Rabin to come and speak to Council concerning Senate Bill Number 786 and to explain why they voted the way they voted and to answer some questions from citizens and Council. Council Member Post said only Representative Robert Reives, who voted against the bill, responded to his invitation and that he expected to have him address Council regarding this bill in the next couple of weeks. Council Member Post extended another invitation to Representative Stone and Senator Rabin to address Sanford City Council and explain why the General Assembly passed this bill before the rules and regulations came out with regard to hydraulic fracturing; why oil and gas companies can come into our communities, drive on our roads, take our land and make millions of dollars and our local governments gets nothing in return; why do our zoning ordinances that protect our citizens and natural resources mean nothing to them; and what is the plan should the Cape Fear River get contaminated. Council Member Post said he looked forward to hearing from Representative Reives as soon as possible.

City Manager Hegwer distributed a letter of support from Brick Capital Community Development Corporation, written by Brad Simpson, Chairman of the Sanford Area Chamber of Commerce.

City Manager Hegwer also distributed a copy of the Resolution of Support for the City and County Joint Facility Use Agreement that was adopted by Lee County at June 16, 2014, meeting. Mr. Hegwer said the resolution explains the basic premise of how this new joint facility will work and how the City and County will work together. Mr. Hegwer said the Interlocal Committee had met and that they all felt comfortable with the resolution. Mr. Hegwer said staff was looking into spacing and needs requirements in these buildings and they will come before Council at some point to make sure Council is comfortable with moving forward with this project. Mr. Hegwer said that as the Sanford Area Partnership for Prosperity progressed, the EDC would phase out over time. Mr. Hegwer said that co-locating with Lee County in one facility, should be a better way to operate over time.

Council Member Taylor asked City Manager Hegwer if Progressive would consider selling the facility, as opposed to leasing it. Mr. Hegwer said that there was a good possibility Progress would want to sell this property.

Mayor Mann said he was thrilled about Lee County adopting the Resolution of Support for the City and County Joint Facility Use Agreement. Mayor said he believed Progressive would like to sell this property to the City in seven or eight years. Mayor Mann said that there was favorable consensus from the Interlocal Committee for this agreement. Mayor Mann said their goal of private fundraising was two-thirds complete.

Mayor Mann agreed with Council Member Taylor that the City could have made a much better effort at representing Sanford at the US Open, and he hoped this would be improve for the next major event.

Mayor Mann echoed Council Member Wyhof's comments concerning citizens who are willing to serve on our Boards and Commissions.

Mayor Mann commented on the \$200,000 Golden Leaf Grant that was recently awarded to Sanford for the funding of the sewer system for the VA Clinic. He said this would open up development for job creation. Mayor Mann said the City has also received a \$200,000 Brownfield Revitalization Grant from the EPA in the Community Development Department.

Mayor Mann informed Council that he has become a member of the US Conference of Mayors, which will provide great opportunities, and they are already working with Arden Company in obtaining a Made in America Grant. He said they were hoping to bring some jobs back from China.

Mayor Mann said Sanford has had some great recent ribbon cuttings, Zaxby's and Dairy Queen. Mayor Mann commented that the O.T. Sloan Feasibility Study was agreed upon by the Interlocal Committee and was approved by Lee County at the June 16, 2014, Commissioner's meeting.

Mayor Mann thanked the *Sanford Herald* for their story on the Destination of Sanford article that recently ran in the paper.

Council Member Gaskins made a motion that the City Council is in favor of the joint use of the Buggy Factory for City and County and the new economic entity. Council Member Taylor said since this item was not on the agenda, he was not in favor of making this motion. Council Member Gaskins withdrew his motion. Council Member Wyhof commented that perhaps the City of Sanford could have its own resolution to be approved at the next meeting.

ADJOURNMENT

Council Member Wyhof made the motion to adjourn. Seconded by Mayor Pro Tem Williams, the motion carried unanimously.

Respectfully Submitted,

City Council Meeting
June 17, 2014

T. CHET MANN, MAYOR

ATTEST:

BONNIE DAVIS, CITY CLERK