

LAW AND FINANCE MEETING  
Wednesday, July 9, 2014  
1:00 P.M. in Council Chambers

The Law and Finance Committee met on Wednesday, July 9, 2014 at 1:00 P.M. in the Council Chambers at City Hall. The following people were present:

Law and Finance Committee:

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

Absent:

Mayor T. Chet Mann

Mayor Pro Tem James Williams called the meeting to order.

Consider Resolution in Support of the Temporary Closure of Portions of Several Streets for the Purpose of a 5K and 10K Fun Run and Fundraiser – (Exhibit A)

Street Superintendent Magda Holloway stated that this was a repeat request previously made over the last several years; all information has been received and there are no changes from previous years. The event is scheduled for Saturday, August 23, 2014, between the hours of 7:00 A.M. and 12:00 P.M.

Consider Grant Project Ordinance Amendment 2012 North Carolina Housing Finance Agency Single Family Rehabilitation (SFR 1222) Program– (Exhibit B)

Community Development Manager Karen Kennedy explained that since the program is in a “loan pool”, funds are expended then additional funds are requested. The current request is for \$169,050 to rehabilitate three additional homes, bringing the total project budget (after this request) to \$388,554. She stated that the limit per house is \$45,000, including energy-related costs and asbestos removal, in addition to typical rehabilitation work. The current request includes \$45,000 for each of the three current projects and for unused funds remaining in the pool from prior projects.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2014-2015 – (Exhibit C)

Finance Director Beth Kelly explained that this \$50,000 item was budgeted for 2013-2014 for roof replacement at the Shop but since work was not completed prior to June 30, 2014, it must be re-appropriated for the current Fiscal Year.

Consider Entering Into An Interlocal Contract for Cooperative Purchasing – (Exhibit D)

Fire Chief Wayne Barber explained that H-GAC Buy is a governmental cooperative purchasing entity which operates similar to “piggyback“ contracts but with more options and better pricing due to larger volume. There is no fee to become a member and no purchases are

required; however, enrollment is required prior to ordering. Specifications for products are submitted to H-GAC, which compiles, advertises and solicits bids for review. They have a “base” bid for items and a published list of options to configure specific requirements. Chief Barber said that the cities of Jacksonville and Morrisville have purchased equipment through this group and that they were pleased with the results. City Manager Hal Hegwer noted that this company’s system is a good resource for larger, specialized equipment, unlike other typical equipment purchased through State contracts with bidding already accomplished. Feedback from the Jacksonville staff indicated that the bidding and advertising process was easier, while cost savings were not specified. City Manager Hegwer also mentioned that several years ago, there were only three bidders for the equipment truck so this process would present more opportunities. Chief Wayne Barber explained that all the major manufacturers and dealers are involved with this cooperative purchasing system.

Consider Resolution for Approving 2012 Update of the Water Supply Plan for the City of Sanford – (Exhibit E)

City Engineer Paul Weeks explained that municipalities who supply water to the public are required to prepare and submit a Local Water Supply Plan, which has been done and updated. The state is updating the Regional Supply Plan and as part of that process, approval by the local Governing Body is required for the year from which data will be used (which will be 2012).

Consider Ordinance to Amend City of Sanford Code of Ordinances Regarding Nuisances – (Exhibit F)

City Attorney Susan Patterson explained that this is an additional provision which could be added to the Code of Ordinances to allow the City to notify a “chronic violator” of the public nuisance ordinance (defined by Statute as anyone who receives three or more notices of nuisance violations in the previous calendar year) that, if a violator’s property is found to be in violation of the ordinance, the city will, without further notice in the calendar year in which notice is given, immediately take action to remedy the violation and the expense of the action will become a lien on the property and will be collected as unpaid taxes. Provisions are also included which deem service sufficient if the notice is sent by certified and regular mail and the regular mail is not returned by the post office within ten days after mailing. This additional provision allows Code Enforcement to act more quickly to remedy the problem and also allows for lien placement and subsequent collection of the cost to move quicker when dealing with chronic violator. A list of chronic violators is not yet currently available but may be compiled based on Code Enforcement Department records.

Council Member Charles Taylor asked for metrics on prior abatements and collections and also inquired as to whether violations which occurred prior to this proposed change would be included in order to define which violators would be subject to the amendment. City Manager Hal Hegwer explained that there have been many calls this year, many concerning chronic violators and noted that this amendment will not solve the problem. He also noted that many of the violations involve properties in foreclosure or bankruptcy which have “absentee owners” and that this amendment is another tool for dealing with the violators and that he will provide a list of the chronic violators prior to the next City Council meeting. Council Member Taylor inquired as

to whether multiple violations for the same nuisances were taken into account when defining someone as a “chronic violator”. City Attorney Patterson explained that her interpretation was that notices of violations were not required to be for the same type of nuisances and that any violation of the nuisance ordinance, regardless of the particular type, was deemed as a violation. She explained that this allows for one annual notice to chronic violators. This change will allow for abatement, lien placement and potential collection of the cost to occur sooner.

Council Member Rebecca Wyhof asked whether these chronic violators would be notified of the cost of each violation, as they would potentially continue to mount. City Attorney Patterson confirmed that the Revenue Department will bill the property owner for the cost of abating each nuisance as they occur. City Manager Hegwer explained that this process has the potential to be most helpful in remediating properties of absentee owners and that typically, compliance is achieved. City Attorney Patterson pointed out that this process will require more manpower and expense for abatement of the nuisances. She also noted that, in theory, this cost would be recoverable but that realistically, the entire cost will not be recovered and the tax foreclosure process is lengthy.

Council Member Charles Taylor asked specifically about the Koury Company property, to which City Attorney Patterson responded that it was different due to the extremely high expense of asbestos abatement, among other issues. Council Member Jimmy Haire asked about the RAMP program used in other communities and City Attorney Susan Patterson replied that this program is primarily used in connection with maintenance issues at residential rental units. City Manager Hal Hegwer noted that this program was not used for commercial applications which are a different set of problems which can be very expensive.

Council Member Jimmy Haire asked for clarification on what is currently permitted regarding inoperable automobiles and if there were any time limits on them. City Attorney Patterson explained that one inoperable vehicle is currently allowed, if it is covered, but that there is no time limit specifying how long it is permitted to remain on the property while inoperable but covered; however, enforcement can occur if an inoperable vehicle is not covered. Council Member Haire stated that he has seen vehicles remain covered until the cover has rotted to pieces and this situation should be addressed with a time limit on how long it may remain. City Manager Hegwer explained that then a determination would be required as to whether the vehicle was inoperable, operable or if it could be moved.

City Attorney Patterson directed anyone who wanted additional information to Chapter 16 of the Code of Ordinances. She also stressed the importance of advising constituents to contact the Code Enforcement Department to begin the necessary documentation required to identify these “chronic violators” and allow the expedited process to be initiated. Council Member Sam Gaskins commended Code Enforcement Supervisor Carl Anglin and the entire staff for their excellent job on these issues.

Mayor Pro Tem James Williams related problems faced in enforcing the ordinance and stated that any steps which help to remedy these situations, such as the proposed amendment, are positive steps.

Discuss Summary of Previous Discussion on Meeting Schedule – (Exhibit G)

City Manager Hal Hegwer stated that the summary of prior discussions was meant to serve as a starting point for decision-making on possibly changing the number of meetings and the day and time of meetings of the Law and Finance Committee. He noted that there appears to be a consensus to have one meeting monthly which would be held as a workshop, unless a second meeting was needed, and that perhaps some of the business could be streamlined by handling those matters not needing extensive discussion through a Consent Agenda, with the understanding that any matter needing more discussion could be removed from the Consent Agenda at any time.

Council Member Rebecca Wyhof requested a correction to reflect that the Triangle J meetings are actually held on the fourth Wednesday, not the fourth Thursday as shown incorrectly on the original attachment. Council Member Taylor expressed concern that items on the Consent Agenda require a motion and a second for moving to the Regular Agenda and requested clarification on this issue. City Attorney Susan Patterson explained that previous requests by any Council Member to remove items from the Consent Agenda have been honored.

Council Member Sam Gaskins proposed that one workshop be held monthly at 4:00 p.m. on the Wednesday preceding the second monthly meeting, which would be the Wednesday between the two regularly-scheduled City Council meetings.

Council Member Rebecca Wyhof stated that she likes the idea of having regular Council meetings and a separate workshop, which allows time to receive additional input and information from constituents, and also allows time for additional research on issues prior to voting.

Council Member Charles Taylor added that keeping all meetings, whether regular Council meetings or work sessions, on the same day of the week will provide consistency with less guesswork.

Council Member Jimmy Haire stated that he liked the concept of having all meetings late in the afternoon on Tuesday in order to avoid splitting the work day for mid-day meetings.

Subsequent discussion included Council Member Sam Gaskins' work schedule, constituents who may work second shift and how best to handle notifications to the public of meeting dates and times.

Possible methods of notification which were discussed included sending this meeting information via newsletters, inserts with utility bills and displays on "sandwich" advertising boards. Mayor Pro Tem James Williams requested that consideration be given to Council Members' work schedules and interfering with them as little as possible. He asked that all Council members consider this matter between now and next Tuesday's meeting.

Discuss Proposed Ordinance to Prohibit Parking in Front Yards in Historic District Requested by Historic Preservation Commission

City Attorney Susan Patterson explained that this item was placed on the Agenda prematurely and that it be moved to the next Law and Finance Committee Agenda so that City Mayor Chet Mann, who was unable to attend today's meeting, could be present for this discussion.

Other Business

City Manager Hal Hegwer requested that an additional announcement be heard regarding an update to the Sidewalk Bond Project. City Engineer Paul Weeks informed the Council that the North Carolina Department of Transportation had approximately \$600,000 available for sidewalk work and that the City of Sanford had been awarded \$300,000. He said that his staff is in the process of coordinating this project with DOT.

Mayor Pro Tem James Williams asked if any Council Members had any additional matters to share before adjourning to Closed Session.

Council Member Charles Taylor expressed concern regarding requests made to local Legislators Representative Mike Stone and Representative Ronald Rabin to address the Council in order to discuss their recent votes on several issues. He found no situations where local Legislators have addressed the Governing Body other than Representative Stone coming to one meeting just after his election. He noted that the Council exists through the State's authority and that their positions as elected Legislators be respected, regardless of their views and votes on particular issues.

Council Member Jimmy Haire requested a status report, including progress on recycling, from Waste Industries since the contract with them has now been in place for one year.

Council Member Rebecca Wyhof congratulated all staff who helped secure the funds from the Department of Transportation on the sidewalk project. She also reminded everyone of the voting which is still open to select a community which will receive funding from Pet Safe for a Dog "Bark Park", which she sees as just another sign of Sanford's community spirit.

Closed Session

Mayor Pro Tem James Williams then requested that City Attorney Susan Patterson proceed with steps required for going into Closed Session. City Attorney Patterson requested that, pursuant to NCGS 143-318.11A (3) and (5), a motion be made to go into Closed Session to consult with an attorney employed by the public body to preserve the Attorney-Client privilege and to instruct the public body staff or negotiating agents on the price and other material terms of a contract for the acquisition of real property.

Council Member Gaskins made the motion to go into Closed Session. Seconded by Council Member Post, the motion carried unanimously.

Law & Finance Committee Meeting  
July 9, 2014

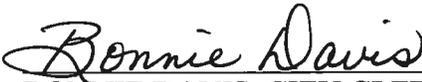
Return to Regular Session and Adjournment

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

Respectfully Submitted,

  
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T. CHET MANN, MAYOR

ATTEST:

  
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BONNIE DAVIS, CITY CLERK