

LAW AND FINANCE MEETING  
Wednesday, October 1, 2014  
5:00 P.M. in Council Chambers  
225 East Weatherspoon St., Sanford, NC

The Law and Finance Committee met on Wednesday, October 1, 2014, in the Council Chambers at City Hall at 5:00 P.M. The following people were present:

Law and Finance Committee:

Mayor T. Chet Mann	Mayor Pro Tem James Williams
Council Member Byron Buckels	Council Member Sam Gaskins
Council Member Jimmy Haire	Council Member Charles Taylor
Council Member Rebecca Wyhof	City Attorney Susan Patterson
City Manager Hal Hegwer	City Clerk Bonnie Davis

Absent:

Norman Charles Post, III

Mayor Chet Mann called the meeting to order.

Consider Ordinance Amending Section 4-15 of the Sanford Code of Ordinances Regulating Urban Archery Deer Hunting Within the Sanford City Limits – (Exhibit A)

City Attorney Susan Patterson stated that the City Manager had informed her of a Council Member's interest in reconsideration of changes to the Urban Archery Deer Hunting Ordinance. On April 1, 2014, there was a motion and vote taken to change requirements of the Urban Archery Deer Hunting ordinance as follows: (a) to change the minimum tract or parcel size from ten (10) acres to three (3) acres; (b) to include a 100' buffer within a tract or parcel where hunting would be allowed; (c) to prohibit pooling of property to meet the three (3) acre requirement; and (d) to keep the elevated archery stand 10' above ground on which to hunt.

Attorney Patterson explained that Council passed this Ordinance Amendment on April 1, 2014, by a vote of 5-1 (one member was not present), but it failed because House Bill 74 was in place. House Bill 74 required that changes to environmental ordinances pass by unanimous vote. The Council vote was not unanimous; thus, the prior rule remained in effect. Effective August 15, 2014, North Carolina law repealed that section of House Bill 74 which required unanimous vote. The current ordinance was set March 2, 2010, which placed rules currently in place. The question at this time is whether Council wants to reconsider the proposed changes?

Council Member Charles Taylor noted his belief that one of the reasons House Bill 74 was repealed was the negative feedback received from constituents in other communities such as Sanford on the unanimous vote requirement. He informed Council that he just recently had to swerve on the highway in order to miss three deer and that deer on the roads are frequently a driving safety issue. He informed Council that the North Carolina Wildlife Commission has reported no accidents as a result of stray arrows and that archery target shooting at ground level is currently allowed within the City of Sanford with no limitations. He also stated that provisions set forth in the prior ordinance: (1) allowed for shooting on elevated surfaces (so that shooting is done downward and the trajectory is straight down or at a sharp angle); (2) prohibited land

pooling to meet minimum size requirements; and (3) required a 100' buffer. He would like the prior proposal to be reconsidered at this time due to the large number of deer in the area.

Attorney Patterson noted that the proposed change affects only whether the minimum tract or parcel size requirement will be for three (3) acres or more instead of tracts or parcels ten (10) acres or more. If the minimum parcel size is revised to allow archery on tracts or parcels three (3) acres or more, the 100' buffer from the property line would be required. Since the state legislation requiring passage by unanimous vote has been revised, proposed changes must be re-enacted.

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

Finance Director Beth Kelly stated that this ordinance increases the current annual operating budget to appropriate contingency funds for the Information Technology Department to cover contractual services work required while an employee is on medical leave.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2014-2015 (Feasibility Study for Multi-Sports Complex) – (Exhibit C)

City Manager Hal Hegwer noted that the Interlocal Committee has met many times over the years and has been very beneficial in improving relationships with the County. City representatives on this committee are Mayor Mann and Council Members Wyhof and Gaskins.

When the bond referendum was passed, \$2,000,000 was budgeted for parks and recreation activities. A possible joint city-county venture was suggested with the O.T. Sloan Park to be the site of a multi-sports complex facility. The City would utilize a portion of the bond funds and other funds would be contributed as necessary. At the most recent interlocal meeting, members agreed to formulate a study which would review potential projects for the O.T. Sloan Park and surrounding property, including the Boys' and Girls' Club. Staff was directed by the Committee to pursue the feasibility study. Council previously approved \$15,000 toward this study; Lee County approved \$15,000 and the Sanford Area Soccer League ("SASL") has committed to funding \$8,000 of the cost.

Since that time, staff was directed by the committee to pursue a selection process. Several firms responded, which staff reviewed. Two county members met with two city staff members several times in the past few weeks and a company was selected to perform the study. The current request is to approve the joint committee's recommendation to contract for and increase required funding of the feasibility study. The previous cost estimate was \$35,000; the current cost estimate is \$68,000. The City and the County would each contribute \$30,000 and SASL \$8,000. The budget amendment is for this request.

Council Member Wyhof stated that it was the consensus of all members of the group that an intense initial review and feasibility study will save money in the long term by helping to avoid potential problems which could develop later in the process. It will also help to ensure long-term success of the project and accomplish long-term goals for the community. She anticipates that a thorough study will be well worth the cost.

Council Member Gaskins stressed that proceeding in the right direction is critical since we will only have one shot at a successful project. He also stated that the bids for the study ranged from \$50,000 to \$70,000 and requested disclosure of the bids and the matrix used, as well as information on how the decision was made so that Council can review and approve this course of action.

Mayor Mann answered Member Haire's questioning whether sites other than O.T. Sloan were considered by confirming that the O.T. Sloan is the concentrated site but that site consideration is one of several issues which will be addressed in the feasibility study. It will focus on the O.T. Sloan Park, unless research suggests consideration of another site. There is the possibility of including up to 40 additional acres surrounding O.T. Sloan Park.

Mayor Mann further explained that the proposed study will be much more comprehensive and in depth than originally proposed. It will require more involvement and additional surveying of the public, requesting feedback on what is desired, what would be used and what we can afford, as well as the layout and physical design. Potentially competing sites in similar cities of the neighboring three to four counties (specifically in the Raleigh and Southern Pines areas) will also be addressed in the assessment, in addition to facility set up. Mayor Mann informed Council that Richmond County/Rockingham is about to embark on a \$12,000,000 park similar to the proposed site here in Sanford, which is an example of a smaller community tackling a larger project.

Council Member Gaskins noted that we are centrally located and Mayor Mann stated that we have great infrastructure for such a facility and that the County was also very positive about the potential of such a facility.

City Manager Hegwer explained that the budget amendment requires that the process will run through and be controlled by the City financially, with contributions for the project received from the County and SASL. The final scope of the study is not complete at this time, but when it is determined, final Council approval will be requested and required. A presentation will be made after the final assessment is received, at which time questions and concerns will be addressed before proceeding with the final project. The feasibility study will be comprehensive and in-depth. It will review many components, including whether revenue options are available to support it, and will analyze many tough issues.

Council Member Haire asked whether this additional expense would be paid through bond funds; Manager Hegwer informed him that it would not.

Mayor Pro Tem Williams stated that he was impressed with the inclusion of surveying surrounding counties to determine how our proposal would compare to other facilities.

Mayor Mann informed the Council that SASL was several hundred members strong, that they have been attempting for several years to raise funds for a complex and would like to join with a larger group in order to create one. Representatives from SASL appear to be very enthusiastic and are willing to convene a meeting immediately in order to obtain approval by board members to increase their contribution toward the project.

City Manager Hegwer pointed out that the initial cost figures were an estimate only. Previously, a committee of two members from the City (Public Works Director Victor Czar and Community Development Director Marshall Downey) and two members from the County (Director of Parks and Recreation John Payne and Lee County Maintenance Director Larry Bridges) spent considerable time reviewing this issue and asking questions similar to those posed at tonight's meeting. It appears that a more comprehensive, in-depth feasibility study is warranted and it will involve additional cost. Mr. Hegwer noted that the goal is to ensure the project is completed properly in light of the major financial investment that will be required.

Council Member Haire noted that some neighbors have requested fencing around the complex, which Mayor Mann explained will be addressed in the study, along with many other issues. Mayor Mann stated that the assessment will be a working document for guidance.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2014-2015 (Colon Road Lift Station) -- (Exhibit D)

Consider Resolution -- Joint Agreement Between the City of Sanford and Lee County Product Development Initiative -- Lee County Industrial Park -- (Exhibit E)

City Manager Hal Hegwer explained that there have been interlocal meetings with the County at which time it was agreed to propose to each Board that the City purchase the Colon Road Lift Station/Pump Station Collection System from the County in order to facilitate product development at the Industrial Park. The County intends to utilize the proceeds for the development of broadband infrastructure in the Industrial Park, which would translate into broadband service fiber extension from the main Central Carolina Community College ("CCCC") campus out to the campus at the Industrial Park. The resolution for the joint agreement agreed to by the Interlocal Committee states that:

"... it is the intent of the Lee County Commissioners to transfer ownership of the Colon Road Lift Station to the City of Sanford for their use and continued development of the Lee County Industrial Park. As part of this transfer, the County agrees to use funds the City intends to pay to the County (not to exceed \$800,000 from the City) in consideration for the transfer, to develop broadband infrastructure in the Industrial Park by extending the current NCMC line from Central Carolina Community College to CCCC facilities in the Industrial Park. Planning and development of this project will begin when both bodies agree to this transfer of assets by approving this agreement."

The subject budget amendment for \$400,000 is requesting funds from the Utility Fund. After conversations with the Lee County Manager, it was agreed that \$400,000 be transferred to the County in this fiscal year and the balance of \$400,000 be transferred after July 1, 2015. He summarized that the overall theme is that the City and Council worked together to enhance product development in Lee County. City Manager Hegwer acknowledged contributions from other Council Members who participated in these negotiations.

Council Member Haire informed Council that he and Mr. Hegwer visited the site and after seeing it, he is more appreciative of the significance the Colon Road lift station plays in local economic development.

Mayor Mann acknowledged the cooperation provided by both City and County representatives in negotiating the deal. He also expressed his belief that it will be evident in the future that City and County government worked together to create something significant for job creation and economic development for the betterment of all Sanford and Lee County residents.

City Manager Hegwer noted that this agreement does commit the City somewhat to planning for and the development of additional extension of utilities to the Industrial Park. This issue can be complicated due to policies currently in place; however, this can be worked through and a solution can be found and presented to Council for approval. He reiterated the Mayor's comments that satisfactory negotiation of this transaction is a testament to how productive interlocal committee meetings can be when communication reveals common ground between the two entities.

Mayor Mann stressed that this initiative enhances development at the Industrial Park with infrastructure utilities by connecting and expanding them over time in order to attract business. He also noted that many companies now place as much priority on broadband availability as on water and sewer service. The Industrial Park will be one of few facilities in the area with both broadband and water/sewer service. It is also a huge step toward achieving Sanford-Lee County Partnership for Prosperity's goal of creating 1,750 local jobs.

Council Member Gaskins commented the fine job done by Mr. Hegwer in the negotiations and his bringing into the negotiations the two roundabouts which will require underground facility work at the same time. He also noted that the lift station lines are worthless until they are hooked up to the system; however, this project is a start and plans are underway for segments of it. He noted that the VA Clinic will also require sewer lines and that there is much ongoing utility construction activity.

Consider Entering into a Traffic-Review and Inspection Agreement with Department of Transportation for Downtown Streetscape – (Exhibit F)

City Engineer Paul Weeks explained that as part of the downtown streetscape design project, traffic signals are being replaced and pedestrian heads are being installed. Because the City is planning to do this, a review by the Department of Transportation ("DOT") is required to review design and installation work. DOT works on a "unit" cost basis whereby they charge hourly rates. They have estimated the cost to be approximately \$12,000, which they require up front. At project completion, the account is analyzed: if work has exceeded \$12,000, they will bill us and if work is less than \$12,000, funds will be refunded.

Council Member Haire asked whether lights at the Horner/Carthage and Horner/Wicker intersections would be impacted. Mr. Weeks explained that both of these intersections will have light changes with the poles currently in place replaced by a cantilevered system opposite each other with arms coming off in two directions. They will be black painted metal and will have pedestrian heads and crossings. Bid drawings have just been received today. He also confirmed that the Wicker/Steele intersection will have a four-way stop, while the Carthage/Steele intersection will remain signalized. The Carthage/First intersection is not included in the current streetscape project; however, staff has requested DOT review potentially removing the light and replacing it with a stop sign but no response has yet been received. Traffic studies will be required before the decision is made by DOT.

Consider Ordinance Directing the Code Enforcement Officer to Remove or Demolish the Property Herein Described as Unfit for Human Habitation and Directing that a Notice be Placed Thereon That the Same May Not Be Occupied – (Exhibit G)

Code Enforcement Supervisor Barbara McMillen explained that this issue is under the authority of both the Building/Inspections and Code Enforcement departments. A timeline has been included with a copy of the subject ordinance and photos are available. Ms. McMillen stated that they are requesting authority to proceed with the contract for demolition.

Council Member Haire questioned compliance and appeal deadlines. Ms. McMillen explained that the owners' had 15 days to appeal the Housing Board of Appeals' decision and that this time period has passed. There is a 30-day time period in which to file an injunction with the Superior Court of Lee County and this deadline is within the next few days.

Council Member Taylor stated that this has been an ongoing source of frustration for the neighborhood and for our Code Enforcement department. Much staff time and resources have been spent on this property.

Other Business

Council Member Taylor thanked Pastor and Annie Akers for the recent invitation to their Friends' Day, which he attended and is a good example of reaching across multi-cultural lines in our community. With the approach of the fall season, he requested review and possible update of the leaf collection policy.

Council Member Williams complimented fellow Member Gaskins, Mayor Mann and Manager Hegwer on their recent hard work with the County on the interlocal agreements for the lift station and multi-sports complex. Much progress has been made in a relatively short time period.

Council Member Wyhof expressed appreciation of the leadership shown by both City and County representatives and noted that there is a spirit of cooperation being shown in a desire to move the community forward. She also stated that the Citizens' Academy continues to be informative and complemented the inaugural group of citizen attendees and congratulated staff for work involved with the program and in providing city services.

Council Member Buckels thanked all involved in the recent interlocal agreements.

Mayor Mann announced that the YMCA is kicking off their "We Build People" campaign with a goal for the current year of \$115,000 and expressed his support of programs they provide. He also noted that the Boys' and Girls' Club is having their annual fundraiser on October 16 and that the local club serves approximately 1,200 children daily. He also commented on the wide variety of information being presented through the Citizens' Academy and urged anyone who could observe one of the sessions to do so. He also commended staff for their work on and support of the project. He also informed Council that preparations are ongoing in anticipation of the upcoming trip to China on the sister city project. Goals and strategies are being reviewed and discussed at this time with the hope of opening doors to possibilities with our sister city, similar to what has been done by other cities, including Pinehurst and Raleigh. He

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stated that he believes momentum is starting to build in Sanford and Lee County and appreciates all the efforts involved in moving forward.

Closed Session

City Attorney Susan Patterson read a motion to go into closed session in accordance with N.C.G.S. 143-318.11(a) (4) and (5) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body and to instruct the public body staff on the position to be taken on negotiating the price or other material terms of a contract or proposed contract for the acquisition of real property.

So moved by Mayor Pro Tem Member James William and seconded by Council Member Sam Gaskins, the motion carried unanimously.

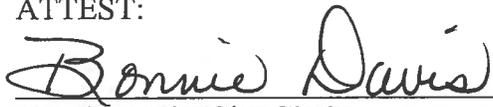
Adjournment

Council Member Sam Gaskins made the motion to adjourn the meeting. Seconded by Mayor Pro Tem James Williams, the motion carried unanimously.

Respectfully Submitted,

  
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T. Chet Mann, Mayor

ATTEST:

  
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Bonnie Davis, City Clerk