

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, November 4, 2014, at 7 P.M., in the Council Chambers. The following people were present:

Mayor T. Chet Mann
Council Member Byron Buckels
Council Member Jimmy Haire
Council Member Charles Taylor
City Manager Hal Hegwer

Mayor Pro Tem James Williams
Council Member Sam Gaskins
Council Member Norman Charles Post, III
City Clerk Bonnie Davis
City Attorney Susan Patterson

Absent:

Council Member Rebecca Wyhof

Mayor Mann called the meeting to order. Council Member James Williams delivered the invocation. The Pledge of Allegiance was recited.

PUBLIC COMMENT (Exhibit A)

Travis Grindle, residing at 601 Pineknoll Drive, Sanford, NC, spoke in favor of the feasibility study for the proposed multi-sports complex. He spoke about the success of soccer in Sanford and how it would be an economic development tool as people utilize the hotels and restaurants when attending a tournament.

Robert Woods, residing at 129 Oak Branch Lane, Sanford, NC, said he received a few calls from individuals in reference to the expansion of the Sanford Housing Authority Board and he assured them that the expansion is a wonderful thing. He informed them that it is in the purview of the Sanford City Council to expand the board but he does believe that some of the individuals that are present, their concern is that the vacancies were not posted. Mr. Woods said he is in favor of the expansion of the authority.

APPROVAL OF AGENDA

City Manager Hal Hegwer requested to add to the regular agenda the following items: 10(E) Sidewalk Agreement with the NC Department of Transportation for Horner Boulevard; 10(F) Sidewalk Agreement with the NC Department of Transportation for Bragg Street/Nash Street; 10(G) Capital Project Ordinance Amendment – Sidewalk Improvements; 10(H) Grant Project Ordinance Amendment – NC Department of Transportation (Horner Boulevard); 10(I) Grant Project Ordinance Amendment – NC Department of Transportation (Bragg Street).

Council Member Gaskins made the motion to approve the agenda as amended. Seconded by Council Member Buckels, the motion carried unanimously.

CONSENT AGENDA

Approval of Law and Finance Committee Work Session Minutes Dated September 10, 2014 – (Filed in Vault)

Approval of Law and Finance Committee Meeting Minutes Dated September 10, 2014 - (Filed in Vault)

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Approval of City Council Meeting Minutes Dated September 16, 2014 – (Filed in Minute Book 82)

Approval of Joint Interlocal Committee Meeting Minutes Dated September 22, 2014 – (Filed in Minute Book 82)

Approval of Law and Finance Committee Meeting Minutes Dated October 1, 2014 – (Filed in Vault)

Approval of City Council Meeting Minutes Dated October 7, 2014 – (Filed in Minute Book 82)

Approval of Joint Interlocal Committee Meeting Minutes Dated October 8, 2014 – (Filed in Minute Book 82)

Approval of Capital Project Ordinance Amendment – Sidewalk Improvements - (Exhibit B)

Approval of Preliminary Assessment Resolution – (Hawkins Avenue) – (Exhibit C)

Approval of Entering Into a Review and Inspection Agreement with the Department of Transportation – (Exhibit D)

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2014-2014 – (Street Sweeper) – (Exhibit E)

Approval of Resolution Approving Financing Terms for Installment Purchase of Fire Pumper Street Sweeper, Leaf Vacuum Truck, and Knuckleboom Truck – (Exhibit F)

Approval of Grant Submittal to the U. S. Conference of Mayors Gardens and Green Space Award Program – (Exhibit G)

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2014-2015 (Public Building) – (Exhibit H)

Approval of Request for Lee County to Donate Properties to the City of Sanford – (Exhibit I)

Council Member Gaskins made the motion to approve the consent agenda. Seconded by Council Member Post, the motion carried unanimously.

SPECIAL AGENDA

Consider Proclamation Honoring Kenneth David Armstrong for Exemplary Service as Executive Director of the Sanford Housing Authority – (Exhibit J)

Mayor Mann read a proclamation honoring Kenneth David Armstrong for his exemplary service as Executive Director of the Sanford Housing Authority. Mr. Armstrong has taken a position as Executive Director for the Alachua County Housing Authority in Gainesville, Florida.

REGULAR AGENDA

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

City Attorney Susan Patterson stated that the City received a request to release the late listing penalty of \$28.24 from Phoenix Fire Protection. The letter they sent said that it was due to the accountant thinking the extension time was longer than it actually was.

Council Member Gaskins made the motion to deny the request. Seconded by Council Member Post, the motion carried unanimously.

Consider Motion to Take From the Table for Discussion the Feasibility Study for the Proposed Multi-Sports Complex

Council Member Sam Gaskins made the motion to take from the table for discussion the feasibility study for the proposed multi-sports complex. Seconded by Council Member Norman Charles Post III, the motion carried unanimously.

- Consider Ordinance Amending the Annual Operating Budget – (Exhibit L)

Council Member Gaskins made the motion to approve the Ordinance Amending the Annual Operating Budget. Seconded by Council Member Post, the motion carried in favor five to one with Council Member Charles Taylor casting the dissenting vote.

- Consider Award of Contract to Brailsford & Dunlavey – (Exhibit M)

Council Member Gaskins made the motion to award the contract to Brailsford & Dunlavey for the feasibility study. Seconded by Council Member Post, the motion carried in favor five to one with Council Member Charles Taylor casting the dissenting vote.

Consider Expansion of Sanford Housing Authority Board – (Exhibit N)

Mayor Mann said that there has been some attention to this issue at the last minute. He stated that there is a general feeling that the Sanford Housing Authority has performed flawlessly and there may be, at this point in time, the perfect time to expand the Authority from five to seven members because there will be a new director hired who will probably need more oversight. The ordinance allows the Council to appoint between five and eleven seats; two extra is in order. It is timely due to how large the Housing Authority has grown. We now have 450 public housing units; 756 Section 8 Housing Vouchers in Lee and Harnett Counties; built 151 affordable units including Sandhills Manor – 50 units; Fire Tower Crossing – 60 units; Wilrik Hotel for 41 units; a budget of approximately \$8 million and the Sanford Housing Authority employs 27 full-time employees. It has been one of our best boards and it has done so well that we have taken it for granted. It has been an award winning association and we want to keep it that way. Because of the timing of their next board meeting and the need to complete this important hire and make sure that it is done appropriately, we feel an urgency to act tonight. The urgency is permitted by the ordinance and as the mayor's office and council have the right to appoint who they want; they also have the right to expand the board or remove appointments that they think is necessary. We want to strengthen the Authority Board and give them more voices of experience.

Council Member Gaskins made the motion to expand the Sanford Housing Authority Board from five to seven members. Council Member Post seconded the motion.

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Council Member Haire asked when the term would expire for the new members. Attorney Patterson replied for a one-year term; so the board would have staggered terms. The term would expire June 30, 2015.

The motion carried in favor five to one with Council Member Taylor casting the dissenting vote.

Consider Appointment of Board Members to the Sanford Housing Authority – (Exhibit O)

Council Member Sam Gaskins made the motion to consider the appointment of the board members as presented in Council's packet. Council Member Buckels seconded the motion. Attorney Patterson asked for clarification.

Mr. Gaskins removed his previous motion and nominated Bob Joyce and Jan Tart.

Mr. Taylor said that as he looks at the applications, he has no problem with either of the candidates that has been nominated. They both have served this community proudly and have done a good job. The interesting thing as he looks at Mr. Joyce's application, there is no date. He looks at Gary Wilkinson's application and there is a date of Thursday, October 30. It is ironic that we got that on Thursday, and received the agenda on Friday. We have applications for a position that has not even been created. He questioned if this is going to continue to be the practice of the Council if we do not like the potential results that we are getting from a commission or board to expand it, when it is very clear that these candidates were hand-picked. He is all for transparency and he did not feel this is a transparent way to do government. He said he was very disappointed that we have gotten to this point today. He said there was a lot of politics going on within board appointments and a lot of politics within the Sanford Housing Board. There are proper ways of handling things. He felt putting this on the agenda and already having applicants, it gives him the same feeling he got before when Joe McDonald passed away and before the funeral was held, we already had an application and appointment. He did not feel this is the way we should be doing government. It has nothing to do with the candidates; it has to do with the principle of how we got here to have these candidates. He wanted to know how we got to this point to begin with and how are we going to do this in the future when we have a result that we don't particularly like in a committee – are we going to continue to add these appointments.

Mayor Mann replied that the board brought it to his attention and to some of the other council members. He said the Housing Authority Board has shown high performance over the last twelve to eighteen years, and there was no reason to question them as to their motives or performance.

Mayor Mann asked for other nominations. Mr. Gaskins moved that the nominations be closed and Bob Joyce and Jan Tart be appointed by acclamation. Mr. Post seconded the motion. The motion carried in favor five to one with Council Taylor casting the dissenting vote.

Council Member Gaskins clarified that since he said to include it by acclamation, and since it is not a unanimous vote, he would like to close the nominations and elect Bob Joyce and Jan Tart. Mayor Mann agreed and moved to appoint those two individuals.

Sidewalk Agreement with the NC Department of Transportation for Horner Boulevard – (Exhibit P)
City Engineer Paul Weeks stated that this is a revised sidewalk agreement between the Department of Transportation (D.O.T) and the City of Sanford. It is part of the sidewalk bond monies that the D.O.T. has contributed to. The Council approved the original agreement; however, that agreement did not include any revisions for inspection and review services for pedestrian heads and we will have pedestrian heads on Horner Boulevard. The D.O.T felt that it would be best to revise the sidewalk agreement to include the pedestrian heads. It requires us to pay the D.O.T. \$4,000 for that service up front. If they do not spend all their time on it and spend less than \$4,000, the City will be reimbursed, or if it cost more, we will have to pay them. Mr. Weeks said he would like for the sidewalk agreement to be approved subject to legal review.

Council Member Post made the motion to approve the sidewalk agreement with the NC Department of Transportation for Horner Boulevard subject to legal review. Seconded by Council Member Buckels, the motion carried unanimously.

Sidewalk Agreement with the NC Department of Transportation for Bragg Street/Nash Street – (Exhibit Q)

City Engineer Paul Weeks stated that this is a revised sidewalk agreement between the Department of Transportation (D.O.T) and the City of Sanford for Bragg Street/Nash Street. The Council approved the original agreement; however, that agreement did not include any revisions for inspection and review services for pedestrian heads and we will have pedestrian heads on Bragg Street/Nash Street. It requires us to pay the D.O.T. \$4,000 for that service up front. If they do not spend all their time on it and spend less than \$4,000, the City will be reimbursed, or if it cost more we will have to pay them.

Council Member Taylor made the motion to approve the sidewalk agreement with the NC Department of Transportation for Bragg and Nash Streets subject to legal review. Seconded by Council Member Gaskins, the motion carried unanimously.

Capital Project Ordinance Amendment – Sidewalk Improvement – (Exhibit R)

Financial Services Director Beth Kelly stated that she will explain this amendment and the next two amendments together and they will need to be voted on separately. She said that we have three separate capital projects. The Capital Project Ordinance Amendment relates to the bond project for the sidewalk improvements. It transfers \$120,246 from the bond proceeds for sidewalk improvements to the two separate sidewalk projects that were set up for the Department of Transportation grants that were awarded to the City. This amount will be transferred into two projects - Grant Project Ordinance Amendment for the Horner Boulevard in the amount of \$55,501 for the easements related to the Horner Boulevard sidewalk improvements and \$64,745 for the easements related to the Bragg Street/Nash Street improvements.

Council Member Haire made the motion to adopt the Capital Project Ordinance Amendment – Sidewalk Improvement - \$120,246. Seconded by Council Member Gaskins, the motion carried unanimously.

Grant Project Ordinance Amendment – NC Department of Transportation (Horner Boulevard) – (Exhibit S)

Council Member Post made the motion to adopt the Grant Project Ordinance Amendment – NC Department of Transportation (Horner Boulevard) - \$55,501. Seconded by Council Member Gaskins, the motion carried unanimously.

Grant Project Ordinance Amendment – NC Department of Transportation (Bragg Street) – (Exhibit T)

Council Member Buckels made the motion to adopt the Grant Project Ordinance Amendment – NC Department of Transportation (Bragg Street/Nash Street) - \$64,745. Seconded by Council Member Gaskins, the motion carried unanimously.

OTHER BUSINESS

Council Member Taylor stated that the Mining and Energy Commission received over 200,000 comments that they have gone through and organized. They will start discussion on that Thursday and Friday of this week; it is a public meeting and anyone is welcome to attend. It will be held in the Archdale Building, at 9 A.M., Thursday.

Mr. Taylor said that Council is tasked with assigning board members to certain commissions. With that appointment, we are expecting a high level of expectation for them to do their job and do it with a level of integrity. The discussion and votes tonight were strictly because of reaction of what is going on in a particular board. Regardless of particulars, it all goes back to the qualifications of a particular candidate that may have a suspect background. He said before we pass judgment on any one or any individual they are interviewing, that we should look at our own backgrounds and upbringings. He is not advocating for a particular candidate but he is advocating for a proper procedure where we are allowing these boards to do their job and get a desired result. He said if it is not the result we expect, then shame on Council for appointing them to begin with. He said we owe it to our citizens to give a little bit better effort when it comes time to managing these situations of delicate nature of hiring individuals that lead our organizations. He expressed disappointment on Council's actions and he felt they need to look at their own backgrounds before passing judgment.

Council Member Williams stated that he felt that drastic situations call for drastic action. As long as situations come up whether there have been printed rules to go by or not, they are tasked with doing what is best for the City of Sanford. As long as we are not outside the law, he felt Council needs to do what they can to keep our City safe and be the best it can be.

Council Member Haire stated that one of the problems is that when you get somebody as efficient as Ken Armstrong, when they leave, it is hard to find someone adequate to fill that job. He referred to an article in the Fayetteville paper, where the Robeson County Housing Director had to resign and the Housing Authority has been ordered to develop a plan to pay the Federal Government \$766,000 in questioned expenses. It is important who you get to fill that job.

Council Member Buckels stated that referring to the appointments to the Sanford Housing Authority, it is not about passing judgment on anyone, it is about choosing the right person and doing it within our jurisdiction of our authority and keeping our City moving forward. Mr. Buckels expressed thanks to a police officer who helped a citizen in an emergency situation which occurred in Ward 4.

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City Manager Hegwer reminded that the Law and Finance Committee meeting scheduled for Wednesday, November 26, 2014, is cancelled; that is the week of Thanksgiving. He reminded Council that we will be meeting with the Citizens Academy participants, right before our next City Council meeting on Tuesday, November 18, 2014, at 5:30 P.M., in the West End Conference to receive feedback on the program.

Mayor Mann thanked staff for their participation in the Citizens Academy. He said all Council Members can learn from the feedback on November 18. He congratulated Public Works on the ribbon cutting for the Wastewater Treatment Plant. It is that kind of vision and planning that pays you back years later. It was an A-class ribbon cutting.

ADJOURNMENT

Council Member Williams made the motion to adjourn the meeting; seconded by Council Member Gaskins, the motion carried unanimously.

Respectfully Submitted,

T. CHET MANN, MAYOR

ATTEST:

BONNIE DAVIS, CITY CLERK