

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, September 1, 2015, 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 Clerk Bonnie Davis  
City Manager Hal Hegwer

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

Absent:  
Council Member Rebecca Wyhof

Mayor Mann called the meeting to order. Mayor Pro Tem Williams delivered the invocation. The Pledge of Allegiance was recited.

**PUBLIC COMMENT** – (Exhibit A)

Ervin Foxx, residing at 309 Maple Avenue, President of Sanford-Lee County NAACP Branch, submitted a letter (Exhibit B) to Council Members encouraging the purchase of body cameras for police officers. He stated that the Lee County Sheriff's Department is purchasing body cameras. He stated it would protect the police officers, as well as, civilians.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

Approval of City Council Meeting Minutes Dated June 16, 2015 – (Filed in Minute Book 84)

Approval of City Council Informational Meeting Dated June 29, 2015 – (Filed in Minute Book 84)

Approval of City Council Meeting Minutes Dated June 30, 2015 – (Filed in Minute Book 84)

Approval of City Council Meeting Minutes Dated July 7, 2015 – (Filed in Minute Book 84)

Approval of Law and Finance Committee Meeting Minutes Dated July 15, 2015 – (Filed in Vault)

Approval of City Council Meeting Minutes Dated July 21, 2015 – (Filed in Minute Book 85)

Approval of City Council Meeting Minutes Dated August 4, 2015 – (Filed in Minute Book 85)

Approval of Law and Finance Committee Meeting Minutes Dated August 12, 2015 – (Filed in Vault)

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

### **REGULAR AGENDA**

Consider Approval of Resolution to Award the Contract for Sidewalk Improvements Project 02: Bragg and Nash and Award of Contract – (Exhibit C)

City Engineer Paul Weeks explained that the City received notification from the NC Department of Transportation (DOT) that they are willing to provide funds for certain project areas. The project before Council is one of the areas that the DOT will provide funds – which is Bragg and Nash Streets (in front of Lee Senior High School). On July 16, staff opened bids for this project. The lower bidder was Armen Construction LLC with a bid of \$234,968, located in Charlotte, North Carolina. Armen Construction has done work for the DOT on sidewalk projects. The resident engineer, who has overseen three projects for the DOT, had very good comments for the company. Staff has reviewed all their documents and recommends awarding the project to Armen Construction in the amount of \$234,968, contingent upon approval by the Department of Transportation. Staff is requesting authorization to execute the contract documents and approval of the resolution to award the contract.

Mayor Pro Tem Williams made the motion to approve the Resolution to Award the Contract for Sidewalk Improvements Project 02: Bragg and Nash Streets; Award Contract to Armen Construction and Authorize Execution of Contracts. Seconded by Council Member Post, the motion carried unanimously.

Consider Award of Contract for Persimmons Creek Tributary Outfall – (Exhibit D)

City Engineer Paul Weeks explained that on July 9, staff opened bids for the Persimmons Creek Tributary Outfall, also known as the VA Clinic sewer. Five bids were received. The apparent low bidder was Dellinger, Inc., from Monroe, North Carolina, in the amount of \$1,053,290. Dellinger, Inc. built the Little Buffalo Lift Station and installed large diameter sewer for the City, which allowed us to remove the old Little Buffalo Lift Station. The engineers that staff has been working with has also had experience with Dellinger and they are comfortable with them. Staff reviewed all their documents and recommends awarding the project to Dellinger in the amount of \$1,053,290. Staff is also authorizing execution of the documents.

Council Member Taylor asked what kind of engagement staff had with the residents in that area and the result of those conversations. Mr. Weeks replied that staff has been talking with residents in the area regarding where the City would like to run the sewer. Some have looked at it and have indicated that they would like to give an easement to the City and we almost have four recorded now. We have some that would like additional information and staff is working through that now.

Council Member Williams asked about the time frame. Mr. Weeks replied that the desire is to have it in the ground by the end of November because the VA Clinic is requesting sewer by that time. The last time staff was informed it was noted they would like to be up and running in December.

Council Member Taylor stated with more information on the easements, was it pertinent for Council to entertain this matter tonight with pending information on the easements? He asked what the choices are if a resident does not give the easement? Mr. Weeks replied that the sewer could be rerouted or if you cannot reroute the line, then you have to consider condemnation, which comes back before Council. You try to negotiate with the property owners for a middle ground.

Mr. Taylor clarified that staff has four easements. Mr. Weeks replied yes and that staff has not finalized six. They are in different levels of discussion with a number of individuals. Staff is looking at realignment on some and some have counter offered the City's offer. We are in the acquisition process. Mr. Taylor felt that for us to be entertaining this at 40 percent participation, is a stretch. He would feel better if we had more buy in from the citizens being affected by this project. It could get costly if we have to reroute and we do not want to go down condemnation because that is a dangerous path.

Mr. Hegwer noted that staff is facing a time issue. We need to be able to award this project to move forward and we will continue to have interaction and work with the property owners. We have a time schedule to meet and the City received a \$200,000 grant from Golden Leaf and we need to meet that commitment. There is a distinction between the award of the bid and working on these other issues. This would not prohibit any discussions with the property owners.

Mr. Taylor said that we have people in the audience tonight that are concerned about this matter. He requested that the mayor and Mr. Weeks take a five-minute recess and talk with these individuals and see if any concerns can be worked out tonight. He does not want to penalize the citizens for showing up at Council's meeting, especially if they do not know the procedure on signing up to speak or having the opportunity to speak. Mayor Mann asked the two individuals present (Erin Lutterloh and Pat Lutterloh) if that is why they were present. They replied yes. Mayor Mann said for the public's knowledge, he said that we try to entertain public comments; we entertain phone calls and opportunities for citizens to approach council members so they know ahead of time there are some issues. He warned Council that this is a project that needs to be finished and is on the books. He was not aware that there was anybody here tonight to speak.

Mayor Mann recessed the meeting at 7:20 P.M. Mayor Mann, City Manager Hegwer, City Attorney Patterson and City Engineer Weeks met with the two individuals. Mayor Mann reconvened the meeting at 7:35 P.M.

Mayor Mann opened the floor up for discussion on awarding the contract. Council Member Post stated that prior to the vote, as he has previously done, asked to be recused from this vote due to the conflict he has stated before. So moved by Council Members Gaskins and seconded by Council Member Buckels, the motion carried unanimously to recuse Mr. Post from voting.

Mayor Mann stated that he felt they had reached an understanding with the landowners and they are seeking more information. He opened the floor for discussion. Mr. Taylor asked if anything came out of the conversation that would change what is before Council tonight or impact it.

Mayor Mann responded that he felt it was a lack of good communication. They have been better communicated to tonight.

Council Member Gaskins made the motion to award the Contract for Persimmons Creek Tributary Outfall and authorize execution of documents. Seconded by Council Member Williams, the motion carried unanimously with Council Member Post being excused from voting.

Consider Capital Project Ordinance Amendment – Sidewalk Improvements – (Exhibit E)

City Engineer Weeks explained that this capital project ordinance amendment speaks to the sidewalk improvement bond project. When the ordinance was initially setup, it was brought to Council broken down into three to four separate accounts. We need to move money around within those accounts so that we can spend the money. It was separated out for a reason so that staff could break out the engineering and easement acquisition. There are extra funds in those line items that we do not intend to use but we need to use them on another line item. It moves all the funds to an area where we can spend it. We currently have an invoice from Windstream and they need to move a line and do some directional boring for the City. We cannot execute that until we move the funds.

Council Member Gaskins made the motion to adopt the Capital Project Ordinance Amendment – Sidewalk Improvements. Seconded by Council Member Post, the motion carried unanimously.

Consider Presentation Regarding Closeout of 2012 Single Family Rehabilitation and 2013 Urgent Repair Projects – (Exhibit F)

Community Development Manager Karen Kennedy presented a powerpoint presentation explaining that the purpose of the 2012 Single Family Rehabilitation and 2013 Urgent Repair Projects is to facilitate aging in place amongst elderly and disabled fulltime household members of eligible dwelling units through accessibility modifications. She displayed pictures of the homes that had been rehabilitated/upgraded in shown in Exhibit F. Both projects are funded through the North Carolina Housing Finance Agency.

Consider Approval of North Carolina Housing Finance Agency 2015 Urgent Repair Program (URP)

- Grant Project Ordinance – (Exhibit G)

Community Development Manager Karen Kennedy advised that this grant project ordinance is for the establishment of the funds received in the amount of \$100,000. The City and County each have contributed \$5,000 for a total of \$110,000 for the 2015 Urgent Repair Program.

- Assistance Policy – (Exhibit H)

Community Development Manager Karen Kennedy stated that the Assistance Policy explains exactly what the program does for the individuals who are going to apply and receive the funds.

It describes the program; it talks about the eligibility requirements, the current income limits based for that project; how the City is going to market the program; how rate and score the applicants with the point system; it defines what the different categories mean so when people look at this document, they will know what each definition of the project is; and how we do client referrals. The Urgent Repair Project is a loan now; it is no longer considered a grant; although, it is an unsecured deferred forgiven interest free loan and it forgives at a rate of \$1,000 per year until the principal balance is reduced to zero. The amount of the loan for this project can go to \$8,000. The policy talks about the types of repairs; gives the process for completing the application form - who to contact; the dates the applicants will be screened; what each terminology is for each work write up and the agreements; how we bid the project out; how we select contractors; loan execution; preconstruction conference with the homeowner and the people involved with the project; construction; change orders, payments to contractors; post-construction conference and closeout. Every project has a monitoring visit and visits by the state agency to go over how we are doing the project. It talks about the conflict of interests and if they are not satisfied, the hearing and appeals process. She will mail the policy out to the people that are currently on the list that were not served by our most project. She will run a waiting list of people who call in and they will also be mailed this information in the next month.

- Procurement & Disbursement Policy – (Exhibit I)  
Community Development Manager Karen Kennedy stated the Procurement and Disbursement Policy is basically put in place to help the Housing Finance Agency, contractors, homeowners, and the state know how we procure the contractors and go through the bid process; how the City of Sanford responds to these payments and the disbursement of how we pay the checks out and ensure that the funds are administered properly.

Council Member Gaskins made the motion to adopt the Grant Project Ordinance-North Carolina Housing Finance Agency 2015 Urgent Repair Program (URP), Assistance Policy and Procurement and Disbursement Policy. Seconded by Council Member Post, the motion carried unanimously.

#### Consider Approval of North Carolina Housing Finance Agency 2015 Single-Family Rehabilitation Program

- Grant Project Ordinance – (Exhibit J)  
Community Development Manager Karen Kennedy stated that this grant project ordinance is for the establishment of the funds received from the NC Housing Finance Agency. We received an initial allocation of \$170,000. Once we have rehabilitated about three homes, staff will come back to Council and update this for the next batch of homes. With these programs, the cost involved with soft costs and administering the program have set amounts established by the State.
- Assistance Policy – (Exhibit K)  
Community Development Manager Karen Kennedy explained that this program is for moderate homes that need energy improvements. Staff will market the program the same way with the different avenues. It explains who is eligible to apply. There are more stipulations with this project and the income limits differ with this project. It has different standards that

will be new for the City of Sanford and staff this year with energy standards. It shows the income limits; ranking system; definitions of the groups; terms of assistance; it is also a loan forgiven at \$3,000 per year and it can be over the life of the loan depending upon the amount of the project. It explains the different requirements for the lead-based paint; who will do the work; and defines the steps in completing the application. Staff is going to work on this application process first. Her goal is to take the unserved applicants from the 2012 program and the few that have called in new that she thinks are homes that might fit best in this category. She will be mailing out applications in the next week or so. It explains the appeals and application process and who to contact.

- Procurement & Disbursement Policy– (Exhibit L)  
Community Development Manager Karen Kennedy stated the Procurement and Disbursement Policy is basically put in place to help the Housing Finance Agency, contractors, homeowners, and the state know how we procure the contractors and go through the bid process; how the City of Sanford responds to these payments and the disbursement of how we pay the checks out and ensure that the funds are administered properly.

Council Member Gaskins made the motion to adopt the Grant Project Ordinance - North Carolina Housing Finance Agency 2015 Single-Family Rehabilitation Program and Procurement and Disbursement Policy. Seconded by Council Member Buckels, the motion carried unanimously.

Consider Agreement for Services with Sandra Ridley, Consultants for NC Housing Finance Agency 2015 Urgent Repair Program and 2015 Single-Family Rehabilitation Program–(Exhibit M)

Community Development Manager Karen Kennedy stated that this is an agreement for services with Sandra Ridley and Howard Campbell to administer the 2015 Single-Family Rehabilitation Program and the costs for the Urgent Repair Program. They bring the expertise of the rehabilitation portion with the energy standards. Ms. Ridley gave a summary of her background and experience of working with grants. She stated that Mr. Campbell is one of the most highly regarded inspectors in the state. He holds certifications in asbestos inspections, lead inspections, and is a licensed contractor and partner with Advanced Energy, which is very important in this program. Starting in 2013, all these homes had to be approved through Advanced Energy.

Council Member Taylor made a motion to approve the Agreement for Services with Sandra Ridley, Consultants for NC Housing Finance Agency 2015 Urgent Repair Program and 2015 Single-Family Rehabilitation Program. Seconded by Council Member Gaskins, the motion carried unanimously.

**NEW BUSINESS** – (Items for discussion and action will only be taken if necessary. Otherwise, these items will be placed on the next agenda for approval.)

Discussion Regarding Sister City Program

Mayor Mann informed Council that we have assembled a Sister City committee and the Chinese government, or the Economic Trade Show and Ceramic Pottery Festival have approved and welcomed the addition of a Sanford Potter. We have the ability to have North Cole Pottery,

which is the Cole family - Kevin Brown - would travel as part of the delegation and do a ceramic pottery display at their festival. We have about nine to ten people interested in going. The Chinese government will pay expenses for a delegation of six once you get to China. Mayor Mann stated that Council Members Wyhof and Buckels, and he have expressed an interest in going, and with Mr. Brown attending, it would make up that part of the delegation. We will then consider others as far as the six. The other two or three that are interested in going are private citizens and they would pay for their own trip. He is being told by the Economic Development with SAGA, that there is a Chinese company interested in coming to Sanford with a new project. The cooperation and the Memorandum of Understanding between us and Yixing, can only lead to something bigger and better. He does not have the numbers yet, but he will try to have the estimates for Law and Finance on what that proposed budget might be for the City's delegation. Mayor Mann said that if any Council Members are interested in going, to let him know. No plans have been finalized. October 17 is the departure date.

### **OTHER BUSINESS**

Council Member Buckels stated that he has received a lot of compliments regarding the sidewalk being installed in the Fields Drive area.

Council Member Haire thanked Mr. Foxx for making an appearance tonight. He has been clipping articles from various municipalities concerning body cameras. Some municipalities would start with two or three cameras to see how they liked it before they used them on the entire force.

Council Member Taylor stated that he felt we should do a better job of informing the public in attendance of the public policy comment period. He suggested having public comment at the Law and Finance Committee meeting.

Mayor Mann said that it was against his better wishes to stop the meeting for a recess. He differed to Mr. Taylor's wisdom on the issue; however, he did not know if he could do that again. It is incumbent upon Council Members and the public to understand the process. If we do that every night and at every meeting, it could be long meetings. We had a short meeting and it was appropriate to do so. There is a process; citizens need to call the council members and let them know what is on their mind. You can call the city clerk to be put on the agenda. We need to promote that process better. He was glad to do the recess tonight in this case, but hopefully we can communicate that better to the public so the citizens will understand the process and feel like they are being treated fairly. His job is to run the meetings orderly and fashionably.

Mayor Mann said that if Council plans to attend, there will be a roundtable discussion with the Sanford Area Homebuilders, SAGA, Chamber of Commerce and any interested private citizens to discuss the proposed UDO amendment requiring curb and gutter and sidewalks on Tuesday, September 15, at 8:30 A.M., in the West End Conference Room of City Hall. A lot of information will be disseminated. He asked Council Members to let City Clerk Bonnie Davis know if they do or do not plan to attend so the meeting can be advertised.

Mayor Mann stated that we have cancelled the City Council Meeting for Tuesday, September 15, 2015, due to it being a primary election night. If an additional meeting is needed, a meeting can be scheduled.

Mayor Mann thanked the citizens of Downtown Sanford and Jonesboro for their patience with the streetscape projects. The outcome will be very positive when completed. If there are any issues, please let Council Members know and we will try to accommodate your needs and concerns.

**ALL EXHIBITS CONTAINED HEREIN ARE HEREBY INCORPORATED BY REFERENCE AND MADE A PART OF THESE MINUTES.**

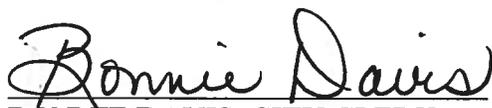
**ADJOURNMENT**

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

Respectfully Submitted,

  
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T. CHET MANN, MAYOR

ATTEST:

  
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BONNIE DAVIS, CITY CLERK