

LAW AND FINANCE MEETING
March 12, 2008

The Law and Finance Committee met on Wednesday, March 12, 2008, 1:00 P.M., in the Council Chambers at City Hall. The following people were present:

Present:

Law and Finance Committee:

Mayor Cornelia P. Olive	Council Member Mike Stone
Mayor Pro Tem Joseph E. Martin	Council Member James G. Williams
Council Member Walter H. McNeil, Jr.	Council Member Steve Brewer
City Manager Hal Hegwer	City Staff
City Attorney Susan C. Patterson	
City Clerk Bonnie D. White	

Absent:

Council Member Linwood Mann
Council Member Charles Taylor

Consider Comments from Kevin Riley – (Exhibit A)

Kevin Riley, residing at 1200 Galilean Trail in Chapel Hill, NC 27516, and owner of Riley Recovery Systems, Inc., thanked Council for allowing him to address the committee. Mr. Riley said he was present to ask for an opportunity to correct violations on a vacant lot located at 117 North First Street, which he had leased from the City. He presented a letter (Exhibit B) to Council Members in response to a letter he received from City Attorney Susan Patterson regarding the termination of the lease. Mr. Riley stated that he owns and operates a small recycling business in Lee County since 1999. They started the business at Lee County Industries located off Tramway Road.

Mr. Riley moved his business to a 5,000 square-foot building owned by the Groce Companies, and it is now located in the largest section of that building totaling 35,000 square feet. The City leased him the lot in the front to locate his trucks, trailers, and storage equipment. It was brought to his attention in January that he was in violation of the City ordinances because they are zoned Light Industrial and are not suppose to have storage containers on that lot. He said the lease states he could have storage containers on it; however, that must have been an error. The lease also states that they have to maintain a certain appearance. He met with Bill Morgan with the Planning Department and after meeting with him, they gave him until the end of March to get all the collection containers off the property. They were supposed to have that completed yesterday, but they had some personnel problems; however, by the end of this day, the containers will be removed from the lot.

Mr. Riley said if he could not use the property he is currently leasing from the City, it would be a hardship on his business because they need to store trailers and trucks close to the operation because of fuel and trucking costs. They employ eight people; four of which are in that neighborhood. Several of the workers ride their bikes and walk to work. They recycle millions of pounds of material that would otherwise go to the landfill. He said, unfortunately,

his business is not a clean business; it is a messy business. Recyclables come in many different shapes and forms and they move ten to fifteen truckloads of materials every week. They do the best they can to keep it clean, but they can do better and are willing to put extra effort into doing that. Mr. Riley said he has addressed all the points that are in concern in (Exhibit B) his letter responding to Attorney Patterson's termination of lease letter. He would like to have the opportunity to get the lot to look the way Council wants it to look and would like the opportunity to keep it that way. He said the letter came to him as a surprise because he had met with City staff and he was making good strides getting to their goal. If they can get the lot presentable to where it is acceptable to Council, he would like the opportunity to keep it that way and to keep his business there. If they cannot meet that standard, then they could look for another location to move his business to.

Council Member Steve Brewer asked him if he paints in that facility. Mr. Riley replied he did not and there is a cabinet shop on the end of the building that rents from Van Groce and they do painting some there. Mr. Brewer said he personally feels that after looking at the lot and with the phone calls he has received, it was a mistake for the City to lease that lot. He felt that with the trucks and cargo containers parked there, it is not conducive to the neighborhood that is trying to revitalize itself across the street. Mr. Brewer said he has been by the site many times and each time he has seen stuff blown to the road. There has been no concern for the neighbors around the site.

Mr. Riley told Council to go by the site today and tomorrow and see if they still feel the same way about it. They will commit to picking up trash on a daily basis, and they will have moved all the storage containers by the end of the day. He said the trash is coming from the storage containers which will no longer be on the lot, so the trash situation will be minimal. They just spent \$2,000 in graveling that area to address the rut problems from the trucks, and he would be more than happy to look at planting some landscaping around it if that would improve the area.

Mr. Riley asked for an opportunity to get the lot up to standards and maintain that standard before terminating the lease.

Consider Ordinance Authorizing the Closing of Streets and Parking Places for Parades, Festivals, and Special Events – (Exhibit B)

Downtown Executive Director David Montgomery explained that the ordinance authorizes the closing of streets. He said as Council can recall we have had two proposed events over the next two to three months. Staff feels an ordinance authorizing the closing of streets for these types of events is the best way to handle this and then subsequent resolutions for the specific events will follow. The ordinance states that the City has general authority over parking and has the power to close any street according to N.C.G. S. §160A-296. The ordinance basically states that as long as the individual sponsoring the parade, festival, special event, receives a permit from the City Police Department, the City Council may temporarily close the streets for a stated period of time. Parking may be closed temporarily along those streets so that the event can occur. Once the City Council has closed the parking spaces for a specified period of time and signs are posted along the route giving notice that the parking spaces are so closed,

vehicles parked in violation of this ordinance are subject to be towed away at the owners' expense.

Council Member Brewer felt that we should have a policy in place that comes before the City Manager and Police Department and let them make the decision. City Manager Hegwer stated that staff is working on a policy to get that in place. If it is going to require the closing of streets, Council would make that decision. Attorney Patterson stated that currently Council closes streets for National Night Out and other functions by resolution so Council is aware and the public is given notice that the streets will be closed for a period of time. There are towns which delegate that responsibility down the line to staff members and have procedures in place to do that. This ordinance was put together because we have to close parking spaces by ordinance; this has the authorization for closing the parking spaces put into the same resolution with the street closing.

Attorney Patterson advised that Mr. Montgomery has a good start on a policy and will come forward in the future with a prepared policy.

Consider Resolution to Temporarily Close Portions of Steele Street in Support of Armed Forces Day – (Exhibit C)

Downtown Executive Director David Montgomery explained that the resolution temporarily closes portions of Steele Street in support of Armed Forces Day. This parade will be held on May 17, 2008 at 10 A.M. The streets will be closed between the hours of 8 A.M. and 11 A.M. There will be a rolling barricade so that as the end of the parade goes past an intersection, that intersection will become open.

Consider Resolution Temporarily Closing Several Streets and Parking Spaces in Support of Downtown Sanford Bike Race – (Exhibit D)

Downtown Executive Director David Montgomery explained that the resolution closes the streets for the bike race. The resolution states which streets will be closed. The streets will be closed a block from the actual bike route, but the parking issue will be only for those spaces within the route. If there is a car left over the night before in between the route and where it is closed off, those vehicles will be okay. Notices will be given 72 hours before the event. Mr. Montgomery said he would send a memo out to Downtown businesses and residents bordering the route, and signs will be posted on the parking signs on the actual posts. They have tried to address the concerns of where barricades will be placed to accommodate the First Baptist Church, Java Express, and the Sanford Antique Mall. The time to close the streets will be from 6 A.M. – 5 P.M. The race should end around 3:30 P.M. but the street department will need time to remove all the barricades. He has spoken with the Street Department so that the barricades will be removed from the Java Express and Antique Mall first. Mr. Montgomery has contacted Java Express and the Antique Mall by email, and they understand that this is an event that has a lot of potential. There will be signs stating which businesses are open.

Dr. Parker McConville thanked the City Council and staff for working on this. He said people will be able to move across the race course throughout the race. It is about a .7 mile loop and it will mainly be a pack. There may be some stragglers off the back, but the entire loop will not be filled with bicycles at any one time so people should be able to move freely even while

the race is going on to get to the shops. Dr. McConville said one company saw him on television and said they would like to donate to the race.

Closed Session

City Attorney Susan Patterson entertained a motion to go into closed session in accordance with N.C.G.S. 143.318.11(a)(3) to consult with an attorney employed by the public body in order to preserve the attorney-client privilege. So moved by Council Member Mike Stone and seconded by Council Member Steve Brewer, the motion carried unanimously.

Return to Regular Session and Adjournment

With no further business to come before the council, the meeting was adjourned on motion of Council Member Steve Brewer; seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK