

LAW AND FINANCE MEETING

Wednesday, July 15, 2009,
1:00 P.M.

The Law and Finance Committee met on Wednesday, July 15, 2009, at 1:00 P.M., in the Council Chambers at City Hall. The following people were present:

Law and Finance Committee:

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

Consider Ordinance to Erect Stop Signs Within the City of Sanford Chapter 36, Traffic Code of Ordinances – (Exhibit A)

General Services Manager Tim Shaw explained that the ordinance erects stop signs within the Carbonton Cove Subdivision located off Carbonton Road, developed by Terry Stewart.

Consider Resolution in Support of the Temporary Closure of a Portion of North Avenue for the Purpose of a Vacation Bible School “Fun Day” by East Sanford Baptist Church – (Exhibit B)

General Services Manager Tim Shaw advised that this resolution closes North Avenue from Third Street to Fourth Street for the purpose of a Vacation Bible School Fun Day for East Sanford Baptist Church on Saturday, July 18, 2009, between the hours of 8:00 a.m. and 3:00 p.m. Mr. Shaw needed a consensus of council members to temporarily close the street and the resolution would be ratified on Tuesday, July 21, since the notice was just received last Friday. City Council was in agreement to temporarily close the street.

Consider Resolution Accepting and Endorsing the Solid Waste Management Plan of 2009-2019 for Lee County – (Exhibit C)

Refuse Superintendent Larry Craig stated that in 1997, local governments were responsible for complying with General Statute 130A known as the Solid Waste Management Act of 1989. We were responsible for evaluating the adequacy of solid waste services to meet the local needs and to protect the human health and the environment. The original planning area consisted of Lee County, including the City of Sanford and the Town of Broadway. Our plans were submitted as a companion to the Lee County Plan. Mandatory updates to the plan are required every three years to correct any parts that have been found to be in error or unrealistic. This plan update is from July 1, 2009, through June 30, 2019, and is due to the Solid Waste Section in August. The update must be approved by each governmental entity prior to submission to the Solid Waste Section.

Consider Ordinance to Amend the City of Sanford Code of Ordinances Chapter 18, Fire Prevention and Protection and Chapter 8, Buildings and Building Regulations – (Exhibit D)

Fire Captain Ken Cotten explained that the ordinance amends the Code of Ordinances, Chapter 18, Fire Prevention and Protection and Chapter 8, Buildings and Building Regulations from where it reads in Chapter 18, Section 31, “All references to “*North Carolina State Building Code, Volume V, Fire Prevention*” and all references to “*Fire Prevention Code, NCSBC Volume V,*” shall be replaced with the “*International Fire Code with the North Carolina Amendments.*” This will bring us up to the current code that the State has adopted and with what we are out enforcing at this time. Mayor Olive asked if there were any significant changes. Captain Cotton replied just different chapter layouts, permitting, etc. In our current past ordinance that we have in place now, it does not address the permitting issue, but in the new code it does address where it makes it mandatory or optional. Most of the changes are just getting the verbiage to where we are under the current code. It would also allow us that anytime the state updates the code, which is every three years, staff would not have to come back before Council to change the City ordinance. Council Member Stone requested a list of the differences in what Council is voting for which will apply in the future, versus what we have now; basically, what are the significant changes so he can understand them a little better. Mayor Olive asked to give this list to all council members.

City Attorney Susan Patterson clarified that what we have in our current code was a reference to Volume 5 of the State Building Code. The state has now updated to a new version adopting the International Code. Mr. Cotten is trying to update all of the references from the outdated version to the current version.

Consider Request from Carol Chalmers Deese to Purchase Property Behind Fire Station #2 – (Exhibit D)

City Manager Hal Hegwer explained that Carol Chalmers Deese lives at 2240 Chalmers Drive, which is located behind Fire Station #2. She requested at the time of the rezoning of Fire Station #2, for the City to consider conveying a small parcel of property to them. Mr. Hegwer stated that Chief Barber and he talked about it and felt that at this time, it would be more useful to retain the property for Fire Station #2 for expansion in the future. He wanted Council to be aware of the request, and if Council is interested in conveying the property, to give staff some direction as to how to proceed. Staff recommends retaining the property.

Discussion Regarding Tethering Ordinance

City Attorney Susan Patterson explained that these ordinances are two examples of ordinances relating to tethering of dogs. Staff would like to know if council members are interested in pursuing this issue. Council Member Brewer brought this issue up in 2008. Staff has researched this issue for what other cities and towns have enacted. These two ordinances may not address everything that council might be interested in. Since Raleigh’s dog tethering ordinance became effective January 1, 2009, it brought more media attention to the issue. Council Member Taylor requested that this item be put on Law and Finance today for discussion. We do have a current ordinance that states you cannot have animals running at large and that animals have to be restrained by a leash or by some other method when off their property. We also have had some issues raised recently with areas of town that are interested in having restrictions on fencing. This would, like other towns that have looked at the issue, prohibit

tethering of animals. Both examples have sections similar to what other towns have enacted, such as not tethering an animal to an inanimate object for longer than three hours within a 24-hour time, or not tethering it longer than seven consecutive days when you are involved in an approved activity. The point is that many animal rights groups have said that tethering an animal tends to lead to make the animal more aggressive; however, when you have a rule that says they cannot run at large, people have to have an alternative. In larger towns, there are groups that will build a pen for a dog so that the owners do not have to bear the cost. Sanford does not have this yet, she believed.

Council Member Taylor said that if Council does pursue any type of language there needs to be a good balance because there are times when getting a dog out of a pen may require temporary tethering of the dog. He wanted it brought up for discussion by council as to whether we should pursue it.

Council Member McNeil questioned as to how staff would enforce this issue if enacted. City Manager Hegwer replied that we do not have a plan for this now because staff wanted to see if council was interested in pursuing this issue. If council wants to pursue it further, staff will look at cost, staffing, etc.

Council Member Stone said that he is concerned as to how we do what we are trying to accomplish. He felt that we should take baby steps in the process. Mr. Stone said, "How can we increase the quality of life for the animals without increasing a huge burden on the City all at one time?" He suggested starting out with requiring a long leash and not a short one because at least then that would be a better quality of life for the animal. We could see how this would affect us versus saying you cannot tether them at all.

City Manager Hegwer said that one concern that many councils that have considered on this issue is cost; what kind of cost would be placed on the property owner. You would need to give property owners a certain amount of time to build something to house the animal.

Mayor Pro Tem Martin felt it is not a hot topic now. He suggested contacting Carolina Animal Rescue and Adoption (CARA) to help with addressing this issue.

Council Member Brewer said you have to have a happy medium; we need to do something that will not place a burden on the property owner. Council Member Williams echoed Mr. Brewer's comments.

After lengthy discussion, it was a consensus of council to research this issue further.

Discussion Regarding Parking in Front Yards

Planner II Elizabeth Whitmore explained that on June 18, 2009, the Appearance Commission voted unanimously to make a recommendation to the City Council to start discussion about regulating parking in front yards. The Appearance Commission discussed the reasons why they believe this issue should be addressed. Some of the issues were: it would define a definite ingress and egress into a property and it would be safer; it is unattractive or aesthetically not pleasing; property devaluation; erosion problems, and also compacts the soil

and inhibits proper growth of plant materials, especially our trees. Depending upon where individuals park, it inhibits emergency access to the dwelling. Mrs. Whitmore said that she has driven around different areas and noticed that some people park right by their front door.

Mrs. Whitmore stated that the benefit in regulating parking for residents is that it would maintain the residential appearance of the front yards and protect the quality, vitality, and character of residential neighborhoods, by limiting the visual blight that can negatively affect these neighborhoods. The Appearance Commission has done some preliminary research and is asking direction as to where Council wants them to proceed from here.

Council Member Brewer asked if she knew other cities that have this enforced right now. Mrs. Whitmore replied yes; the City of Greensboro adopted an ordinance on July 15, 2008, and it takes effect today. The City of Monroe has an ordinance that was adopted on January 26, 2008, and became effective the same day. Rockhill has an ordinance that was modified May 31, 2008. Pineville has an ordinance that was adopted June 12, 2007, and became effective July 1, 2007. She has some emails from other people that say what you should and should not do. Mrs. Whitmore said that she spoke to the people in Greensboro yesterday.

Council Member Brewer said he agreed with her, but the problems he sees is that Council would be virtually regulating the aesthetic value of a home. There is a real sore spot with some individuals whether a Council should do that or not. He would love to see some of these other ordinances. He would like to see something done and also looked into further. It affects East Sanford more than West Sanford.

Mayor Olive added that somebody mentioned about a syndrome one time that if you leave a car parked on the side of the street and it is intact, it will stay there indefinitely. But as soon as one window is broken, all the windows will be broken and the tires will all be punctured; it just goes down like a rock. This seems to be the thinking of some people with whom she has spoken to and that once people start parking all over their front lawns, the neighborhood starts to deteriorate appreciably.

Mr. Brewer said that Mr. Martin and he have received several complaints about a house on Hawkins Avenue that has, at times, six to seven cars parked there and stay there in the front yard. He added that it all goes down to what you want your neighborhood and your city to look like; the fine line of it is do you govern that or how do you correct it. Mr. Brewer said he would like more information on this issue.

Mayor Olive asked for a consensus of Council if they want to continue exploring this issue. Council was in agreement. Mr. McNeil said he would like to know how they are regulating the parking on streets that are too narrow and you might have one to three cars in the family.

City Manager Hal Hegwer said that staff will look at this and bring it back to Council, because it raises a lot of issues that if you don't park there, where will you park? He would like to see how well it is received and enforced.

Council Member Brewer said that fifty years ago, homes were built for one car and now a family may have four to five cars. He would like to know how some of the cities looked at it to stop someone from just paving their front yard.

City Attorney Susan Patterson stated that she had done some preliminary research in this area. Attorney Patterson said that she has struggled with the actual authority of the town to go forward in this area because the statute that allows cities to regulate parking deals with on-street parking, parking in public vehicular areas, commercial parking lots, hospital facilities, and apartment houses or condominiums. The general parking regulation ordinance has no authority to regulate parking on private property. She asked some other city attorneys how they were addressing this issue, and the response was they rely on the general ordinance making power and that is basically where you have to define or prohibit things based on health, safety, and welfare; some put it in the aesthetics area, which is under design standards or in the zoning code. Some ordinances have said that you must park on a solid area and it can be no more than 30 percent of the yard that is defined as the front-yard line, or an area extended from the edge of the structure to the street. Most are put under design standards in a zoning area. Raleigh has not yet enacted an ordinance. She will get some information out to council regarding some research her paralegal has done on this issue.

Council Member Stone stated that he wondered if council could get a list of where the possible problems are in the City; he assumes it is in East Sanford and parts of the historic district. Once they know areas where the problems exist, they may be able to tackle it in a different way, such as going to the landlord.

It was decided to have more research done on this issue.

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

Other Business

Mayor Pro Tem Martin announced that as of this morning he officially withdrew his name from the 2009 running for the at-large seat on the City Council. He withdrew because of several reasons. For three years, he and his wife have rented a house in town. They purchased a place in Chatham County that they have been repairing and never thought this would be an issue. Since he filed, he has been hearing from a lot of friends and constituents that there is some uneasiness about it. He said that in no way, shape, form or fashion, has he ever, during his sixteen years, done anything wrong, ever lied to anybody, been mischievous, or under the table, and it concerns him that he has friends saying they like what he has done, but they are not sure if they go along with this owning a house in Chatham County. Mr. Martin said that he has always voted his conscience and listened to his constituents and has voted for and against everyone on this council. He stated that at no time has anyone from this council called him to say please stay here because I need your support. They would call and say please stay because you have the City at heart. Council has gotten more done in the last two years under City Manager Hal Hegwer's leadership. He is very proud of what has been accomplished in the City. Mr. Martin said he holds his seat very, very dear, and never took his responsibility lightly. He hopes and prays that whoever replaces him will have the same level of passion and desire to keep the City

moving forward, because if the City does not move forward, it will die. Mr. Martin added that he will be here through November.

Council Members praised Mr. Martin for the passion and professionalism he has shown and for the many contributions he has made during his sixteen years of service. They thanked him for his service to the City of Sanford.

Council Member Steve Brewer announced that an informational meeting will be held in the City Council Chambers on Thursday, July 16, at 7 p.m., for the overlay zoning district. The overlay zoning district will apply new standards for fencing. Mr. Brewer also announced that the City of Sanford has been designated as one of 93 Playful City USA Communities; there are five in North Carolina. He thanked Community Development Director Bob Bridwell for his hard work on this endeavor.

Council Member Olive announced that First Baptist Church will be sponsoring a Job Seekers program every Wednesday, between 8:30 a.m. and 10:30 a.m. They discuss how to prepare an updated short version of your resume, networking, and helping people find jobs. It has a spiritual base and encourages individuals to not lose the faith because they are temporarily out of jobs.

Adjournment

Having no further business to come before the Law & Finance Committee, the meeting was adjourned upon the motion of Council Member Steve Brewer; seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Respectfully submitted,

Cornelia P. Olive, Mayor

Bonnie D. White, City Clerk