

LAW AND FINANCE MEETING

Wednesday, August 26, 2009,
1:00 P.M.

The Law and Finance Committee met on Wednesday, August 26, 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 Steve Brewer
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
City Attorney Susan Patterson	City Staff
City Manager Hal Hegwer	

Absent:

Council Member Linwood Mann

Consider Presentation from George Strader from the NC Wildlife Commission

George Strader, District Biologist with the North Carolina Wildlife Resources Commission, said that he covers the eleven counties in District 5, Northern Piedmont. He advised that we have plenty of deer as residents have noticed. The regulations have progressed over the years to address the deer population. Their primary tool to manage the deer population is hunting. We have a very long hunting season and very liberal bag limits. If you want to address an overabundance of deer you harvest the doe deer. Their regulations have progressed over the years to encourage hunters to do this to keep the population in check. Where hunting is used on a regional basis, the deer population has actually stabilized and in some places, has decreased. He has people calling him saying they do not see as many deer as they used to years ago; this is in predominantly rural areas where hunting is more accepted and more practical. Where there are problems and where the deer population continues to increase is in urban areas. Hunting on a wide scale is not practical.

He gets a lot of calls from people who complain about deer eating gardens and landscape plantings, deer vehicle collisions, ticks, diseases, etc. When people contact him, he gives them all the available options that are practical. If hunting is an option where they are, he always stresses to them to consider it. If hunting is not practical, then you are looking at non-lethal controls, which are repellants, installation of fences, planting things that are less desirable for deer to eat; however, when deer get hungry they will eat anything.

Mr. Strader explained that three years ago, at the request of a couple of towns, they initiated an urban archery season. The first year, there were two to three towns that participated, and this year, there are going to be sixteen towns to participate; Pittsboro will be the closest here. It is on a voluntary basis. Cities can elect to participate by submitting a letter to the Wildlife Commission by April 1 of the year preceding the hunt. It is just a letter stating that they want to participate in the urban archery season and a map needs to be submitted showing the city limits

and what portion of the city that hunting is going to take place; this is an archery season only. It occurs in the January and February time frame. It is thought that if people were having problems with deer, they would have a much easier time getting people to participate because there is no other hunting going on that time of year. Requirements from hunters are they must purchase a hunting license; they required them to register to kill. All the other aspects of the hunt are controlled by the town itself; the town can put whatever restrictions on it and can allow it wherever they want to, whether it is public land or private land. Some towns are getting assistance from the North Carolina Bow Hunter's Association to come in and do this. The NC Bow Hunter's Association has a certification program where members go through rigorous training. Once they complete the training, they are covered by a \$1 million liability insurance coverage per member and currently, there are 120 members who have been certified. They are helping some towns that want to participate in this season. This is the third year they have held the urban archery season and it is too early to tell if it is going to have an impact. How successful the program will be depends on how much effort is put into it and what restrictions are put upon it.

Mayor Olive asked what is the usual hunting season? Mr. Strader replied that archery season comes in mid-September and stays in until mid-November. There is a week of muzzle loader season and then you have gun season that comes in through December. When they pass a regulation, hunting is allowed throughout the season. Towns do not have to wait for this urban archery season if they want to initiate some type of deer population control. Most towns do have restrictions against discharging bow and arrows and firearms, and if these are in place, then this will have to be addressed.

Mayor Pro Tem Martin asked if there has been any negativity from towns that are participating. He replied that he has not received any negative feedback. The towns that have started originally are still doing the program. He said that once a town submits a letter to request to participate in the season, their name and contact information is placed in their regulations digest. Once a town decides to participate, they assume you want to participate each year, so they automatically renew the town each year. If the town wants to withdraw from the program, then a letter needs to be submitted stating that fact. Mayor Olive asked if there have been any complaints about small animals getting shot by bow and arrows. Mr. Strader replied no and that bow hunting is one of the safest sports.

Council Member Stone asked if there is anything we can look at in our region to expand doe day or gun season. Mr. Strader said that this has been suggested before and a proposal went to their public hearing process last year. The Legislature received ten letters challenging this so it is on hold until the Legislature meets. There is difference in opinions as far as whether this would be effective. A lot of data from other states indicate that it is a matter of hunter participation. There is some thinking that because we have a fairly long season, hunters will put it off and go at the last minute. The states that harvest the most deer are the ones that have the shortest gun season. Mr. Stone asked with a license, how many tags do you get? Mr. Strader replied that when you buy your license, you get six tags, but you can go back and get two additional antler tags; there is no limit you can get. These have been free for the past two years; however, there is a charge of \$10 for two additional tags. There is no bag limit on the number

of doe deer that can be taken during the season because you can go back and get as many tags as you want. You need to harvest the doe deer if you have an over abundance of deer.

Attorney Patterson asked for clarification, if you have to have written permission to hunt on another person's land. Mr. Strader replied that it is a state requirement that you have to have written permission on posted property. He added that ethically, you should always ask for permission to hunt on someone's property.

Mr. McNeil asked if the cities that are participating in the urban archery season, if they are densely populated and what cities are participating. He replied that in his district are Stokesdale and Summerfield, which are less densely populated. Pittsboro is the largest that has signed up in his district so far.

Council Member Taylor added that he pulled some data on line and Elkin had the largest harvest last year with 44 deer; Summerfield had 16, and Morganton had 13. Two towns in Guilford County accounted for 26 deer. He presented council members with some information (Exhibit A) on the pros and cons of urban archery.

Consider Resolution Authorizing the Advertisement of a Public Auction and an Electronic Auction to Sell Certain Personal Property of the City of Sanford – (Exhibit B)

Shop Superintendent Randy Paschal advised that the resolution authorizes the advertisement of a public auction and an electronic auction to be held on Saturday, September 26, 2009, beginning at 9 A.M. There will be some items with a reserve amount on them. If they do not bring the reserve price, then they will be put on GovDeals.

Consider Resolution Declaring the Intention of the City Council to Consider the Closing of an Alley Adjacent to 505 Greensboro Avenue - (Exhibit C)

Administrative Services Coordinator Angela Baker explained that a petition has been received from Tim Knowles at 505 Greensboro Avenue to close an unopened alley adjacent to his property. He would like to make some improvements to his property and may need that footage to meet setback requirements. Council Member Stone asked if the City is maintaining that property. Mrs. Baker replied no.

Consider Ordinance Amending the Annual Operating Budget for Fiscal Year 2009-2010 – (Exhibit D)

Financial Services Director Melissa Cardinali explained the amendment in detail. She said that Council approved fingerprint I.D. equipment for the Police Department. At that time, we anticipated receiving a partial grant for that equipment. We did not have any grant award letter at that time, so in the budget it reflected that the City would pay for that equipment. The \$25,547 reflects the grant that we received. Instead of receiving \$15,000 we received \$25,547 and we believe this will pay for the fingerprint equipment. Therefore, we need to put the \$25,547 back into the Contingency Funds.

The Police Department received \$87,988 in grant funds from the 2009 JAG Recovery Grant. These funds are to be split between the City and the County. The City will receive \$58,658 to purchase four Mobile Data Terminals and the County of Lee will receive \$29,330.

The Police Department was awarded a grant for four officers for three years. The \$216,954 reflects one year's funding which is for salaries and benefits.

We are transferring \$68,000 from the Contingency Fund to the Police Department. An appropriation of \$60,000 will be needed to equip (guns, uniforms, vest, etc.) the four new officers. The balance of \$8,000 is additional funds required for police separation allowance. The actuary came back \$8,000 higher than what staff budgeted.

Consider Supplemental Agreement with CSX Transportation to Allow Construction of Right-of-Way for Sanitary Sewer for Christian Provisions Ministry – (Exhibit E)

City Engineer Paul Weeks stated that Christian Provision Ministry is in the process of constructing a new facility on Courtland Drive. One of the components is that they need sanitary sewer service. In order to get sanitary sewer to the site, it needs to cross underneath the CSX Railroad. Back in 2005, the City approved an agreement with CSX so that we would have an encroachment agreement to allow that crossing. However, just recently Christian Provisions Ministry hired a contractor and the contractor discovered rock at the point of crossing which would add to the costs. The contractor wants to move the crossing approximately 80 feet away and that necessitated the supplemental agreement. This supplemental agreement is between the City of Sanford and CSX to allow for the crossing to service Christian Provisions Ministry.

Discuss Lighting Around City Hall

City Manager Hal Hegwer explained that in last year's budget there were funds budgeted to accommodate additional lighting around City Hall. There are a lot of people that walk around City Hall because they feel it is a safe and nice place to walk and exercise. The project was frozen during the budget process because there was concern about funding. This project was not funded this year; however, there have been several requests from council members about moving forward with this project this year. The estimated cost is \$20,000 to add additional lighting around the building and adjacent parking lots. The work would be performed by Progress Energy and they would own and maintain the lights.

The bollard lighting system that we have now is thirty years old and we have a difficult time finding replacement parts and lights. The \$20,000 would come out of the Contingency Fund.

General Services Manager Tim Shaw added that a design was done in 2008 and we will need to get Progress Energy to revisit the design. They would have a contractor to do all the installation. The City may assist them somewhat in reseeding the lawn or help them with boring under the sidewalk. We are looking at placement of a couple of park benches and trashcans.

City Manager Hal Hegwer explained that a budget ordinance amendment would be placed on Council's agenda for Tuesday night.

Development Report – (Exhibit F)

Community Development Director Bob Bridwell reviewed the development report contained in Exhibit F.

Discussion of Law Regarding Sex Offenders Access to Depot Park

Council Member Taylor advised that Mayor Pro Tem Martin and he have received several calls on this issue. He said that in light of the article that was in the newspaper, a lot of questions have been brought up about whether Depot Park and the Montessori School are covered in protecting kids from sex offenders. In the 2007 Legislative Session, there was HB 933 that was ratified by the government that made provisions in Section 14-27.2A. Mr. Taylor stated that it read that a person is guilty of rape of a child if the person is at least 18 years of age and engages in the sexual act; a person convicted of violating the policy is guilty of a Class B1 felony and shall be sentenced pursuant to Article 81B of Chapter 15A of the General Statutes, except that in no case shall the person receive an active punishment of less than 300 months. It states in Section 14-208.18 (2) On the premises of any place intended primarily for the use, care, or supervision of minors, including, but not limited to schools, children's museums, child care centers, nurseries, and playgrounds; (2) Within 300 feet of any location intended primarily for the use, care, or supervision of minors. Mr. Taylor said it is very disconcerting. The Town of Woodfin put an ordinance in place and it has been challenged, (Stanley vs. the Town of Woodfin). The North Carolina Court of Appeals held the ordinance promoted the general welfare and safety of Woodfin citizens, thus, the prohibition was within the town's delegated police power. Attorney Patterson advised that since that time, the Legislature has approved the Jessica Lunsford Act prohibiting sexual offenders from frequenting places that are primarily developed for the use, care, education of children.

Mr. Taylor said he wanted to share the information with the council members and make sure we protect our environment for our kids.

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

Other Business

Mayor Pro Tem Martin asked if we could get an update from the Department of Transportation (D.O.T.) on when Hawkins Avenue might be paved. Public Works Director Vic Czar will check into this issue.

Council Member Taylor stated that Fire Department Battalion Commander Scott Knuth was recognized by the U. S. Air Force for receiving the Senior Fire Officer of the Year by the U.S. Air Force Reserve Command.

Mr. Taylor advised that tomorrow afternoon is the United Way Kickoff at Depot Park and the old parking meters that will be placed around town for donations.

Mr. Taylor asked that everyone remember the spaghetti supper fundraiser for Police Officer Scott Johnson will be held this Saturday, at Mrs. Wenger's Restaurant.

Mayor Olive congratulated the Communities in Schools for the wonderful turnout and performance at the Civic Center Friday night. The Dancing with the Stars event raised a considerable amount of money.

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Adjournment

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

Respectfully submitted,

Cornelia P. Olive, Mayor

Bonnie D. White, City Clerk