

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 Wednesday, October 28, 2009, at 1:00 P.M. The following people were present:

Mayor Cornelia P. Olive	Council Member Linwood S. Mann, Sr.
Council Member Charles Taylor	Council Member Walter H. McNeil, Jr.
Council Member Mike Stone	Council Member Steve Brewer
City Manager Hal Hegwer	Mayor Pro Tem Joe Martin
City Attorney Susan C. Patterson	Council Member James G. Williams
Deputy City Clerk Janice Cox	

Absent: City Clerk Bonnie White

Mayor Olive called the meeting to order. Council Member Mike Stone delivered the invocation.

PUBLIC COMMENT-(Exhibit A)

Keith Clark of 233 Chris Cole Road spoke on council performance. He said he would soon be announcing his Sanford city address as he would be moving into Council Member Taylor's district. He commented on the Spring Lake Police Department situation and some child abuse situations that he said were not handled properly and two young boys died. He said that their Police Chief was hired by Mr. Hegwer. He said there was no evidence of supervision of that police chief in the records at Spring Lake. He commented on the hiring of City Manager Hal Hegwer, asking Council who vetted him. He said there was no record of meetings of the council dealing with such things as what they wanted a manager to be like and what they wanted to accomplish in ten years. In a similar pattern, he says he does not see any supervision of the Police Chief in Sanford. He said he had copies of written communication between the City Manager and the Police Chief, and all of it was addressed to all Department Heads. He said he could not find out where the decisions were made about this process by which the city manager was vetted; where the applications came; and who wrote it. He said he thinks it needs to be looked into so the mistake is not made again.

APPROVAL OF AGENDA

City Manager Hal Hegwer asked to add to the Consent Agenda the approval of minutes from the October 6, 2009, Council Meeting as they need to be approved prior to a bank loan closing. The minutes were faxed to council members prior to the meeting. The amended agenda was unanimously approved upon motion of Council Member Steve Brewer and seconded by Council Member Walter McNeil.

CONSENT AGENDA

Approval of Minutes of the October 6, 2009 City Council Meeting

The Consent Agenda was unanimously approved upon motion of Council Member Linwood Mann and seconded by Council Member James Williams.

SPECIAL AGENDA

CASES FOR PUBLIC HEARING

DECISIONS ON PUBLIC HEARINGS

Petition by Van Groce, Sr. and Van Groce, Jr. of 1508 Horner Blvd, LLC - to rezone 3.41+/- acres at 488 Commerce Drive from Light Industrial (LI) District to Office & Institutional (O&I) District. The property is the same as depicted on Lee County Tax Map 9660.01, Tax Parcel 9660-18-8829 Lee County Land Records. The property is also all of Lot 8 of the "Southpark Subdivision" recorded in Plat Cabinet 9, Slide 45G, Lee County Registry of Deeds. – (Exhibit B)

Assistant Director of Community Development Marshall Downey explained that this rezoning request is a unanimous recommendation from the Planning Board. This was the site of the Charter School which is no longer in operation there. The applicant is requesting the rezoning to maximize flexibility, basically, to allow similar uses such as daycare and offices.

- Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit C)

Council Member Mike Stone made the motion to approve the petition to rezone from Light Industrial (LI) District to Office & Institutional (O&I) District 3.41± acres at 488 Commerce Drive. Seconded by Council Member Steve Brewer, the motion passed unanimously.

Petition by John C. Daniel III of White Dog Properties, Inc. - to rezone 0.32+/- acres at 115 S Horner Blvd from General Commercial (C-2) District to Central Business (CBD) District. The property is the same as depicted on Lee County Tax Map 9642.07, Tax Parcel 9642-69-4603 Lee County Land Records. The property is also all of the 0.3156 acre lot as illustrated on the "Survey for Roy E. Mashburn" recorded in Plat Cabinet 1, Slide 386, Lee County Registry of Deeds. – (Exhibit D)

Assistant Director of Community Development Marshall Downey explained that this property is at the corner of Carthage and Horner Boulevard. This is the only piece of property currently on that side of Horner Boulevard that is not CBD Zoning. The Planning Board recommended making this change as it is in conformity with the comprehensive plan.

- Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit E)

Council Member Linwood Mann made the motion to approve the petition to rezone 0.32± acres at 115 S. Horner Boulevard from General Commercial (C-2) District to Central Business (CBD) District. Seconded by Council Member Walter McNeil, the motion passed unanimously.

REGULAR AGENDA

Consider Resolution Endorsing the Reality Check Guiding Principles for Quality Growth – (Exhibit F)

Community Development Director Bob Bridwell explained that this was submitted to us in consideration of a long-term effort that is taking place within Triangle J Council of Governments. They are asking for our consideration of adopting the same principles that they will be working on in this effort. The three basic ones included in this resolution are transit, vibrant centers, and sustained green space. These principles are the ones they are hoping will guide, not only the growth in the Triangle area, but also in the local participating areas, as well. Mr. Bridwell stated that all three of these principles are consistent with adopted plans and policies that the City Council has been operating on and continues to operate on. Mr. Bridwell reviewed the three principles:

- 1) Transit—Improve regional transit; match land use decisions with transit investments. Mr. Bridwell stated that this is consistent with our work on the Comprehensive Transportation Plan and our Land Use strategies, as well.
- 2) Vibrant Centers—Reinvest in city and town centers, promote compact development, density, and mixed use, including a balance of jobs and housing. Mr. Bridwell explained that there is a consideration of making sure that our town centers are consolidated, that the growth areas are not spread all over the countryside, and they contribute to the sound urban development quality and sustainability.
- 3) Green Space—Define appropriate growth and preservation areas to protect open space, agricultural land, and natural resources, especially water supply and quality. Mr. Bridwell stated that this is also consistent with our Open Space and Recreation plan as we try to reserve open space areas in a rapidly urbanizing county here in Lee.

Mr. Bridwell explained that these are the policies or principles they are asking us to adopt in our resolution as they proceed with the study. Council Member Taylor pointed out that he had had the pleasure of working with some of these individuals on past Triangle J projects, and he lends his support to this effort.

Mayor Olive asked Mr. Bridwell why he thought there had not been more residential development downtown on the second floors of buildings. Mr. Bridwell said he thought it was a matter of timing, and he was confident it was coming. Mayor Pro Tem Martin stated that Council had previously looked at a pilot program that Concord and some other areas were trying. One concern heard was the restraints that property owners were being placed under because it was so cost ineffective to go in and rehabilitate these areas to residential because of the codes. Mr. Martin asked if we were looking at making this more affordable. Mr. Bridwell stated that those pilot programs have since been adopted and are part of the building code, so he feels some of those obstacles have been overcome. Mr. Bridwell stated that one thing they found was that in the design process, some of the designers had not gone back and done their own research in order to come up with plans to make those things work. He stated that we have adopted a policy that tries to capture those designers early in the process before they go to the expense of doing the plans, and consult with them on things to try. Right now, Mr. Bridwell thinks it is more

economics. Mr. Martin said that maybe this is an area we can market to property owners in downtown before we get too far into the process to see if it is doable. Mayor Olive said that two concerns from the beginning were parking and garbage collection. She asked Director of Downtown David Montgomery what people were doing in other communities.

Mr. Montgomery responded that they are doing shared parking—public parking during the daytime and those spaces would be available to tenants at night. He stated that this year DSI is offering an architectural services grant. He stated that sometimes people come in knowing what they want, but then their plans may not correspond with building inspections and fire inspections after they have put a lot of money and thought into it. This program offers a grant up front to hire a professional to come in and tackle some of those issues. Mr. Montgomery stated that he believes the biggest issue right now is economics.

Mayor Olive asked if we had received any guidelines from other cities that have found this successful. Mr. Montgomery said that we have, and the grant they offer is based on what some other communities are doing. Mayor Pro Tem Martin commented on the difference apartment and studio living has done for Wilmington, North Carolina. Mr. Bridwell stated that the market makes decisions for people. He noted that the Downtown Plan that is about to be brought before council will address some of those areas.

Mayor Pro Tem Martin made the motion to approve the Resolution Endorsing the Reality Check Guiding Principles for Quality Growth. Seconded by Council Member Charles Taylor, the motion passed unanimously.

Consider Award of Work for East Sanford Survey for Nomination to the National Register of Historic Places (Discussion Only) – (Exhibit G)

Planner II Liz Whitmore stated that this past summer, the City was awarded a grant from the State Historic Preservation Office to conduct a survey of the East Sanford area for nomination to the National Register of Historic Places. Two proposals have been received on time and within guidelines of the grant. One was from Laura Phillips, located in Winston-Salem, North Carolina, and the other was from Gray and Pape, Inc. of Richmond, Virginia. Staff recommends that Council accept the proposal from Laura Phillips due to the fact that she has conducted eighty-five National Register surveys in the state of North Carolina. The State Historic Preservation Office stresses the importance of someone having the knowledge to go through the labyrinth of the State Historic Preservation Office so items do not get kicked back for inadequate submittals. Ms. Phillips has worked extensively with the State Historic Preservation Office. All three of her references gave glowing reports, especially to her involvement involving the stake holders of the area. Hers is a North Carolina based business while Gray and Pape is a Virginia based business.

Council Member Stone asked the difference in price of the two proposals. Mrs. Whitmore deferred to Community Development Director Bob Bridwell. Mr. Bridwell said there was a difference in price, but they went with the very experienced individual with a strong track record, anticipated to be very successful with this project. That is why the recommendation was to go with the higher of the two. The price for Ms. Phillips was \$16,500 and Gray and Pape was \$13,740. There is a 60/40 split for the city. The difference for the city is \$1,100.

City Manager Hal Hegwer stated that this item was slated only for discussion today and does not have to be voted upon. If Council would like additional information or time to think about it, it could be voted on later. Mayor Olive asked if the references of Gray and Pape had been checked. Mrs. Whitmore said that they had and that Gray and Pape had conducted one cultural survey for NCDOT, but the phone number for the reference had been disconnected. Mrs. Whitmore called the other reference who never returned her call.

Council Member Mike Stone said he would like to go ahead and approve this proposal to get the project moving because he feels East Sanford has been way behind, and he does not want to wait. Council Member Mike Stone made the motion to approve the Award of Work for East Sanford Survey for Nomination to the National Register of Historic Places to Laura Phillips of Winston-Salem, North Carolina. (Mayor Pro Tem Martin stated that he appreciates staff getting the background and their recommendation shows that we are not taking this lightly. He appreciates staff coming before the Board saying that it is a little bit higher, but will be worth it. He agrees.) Seconded by Council Member Steve Brewer, the motion passed unanimously.

Consider Resolution in Support of the Temporary Closure of Portions of Several Streets for the Sanford Area Chamber of Commerce 2009 Christmas Parade – (Exhibit H)

Street Superintendent Magda Holloway explained that this is a request from the Sanford Area Chamber of Commerce for temporary closure of portions of several city-maintained streets in Sanford for the 2009 Christmas parade. A request has been submitted to NCDOT for the state-maintained streets. The parade is scheduled for Sunday, November 22 and the streets should be closed between 2:00 P.M. and 7:00 P.M.

Council Member Linwood Mann made the motion to approve the Resolution in Support of the Temporary Closure of Portions of Several Streets for the Sanford Area Chamber of Commerce 2009 Christmas Parade. Seconded by Council Member James William, the motion passed unanimously.

Consider Urban Archery Season – (Exhibit I)

City Manager Hal Hegwer stated that George Strater, a wildlife biologist for the North Carolina Wildlife Resources Commission had spoken to Council earlier about deer population and the types of things that cities could do. There is an Urban Archery Season which is an additional season that is allowed. Currently, there is a Bow and Arrow Season allowed from September 12 to October 9. The Urban Archery Season is from January 9 to February 13. In order to participate in this season, City would need to notify the Wildlife Resources Commission office of its intent to do so by April of 2010, so we could be included in the 2011 season. It is too late for this year. Currently, by city's ordinances, in the city, there is nothing prohibiting hunting with a bow and arrow. Citizens do have access to the Bow and Arrow Season. Today we are looking at whether we want to have an additional season, and that season can be regulated by the City in any way we want, such as distances from homes in which someone could operate archery or acreage that would be necessary. He cited Pittsboro as an example. They have a program of nine pages of regulations. He stated that Council could decide whether or not they want to move forward with this if they feel it is necessary. Mr. Hegwer said we had not had a lot of interaction with the community on this. Now, he feels we might get some feedback.

Mayor Olive said she had had a lot of comment about it from people who had spent a lot of money on landscaping, particularly in West Lake having problems with deer eating their landscaping. She asked if it would be appropriate to have a public hearing to let people come in and help to craft what they want. Mr. Hegwer stated that, today, he needs a consensus of council to know if they want to move ahead with this. It will take a little time to get feedback and to create some regulations we feel comfortable with for us and for the citizens. Mayor Pro Tem Martin stated that he has heard from a number of people who support it. He said that it had helped him to hear the Wildlife Commission representative tell Council that in all the years they have had the Urban Archery program and all the municipalities involved, they have never had a problem. He said it could be a big help to the people who have problems with the deer. He said he is ready to move forward with it. Council Member Charles Taylor stated that he had contacted some municipalities who have the Urban Archery program, and the feedback he got was that they wished they had started participating sooner. He thought a public hearing would be a great avenue. Council Member Steve Brewer agreed with Council Members Taylor and Martin. He thought Council should decide which direction it wants to go as a board and have it down in draft form so people can see what is being talked about before the public hearing. Council Member McNeil stated that he would support a public hearing to find out what the public really wants. He stated concerns about using bow and arrows close to people on their property.

City Attorney Susan Patterson stated that there is special legislation that already exists for Lee County with some restrictions on hunting. One is that you cannot hunt from any public right of way with any sort of weapon. The City of Sanford also has an ordinance that says that you cannot discharge a firearm in the city limits. There is a specific statute that applies to Lee County that says you cannot hunt with any weapon on the land of another unless you have written permission dated within a year with you.

Council Member Stone stated that he thought Council would get a lot of information out of the public hearing. He stated that the problem is overpopulation of deer and that Harnett County has a month longer hunting season than Lee County. He suggested making our gun season a month longer.

City Manager Hegwer stated that some research would be done and a public hearing scheduled.

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

OTHER BUSINESS

Council Member Linwood Mann said he did not think it was realistic to think that approach to the deer overpopulation would solve the problem. He thinks the dangers outweigh the benefits.

Council Member Stone thanked the family on Third Street for cleaning the area. He apologized for any misinformation that had gotten out about the city tearing down the warehouses.

Council Member Brewer said he had gotten a call about pre-Halloween Christmas decorations in Downtown Sanford. He explained that Downtown Sanford merchants asked Downtown Sanford Incorporated (DSI) to ask the City to put up these decorations because the Downtown merchants are having an open house on Sunday, November 1, for the holiday coming up and they are trying some new things to see what works for them. That is the reason the City put up the Christmas decorations.

Council Member Taylor thanked staff who worked on Fifth Street, bringing the ditch into a more desirable appearance. He also expressed appreciation for the work on Olde Towne and Charleston Place intersection. He reported seeing Greenway signs posted in Greensboro and inquired if Sanford could post some to indicate where the Greenway would run. He asked if police staff would be increased for Halloween. He asked people to be careful driving through neighborhoods on Halloween night due to heavy trick or treating.

Mayor Olive mentioned the No Scare Fair at the Steven Center on Halloween.

Mayor Olive asked about the status of our signs welcoming people to Sanford. Planner II Liz Whitmore explained that it was her understanding that there was one selected and they were waiting for money to come in. Once landscaping is done, engineer drawings can be submitted to DOT. Mayor Olive asked about going ahead starting on the one at US1/421 Bypass. Ms. Whitmore stated that a retrofit had been provided for the lettering on that sign and that a bid could be asked for. Ms. Whitmore said she was not aware that money was available for that.

City Manager Hegwer stated that they could get some information together on that and bring it back to the next Law and Finance Committee meeting. He also announced meeting changes due to Election Day and Veteran's Day. The next council meeting will be on Tuesday, November 10 at 1:00 P.M. A Law and Finance Committee meeting will be held immediately following the council meeting.

ADJOURNMENT

With no further business to come before the council, the meeting was adjourned on motion of Council Member Linwood Mann; seconded by Council Member Walter McNeil, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

JANICE COX, DEPUTY CITY CLERK