LAW AND FINANCE COMMITTEE MEETING
Wednesday, September 29, 2010
1:00 P.M. Council Chambers

The Law and Finance Committee met on Wednesday, September 29, 2010, 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
Mayor Pro Tem Mike Stone
Council Member Charles Taylor
City Manager Hal Hegwer
City Attorney Susan Patterson
Deputy City Clerk Janice Cox
Council Member Samuel Gaskins
Council Member James Williams
Council Member L. I. (Poly) Cohen
Council Member Walter McNeil
Council Member Linwood Mann

Absent:

City Clerk Bonnie White

Mayor Cornelia Olive called the meeting to order.

Consider approval of Residential Anti-Displacement and Relocation Assistance Plan for the Haven Complex Project #09-R-1077 (Exhibit A)

Community Development Manager Karen Kennedy requested council to approve this policy in order to comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974. Mrs. Kennedy stated that the city has been monitored by the state for the Haven Project, and they asked that city adopt this policy as standard procedure for the federal funds that were received. Although they understood that this project would not have any relocation in it or residential assistance, it is a formality and must be adopted anyway. This policy states that the City of Sanford will replace all occupied and vacant occupiable very-low or low-income dwelling units demolished or converted to a use other than low/moderate-income housing as a result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(b)(1). Consistent with the goals and objectives of the City of Sanford's Community Development program and the Housing and Community Development Act of 1974, the policy details how the City of Sanford will minimize displacement of persons in every possible case. All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obliging or expending funds that will directly result in such demolition or conversion, the policy contains a list of information the city must make public and submit to DCA.

Consideration of the East Sanford Historic District for listing in the National Register of Historic Places (Exhibit B)

Historic Preservation Planner II Liz Whitmore presented council with a proposed nomination for placing East Sanford Historic District for listing in the National Register of Historic Places. This will not require any local oversight and it is a voluntary program in which

property owners choose whether or not to participate. Federal and state guidelines require that the certified local government participate in the nominating process of national districts. The Historic Preservation Commission has reviewed the nomination, discussed it, and concluded that it does meet the criteria for nomination to the National Register. The Historic Preservation Commission signed off on the nomination on September 27, 2010. Mrs. Whitmore noted that public comment meetings are required during this process. A kick-off meeting was held on December 7, 2009, and a public comment period on September 28, 2010. Six people attended the kick-off meeting and three attended the public comment period. All nine support the nomination. The public comment session was advertised in the *Sanford Herald* on August 13, 2010, and all residents and property owners were notified by letter of both public meetings. Council packets contain the document that must be signed by the city's chief elected official indicating the nomination meets or does not meet the criteria for listing in the National Register. The criteria are given in Section 8 of the nomination package on Page 6 of the agenda packet. The statement of significance states that the property embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic values; or represents a significant and distinguishable entity whose components lack individual distinction. According to the surveyor, this area does meet that criteria.

Mrs. Whitmore identified the specific area as located just east of Sanford's historic downtown and bounded roughly by Charlotte Avenue, Goldsboro Avenue, South Second Street and South Eighth Street. The period of significance is 1894-1960. This district contains 216 resources: 127 primary and 89 secondary. Of the total resources, 206 are buildings, nine are structures, and one is a site. Ninety-Five percent of the primary buildings are residential. The other 5 percent include one school, one ballpark, two churches, and one commercial building. Most of the secondary resources are garages and sheds, and there are nine carports. The district also contains fifteen vacant lots and one parking lot. The district covers approximately sixty-eight acres and encompasses all or part of twenty-five blocks. Its streets, blocks, and lots follow a grid plan that dates primarily from land surveys concluded during the 1890s. Further details, pictures, and map are contained in Exhibit B.

The nomination is scheduled for presentation to the North Carolina Register Advisory Council on October 14, 2010. After it is reviewed by the Advisory Council, they have fifteen days to forward it to the Park Service, who then have forty-five days to review it and render their final decision. Mrs. Whitmore stated that this nomination needs to be acted on by council at its next meeting, so the material may be forwarded on time to the Advisory Council. If that deadline is not met, the next Advisory Council meeting is in January. Mayor Olive asked when we knew what the deadline was. Mrs. Whitmore stated that she was informed by the state about two weeks ago. City Manager Hegwer stated that if we miss this deadline, we could just meet the next one. Mr. Hegwer asked Mrs. Whitmore to explain some of the benefits of this designation. Mrs. Whitmore stated that they would like to see some revitalization in that area, and there is a process through which tax credits are available which is an incentive for people to revitalize and repair some of the beautiful, old historic homes in that neighborhood.

Mayor Pro Tem Stone pointed out that this is voluntary program with no restrictions on anyone in East Sanford. If they want the credits, they apply.

Discussion regarding the Installation of Railroad Crossing Gates by the Department of Transportation (Exhibit C)

City Engineer Paul Weeks stated that A&W Railroad Crossing #864-818H, as shown on Exhibit C Map, has come up for having crossing arms installed. A letter from DOT indicated that, based on a statewide review of all crossings, this particular one has risen to the level at which they think it might require some additional treatment, and we were asked if we wanted to participate. Mr. Weeks has talked to DOT engineers, and apparently the reason that crossing has risen to that level is because of the geometry of the crossing. It is not a perpendicular crossing; it is somewhat skewed and there are some sight-distance concerns. A&W Railroad has been informed about this, and they would perform the actual design work. Council Members discussed in detail whether crossing arms were needed at that location at this time. In the process, the city would sign an agreement with NCDOT whereby the city would be responsible for 10 percent of construction costs (estimated at $20,000) and 50 percent of maintenance (estimated at $1,500 per year) going forward. A&W Railroad would do the design work. Council can say no upfront before any process begins or after the design work is completed. If the city opts out after the design work is done, the city would be responsible for paying 100 percent of the engineering fees for that work up to that point.

Council discussion included Mayor Pro Tem Stone's concerns that the fees could change. He confirmed that if we just said no ahead of time, the city would not be required to pay any fees. He stated that funding for this project was a low priority for him. City Attorney Patterson stated there is potential liability if DOT says they recommended crossing arms for this area and the locality did not go along with it. Council Member Cohen stated that with the current traffic, he does not think Sanford needs the cross arms. He states that there are usually only three switches a week. Plus, there would be a problem of the cross arms malfunctioning. He stated that only two or three cars ever get stopped by the train and that is only for less than a minute.

The meeting was interrupted briefly for a fire alarm.

Once the all-safe signal was given, the meeting resumed following the fire alarm. Council Member McNeil asked about other alternatives to the crossing arms. Mr. Weeks stated that DOT will study it and make a determination; however, when city raised questions, they sent some crews out to look at that particular crossing, and they are still of the opinion that arms will be required there. They have not made their final decision yet.

Mayor Olive asked if that intersection had changed in character in any way since the crossing had been all right for ninety years. Mr. Weeks stated they did not inform him of that. He added that in ranking sites to be repaired, rehabilitated, or in some way worked on, the easy ones and the ones people see most get done first. Then you get to the bottom of the list. Mayor Olive stated that if selection was based on priorities, it would seem that upgrading the bridge over South Horner Boulevard would certainly be far ahead on the list. She stated that might be more expensive, but it affects thousands and thousands more people. Mr. Weeks stated that this is a different program altogether—it is just a crossing improvement program that focuses only on railroad crossings.

Council Member Cohen asked if we don't agree to participate if DOT will go ahead and do it anyway. Mr. Weeks stated they would not; they would skip it. Council Member Williams asked what we were paying for the maintenance of other crossings. Mr. Weeks stated he would get him the figures. Council Member Gaskins stated that there could be a problem with cars on Chatham Street going too fast. He asked about getting stop signs as an alternative. Mr. Gaskins inquired about what the engineering costs would be if we agreed on the first steps. Mr. Weeks stated that DOT did not have a firm idea because this would be the first time A&W would be working with this DOT engineer. Mr. Gaskins did not feel that maintenance costs would be a significant expense even though it is recurring. He stated that it would be nice to know what we are paying on the others. Mr. McNeil asked what it would cost to put stop lights up there without the crossing arms. Mr. Weeks did not have those numbers.

City Manager Hegwer asked if council wanted to ask A&W Railroad what their opinion might be. Mayor Olive stated that lately the railroads have been more cooperative with the city than they have in the past. There was a time when the arms would come down because the trains were doing something right at lunch time, and it was seriously affecting the restaurants in that area. Now, they are doing their changing somewhere else. Her concern is that this new arm is mechanical and will break. She is concerned that will complicate the problem even more.

Mr. Weeks stated that DOT will decide the appropriate treatment; the city does not get to decide that. Council Member Williams stated that if Progressive decides to rehabilitate the old buildings across the street in the area, that would increase traffic flow and council might need to give some thought to that. Assistant Community Development Director Marshall Downey stated that he was not aware of any initiatives along that line at this time. Mr. Williams stated that it is quicker for him to use Chatham than Horner and he leans toward the cross arms because if you travel it frequently, you have a tendency to ignore the crossing with trains being so infrequent. Council Member Mann stated he thought council was creating a problem where no problem exists to possibly back traffic up. Council Member McNeil inquired if traffic picks up, can this be revisited. Mr. Weeks will check into how often DOT revisits the sites if the municipality does not participate. Mr. Gaskins would like to get an estimate of cost just for flashing lights. He indicated that further study would be done in order for the right option to be chosen. He stated that if we had other options, there might be something council would find more attractive. Mr. Weeks stated that it will not be for the city to choose the option. DOT will study and determine the option. If council decides that they don't like the option, then they would opt out. Mr. Weeks will get back with the requested information.

Development Report (Exhibit D)

Mayor Olive inquired if Sanford is getting a Harris Teeter. Assistant Director of Community Development Marshall Downey stated that no formal submissions for Harris Teeter had been received, but felt there would be more inquiries as the bypass is completed. Mr. Downey presented the Development Report. See Exhibit D.

Other Business

City Manager Hal Hegwer stated that there had been some questions regarding what day Halloween would be celebrated this year, as it falls on a Sunday. Mr. Hegwer explained that according to city ordinance, we recognize the day Halloween falls on and that is the plan for this

year unless council has problems with that. In discussions with the county manager, Mr. Hegwer stated the county also had concerns with changing it, thinking there were chances that there could then be observations on both days.

For the television viewing audience, Mayor Olive explained that, earlier, the meeting had been interrupted for a fire drill, but there was no fire. She complimented the Horticulture Department for the beautiful plantings around City Hall.

Motion for Closed Session

City Attorney Susan Patterson read the motion to go to closed session in accordance with NC§143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material real terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Council Member Sam Gaskins made the motion to go to closed session; seconded by Council Member Walter McNeil, the motion carried unanimously.

Return to Regular Session and Adjournment

Following the closed session, the regular session was closed upon motion of Council Member Linwood Mann; seconded by Council Member James Williams, the motion carried unanimously.

Respectfully submitted,

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Cornelia P. Olive, Mayor

ATTEST:

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Janice Cox, Deputy City Clerk