

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 Tuesday, April 5, 2011, at 7:00 P.M. The following people were present:

Mayor Cornelia P. Olive	Council Member Walter H. McNeil, Jr.
Council Member Sam Gaskins	Council Member James Williams
Council Member Linwood S. Mann, Sr.	Council Member Bob Brown
Council Member L. I. (Poly) Cohen	Council Member Charles Taylor
City Manager Hal Hegwer	City Attorney Susan C. Patterson
City Clerk Bonnie D. White	

Mayor Cornelia Olive called the meeting to order. Council Member Walter McNeil, Jr. delivered the invocation.

PUBLIC COMMENT – (Exhibit A)

Randall Lee Yow, residing at 325 Midland Avenue, spoke regarding the bike race. He felt we are developing an outward appearance of a climate of anti-business. We have a businessman opposed to philanthropy and it seems as though the council is choosing philanthropy and charity over entrepreneurship. He felt there should be more consideration about the appearance that we are putting forth to businesses that might be moving into the area by our actions.

Alexandria Reid, residing on Lee Avenue, spoke regarding the bike race and asked Council to amend their previous ordinance closing the streets. She said we can find a medium ground but they need the council to lead them down that path.

Tom Lee, residing at 2001 Plantation Drive, spoke regarding the bike race. He said he has owned property and continues to own property downtown in the Central Business District. He read a letter he is sending to the newspaper to be published under the Letters to the Editor. He said that parades and races have been staged in Downtown Sanford over the last 25 years. Very few that are staged by volunteer citizens survive more than three years. The bike race draws several hundreds of people to the Downtown area. This is under attack by one business. Instead of using the bike race as a positive, this business has decided to turn it into a negative. The negative attitude prevented him from purchasing a piece of furniture costing \$250, but did not buy it because of this negative attitude. It is hard to believe that it will devastate the business by someone having to walk an additional 200 feet. The bike race and other associated activities are provided at no cost to the taxpayers except for the closing of the streets and law enforcement. He favored having the bike race. He has supported the bike race since its inception.

Judy Rhyne, residing at 301 Midlothian Drive in Southern Pines, North Carolina, spoke regarding the bike race. She drives to Raleigh everyday and has never ventured off of U.S. Highway #1 until a few years ago when the bike race started here in Sanford. Now she

frequently drives into Sanford; she has eaten at our restaurants and has shopped here. She is astounded that there is such a controversy because she would not have come to Sanford if it had not been for the bike race. She is President of the Carolina Cycling Association and they encourage cycling throughout the Carolinas. She has been the chief referee for this event since its inception. She travels around the Carolinas on the weekends to small towns having bike races. Most small towns are thrilled to have hundreds and thousands of people coming into their community and spending money. Most merchants are begging to be included in the bike race.

James Allen, residing at 4621 NC Hwy 62 in Burlington, North Carolina, spoke on the bike race. He participated in 27 races last year and visited a dozen new towns in his own state. They have a bike club in Burlington and they are hoping to organize their own race and he hopes they do not face these same challenges.

Kevin Yow, residing at 622 North Gulf Street, spoke regarding the bike race. He is not a road biker but a mountain biker. He has been involved and supported the efforts that have happened in the City for events to bring their kids to. The bike race is a family-oriented event and he has been involved with closing down streets in the past. He held a project called Sanford at Sunset which closed down Steele Street on a Thursday night, starting around 5:30 p.m. and he had a lot of resistance from businesses. However, some of which backed off their opposition the next month and stayed open and gained business. If you support it as a business instead of fighting it, you gain business. It brings people into our town that would never come to Sanford and they are coming back. We are looking for growth and people to move into our town. It attracts revenue to our businesses. He can see this bike race event grow. It is a positive thing for our community.

Julie Bush, residing in Southern Pines, spoke on the bike race. She has worked at the Sanford Antique Mall since it opened eleven years ago. They are not against the bike race. All they are asking for is moving it a little anywhere just so their customers can get to them. She said one of their customers moved here for their shop which spoke at Council's last meeting. When they make their customers unhappy because they cannot get to the store and came from out of town, they do not come back. If Dr. McConville makes a patient unhappy, they are going to come back because they need him. They want their customers to get to the Sanford Antique Mall. The Liberty Festival and the Pottery Festival are being held that weekend. The Temple Theatre is having a matinee and normally, when they have a matinee, they will drive their buses in front of their shop and drop off people an hour early that shop at their store. They will lose a lot of business that day and they are worried about the business they are going to lose down the road. You have repeatedly said we will look into other courses over the last four years and it has not happened. You want Downtown Sanford to be like Southern Pines. Downtown Sanford is not a walking downtown like Southern Pines; you have to have more businesses downtown.

APPROVAL OF AGENDA

Council Member Walter McNeil, Jr., made the motion to adopt the agenda. Seconded by Council Member L. I. "Poly" Cohen, the motion carried unanimously.

CONSENT AGENDA

Approval and Release of Law and Finance Closed Session Meeting Minutes Dated December 9, 2009, Item 3 – (Filed in Vault)

Approval and Release of Law and Finance Closed Session Meeting Minutes Dated February 2, 2010, Item 2 – (Filed in Vault)

Approval of Law and Finance Committee Meeting Minutes Dated February 23, 2011 – (Filed in Vault)

Approval of Law and Finance Committee Meeting Minutes Dated March 9, 2011 – (Filed in Vault)

Approval of City Council Meeting Minutes Dated March 15, 2011 – (Filed in Minute Book 75)

Approval of Request for Proposal for Legal Services for the 2009 Maple Avenue Community Revitalization CDBG Project – (Exhibit B)

Approval of Request for Proposal for Lead Based Paint/Asbestos Services for the 2009 Maple Avenue Community Revitalization CDBG Project – (Exhibit C)

Approval of Request for Proposal for Engineering Services for the 2010 Autumn Oaks Housing Development CDBG Project - (Exhibit D)

ALL THE ITEMS LISTED ABOVE WERE DISCUSSED AT THE LAW AND FINANCE COMMITTEE MEETING ON MARCH 30, 2011.

Council Member L. I. “Poly” Cohen made a motion to adopt the consent agenda. Seconded by Council Member Bob Brown, the motion carried unanimously.

REGULAR AGENDA

Consider Request from Kenneth Laughinghouse with the Appearance Commission for Monument Sign - (Exhibit E)

Mr. Kenneth Laughinghouse explained that the Appearance Commission has reviewed the signage proposal from City staff and would like to lend its support for the 421 Bypass monument sign, along with replacement and installation of new Welcome to Sanford signs on the major corridors into the City. The Appearance Commission is requesting that City Council include monies for the signs in its Fiscal Year 2011-2012 budget for the design, engineering drawings, and installation of signs. He pointed Council to the Appearance Commission’s recommendation of the monument sign for placement at the 421 Bypass.

Mayor Olive asked about the cost of the signs and the dimensions of the monument sign. Mr. Laughinghouse replied the cost would run between \$80,000 and \$100,000 for all the signs. He did not know the dimensions of the signs. Mr. Gaskins asked that the dimensions of the signs be given to Council members. Mr. Laughinghouse said he will get this information to them.

Consider Discussion with David Nestor Regarding Pottery Festival

Mr. David Nestor, representing the Pottery Festival, gave Council members some facts, written by Don Hudson, about what has been accomplished by the festival. He said that there has been a lot of talk about a Tourism Authority over the years and we have so much to offer in Sanford and he felt the money spent on an authority would return much. He said that Tim Shaw came to him and asked him what could the City do for the Pottery Festival. Mr. Shaw asked him to come before Council to speak.

Mr. Nestor said this year there will be 120 plus potters, a wine event which includes fourteen North Carolina wineries; music on both days; and food. Robert Watson's band will be performing on Saturday evening from 6 P.M. to 8 P.M. This year they have added a green tent – a tent that will showcase what our community is doing as far as the green industry and other attractions. About 28 percent of our attendees come from Wake County.

Mr. Nester advised that since the Pottery Festival began, it has been able to donate over \$140,000 to the art departments in the Lee County Schools, both public and private.

Mr. Nester stated that many of the local businesses qualify the festival weekend as one of their better business weekends.

He said that since Sanford is in the center of North Carolina, we have a lot of pass through traffic with 300,000 cars a day on Horner Boulevard; 14,000 on Main Street; 9,000 on Hawkins Avenue; 24,000 on U. S. Highway #1; and 8,700 on Wicker Street. Their question and request is why not tell them what we have going on in this great town; let's hang signs and banners on these major highways and by-ways. They are asking the City to help them do this. They do not have the manpower or the ability to deal with highway and road departments. He would like for the City to take command over this and figure out a way to capture that 100,000 cars that pass through our town, no matter what the event is.

Council Member Mann asked how much money are we talking about. Mr. Nestor replied that they will supply the banners. He said that a month before you go to the Seagrove Pottery Festival, there are banners across that road announcing the event. They would like for the City to put up the banners. Mayor Olive asked if this includes the directional signs. Mr. Nestor replied that if the City wanted to come forward and help with the directional signs that would be appreciated. The Street Department helped one year and that was a blessing. When you bring 10,000 people to town, it is nice to get them to the site directly as possible. Mr. Nestor advised that last year 100 directional signs were put out.

Mayor Olive pointed out for clarification that when we were working very hard to promote a tourism bureau, we drafted the legislation; council supported drafting the legislation; and before it could be submitted to the General Assembly, it turned into controversy that apparently could not be overcome. This Council has been aggressive in trying to get funding for a tourism bureau.

Mr. Nester said they need help putting out the banners. He would like for six of them to be put out. Mr. Hudson could have the banners in one week. Mayor Olive said that we will discuss this at subsequent meetings.

Consider Discussion Regarding Closing of Streets for Bike Race

- Jenks Youngblood to Speak

Mr. Jenks Youngblood said he is here tonight to ask Council to amend a resolution they passed on March 1 to temporarily close several streets and parking spaces in the support of the Downtown Sanford criterion. He is not asking to throw it out just amend the hours. The resolution currently states from 7 A.M. to 6 P.M., and he would like for it to be changed from 7 A.M. to 2 P.M. He would like to have spoken to Council last week. Mr. Youngblood said that the decision Council made on March 1 was based on a certain amount of mis-information. No one from City staff has ever approached him about this year's bike race. That is bad for Council because Council relies on City staff for this information. He said that they did not talk to the other business owners in Downtown that might be open on Pottery Festival Sunday; the Pottery Festival is huge for the City of Sanford and for his business Downtown. The Downtown Development office is in Downtown and no one took one afternoon to poll the merchants Downtown to see who was going to be open on Pottery Festival Sunday to see how the bike race would affect them.

Mr. Youngblood said he is against the current location of the bike race. He stated that we have 25 square miles in the City and he finds it hard to believe that the bike race can only be held on the one block of Moore Street that his business operates on Sunday. He watched the Law and Finance meeting on March 1, and no one mentioned that it was on the Pottery Festival weekend. It is not on the City's website, nor the Chamber of Commerce website, or the DSI website. At one point he said he would just close his business because the bike race affects his business so bad, but then he found out it was the Pottery Festival weekend and that is not an option because that is huge for his business.

Another piece of mis-information is that it's too late to change anything about the bike race. He understands that the bike race is eight races; one of which Parker McConville has agreed to move to the park – the kiddie race and they say it is too late to cancel any of the other seven races. If there are thunderstorms the day of the race, that whole race is cancelled and if it is not too late to cancel that race on the day of, then it is not too late for Dr. McConville to cancel two of his seven races so that the streets can be reopened by 2 P.M.

He said the first year of the bike race, he had no comment but he has been quite vocal since then. The other day at their meeting, Dr. McConville asked him to show him his financials to prove that they are losing money. He would not be coming before Council if it was not costing any money. They have taken a financial hit every year; to date about \$4,500 in sales. The question is how much is enough for Council to say we need to do something about this.

He suggested moving the bike race to the park on Seventh Street and McIver Street. It would be a great place to move the bike race. Mr. Youngblood said that he understands that it is a poor neighborhood and you might not want to have all the visitors there but it will be great for that neighborhood to see something other than gangs and drugs.

He has been downtown when downtown was not cool and he has been there for eleven years. He has held antique festivals to help raise money for the Depot and those festivals were all held within Depot Park. They were Downtown before the renovations on Chatham Street. They bring more people Downtown than the Temple Theatre and the bike race. About 75 percent of their customers are outside of Lee County.

In the last year he has spent \$110,000 on advertising to bring people to Downtown Sanford. They are not asking for a handout or \$20,000 that the Temple Theatre receives; they are just asking to leave the streets open so they can conduct their business and earn their living. They are asking Council to amend the resolution to close the streets.

- Parker McConville to Speak

Dr. Parker McConville, residing at 2708 Cobblestone Drive, spoke on the bike race. He recognized Brandon Atkins who is a supporter and organizer of the bike race. Dr. McConville said that the bike race has grown every year for the last three years since its inception. Council has received emails from people who are for and against the race. We have designated Wengers Restaurant's parking lot for the Sanford Antique Mall's customers; advertising with flyers with specific directions for people coming to the Sanford Antique Mall that day; having a truck available to ferry large purchases across the road; and a Boy Scout Troop has volunteered to help people across the road in case they do not feel safe going in between the bikes and the pace car, etc. during the race. They have talked about buying a gift certificate to offset some of the potential losses that the Antique Mall might have that day. It is not a bribe or hush money; if it was he would not be talking about it here. It helps get the people to come to the bike race. If you can buy a \$5 raffle ticket and get \$1,000 worth of merchandise at the Sanford Antique Mall, he would buy some. They have talked to other businesses that are going to be open such as Mid-point Rotisserie, the Wine Bar, the Hobby Shop, the new used bookstore, and Shops of Steele Street. A lot of these businesses are not open on Sunday but they are staying open because they want people to know they are there and come back. There are eight bike races and a kid's race; to shorten the bike race to 2 P.M., would mean eliminating at least three races. The bike race will be held rain or shine as noted on the flyer. The events have been advertised; people have signed up along with the other races. The community is behind this event as evidenced by the emails and the people who have spoken tonight. He does not oppose the Antique Mall; he would hope that they would get exposure from people that they otherwise would not get. He felt that the businesses that participate do well. This event will high-light Downtown. If you move the race to somewhere else, you will not high-light Downtown Sanford. The money they plan to give to the Lee County Schools, he hopes will grow and next year, they plan to bring the Boys and Girls Club into the fold and the third charity will be Downtown Sanford Incorporated (DSI), so they are constantly pumping money back in from this event to Downtown. There will be no future if the race is shortened. He and his wife, along with Brandon Atkins and Shannon Gurwitch, have been pushing to make this happen.

Dr. McConville, Jr. said that he would appreciate leaving the original decision as it is now. He said they are willing to sit down the day after the event and come to some kind of agreement that will work for everybody.

Mayor Olive told Brandon Atkins, that in the interest of fairness, the people who have spoken about the bike race, other than Mr. Youngblood and Dr. McConville, signed up during the public comment period. She would appreciate it if he would not come forward now, and if there are any questions associated with the bike race and Antique Mall from the Council Members, they will be called upon.

Council Member Sam Gaskins said that last year, he requested the opportunity to move the bike race to some of the more lovely areas of Sanford. At the last Council meeting, he was the one that asked for this issue to be revisited because of the difficulty Downtown. As Dr. McConville alluded to, Council has received many emails and comments regarding the race and the Downtown business situation. Mr. Gaskins stated that he is not going to go from opinions; he is going directly from what he received from Mr. Youngblood's correspondence. From what he understands from Mr. Youngblood himself, he was offered in February to join in the promotion of the bicycle event, which he complained was not to his liking because he did not want to promote it so much as wanted to be involved in the planning. Personally, that was an opportunity to begin working with the people upfront. He made an honest error, not realizing what weekend it was. Like anyone else, we all make honest errors and in his emails, he admitted that he made a mistake. When he made the recommendation last week that we reconsider it, and thanks to the city manager, Council Member Taylor, Mayor Olive, and representatives from Mr. Youngblood and Dr. McConville, which were present, the information he received from the meeting bothered him and he was disappointed. Mr. Gaskins said that when he makes an error and is aware of the error, it is time to be a little more conciliatory. From what he understands from the meeting and from the list Council members received of the offers made by Dr. McConville's group for the things they are willing to do to help out, he felt Mr. Youngblood was being intransigent, not willing to work with them. In addition to these offers that Council was made aware of at a previous meeting, Dr. McConville came up with the offer of the two gift certificates totaling \$1,500 and Mr. Youngblood's response was calling it hush money, which Mr. Gaskins did not feel was justified. He said that Mr. Youngblood indicated that Council was misinformed because he initially said he would be closed that that weekend and Council was given that information. Mr. Gaskins said he understands that it was a mistake on Mr. Youngblood's part. Mr. Gaskins said that at this time, he is not inclined to reconsider changing the time. He hopes Dr. McConville will unilaterally continue with these goals and work to do whatever can be done Downtown. He feels that the work Mr. Nestor is doing, along with the Pottery Festival, to bring the shuttle downtown to the businesses, and Dr. McConville's offer to get a truck available to help the Antique Mall to transfer their purchases to those businesses, would be good. Hopefully under the lessons learned, next year we can have all this taken care of in advance which may include changing the times if possible, and moving parts of the races to other areas to keep the streets open. He thanked everyone for their participation in this conversation.

Mr. Cohen said that he is in favor of the bike race and the Pottery Festival but he did not feel they should be on the same weekend and it needs to be planned out after the festival is over this year. If this comes up before Council again and if they conflict, Council will vote it down. You cannot favor one event or the other. He appreciated all the volunteerism.

Mayor Olive asked Dr. McConville what is the absolute earliest that Moore Street can be opened. To answer Council Member Cohen's comments, the bike race typically occurs the day after the Tour De Moor, which is typically the last weekend in April. The earliest he can open the street is 4:10 P.M. to complete the bike races.

Council Member Bob Brown made the motion to let the resolution stand as it has been voted on with the understanding that Dr. McConville will attempt to open Moore Street as soon as possible in the afternoon. Seconded by Council Member Cohen, the motion carried unanimously.

The City Council took a ten-minute recess.

Consider a Resolution in Support of the Installation of Traffic Signals at Nash Street and Kelly Drive – (Exhibit F)

City Engineer Paul Weeks explained that he would like to combine the next two resolutions together. Last Thursday in discussion with the Traffic Services office with the Department of Transportation, they indicated that we had two intersections that now qualify for traffic signals. They were at Nash Street and Kelly Drive, and Spring Lane where the northbound off ramp for northbound U. S. Highway #1 come together. They said both signals are needed due to the increase of traffic and they would like to start work on these areas. They need a resolution in support of that work before they can move forward. The Department of Transportation schedules to have those lights in and operational by July 1. There is no cost to the City unless our utilities have to be moved but they think this will not be a problem.

Council Member Sam Gaskins made the motion to adopt the Resolution in Support of the Installation of Traffic Signals at Nash Street and Kelly Drive. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Consider a Resolution in Support of the Installation of Traffic Signals at Spring Lane and the North Bound off Ramp from US Highway #1- (Exhibit G)

Council Member Sam Gaskins made the motion to adopt the Resolution in Support of the Installation of Traffic Signals at Spring Lane and the North Bound off Ramp from US Highway #1. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Consider Redistricting Plans for Council Wards – (Exhibit H)

Strategic Services Director Don Kovasckitz advised that last Wednesday at the Law and Finance meeting, we discussed the redistricting criteria that we need to adhere to: (1) the 10 percent rule; (2) Section 5 Voting Rights Act; and (3) keeping our incumbents that are not voted at large in their district. Staff and Council Members discussed three different plans. City Attorney Patterson stated in the meeting that we have to do what the Department of Justice tells us to do. There was some conversation after the meeting and we went back and looked at the true intent of Section 5 Voting Rights Act. When we look at it today, when Section 5 says that we have to have minority districts, we think of anything that is not white, because we have other minorities in the City of Sanford, but the true intent is for black voters; it was Section 5 of the Voting Rights Act of 1965 which was 46 years ago. It was intended then for black voters to have a majority in those. So we looked at Plans 1, 2, and 3; and actually in District 3, the white

population was slightly higher than the black population so we went through and created a Plan 4 that is not as compact as the others but actually creates a true minority district for 3 as District 4. Now, the black population in District 3 is 38 percent; the white population is 35.6 percent. In Ward 4, the black population is 45 percent and the white population is 40 percent. So, now in Plan 4 we have two true minority districts.

Attorney Patterson pointed out to Council that the other three options all met the criteria, but Option 4 stays within the 10 percent rule at a 6.2 percent deviation; it greatly increases the population within the minority district so that the black population is a greater percent of the total and provides two majority/minority boards for Council to consider. The action tonight would be to consider which plan that Council is interested in adopting so it can be advertised in order to have a public hearing on the plan for the April 19 public hearing. The adoption of a plan will be considered after the public hearing on April 19. Council Member James Williams made the motion to consider authorizing the advertising of Plan 4 and advertise for April 19. Council Member L. I. "Poly" Cohen seconded the motion. Council Member Charles Taylor asked what was the net gain of African/Americans to Ward 4 and were they all taken out of Ward 3. Mr. Kavasckitz replied that there was a small net loss for the black population of Ward 4. The black population was taken out of Ward 5 to increase the population of Ward 3.

A vote was taken on the motion and it passed in favor with a six to one vote. Council Member Charles Taylor cast the dissenting vote. Council Member Williams said that when the bypass came through, it took out some of the neighborhoods in Ward 4, such as Lizzie Hill and the double-wide mobile home park behind the school bus garage and that decreased the minorities in that ward. Mr. Taylor asked what was the net gain to Ward 3 in African/American populous and was it taken out of Ward 5? Mr. Kavasckitz replied that is correct. In Plan 2, the black population was 1,909 to 1,998 in Plan 3, so we pulled out 200 to 300 from Ward 5 and brought it into Ward 3; that is the reason it is not as compact.

Mayor Olive said that sometime she would like to look at how it could be redrawn to have a ward in East Sanford.

OTHER BUSINESS

Council Member McNeil asked about the speed limit on Horner Boulevard between Horner Boulevard and Main Street, down to Walmart. Mr. Hegwer replied that we wrote a letter to the Department of Transportation and he thought they were not interested in lowering the speed limit. He will find the letter and get back with Council. Mr. McNeil stated that he recalled getting a letter back on it but he thought it said that they were going to do something about reducing it from 45 to 35 MPH.

Council Member Cohen thanked all the citizens that are using the Endor Iron Furnace Trail. We need to pursue getting a grant to extend the trail.

Council Member Mr. Mann commended the Lee County Board of Commissioners for taking a stand and refusing to rezone an area for a stump dump. Mr. Brown echoed Mr. Mann's remarks.

Mr. Gaskins thanked Mayor Olive for the past weeks in which the meetings were held very orderly regarding the bike race.

Mayor Olive announced the Broadway Our Way Festival. Broadway has such a good time when they put on events; they have committees that work all year on the events.

Mayor Olive asked Council to consider appointing a mayor pro tem in case she would have to be absent.

Mr. Hegwer mentioned that there is a North Carolina Department of Transportation workshop that will held on April 12, 2011, between 4 P.M. and 6 P.M. The workshop is where the DOT representatives will be available to look at maps concerning U. S. Highway #1 area at the Tramway Crossing Shopping Center, basically from Westover Drive at Keller Andrews Road all the way to the intersection. They are looking at some modifications in that area.

Mr. Hegwer announced that the date set for the Concord trip to visit their Downtown areas is Monday, April 18.

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

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 Charles Taylor, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK