

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, March 6, 2012 at 7 P.M. in the Council Chambers. The following people were present:

Mayor Pro Tem Sam Gaskins
Council Member Jimmy Haire
Council Member James Williams
Council Member Rebecca Wyhof
City Manager Hal Hegwer

Council Member L. I. (Poly) Cohen
Council Member Charles Taylor
Council Member Walter H. McNeil, Jr
City Attorney Susan C. Patterson
Deputy City Clerk Janice Cox

Absent: Mayor Cornelia Olive
City Clerk Bonnie White

Mayor Pro Tem Sam Gaskins called the meeting to order. A moment of silence was observed. The Pledge of Allegiance was recited.

PUBLIC COMMENT

No one appeared to make a public comment.

APPROVAL OF AGENDA

Council Member Charles Taylor requested to table Item 10 on the regular agenda (Consider request from Central Carolina Community College for the City of Sanford to sponsor 23rd Annual Foundation Golf Classic) pending a meeting at Law & Finance next week to put a policy in place on how to handle not only nonprofits for the golf course, but other funding as well, as the budget is coming up. Council Member Rebecca Wyhof seconded the motion. The vote was four in favor (Council Members Poly Cohen, Rebecca Wyhof, Jimmy Haire, and Charles Taylor) so the motion passed and the matter was tabled. Mr. Taylor stated that he wanted to make sure this item would be on the council agenda.

To be certain of the votes, City Attorney Patterson requested the nay votes. Mayor Pro Tem stated that four council members voted in favor, so he did not call for negative votes.

The amended agenda was approved upon motion of Council Member Poly Cohen and seconded by Council Member Jimmy Haire. The vote was 4-3, with Council Members Poly Cohen, Rebecca Wyhof, Jimmy Haire, and Charles Taylor voting in favor. No nay votes were taken.

CONSENT AGENDA

- A. Approval of Law and Finance Committee Meeting Minutes Dated February 15, 2012-
(Filed in Vault)

B. Approval to Award Harrington Road Waterline Extension Project to Sandhills Contractors

The Harrington Road Waterline Extension Project was awarded to Sandhills Contractors.

C. Approval of Fireworks Display Operators Class

The Fireworks Display Operators Class was approved.

D. Approval of Request for City Staff to Place Directional Signage for Pottery Festival on Streets

Approval was granted for City Staff to Place Directional Signage on the streets for the Pottery Festival.

Council Member Rebecca Wyhof made the motion to approve the Consent Agenda; seconded by Council Member Jimmy Haire, the motion passed unanimously.

SPECIAL AGENDA

Proclamation Proclaiming March 17, 2012 as Arbor Day in the City of Sanford, North Carolina – (Exhibit A)

Mayor Pro Tem Gaskins read the proclamation urging all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

CASES FOR PUBLIC HEARING

There were no cases for Public Hearing.

DECISIONS ON PUBLIC HEARINGS

- A. Application by Anson O. Harrington – to rezone two vacant adjoining tracts of land located in the southwestern quadrant of the intersection of S. Third Street and Sycamore Street, totaling 0.6627 of an acre +/- with one lot formerly addressed as 414 S. Third Street, from Residential-Mixed (R-6) Zoning District to Light Industrial (LI) Zoning District. The property is the same as depicted on Lee County Tax Map 9642.08. as Tax Parcels 9642-98-1902-00 and 9642-98-1822-00 Lee County Land Records—(Exhibit B)

Assistant Director of Community Development Marshall Downey explained that this is a recommendation from the Planning Board. The request is from Anson O. Harrington of Install, Inc. for the two tracts consisting of .66 acres on the southwest corner of Third Street to rezone from RB to LI. IT conforms to land use plan and meets the requirements for council.

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

Council Member Charles Taylor made the motion to approve the request to amend the official zoning map of the City of Sanford, North Carolina; seconded by Council Member Poly Cohen, the motion passed unanimously.

Consideration of Seven Text Amendments to the Unified Development Ordinance—(Exhibit D)

- Proposed Amendments 1,2,3 and 4 to Article 11 Sign Regulations
- Proposed Amendments 5 and 6 to Appendix 1 Definitions and Table 4.6-1 Permitted Use Matrix
- Proposed Amendment 7 to Article 5, Section 5.13.3 Agricultural Animals

Assistant Director of Community Development Marshall Downey explained that these are corrective text amendments basically to update the sign ordinance; use of recreational vehicles as permanent residences; and a Town Code change for the Town of Broadway relating to livestock.

- Consider Ordinance Amending the City of Sanford Unified Development Ordinance—(Exhibit E)

The Planning Board unanimously recommended adopting these changes. Mr. Downey stated that there is the option to delay the implementation date on the sign regulations until after the primary elections this spring on May 8. It is not clear when, or if, the County will adopt these changes, but if the City adopts them, they will go into effect immediately. He stated that the City Attorney has concerns about us not acting on it because it is essentially state law, and we would not be doing what we need to be doing if we do not act on this.

Council Member Haire questioned the wording that states, “The maximum time of display before an election shall be thirty days before the third Thursday prior to the election.” Mr. Haire asked if it would be easier just to give a set number of days. Mr. Downey stated that it was put in that way because of the way early voting is done. Mayor Pro Tem Gaskins stated that it might be better to go with the “early voting” wording because of the potential for the state to change when the early voting period is. Mr. Downey stated that they could make that change.

Council Member Wyhof clarified with City Attorney Patterson that we needed to pass these changes to be in accordance with state law. City Attorney Patterson stated that she was not present at the County meeting and did not know why they had tabled the actions. The current ordinance that the Board of Elections is passing out is not in conformity with what the state legislature passed last fall, allowing more opportunity to put signs within rights-of-way and gave specific guidelines on size, location, and time of display. These changes before Council in their packets are the same as the state law changes so that staff would be following the state law rule. If Council delays this and does not act on it, the rules of the city will remain in place that no longer conform to what the state passed. Attorney Patterson was not certain how delaying it would help either the candidate or staff. The question is whether council wants to delay, as the county did, so that it is consistent throughout; or if they want to make City’s corrections now so that our rules follow the state law and the County can enact theirs whenever they choose to. The Unified Development Ordinance (UDO) is an attempt to bring all the rules of Broadway, Lee County, and the City of Sanford within conformity. We have one planning department and one department enforcing these rules. Except for specific nuances that need to be different, it is for ease of enforcement and consistency that those things are the same in each jurisdiction. As an example, we allow poultry and Broadway does not. Council may enact the one with all the requested changes or delay the effective date of the change until June 1. She explained that the

current policy does not allow political signs in the rights-of-way, but the change would allow candidates to publicize in a greater fashion.

Council Member Jimmy Haire stated that we wanted the county and the city to be the same because some candidates will be putting up signs in both places. Attorney Patterson stated that our current rules prohibit signs within the rights-of-way. Enacting this now would allow candidates to publicize in a greater fashion. Council Member James Williams stated that the state law that has already been enacted, and is different from ours, will override ours. Attorney Patterson responded that it allows local units of government to enact regulations within their jurisdictions for their own rights-of-way. For state roads, the state will override and preempt what we have. Whatever we pass can control city streets, but it puts staff in a position of having to know if they are on a state street or a city street in order to take up signs out of compliance.

City Manager Hegwer stated that it is difficult when a state road connects with a city street. It is a criminal offense to touch a sign that is properly placed. Referencing the city's removal time after an election, Attorney Patterson stated some corrections were needed. Mr. Hegwer noted that all of the county's streets are state maintained or private streets. Mr. Downey noted the key points to be adopted regardless of when it is adopted and reviewed the proposed ordinance sections that deal with temporary construction signs and real estate signs (off premise), Zoning District Regulations, residences, and agricultural animals.

Council Member Poly Cohen made a motion to approve the ordinance amending the City of Sanford Unified Development Ordinance including the change to "early voting." Council Member Rebecca Wyhof seconded the motion. Council Member Jimmy Haire asked if this would make it unlawful for residences to bring in goats to get rid of kudzu. Mr. Downey stated that the ordinance references a permanent situation. The motion passed unanimously.

REGULAR AGENDA

Consider Request from Central Carolina Community College for the City of Sanford to Sponsor 23rd Annual Foundation Golf Classic

This item was removed from the agenda.

Other Business

Council Member Charles Taylor stated that the city ran an ad in Friday's paper on refurbishing the golf cart paths at the golf course which stated that to qualify for the bid process, you would have to be highway certified in the State Department of Transportation. He stated that restricts us to only three potential vendors in Harnett County as well as Lee County and eliminates companies that can do patchwork and rehab work on pavement. He asked the reason for requiring highway certification in order to pave cart paths at the golf course. Public Works Director Vic Czar stated that they would check into it. There are some bonding requirements that need to be met when you do that amount of work for a municipality, but he will check and get back with Council.

City Attorney Patterson stated that she attended a meeting today of the cable and broadband consortium for the Triangle J area. A question that came up was that the community college has been certified in their PEG (public education and government) channel and are

City Council Meeting
March 6, 2012

currently broadcasting. They are on an upper tier channel. We could write the cable company, if council chooses, and request that that cable channel be shown on the lower tier or shown within the city's lineup so people in the city limits could see it if they don't have access to the higher tier. The consultant will draft the letter to send in if Council so wishes. Mayor Pro Tem Gaskins stated that he thought the matter should be brought up at the next Law & Finance meeting.

Mr. Hegwer stated that he had not been able to find the community college channel on his television.

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

ADJOURNMENT

Having no further business to come before the Council, the meeting was adjourned upon the motion of Council Member James Williams; seconded by Council Member Walter McNeil, Jr., the motion passed unanimously.

Respectfully submitted,

Cornelia P. Olive, Mayor

ATTEST:

Janice Cox, Deputy City Clerk