

CITY COUNCIL WORKSHOP MINUTES OF THE
CITY OF SANFORD, SANFORD, NORTH CAROLINA
Tuesday, August 9, 2016

The City Council held a workshop meeting Tuesday, August 9, 2016, at 5:30 p.m., in the West End Conference Room, of the Sanford Municipal Center, located at 225 East Weatherspoon Street, Sanford, North Carolina. The following people were present:

Mayor T. Chet Mann
Council Member Byron Buckels
Council Member Charles Taylor
Council Member James G. Williams
City Manager Hal Hegwer
City Attorney Susan Patterson

Mayor Pro Tem Sam Gaskins
Council Member Jimmy Haire
Council Member Norman C. Post, III
Council Member Rebecca Wyhof
City Clerk Bonnie Davis

Mayor Mann called the meeting to order and noted that although Public Comment isn't typically allowed at Council Workshop meetings, he would allow it since the topic the speakers wish to address is on the agenda (storm water issues).

Bob Smith stated that his mother, Carrie Lynn Smith (of 208 West Globe Street) has had problems with flooding in her rear yard from storm water runoff. The problem appears to be the result of problems with a pipe located nearby on private property, as well as geographical changes and the construction of apartments nearby. He requested that Council review the situation and help find a resolution.

Fannie Headen (of 2663 Colon Road, Sanford) stated that she has also had flooding problems at 104 West Main Street in Jonesboro, a commercial property she owns.

Consider Update on Downtown Streetscape

No Parking – Payment Kiosks

City Manager Hal Hegwer stated that the Parking Committee (which includes Mayor Mann, Mayor Pro Tem Gaskins, Council Member Williams and Council Member Post) had several meetings with members of Downtown Sanford and after much discussion, makes the following recommendations:

- Reinstate two-hour parking, from 9:00 a.m. until 8:00 p.m., Monday through Saturday;
- Increase the fine for violations from \$5 to \$25;
- Implement these policies immediately (August 17, if approved by Council on August 16);
- Issue warning tickets through August 31;
- Designate a loading zone in front of the Temple Theatre, along with one space for loading on Moore Street.

Jennifer St. Clair, speaking on behalf of Downtown Sanford, Inc., echoed these recommendations and reiterated DSI's request to acquire additional sites to provide off-street parking for merchants and employees.

Mr. Hegwer stated that using a parking service company for enforcement has been discussed (rather than using police officers). Mayor Mann noted that long-term plans are still being developed, including the possible use of payment kiosks. Public Works Director Victor Czar confirmed that handicapped-accessible parking spaces will soon be restriped and the remaining spaces will be marked when the Streetscape project repaving is complete.

Council Member Byron Buckels questioned how residents of the Wilrik Building would be affected by these recommendations, specifically handicapped residents. Mr. Czar stated that the Cole Street parking lot includes spaces designated for Wilrik residents and that all eleven spaces designated for handicapped parking prior to the Streetscape project would be returned, along with one or two temporary spaces on Steele Street. Steve Brewer, a local merchant and member of the Parking Committee, noted that there had been problems with Wilrik residents parking on Steele Street rather than the Cole Street lot (especially after work hours), and that if Wilrik residents and event guests use Steele Street parking for long periods of time, it would stifle business downtown. He felt that the committee's recommendations had been developed in an attempt to be fair to all parties.

Mayor Mann stated that the committee wanted to develop an immediate strategy and also to continue with a plan for off-street parking to create an improved environment and accommodate future growth in the downtown area.

Option of Paving Alleys (Exhibit A)

City Engineer Paul Weeks explained that a large portion of the Streetscape project was converting to underground utilities and this involved a great deal of cutting through parking lots and alleyways. While the original plan was to only patch those disturbed areas, repaving them to improve appearance has also been discussed. The paving contractor has estimated that it will cost approximately \$250,000 to mill, resurface and restripe those lots and alleyways that were disturbed (both public and private). Mr. Weeks noted that the cost is somewhat higher due to the relatively small size of the area, which will require special milling and hand work which can't be done by larger equipment. He also confirmed that no repaving is needed in Jonesboro, since that work was mostly to streets and sidewalks. Since the project is nearing completion, this decision must be made soon.

Mayor Mann noted that the Streetscape project has been a large investment and asked Council to consider whether it is complete if these areas are not repaved. He also stated that an alleyway plan has been discussed, which would include outdoor dining and amenities, and leaving those areas unpaved would affect those plans. Council Member Wyhof questioned whether funds should be spent to repave areas which may be affected in future projects and whether those funds would be better used to acquire additional property for parking. Mayor Mann stated his opinion that if a choice is required, the city should take care of what it has before acquiring additional property.

Mayor Pro Tem Gaskins questioned whether the City should fund improvements on private property, suggesting they be deeded to the City first. He noted they would require maintenance over time and if they are city owned, they could be used for additional parking. Ms. Wyhof questioned whether private owners would be willing to share costs. Manager Hegwer

stated that many owners acknowledge that their property was not in excellent condition prior to the project, but construction has made them much worse. Council Member Taylor suggested that they be returned to their state prior to construction.

Manager Hegwer explained that the cost of repaving could be funded through Installment Purchase financing. Financial Services Director Beth Kelly estimated the annual debt payment on \$250,000 would be approximately \$30,000, based on a ten-year term and current interest rates.

Consensus was reached to take action at the next Council meeting on August 16

Discussion Regarding Depot Park Building

City Manager Hal Hegwer informed Council that he has received several inquiries from individuals interested in renting the Depot Building, which the Sanford Board of Realtors rented to the public when they owned the property. DSI has rented the outdoor space occasionally and is helping to manage the property. Plans to use the facility for a Visitors' Center have been postponed since the occupancy tax (which would have funded the project) was not addressed by the State Legislature during the most recent session. Mr. Hegwer suggested that Council may want to consider a policy to address renting the building to the public, since it would benefit the downtown area and generate income.

Overview of Storm Water Issues in Jonesboro and Storm Water Management Options **Storm Water Issues in Jonesboro (Exhibit B)**

City Engineer Paul Weeks displayed maps of the Jonesboro area, including property owned by Carrie Smith and the drainage area around it. Staff recently investigated this area and ran a camera line through a 24-inch reinforced concrete pipe located nearby on private property which has partially collapsed and filled with silt. The runoff flows to a 30-inch pipe at Lee Avenue, a state-maintained street, and that pipe appeared to be working properly. When the 24-inch pipe cannot handle water flow, it backs up to Ms. Smith's property, since it is lower in elevation. It is not known who installed the 24-inch pipe, which appears to be located on the site currently used by Joyner & Dickens Heating and Air. City Manager Hegwer noted that he observed drainage problems on the site approximately twenty years ago, and Mrs. Smith confirmed that she has had problems for at least 50 years.

In response to questions of whether the City has authority to intervene in situations where a pipe is located on private property, Public Works Director Victor Czar explained that if a "downstream pipe" collapses and is causing a problem on a city-owned street, the City has authority to remove it for public safety purposes; however, that does not appear to apply to this particular situation.

City Attorney Susan Patterson explained that under North Carolina law, a dispute involving private pipes and private property requires the owners to work together, make an insurance claim or resolve it through litigation; the city has no authority to intervene. State law for drainage rights is "reasonable use", meaning that owners have the right to pipe, channel or ditch drainage around their property to make reasonable use of the property, but the water should enter and exit at the same natural points. Other states allow owners to do whatever is needed to

allow use, regardless of the effect on others. Mrs. Patterson also noted that storm water management is handled at the state level - not locally - and the City has no authority on storm water issues. It appears that this particular issue is between private parties and if the 24- inch pipe is creating the problem, it appears that the owner of the pipe is responsible for repairing or replacing it.

Bob Smith stated that even if the 24-inch pipe is repaired, there will still be flooding on his mother's property due to geographical changes in the area, primarily due to construction of the Autumn Oaks apartments which substantially increased the impervious surface area. He suggested installing gradients at the apartment entrances and increasing the size of the retention pond. He also stated that funding is available through the Powell Bill for the cost of a survey and a culvert. Council Member Taylor suggested that the property where the 24-inch pipe is located be surveyed to determine on whose property it is located.

Regarding drainage problems in Jonesboro, City Engineer Paul Weeks explained that some storm drainage was added on Main Street and Trade Street, in connection with the Streetscape project; however, funds were not available to completely refurbish and rehabilitate the entire storm water system. If Council wants to consider additional improvements, staff can research the issue.

Mayor Mann stated that he wanted to consider all options available, noting that there were no quick answers to the problems that Mrs. Smith and Mrs. Headen are having. Among the options discussed were: lifting the 24-inch pipe to remove the silt; replacing that pipe with a larger pipe; and running another pipe parallel to that pipe. Mr. Weeks estimated the 24-inch pipe is approximately 140 feet long. Mr. Czar pointed out that decisions must be made regarding which properties will be protected and how many should be protected, since the City cannot install enough piping to prevent all flooding. Council Member Taylor noted that there are many contributing factors, and decisions must be made as to how they can be mitigated from a public standpoint.

Recess

Mayor Mann requested a recess at approximately 7:00 p.m., and reconvened the meeting at approximately 7:20 p.m.

Storm Water Management

Public Works Director Victor Czar explained that one option to provide revenue for comprehensive storm water management would be a fee system similar to what is already being used in nearby areas. Properties would be evaluated to establish an "equivalent residential unit", based on the lot size and impervious surface area to ensure that properties contributing to higher water runoff pay a larger share than those with less runoff or using on-site mitigation. The fee would be included on property tax bills, administered through an Enterprise Fund and used only for storm water management and related issues. Fees in other communities are typically between \$50 and \$200 per household.

Questions were raised as to whether funds collected through this system could be used to resolve flooding issues on private property. Mr. Czar replied that they likely could, but not on

DOT owned property. The current policy is that the City pipes its own ditches and is responsible for maintaining and repairing its own pipes. Mayor Pro Tem Gaskins questioned whether the City should assume the responsibility for repairing pipes located on private property.

Council Member Taylor expressed concern about charging residents another fee and questioned what could be done that isn't already being done through the Utility Fund. City Manager Hegwer explained that a Storm Water Fund would be a completely separate fund, dedicated solely to storm water management (both quality and quantity related), rather than using funds collected from all taxpayers for general use. Mayor Pro Tem Gaskins questioned how much is currently spent on storm water management, which Director Czar agreed to have researched by staff.

Council Member Williams questioned whether the city should increase fees and services, but noted that there has been an increase in storm water related issues. Mr. Czar agreed this is not a new problem and reminded Council that Mrs. Smith acknowledged flooding problems for more than 50 years. If Council chooses to address this issue, there must be funding and it should be available to all residents on an equal basis.

Mayor Mann requested additional information for Council's consideration.

Discussion Regarding National Night Out (Exhibit C)

Public Information Technology Officer Kelly Miller explained that she has received survey responses from the 31 area National Night Out ("NNO") coordinators, including whether they prefer holding the event on the first Tuesday in August or the first Tuesday in October (the two dates offered by the National Association of Town Watch). Of the 19 responses she has received so far, 13 prefer October and 6 prefer August. Those who support October cite the cooler weather, while those who prefer August cite longer daylight hours, being able to include water activities for kids, and being able to collect school supplies before the new school year begins.

Council Member Taylor questioned what ties our community to the NNO program and whether we could hold an event not affiliated with it. He noted that staff and local coordinators organize the event and that \$10,000 in merchandise is purchased in Pennsylvania instead of our local area. Council Member Wyhof noted that the NNO is a branded program, recognized by many people, including those new to our area. City Manager Hegwer stated that when the program was first held here, NNO provided the template but there is nothing binding us to them. Staff could purchase the materials and merchandise locally, and organize and plan the event independently. Mayor Mann acknowledged the event has been hugely successful here and suggested staying with the program.

Ms. Miller explained that the City pays \$35 annually for membership in the National Association of Town Watch (the NNO sponsor) and that membership is not required to participate. She also described the merchandise purchased for approximately \$10,000: 40 banners (approximately \$10 each); 250 extra-large tee-shirts and 150 "2X" tee-shirts (approximately \$6.50 per shirt); 450 caps (approximately \$5 each); miscellaneous basketballs, footballs, fans, balloons, pencils, and temporary tattoos; aprons, tote bags and sports packs to be

given away by coordinators at the sites; and golf shirts for Council members, the Mayor, and the City Manager. Mayor Pro Tem Gaskins questioned whether materials could be purchased for less and noted that staff would be responsible for the logistics of ordering the merchandise. Council Member Taylor stated that his point is to use local vendors and to promote the local brand. Mr. Hegwer confirmed that staff could have the merchandise priced for comparison purposes.

Mayor Mann observed that there appeared to be no consensus on changing NNO, but asked Council members to consider that option. Mr. Hegwer noted that the event has been a huge success, as evidenced by the fact that so many citizens come out to participate on a day with temperatures in the 90s, to meet and interact with members of the police and fire departments.

Closed Session

City Manager Hegwer stated that no closed session meeting was needed.

Other Business

City Manager Hegwer informed Council that bids on the Federal Building were to be opened on August 23.

Council Member Haire questioned whether any maintenance or repair work would be required at the Depot Building if Council elects to offer it for rental. Mr. Hegwer responded that this would depend on how Council decides the building can be used. If the kitchen will be available for use, electrical upgrades will be necessary; however, if the kitchen is not available for use, the electricity must be shut off.

Council Member Taylor reported that the problem with large tractor trailers at the roundabouts appears to be the result of outdated GPS programs, which do not include them on digital maps. Previous requests for signage ("no trucks allowed") were denied by DOT but with this new information, another request for signs will be made.

ADJOURNMENT

Council Member Post made the motion to adjourn the workshop. Seconded by Council Member Taylor, the motion carried unanimously.

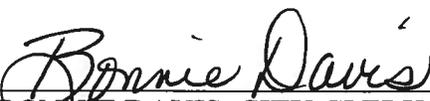
**ALL EXHIBITS CONTAINED HEREIN ARE HEREBY INCORPORATED
BY REFERENCE AND MADE A PART OF THESE MINUTES.**

Respectfully Submitted,



T. CHET MANN, MAYOR

ATTEST:



BONNIE DAVIS, CITY CLERK