

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, February 5, 2002, at 7:00 P.M. The following people were present:

Mayor Winston C. Hester	Council Member J. T. Kirkman
Mayor Pro Tem Joseph E. Martin	Council Member James G. Williams
Council Member Clawson Ellis	Council Member Walter H. McNeil, Jr.
Council Member Philip E. Dusenbury	Council Member Linwood S. Mann, Sr.
City Manager Leonard Barefoot	City Attorney Susan C. Patterson
City Clerk Bonnie D. White	

Mayor Hester called the meeting to order; Mayor Pro Tem Joe Martin delivered the invocation.

**APPROVAL OF AGENDA**

Mayor Hester stated that Item 4G - under the Consent Agenda listed as Approval of Resolution Granting the Mayor the Authority to Furnish Comments on the Seaboard Milling Company Nomination to the National Register of Historic Places on Behalf of the City Council needed to be moved to Cases for Public Hearing. On motion of Mayor Pro Tem Joe Martin, seconded by Council Member Walter McNeil, the amended agenda was approved.

**CONSENT AGENDA**

Approval of January 15, 2002, City Council Minutes- Filed in Minute Book 59

*The items listed below were discussed in detail at the Law and Finance Meeting held on Wednesday, January 30, 2002.*

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2001-2002 – (Exhibit A)

Approval of ordinance amending the budget includes appropriations of \$18,194 for grant funding awarded through the Governor’s Highway Safety Program for FY 2002 for permanent fitting stations at the fire stations for child passenger safety seats; a \$600,000 loan to support the golf improvements; a \$300,000 loan to the Sanford-Lee County Airport; and a local match of \$2,731 to support the Governor’s Highway Safety Grant.

Approval of Capital Budget Ordinance Golf Improvements – (Exhibit B)

Capital Budget Ordinance establishes funding for the loan proceeds in the amount of \$1,200,000 for golf course improvements.

Approval of Resolution Authorizing Acceptance of a State Grant for Sewer Rehabilitation and a Wastewater Reuse System – (Exhibit C)

Resolution gives Mr. Barefoot the authority to act as the City's authorized representative for signing the papers of a State grant for sewer rehabilitation and wastewater reuse system. The resolution states that the City would accept the grant offer in the amount of \$1,998,700.

Approval of Resolution of Tentative Award-State Project No. E-SRG-T-00-0102 – Sewer Rehabilitation and Wastewater Reuse System – (Exhibit D)

Resolution is for tentative award to the low bidders of the projects listed:

- Contract #1 – Azurix North America bid \$455,911.25 for the Cured-In-Place Pipe Liners.
- Contract #2 – Burlington Mechanical Contractors bid \$190,300 for Point Repairs; a change order will be done to make the contract for \$140,000.
- Contract #4 – Park Construction Corporation bid \$944,713.13 for the Water Reuse Facilities.
- Contract #5 – Landscapes Unlimited bid \$306,000 for the Golf Course Irrigation and Pump System project.

The resolution describes the projects the City would like to undertake and the amount of funds each one requires. After adoption by the Council, the resolution will be forwarded to the State for its approval and upon its approval, the contracts are considered awarded.

Approval of an Ordinance to Erect Stop Signs Within the City of Sanford Chapter 36, Traffic Code of Ordinances – (Exhibit E)

Ordinance establishes stop signs to be erected at the following intersections:

- (1) On Bank Street at Dalrymple Street
- (2) On Hartshorne Court at Belford Drive (Westfield Subdivision)
- (3) On Rollins Store Road at Cave Road (Old Jonesboro)
- (4) On Windmill Court at Westfield Court (West Landing)
- (5) On Westfield Court at Wickfield Drive (West Landing)
- (6) On Windmill Court at Wickfield Drive (West Landing)
- (7) On Wickfield Drive at Winterlocken Drive (West Landing).

Approval of Resolution Changing the Name of Viking Place to Freeman Drive – (Exhibit F)

Resolution changes the name of Viking Place to Freeman Drive.

The consent agenda items were approved upon motion of Council Member Phil Dusenbury. Seconded by Council Member Clawson Ellis, the motion carried unanimously.

**CASE FOR PUBLIC HEARING**

Approval of Resolution Granting the Mayor the Authority to Furnish Comments on the Seaboard Milling Company Nomination to the National Register of Historic Places on Behalf of the City Council - (Exhibit G)

Planner II Frankie Legaux stated that the Seaboard Milling Company, also known as Seaboard Roller Mill and Broadway Roller Mill, is located at 202 Hickory Avenue in the City of

Sanford. Dan Pezzoni of Landmark Preservation Associates prepared the nomination for the property owner Brian Paul Bystry. The property is nominated at the local level of significance in the subject area of industry. The criteria for listing is that the property is associated with events that have made a significant contribution to the broad pattern of local history. The period of significance is comprised of the years 1916 through 1930 and 1937 through 1952. (1930-1937 reflects a period of inactivity. The mill continued to operate after 1952, but the post-1952 period is not of exceptional significance.)

The three-story brick roller mill was heralded as a boon to the local economy at the time of its construction in 1915-16. Additions to the building include a side wing, added about 1920, and a cinder block office wing, added in the early 1950s. The building stands beside the Atlantic & Western rail line in a historically industrial setting.

The mill has a number of notable architectural characteristics. The main section of the brick building has recessed wall surfaces at the 2<sup>nd</sup> and 3<sup>rd</sup> story levels with corbeled cornices. There are four window/door bays on the sides and three on the ends. Door and window openings are square-headed, six-over-six double hung sash windows, single and double leaf wood panel doors with glass upper panels, three and five light transoms over the doors, and segmental-arched basement windows. Traces of decorative painted signs are still evident on the exterior. The interior retains many remnants of the building's historic use including heavy timber posts and beams, four large grain storage bins, and sieve purifiers and other machinery.

As the popularity of prepackaged mixes increased, business dropped off and the decision was made to close the business. In 1974, the property was purchased and converted into a landscaping and farmers supply emporium, called Farmers Junction. During the 1980s and 1990s, the building was used for storage or left vacant. In 1999, the property was purchased by Brian Paul Bystry of Progressive Contracting Company, Inc., who plans to rehabilitate the mill as offices.

Mayor Hester advised that the purpose of the public hearing will be to obtain public comments concerning the National Register Nomination for the Seaboard Milling Company also known as Seaboard Roller Mill and Broadway Roller Mill located at 202 Hickory Avenue, Sanford, North Carolina. Mayor Hester opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

Council Member J. T. Kirkman made the motion to adopt the Resolution Granting the Mayor the Authority to Furnish Comments on the Seaboard Milling Company Nomination to the National Register of Historic Places on Behalf of the City Council. Seconded by Council Member Clawson Ellis, the motion carried unanimously.

### **REGULAR AGENDA**

Consider Recommendation from the Planning Board to Set a Public Hearing to Amend the Zoning and Subdivision Ordinance for Accommodation of Curb, Gutter, and Sidewalks - (Exhibit H)

Mayor Hester explained that at the Law and Finance Committee meeting on January 30, Council discussed this issue at length. Since that time, he has attempted to get a copy of the Federal Act that created the storm water controversy. He explained that he has gotten some information off of the Internet concerning the storm water act. Mayor Hester stated that a gentleman from Bob Etheridges's office is going to mail some information to him. He added that it has been determined that Phase II Rules of the Storm Water Act have not been completed. He was also told that, at one point in drawing up the rules, that curb and gutter was banned from the regulations as being required. The Mayor recommended that Council table this public hearing and not schedule it, because he felt that all members should have enough information to make a good, sound decision. Council Member Ellis asked the Mayor if Raleigh gave him any type of timetable about when the final Phase II rules would be available. The Mayor replied they are in no big hurry, because the City will not have to make its application until January 1, 2004. The City will then have twelve months in which to act on it. Until they publish the rules, the Mayor felt that it would be best to table it.

Council Member Clawson Ellis made the motion to table the matter until such time Council gets the final guidelines from the State. Council Member James Williams seconded the motion.

Mayor Pro Tem Joe Martin stated that he understands the Planning Board and staff's intent. He said he has heard from developers that are for curb and gutter and from developers that do not think we need it. Mr. Martin was concerned about how long it would take to get the information, and he did not want the issue tabled indefinitely. The mayor said if it were tabled, the matter could be brought up later. Mr. Martin was concerned about the future growth of Sanford between now and the time the rules are published. He could see this issue being studied by a committee. He did not want it put off for a lengthy period of time. Mr. Ellis stated that at this time no one knows what you can do and what you cannot do. Mr. Mann stated that Council did not have to know for a public hearing. He said a public hearing is merely to find out how the people feel about it. Mayor Hester commented that people should know what the rules are before a public hearing is held. Mr. Mann said no action would have to be taken on it; maybe the majority of the people do not want it. Mr. Mann stated that if the public did not want it, Council would not have to worry about the rules. Mayor Hester said the rules could change the people's minds.

Mayor Pro Tem Joe Martin asked staff if they knew how long it would be before the City would know information on this matter. Public Works Director Larry Thomas advised that Phase I is for cities over 100,000 – 125,000 population. Phase II is for populations over 20,000 and 1,000 persons per square mile; the City just did miss this category, however, the State, at its discretion, could add cities to this list. Mr. Thomas stated that we could be on the list for the early part of 2004, since they are going by drainage basins. Mr. Thomas said he thinks that curb and gutter will still be allowed, but you will have additional requirements, such as retention ponds.

Council Member Linwood Mann said we should be concerned with what is in place today. This recommendation was merely to have a public hearing to let everybody have a say, and we are getting off the target when we are deciding whether we want it or not. Mr. Mann

added that we needed to go by the rules we have now. Mayor Hester stated that he felt a public hearing should not be held until as much information as possible is received. Council Member McNeil felt the information should be received before the public hearing so no misinformation is given out. Mr. Mann said that he felt Council should find out from the public if they want it or not.

After a lengthy discussion by Council, the vote was 5 to 2 in favor of tabling the matter until such time as Council gets the final guidelines from the State. Council Member Linwood Mann and Mayor Pro Tem Joe Martin cast the dissenting votes. Mr. Barefoot asked for clarification on Mr. Ellis's motion in order to give direction to staff on what to expect – is Council waiting for information from the final storm water rules or what? Mayor Hester replied that the first draft is being changed, and he did not feel it would be a long time before it is ready. Mayor Hester added that if they were not ready, Council could still bring it up again. Council Member Ellis said there was no time limit. Council Member Ellis stated that he did not want Council to do something they will have to undo in six months. Mr. Ellis added that the Planning Board has put a lot of time and effort in the recommendation. He commented that Council should not make the ruling until they get all the facts. It would not be fair to the citizens of the City of Sanford and builders.

Council Member Mann stated that he did not feel that from the bottom of his heart like this board tonight has represented all the people in the City of Sanford. He advised that they have heard a few people and made decisions favoring a few people and to be fair, Council should have heard from all the people. He said you might have seen it different if Council would have heard from the people that voted and put them in.

### **OTHER BUSINESS**

Mayor Pro Tem Joe Martin announced that Fay Woodruff, on behalf of the City, received the first Marshall Payne Spirit Award for the efforts that she, her colleagues, and the employees made to the United Way. He commended Ms. Woodruff for her service. Mayor Hester thanked and recognized Mr. Martin for his work in the United Way Campaign.

Harvey Forbes spoke from the audience. He said he appreciated the Planning Board's work and appreciates the Council's work, and the time they spend. He added that after hearing the discussion on the rules of the storm water program, he would like to receive this information once Council and staff receive it. Mayor Hester advised that once it was received, he would pass it on to the Board of Realtors and the homebuilders.

Mr. Averett informed the public that he had several copies of the EPA information available that was given to Council at the Law and Finance Meeting.

Council Member Mann said that he did not want his remarks to be interpreted that he is for or against it. He was merely making his statements to have a public hearing. He has not decided personally and would not decide until he has heard from the people. He wanted to clarify the issue.

Mayor Pro Tem Joe Martin wanted to publicly say that he and Harvey Forbes had a good conversation about the curb and gutter. He said everybody that he has talked with in the building industry has not said we do or do not need this. He thanked these people for their comments and for being very open-minded about it.

Council Member McNeil stated that he has not heard from any realtor about anything, but he felt that Council needs to have the information to give to the realtors and public and know what the rules are before we start talking about a public hearing. He said if you do not know what you are talking about, there is no need to have it. We need to be talking about what is going to happen down the road.

**ADJOURNMENT**

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

Respectfully submitted,

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WINSTON C. HESTER, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK