

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

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

Absent:

Council Member J. T. Kirkman

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

Mayor Hester welcomed Boy Scout Troop #806 along with Scout Master Chris Crankshaw and Assistant Scout Master Lane Christensen to the meeting. The Church of Jesus Christ of Latter Day Saints sponsors the troop. The scouts are working on their Citizenship in the Community Merit Badge.

**APPROVAL OF AGENDA**

On motion of Council Member Walter McNeil, Jr., seconded by Mayor Pro Tem Joe Martin, the agenda was approved as presented.

**CONSENT AGENDA**

Approval of April 16, 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, May 1, 2002.*

Approval of Renewal of Contract for Inmate Labor Between the City of Sanford and the North Carolina Department of Correction – (Exhibit A)

Approval was granted to renew the contract for inmate labor with the North Carolina Department of Correction. The rates are the same as last year.

Approval of Ordinance Repealing a No-Parking Ordinance on a Portion of Cross Street – (Exhibit B)

Ordinance was approved to repeal a no-parking ordinance along Cross Street in front of the old St. Clair School. The ordinance was for no parking between 2 P.M. and 4 P.M. which

was for school hours. Since there is no longer a need for the ordinance, the property owners requested the ordinance be repealed.

Approval of Amending the Language of the Mowing Agreement Between the Department of Transportation and City of Sanford to Allow It to Automatically Renew – (Exhibit C)

Approval was granted to amend the previous mowing contract to allow the City to renew the contract each year without coming before Council. Based on the unit bid prices from the Department's mowing contractor, the Department will adjust the rate of reimbursement to the City to an amount equal to that paid to the Department's mowing contract at the time of renewal of the agreement.

Approval of Resolution Confirming Years of Service for Roy Utey as a City Planning Board Member – (read at Council Meeting on April 16, 2002, but inadvertently not approved).

See City Council minutes dated April 16, 2002.

Approval of Authorization for the City Manager to Enter Into a Contract with Blue Cross Blue Shield – (Exhibit D)

Approval was granted for the City Manager to enter into a contract with Blue Cross/Blue Shield for healthcare insurance for City employees for Fiscal-Year 2002-2003.

The consent agenda items were approved upon motion of Council Member Linwood Mann. Seconded by Council Member James Williams, the motion carried unanimously.

**DECISION ON PUBLIC HEARING**

Petition by Brick Capital CDC - to Rezone from Residential (R-6) District to Office and Institutional Multi-Family (OI-MF) District Two Tracts of Land Totaling Approximately 15.1 Acres with One Tract Located at 806 South Vance Street and One Tract Located in the 200-300 Block on the Northern Side of Church Street. – (Exhibit E)

Assistant Community Development Director Trevis Averett advised that the Planning Board, by unanimous vote, recommended that Council approve the request. Council Member Walter McNeil made the motion to go along with the recommendation of the Planning Board. Seconded by Council Member Phil Dusenbury, the motion carried unanimously.

**REGULAR AGENDA**

Consider Resolution Authorizing the City Council to Enter Into a Ten-Year Lease with Progressive Development Company – (Exhibit F)

City Manager Leonard Barefoot advised that Progressive Development Company requested to purchase a City-owned lot bounded by McIver, Chatham, and Charlotte Streets. However, since the City desires to continue to use the lot for snow removal, it was decided to lease the property to Progressive Development Company for parking. Mr. Barefoot recommended the lease go forward.

Mayor Pro Tem Joe Martin requested council members to allow him to abstain from voting since his wife is employed with Progressive Development Company. Council Member

Linwood Mann made the motion to allow Mr. Martin to abstain from voting on this issue. Seconded by Council Member Phil Dusenbury, the motion carried unanimously.

Council Member Clawson Ellis made the motion to approve the Resolution Authorizing the City Council to Enter Into a Ten-Year Lease with Progressive Development Company. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Consider Resolution Requesting that Municipal Revenue Sources be Made Secure – (Exhibit G)

City Manager Leonard Barefoot advised that he received an e-mail from the League of Municipalities Director Ellis Hankins and Chair of the League of Municipalities Mayor Gwyn, requesting that local governmental units adopt a resolution calling on the State Legislature to make our revenues secure. The governor has frozen approximately \$850,000 of our revenues, in the current year, that are owed to the City and the taxpayers of Sanford; this amounts to about six cents on the local tax rate. Next year, it would be the same. The City is only budgeting the reimbursements which is about \$750,000 in contingency for next fiscal year, because we are fearful that the governor and legislature will hold these revenues again. The Lee County Board of Commissioners adopted a similar resolution. Mr. Barefoot asked for authorization to arrange a meeting so that officials from Sanford, Broadway and Lee County can meet face-to-face with Representative Leslie Cox, Senator Oscar Harris and Representative Don Davis. A resolution will be sent to each member of the City's delegation, Speaker of the House, President of the Senate and to the League of Municipalities. Mr. Barefoot stated that he would like to hand a copy to each of the City's local delegation.

Council Member James Williams made the motion to approve the resolution. Seconded by Council Member Clawson Ellis, the motion carried unanimously.

Consider a Preliminary Plat Plan of R. B. Properties Subdivision, Located Off Kelly Drive. Owner/Developer Barron J. Campbell Heirs & William Randall Campbell. –(Exhibit H)

Assistant Community Development Director Trevis Averett presented copies of a preliminary plat of R. B. Properties Subdivision to the Council. He stated the subdivision is located on the northern side of Meadow Park Subdivision off Broadway Road. It involves an extension of Whip-Poor-Will Street that will connect over to a street and eventually to Kelly Drive. The property is zoned RA-20 and has approximately 87.48 acres in it. It involves approximately 82 single-family lots. An area is being reserved for multi-family development consisting of approximately 32.2 acres, and the subdivision proposes approximately 12 percent common area for trails and open space to the eastward side of the property. The property will involve extension of City water and sewer to all of the lots and it is recommended that the owners annex the balance of the property into the City limits. The Planning Board recommended unanimously that Council approve the subdivision as proposed.

Council Member Linwood Mann expressed his concern regarding the traffic that will be created on Broadway Road since there is only one-way in and one-way out. Ronnie Graham, surveyor for R. B. Properties, stated that the street would be extended to Kelly Drive in Phase III and not in Phase I and II. Mr. Averett commented that the construction of U. S. Highway 421 Bypass will have an interchange off of Kelly Drive that should help with the traffic. Mr. Mann said it would create a lot of problems with the residents in Meadow Park Subdivision. Mayor

Pro Tem Joe Martin asked if the City has tried to limit the one-way in and one-way out. Mr. Averett replied that is correct. Mr. Martin stated that he felt we should stipulate that the street be extended to Kelly Drive. He added that Phase II may not be developed for another twenty years from now, and if so, we have created a nightmare on Broadway Road with the added traffic.

Council Member McNeil asked if the property would be clear-cut. Mr. Graham replied no; that the residential lots will be developed into single-family lots and the clearing will be for the streets and homes. Mr. Mann asked if modular homes would be located on the property. Mr. Graham replied the owner is planning on building stick-built homes.

Mayor Pro Tem Joe Martin made the motion to table the issue for two weeks to allow staff to discuss with the developers opening up Kelly Drive.

City Manager Leonard Barefoot advised that the issue before Council previously was a rezoning request which is different from a subdivision plat review. He stated that when you have a rezoning request, you have the option to weigh all the factors to determine whether or not you would rezone the property to a higher density classification. He added that in this case, you are approving a preliminary site plan, and your mission here is to determine whether or not the developer meets the requirements of the ordinance. Mayor Hester asked if Council could not take into consideration the traffic. Mr. Barefoot replied only to the extent as to whether or not the development will handle the traffic, and Council is considering offsite improvements, and they are not a consideration for this review process. Mr. Barefoot said you can tell the developer your concerns, but the process that has been followed in the past is that a developer submits a preliminary plat, and he is allowed to develop the subdivision in stages. Council Member Mann asked why the preliminary plat has to come before council if it meets the requirements of the ordinance. Mr. Averett replied that is how the ordinance is set up.

Council Member Linwood Mann seconded the motion made by Mayor Pro Tem Joe Martin. Council Member McNeil asked that based on the ordinance, can Council deny the plat without legal ramifications. City Attorney Susan Patterson replied that is probably a question for the planning staff as to whether it meets the requirements of the ordinance. She added that if Council denies it based on something other than meeting the requirements of the ordinance then there could be legal ramifications. Mr. Bridwell stated that the plat has been through technical review by staff members present tonight and the Planning Board recommended approval.

A vote was taken, and the motion to table for two weeks carried unanimously.

Consider Revised Preliminary Plan for Nottingham Subdivision, Located Off Pathway Drive, Burns Drive, Hawkins Avenue and North Horner Boulevard. Owner/Developer: Nottingham Associates, LLC. – (Exhibit I)

Assistant Community Development Director Trevis Averett presented copies of a revised preliminary plat of Nottingham Subdivision. He stated that Council approved the preliminary plat on August 8, 2001. This map is for the residential portion of the development which consists of 154 single-family lots. He said it was essentially the same plan as previously

presented on August 8, 2001; the real difference is that Lots 94 through Lots 101 have been reconfigured and three lots will have frontage on Spring Branch Drive which fronts in the McCracken Heights Subdivision. The Planning Board recommended approval.

Mayor Pro Tem Joe Martin made the motion to go along with the Planning Board's recommendation and approve the preliminary plat. Seconded by Council Member Phil Dusenbury, the motion carried unanimously.

### **OTHER BUSINESS**

Council Member Walter McNeil, Jr. stated that he would like for the Community Development Department staff to review the ordinance concerning two-ways in and two-ways out of a development. Community Development Director Bob Bridwell stated that it is being addressed in the Unified Development Ordinance and the UDO is being reviewed by the Steering Committee. After review, the UDO will come before Council. Mr. McNeil expressed his concern of approving one preliminary plat and tabling one and the legal ramifications. Mayor Pro Tem Joe Martin and Council Member Linwood Mann also expressed their concerns about the increased traffic on Broadway Road. Mr. Barefoot noted that he thought it would be a "taking" to deny someone the use of their land not in accordance with the rules and regulations that are in place, and it would dictate compensation to them. Mr. Barefoot requested that the Community Development Department staff draft an amendment to the subdivision ordinance to give Council the authority to require the two-ways in and two-ways out while the UDO is being developed.

Mayor Pro Tem Joe Martin and Mayor Hester thanked staff for their work on the Pottery Festival to make the festival a success.

City Manager Leonard Barefoot encouraged everyone to look at the attractive plantings and brickwork along the base of the railroad tracks next to the wall of Moore Street. The work was completed by a young man in fulfillment of his Eagle Badge requirements.

### **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 James Williams, the motion carried unanimously.

Respectfully submitted,

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WINSTON C. HESTER, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK

