

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, June 4, 2002, at 7:00 P.M. The following people were present:

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| 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; Council Member Phil Dusenbury delivered the invocation.

APPROVAL OF AGENDA

City Manager Leonard Barefoot requested two items be added to the Regular Agenda - Consider Letter of Credit for Seymour Medical Park Section 5 and Consider an Ordinance to Prohibit Slaughtering of Animals. On motion of Mayor Pro Tem Joe Martin, seconded by Council Member Walter McNeil, Jr., the amended agenda was approved.

CONSENT AGENDA

Approval of May 21, 2002, City Council Minutes- Filed in Minute Book 59

The consent agenda item was approved upon motion of Council Member Walter McNeil, Jr. Seconded by Council Member James Williams, the motion carried unanimously.

SPECIAL AGENDA

Mayor Hester presented Adrienne Lynette Watson a proclamation (Exhibit A) recognizing her accomplishments and graduation from The Citadel in Charleston, South Carolina. City Manager Leonard Barefoot read the proclamation and noted that Ms. Watson is one of the first black female cadets to graduate from The Citadel.

CASES FOR PUBLIC HEARING

Consider Resolution Granting the Mayor the Authority to Furnish Comments on the Lee Avenue Historic District Nomination to the National Register of Historic Places on Behalf of the City Council – (Exhibit B)

Planner II Michelle Smith advised that the Lee Avenue Historic District Nomination to the National Register of Historic Places was completed by Ruth Little of Longleaf Historic Resources. It is a seven block long, L-shaped district which includes the 200 to 400 blocks of West Main Street; the 1900 to 2300 blocks of Lee Avenue; 2511 and 2517 South Academy Street and 319 West Raleigh Street. She noted that there are 54 primary buildings; 46 of which

are contributing. A public informational meeting was held on April 30, 2002, with approximately 15 property owners in attendance. All property owners within the proposed district were notified by mail. An ad was also run in the *Sanford Herald*. The Historic Preservation Commission held a public hearing on May 28, 2002, and recommended that the Lee Avenue National Register Nomination be nominated to the National Historic Places. The resolution grants the mayor the authority to furnish the comments on behalf of the City Council.

Mayor Hester opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

Council Member Linwood Mann made the motion to adopt the Resolution Granting the Mayor the Authority to Furnish Comments on the Lee Avenue Historic District Nomination to the National Register of Historic Places on Behalf of the City Council. Seconded by Council Member James Williams, the motion carried unanimously.

Consider Public Hearing on Annual Budget for Fiscal Year 2002 – 2003

City Manager Leonard Barefoot stated that a second budget workshop was conducted on May 15, and the proposed budget was presented to Council at that time. A public hearing is being held tonight as required. The Council will not be asked to adopt the budget tonight; however, it will be considered for adoption later this month. Mayor Hester opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

DECISIONS ON PUBLIC HEARINGS

Petition by GPG Development, LLC - to amend its Deep River Forest development plans and R-PUD Planned Unit Development District for 636.23 acres located off the eastern side of Hawkins Ave., US HWY 15/501/NC87, and extending easterly bordering the Deep River/Lee County Line over to the eastern side of Deep River Road at its intersection with Zion Church Road. The area includes Lee County Tax Parcel No's 9646-65-8793, 9656-26-2792, and 9646-83-3550 as shown on Tax Maps 9646.02, 9656.01 and 9646.04. – (Exhibit C)

Assistant Community Development Director Trevis Averitt explained the amended plan in detail. He noted that it rearranges the zoning districts in the PUD and eliminates the proposed golf course and conference center. There is an increase of approximately 7.6 acres in the General Business District along U. S. Highway 15-501. The approved plan and the proposed plan are identical in that both provide for 1,264 dwelling units at an overall density of 1.99 units per acre. The first phase of the development includes two means of access with the main entrance proposed off of U. S. Highway 15-501, and there will be a second access which will connect off the Deep River Forest Parkway over to Jones Chapel Road primarily for emergency access purposes. The Planning Board expressed concerns about school capacity; however, this situation is a potential problem for any development until it is solved. The Planning Board unanimously recommended that the City Council approve the amended Deep River Forest R-PUD Plan and rezoning request.

Council Member Linwood Mann inquired if there was enough right-of-way on Jones Chapel Road to bring it up to state standards. Mr. Averitt said that it was discussed in 1999 and at that time, the road was on the state's list of roads to be paved. When the state paves the road,

they will ask for right-of-way agreements from all of the property owners. Mr. Averitt was not sure the state was able to obtain the necessary agreements in 1999. The state is responsible for maintenance of Jones Chapel Road. Mr. Mann expressed concern that there is not enough property to use it as a main road; it splits the church's property. Mr. Averitt replied it is an unpaved road, and it is not intended to be the main access. The developer will have a paved road that will connect to the state maintained unpaved portion for emergency access. Mr. Averitt noted that if it was ever possible, it would be good if Jones Chapel Road could be realigned to the other side of the cemetery and align with Colon Road which would provide a better entrance. There is interest on the part of the state and the developer for this to be done. Mr. Barefoot stated there are two entrances to the subdivision, and that Jones Chapel Road will be used only as an emergency access until the second entrance is built. Jones Chapel Road meets all the criteria of the fire and police departments for that purpose. The second entrance is included in Phase I.

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

Application by GPG Development, LLC - pursuant to NCGS 160A-385.1 and Article II, Division 4, Vested Rights, of the Sanford Zoning Ordinance for a five-year zoning vested right for Deep River Forest PUD. Request is for the phased development of the same properties and amended development plans identified and described in Item 1 above. – (Exhibit D)

Assistant Community Development Director Trevis Averitt explained that the developer is requesting that its previously granted vested right for the Deep River Forest Planned Unit Development project be extended for five years for the amended plan approved above. If granted, the applicant would have the right to complete the phased development of the property under existing zoning regulations pursuant to the approved site specific development plans for a period of five years. The stated need for the five-year vested right was due to the size of the project, the level of investment, the need for and desirability of the development, and economic cycles and market conditions that are involved with the long-term project. The Planning Board recommended unanimously to approve GPG Development, LLC's request for a five-year zoning vested right.

Council Member Phil Dusenbury made the motion to approve the application. Seconded by Council Member J. T. Kirkman, the motion carried unanimously.

REGULAR AGENDA

Consider Revised Preliminary Plat for Carthage Colonies Subdivision Located on Firetower Road and Carthage Street. Developer: Crossman Communities of NC D.B.A. Homes by Huff. – (Exhibit E)

Assistant Community Development Director Trevis Averitt advised that a preliminary plat for Carthage Colonies was approved by Council on June 27, 2000, and an amendment to the plan was approved on October 16, 2001. In February 2001, the first phase of the development was platted and recorded for 71 lots which are currently under construction. The plans provided

for a cluster subdivision with a minimum lot size of 9,000 square feet which is zoned Residential (R-12).

The plans being presented with provisions provide for 549 dwelling units consisting of 450 single-family lots in a cluster arrangement and two sites reserved for 99 town homes. The difference in the previously approved plans and the proposed amended plans is a decrease of 39 town homes and an increase of 39 single-family lots. The overall density remains unchanged at 2.81 units per acre.

The street pattern has been revised in the central area of the development providing for better internal connectivity. Common open space has decreased by 10.31 acres. Over one-half of this decrease was due to 5.57 acres of CP&L cross-country electrical transmission lines no longer counted as open space. The open space totals 15.7 percent of the total development area meeting the minimum requirement of 10 percent.

The Planning Board unanimously recommended at its May 21, 2002, meeting that City Council approve the revised preliminary plat for Carthage Colonies.

Council Member James Williams made the motion to accept the recommendation of the Planning Board. Mayor Pro Tem Joe Martin seconded the motion.

Council Member Clawson Ellis asked Mitch Huff of Crossman Communities when they plan to stop the silt from drifting to property owners downstream. Mr. Huff replied that they believe they have successfully stopped it several times. Mr. Ellis stated that it has not stopped, and that he could not vote for any furthering of this project until they stop some of the silt from running downstream.

The vote was 6 to 1 with Council Member Clawson Ellis casting the dissenting vote.

Consider Letter of Credit for Seymour Medical Park Section 5 – (Exhibit F)

Assistant Community Development Director Trevis Averitt advised that a letter of credit was received on behalf of W.W. Seymour and Helen F. Seymour to proceed with the final plat for Section 5 of Seymour Medical Park. He stated this is a subdivision with medical offices in it located off Carthage Street. The proposed Section 5 includes extension of Dennis Drive right-of-way and pavement by approximately 120 feet and installation of 160 LF of 6-inch water main. Improvements, estimated by the City Engineering Department, total \$16,500 which will serve Lot 17 with 1.5 acres. The irrevocable letter of credit from BB&T will be good for one year and will expire on June 3, 2003. Staff recommended that Council accept the letter-of-credit in lieu of the improvements for one year.

Council Member Walter McNeil, Jr. made the motion to accept the letter-of-credit. Seconded by Council Member James Williams, the motion carried unanimously.

Ordinance to Prohibit Slaughtering of Animals – (Exhibit G)

City Manager Leonard Barefoot advised that the City has had some problems with the skinning and slaughtering of animals within the corporate limits. Code Enforcement Officer Carl Anglin and Police Major Roscoe Petty have asked that the City adopt an ordinance so it shall be unlawful for anyone to slaughter or skin any animal in the City limits. The fine would be punishable by \$50.

Council Member J. T. Kirkman made the motion to approve the Ordinance to Prohibit Slaughtering of Animals. The motion was seconded by Council Member Linwood Mann.

In response to a question by Council Member Williams, Code Enforcement Officer Carl Anglin stated that it is rapidly becoming more prevalent to slaughter goats. It is an activity that should not occur in a residential neighborhood. It is a very gruesome activity and children and adults are being subjected to this sight. Council Member McNeil asked that if more than one animal is being slaughtered, would the fee be \$50 per animal. City Attorney Susan Patterson replied that the officer who responds on the scene could write a citation for each incident which they have evidence of, and each incident would be a separate offense. Council Member Ellis asked if the violator would be required to pay for the cleanup of waste or would the City assume this. Attorney Patterson replied that the reason why people are slaughtering the animals are to have a backyard barbeque, and they generally eat the meat. She said she was not quite sure how they dispose of the waste. She stated that this prohibits the act of the slaughtering and skinning; it does not address the disposal of the waste. Mr. Ellis replied that he has been told that the waste is being dumped out in a particular area on vacant lots.

A vote was taken, and the motion carried unanimously.

Consider Appointments to Various Boards, Commissions and Committees – (Exhibit H)

Mayor Pro Tem Joe Martin made the motion to accept by acclamation the following boards and commission appointments:

Airport Authority (one appointment) – Leonard Barefoot;

Board of Adjustment/Housing Board of Appeals (one alternate position) – Roger Judd;

Historic Preservation Commission/Appearance Commission (three appointments) – Elizabeth Kenan Gay, Joni Martin, and Derrell Mullins;

Lee County Economic Development Corporation (one appointment) – Philip Dusenbury;

Lee County Environmental Affairs Board (one appointment) – Jane J. Smith;

Planning Board (three appointments) - Angela Prather, Dan Harrington, and to appoint Todd Snyder to fill the unexpired term of Roy Utley;

Sanford Municipal Golf Course Advisory Board (three appointments) – Harry Miller, Fred B. Murchison, Jr. and Don Perry.

The motion made by Mayor Pro Tem Joe Martin was seconded by Council Member Linwood Mann, and carried unanimously.

The following boards and commissions were voted upon individually.

ABC Board – (one appointment) - Council Member Clawson Ellis nominated Don Suddarth. Council Member Linwood Mann made a motion to close the nominations and appoint Don Suddarth by acclamation. Seconded by Mayor Pro Tem Joe Martin, the motion carried unanimously.

ADA Committee (two appointments) – Council Member Phil Dusenbury nominated Betsy Gunter. Council Member Walter McNeil nominated Brenda Foust. Council Member Clawson Ellis made the motion to close the nominations and appoint Ms. Gunter and Ms. Foust by acclamation. Seconded by Council Member J. T. Kirkman, the motion carried unanimously.

Sanford Housing Authority (two appointments) – Council Member Walter McNeil nominated Jessie C. Davis. Council Member James Williams nominated Clyde McLeod. Council Member J. T. Kirkman nominated Lowell A. Hamel.

City Manager Leonard Barefoot informed Council that the Federal Statutes state that one member must be a resident of the Sanford Housing Authority, and Clyde McLeod is the only applicant that is a resident. Mr. Barefoot stated that Mr. McLeod would have to be appointed unless another applicant is a resident. Council Member Linwood Mann asked if there was anything in writing that specifies exactly how that is worded and does he have to be a voting member of the board. City Attorney Susan Patterson stated that this issue has come up in the past. In 1998, the Quality Housing and Work Responsibility Act was passed which is a federal law. It stated that “Except as provided in paragraph 2, the membership of the board of directors or similar governing body of each public housing agency shall contain not less than one member who is directly assisted by the public housing agency and who may, if provided for in the public housing plan, be elected by the residents directly assisted with the public housing agency.” In order to receive federal funding for the public housing agency, then it became mandatory that one member of the board be an occupant. Ms. Patterson said she assumed the Sanford Housing Authority receives federal funding. Mr. Mann questioned if the occupant could serve in an advisory capacity. Mr. Patterson replied he would have to be a voting member. Mr. Mann said he would like to see that Mr. McLeod be appointed in an advisory capacity, attend the meetings and be an liaison between the residents and the voting board. Mr. Mann stated that the Sanford Housing Authority operates with a \$1.5 million budget. He felt the Authority needs individuals with a business background, because it is a big business.

After much discussion, Council Member James Williams made the motion to appoint Mr. McLeod. Seconded by Council Member Walter McNeil, the vote was 6 to 1 with Council Member Linwood Mann casting the dissenting vote.

No more nominations were made. The two nominations left were Jessie C. Davis and Lowell A. Hamel. The following council members voted for Jessie C. Davis: Walter McNeil, Joe Martin and James Williams. The following council members voted for Lowell A. Hamel:

Linwood Mann, Phil Dusenbury, Clawson Ellis and J. T. Kirkman; therefore, Clyde McLeod and Lowell A. Hamel were appointed to the Sanford Housing Authority.

Council Member Linwood Mann stated for the record, he would like for everybody to know that he would have supported Jessie Davis over Clyde McLeod, but he was denied the right to do this. In essence, they only had one person to vote for.

OTHER BUSINESS

City Manager Leonard Barefoot requested that the next City Council meeting be held on Wednesday, June 26 at 1:00 P.M. in the Council Chambers, in lieu of the regularly scheduled Law and Finance meeting that day and the City Council meeting scheduled for July 2. The June 18 City Council meeting would also be cancelled. This would give us time to know what the State Legislature is going to do concerning funds withheld from the City. The proposed annual operating budget for Fiscal Year 2002-2003 will be considered for adoption on June 26. It was the consensus of the Council to meet on June 26. The next Law and Finance Committee meeting will be held on July 10.

Council Member J. T. Kirkman announced that the Sanford Shrine Club will hold a fish fry Friday, June 7, from 11:00 A.M. to 7:00 P.M., at the Sanford Shrine Pavilion. It is a benefit fundraiser for the club's charitable events which is the Burn and Crippled Children's Hospital.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned on motion of Council Member James Williams. Seconded by Mayor Pro Tem Joe Martin, the motion carried unanimously.

Respectfully submitted,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK