

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 Thursday, August 1, 2002, at 1:00 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 Clerk Bonnie D. White	

Absent:

City Attorney Susan C. Patterson

Mayor Hester called the meeting to order; Council Member Clawson Ellis delivered the invocation.

APPROVAL OF AGENDA

City Manager Leonard Barefoot stated that a handout (Exhibit A) was given to Council concerning de-annexation; however, it is not on the agenda for discussion at this particular meeting. He requested to add one item to the Regular Agenda 8H. – Consider Matters Relating to ABC Law Enforcement Funding. On motion of Council Member Walter McNeil, Jr., seconded by Mayor Pro Tem Joe Martin, the amended agenda was approved.

CONSENT AGENDA

Approval of July 16, 2002, City Council Minutes- Filed in Minute Book 59

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

SPECIAL AGENDA

Presentation of Proclamation in Support of Firefighter Appreciation Month – (Exhibit B)

Mayor Hester read and presented to Assistant Fire Chief Hayden Lutterloh III a proclamation proclaiming the month of August as Firefighter Appreciation Month and thanked Sanford firefighters for their efforts in raising funds for the Muscular Dystrophy Association. Muscular Dystrophy Association representative Ann Bonett was present for the presentation.

Presentation of Proclamation Designating August 6, 2002, as National Night Out and Urging Its Citizens to Support – (Exhibit C)

Mayor Hester read a proclamation in support of and proclaiming August 6, 2002, as National Night Out. He thanked Council Member Walter McNeil, Jr., who initiated the program, and City Clerk Bonnie White for their efforts in making National Night Out possible in Sanford.

Council Member Walter McNeil stated that as a part of National Night Out, we have asked that all participants and coordinators donate and bring school supplies to the various locations throughout Sanford. These school supplies will be collected by the police officers attending the events and brought back to City Hall for distribution to the schools for children that are in need of these items.

DECISIONS ON PUBLIC HEARINGS

Petition by Nancy C. Wiggins - to rezone from Residential-20 (R-20) district to General Business (GB) district approximately 1.09 acres of land located at 1602 Charleston Drive. The property is the same as depicted on Tax Maps 9644.03 and 9644.04, Tax Parcel 9644-53-0423, Lee County Land Records Office. – (Exhibit D)

Assistant Community Development Director Trevis Averett advised that the Planning Board discussed this rezoning issue on July 16, 2002, and voted unanimously, to recommend approval of the request. Council Member Clawson Ellis made the motion to go along with the Planning Board's recommendation. Seconded by Mayor Pro Tem Joe Martin, the motion carried unanimously.

Petition by William R. Cole - to rezone from Residential-20 (R-20) district to General Business (GB) district approximately 1.20 acres of land located on the south side of Wicker Street. The property is a portion of Tax Parcel 9632-06-9539, depicted on Tax Map 9632.01, Lee County Land Records Office. – (Exhibit E)

Assistant Community Development Director Trevis Averett advised that the Planning Board discussed this rezoning issue on July 16, 2002, and voted unanimously, to recommend approval of the request.

Council Member Phil Dusenbury inquired as to what kind of buffering would be required. Mr. Averett replied that the lot is surrounded by single-family residential zoning so the standard buffer of three rows of shrubs and a row of trees is required or a substitute of a solid-visual barrier fence could be used. He added that he did not believe there was enough existing vegetation on the property to substitute, and that decision would be made by the Planning Board. Several council members expressed concern about spot zoning of the property.

Council Member J. T. Kirkman made the motion to approve the rezoning petition. The motion was seconded by Council Member Clawson Ellis. Council Member Phil Dusenbury stated that he is opposed to the rezoning because it did not conform to the 2020 Land Use Plan, the fact that it is spot zoning, and the fact that the entire 71 acres is zoned R-20. Council Member Mann expressed that he felt it could be a mistake to rezone the middle of the property with General Business; however, he felt that the surrounding residents did not seem concerned because no one spoke at the public hearing against it except for one individual and that was an issue with the trailer park. Council Member James Williams commented that council needs to be mindful of urban sprawl.

A vote was taken of 5 to 2 in favor of the rezoning issue. Council Members Phil Dusenbury and James Williams cast the dissenting votes.

REGULAR AGENDA

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2002-2003 – (Exhibit F)

Budget Director Barbara Cox explained that within the General Fund an appropriation of \$109,810 is requested for the Police Department - \$102,125 to budget funds for a utility vehicle, supplies and other equipment to be used by the Police Drug Unit and \$7,685 to budget funds to be used for police training in the areas of domestic violence and sexual assault. Within the General Fund a transfer of \$2,562 is requested from Contingency to budget the local match for the 2002-03 Violence Against Women's Act Grant. Council Member Linwood Mann made the motion to adopt the ordinance. Seconded by Council Member James Williams, the motion carried unanimously.

Consider Ordinance Amending Budget Ordinance 2000-33 for FY 2000 CDBG Scattered Site Project – (Exhibit G)

Budget Director Barbara Cox advised that the ordinance is to amend Ordinance 2000-33 for the FY 2000 CDBG Scattered Site Project Budget. A transfer of \$5,850 is being requested from the Rehabilitation budget into the Relocation Budget. Mayor Pro Tem Joe Martin made the motion to adopt the ordinance as presented. Seconded by Council Member Walter McNeil, the motion carried unanimously.

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

Operations Manager Tim Shaw explained that the ordinance is to erect stop signs within the Westlanding and Hearthfield Lakes subdivisions. Council Member James Williams made the motion to adopt the ordinance. Seconded by Council Member J. T. Kirkman, the motion carried unanimously.

Consider Resolution Temporarily Closing Several Streets in Support of National Night Out – (Exhibit I)

Mayor Hester explained that the resolution temporarily closes several streets within the City of Sanford for National Night Out activities. Council Member Phil Dusenbury made the motion to adopt the resolution. The motion was seconded by Council Member Walter McNeil. City Manager Leonard Barefoot stated that National Night Out Coordinator Jean Gay has informed the City Clerk today that she did not need Radius Circle closed from McLeod Drive to Cliffside Drive. He added that even though this street is listed on the resolution and if the resolution is approved, staff could make the necessary arrangements not to close the street. The vote was unanimous to approve the resolution.

Consider Preliminary Plat of Westlake Downs Section 6, Lots 51-54 including Wimbledon Drive between Petty Road and Buckingham Drive Developed by Donald Simpson – (Exhibit J)

Assistant Community Development Director Trevis Averett advised that the preliminary plat dedicates Wimbledon Drive and provides for four new lots (Lots 51 – 54) fronting Buckingham Drive in Westlake Downs. The lots are zoned Residential (R-14) which allows

single-family development only. The minimum lot size is 14,000 sq. feet. Council Member Phil Dusenbury made the motion to approve the preliminary plat. Seconded by Mayor Pro Tem Joe Martin, the motion carried unanimously.

Consider Petition Requesting Contiguous Annexation of Approximately 3.49 acres of Property Owned by the Baptist Children's Home of NC, Inc. Located on Amos Bridges Rd. at the Intersection of the Northern Access Ramp to U. S. Highway No. 1 off Hawkins Avenue – (Exhibit K)

Planner I Amy Bean read the location of the property petitioning to be annexed. She noted that the City Clerk completed the Certificate of Sufficiency and that the resolution sets the date of the public hearing on August 20, 2002, at 7:00 P.M.

- Receiving the Certificate of Sufficiency from City Clerk – (Exhibit L)
City Clerk Bonnie White submitted the Certificate of Sufficiency.
- Resolution Fixing Date of Public Hearing on Question of Annexation – (Exhibit M)
Council Member J. T. Kirkman made the motion to adopt the resolution setting the date of the public hearing on August 20, 2002 at 7:00 P.M. Seconded by Council Member Clawson Ellis, the motion carried unanimously.

Consider Proposal for the City of Sanford to Provide Inspection Services to Lee County – (Exhibit N)

City Manager Leonard Barefoot stated that several weeks ago, informal discussions began to consider consolidating the City and County Inspection Departments. He noted that the County of Lee contracts with the City for planning services, and it has been beneficial to the citizens of Sanford. It was suggested that the City employees become County employees and the County of Lee would operate the program; however, an impasse occurred because the Interlocal Government Advisory Committee could not agree on whom the employees would report to as County employees. Following the meeting, Mayor Hester, Mayor Pro Tem Joe Martin and Leonard Barefoot met to structure a proposal which would allow the merger to go through and achieve improved operating efficiencies which would save tax dollars.

Mr. Barefoot recommended that Council consider the proposed proposal which mirrors the planning services contract between the County of Lee and the City of Sanford with some differences. The major difference involves the financing. There are statewide codes being enforced by the Inspections Department and it is a fee-based operation. Approximately 70 percent of the cost of the program is paid for through user fees, which makes it easier to pay for the program than would the planning contract. Mr. Barefoot added that under the proposed arrangement, he is recommending that the County of Lee contract with the City to provide the inspection services, and the County employees would become City employees. He explained the financial aspects of the program and stated that at the conclusion of the fiscal year and completion of the City's annual audit, a statement showing actual revenues and expenditures would be provided to the County. Any additional loss or gain would be divided equally.

All planning and inspection personnel located in the Federal Building would report to Community Development Director Bob Bridwell. Mr. Barefoot explained that it is estimated that approximately \$100,000 would be saved during the first year as a result of the improved operating efficiencies which includes the elimination of two positions from the merged department total. Citizens and stakeholders, such as homebuilders, who have a vested interest in the successful operation of this agency, would have greater assurance that policies and procedures are uniform and the resolution of disagreements, which may occur, would more likely be achieved with less difficulty. The proposal offers increased flexibility for backup support. Although the County would not pay salaries related to the City's code enforcement officers, who would continue to be assigned to this department, those individuals do have inspection certifications and would be available in extreme circumstances to provide backup inspection services when necessary. Mr. Barefoot concluded that this proposal is for the betterment of the citizens of Sanford. Council members felt that the proposal was in the best interest of the citizens, providing a "one-stop shop," and would save taxpayers money by merging the entities.

Council Member Linwood Mann made the motion to approve Mr. Barefoot's recommendation and directed Mr. Barefoot to offer this contract to the Lee County Board of Commissioners for their consideration. Seconded by Council Member James Williams, the motion carried unanimously.

Consider Matters Relating to ABC Law Enforcement Funding – (Exhibit O)

City Manager Leonard Barefoot advised that he received a call from Dr. Jim Foster from the local ABC Board concerning the House Subcommittee's proposal to require local ABC Boards to send money they currently pay to local governments for ABC enforcement. The League summarizes the proposal in that the House, in its attempt to balance the budget, may consider more spending cuts from local governments to State governments. One example is that a House appropriation subcommittee is proposing to reduce funding for the Alcohol Law Enforcement Division (ALE) of the Department of Crime Control and Public Safety from the State to local ABC Boards. He said Dr. Foster and Council Member Clawson Ellis, who is the City's liaison, are concerned about this issue. Mr. Barefoot said he felt that this is the first indication that the League has given to the City and hope it is an item that does not have much chance to succeed. Mr. Barefoot advised that the City should respond to our local delegation in a negative manner.

Council Member Clawson Ellis expressed that they do not know how much support this proposal has. He felt we definitely need to contact our legislators, as it will impact our law enforcement. Mayor Hester inquired about preparing a resolution to be sent to the City's local legislators. Council Member Ellis stated that the ABC Board is preparing a resolution and the City should also. Mr. Barefoot stated that in the interest of time, Council vote and approve authorizing a resolution under the mayor's signature be written opposing the proposal. So moved by Council Member Walter McNeil and seconded by Council Member Clawson Ellis, the motion carried unanimously.

OTHER BUSINESS

Mayor Hester recognized Peg Esgate in the audience, the Chamber of Commerce's new Executive Director.

ADJOURNMENT

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

Respectfully submitted,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK