

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 Wednesday, July 30, 2003, at 1:00 P.M. The following people were present:

Mayor Winston C. Hester	Council Member Joseph E. Martin
Mayor Pro Tem Philip E. Dusenbury	Council Member James G. Williams
Council Member Clawson Ellis	Council Member Walter H. McNeil, Jr.
Council Member Jo Ann D. Kirkman	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 Clawson Ellis delivered the invocation.

APPROVAL OF AGENDA

Mayor Hester requested an item be added to the Regular Agenda as 7F(a) Consider Acceptance of a Guarantee in the Form of a Letter of Credit for Utility Improvements for Heritage Pointe Subdivision from Sanford Sunset Properties, LLC. On motion of Mayor Pro Tem Phil Dusenbury, seconded by Council Member Walter McNeil, Jr., the amended agenda was approved.

CONSENT AGENDA

Approval of July 15, 2003, City Council Minutes- Filed in Minute Book 60

The consent agenda item was approved upon motion of Council Member Joseph Martin. Seconded by Council Member Linwood Mann, the motion carried unanimously.

SPECIAL AGENDA

Mayor Hester read a proclamation (Exhibit A) proclaiming the month of August as Firefighter Appreciation Month. He presented the proclamation to Fire Chief Wayne Barber. The proclamation praised the firefighters for their contribution to the Muscular Dystrophy Association. City Manager Leonard Barefoot announced that he has agreed to allow the firefighters to raise funds in parking lots, with the owner's approval, on August 21, 22, and 23. Mr. Barefoot added that he has authorized on-duty personnel to go to the locations to allow children to talk with the firefighters and raise public awareness about what the department does. Chief Barber and members of the Fire Department understand that no on-duty personnel will be allowed to collect any funds; the funds have to be collected by off-duty personnel. There will be no collecting in the public rights-of-way in the City limits.

DECISION ON PUBLIC HEARING

Petition by Global Development Group - to Rezone from Residential Agriculture (RA-20) District to Residential (R-12) District approximately 17.53 acres of land located between San-Lee Drive (SR 1509) and the unopened and unpaved portion of Charlotte Avenue extended and

North 17th Street. The property is the same as depicted on Tax Map 9653.18, Tax Parcel 9653-41-7526, Lee County Land Records Office – (Exhibit B)

Planner I Amy Bean advised that the Planning Board discussed this rezoning petition at the July 15, 2003 meeting and unanimously recommended that the City Council approve the petition. Council Member James Williams made the motion to go along with the Planning Board's recommendation and approve the rezoning request. Seconded by Council Member Linwood Mann, the motion carried unanimously.

REGULAR AGENDA

Consider Preliminary Assessment Resolution – Botany Woods Sewer Extension – (Exhibit C)

Civil Engineer II Hal Hegwer explained that the resolution is a petition assessment project that would serve a portion of Botany Woods, Pineknoll Drive, Wilkins Drive, and Shannon Drive. A majority of the property owners who own a majority of the property have signed the petition. Estimated cost of the project is \$261,300. It will serve 39 lots at a cost of approximately \$6,700 per lot. The resolution sets a public hearing date of September 2, 2003, at 7:00 P.M. for citizen input and to consider moving forward with the project.

Council Member Clawson Ellis made the motion to accept the resolution. Seconded by Council Member Jo Ann Kirkman, the motion carried unanimously.

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

City Manager Leonard Barefoot stated that the resolution temporarily closes several streets in celebration of National Night Out on August 5, 2003. Council Member Walter McNeil, Jr. made the motion to adopt the resolution. Seconded by Council Member James Williams, the motion carried unanimously.

Consider Resolution for T-21 Enhancement Grant for Depot Park – (Exhibit E)

Downtown Executive Director David Montgomery explained that the resolution is in regards to the T-21 Enhancement Agreement for Depot Park. The North Carolina Department of Transportation has already programmed funding in the 2002-2003 Transportation Improvement Program for this program. This resolution authorizes the City of Sanford to sign and execute the T-21 Enhancement Agreement with the Department of Transportation. The Federal Grant is in the amount of \$77,278. The grant will be used to fund activities and Phase II of Depot Park. Activities to be funded are park benches, trash receptacles, information kiosk, sidewalks, landscaping, and handicap ramps. The City will be required to provide 20 percent in matching funds which the City and the DSI have already put in place via the loan from BB&T and the debt servicing of that loan through the Special Tax District and General Fund.

Council Member Linwood Mann asked if we have any assurance that we will not go over the \$77,278. Mr. Montgomery replied that we do not have any assurance but we will use the monies from the loan to cover that amount; we cannot go over that amount. He continued that they may have to pull back on some of the activities. Council Member Martin explained that the grant is specific as to what the funds can be used for in the T-21 grant.

Mayor Pro Tem Phil Dusenbury made the motion to approve the resolution. Seconded by Council Member Jo Ann Kirkman, the motion carried unanimously.

Consider Appointment to Fill an Unexpired Term on the Sanford Planning Board – Term to Expire June 30, 2005 – (Exhibit F)

City Manager Leonard Barefoot explained that Angela Prather submitted her resignation on the Planning Board. Fred McIver, who currently serves in the alternate position, has expressed an interest in being appointed as a regular member. This term will expire June 30, 2005. Council Member James Williams made the motion to appoint Fred McIver as a regular member to the Planning Board. Seconded by Council Member Walter McNeil, the motion carried unanimously.

Consider Petition by the County of Lee for Non-Contiguous Annexation of 84.75 Acres of Property Located on the Southwestern Side of the 2200 and 2300 Block of Tramway Road/NC Highway 78 – (Exhibit G)

Planner I Amy Bean advised that on July 16, the City of Sanford received a petition from Lee County requesting non-contiguous annexation of approximately 84.75 acres owned by the County of Lee. The resolution will direct the City Clerk to investigate the non-contiguous annexation petition and therefore, allow the County to proceed with the annexation of this property into the City limits.

Council Member Ellis asked what provisions have been made for water and sewer. Ms. Bean replied that this is the site of the newly proposed high school. Water and sewer are currently in the construction phase. Site plans have been delivered to staff and have been distributed to all the appropriate parties. A technical review committee meeting will be held next week at which time, the Public Works Department will look at water and sewer and how the County is proposing to implement these services. Council Member Ellis asked if it would be at the County's expense to extend water and sewer. City Manager Barefoot replied that is correct. Mr. Barefoot added that this is a petition annexation, and a petition annexation provides 100 percent of the property owners to petition. You cannot make someone request annexation if they do not choose to (this is in reference to the property owners on the same side of the airport from the airport road to this particular site).

- Consider a Resolution Directing the City Clerk To Investigate a Non-Contiguous Annexation Petition Received Under NCGS 160A-58.1 – (Exhibit H)
Council Member Joseph Martin made the motion to approve the resolution. Seconded by Council Member James Williams, the motion carried unanimously.

Consider Acceptance of a Guarantee in the Form of a Letter of Credit for Street Improvements for Hearthfield Lakes Subdivision, Phase VII from Southern Properties of Sanford, LLC – (Exhibit I)

Planner I Amy Bean explained that Southern Properties of Sanford, LLC would like to proceed with recording a final plat for Hearthfield Lakes Subdivision Phase VII located off of Brookfield Circle adjacent to the existing Hearthfield Lakes Subdivision Phase V. Southern Properties has submitted for acceptance by the City Council a certified check from First Bank in

the amount of \$30,000 to guarantee completion of a new street called Millstone Court which will be extended from Brookfield Circle and end in a cul-de-sac in Phase VII.

Council Member Linwood Mann made the motion to accept the guarantee in the form of a letter-of-credit for street improvements. Seconded by Council Member Walter McNeil, the motion carried unanimously.

Consider Acceptance of a Guarantee in the Form of a Letter of Credit for Utility Improvements for Heritage Pointe Subdivision from Sanford Sunset Properties, LLC. – (Exhibit J)

Planner I Amy Bean explained that Sanford Sunset Properties LLC would like to proceed with recording a final plat for Heritage Pointe Subdivision to be located off of Carbondon Road and adjacent to the Brighton Park Subdivision. They are submitting for acceptance by City Council a letter-of-credit in the amount of \$530,000 from Branch Bank & Trust Company to guarantee completion of utility improvements in the Heritage Pointe Subdivision. The guarantee is posted for a period of one year through July 28, 2004, to ensure completion of all required public improvements. The improvements include grading and paving of all new streets, installation of sanitary sewer lines, water lines, and storm sewer. A connection to Gilmore Drive will be included as part of the improvements. Staff recommends acceptance of the letter-of-credit.

Council Member Clawson Ellis made the motion to accept the guarantee in the form of a letter-of-credit for utility improvements. Seconded by Council Member Jo Ann Kirkman, the motion carried unanimously.

Consider an Ordinance of the City Council of the City of Sanford, North Carolina Creating a New Article, “Water Shortage Response” – (Exhibit K)

Public Works Director Larry Thomas advised that every five years a water supply plan has to be prepared which projects the water usage the City will have over the next fifty years, as well as what the City’s water supply is. This year, due to the drought last year, the State has made an additional requirement that the City develop a water supply plan in case we have an emergency. The ordinance provides for the declaration of official stages of water supply shortage response, and the implementation of voluntary, mandatory, and emergency water conservation measures. This ordinance allows the Public Works Director to determine when we are at different stages and make recommendations to the City Manager. The City Manager would be given the authority to declare which stage is necessary whether it be voluntary, mandatory, or emergency. The City Manager would have the authority, when notified by the Public Works Director that someone is violating the ordinance, to enforce it by setting up a fine. The ordinance establishes what conditions the City Manager is to consider when setting a fine. There is a maximum penalty of \$1,000 per day. Mr. Thomas explained the procedure used when an individual is in violation of the ordinance. This ordinance has been approved by the County.

Council Member Linwood Mann made the motion to approve the ordinance. Seconded by Council Member James Williams, the motion carried unanimously.

Consider Contract for Fire Inspection Services – (Exhibit L)

City Manager Leonard Barefoot informed Council that on June 24, Council approved a contract for fire inspection services and fire investigation services with Lee County for a one-year period. The County requested that we give them a contract for one year while they considered changing the manner in which they provide these services. In the past, Lee County provided these services through its building inspectors and the City provided these services through its fire department. The County asked us to give them a figure which was \$17,000 for fire inspection services and a separate amount for fire investigation services. Mr. Barefoot explained that he met with the Board of Commissioners on June 21 and the Commissioners approved the contract as it relates to fire inspection services; however, they chose not to contract with the City for arson investigation services. Mr. Barefoot stated that it is his understanding that the Lee County Sheriff's Department will investigate fire arson and will not use the City's services. Mr. Barefoot added that the former County building inspectors are now City employees. Staff recommends approving the contract.

Council Member Joseph Martin made the motion to approve the contract. Seconded by Council Member Jo Ann Kirkman, the motion carried unanimously.

Consider Matters Relating to the Provision of Emergency Medical Dispatch Services in Our E-911 Communications Center – (Exhibit M)

City Manager Leonard Barefoot explained that Riley Godley spoke to the County Commissioners on July 21 about switching to an Emergency Medical Dispatch (EMD) system. The County Commissioners voted to ask the City Council to begin training its dispatchers immediately while authorizing Chairman Hincks to begin negotiations with the City concerning staffing levels in the E-911 Communication Center. City Manager Barefoot informed the Commissioners at that meeting that he would pass the request on; however, he would not recommend that Council do so. The issue has been whether or not EMD requires additional staff and there has been some misinformation given. Police Chief Ronnie Yarborough and he agree that two additional dispatchers need to be hired in order to have three dispatchers on duty at all times. At times, there are only two dispatchers on duty and if one is sick or at lunch, one is on duty. Chief Yarborough and Mr. Barefoot agree to implement the EMD services as soon as the Lee County Commissioners agree to pay a portion of the cost and the training cost for conversion. Mr. Barefoot addressed training costs. Mr. Barefoot stated that he has heard the training cost is about \$250 per person. With regards to the additional two personnel, his recommendation is that the County of Lee should pay the current ratio of 21 percent (which is the percentage the County pays for E-911 services) for those two additional personnel and pay for all of the training costs.

Police Chief Ronnie Yarborough commented that there has been some confusion about adding two additional personnel and he wanted to explain this issue in a way that everyone would understand. During the hours of 12 midnight until 12 noon, there are two operators. That means if one person is out sick, or on vacation, or even on a lunch break, there is only one operator on duty. For example, if a dispatcher gets an EMD call, that dispatcher has to stay on the phone; then all of sudden there is a bank robbery; it is impossible for one operator to sit there and handle this situation. These dispatchers are responsible for looking after the livelihood and lives of all the emergency personnel people on the road, police officers, fire personnel, and EMS

personnel. He stated that we owe it to these public safety officers to look after them adequately, and we cannot cut short our responsibility. Chief Yarborough explained that emergencies happen in seconds, and you do not have five minutes to run to the parking lot to get the dispatcher on break back into the office; these things happen immediately. It only takes one time to cost one life and the money we are talking about spending, means nothing.

Council Member Clawson Ellis made the motion to go with the recommendation of Mr. Barefoot. Seconded by Mayor Pro Tem Phil Dusenbury, the motion carried unanimously.

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

OTHER BUSINESS

Council Member Walter McNeil advised that he received a letter from a resident about Webb Street being unpaved. He asked if anyone in Public Works could tell him how many unpaved streets there are in the City. Public Works Director Larry Thomas replied approximately 2½ miles. Council Member McNeil asked if there are any provisions being made to get these streets paved. Mr. Thomas replied there is a petition method that residents can apply for to get these streets paved, and it would be assessed against the property owner. There is no plan to pave these streets unless a petition is received. Council Member Ellis added that a petition was received several years ago for Webb Street and it seems like the residents failed to get 51 percent of the property owners to sign. City Manager Leonard Barefoot stated that he would check into the matter and report back to Council at the next Law and Finance meeting.

Council Member Walter McNeil asked about creating a beautification committee within City Hall because there are some things that are failing to get done. This committee would look after all properties within the City. Mr. McNeil gave an example on Third Street where there is an area that is planted and an area that is dried up. Public Works Director Larry Thomas stated that with the resources available, the City employees are trying to do as much as they can. The problem is with the budget and they have tried to cut back on personnel to accommodate the budget. Rain has created some of the problems. There are not enough personnel to keep up with the work. Three additional temporary employees have been hired to help with the problem. Mr. McNeil felt that a beautification committee could project what we need to do about keeping the properties up such as the corridors.

Council Member Linwood Mann stated that we might need to revisit the problem with unpaved roads within the City.

Mayor Pro Tem Phil Dusenbury stated that he has noticed a considerable increase in the number of cars making u-turns into parking spaces. He referred this issue to Chief Yarborough.

Council Member Joseph Martin told Community Development Director Bob Bridwell to relay to the Code Enforcement Department that the three houses torn down at Bracken St. and Horner Boulevard look good and to keep up the good work.

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,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK