

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, August 19, 2003, at 7:00 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 and delivered the invocation.

APPROVAL OF AGENDA

City Manager Leonard Barefoot requested to add two items to the agenda: 7A- Consider Tolling and Accounting Order to Extend the Review Period for Charter Communication's 2003 Rate Filing to October 30, 2003 and 7B – Consider Information Regarding Recent Flooding that Occurred in Sanford. On motion of Council Member Linwood Mann, seconded by Council Member Clawson Ellis, the amended agenda was approved.

CONSENT AGENDA

Approval of July 30, 2003, City Council Minutes- Filed in Minute Book 60

Approval of Hazen & Sawyer's Recommendation to Install Wastewater and Solids Handling Facilities at the Water Plant -- (Exhibit A)

Council approved Hazen & Sawyer's recommendation to install wastewater and solids handling facilities at the water plant with discharge to the creek just north of the water plant. The new facility uses a backwash system with a high rate of clarification to take out all the settled solids and almost all of the suspended solids.

Approval of Award of Bid -- Packaged Engine Generator System and Portable Packaged Engine Generator System -- (Exhibit B)

Bid was awarded to Cummins Atlantic for a price of \$136,971 to install generators at the larger lift stations and portable generators for smaller lift stations to help eliminate overflows due to loss of power. This bid is for one permanent generator at the Carr Creek lift station and a portable one on trailer mount that can be moved to smaller lift stations.

Approval of Contract No. T04013 Between the City of Sanford and the Department of Environment and Natural Resources Giving Authority to Accept the Grant --(Exhibit C)

Approved contract between City of Sanford and the Department of Environment and Natural Resources giving authority to accept the grant to help offset a portion of the cost of the vulnerability assessment and emergency response plan which is required by the EPA for our

water treatment plant and distribution systems by June of next year. The grant from the state goes to a maximum of \$9,300, and estimates of cost for these two plans go as high as \$60,000.

Approval of Preliminary Assessment Resolution -- Cameron Drive 8" Sewer Line Extension -- (Exhibit D)

Resolution was approved and sets a public hearing date of September 16, 2003, at 7:00 P.M. for citizen input into a petition assessment project to serve a portion of Cameron Drive with city sewer. Four property owners and four lots are involved. Each property owner is in favor. Estimated cost is around \$9,000, which is about \$2,250 per resident.

Approval of Revitalization Strategies CDBG Project Ordinance FY 2002-2006 --(Exhibit E)

Ordinance was approved to set aside grant funds in the amount of \$350,000 for the expenditures involved in the Wicker Community Revitalization Area Project for Year 2 of a 5-year grant for our community revitalization project

Approval of Capital Project Budget Ordinance Golf Improvements Amendment to Resolution 2002-3 --(Exhibit F)

Ordinance was explained in detail in the Law and Finance Committee meeting on August 13, 2003 – see Exhibit F.

Approval of Bid for Little Buffalo Generator and Installation – (Exhibit G)

Alternative Power Sources of Greensboro was awarded the project to install a new 250 kW generator for the Little Buffalo Lift Station for approximately \$53,515. The generator will be used as backup power at this location in an effort to eliminate overflows at this lift station.

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2003-2004 --(Exhibit H)

Ordinance was explained in detail in the Law and Finance Committee meeting on August 13, 2003 – see Exhibit H.

Approval of Lease Agreement Between the City of Sanford and the Lee County Economic Development Corporation (EDC) For Space in the Federal Building --(Exhibit I)

Approval was granted for the Lee County Economic Development Corporation to enter into a lease with the City of Sanford for space in the Federal Building at 226 Carthage Street. The EDC agrees to pay rent quarterly in advance in the amount of \$1,250.00 per month, with the initial payment due upon execution and thereafter payable on or before the 10th day of September and months following. The lease agreement shall be from month to month beginning June 1, 2003, and shall be renewed automatically thereafter for additional one-month terms unless terminated in writing by either party on or before the 1st day of the month.

Approval of Resolution in Support of Central Carolina Hospital's Efforts in Pursuing an Ambulatory Surgical Center --(Exhibit J)

Council approved resolution to support Central Carolina Hospital's efforts in pursuing an ambulatory surgical center. The state has identified that there is a need for six additional operating rooms in the area that comprises Lee County, Moore County, and counties contiguous to Moore County. Moore Regional and Central Carolina Hospital thought it beneficial to

collaborate on this. CCH will apply for two of those rooms and Moore Regional will apply for the other four. If awarded the rooms, CCH will build a new freestanding building for all surgeons to use and invite any surgeons who want to come up from Southern Pines to do their outpatient surgery here. They feel that having this ambulatory surgical center will allow them to set up a new patient fee schedule that will be extremely competitive with the out-patient surgery that is provided in competing facilities.

The consent agenda items were approved upon motion of Council Member Walter McNeil, Jr. Seconded by Council Member Jo Ann Kirkman, the motion carried unanimously.

CASE FOR PUBLIC HEARING

Petition by Adele Crutchfield - to Rezone from Residential (R-20) District to General Business (GB) District Approximately 1.94 Acres of Land Located at 125 Wilson Road and Two Adjoining Parcels in the 100 Block of Wilson Road. The Property is the Same as Depicted on Tax Map 9661.01, Tax Parcels 9661-07-1206, 9661-07-0051, and 9661-07-1182, Lee County Land Records Office --(Exhibit K)

Community Development Director Bob Bridwell advised that the parcels to the north of the property are zoned Light Industrial (LI) District. The parcel to the east is zoned General Business (GB) District; parcels adjoining to the west are zoned Residential (R-20) District and Light Industrial (LI) District and to the south are zoned Residential (R-20). The site requested for rezoning consists of three tracts of land comprising approximately 1.93 acres total (.30 acre at 125 Wilson Road and two adjoining vacant lots (.58 acre and 1.05 acres in the 100 block of Wilson Road). The proposal is to co-join (combine) these properties into one property and eliminate some of the non-conformities. The petitioner is requesting to rezone the three tracts to General Business (GB) District. All three tracts are non-conforming as they exist now due to square footage or setbacks. The 2020 Land Use Plan identifies these properties within the Retail-Commercial District as appropriate for retail and commercial goods and services to be sold on-site.

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

The Planning Board retired to the West End Conference Room.

REGULAR AGENDA

Receive Certificate of Sufficiency for Non-Contiguous Annexation Petition Received Under N.C.G.S. 160A-58.1 by the County of Lee, North Carolina --(Exhibit L)

City Clerk Bonnie White verified the sufficiency of the annexation petition, and Council received the Certificate of Sufficiency.

- Consider Resolution Fixing Date of Public Hearing on Question of Non-Contiguous Annexation Pursuant to N.C.G.S. 160A-58.2 --(Exhibit M)
The resolution sets the date of the public hearing on September 2, 2003 at 7:00 P.M. Mayor Pro Tem Phil Dusenbury made the motion to approve the resolution. Seconded by Council Member Joseph Martin, the motion carried unanimously.

Consider Resolution Designating Agent for FEMA Disaster No. 1448 (Ice Storm 2002) -- (Exhibit N)

The resolution designates an applicant's agent for the FEMA grant the City is receiving for the Ice Storm that occurred on December 4 and 5, 2002. City Manager Leonard O. Barefoot is designated as the primary agent and Public Works Director Larry Thomas as the secondary agent. The designation grants assurances to the State that we have followed the rules and regulations when contracting and doing the work that is eligible for federal grant money. Council Member Walter McNeil made the motion to approve the Resolution Designating Agent for FEMA Disaster No. 1448 (Ice Storm 2002). Seconded by Council Member Clawson Ellis, the motion carried unanimously.

Consider Recommendations from the Ad Hoc Water Committee – (Exhibit O)

City Manager Leonard Barefoot stated that this issue was discussed in length at the Law and Finance Committee meeting on August 13. An ad hoc water committee, consisting of Council Members Joseph Martin and Walter McNeil, Lee County Board of Commissioners Bert Matthews and Robert Reives and County Manager Bill Cowan and City Manager Leonard Barefoot and other attendees have met on two occasions to discuss some issues regarding provision of water to the Farmer's Home Water Districts in Lee County. Mr. Barefoot explained that the County Commissioners failed to approve all of the committee's recommendations. County Commissioners did not approve the recommendation that Lee County pay 75 percent of the billable water measured through the meters installed on the system. Mr. Barefoot felt that if all the commissioners had spent the six hours the committee had spent discussing these complex issues, that they would have agreed to the fact that 75 percent was a fair ratio to be billed. The Commissioners agreed to a 50/50 ratio. Mr. Barefoot felt that the 75 percent is what the Council should approve and not the 50 percent ratio as approved by the County.

Mr. Barefoot explained that from the beginning when water quality was an issue, the engineers recommended that we continue to flush the lines and install meters to manage the cost of flushing the lines in the outlying areas of the County. The City agreed to pay half the cost of installing these meters. Mr. Barefoot commented that the City is concerned about water quality. Council Member Joseph Martin commented that the statement that Chairman Herb Hincks and County Manager Bill Cowan made that flushing the entire lines benefits the city residents and its lines is correct; however, if it were not for extending lines into the County, the City would not have to flush the lines as much as we do now. Mr. Barefoot added that Mr. Hincks fails to understand that the flushing that we do to the entire system, Lee County does not pay any of those charges. Lee County pays for the billable water through individual resident meters. This means that all of the flushing, breaks in lines that occur, and all of the fire fighting water that is used, the County does not pay a dime for it.

After much discussion, Council Member Clawson Ellis made the motion that the County of Lee pay 75 percent of the billable water measured through the 66 meters that have been installed and this requirement is not negotiable; the rate increase with the production cost of water will rise from \$2.36 per one thousand gallons to \$2.53 per one thousand gallons, and the increase in maintenance charges will rise from \$1.48 per one thousand gallons to \$1.89 per one thousand gallons. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Consider Tolling and Accounting Order to Extend the Review Period for Charter Communication's 2003 Rate Filing to October 30, 2003 – (Exhibit P)

City Attorney Susan Patterson advised that the City received notification from Charter Communications that they want to have an annual rate justification filing with the FCC. They proposed the rate for basic service to increase from \$10.45 to \$11.00. The City's Cable Consultant Bob Sepe, feels that Charter has failed to file necessary FCC forms and thus, he recommends that Council pass the Tolling and Accounting Order to Extend the Review Period for Charter Communication's 2003 Rate Filing to October 30, 2003. The order would extend the time for the City to review Charter Communication's rate filing from 30 days to 120 days.

Council Member Walter McNeil, Jr. made the motion to go along the recommendation of the City's Cable Consultant Bob Sepe and approve the Tolling and Accounting Order to Extend the Review Period for Charter Communication's 2003 Rate Filing to October 30, 2003. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Consider Information Regarding Recent Flooding that Occurred in Sanford

City Manager Leonard Barefoot stated that on August 8, 2003, the City had a major flooding event from excessive rain. He advised that there have been a lot of news stories, particularly television coverage since that time, and there has been a lot of erroneous information shared. Most individuals have said that we had more rain than we had during Hurricane Fran and Hurricane Floyd. There was a lot of flood damage and a lot has been said about sewer that is not accurate information in staff's opinion. Pictures were presented of areas throughout the City that experienced extreme flooding. Public Works Director Larry Thomas stated that there was five feet of water coming over the road on Lee Avenue near the bridge at Gaster's Creek Lift station where Gaster's Creek crosses Lee Avenue. There was 1½ feet of water coming over Horner Boulevard at Chisholm Street; one foot of water coming over at Washington Avenue at Horner Boulevard; and many other locations were mentioned. Mr. Thomas said he had been with the City for thirty years and he has never seen these conditions in Sanford before. Many streets were blocked and on Sunset and Hillcrest, there was about three feet of water standing in that area. Public Works crews had to help drag a floating car to safety where the tires could touch the ground. Traffic was being directed on Horner Boulevard to use other streets. It was this way all through town. Crews were out involved with rescue throughout the city and crews helped the dialysis center because they had four feet of water and patients had to be helped to get in and out. Crews were working with life and death issues all day. Public Works had over 100 calls to come in that morning. Down Horner Boulevard, there is a creek that runs under Horner Boulevard to Chisholm Street and runs parallel through Summit Avenue. Several houses were flooded in that area. The water was going over Horner Boulevard, going down and over Gulf Street and down through that area. At the end on Sunset and Hillcrest there was three feet of water and the area was inundated.

Public Works Director Larry Thomas advised that there were a lot of people who experienced tremendous devastation due to the heavy rains. Several businesses were flooded, public facilities were flooded, and none of this was mentioned by the media. A complaint was received that sewer was going into a home located at 528 Summit Avenue. Staff investigated the complaint. Mr. Thomas took the city engineer and the operations manager and others that had expertise in the subject to determine what was the problem. Their investigation indicated

there was too much water trying to get into those creeks and to those storm drainages. The house was too low and it was flooded. It has been flooded several times over the last few years. Our records indicate there had been flooding in that area from storm water when this owner had been there and the previous owner. There are no sewage overflows reported at 528 Summit Avenue since 1997 on the computer and no recollection in that area by the people who work in Public Works now. These overflows are reported to the State. Mr. Thomas said he was confident that the problem at 528 Summit Avenue is stormwater, not sewage. That problem has to be solved by the people who live there. The house is too low and they need some type of retainer built to retain the storm water or eliminate the part that is below the flood elevation.

Mr. Thomas explained the \$18,000 fines that the City paid due to four events that occurred with the Little Buffalo Lift Station. The City is trying to eliminate that lift station and install generators there.

Mr. Thomas stated that from "hearsay," 528 Summit Avenue was tested for fecal coliform in the water and the count was 3,000. In stormwater, this is not unusual, particularly flooding that occurs through dog pens and when all kinds of warm blooded animals are in the area. The City's conclusion is that it was stormwater, and the people in that area need to deal with the problem so that it does not happen again. Mr. Thomas explained that another homeowner who lived on Cross Street advised that his basement filled up in seven minutes.

Mr. Thomas advised that the State holds the City responsible for any sewer spillage out of the sewer system onto the lands of the State. It does not matter if it is vandalism or an act of God.

Mr. Thomas stated that next year, a stormwater manager will have to be hired to develop a stormwater program. Eventually, the State is going to regulate stormwater to make sure there is no pollution in it.

Mr. Thomas explained that it is the property owner's responsibility to make sure that he purchases property outside the floodplain and he does everything to protect his home from water.

The City is purchasing a generator for the Little Buffalo Lift Station and one at Carr Creek Lift Station. A mobile generator will be used between the smaller lift stations. These generators will be used as a backup for power failures.

City Manager Barefoot expressed that when a sewer line is installed, every house in that subdivision cannot have a basement. Mr. Thomas stated that even when a home is two to three feet above the level of the sewer line, you will have a backup. The code now states that you need a check valve to keep the sewer from backing up and older homes do not have it. These homeowners are taking a risk and need to install the check valve.

Mayor Hester stated that he lives at 526 Summit Drive and the Harrisons, who experienced the flooding in their basement, live at 528 Summit Drive. He has lived there for 44 years. He moved there in January of 1960. The mayor stated that when he moved there, he put a commode in the basement and during the heavy rains, the water would begin to come up in the

commode. He had a cut-off valve installed on his sewer line outside of his house. When heavy rains are called for, he turns the valve on and he does not have any backup. There is a berm at the beginning of his lot where there is a grate and a 36" pipe culvert runs from his lot and comes out underground down to where St. Clair School used to be. Stormwater has never come over the berm before; however, on Friday night, a week ago, stormwater was coming over the berm like a river, red water. He got water in his basement too. Saturday morning, his children came over and used wet vacs to get the water out of his basement. Misinformation has been given out and the Mayor wanted to correct it. This information has been sent to the news media, television stations, Governor Easley, and Congressman Etheridge. Mayor Hester read a statement from an article that stated "Mayor Hester had his yard raised up in the back and added a manhole so the chances of his home being condemned is slim." Mayor Hester stated that since he has bought his home, there has been no change in his yard since he has moved there. He has not had a manhole put there and has not raised the bank or berm behind his home. He expressed that this is untrue, no work has been done on his backyard. He stated that he has been mayor for ten years and he has never had the City to do anything special for him. He commented that he did not appreciate anyone putting out information about him that was untrue.

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

OTHER BUSINESS

Council Member Linwood Mann stated that the City is doing a good job on Horner Boulevard cleaning it up.

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