

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, April 6, 2004, at 7:00 P.M. The following people were present:

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

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

Council Member Clawson Ellis welcomed and recognized eight-year old Dalton Spivey, son of John and Jeanie Spivey, who had conducted an interview of Mr. Ellis as an extra school project.

APPROVAL OF AGENDA

City Manager Leonard Barefoot asked that Item D – Approval of Quote for Flooring Repairs in Lobby of City Hall be removed from the Consent Agenda and added to the Regular Agenda. On motion of Mayor Pro Tem Joseph Martin, seconded by Council Member Clawson Ellis, the amended agenda was approved.

CONSENT AGENDA

Approval of March 4, 2004, City Council Minutes (Retreat) – (Filed in Minute Book 61)

Approval of March 5, 2004, City Council Minutes (Retreat) – (Filed in Minute Book 61)

Approval of March 16, 2004, City Council Minutes – (Filed in Minute Book 61)

Approval of Quote for Flooring Repairs in Lobby of City Hall
(Moved to Regular Agenda)

Approval of FY 2002-2006 Revitalization Strategies CDBG Project Ordinance No. 2003-24 Amendment – (Exhibit A)

The ordinance to amend the W. B. Wicker School Revitalization CDBG Project Ordinance No. 2003-24 was approved. This amendment adds \$200,000 of a local commitment provided by Lee County to be spent primarily on the main building where the Lee County Dental Clinic and some administrative offices for mental health may be located.

Approval of Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20 – (Exhibit B)

Resolution was approved authorizing Financial Services Director Melissa Cardinali to file an application with the Local Government Commission for financing the improvements at the water treatment plant with an amount not to exceed \$7,000,000. The resolution states that the City feels that pursuing the project and financing it via installment purchase is the most effective way to go.

The consent agenda items were approved upon motion of Council Member James Williams with the exception of Approval of Quote for Flooring Repairs in Lobby of City Hall being moved to the Regular Agenda. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

SPECIAL AGENDA

Presentation of Proclamation to Lee Lightning 5-on-5 Basketball Team – (Exhibit C)

Mayor Hester read and presented the Lee Lightning 5-on-5 Basketball Team with a proclamation recognizing them for receiving a Gold Medal at the Special Olympics North Carolina State Basketball Tournament held in Greenville on March 19 – 21, 2004.

CASES FOR PUBLIC HEARING

Consider Resolution Approving Financing Terms for Water Plant Improvements and Improvements to the Raw Water Pump Station– (Exhibit D)

Financial Services Director Melissa Cardinali advised that she has negotiated with BB&T to provide financing for the improvements to the water treatment plant and raw water pump station in an amount not to exceed \$7 million. The interest rate is 3.67 percent for 15 years. The public hearing tonight is for the financing terms. The resolution approving the financing terms needs to be adopted after the public hearing.

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

Council Member Phil Dusenbury made the motion to approve the Resolution Approving Financing Terms for Water Plant Improvements and Improvements to the Raw Water Pump Station. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Consider Resolution Confirming Assessment Roll and Levying Assessments – Cameron Drive 8-inch Sewer Line Extension – (Exhibit E)

Civil Engineer II Hal Hegwer explained that the public hearing is for citizen input in the assessment roll for the Cameron Drive 8-inch Sewer Line Extension Project. The project is complete and the property owners have been notified. After the public hearing, a resolution confirming the assessment roll and levying assessments will be presented for adoption.

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 approve the Resolution Confirming Assessment Roll and Levying Assessments – Cameron Drive 8-inch Sewer Line Extension. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Consider Resolution Directing that the Project be Undertaken – Brookwood Trail 8-inch Sewer Line Extension

Civil Engineer II Hal Hegwer advised that this is a sewer line petition assessment project along Brookwood Trail. The extension will be approximately 600 LF that will affect eight properties. Five of the eight property owners are interested. The public hearing is for public input into the project. After the public hearing, a resolution directing that the project be undertaken will be presented for adoption.

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

Council Member Cornelia Olive made the motion to approve the Resolution Directing that the Project be Undertaken. Seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS

Petition by Cingular Wireless – to rezone from Residential (R-20) District to Light Industrial (LI) District approximately 1.9 acres of land located south of 3416 NC Highway 87, having approximately 305 feet of road frontage on Harvey Faulk Road. – (Exhibit G)

Assistant Community Development Director Marshall Downey gave a site and area description of the property, along with information regarding what uses are allowed in the Residential (R-20) and Light Industrial (LI) Districts. The Planning Board discussed the rezoning request at its March 16, 2004 meeting and unanimously recommended that the City Council approve the petition.

Council Member Cornelia Olive asked if the property owners are leasing that portion of property. Mr. Downey replied that he thought they were leasing the property; however, he is not 100 percent sure.

Council Member James Williams made the motion to accept the recommendation of the Planning Board. Seconded by Council Member Cornelia Olive, the motion carried unanimously.

Petition by MST Partnership – to rezone from Residential (R-20) District to Residential (R-12) District approximately 24.73 acres of land located at 2303 Hawkins Avenue. – (Exhibit H)

Assistant Community Development Director Marshall Downey gave a site and area description of the property, along with information regarding what uses are allowed in the Residential (R-20) and Residential (R-12) Districts. The Planning Board discussed the rezoning request at its March 16, 2004 meeting and unanimously recommended that the City Council approve the petition.

Council Member Cornelia Olive asked if there have been any drainage problems on the backside of this property that he was aware of. Mr. Downey replied that he was not aware of any problems, and he has not received any complaints concerning drainage. Council Member Olive stated that Hawkins Run, (property adjacent to this tract) has had some drainage problems, and she is concerned that possibly it would exacerbate that problem when development begins. Community Development Director Bob Bridwell commented that there is some rolling terrain, and staff will address this issue in the technical review process. Mr. Downey stated that it would have to comply with the sedimentation and erosion control standards.

Council Member Walter McNeil, Jr. made the motion to go along with the Planning Board's recommendation. Seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

REGULAR AGENDA

Consider Ordinance Repealing One-Way Traffic and Establishing Two-Way Traffic on a Portion of Cross Street - (Exhibit I)

City Engineer Vic Czar explained that this issue was discussed at Law and Finance and he was requested to prepare an ordinance for tonight to repeal one-way traffic on Cross Street between Vance Street and Summitt Drive and establish two-way traffic.

Council Member Cornelia Olive made the motion to approve the Ordinance Repealing One-Way Traffic and Establishing Two-Way Traffic on a Portion of Cross Street. Seconded by Council Member Clawson Ellis, the motion carried unanimously.

Consider Ordinance Establishing No-Parking on the South Side of Cross Street from North Vance Street to Summitt Drive – (Exhibit J)

City Engineer Vic Czar explained that with the width of Cross Street, staff recommends parking on one side of the street, due to the fact that on the north side there are seven units that do not have off-street parking. This ordinance would establish no-parking on the south side of Cross Street from the intersection of Cross Street and Summitt Drive east to the intersection of Cross Street and North Vance Street.

Council Member Clawson Ellis made the motion to establish parking on the north side of Cross Street. Seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

Approval of Quote for Flooring Repairs in Lobby of City Hall

City Manager Leonard Barefoot stated that during the Law and Finance Committee meeting, staff explained their desire to repair the brickwork floors in the upper and lower levels of City Hall. The brickwork needs repair, and it has been put aside for the last several years due to the economy. It is difficult to find companies who do this kind of work. Staff researched this matter and was in the process of recommending Blair Duron Restoration, LLC, located in Raleigh, to complete the work at a cost of \$14,595. It is not required that Council approve the contractor, however, we wanted to make Council aware of the project. Council Member Williams, prior to the meeting, mentioned there was a gentlemen in Broadway who he understands does this type of work and would like for staff to talk with this gentlemen to see if he is capable or qualified to do the work. Mr. Barefoot stated that he has spoken with

Operations Manager Tim Shaw and staff will use their discretion as to whom should perform the work after talking with the individual in Broadway. However, he would like for Council to make a motion to approve a quote not to exceed \$14,595 for flooring repairs in the upper and lower lobbies of City Hall.

Council Member Phil Dusenbury made the motion to approve a quote not to exceed \$14,595 for flooring repairs in the upper and lower lobbies of City Hall. Seconded by Council Member Linwood Mann, the motion carried unanimously. Council Member Williams did not know the name of the company; the individual's last name was Ward. Council Member Williams will give the information to Mr. Barefoot on Wednesday.

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

OTHER BUSINESS

Mayor Pro Tem Joseph Martin stated in reference to rezoning requests, Assistant Community Development Director Marshall Downey has prepared a draft ordinance for conditional use zoning to present at Law and Finance. He added that a lot of times when individuals/companies come before Council and request a rezoning of property and once it is rezoned, that individual may sell the property; then, the next owner can do whatever they want to do with the property. Mr. Downey stated that once Council sees the presentation at Law and Finance, they will find that with larger mixed use projects, the conditional zoning may be much more advantageous to both the developer and to the decision making bodies.

Council Member Linwood Mann thanked Operations Manager Tim Shaw, Refuse Superintendent Larry Craig, and any other staff member that played a part in putting the schedule of pickup times in the *Sanford Herald* pertaining to leaf pickup.

Council Member Cornelia Olive thanked staff for the meetings held pertaining to the grease trap issue and Cross Street. Both meetings were very effective. Ms. Olive stated that she had seen in the paper where Broadway had passed an ordinance on curb and gutter and is the City looking at such an ordinance for Sanford. Community Development Director Bob Bridwell responded by saying the UDO contains curb and gutter for lots that are less than 20,000 square feet.

Council Member Ellis asked if the UDO contains a clause on clear cutting. Mr. Bridwell replied that they have tried to address clear cutting as much as the law will allow them to. Staff is encouraging developers to avoid clear cutting. Mr. Downey stated that you can adopt a sedimentation and erosion control program; however, you are limited to what the State program is unless they have changed it. You cannot have standards that are beyond what the State allows. Council Member Ellis told staff that if they had time tomorrow, to ride out Fire Tower Road and on the eastern side of Miller Boles Funeral Home see if they can find a blade of grass that is standing up on that lot. Mr. Bridwell expressed that in the past, staff has dealt with developers from purely a regulatory process; they have not sat down and talked about what is the final product. Staff is trying to change this by asking the developers what can you do to bring

the best thing to the City of Sanford that will provide for the best contributions of that community. He felt this process is one of the most productive methods they can utilize.

Council Member Mann thanked Mr. Bridwell and staff for the manner in which they handled a lighting problem in the shopping center at Jonesboro.

Council Member Olive thanked Mr. Bridwell for the work they have done on Hawkins Avenue. The house that was burned has been razed, and there were two other houses that were unsightly that are in the process of being upgraded and are looking good. Mr. Bridwell stated he will pass this info on to Code Enforcement Officer Carl Anglin.

Council Member Olive asked what is the status of the City/County water negotiations. City Manager Leonard Barefoot replied by saying he had met today with Chairman Herb Hincks, County Manager Bill Cowan, and Mayor Hester. They agreed on some issues. The next step will be to take those agreed upon points and formalize them; then bring them to Council and the County Commissioners to see if we can resolve the issue. It was a very productive meeting.

City Manager Leonard Barefoot informed Council that he put conditional use zoning in the County ordinance that he wrote back in the 1990s. It is a very effective tool.

Margaret Murchison stated that she owns property on Horner Boulevard near Walmart. She received a three page certified letter from the Department of Environment and Natural Resources stating that everything is okay at the Pepsi Plant. She asked if staff knew what this issue was about. City Manager Barefoot commented that he also received a letter late today, and he has not had time to read it thoroughly; however, he thinks it was a contaminated soil issue and it was resolved by the Department of Environment and Natural Resources. It is a requirement to notify adjacent property owners.

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

