

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 15, 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 and delivered the invocation.

APPROVAL OF AGENDA

City Manager Leonard Barefoot stated that the Planning Board and Board of Adjustment appointments should be delayed until the Council meeting on June 30. A public hearing will then be held to change the composition of those boards (number of individuals representing the City). Mr. Barefoot added that he did not feel delaying this item would change the agenda. On motion of Council Member Phil Dusenbury, seconded by Council Member James Williams, the agenda was approved.

CONSENT AGENDA

Approval of June 1, 2004, City Council Minutes - (Filed in Minute Book 61)

The consent agenda item was approved upon motion of Council Member Walter McNeil, Jr. Seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

CASE FOR PUBLIC HEARING

Amendment to the City of Sanford Zoning Ordinance, by revising the following Sections: addition of Article III, Districts Established; Permitted Uses, Sections 42-174 and 175, Tables of Business and Industrial Uses by adding a new use, "Cellular telephone and other Communication towers"; revision of Article IV, Development Standards, Section 42-215, Cellular telephone and other Communication towers, Subsection (c) (2) (b.) by deleting the language that requires the review and approval of towers over 200 feet by the City Council; and addition of Article VI, Conditional Uses, Section 42-285, Requirements for Specific Uses by adding a new item (14) for the following conditional use:(14) *Cellular telephone and other Communication towers*. Substantial changes may be made to these proposed amendments after the public hearing. – (Exhibit A)

Assistant Community Development Director Marshall Downey explained that this item was discussed at the Law and Finance Committee meeting. The amendment is for discrepancies found in the ordinance regarding the language as to how to process a conditional use permit. When the ordinance was amended in the late 1990s, the intent of the Council was to

shift the responsibility of all conditional use permits to the Board of Adjustments. This was done in its entirety with the exception of the zoning ordinance to allow cellular towers. The language was not corrected in that ordinance to reflect the shift in the responsibility from the Council to the Board of Adjustment. This ordinance corrects that error. The amendment also adds an additional item to the ordinance in Article III which clarifies the distinction between towers less than 200 feet and how they are processed versus towers that are higher than 200 feet which need a conditional use permit.

Mayor Hester opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed. Mayor Hester added that action will be taken on this amendment at the end of this meeting after the Planning Board meets and makes a recommendation tonight.

The Planning Board retired to the West End Conference Room.

REGULAR AGENDA

Consider Adoption of the City of Sanford Annual Operating Budget for Fiscal Year 2004 – 2005 – (Exhibit B)

City Manager Leonard Barefoot stated that this is the annual budget ordinance for Fiscal Year 2004-2005, and recommended adoption of the budget as presented.

Mayor Pro Tem Joseph Martin made the motion to approve the budget as is with an exception to change the 2 percent cost-of-living increase to 3 percent, and delete the merit pay plan. Mr. Martin felt that the merit pay plan needs to be studied for another year. Council Member Walter McNeil, Jr. seconded the motion.

Council Member Ellis asked Mr. Barefoot if the public access television station had been deleted from the budget. Mr. Barefoot replied that it was not because he had not been instructed to delete it. Mr. Barefoot explained that he had no direction from Council to delete it. The only thing Council agreed by consent to change was the revisions to the water rates as discussed in Law and Finance. Mr. Ellis asked if any effort had been made to contact the two local television stations about them taping the meetings as a public service. Mr. Barefoot replied not as part of this budget presentation. He did not feel it was the solution and did not feel it is what Council discussed at the retreat. Mr. Barefoot stated that it has been discussed for one year in earnest and probably two to three years. Mr. Barefoot explained that what he recalled from Council was having a television station that can serve the public in many fashions, in addition to televising Council meetings. It can also be used for water interruption notices, street closings, and getting information to Hispanic or non-English speaking citizens. Mr. Barefoot recommended including the funds to start the process down the road. He had not heard from other Council Members indicating they did not want the public access television station. Mr. Ellis stated that about a year ago, Mr. Burke Buchanan told him he contacted the City about taping Council meetings and Law and Finance Committee meetings at no expense to the City other than furnishing an employee to learn to operate the camera. Mr. Buchanan would teach the City employee to operate the camera and would edit the tapes and put it on the air at a predestined time. Mr. Ellis continued that Mr. Buchanan also offered one hour per month for the Mayor and members of the City Council or any department head that had information that the City would like to be broadcast, and Mr. Buchanan has not heard a reply. Mr. Ellis stated that

he felt it was a good offer. Mr. Barefoot replied that he had heard bits and pieces of Mr. Buchanan's interest in doing some of the things Mr. Ellis had stated. Mr. Barefoot advised that he had spoken with Mr. Buchanan at the Post Office on one occasion. At one time, Mr. Buchanan told Council Member James Williams that he had a camera he was willing to sell. Mr. Barefoot stated that he appreciates Mr. Buchanan's offer; however, the public access station should be a station wherein the City can do the things it would like to do for its citizens. Mr. Barefoot felt Mr. Buchanan's offer did not reflect what Council has stated they would like in terms of getting information out to the citizens and print media. Council Member Cornelia Olive commented that she had asked a lot of citizens if they would watch a public access station and if it was something they would like to see. A majority of the citizens did not know that the meetings were not being broadcast on local television now. There did not seem to be enough interest. Ms. Olive added that in a year that taxpayers are being asked to accept a \$.03 tax increase and raising water and sewer rates, the public access television station is an expendable item in the budget. Ms. Olive stated she agreed with giving a raise to employees because they deserve it. Mr. Barefoot stated that it is prudent to point out that the money included in the budget to begin work on the public access station, represents about one-third of \$.01 on the tax rate.

Mayor Hester asked Council if they were ready for the question. The vote was 5 to 2 in favor of the budget ordinance with Council Members Clawson Ellis and Cornelia Olive casting the dissenting votes.

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

Mayor Hester stated that nominations do not have to be seconded.

ABC Board – (one appointment)

Council Member Clawson Ellis nominated Jack Campbell. Council Member Linwood Mann made the motion to close the nominations and reappoint Jack Campbell by acclamation. Seconded by Council Member Cornelia Olive, the motion carried unanimously.

Airport Authority – (1 appointment)

Council Member Phil Dusenbury made the motion to reappoint Council Member Linwood Mann by acclamation. No second was made. This item will be placed on the June 30 agenda.

ADA Committee – (2 appointments and 1 appointment to fill the unexpired term of Charlie Hudnall, deceased, whose term would have expired on June 30, 2005).

Council Member Walter McNeil made the motion to reappoint Mayor Pro Tem Joseph Martin and Betty Rose Latta by acclamation. Seconded by Council Member Phil Dusenbury, the motion carried unanimously. No appointment was made to fill the unexpired term of Charlie Hudnall due to no applications being received.

Appearance Commission/Also serves as Historic Preservation Commission – (2 appointments and 1 appointment to fill the unexpired term of Niki W. Hicks who resigned 3/19/04 whose term expires June 30, 2006)

Mayor Pro Tem Joseph Martin made the motion to appoint Kenneth Laughinghouse and to appoint Dana Atkins by acclamation. Seconded by Council Member Linwood Mann, the motion carried unanimously. No appointment was made to fill the unexpired term of Niki W. Hicks due to no applications being received.

Board of Adjustment/Housing Board of Appeals – (2 appointments and 1 alternate appointment whose term will expire June 30, 2005)

These appointments will be made at the June 30 City Council meeting due to proposed changes to the composition of the board.

Lee County Economic Development Corporation – (1 appointment)

Council Member Linwood Mann made the motion to reappoint Albert C. Adcock by acclamation. Seconded by Council Member Cornelia Olive, the motion carried unanimously.

Lee County Environmental Affairs Board – (2 appointments)

Council Member James Williams made the motion to reappoint Richard V. Wright and Robert E. Easterling by acclamation. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Planning Board – (2 appointments – one regular appointment and one alternate appointment)

These appointments will be made at the June 30 City Council meeting due to proposed changes to the composition of the board.

Sanford Housing Authority –(2 appointments and 1 appointment for resident commissioner to fill the unexpired term of Clyde McLeod, deceased, whose term would have expired June 30, 2005).

Council Member Cornelia Olive nominated Dr. Howard James and Jeff Smith. Council Member Linwood Mann made the motion to close the nominations and appoint Dr. Howard James and Jeff Smith by acclamation. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Council Member Linwood Mann made the motion to appoint April Tibbs as resident commissioner whose term will expire June 30, 2005, by acclamation. Council Member Walter McNeil seconded the motion, and it carried unanimously.

Sanford Municipal Golf Course Advisory Board – (2 appointments)

Council Member James Williams made the motion to appoint Sidney A. Boaz and Donald Marks by acclamation. Seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

DECISION ON PUBLIC HEARING

Consider Text Amendment to Sanford Zoning Ordinance Regarding Conditional Use Permits for Cellular Towers – (Exhibit D)

Assistant Community Development Director Marshall Downey advised that the Planning Board discussed the text amendment and voted unanimously to approve it. Council Member Walter McNeil, Jr. made the motion to approve the Text Amendment to Sanford Zoning Ordinance Regarding Conditional Use Permits for Cellular Towers. Seconded by Council Member James Williams, the motion carried unanimously.

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

OTHER BUSINESS

Council Member Cornelia Olive thanked Budget Director Barbara Cox for her time spent with her going over the budget.

City Manager Leonard Barefoot announced that there will be a City Council meeting on Wednesday, June 30, at 1:00 P.M. in the Council Chambers in lieu of a Law and Finance Committee meeting. There will not be a Council meeting on July 6.

Council Member James Williams thanked staff for the fine job and hard work on preparation of the budget. Mayor Hester echoed Mr. Williams's comments.

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