

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, September 21, 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. Council Member Cornelia Olive delivered the invocation.

APPROVAL OF AGENDA

Mayor Hester stated that two items needed to be added to the Regular Agenda under 7A – Receive Certificate of Sufficiency for Voluntary Annexation and 7A-1 – Consider Adoption of Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G. S. 160A-31. On motion of Mayor Pro Tem Joseph Martin, seconded by Council Member Linwood Mann, the amended agenda was approved.

CONSENT AGENDA

Approval of September 7, 2004, City Council Minutes – (Filed in Minute Book 62)

Approval of Resolution Supporting and Authorizing the Submittal of a Predevelopment Grant Application to the Rural Center of North Carolina – (Exhibit A)

Resolution was approved supporting and authorizing the submittal of a predevelopment grant application to the Rural Center of North Carolina and authorizes the City Manager to sign on Council's behalf. The Building Reuse and Restoration Grants Program was designed to spur economic activity and job creation by assisting in the productive reuse of vacant buildings in a distressed area. There are two types of grants. The development grant would offer \$400,000 to a developer who has clients lined up and just needs to up fit the building. The predevelopment grant is for soft costs for an owner/developer to see if their project would be potentially viable. Soft costs are feasibility assessments, marketing analysis, architectural/engineering analyses, and legal costs involved in the project. The maximum grant is \$25,000 to be used for soft costs. The developer would match the \$25,000 predevelopment grant with \$5,000 and local government must provide at least \$1,000 which would come out of the DSI's budget.

DSI felt that a requested submitted by Bill McDonald to convert the Wilrik Theatre into a performing arts center would be a viable project.

Approval of Agreement Between CSX and the City of Sanford to Construct, Use, and Maintain a Sewer Line – (Exhibit B)

Agreement was approved between CSX and the City to Sanford to construct, use, and maintain a sewer line along Colon Road. A developer has expressed interest in extending sewer along Colon Road to serve a mobile home park located at 50 Craft Lane, which is across from Turners Chapel Church. The sewer extension involves crossing underneath the CSX Railroad. After the developer installs the sewer line, the City will take it over and maintain it. The agreement outlines the City's responsibility in maintaining the sewer line and sets guidelines regarding insurance requirements. This agreement is for twenty-five years. A one time lump sum of \$4,750 is required for the extension for crossing underneath the railroad, and the cost will be borne by the developer.

Approval of Resolution in Support of Amendment One: Self-Financing Bonds: A Local Economic Development Tool to Create Quality Jobs, Revitalize Communities and Attract New Economic Opportunities in North Carolina – (Exhibit C)

Resolution was approved in support of Amendment One. Amendment One will be on the ballot in November to allow North Carolina local governments to issue self-financing bonds for certain development projects.

Approval of Purchase of Property and Residence at 1315 Bragg Street – (Exhibit D)

Approval was given to purchase the property and residence at 1315 Bragg Street for \$1 from HUD.

The consent agenda items were approved upon motion of Council Member Clawson Ellis. Seconded by Council Member Phil Dusenbury, the motion carried unanimously.

SPECIAL AGENDA

Consider Proclamation Honoring John Fletcher Rosser - (Exhibit E)

Mayor Hester read a proclamation proclaiming September 24, 2004, as Fletcher Rosser Day for his many community accomplishments and in memory of his distinguished and dedicated service to the citizens of Lee County. Council Member Phil Dusenbury made the motion to approve the proclamation. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

CASES FOR PUBLIC HEARING

Petition by James A. Wicker & Charles A Mathis – to rezone from Residential (R-12) district to Office & Institutional (O&I) zoning district approximately 0.84 acre of land located at 905 Spring Lane, Sanford, NC. The property is the same as depicted on Tax Map 9643.03, Tax Parcel 9643-12-6270-00, Lee County Land Records Office. – (Exhibit F)

Assistant Community Development Director Marshall Downey advised that the tract is surrounded by public streets on three sides with Spring Lane to the north, the northbound exit ramp for US Highway 1/15/501 to the west, and Spottswood Drive to the east. An existing single-family dwelling constructed in 1969 is located on the lot.

The site has approximately 140 LF of road frontage along Spring Lane, approximately 205 LF of frontage along Spottswood Drive, and 220 LF of road frontage along the exit ramp. Land uses in the area include an established single-family dwelling neighborhood to the south and southeast, a small cluster of rental dwellings to the east, a retail shopping center to the north, and a major highway (US1/15/501) to the west. The property has access to City water and sewer. It is not located within any designated water supply watershed or the 100-year floodplain. The NCDOT Average Daily Traffic count in closest proximity to the subject property is along Spring Lane, just to the east. The 2001 ADT count was 9,400 vehicles per day, while the 1999 ADT count for the same location was 12,000.

Mr. Downey explained that the site is located within a “blue zone” of a designated Scenic Corridor Overlay District and within a Highway Corridor Overlay District. If rezoning is approved and the property is redeveloped, additional design standards would be required because of the two overlay districts.

Mr. Downey referred to a list of uses allowed in the Residential (R-12) District and Office and Institutional (O&I) District submitted in Council’s packet. The 2020 Land Use Plan Map has identified this property as being within the Highway Overlay. This classification is intended for areas with a high level of design and development standards along major transportation corridors or major highways.

Mr. Downey advised that staff received a valid Official Rezoning Protest Petition in opposition to this rezoning petition; therefore, a zoning amendment ordinance for this rezoning petition shall not become effective except by favorable vote of three-fourths of all the members of the Council. A neighborhood meeting to discuss the rezoning was held on Monday, September 20, 2004, at 6 P.M. in the West End Conference Room at City Hall. There were eight people in attendance at the meeting, excluding staff.

Mr. Downey stated that in 1993, the property was down zoned from Residential (R-20) to Residential (R-12) to allow an in-home, combination residence/beauty shop. Mr. Downey stated there was a concern expressed at the neighborhood meeting as to whether or not driveway access would be allowed onto Spring Lane. Staff has tried to contact the Department of Transportation and the preliminary indication is that there would not be sufficient room because of the controlled access of the off-ramp.

Mayor Hester opened the public hearing. Charles A. Mathis, current owner, spoke in favor of the petition. Mr. Mathis stated that the home was originally built to house the district office for the Methodist church and was used as an office for years and as lodging for visiting dignitaries. He bought the property in 1993 and assumed that the property was already zoned for in-house business, and it was not. He petitioned for Residential (R-12) at that time and was approved. The house has been used for business since it was built. It was used as a beauty shop (Shaw’s Hair Styling) and as an office for his business which was Cam Electric Service. Since 1993, businesses on Spring Lane have increased along with traffic. Noise has become a nuisance, and he felt that a buffer between that business and the residential area would be nice and beneficial. Traffic and noise has made this house not acceptable for family life. Mr. Mathis felt the City and the neighbors located to the south would benefit from an attractive brick

office building as proposed by James Wicker. It would be a nice buffer zone between the business area and residential homes. The offices would be used during normal business hours and would not be a disturbance after hours and on weekends. Sanford would benefit from the added tax income.

James Wicker, purchaser of the property, spoke in favor of the petition. He noted that it is a large section of property bordered by three streets, and questioned whether the home is where you would allow children to play. The property has changed with a shopping center and new businesses being built such as the movie theater. He was taught that O&I situation is a good transitional zoning between commercial and residential. He would like to construct a nice building on the property. No additional traffic would be created. Spottswood Drive is a no-designation driveway that goes into more residential, and there is no reason why they would go down Spottswood Drive. Mr. Wicker stated that he would build something nice on the property that would be conducive to the area, and it would be a tax benefit to the City. He presented Council with a color-coded map of the surrounding zonings (Exhibit G).

Council Member Phil Dusenbury commented that he is a member of St. Luke Methodist Church, and their superintendent did live in the house. The superintendent had very few visitors because he visited the different churches to check on the preachers; it was not an active office.

Gerald Jackson, who has resided on South Hall Street for 33 years, spoke in opposition to the petition. He stated that they have a nice neighborhood and they are very proud of it. It is very difficult to get onto Spring Lane because of the increased traffic from the new theater and other businesses. Two-thirds of the cars that come off of the ramp run the stop sign. There are adequate outparcels in Spring Lane Galleria and Riverbirch if someone needs to build an office building.

Kay Schreiner, who resides at 406 Spottswood Drive, (directly below 905 Spottswood Drive) spoke in opposition. She asked the individuals in the audience that were against the petition to stand. Ms. Schreiner said she has lived there since 1979. She expressed concern about safety at Spottswood Drive due to the congestion and increased traffic. If another driveway is made on Spottswood Drive, she felt it would be a hidden danger for anyone turning onto Spottswood Drive from Spring Lane. She stated that the property is heavily wooded, and the trees shade Spottswood Drive. The trees provide shelter and food for wildlife and birds. If rezoned, the entrance into their neighborhood of over 70 homes would be changed forever; it would affect the entire character of their neighborhood. When Spring Lane Galleria was being remodeled, the residents lived with red dust covering their homes, driveways, cars, plants and trees for weeks along with the noise from the machinery. No drawings of the proposed office building were given to the residents and how it would look. The petitioner's assurances that the final result would be attractive and would enhance the area seem sincere, but the petitioners for the zoning change will not be living at that property. It offers no comfort to those living there after the change is in effect.

Stan Davis, who resides at 410 Brinn Drive, spoke in opposition. He is a business owner in Spring Lane Galleria. He stated the property being considered is cornerstone property

for the neighborhood and acts as a buffer zone and entrance way to a very vital, active neighborhood. He expressed concern about the increased traffic. He felt that the purpose of a rezoning is to address changing the needs of a community, and there are properties available for lease and for purchase.

Mayor Hester closed the public hearing.

Petition by Angela O. Kelly – to rezone from Residential (R-12) district to Office & Institutional (O&I) zoning district approximately 0.36 acre of land located at 506 W. McIntosh Street, Sanford, NC. The property is the same as depicted on Tax Map 9652.13, Tax Parcel 9652-04-3200-00, Lee County Land Records Office. – (Exhibit H)

Planner I Amy Bean advised that the area requested for rezoning is surrounded by residentially developed property to the north, south, and west and a public school to the east. An existing single-family dwelling constructed in 1960 is located on the lot. The property has access to City water and sewer. It has 100 LF of road frontage along W. McIntosh Street, which is maintained by the City.

Ms. Bean went over the list of typical uses allowed in the Residential (R-12) District and Office and Institutional (O&I) District. Parking requirements in the O&I District are determined by the proposed use.

The area requested for rezoning is not immediately located adjacent to an existing Office & Institutional (O&I) District. The closest commercial zoning districts include Office & Institutional/Multi-family (O&I/MF), Office & Institutional (O&I), and General Business (GB) Districts located to the north along Woodland Avenue.

The 2020 Land Use Map has identified this property for Mid/High Density Residential-Office. The purpose of this classification is to identify areas that are appropriate for medium and high density residential development, including single-family, duplexes, and planned multi-family developments, as well as office development.

Ms. Bean stated that the applicant is attempting to locate a day care center at this location. A day care center is permitted by right with special requirements within the Residential (R-12) and the Office & Institutional (O&I) zoning districts. The O&I District allows for a higher density of children permitted, which is the goal of the owner/developer of the site. A copy of Section 42-243, Nurseries, Day Care Centers, and Kindergartens of the City of Sanford Zoning Ordinances for the special requirements for a day care center was included in Council's packet. Single-family dwellings are permitted by right within the Office & Institutional (O&I) District, which would allow the home to continue to be used as a residential dwelling.

Ms. Bean stated that eight children are permitted in the day care under Residential (R-12) zoning and 56 children under Office & Institutional (O&I). Environmental Health and the State Day Care Licensing Agency would regulate the number of children allowed. Council Member Mann asked about the parking requirements. Ms. Bean replied that only two spaces are required

for a home and 1.5 parking spaces per each attendant for a day care center. Ms. Bean stated that Ms. Kelly would probably not be able to keep 56 children at that location but it would be between 8 and 56. Ms. Kelly stated to Ms. Bean that 8 children were not financially feasible for her day care center to make a profit. She would like to be able to keep more than eight children.

Mayor Hester opened the public hearing. Angela Kelly, owner of 506 W. McIntosh Street, spoke in favor of the petition. She purchased the property in 1996 and has made a lot of renovations since that time. Ms. Kelly advised that she has been a day care provider for the last twelve years. She can currently keep eight children in her home; however, she was hoping to move it out of her house and keep more children. It would open up four to six jobs for qualified people; teachers that would be able to come in and help out. Council Member Olive asked Ms. Kelly if she would continue to live in the house. Ms. Kelly replied no. She is currently living somewhere else. She would like to have a day care center instead of an in-house day care. She has tried the property as rental property, but it did not work out.

Council Member Martin commented that he works with United Way, and there is a tremendous need for day cares. He added that the State is very hard on day cares, and day cares keep seeking funds from United Way because of the requirements from the State. He asked Ms. Kelly if she has spoken with the State agencies concerning her plans so she has an idea of what she is getting ready to get into financially concerning playgrounds, excavations. Ms. Kelly replied that she has spoken with her consultant and the teachers that are aware of this proposal, and she is pretty much prepared for it. If the petition is granted and the day care center did not work, she could also use the property as an office.

Council Member Olive asked Ms. Kelly how dense the traffic is that goes to Floyd Knight School because it was her understanding that 65 people work at the school and they are coming and going a lot. Ms. Olive asked Ms. Kelly if she considered the fact that if she increases the number of children she has that would increase the traffic. Ms. Kelly replied that she understands there would be more traffic and most of the traffic is in the morning and afternoon. Her plans are to fence in an area (which is required) for the children to play in. The children would not be allowed to run freely in the street. She did not feel that traffic would be a big problem.

Council Member Williams asked if Ms. Kelly was informed of Conditional Zoning. Mr. Bean replied no, staff did not entertain the idea of Conditional Zoning. Mr. Williams asked if it was too late to talk about it. Ms. Bean asked City Attorney Susan Patterson if legally, this item could be tabled at this point. Attorney Patterson replied you can table it after the public hearing is closed before the Planning Board makes a recommendation. But since the petition has been advertised, to request an additional zoning category would be prohibited at this time. Under the current zoning ordinance, if you withdraw or you are denied a rezoning, you have to wait a year before you can ask to rezone the piece of property to a similar or the same use. Ms. Patterson felt it would not be appropriate at this time. Community Development Director Bob Bridwell stated that the City needed to be very careful not to use conditional zoning as a magic bullet. It is a very special and important tool that is used to help narrow down specific issues, but should not be used on a regular basis.

No one spoke in opposition. The public hearing was closed.

Petition by Christians United Outreach Center of Lee County – to rezone from Central Business District (CBD) zoning district to General Business Conditional (GB-C) zoning district approximately .20 acre of land located at 222-228 E. Main Street, Sanford, NC. The property is the same as depicted on Tax Map 9652.19, Tax Parcel 9652-51-6614-00, Lee County Land Records Office. – (Exhibit I)

Assistant Community Development Director Marshall Downey advised that the property owner is Jack Gaddy, Inc. Mr. Downey gave a background of this request. This applicant came to the Council last month with a public hearing for a text amendment to amend the text definition for a community food service. Based upon the input from Council's meeting and from the Planning Board that the item be tabled, staff has worked with the applicant and the applicant has come back with a petition to rezone the property. They have changed their approach and want to do a site specific rezoning.

The existing commercial building is known as the Watson Specialties building. Watson Specialties, Inc. was a retail/warehousing business which sold and distributed items, such as cigarettes (in bulk), cigarette lighters, combs, handkerchiefs and novelties to service stations and grocery stores. The office area fronts E. Main Street, and the loading is accessed via E. Trade Street. A firewall separates this building from the adjoining building (on a separate legal lot) to the southwest of the site.

The site is a through lot with approximately 90 LF of road frontage on E. Main Street and approximately 90 LF of road frontage on E. Trade Street both of which are City maintained streets.

Mr. Downey said land uses in the area are a combination of residential, office, retail, and service-oriented businesses. Area residential uses include the Thomas Graham apartments and a single-family dwelling which has been converted into four studio apartments located at the intersection of Buchanan Street and E. Main Street. Area businesses include Jonesboro Dry Cleaners (zoned CBD), Car Hunters Auto Sales (zoned GB), Obie Watson Auto Sales (zoned GB), NC Farm Bureau, Siler Realty, Thomas J. Matthews Surveying, and Ken Bright Associates Engineering and Surveying (all zoned O&I).

The property has access to City water and sewer. The site is not located within a designated flood hazard area or an established watershed. The site is located within the Scenic Corridor Overlay District and the Highway Corridor Overlay District. The site is not located within the 421 Bypass Corridor or an established Historic District.

The NCDOT 2002 Average Daily Traffic Count in closest proximity to this site is along the 100 block of E. Main Street southwest of the site between Watson Avenue and Trade Street and approaches 12,000 vehicles per day.

Mr. Downey advised that this is a General Business - Conditional Zoning District, Type 2 request. They are not requesting any additional design standards. All they want to do is to narrow the list of uses within the General Business Zoning District.

The petitioner has outlined in detail a list of proposed uses to be permitted within the General Business – Conditional (GB-C) Zoning District. With reference to the community food service, Christians United Outreach Center of Lee County intends to operate a multi-purpose facility where the following services will be rendered:

1. Collection and distribution of bulk food both onsite with offsite delivery available. There will be no food preparation of any type, nor the serving of prepared food.
2. Collection and distribution of tangible household items such as clothing and furniture. This will also include medical equipment.
3. Financial counseling and assistance.
4. Coordination center for other ministries within the community.
5. A transportation service where volunteers who can transport those who need it are coordinated. No fleet or extended parking is needed.

For all food and tangible item distributions, the Trade Street entrance will be used.

There were 72 other specific uses and three additional special uses requested to be allowed because they are compatible with the surrounding Central Business District zoning.

The 2020 Land Use Plan Map has identified this property for Mid/High Density Residential – Office Uses. The purpose of this classification is to identify areas which are appropriate for medium and high density residential development, including single-family, duplexes and multi-family developments, as well as an office development. The current planning staff does not believe that this land use classification takes into consideration the commercial nature of the Old Jonesboro Central Business District.

Council Member Olive asked Mr. Downey if a neighborhood meeting was held to find out how the neighbors felt about the rezoning. Mr. Downey replied no, and he has not received any comments from any surrounding property owners.

City Manager Leonard Barefoot stated that it was his impression that the purpose of the Conditional Use Zoning is to limit the number of uses that could be accomplished in a particular area. This rezoning request lists the uses the Outreach Center needs to be placed upon the property for their purpose of using the property in addition to 72 other uses. Mr. Barefoot felt that it defeats the purpose of the conditional use. Mr. Downey replied that the applicant took the existing General Business District listing of permitted uses and compared it to the Central Business District listing, and they pulled out everything that is the same in both districts and that is what this list of uses represents along with what the Outreach Center is planning to do on the property. Mr. Downey stated that if you put the General Business District list of permitted uses beside the Central Business District list, they would be the same except for the definition of the Outreach Center. If this zoning petition is approved and the Outreach Center ceases to use the property, the property would stay as General Business Conditional Zoning Type 2; it does not default back to its original zoning. Attorney Patterson said that currently, the way the zoning ordinance is written, any rezoning will run with the land and go with the property; there is no

default provision. Mr. Bridwell stated that you have to be very careful when using conditional zoning. It should be used to construct the right kinds of land use decisions in our neighborhoods and our community. Mr. Downey explained that the applicant tried to prepare a list of the permitted uses that the surrounding properties are allowed now so that if the property is sold in the future, it does not limit the permitted uses on the property.

Mayor Hester opened the public hearing. Raymond Atkins, representing Christians United Outreach Center of Lee County, spoke in favor of the petition. He said they are trying to address Council's concerns regarding food preparation and serving meals. They have attempted to prepare a Central Business District use with one or two additions so that the neighbors would understand what they are planning to do. They have spoken with a majority of the businesses and told them what they would like to do to see if they had any complaints. Mr. Atkins stated that they have not received any complaints. Mayor Pro Tem Martin asked if the food is given out in bulk or given out when someone knocks on the door. Mr. Atkins replied it would be on a case-by-case basis to individuals or individual families; the food would be given out in bags or in boxes. The Outreach Center's Board of Directors has prepared a process that individuals will go through. Questions will be asked as to why you are here; what caused you to be in this position and is there anything that they can do, education wise, to help them get out of this position. They want to help individuals to become contributing members to society in general and to help alleviate the problem in Lee County. Mr. Atkins added that he did not envision any loitering. They would be open from 8:30 A.M. to 5:00 P.M. They may stay open late one night until 7 – 8 P.M. during the week for individuals that work during the day.

Council Member McNeil stated that the ordinance, as presented, was confusing and needed to be clarified. Mr. Barefoot explained that the property is currently Central Business District that does not allow the first items that the Outreach Center is requesting so the amendment is to General Business Conditional Zoning which includes five items which would allow the Outreach Center to operate on the property. It would be possible if the Planning Board were to approve only the first five items, and it could be considered to ask staff to amend the ordinance to say that if those additional conditional uses cease, then it will revert back to Central Business District zoning, which would be less cumbersome.

Thomas Simpson, Associate Pastor at Jonesboro United Methodist Church, spoke in favor of the rezoning. They are attempting to place additional conditions upon the property in order to operate the Christian Outreach Center. He added that under the current Central Business District, the five items they are requesting to add are already allowed; the problem is the City's ordinance and definition of community food services which includes a food pantry. They have a volunteer base of 169 people who have already put in their time volunteering for Christian United Outreach Center since they have been established and are trying to move forward with the program. Retail businesses would benefit from these volunteers, and the people they serve due to the fact that a lot of these people are not making quite enough money to pay every bill, but they are already contributing members to society. He informed Council that the Center mailed a letter to the surrounding property owners explaining exactly what they were planning to do and to contact them, and staff would be glad to address any concerns they had. There were some concerns about traffic; however, any retail business would increase the traffic.

The program would be set up so loitering would not be a problem. The Bread Basket is very supportive of what they are trying to do.

Reverend Keith Miller, Minister of Jonesboro Presbyterian Church, spoke in favor of the petition. He stated that they have visited many active businesses to see if they had any concerns. The only real concern the businesses had was walk-up traffic. Jonesboro Methodist Church has been distributing food from their Wesleyan Center for over a month, and there has been no loitering. There has been no trash in the parking lots and no complaints received. The Outreach Center will work off of Trade Street so the traffic impact on Main Street will be less.

No one spoke in opposition. The public hearing was closed.

The Planning Board retired to the West End Conference Room.

Public Hearing on Confirming Assessment Roll and Levying Assessments – Brookwood Trail 8-inch Sewer Line Extension

Civil Engineer II Brent Johnson informed Council that the Brookwood Trail sewer line extension has been completed. The project consists of 600 LF which serves eight lots. The final cost has been assessed. Letters were mailed to the property owners informing them of the public hearing and of their final assessment cost.

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

- Adoption of Resolution Confirming Assessment Roll and Levying Assessments – Brookwood Trail 8-inch Sewer Line Extension – (Exhibit J)
Council Member Linwood Mann made the motion to adopt the resolution. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

REGULAR AGENDA

Consider Petition by San-Lee Builders, Inc. Requesting Contiguous Annexation of 11.69 Acres of Property Located North and Northwest of the Intersection of Woody Hill Lane and Green Valley Drive. – (Exhibit K)

GIS/E-911 Coordinator Don Kovasckitz explained that San-Lee Builders is requesting contiguous annexation of 11.69 acres located in the Woody Hill Lane and Green Valley Drive Subdivisions.

- Consider Adoption of Resolution Directing the City Clerk to Investigate a Petition Received Under G. S. 160A-31 by San-Lee Builders, Inc. – (Exhibit L)
Mayor Pro Tem Martin made the motion to adopt the resolution. Seconded by Council Member Linwood Mann, the motion carried unanimously.
- Receive Certificate of Sufficiency for Voluntary Annexation – (Exhibit M)
City Clerk Bonnie White certified that all the proper owners have signed the petition. Council received the Certificate of Sufficiency from the City Clerk.

- Consider Adoption of Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G. S. 160A-31 – (Exhibit N)
Council Member Walter McNeil, Jr. made the motion to adopt the resolution setting the date of the public hearing on October 5, 2004, at 7:00 P.M. Seconded by Council Member Phil Dusenbury, the motion carried unanimously.

Consider Award of Bids for Phase II of Depot Park from the NC DOT TEA-21 Grant Program for Sidewalk and Pavers and Park Benches - (Exhibit O)

Downtown Executive Director David Montgomery advised that Council discussed this issue at the Law and Finance Committee meeting on September 15. He inadvertently left off the resolution authorizing the mayor to sign the contract with Torres Construction provided that the DOT gives its approval. Torres Construction Company submitted the low bid of \$25,920 which includes \$24,000 for the sidewalk scope of work and an alternate cost of \$1,920 to increase the concrete portion of the sidewalk along Carthage Street from 3'0" to 6'0" maintaining a total sidewalk width of 8'0".

Council Member James Williams made the motion to award the bid of \$25,920 to Torres Construction Company. Seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

Mr. Montgomery advised that staff recommends awarding the bid of \$2,429.86 to American Titan Company for three benches. Council Member Walter McNeil, Jr., made the motion to award the bid of \$2,429.86 to American Titan Company. Seconded by Council Member James Williams, the motion carried unanimously. Mr. Montgomery has e-mailed Titan to check on the warranty of the benches.

- Consider Resolution Authorizing the Mayor to Execute on Behalf of the City of Sanford a Contract and Any Change Orders Within the Budgeted Amount with Torres Construction Company for the Project Known as Sidewalks and Pavers of Depot Park – (Exhibit P)
Council Member Linwood Mann made the motion to approve the resolution. Seconded by Council Member Phil Dusenbury, the motion carried unanimously.

Consider Award of Bid for Phase II of Depot Park from the NC DOT TEA-21 Grant Program for Site Lighting – (Exhibit Q)

Downtown Executive Director David Montgomery stated that bids were received for site lighting on Friday. Since the renovations to Depot Park were partially funded by a NC DOT Enhancement funds, the drawings for the park improvements had to be reviewed by the State Historic Preservation Office. During this review process, several compromises were required to the Depot Park design prior to DOT approval of the grant funds. One of the required compromises was that site lighting consistent with the Depot theme must be used in lieu of the proposed Acorn lighting currently leased from Progress Energy as part of the Phase I construction program.

Three bids were received. Staff recommended awarding the bid of \$17,260 to Antique Street Lamp Company based upon the fact that they were the only company to meet all of the specifications. The bid is for five fully-fluted, cast-iron poles and seven heads.

Council Member Phil Dusenbury made the motion to award the bid of \$17,260 to Antique Street Lamp Company. Council Member James Williams seconded the motion. The vote was six to one in favor to award the bid to Antique Street Lamp Company with Council Member Cornelia Olive casting the dissenting vote.

Consider Appointment to Fill an Alternate Position on the Board of Adjustment Which Also Serves as the Housing Board of Appeals – Term to Expire June 30, 2005 – (Exhibit R)

Mayor Hester opened the floor for nominations. Council Member James Williams nominated Joshua Harris. Council Member Linwood Mann nominated Joe Del Vecchio. Joe Del Vecchio was appointed to fill the alternate position on the Board of Adjustment by a five to two vote. Council Members James Williams and Walter McNeil, Jr. voted for Joshua Harris. Council Members Joseph Martin, Linwood Mann, Phil Dusenbury, Clawson Ellis and Cornelia Olive voted for Joe Del Vecchio.

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

OTHER BUSINESS

Council Member Cornelia Olive announced that the Hawkins Avenue bridge opened today.

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 Cornelia Olive, the motion carried unanimously.

Respectfully submitted,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK