

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, November 2, 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 Walter H. McNeil, Jr.	Council Member Philip E. Dusenbury
City Attorney Susan C. Patterson	City Clerk Bonnie White
City Manager Leonard Barefoot	

Absent:

Council Member Clawson Ellis  
Council Member Cornelia Olive

Mayor Hester called the meeting to order. Council Member Phil Dusenbury delivered the invocation.

**APPROVAL OF AGENDA**

On motion of Council Member Walter McNeil, Jr., seconded by Council Member Phil Dusenbury, the agenda was approved.

**CONSENT AGENDA**

Approval of October 19, 2004, City Council Minutes – (Filed in Minute Book 62)

Approval of Ordinance to Assign Recently Annexed Areas to a City Electoral Ward – (Exhibit A)

Ordinance was approved assigning the recent annexation of 11.72 acres of property described as Green Valley Phase VI by San-Lee Builders, Inc., to Electoral Ward 2.

Approval of Resolution Approving Financing Terms for a Knuckleboom Truck – (Exhibit B)

Resolution approving financing terms for a knuckleboom truck for the Refuse Division was passed. Financing will be with BB& T Governmental Finance at a low interest rate of 2.78 percent for three years.

Approval of Interlocal Agreement Between the City of Sanford, Lee County Board of Education, and County of Lee Regarding Construction and Maintenance of a Fence and Gate Across an Easement to the City of Sanford's Lift Station on the Godfrey Property – (Exhibit C)

Interlocal agreement between the City of Sanford, Lee County Board of Education, and County of Lee regarding construction and maintenance of a fence and gate across an easement to the City of Sanford's lift station on the Godfrey Property at the new high school was approved. This is an agreement between the City, the County, and the School Board wherein the County will construct the fence and the gate across the easement; the School Board will repair and

maintain it; and the City gives them permission to do this across the City's easement if they give the City access at all times. There will be no cost to the City.

Approval of Recommendation to Reject Modifications to Vehicle Maintenance Agreement and Termination of Original Contract on December 1, 2004 – (Exhibit D)

Recommendation to reject modifications to the vehicle maintenance agreement and to terminate the original contract effective December 1, 2004, was approved.

The consent agenda items were approved upon motion of Council Member Linwood Mann. Seconded by Council Member James Williams, the motion carried unanimously.

**CASES FOR PUBLIC HEARING**

Public Hearing on Petition by City of Sanford and Forbes Real Estate Corporation requesting contiguous annexation of approximately 25.92 acres of property accessed via Bristol Way and Brownstone Drive, which are public city streets within the Brownstone Subdivision, located west of Petty Road, and identified as a portion of Tax Parcel 9623-94-6775-00, Lee County Lands Records Office. – (Exhibit E)

Planner I Amy Bean advised that on September 27, 2004, the City of Sanford received a petition from the City of Sanford and Forbes Real Estate Corporation for annexation of 25.92 acres of property located northwest of and accessed via Bristol Way and Brownstone Drive, which are public City streets within the Brownstone Subdivision, located west of Petty Road. All the legal steps have been completed to get to this point and tonight is the public hearing. The developer would like to annex the property, extend City utilities (streets, water and sewer), and create approximately 28 lots. No additional costs are anticipated to serve this annexation in its undeveloped state. The assessed valuation of the annexation area is approximately \$82,432. If developed as a continuation of Brownstone Subdivision, the value would increase substantially. If the ordinance is passed to extend the corporate limits, the annexation would be effective November 3, 2004.

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

- Consider Adoption of an Ordinance To Extend the Corporate Limits of the City of Sanford, North Carolina – (Exhibit F)

Mayor Pro Tem Joseph Martin made the motion to adopt the ordinance to extend the corporate limits of the City of Sanford. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

**DECISIONS ON PUBLIC HEARINGS**

Petition by Evelyn R. Talley - to rezone from Residential (R-20) district, to Office & Institutional /Multi-family (O&I/MF) district approximately 0.66 acre of land located at 513 W. Main Street. The property is the same as depicted on Tax Map 9652.18, Tax Parcel 9652-30-3204-00, Lee County Land Records Office. – (Exhibit G)

Assistant Community Development Director Marshall Downey explained that the details of the rezoning request were presented at the public hearing on October 19, 2004. The Planning

Board discussed this petition that night and unanimously recommended that the City Council approve the petition.

- Consider Adoption of an Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit H)  
Council Member Linwood Mann made the motion to adopt the Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. Seconded by Council Member Phil Dusenbury, the motion carried unanimously.

Petition by Tim Mercer - to rezone from Residential (R-12) district, to Residential (R-10) district approximately 0.54 acre of land located at 319 Raleigh Street. The property is the same as depicted on Tax Map 9652.18, Tax Parcel 9652-40-1129-00, Lee County Land Records Office. – (Exhibit I)

Assistant Community Development Director Marshall Downey explained that the details of the rezoning request were presented at the public hearing on October 19, 2004. The Planning Board discussed this petition that night and unanimously recommended that the City Council approve the petition.

- Consider Adoption of an Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit J)  
Mayor Pro Tem Joseph Martin made the motion to adopt the Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Petition from Buffalo-Jonesboro Cemetery, Inc. - to amend the City of Sanford Code of Ordinances, Chapter 42 Zoning Ordinance, Article V, Special Requirements for Certain Uses Permitted by Right, Section 42-244 *Cemeteries*, subsections (b) and (c). Proposed changes include modifications to current setback (spacing) requirements for the placement of tombstones, crypts, monuments and mausoleums along adjoining property lines and along public streets. Substantial changes may be made to this proposed amendment after the public hearing. - (Exhibit K)

Assistant Community Development Director Marshall Downey advised that this is a request for a text amendment to the zoning ordinance regarding setbacks for cemeteries. A public hearing was held on October 19, 2004. The petitioner is requesting the following changes:

(b) Tombstones, crypts, monuments and mausoleums shall be located at least 25 feet from any exterior side or rear lot lines which adjoin lots developed for residential use, and at least 25 feet from a street right-of-way line.

(c) Tombstones, crypts, monuments and mausoleums shall be located at least 25 feet from a street right-of-way line, and at least ten feet from all exterior side or rear lot lines which do not adjoin lots developed for residential use.

The Planning Board discussed this petition on October 19, 2004, and unanimously recommended that the City Council deny the text amendment as proposed regarding changes to the special requirement for cemeteries. The consensus of the Planning Board was that a 25-foot setback did not seem sufficient for a cemetery and that this amendment would not be sensitive to the delicate nature of gravesites.

- Consider Adoption of an Ordinance Amending the City of Sanford Code of Ordinances, Chapter 42 Zoning Ordinance – (Exhibit L)  
Council Member Linwood Mann made the motion to adopt the Ordinance Amending the City of Sanford Code of Ordinances, Chapter 42 Zoning Ordinance. Seconded by Council Member Phil Dusenbury, the motion carried unanimously.

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

**OTHER BUSINESS**

Public Works Director Larry Thomas introduced the new Water Treatment Plant Superintendent Scott Christiansen. Mr. Christiansen came from the Public Works Commission in Fayetteville where he has worked for the past eight and one-half years.

Council Member Phil Dusenbury asked City Engineer Vic Czar about the status of the Botany Woods sewer line extension. Mr. Czar replied that staff has polled several cities on their assessment policies to try to find a way to assist the residents in their request to get City sewer. Mr. Czar stated that staff is still working to find a solution. The project will have to be rebid.

City Manager Leonard Barefoot asked if Council would like to hear the Timmons Group's presentation regarding their analysis of water delivery quality at Law and Finance on November 10. The County will pay the Timmons Group to do the presentation. Council was in consensus to hear the presentation on November 10.

*Sanford Herald* Reporter Tim Preston expressed that he has spoken with Chief Deputy Kevin Bryant with the Sheriff's Department about participating in a story regarding firearm's training that our local law enforcement officers do. Mr. Preston stated that he needed permission or assistance of the City Manager and City Attorney concerning insurance concerns about his attending the firing range. Mayor Hester told Mr. Preston that he needed to talk with the City Manager.

**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,

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WINSTON C. HESTER, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK

