

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, February 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
Public Works Director Larry Thomas	City Attorney Susan C. Patterson
City Clerk Bonnie D. White	

Absent:

City Manager Leonard Barefoot

Mayor Hester called the meeting to order. Council Member James Williams delivered the invocation.

APPROVAL OF AGENDA

Mayor Hester noted a couple of changes to the Regular Agenda. Item 6A will be Consider Award of Bids for Charlotte Avenue Kiosk Depot Park Phase II; one for the award of masonry work and one for the carpentry work, and there will be two separate resolutions authorizing the execution of contract for the masonry work and carpentry work. Item 6B will be Consider Addendum #1 to the Interlocal Agreement for the Consolidation of Certain Public Water Systems Within Lee County and Assurance Agreement. On motion of Council Member Linwood Mann, seconded by Council Member Phil Dusenbury, the amended agenda was approved.

CONSENT AGENDA

Approval of February 1, 2005 City Council Minutes – (Filed in Minute Book 62)

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2004-2005 – (Exhibit A)

Ordinance was approved to amend the budget and appropriate forfeiture funds in the amount of \$31,000 for the purchase of a vehicle to be used within the Police Drug Unit (these funds can only be used for the Drug Unit); and within the Utility Fund, to appropriate \$14,783 which is sales tax refund not expended in the capital project fund. This money relates to sewer capital projects so it needs to be appropriated for that purpose in the Utility Fund. Funds were appropriated in the Special Tax Fund in the amount of \$62,500 from Fund Balance to complete Phase II of Depot Park.

Approval of Capital Project Budget Ordinance Amendment Sewer Grant Project Number E-SRG-T-00-0102 – (Exhibit B)

Ordinance was approved to appropriate the \$14,783 sales tax refund mentioned above in the Capital Project Fund that was received and moved to the Utility Fund for sewer capital projects. This is a refund from the state for sales tax money received during the calendar year from the purchase of construction materials that vendors buy for various City projects that have been done during the year.

Approval of FY 2004- HPF-Supported Endor Iron Furnace Archaeological Investigations Contract Between the City of Sanford and Wake Forest University for Approval – (Exhibit C)

Contract was approved between the City of Sanford and Wake Forest University to perform the Endor Iron Furnace archaeological survey. This is the follow up on the grant received from the National Park Service on the Endor Iron Furnace. The City was a pass through for the County so no City funds are required. The grant had to come through a municipality. The Planning Department will serve as contract administrator for the project.

Approval of Ordinance Repealing Two-Hour Parking on the South Side of Gordon Street in the City of Sanford – (Exhibit D)

Ordinance was approved repealing (two) two-hour parking spaces on the south side of Gordon Street. Certified Public Accountant Richard Carlson, 107 Gordon Street requested three on-street parking spaces in front of their business be set for one-hour parking; however, since one of the spaces is on two properties; the Engineering Department recommended designating two spaces with one-hour parking.

Approval of Ordinance Establishing One-Hour Parking on the South Side of Gordon Street in the City of Sanford – (Exhibit E)

Ordinance was approved to establish one-hour parking on two parking spaces on the south side of Gordon Street as requested by Certified Public Accountant Richard Carlson.

Approval of Utility Relocation Agreement with Department of Transportation – (Exhibit F)

Utility Relocation Agreement with the Department of Transportation was approved. The agreement is to extend City sewer to Robert Lemmond at 2100 Hawkins Avenue. As part of the acquisition for the U. S. 421 Bypass, it took away Mr. Lemmond's existing driveway. The Department of Transportation proposed that he relocate his driveway to the other side of this property; however, the new driveway crosses his existing septic drain field. The Department of Transportation has agreed to pay to connect Mr. Lemmond to City sewer. The Engineering Department has done the design work and solicited bids from contractors on February 3. The low bidder was Billings and Garrett from Raleigh, North Carolina, in the amount of \$32,192. Staff will administer the contract, perform the construction and pay Billings and Garrett. The agreement states the reimbursement policy that the Department of Transportation will reimburse the City of Sanford for the sewer connection.

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

CASES FOR PUBLIC HEARING: held jointly with the Planning Board.

Petition by Wilkinson Cadillac Oldsmobile, Inc. - to rezone from Highway Services (HS) district, to Shopping Center (SH-C) district approximately 3.49 acres of land located at 1301 Douglas Drive. The property is the same as depicted on Tax Map 9643.03, a portion of Tax Parcel 9643-02-9949-00, Lee County Land Records Office. - (Exhibit G)

Assistant Community Development Director Marshall Downey explained that Wilkinson Cadillac Oldsmobile, Inc. has requested to rezone 3.49 acres of land located at 1301 Douglas Drive from Highway Services (HS) to Shopping Center (SH-C) District. The site is developed as Wilkinson Cadillac Oldsmobile, an auto dealership. The property owner would like to rezone to a district that would be more appropriate for the surrounding businesses and surrounding zoning; but would still be utilized as an auto dealership. He stated that in talking with the petitioners, there is also an interest in rezoning because they have some non-conforming sign issues. Rezoning to Shopping Center District would benefit them in terms of bringing their signage into conformity.

The parcel has approximately 610 LF of public street frontage on Douglas Drive which is a City street, and the site is currently served by City water and sewer. The site is not subject to any flood hazard area or water supply watershed regulations.

The primary land uses surrounding the site are commercial businesses which include State Employees Credit Union, Spring Lane Cinema, McDonalds, Dominos, Subway, and the Pantry convenience store. Opposite the highway is the Spring Lane Galleria Shopping Center along with several other businesses including Office Max, Pier One, Lowes Food, First Bank, and the new Crescent Bank, which is under construction. The NC DOT 2003 Average Daily Traffic Count in closest proximity to this site is on Spring Lane, approximately 420 feet east of the site and approaches 11,000 vehicles per day. The site is located within the Highway Corridor Overlay District (HCO-1) and the Scenic Corridor Overlay District. The standards of the overlay districts would be required to be met if the existing use were expanded or the site redeveloped. The site is not located within the 421 Bypass Corridor or an established Historic District.

The property is currently zoned Highway Services (HS) District, and the purpose of this district is to provide areas which are conducive to highway related services. The development standards for this district are designed to aid in preventing the creation of traffic congestion and traffic hazards. Council was given a list of the dimensional requirements and some of the uses associated with this district.

The proposed zoning of Shopping (SH-C) district is intended to provide special districts for the development of integrated shopping centers to serve the needs of residential neighborhoods and outlying areas. The 2020 Land Use Map has identified this property for Commercial – Office and Institutional.

Mayor Hester opened the public hearing. Doug Wilkinson, Jr. spoke in favor of the petition. He stated that the petition is to bring the signs into compliance with the sign ordinances. They do not plan to make any changes or leave the site. They will have to remove one sign even if the petition is approved.

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

Petition by John Ramsperger - to rezone from Light Industrial (LI) district, to Office & Institutional/Multi-family (O&I/MF) district approximately 0.99 acre of land located at 301 North Moore Street. The property is the same as depicted on Tax Map 9643.19, a portion of Tax Parcel 9643-61-1094-00, Lee County Land Records Office. – (Exhibit H)

Planner I Amy Bean advised that the site requested for rezoning consists of one tract of land comprising approximately 0.99 of an acre located northwest of the intersection of W. Buffalo Street and N. Moore Street. The site is cleared and vacant. It was previously the site of an old warehouse that was demolished. The petitioner has indicated to staff that he would like to rezone to Office & Institutional/Multi-Family (O&I/MF) district to allow the development of townhomes on this site. The parcel has public street frontage on Moore Street and Buffalo Street which are City streets. The site has access to City water and sewer. It is not subject to any flood hazard area or water supply regulations.

The primary land uses surrounding the site are a mix of residential and business. Some of the businesses in the area are Sloan Motor Company, Lee County Heins Education Building and the First Presbyterian Church of Sanford is located east of the site.

Ms. Bean added that the property is currently zoned Light Industrial (LI) district. This district is intended to create and protect industrial areas for the provision of light manufacturing and the distribution of products at wholesale. The petitioner is proposing to rezone to Office and Institutional/Multi-Family (OI-MF) which is a transitional district that is intended to accommodate offices, institutions, and commercial activities which do not involve the sale of merchandise as well as a variety of residential development styles.

The 2020 Land Use Plan Map has identified this property as Historic District. This is an area designated by the community as historically significant, for the purpose of reserving the area's historic resources. A historic preservation commission guides changes to the area. This is a generalization for an area; the reality of what exists in the area today should be taken into consideration. The Rosemount-McIver Park historic district is located a block west of the site, opposite Horner Boulevard. The Downtown Sanford historic district is located a block southwest of the site, opposite Gordon Street.

Mayor Hester opened the public hearing. John Ramsperger spoke in favor of the petition. He stated that if the rezoning is approved, he plans to construct three duplex townhomes. Tim Sherman drew up plans for one-story townhomes (Exhibit I). The homes will have a brick front and if possible, they will be all brick depending on the cost. He felt the homes would sell better with brick. He felt these townhomes are something that Downtown Sanford needs. Council Member Ellis asked if he had investigated about pollutants in the ground. Mr. Ramsperger replied that the property has a clean environmental review. There was a railroad easement that went through the property at one time; however, it has been cleared. Mr. Ramsperger stated that the townhomes will be for sale. Council Member Olive asked about parking. Mr. Ramsperger replied there will be two parking spaces with concrete on the front of the units as well as a one car garage. There will be three parking spots for each unit.

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

Petition by Austin Bay, Inc. - to rezone approximately 8 acres from Residential (R-20) district, to Light Industrial (LI) district and to rezone approximately 37.5 acres from Residential (R-20) district to Conditional Zoning Residential (CZ-R-12) district. The area proposed for rezoning is located along the south side of Tramway Road, within the 1200 block of Tramway Road (south of the intersection with Lemon Springs Road). The property as proposed for rezoning is owned by Jack M. Thomas (Trustee) and is a portion of the parcel depicted on Tax Map 9651.01, Tax Parcels 9651-07-4581-00. – (Exhibit J)

Assistant Community Development Director Marshall Downey explained that this request is for a split rezoning request. The applicant is Austin Bay, Inc., and the property owners are the trustees for Jack M. Thomas. There are two requests to rezone 8± acres from Residential (R-20) district to Light Industrial (LI) district. The second request is to rezone 37.5± acres of land located to the south of the aforementioned tract from Residential (R-20) district to Conditional Residential (CU-R-12) district. The site is currently undeveloped. The property is somewhat unique in that it has only a little over 350 feet of frontage on Tramway Road and is a little over 900 feet at its widest point, but extends to a distance of over 3,000 feet in depth. The majority of the property is surrounded by existing residential neighborhoods. In fact, the subject property has direct access to three additional public rights-of-way: Brenda Street and Dewayne Street along the eastern side and Currituck Drive along the western side.

The site has direct access to Tramway Road, an NCDOT maintained roadway. The NCDOT 2003 average daily traffic (ADT) count for Tramway Road is between 14,000-16,000 vehicles per day. The site also has the potential for additional access to Lemon Springs Road and St. Andrews Church Road via the aforementioned Brenda Street, Dewayne Street and Currituck Drive. Portions of these rights-of-way as they extend to the property are currently undeveloped “paper” streets (Brenda and Dewayne Streets and Currituck Drive) that extend from existing residential neighborhoods to the subject property. The petitioner would need to construct/improve these streets in order to gain access. The NCDOT’s average daily traffic count for Lemon Springs Road is 4,300 daily trips (2002 figure) while it is 4,600 for St. Andrews Church Road (2003 figure).

A portion of the site (the frontage along Tramway Road) is located within a “blue zone” of the Scenic Corridor Overlay District. This same area is also subject to the Highway Corridor Overlay District’s HCO-2 standards. Both of these overlay districts apply to the first 200 feet along Tramway Road and would affect only a part of the LI zoned portions (existing and proposed) of the site. The site is not within any designated historic district, nor is located within any designated flood hazard area.

The adjoining property to the north and northeast is developed industrial/commercial, while to the east, south and west is primarily single-family detached residential. Two community neighborhood meetings were conducted prior to the public hearing. Approximately eight to ten residents attended the meeting.

Mr. Downey stated that this rezoning request is relatively complex as he explained at the last Law and Finance Committee meeting. The first request is to expand the existing industrial zoning by eight acres, which would give the petitioner a total of 15 acres of Light Industrial. The second request is to rezone the remaining 37.5 acres from the current Residential (R-20) to Conditional Residential (R-12). The Conditional Residential R-12 request is largely the result of comments and concerns as expressed by adjoining neighbors at the initial neighborhood meeting as conducted in December 2004.

Mr. Downey explained the staff analysis in detail. He spoke on the first request regarding the rezoning of 8± acres from Residential (R-20) district to Light Industrial (LI) district. If approved, the request for expansion of the LI zoning effectively covers the northern portion of the property and the frontage along Tramway Road. The applicant has indicated a desire to “square up” this portion of the property in order to make the light industrial portion easier to develop. This portion of the property is currently zoned Residential (R-20) district. The Residential (R-20) district is intended primarily for single-family detached dwellings. Certain non-residential uses of a public or semipublic nature are permitted. This district is essentially a 20,000 SF minimum lot single-family district. Mr. Downey advised that information regarding what uses are permitted were listed in the staff analysis.

The proposed zoning is Light Industrial (LI). The LI district is intended to create and protect industrial areas for the provisions of light manufacturing and the distribution of products at wholesale. The standards established for this district are designed to promote sound, permanent, light industrial development and also to protect nearby residential areas from undesirable aspects of industrial development. Whenever possible, areas of this zoning category are separated from residential areas by natural or structural boundaries such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries and similar features. Details of what uses are permitted were listed in the staff analysis. The 2020 Land Use Plan has identified this property for Mid/High Density Residential – Office. The purpose of this classification is to identify areas that are appropriate for medium to high-density residential development, including single-family, duplexes, and multi-family developments, as well as office development. The request, as presented, is not consistent with the 2020 Plan’s recommendation; however, it should be noted that the 2020 Land Use Plan is a broad-brush policy guide for land use. Other factors such as the existing land uses and zoning of the surrounding area may also be considered when determining the appropriateness of a request.

The second request is more complex as the petitioner is requesting a conditional zoning. The petitioner has indicated to staff his desire to rezone these 37.5 acres to Conditional Residential (CU-R-12) district in order to allow for a variety of residential dwelling types including single-family detached homes, townhomes, and/or apartments. The petitioner has indicated to staff that he may or may not develop the residential portion of the property, but does desire to rezone in order to make the property more marketable.

The requested R-12 allows detached single-family dwellings with a minimum lot size of 12,000 SF as well as planned multi-family developments which is essentially apartments with a maximum density of up to 11.5 units per acre. By comparison, the current R-20 is restricted to single-family detached home with a minimum lot size of 20,000 SF. Mr. Downey advised that a

question was asked at the Law and Finance Committee meeting last week about how many units would yield in the current R-20. Mr. Downey stated that at the meeting he indicated at that time 120 to 125 units; however, it would be only 80 units.

Mr. Downey stated that the conditions the petitioner has proposed are:

Limitations on Land Use

- A. The property shall be limited to the same land uses as found within the City of Sanford's R-12 zoning district, except that the maximum number of multi-family dwelling units permitted is three hundred.
- B. Any multi-family dwelling units proposed for this site shall be subject to the same review and approval procedures as set forth in the City of Sanford Zoning Ordinance Section 42-201(5) Planned Multifamily Developments, except that the review and approval shall be subject to both the Planning Board and City Council.

Mr. Downey advised that Condition (A) attempts to limit the maximum possible multi-family build-out by placing a cap at 300 units. Using the raw formula of 37.5 acres x 11.5 units per acre, the site would allow over 430 multi-family units if rezoned. The petitioner is requesting that a self-imposed limit of 300 multi-family dwelling units be placed on the conditional zoning.

Condition (B) indicates that the petitioner desires to have a two step approval process for this conditional request. This means that the petitioner has not included a site-specific plan at this time; he is asking the Planning Board and Council to consider this request with these text conditions as submitted with the understanding that an actual detailed layout will be submitted at a future time. The future approval would include review by the Planning Board as well as the Council.

Mr. Downey explained that the issue before Council with this petition is the first request setting the use and determining how the property could be used. The second step is considering the site specific plan and how the layout would be approved; it would not be an opportunity for the Council or Planning Board to eliminate uses.

This approach and resulting condition are the result of numerous discussions between the petitioner and the staff. The petitioner has consistently maintained that he is simply not in a position where he can provide a site-specific plan; however, would like to rezone the property to allow for higher density as well as the option for multi-family. As a result, staff suggested that this two-step approach be used to ensure that the Council (and Planning Board) would retain some control over the final design of the development.

Mr. Downey stated that in terms of limitations on access: Except as may be required by the City of Sanford or by Lee County to address public safety, there shall be no vehicular access from any part of the property that is developed into any use other than single family detached [and accessory uses] to Currituck Road or to Dewayne Street. All vehicular access from any part of the property developed into any use other than single family detached [and accessory uses] shall be to Tramway Road and/or to Brenda Street. There shall be no restriction on vehicular

access from any part of the property that is developed into single family detached [and accessory uses] to any adjoining public street or road. This condition was largely the result of comments received during an initial public informational meeting with surrounding neighbors. This condition essentially limits access for multi-family and/or attached single-family developments to Tramway Road and Brenda Street.

Mr. Downey explained the Standards for Building Setbacks and Buffering

- A. No multi family residential structure, or accessory use, shall be permitted within fifty [50'] feet of any property that is zoned R-20.
- B. No single family attached, single family semidetached, or accessory uses, shall be permitted within twenty five [25'] feet of any property that is zoned R-20.
- C. A buffer yard having a minimum width of twenty five [25'] feet shall be required between any adjoining property that is zoned R-20 and any part of the subject property on which uses other than single family detached [and accessory uses] are developed. Such buffer yard shall be located so that it adjoins the property that is zoned R-20. No buffer yard shall be required between any single family detached, or accessory use, developed on the subject property and any other property.
- D. Any buffer yard required as a result of these conditions shall contain screening and/or plantings as specified herein. Landscape plans shall accompany any application for a building permit. Such plans shall be sealed by a landscape architect, or certified by a certified landscape contractor. The buffer yard shall be planted as required prior to the issuance of a certificate of occupancy.

The 2020 Land Use Plan has identified this property for Mid/High Density Office. The purpose of this classification is to allow for a range of residential uses, as well as office uses. This request is consistent with the 2020 Plan's recommendation. As noted before, the 2020 Land Use Plan is a broad-brush policy guide for land use. Other factors such as the existing land uses and zoning of the surrounding property should also be taken into consideration when deliberating about the request.

Council Member Olive asked if it was customary for a rezoning request to be presented without having a plan. Mr. Downey replied no, most conditional rezoning requests do have a site plan associated with it. Council Member James Williams expressed concern about fire protection if the petition is approved having access in and out of the development if passed as is. Council Member James Williams asked if you can approve the rezoning requests separately. Mr. Downey replied that you can approve one and deny the other; you do not necessarily have to approve them together. Council Member Olive stated that she proposed that the two rezonings be treated separately.

Mayor Hester opened the public hearing. Buck Branson spoke in favor of the petition. He stated that he is the applicant, and Austin Bay is his company. Mr. Branson stated that he is present to be a resource and to explain in detail what he has in mind for the two different rezoning requests. He proposed that the 37.5 acre tract is a very difficult piece of property. It is very long and fairly narrow. It is not economically feasible to develop the property the way it is currently zoned. MS Engineering in Sanford has been looking at the property for him. He hired them to consult with him on the property. In his estimation, it would not be possible to

extend the utilities and lay out the streets as a privately financial project. It would have to be publicly financed and supported somehow. The rezoning requests are based on the 2020 Land Use Plan and it goes along with the property he has already purchased from the same sellers across Tramway (20 acres).

Mayor Pro Tem Martin asked if he looked at the possibility of Residential (R-14) before going to Residential (R-12). It is impacting a Residential (R-20) neighborhood with a lot of units. He responded that he looked at the different residential zoning categories and the only one that has the least density and would also allow single-family attached and multi-family is Residential (R-12). Residential (R-14) only allows single-family detached dwellings and you do not have the density to develop the property in a cost efficient way. Mr. Downey and Ms. Bean did a good job in working with him to explain all of the resources in Sanford with regard to development of this particular tract in terms of ordinances, setbacks, and densities. Mr. Branson noted that he has been in this business for over forty years and has developed housing for about 5,000 people since 1965. This project is difficult and he wanted to craft the request so that Council will have the opportunity to look at it when it came back with detailed plans.

Council Member Olive asked what kind of success he has had with putting multi-family in the midst of single-family homes. This is surrounded by single-family homes. Mr. Branson responded that there are a number of multi-family projects primarily in Dallas and Austin, Texas, that have gone into mixed areas. Ms. Olive asked about the success of the developments. He stated that they have been quite successful; people have moved into them and lived there, and it created a good, strong tax base.

Council Member Mann stated that to complete this project you said you would need outside financing and asked the petitioner if he was alluding to the federal government. Mr. Branson stated in his view and with his experience, this project cannot be developed the way it is currently zoned without some kind of subsidy; it could be any kind of subsidy. Mr. Branson added that property is too much of a quality area to relegate it to some kind of housing project.

Paul Hathaway, who resides at 3114 Harward Drive, spoke in opposition. He stated that multi-family housing is too much for that area; it would increase the density and traffic in that area. He did not want this type of development in the Residential (R-20) neighborhood. He thought that they had agreed in one of the neighborhood meetings that there would be a limit on the height of the dwellings for multi-family to second story dwellings and no more. This was not in the conditions set by the petitioner.

Dorothy Sizemore, who resides on Currituck Drive, spoke in opposition. She did not receive a letter because she gets her mail at another address and wanted to ask some questions. She asked what price homes there would be. She was concerned about the traffic on Tramway Road as the new high school will be opening up which will add to the problem of increased traffic. Ms. Sizemore asked if there were going to be two-story homes or mobile homes. She stated that she was new to the area. Mr. Downey explained that in terms of the price of the homes this is not an issue; this is something you cannot get into with zoning cases. With reference to what kind of homes there would be, it would be difficult to answer because the petitioner is requesting for approval of up to 300 units and the fact that the petitioner is not

submitting a site-specific plan at this time. Ms. Sizemore stated that Texas is a big state, and she lives on Currituck Drive and most of the requested land to be rezoned touches her property.

Mayor Pro Tem Martin asked if the people in the audience would stand that were against the petition. Several residents stood against the petition.

With no one else requesting to speak, Mayor Hester closed the public hearing.

The Planning Board retired to the West End Conference Room.

REGULAR AGENDA

Consider Award of Bid for Masonry Work for the Charlotte Avenue Kiosk Depot Park Phase II – (Exhibit K)

Downtown Executive Director David Montgomery explained that there was some miscommunication with Project Manager Todd Snyder regarding the presentation he did at the Law and Finance Committee meeting last week. At the Law and Finance Committee meeting, the bid proposal included both the masonry and carpentry under the same proposal and this was incorrect.

Three proposals were received for the masonry work on the kiosk scope of work for Depot Park Phase II. Torres Construction Company has submitted a turn-key proposal of \$3,000 for the kiosk scope of work as shown on the Request of Contract Award. The Community Development Department recommended that Council award the kiosk construction to Torres Construction in the amount of \$3,000.

Mayor Pro Tem Martin made the motion to go along with the Community Department's recommendation and award the project to Torres Construction. Seconded by Council Member Linwood Mann, the motion carried six to one to award the bid to Torres Construction with Council Member Clawson Ellis casting the dissenting vote.

- **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 The Masonry Work On The Charlotte Avenue Kiosk At Depot Park (Exhibit L)**
Council Member James Williams made the motion to approve the resolution. Seconded by Council Member Cornelia Olive, the motion carried six to one with Council Member Clawson Ellis casting the dissenting vote.

Consider Award of Bid for Carpentry Work for the Charlotte Avenue Kiosk Depot Park Phase II – (Exhibit M)

Downtown Executive Director David Montgomery explained that three proposals were received for the carpentry work for the Charlotte Avenue Kiosk contract for Depot Park Phase II. JC Construction of Sanford provided a turn-key proposal of \$1,200.00 for the kiosk scope of work as shown on the Request for Contract Award. The Community Development Department recommends that the Council accept the bid from JC Construction.

Council Member Phil Dusenbury made the motion to accept the low bid and award the project to JC Construction. Seconded by Council Member Clawson Ellis, the motion carried unanimously.

- 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 JC Construction For The Project Known As The Carpentry Work On The Charlotte Avenue Kiosk At Depot Park - (Exhibit N)
Council Member Walter McNeil, Jr. made the motion to adopt the resolution. Seconded by Council Member Clawson Ellis, the motion carried unanimously.

Consider Addendum #1 to the Interlocal Agreement for the Consolidation of Certain Public Water Systems Within Lee County and Assurance Agreement – (Exhibit O)

Public Works Director Larry Thomas explained that staff has been in discussion with the USDA Rural Development concerning the interlocal agreement for water that we have with Lee County and Lee County Water and Sewer District. During the discussions, it came to staff's attention that we need to pass an addendum to our interlocal agreement that would guarantee the City would abide by the terms and conditions of the original agreement that Lee County and the Lee County Water and Sewer District had to meet with USDA Rural Development; the City will continue to use those distribution facilities for the same purpose that the original grant was for; and to make assurance that the City will not discriminate against anyone as a part of these federal funds.

Council Member James Williams made the motion to approve Addendum #1 to the Interlocal Agreement. Seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

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

OTHER BUSINESS

Mayor Pro Tem Joseph Martin stated that more graffiti is on the side of Southwest Grill, the back of First Presbyterian Church and on the sign in front of the Arts Center building. He felt some action should be taken to stop it. Council Member McNeil asked if staff had checked with other cities on what they are doing. Attorney Patterson replied that preliminary investigations had been done, and there are only two cities she could find that dealt with removal of graffiti. Greensboro has the most comprehensive ordinance on graffiti. She explained that Greensboro makes it unlawful to write, paint, inscribe and place graffiti on any public or private building, sidewalk, or structures. Anyone convicted is fined not less than \$250 for the first offense, \$500 for future occurrences. In addition to any other punishment, the court shall order the person convicted to make restitution for the victim for any loss suffered. It is unlawful for any person owning property as a manager or agent of the property to fail to remove the graffiti on that property. The private property owner is responsible for cleaning up the property and can be fined \$100. The ordinance does take into account whether it has happened two or more times during the calendar year. The City would remove the graffiti on its own property. Very few cities have anything regarding graffiti.

Mayor Pro Tem Martin stated that we need to go ahead and try to get the people that are doing it because that is the problem. Attorney Patterson said that under State law, it is unlawful to deface someone's property, and the Court can order restitution from the perpetrator if convicted of the crime. It is just difficult to figure out who did it. Mayor Pro Tem Martin stated that they keep hearing reports that the Police know who it is; the officers will go out and take the reports and Pee Wee (the guy's name) - they know who it is. He might not have done it but it is his name. He felt it was being overlooked and just passed off. Mr. Martin felt the graffiti was out of hand. Mr. Martin felt it was time to get some drug forfeiture money or grant money to purchase cameras that could be moved around to catch who did it. Mr. Mann stated that there is a State law against it, and it is the Police Department's obligation to enforce that law.

Council Member Olive stated that she had a problem with people who are contributing to the success of our community having to clean up their own property. Ms. Olive stated that there should be some community service time that the person responsible, if convicted, would have to devote to the property owner to clean up around the property to compensate for the time it takes the property owner to get rid of it.

Council Member Williams felt that if it was publicized that the City has an ordinance against it and they could get fined, maybe it would be a deterrent.

Attorney Patterson stated that she believed that Mr. Barefoot is having the Police Department investigate some of the options and may report on it at the retreat.

ADJOURNMENT

With no further business to come before the council, the meeting was adjourned on motion of Council Member Walter McNeil, Jr.; seconded by Council Member Linwood Mann, the motion carried unanimously.

Respectfully submitted,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK