

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, May 3, 2005, at 7:00 P.M. The following people were present:

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

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

APPROVAL OF AGENDA

On motion of Council Member Walter McNeil, Jr., seconded by Mayor Pro Tem Joseph Martin, the agenda was approved.

CONSENT AGENDA

Approval of April 19, 2005, City Council Minutes (Retreat) – (Filed in Minute Book 63)

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

Ordinance was approved to amend the annual operating budget. In the Utility Fund, it appropriates additional water charges (revenues received) in the amount of \$255,100, and this is to budget expenditures for the debt service the City now owes as a result of purchase the Lee County Water System. In the General Fund, funds of \$7,276 are appropriated in interest earnings to budget debt payment for a knuckleboom that was recently purchased via installment contract; \$3,137 are appropriated; this amount was received from a contractor for damage that was done to Depot Park; and \$40,000 from Sales to Other Departments and \$30,000 from Contingency in order to appropriate additional funds for gas in the Shop Department due to increase in fuel cost. In the General Fund, a transfer of \$50,000 from Community Enhancement-Code Enforcement to Contributions/Operating Transfers is necessary in order to pay Lee County for animal control for Fiscal Year 2004-2005.

Approval of Ordinance Directing the Building Inspector/Code Enforcement Supervisor to Demolish the Property Herein Described as Unfit for Human Habitation and Directing that a Notice Be Placed Thereon That the Same May Not be Occupied - 612 S. Steele Street and Award of Contract to Elvis Faircloth Grading for Demolition and Clean Up – (Exhibit B)

Ordinance was approved directing the building inspector/code enforcement supervisor to demolish the structure at 612 S. Steele Street. The structure was burned, and City has a

voluntary consent from the owner to demolish it. Elvis Faircloth Grading was awarded the contract to demolish and clean up the property in the amount of \$4,350. The contract price is higher is due to the building being covered with transite asbestos siding.

Approval of Bid Proposal for Sale of City Owned Property Located at the Intersection of Swann Street and Boykin Avenue (Tax Parcel #9642-64-5329-00) in City's Redevelopment Area – (Exhibit C)

A bid of \$2,550 submitted by Clyde Snipes was accepted for a city-owned lot located at the intersection of Swann Street and Boykin Avenue. The appraised value is \$2,400. The property was sold through a sealed bid process. Clyde Snipes submitted the only bid for the property.

Approval of a Resolution Directing the City Clerk to Investigate a Non-contiguous Annexation Petition of Property Known as Chancellor's Ridge Phase II Owned by Sanford Sunset Properties and Located on the Northern Side of the 4000 Block of Chancellor's Ridge Way – (Exhibit D)

Resolution was approved directing the city clerk to investigate a non-contiguous annexation of approximately 26.15 acres of property known as Chancellor's Ridge Phase II owned by Sanford Sunset Properties, LLC. The property is contiguous to Chancellor's Ridge Phase I.

Approval to Discontinue Mowing Contract with the North Carolina Department of Transportation – (Exhibit E)

Approval was granted to discontinue mowing contract with the North Carolina Department of Transportation. The City has had a contract with the NC Department of Transportation (NCDOT) to mow five interchanges that come into the city as well as a median at 421 North. Each year, the contract is based upon what the Department of Transportation's contractor quotes per acre to mow these areas. This year they do not have a per acre quote; it is strictly by the road mile. The quote this year is \$25.99 per mile. The City has been mowing 47 acres, five times each year. The total amount the D.O.T. is offering the City this year is \$874.57 to mow it five times. The City cannot buy the fuel for this price. At this quote, the City would be paid \$3.72 per acre to mow. In the past, the City was paid as high as \$44 per acre. The City would normally receive \$6,000 to \$7,000 each year. The D.O.T. will mow the shoulders three times; the interchanges will be mowed two times.

Approval of Recommendations Regarding a Merger of Our Strategic Planning Services with Lee County's Land Records – (Exhibit F)

Council gave its support on the concept of merging the City's Geographic Information Systems (GIS) Department with Lee County's Land Records Division; the final decision will be made when the contract is presented to Council. The estimate cost would be a 10 to 15 percent reduction in cost to the City; plus, Lee County will pay the City \$15,000 each year to rent space in the Federal Building. The three employees in Lee County's Land Records would move to the Federal Building. The proposal calls for GIS Director Don Kovasckitz and 9-1-1 Coordinator Jeanette Rosser's positions to be eliminated effective July 1, 2005, and each would then be rehired as County employees.

The program is designed that Mr. Kovaskitz would oversee the division and the Land Records employees. The merger of these two divisions would form the Strategic Services Division. They would report to Community Development Director Bob Bridwell, and the only difference is they would be County employees. Mr. Bridwell would report all personnel and budgetary issues to Lee County Manager David Smitherman.

Approval of Renewal of Contract with BlueCross BlueShield (BCBSNC) @1.3 Percent Increase for Employees for FY 2005-2006 – (Exhibit G)

Approval was given to renew the City's contract with BlueCross BlueShield for hospitalization coverage. City employees. There is only a 1.3 percent increase for FY 2005-2006.

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

CASE FOR PUBLIC HEARING

Public Hearing on Currie Drive Street Improvements

City Engineer Vic Czar explained that the public hearing is for citizen input to street improvements to S. Currie Drive. It includes paving of approximately 500 feet of S. Currie Street that is presently unpaved. The project would be assessed against the property owners. At the conclusion of the public hearing, Council will need to consider a resolution directing that the project be undertaken.

Mayor Hester opened the public hearing. No one spoke in favor of the petition.

Brenda Nichols, who resides at 208 S. Currie Drive, spoke on behalf of her neighbors and herself against the petition. She stated that she is against the forced assessment for paving.

Ms. Nichols read a letter to the Council that she wrote. In the letter, Ms. Nichols stated that before the City of Sanford approved Mr. Adcock's plan to develop the lower end of Currie Drive around 1990, there was not a problem on Currie Drive. There were only three houses. The City approved the plan for development which left the middle section of South Currie Drive unpaved. Not only was this plan approved by the City, but the Board of Aldermen voted to approve Mr. Adcock's request to rezone the area from 100 feet wide lots to 80 feet. This increased the number of houses he could build which increased the number of cars and level of traffic. She stated that it was her opinion that the City created this unique situation on Currie Drive by approving the developer's construction plan in 1990; therefore, the City should share at least 50 percent of the cost of paving. Ms. Nichols continued that when she spoke with her neighbors about Mr. Adcock's offer to pay for half of the paving back in 1990, she learned that there was not an agreement contract or contract between them. A deal was sent on December 1 stating that the lump sum would be due two weeks before Christmas. They did not pay the money because they did not have it and they did not have a chance to reach an agreement with each other or with Mr. Adcock and Associates. They also trusted that the City of Sanford would

do the right thing. It was honestly believed that the City would allow a developer to construct a new housing project and leave the middle of the street unpaved.

Ms. Nichols understood that there are about 2.4 miles of unpaved roads in Sanford. If you would visit each of the roads like she did, you would find that they do not have the same situation as Currie Drive. She added that during the informational meeting at City Hall on April 21, 2005, conducted by Civil Engineer Brent Johnson, they asked if a developer were to construct houses today leaving an unpaved portion of the road, would it be approved. Mr. Johnson replied no, that due to the situation on Currie Drive, this would not be allowed to happen. She felt it violates the fact that the City made a mistake years ago when the development was approved on Currie Drive. Ms. Nichols urged City Council to consider the City's responsibility in creating the situation which exists on Currie Drive and to pass the cost on the homeowners. She did not feel it would be giving them special treatment if the City paid for 50 percent of the cost; other streets do not have the same circumstance. Ms. Nichols noted that her husband died two to three years ago, and there is no way she can pay for the assessment.

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

Council Member Williams stated that Ms. Nichols stated that the lower part of the neighborhood was developed in 1990. He was under the impression all of this happened before they were annexed into the City. Public Works Director Larry Thomas replied that to the best of his recollection, the front part of Currie Drive was built before subdivision requirements were in effect which now requires the developer to pave the street. The lower portion was developed after it was annexed in 1976. The subdivision was built in 1990.

- Consider Resolution Directing That the Project Be Undertaken – Currie Drive Street Improvements - (Exhibit H)

Council Member Clawson Ellis made the motion to approve the Resolution Directing That the Project Be Undertaken. Seconded by Council Member Linwood Mann, the motion carried six to one with Council Member Cornelia Olive casting the dissenting vote.

DECISIONS ON PUBLIC HEARINGS

Petition by Paul Utley – to rezone from Residential – 12 (R-12) District, to Office & Institutional (OI) District approximately 0.45 of an acre of land located at 309 Queens Road. The property is the same as depicted on Tax Map 9643.03, Tax Parcel 9643-42-2121-00, Lee County Land Records Office. – (Exhibit I)

Assistant Community Development Director Marshall Downey advised that the Planning Board discussed the petition on April 19 and recommended unanimously that Council deny the petition. The general consensus of the Board was that the Office and Institutional zoning at that location could be an improvement to the existing real estate rather than the existing rental property. However, considering the fact that this was an established residential neighborhood, they had reservations because of the vast Office and Institutional uses that could be placed on the property if it were rezoned.

- Consider 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 go along with the Planning Board's recommendation and deny the petition. Seconded by Council Member James Williams, the motion carried unanimously.

Petition by Lee Brick & Tile Company, Inc. – to rezone from Residential -14 (R-14) District, to Heavy Industrial (HI) District approximately 153.58 acres of land located within the 3000 block of Hawkins Avenue. The property is the same as depicted on Tax Map 9645.03, a portion of Tax Parcel 9645-02-8268-00, Lee County Land Records Office. – (Exhibit K)

Assistant Community Development Director Marshall Downey explained that this project is a split zone property that is under consideration of Lee County and the City of Sanford. He noted that it is a satellite annexation of approximately 153 acres. The Planning Board discussed the petition on April 19 and recommended unanimously that Council approve the petition.

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

REGULAR AGENDA

Consider Collection Procedures on Delinquent FHA System Water Accounts – (Exhibit M)

Financial Services Director Melissa Cardinali explained that when the FHA water lines were installed in the County, customers signed agreements in which they agreed to pay the minimum bill or begin using water. Currently, the majority of those customers are living up to their obligations. There are approximately 250 customers who are not living up to their obligation and have left bills totaling almost \$79,000.

Staff is recommending that in order to maintain the financial strength of the utility system and to ensure that these customers live up to the obligations to which they committed in their original agreement, that Council approve a grace period from May 4, 2005, through June 30, 2005, in which the City would forgive all late fees that these customers owe. Also, the City would be asking them to live up to those agreements and begin paying the minimum monthly bill or begin using water. If they do not choose to come in and settle the account, then after June 30, 2005, they will be charged a \$500 administrative fee for re-establishing their account and in addition, turn their account over to the city attorney for collection and enforcement of their original agreement.

Council Member McNeil asked if these customers will be notified by certified mail. Mrs. Cardinali replied that staff can send it by certified mail if Council prefers; it would take a little more time, but it would also help the city attorney with collection. Mr. McNeil felt it should be by certified, because these customers will say they did not get the information. Mrs. Cardinali added that they will do this by certified mail.

Council Member Linwood Mann made the motion to adopt the collection procedures. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

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

OTHER BUSINESS

Council Member McNeil asked Operations Manager Tim Shaw if they are budgeting for part-time personnel to help with cleaning the curbs. Mr. Shaw replied no; the Refuse Division will be doing this work when the limb and leaf collection goes down; the Horticulture personnel will also be used when they are not busy.

Council Member Cornelia Olive thanked the City offices and departments that were so generous in what they did for the Pottery Festival.

City Manager Leonard Barefoot informed the public that the Law and Finance Committee meeting will be held Tuesday, May 10, at 1:00 P.M., in lieu of Wednesday, May 11 due to Town Hall Day being held that day.

Council Member Mann commended Council Member Cornelia Olive for her contribution to the Pottery Festival.

ADJOURNMENT

With no further business to come before the council, the meeting was adjourned on motion of Council Member Linwood Mann; seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

Respectfully submitted,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK