

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, October 18, 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. Council Member Walter McNeil, Jr. delivered the invocation.

Mayor Hester recognized Adult Leader Gary Garrett and his son, Will Garrett, from Boy Scout Troop 941 of First Baptist Church. Will Garrett is working on his Communications and Citizenship in the Community Badges.

**APPROVAL OF AGENDA**

On motion of Council Member James Williams, seconded by Mayor Pro Tem Joseph Martin, the agenda was approved.

**CONSENT AGENDA**

Approval of October 4, 2005, City Council Minutes – (Filed in Minute Book 64)

Approval of Contracts to Provide Accounting Services to the Town of Broadway – (Exhibit A)

Contracts to provide accounting services to the Town of Broadway for Fiscal Year 2004-2005 and 2005-2006 were approved. The contract for Fiscal Year 2004-2005 charges the Town of Broadway an hourly basis of \$35 per hour. The contract for Fiscal Year 2005-2006 charges a flat fee of \$4,800 for the entire year. Staff will begin monitoring their monthly financial statements for this fiscal year and prepare their year-end statements for their audit. Broadway will create the financial statements, and the City will look at them to be sure everything is the way it should be.

Approval of Pipeline Crossing Agreement with CSX – (Exhibit B)

The pipeline agreement between CSX and the City of Sanford for a sewer line to serve new church facilities on Courtland Drive was approved. The property is owned by Christian Provision Ministries. The project calls for a \$750 application fee and a \$4,750 agreement/execution fee; all of which will be borne by the developer. Once the sewer line is extended and built by City standards, the City will take over the line and be responsible for future maintenance of the line. It will be gravity sewer.

Approval of a Request for Employees to be Allowed to Participate in the Relay for Life Activities – (Exhibit C)

Council gave permission to have a team next year for Relay for Life. Fundraisers will be held leading up to the Relay for Life on the employee's own time. The Financial Services Director is authorized to establish a line item within the General Fund for the purpose of receipting the raised funds.

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

**CASES FOR PUBLIC HEARING**

Petition by Mike Hendley - to rezone from Residential-12 (R-12) district, to Office & Institutional (O&I) district approximately 0.34 of an acre of land located at 500 N. Steele Street. The property is the same as depicted on Tax map 9643.19, Tax Parcel 9643-51-4885, Lee County Land Records Office.- (Exhibit D)

Assistant Community Development Director Marshall Downey explained that the property owners are Tommy C. and Sarah M. Mann. The area requested for the rezoning consists of a 0.34 acre tract of land with approximately 97.5 feet of frontage along Steele Street. The parcel is located approximately mid-block between W. Weatherspoon Street and W. Chisholm Street.

Mr. Downey stated that all of the adjacent properties are zoned Residential (R-12), with the exception of the Lee County Arts and Community Center, Inc., which is located opposite N. Steele Street. The remainder of the properties are developed for residential purposes surrounding it.

City water and City sewer are available to the site. The property is not within the designated watershed or floodplain nor is the site within the standard overlay districts. Mr. Downey stated that Council received the uses intended for Residential (R-12) and Office & Institutional (O&I) district in their packets. He added that Steele Street is not identified as either a minor or major thoroughfare.

The 2020 Land Use Plan has identified this property within the Historic District. The Plan does not specify what land uses should be allowed in the Historic District, and it does not prohibit mixed uses in the Historic District. The Historic District designation on the 2020 Land Use Map is intended to preserve the area's historic resources, and to allow the Historic Preservation Commission to ensure that the design of new development is compatible with the character of the district.

Staff conducted a neighborhood meeting and no one came to speak other than the applicants. The dynamic of the neighborhood is primarily residential in character; however, the small size of the lot and the site design requirements for non-residential uses should limit the impact of this site should it be developed for non-residential use.

Council Member Olive asked what the parking requirements are. Mr. Downey replied it is typically one space for every 300 square feet for an office-type use. Ms. Olive asked if there was off-street parking at the location. Mr. Downey replied he did not think so other than what you might have for a house.

Council Member Ellis stated that he would like for the Planning Board to look at this request because it is an older, established neighborhood. Mr. Ellis said he is pro-neighborhood, and he wondered if opening the door to Office & Institutional (O&I) district would help in the deterioration of the neighborhood. Mayor Pro Tem Martin commented that he is pro-neighborhood and commended Mr. and Mrs. Mann on the properties they have kept up on that part of the street. Some rental properties have deteriorated between the homes the Manns' have kept up. He felt that this rezoning request is a preventative way to keep the integrity of the neighborhood with the Manns' owning the property.

Mayor Hester opened the public hearing. Mike Hendley, the applicant, spoke in favor. Mr. Hendley informed Council that he plans to locate an insurance office at that location. As far as the parking is concerned, he has just spoken to Planner I Amy Bean. They determined that the parking would come off of Moore Street. He thought Ms. Bean would mention that they will come in off of Moore Street and park behind, not on the front. However, they are not talking about a lot of people working there.

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

The Planning Board retired to the West End Conference Room.

### **REGULAR AGENDA**

#### **Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2005-2006 – (Exhibit E)**

City Manager Leonard Barefoot stated that Mrs. Cardinali presented the amendment to the budget at the Law and Finance Committee meeting. Mr. Barefoot explained that the Downtown Sanford Board of Directors is requesting these funds from their Fund Balance to purchase lighting for the Cole/Steele Street parking lot. He advised that the decision to appropriate funds is for the purchase of the lighting of the lot rather than leasing them from Progress Energy. This would result in an annual savings of approximately \$4,000.

Staff learned during the review of the request that the City has a nine-year lease from the County. Mr. Barefoot stated that staff feels that these expenditures, along with the paving appropriations, dictate the City having a longer lease. He spoke with County Manager Smitherman and he plans to approach the commissioners to request a fee simple deed or a minimum of a forty-year lease. Mr. Barefoot felt the acquisition of the property at no cost would be the best arrangement for the City and County and the public.

Mr. Barefoot recommended that Council approve the ordinance amendment so that DSI and staff can proceed with the project contingent upon the outright acquisition of the property or a lease of a minimum of forty years.

Council Member Linwood Mann made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2005-2006 contingent upon the outright acquisition of the property or a lease of a minimum of forty years. Seconded by Council Member Phil Dusenbury, the motion carried unanimously.

Consider Proposed Contiguous Annexation by Cherokee Land Company, LLC,- located directly across from Barrett's Landing Lane on Amos Bridges Road, encompassing approximately 40.31 acres.

Planner I Liz Whitmore explained that the petition was found sufficient, and staff is requesting the public hearing be set for November 15, 2005, at 7:00 P.M. The reason for the delay of the public hearing is that a rezoning request will be held the same night after the public hearing is held for annexation. Council Member Olive asked if an environmental impact study will be done or is it required before that land is developed. Mrs. Whitmore stated that the preliminary plans show that they are not proposing any development on the side of the wetlands. Community Development Director Bob Bridwell replied that it would be considered when the site plan is submitted.

- Receive Certificate of Sufficiency for Voluntary Annexation – (Exhibit F)  
City Clerk Bonnie White verified the sufficiency of the petition.
- Consider Resolution Fixing Date of Public Hearing on Question of Annexation – (Exhibit G)  
Mayor Pro Tem Joseph Martin made the motion to adopt the Resolution Fixing Date of Public Hearing on Question of Annexation. Seconded by Council Member Williams, the motion carried unanimously

Consider Resolution Endorsing Tramway Road Park Phase II and Park and Open Space Initiative for Sanford/Lee County, North Carolina – (Exhibit H)

Lee County Parks and Recreation Director John Payne stated that he presented the Tramway Road Park Phase II and the Park and Open Space Initiative for Sanford/Lee County at the Law and Finance Committee meeting and would answer any questions Council may have.

Council Member Walter McNeil, Jr. made the motion to adopt the Resolution Endorsing Tramway Road Park Phase II and Park and Open Space Initiative for Sanford/Lee County, North Carolina. Seconded by Council Member Linwood Mann, the motion carried unanimously.

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

### **OTHER BUSINESS**

Council Member Ellis stated that in the past five days, he had received two complaints from constituents about dogs running loose. The first complaint was on Friday. There were three labs and two poodles running loose, and the man goes out in his yard and the labs challenge him. The man called animal control and they tell him to come and sign some type of paper so they can take action. Mr. Ellis called Code Enforcement Officer Carl Anglin, and Mr. Anglin took care of it. Mr. Ellis stated that we pay the County \$50,000 for the County to do this. He received a complaint on Tuesday from a lady about the neighbor's dogs using the bathroom in

her yard. The lady called animal control and they told her they would put her on a list. Mr. Ellis stated that Mr. Anglin had to take care of this complaint. Mr. Anglin talked with animal control about the complaint on Friday. They told him the man that works that area was off that day and the other three men were euthanizing cats. Mr. Ellis said that it is the same old runaround.

Mr. Barefoot stated that he has instructed City Clerk Bonnie White and Code Enforcement Supervisor Carl Anglin to keep a record of these calls and try to investigate them. The City entered into an agreement with the County in hopes that they will perform satisfactorily. If the level of service is not what we expect it to be, then he will support terminating this contract.

Mr. McNeil stated if Mr. Anglin is going to be pulled off his duties to take care of animal control complaints, then we need to get the \$50,000 and get Mr. Anglin some help.

Mr. Barefoot added that he will be talking with Lee County Manager David Smitherman about these two complaints. Mayor Hester stated that if we cannot come up with a solution by Council's next meeting, then we should look it and decide what to do about it.

**ADJOURNMENT**

With no further business to come before the council, the meeting was adjourned on motion of Council Member James Williams; seconded by Council Member Cornelia Olive, the motion carried unanimously.

Respectfully submitted,

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WINSTON C. HESTER, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK