

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, March 7, 2006, at 7:00 P.M. The following people were present:

Mayor Cornelia P. Olive	Council Member Linwood S. Mann, Sr.
Mayor Pro Tem Walter H. McNeil, Jr.	Council Member James G. Williams
Council Member Dan Harrington	Council Member Joseph Martin
Council Member Mike Stone	City Attorney Susan C. Patterson
City Manager Leonard Barefoot	
City Clerk Bonnie D. White	

Absent:

Council Member Steve Brewer

Mayor Olive called the meeting to order and delivered the invocation.

APPROVAL OF AGENDA

City Manager Leonard Barefoot stated that two items have been requested to be withdrawn from the agenda. The items are: Petition by M. Van Harris - to rezone 0.267 +/- acres from the current City of Sanford R-12 Residential to O&I, Office & Institutional, and Consider Acceptance of a Guarantee in the Form of a Subdivision Performance Bond for Street, Grading, and Erosion Control Improvements for West Landing Subdivision, Phase 4, from West Landing Development.

On motion of Mayor Pro Tem Walter McNeil, Jr., seconded by Council Member Mike Stone, the amended agenda was approved.

CONSENT AGENDA

Approval of February 21, 2006, City Council Minutes - (Filed in Minute Book 64)

Approval of Electric Security Gate for Public Works Service Center – (Exhibit A)

Mr. C's Fence was awarded the low quote of \$7,772.85 to purchase an electric gate, and P. R. Faulk Electrical awarded the low quote of \$920 for the electrical work for the gate. The new gate will have a key pad with two to three remotes. To exit, there is a trip wire in the asphalt to open and close the gate.

Approval of an Access Channel Service and Support Agreement with TVTN – (Exhibit B)

An Access Channel Service and Support Agreement with TelVue Virtual Television Network (TVTN) was approved to develop our public access television station. The initial start-up cost is \$12,000, and it is a one-time fee. The monthly service fee is \$500.

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford Fiscal Year 2005-2006 – (Exhibit C)

Ordinance was approved to appropriate funds in the amount of \$25,000 to Information Systems to budget for the installation, equipment, and maintenance fee required for the local access channel; \$37,000 to Shop for the purchase of an inventory system for the shop; \$9,000 to Public Building for the purchase of an electric security gate at the Service Center. The funds for the Shop and Public Building will come from the proceeds of the auction. Ordinance transfers funds in the amount of \$19,095 from Contingency to the Solid Waste Department to replace a tractor.

Approval of Resolution Changing the Name of Snyder Street to Patriot Way - (Exhibit D)

Resolution was approved to change the name of Snyder Street to Patriot Way. Snyder Street is a 930-foot city maintained right-of-way between the 3400 block of Lee Avenue and the 3300 block of Industrial Drive. One hundred percent of the property owners along Snyder Street have signed the petition. There are currently no structures addressed off of Snyder Street.

Approval of Location of Endor Trail (Greenway) – (Exhibit E)

The location of the Endor Trail was approved that would extend from Kiwanis Park, skirting the western edge of the property along right-of-way for US #1, 15/501 and along the creek bed fronting the shopping center facing Spring Lane (see map as part of Exhibit E). This location offers a number of advantages including the ability to cross Spring Lane at a proposed controlled intersection to Applebee's and again along Big Buffalo Creek to the north.

Approval of Ordinance Creating a New Part of Chapter 38 Utilities Section 38-9 – (Exhibit F)

Ordinance was approved creating a new part of Chapter 38 Utilities Section 38-9, Maintenance of Sewer Laterals. When a residential property owner has a cleanout installed at the street right-of-way line, and the installation has been inspected and approved by the City, the portion of the lateral from the street right-of-way to the sewer main in the street will become the responsibility of the City to maintain.

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

SPECIAL AGENDA

Presentation of Proclamation Honoring the Life and Service of Former Council Member Philip E. Dusenbury - (Exhibit G)

Mayor Cornelia Olive read and presented a proclamation honoring the late, former Council Member Philip Dusenbury to his wife, Helen Dusenbury; son, David; and daughter-in-law Renee Dusenbury. She also presented the family the portrait of Mr. Dusenbury, which had hung in the lobby of City Hall during his tenure as Council Member.

CASES FOR PUBLIC HEARING

Petition by James Siler and Siler Realty Sole Proprietorship - to Annex 41.24 Acres of Contiguous Property Located Approximately 1,600 Linear Feet South of the Intersection of Frazier Drive and Cemetery Road

Planner I Liz Whitmore stated that the proposed annexation encompasses approximately 40.72 acres and is located 1,600 linear feet south of the intersection of Frazier Drive and Cemetery Road. The petition was received on August 2, 2005. Notice of the public hearing was published in the *Sanford Herald* on February 22, 2006, which meets the ten day requirement by two days. The property owner was sent notification on February 13, 2006. The annexation area is in the Tramway Rural Fire Protection District. The General Statutes requires the City to pay an annual proportionate share if the debt is equal to over \$100 for the calendar year, and it will not be. There will not be any debt incurred on the City's behalf for this annexation. A request for financial information was sent to the rural fire department on February 2. The Tramway Fire Department has not responded to this request; however, she pulled a recent annexation for the Willowridge Subdivision and they have not incurred any further debt. Ms. Whitmore said she has spoken with the fire chief. There is no debt incurred. Water, sewer, and streets will be constructed to city standards, and the costs will be borne by the developer. Solid waste services will be provided by the City. The Police Department is already providing patrol to this area. The Sanford Fire Department will provide service to the proposed annexation area from Station #2 with backup from Central Fire Station. Response time will be two to three minutes. There are no additional costs to the City to serve the area in its undeveloped state.

The tax value for the area is currently \$1,234 undeveloped. Ms. Whitmore stated that the rezoning took place in late December, and it is for a subdivision which includes 111 lots. There are two ingresses and egresses; one is through the Willowridge Subdivision and the other on Cemetery Road.

Mayor Olive opened the public hearing. James Siler, owner and developer of the property, spoke in favor of the petition. Mr. Siler said he has owned a portion of the property since 1998 which was the 16-acre parcel. He recently purchased the second parcel of property, which is 25 acres, and their intent is to build a subdivision at the site. They feel they are not doing anything differently than other property owners such as Willowridge Subdivision which is also in the City limits now. Their average lot is about one-half acre. The zoning is Residential R-12. This zoning allows them to have 12,000 square-foot lots but the lots are slightly larger than that. He expects to produce a clean project. The tie-ins for water and sewer are pretty consistent. Mr. Siler said they will be offering a reasonably priced home to the people of Sanford. The location is excellent as it is near the elementary school and new high school. They want to be annexed to obtain City water and sewer.

Council Member Mike Stone asked what the base rate of the homes will be. Mr. Siler replied maybe \$120,000 to \$180,000. They have not narrowed the price down.

Kathryn Brannan spoke in opposition. Ms. Brannan said she would like for Council to consider the community. Sanford is a growing community but look at within the City of Sanford at your communities. Ms. Brannan said do not destroy the communities that are already there. She said this annexation will cause a problem on Cemetery Road with traffic. There is already a heavy traffic load on Cemetery Road due to Olde Jonesboro built at the end of the road, the elementary school, plus the houses that are already there. Ms. Brannan said she lives in the curve off that road. She said she was a dying breed. She is trying to keep her family farm. She has trucks going in and out in harvest season taking the grain to market. Someone brings

their heavy equipment in to cultivate the land. If annexed, Council will be causing problems to those who have lived there for years. She felt they did not need to be pushed aside and not considered so Sanford can grow. Ms. Brannan said the wear and tear on that road will cost the City and County money. Her concerns are the traffic and the area used to be a quiet community. She has been living in her home since 1955. She has embraced a soccer field, a housing development up and down the road from her home, an elementary school, and she has to put up with the kids that parents do not bother to look after. The kids find a way over to her field and pond and destroy her crops. She did not want another headache. Ms. Brannan said that if Council is going to annex, they should bring the city limits from where it is at to the subdivision and not skip an area.

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

Council Member Martin asked for clarification that whether or not the Council annexed the area, can the developer still develop the property with a subdivision. He may not be able to build quite as many homes on it depending on whether the land perks. Attorney Patterson replied that is correct.

Council Member Williams asked for clarification about an issue Ms. Brannan spoke about skipping an area not annexed. Is this a satellite annexation? Ms. Whitmore said it is a contiguous annexation. Ms. Whitmore stated that there is some property that separates the existing city limits with this proposed annexation. The parcel in white is not in the City limits. The existing yellow parcel is in the City limits. The blue parcel is the proposed annexation property and is contiguous to the yellow tract of property. Mr. Barefoot explained that since it is a petition annexation, only those property owners who signed the petition are included in the annexation.

- Consider Ordinance Extending the Corporate Limits of the City of Sanford, North Carolina – (Exhibit H)
Council Member James Williams made the motion to adopt the Ordinance Extending the Corporate Limits of the City of Sanford, North Carolina. Seconded by Mayor Pro Tem McNeil, the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS

Petition by M. Van Harris - to rezone 0.267 +/- acres from the current City of Sanford R-12 Residential to O&I, Office & Institutional. The property requested for rezoning is located at 401 N. Horner Blvd. and is the same as depicted on Tax Map 9643.19, Tax Parcel 9643-51-0168-00, Lee County Land Records Office. – (Exhibit I)

This item was withdrawn (see written request).

- Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit J)
This item was withdrawn.

REGULAR AGENDA

Consider Acceptance of a Guarantee in the Form of a Subdivision Performance Bond for Street, Grading, and Erosion Control Improvements for West Landing Subdivision, Phase 4, from West Landing Development – (Exhibit K)

This item was withdrawn.

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

PUBLIC COMMENT – (Exhibit L)

Mayor Olive stated that seven people have signed up for the public comment period. She mentioned that each person has a three-minute time limit. She asked each person to state their name clearly and not be redundant with their concerns.

John Kelley stated that he owns the business from 101 and 109 Wicker Street which is on Wicker and Moore Street. He said they met with Downtown Sanford, Inc., this morning and discussed the problems, traffic, and the detrimental effect it has had on business streets to go one way. Everyone thought it was a good idea, but it has turned out not to be. They did not gain any significant parking spaces; it is time to correct a mistake. This includes all of Moore Street and includes the turn off Wicker Street to Cole Street. You cannot get to the parking lot and it is for both the business and Depot Park. This needs to be changed from one-way to two-way as quickly as possible. Some businesses have been hurt badly.

Billie Atkins said her comments are ditto to Mr. Kelley's. She said they had a property owner on Steele Street to do a study. Her study showed her business had increased many fold and the business owners on Moore Street have suffered tremendously as a result of the one-way traffic. She asked that Council change the street to two-way traffic because they cannot afford to lose any downtown businesses.

Kim Godon said she owns property from Cole Street to Wicker Street along Moore Street which is 101 through 109 as John Kelley stated. Their primary concern is there are four to five business owners that own businesses from Cole Street to Wicker Street through Carthage Street. They were not notified of the possible change in traffic. This is something that affects all of their businesses on this road. She felt that a public hearing should be held or something to enable the property and business owners to become more involved in the Downtown community. She did not know if any of the special tax district funds paid for this one-way street. There is no communication downtown, and she is concerned about further issues regarding downtown and what might arise from DSI and the decisions being made. They just spent \$6,000 putting the parking lot in behind their buildings. They are working with the City to look at future parking for Depot Park and other events going on downtown. Now, it is practically impossible to get to that parking lot without going seven additional blocks. There is no way to have a viable restaurant in that location without having a parking lot available to them. You can no longer take a right turn entering into the parking lot. You have to go another seven blocks to find that parking lot. She asked that Council reconsider changing the one-way street; it would

be beneficial to all of downtown, especially to the property and business owners on Moore Street.

Jeff Sadlick said he has a business (Java Express) on Moore Street. He said numbers do not lie but they don't add up for them. They are suffering; the question is how long will we continue. It is in Council's hands and they need help. They would appreciate any help Council can give them. It is very inconvenient for a patron to get into his restaurant now. It is a safety issue. There was somebody from the City on Moore Street taking photos yesterday and she met a SUV and had to stop and tell the person they were going the wrong way. That person has probably traveled that road for twenty years and is not aware of the change to one-way traffic. They need assistance to correct this mistake. Few, if any of the business owners on Moore Street, were consulted, informed, and made aware of the change. He heard there was talk of an additional 30 parking spaces that never materialized. Council Member Williams said a letter was sent to him of the proposed change and assumed everywhere else received one. Mr. Sadlick said he never received that letter.

Julian Youngblood expressed that he did not have a lot to add other than they were supposed to get the added parking. It was a good idea to begin with; however, it went south and there is nothing wrong with correcting it. Mr. Baine, the Atkins, and he own about 32,000 square feet on that block and have an investment of about \$750,000 in Downtown between their businesses and their buildings on that block. They would like to have the one-way traffic changed back to two-way traffic.

Randall Lee Yow said he represents the citizens of Sanford because he does not own a business Downtown. He circulated a petition that has been signed by over 160 citizens requesting that Moore Street be changed back to a two-way traffic street. He read the petition (Exhibit M) that was presented to City Clerk Bonnie White.

Elizabeth Kelly, one of the owners of Java Express, stated that she thought it was a wonderful idea when it was told they were going to get 30 extra parking spaces Downtown in order for people to shop. It did not materialize; therefore, she felt it has hurt a lot of small businesses on that street. Every business on that street has come forward and urgently request that the one-way street be changed back to two-way.

OTHER BUSINESS

Council Member Dan Harrington said there was a bad wreck on Hawkins Avenue near the Chrysler-Dodge Dealership. He felt a letter needs to be sent to the Department of Transportation (D.O.T) and ask them to do a study on installing a traffic light at that location. There have been numerous wrecks there, and we need to see if we can get something done about it. Mr. Barefoot will get a letter sent to the D.O.T.

Mr. Barefoot commented that the request to change Moore Street and Chatham Street to two-way traffic will be discussed at the next Law and Finance Committee Meeting on Wednesday, March 15. The earliest Council can act is Tuesday, March 21.

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 Dan Harrington, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK