

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, April 4, 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	Council Member Steve Brewer
City Manager Leonard Barefoot	City Attorney Susan C. Patterson
City Clerk Bonnie D. White	

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

APPROVAL OF AGENDA

City Manager Leonard Barefoot stated that a closed session needed to be added to the agenda. On motion of Mayor Pro Tem Walter McNeil, Jr., seconded by Council Member Joseph Martin, the amended agenda was approved.

CONSENT AGENDA

Approval of March 20, 2006, City Council Minutes - (Filed in Minute Book 65)

Approval of March 20, 2006, City Council Retreat Minutes - (Filed in Minute Book 65)

Approval of March 21, 2006, City Council Retreat Minutes - (Filed in Minute Book 65)

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

REGULAR AGENDA

Consider Acceptance of a Guarantee in the Form of an Official Check for Street and Erosion Control Improvements for Willow Brooke Subdivision, Phase II, from Pinnacle, Inc. – (Exhibit A)

Community Development Director Bob Bridwell explained that Pinnacle, Inc. has submitted an official check from BB&T for \$29,000 as a guarantee to complete street and erosion control improvements on Willow Brooke Subdivision, Phase II. A check in the amount of \$6,000 was accepted in March of 2003 for Lot #22 within Phase II of Willow Brooke Subdivision which is still being held by the City. Together, there is \$35,000 for the completion of Phase II including Lot #22 for the street and erosion control improvements.

Mayor Pro Tem McNeil made the motion to accept the guarantee in the form of an official check for street and erosion control improvements for Willow Brooke Subdivision, Phase

II from Pinnacle, Inc. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Consider Request from Central Carolina Community College Regarding National Youth Sports Program (NYSP) – (Exhibit B)

City Manager Leonard Barefoot informed Council that he received a letter from Matt Garrett, President of CCCC, and Bill Wilson, Chairman of the Board of Trustees requesting that the City and County participate in the amount of \$5,000 each in support of the National Youth Sports Program. This is a program that has been ongoing for several years on the Lee County School campus. Congress has not funded the program this year. The program will be held during the month of June. CCCC has enough funds left over each year collectively in the amount of \$78,000 which they would like to use to fund at least a four-week session for a reduced number of children. They believe they can do everything but bus the children to and from the program. Mr. Barefoot said he spoke with Dr. Garrett on the phone last week and explained to him that one of the City's concerns historically has been and continues to be the times that the City and County come together and are asked equally to fund a program that serves all the children of the County. It affects the City taxpayers who are also County taxpayers. When you look at the fact that about one-half of the County's tax base is in the City limits, then the City residents who are County taxpayers would bear the burden twice. Mr. Garrett understood Mr. Barefoot's comments. Council Member Harrington asked if the County had met on this issue. Mr. Barefoot replied that the County voted to pay \$5,000 if the City paid \$5,000.

Council Member Williams asked if it would kill the program if the City does not participate. Mr. Barefoot replied that he did not have the answer and had not asked that question specifically, but felt it would not kill the program. Mayor Olive asked if the City has a program that is earmarked expressly for children. Mr. Barefoot replied that we are not in education and because of the referendum from the 1960s that made recreation a county-wide program, all our taxpayers support the county recreation program through their county taxes. There are other ancillary programs that children benefit from such as the Depot Park and the Temple Theatre. Council Member Brewer felt that it is a disservice to the City residents to pay twice. Council Member Martin felt that the program is very dynamic; however, if the City participates, the City residents are paying twice. He felt that CCCC could get money from several industries if some effort were put forth because it is a good program. Mr. Martin said that several non-profit groups came to Council for funding and were denied. They were denied because of setting a precedent. He did not want the program to die if the City does not fund the program and felt that the City could be the last step if they needed a little extra money to get the program going.

Mayor Pro Tem McNeil stated he felt that the County should also pay for it; however, the people who cannot do anything about it, which are the kids, are being punished. This program helps keep kids off the street. He felt the program should not be funded indefinitely.

Mayor Pro Tem McNeil made the motion to pay CCCC \$5,000 this year to help fund the program. Seconded by Council Member Linwood Mann, the motion passed six to one with Council Member Joseph Martin casting the dissenting vote.

Consider Anti-Graffiti Ordinance – (Exhibit C)

City Manager Leonard Barefoot stated that Council has discussed at several Law and Finance Committee meetings the desire to have an anti-graffiti ordinance. Attorney Patterson has prepared an ordinance for Council's review. Attorney Patterson stated that this ordinance is similar to what Council saw previously. It is an ordinance that allows the City to gain access to private property to clean off graffiti in the attempt to get rid of the nuisance. Graffiti is declared to be a public nuisance and destructive of the rights and values of the property owners. The difference in this ordinance draft is that she removed the section that called for the perpetrator to repair the graffiti. If someone is convicted of applying graffiti, they would be fined \$500 and the court would have the option of giving restitution to the property owner for the removal. The ordinance calls for the property owner to remove the graffiti from the property no later than three days after receiving notice from the City. There is a hardship exception for those who cannot afford to remove graffiti and for those who have a removal program in place, and it gives them fifteen (15) days to remove graffiti. It allows the property owner to sign a consent form to have city employees to remove graffiti from their property. In the event they fail to remove it themselves, or they fail to give consent to the city to remove it, they are subject to being fined \$100. There is an appeals process allowable before the City Manager or his designee and then from there to the Housing Board of Appeals. This would not go to court for an appeal of the \$100 fine. The ordinance defines what graffiti is.

Council Member Brewer thanked Attorney Patterson for the work she did on the ordinance. He said there was an article in the *Sanford Herald* Saturday that neglected to mention the part about the city removing it as part of the program. He has been contacted about the article that people are getting the perception that not only are they getting the building painted on, but the city is going to punish them if they do not remove it within 72 hours and that is not the way our program was set up. Mr. Brewer said this program is a wonderful thing for people that are victims of graffiti, and the city is putting a plan together to take it off their building at no extra cost to the individual. If they want to take it off themselves, the city will notify them that they have to do it within a certain amount of days. If they won't do it within that amount of time, the city will take it off and charge them \$100. We will take it off for free to make this city a better place to live, if they will just let staff on their property to do it.

Council Member Dan Harrington said he felt that we should give them longer than three days to remove the graffiti and questioned how much will it cost for the City to do it for free. He felt there are a couple of items that needed to be debated and changed. He spoke with Mr. Barefoot and Mr. Barefoot said he would have a member of the Police Department to come to the next Law and Finance meeting to talk about gangs and graffiti and what it means so they can understand more about who is doing the graffiti.

Council Member Harrington made a motion to table the ordinance until the next Law and Finance Committee meeting. Seconded by Council Member Steve Brewer, the motion passed unanimously.

Consider Guarantee for Public Improvements to West Landing Subdivision, Phase 4, in the Form of a Subdivision Performance Bond – (Exhibit D)

Community Development Director Bob Bridwell advised that a performance bond in the amount of \$275,000 has been submitted to guarantee completion of street, grading, and erosion control land development improvements. The guarantee is posted for a period of one year through January 17, 2007, to ensure completion of improvements.

Council Member Linwood Mann made the motion to accept the Performance Bond for Public Improvements to West Landing Subdivision, Phase 4. Seconded by Council Member Mike Stone, the motion carried unanimously.

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

PUBLIC COMMENT – (Exhibit E)

Clyde Atkins said that Billie Atkins was going to give a brief overview of the upcoming Pottery Festival. He thanked the City for the help it has given in the past.

Billie Atkins advised that the Pottery Festival will be held May 6 and 7. The business people have come to the forefront again to help with this festival. A lot of positive comments have been received regarding the past pottery festivals. She thanked everyone for their help in the past festivals and also for this year's upcoming festival.

Don Hudson said that almost seven years ago he had said that Sanford could showcase itself through a vehicle called the Pottery Festival and it worked. This will be the fifth festival. He wanted to make clear to the council that it is more than just a pottery festival. It is about saying that the community in which we live has great potential and if we showcase it, more people will notice and great things will happen. Mr. Hudson said he would like to see other major festivals in Sanford. He said that eighty percent of the people who come to this festival come from outside Lee County. He gave council members a fund-raising package and a video from the first year the festival was held.

OTHER BUSINESS

Mayor Pro Tem McNeil questioned why the Brick Capital Golf Tournament is being held at the Quail Ridge Golf Course instead of the Sanford Golf Course, particularly with our golf course struggling, and the City's giving Brick Capital Community Development free lots. Mr. Barefoot said he would check into this matter.

Mayor Pro Tem McNeil stated that since 2000, we have seen other cities throughout the country having a youth council at the national meetings. He was wondering if Council would be interested in starting a youth council in Sanford. At a meeting Mr. McNeil attended last week, it was announced that there will be a youth day at the state meeting in Greensboro in October. He felt maybe a youth council could be formed to participate in these meetings representing Sanford. Mr. McNeil stated that we need to get young people involved in government and this is one way we could do it. Mayor Olive said that she and Mr. Barefoot have already had a discussion about this, and there is going to be a training session program at the School of Government in Chapel Hill this month on organizing youth councils. She plans to attend this meeting and if anybody else would like to attend, she would sign them up.

Council Member Joseph Martin commented that Charles Taylor, through the Chamber's Leadership Program, is looking at doing a leadership program with the youth and maybe the City could work in conjunction with him.

Council Member Mike Stone advised at a training program in Charlotte last week, he saw how special the city is. He realized how wonderful an opportunity it is to live in Sanford and to serve on the council. Mr. Stone said that the city has a professional staff and that the forefathers have done a wonderful job of getting Sanford at where it is today. He saw how far ahead Sanford is today compared to other cities.

Mayor Olive reminded Council of the induction of Steve Jones into the North Carolina Sports Hall of Fame on May 11 at 6:30 P.M. Council Members will be guests at the event.

CLOSED SESSION

City Attorney Susan Patterson read the motion to go into closed session in accordance with N.C.G.S. 143-318.11(a)(5), to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body. So moved by Council Member Steve Brewer and seconded by Mike Stone, the motion carried unanimously.

RETURN TO REGULAR SESSION AND ADJOURNMENT

With no further business to come before the council, the meeting was adjourned on motion of Mayor Pro Tem Walter McNeil, Jr.; seconded by Council Member Dan Harrington, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK