

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, November 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	Council Member Steve Brewer
Public Works Director Larry B. Thomas	City Attorney Susan C. Patterson
City Clerk Bonnie D. White	

Absent:

City Manager Leonard O. Barefoot

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

APPROVAL OF AGENDA

On motion of Council Member Mike Stone, seconded by Council Member Steve Brewer, the agenda was approved.

CONSENT AGENDA

Approval of October 17, 2006, City Council Minutes - (Filed in Minute Book 66)

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2006-2007 – (Exhibit A)

Ordinance was approved appropriating funds from the Utility Fund to be used on the SCADA project at the water treatment plant.

Approval of City of Sanford Grant Project Ordinance- State High Unit Cost Grant for Water Quality Analysis and Associated Improvements - (Exhibit B)

Grant project ordinance was approved placing the project on the books. Amendment appropriates \$854,738 in grant funds along with \$173,262 from the Utility Fund for the SCADA improvements' project. The total project is \$1,028,000. The grant is from the North Carolina Department of Environment and Natural Resources, Division of Environmental Health. The updated SCADA system will allow the water treatment plant operators to monitor the plant from one location instead of going out to all the individual locations. The improvements involve a combination of computer system and radio system.

Approval of Capital Project Budget Ordinance Amendment – Water Capital Improvements – (Exhibit C)

Amendment was approved appropriating interest earned on loan proceeds and allows those funds to be used to complete the water treatment plant improvements that were started in 2004-2005 and funded by \$7,000,000 in loans. This is the interest City has earned off that loan.

Approval of Capital Project Ordinance – Sewer Capital Project – (Exhibit D)

Ordinance was approved placing the \$3,000,000 sewer rehabilitation project on the books so that work can proceed. This rehab project is for cured-in-place liners and will be financed through installment purchase funds.

Approval of Agreement for Administration Services with The Wooten Company for Year 5 of the City of Sanford's Wicker Revitalization Project - (Exhibit E)

Agreement for administration services with The Wooten Company for Year 5 of the City of Sanford's Wicker Revitalization Project was approved.

Approval of Sub-Recipient Agreement with Brick Capital CDC for Year 5 of the City of Sanford's Wicker Revitalization Project – (Exhibit F)

Sub-recipient agreement with Brick Capital CDC for Year 5 of the City of Sanford's Wicker Revitalization Project was approved. Sub-recipient agreement is with Brick Capital CDC because some of the funds are passed through to them for the completion of some of the items on the Wicker project. This agreement is one requirement of the grant.

Approval of Ordinance Establishing a No-Parking Zone on a Portion of Carbonton Road (SR 1009) – (Exhibit G)

Ordinance was approved establishing a no-parking zone on a portion of the south side of Carbonton Road (State Road 1009). The no-parking zone shall begin 197.00 feet east of the centerline of Highland Street and continue easterly a distance of 23.00 feet.

Approval of Award of Bids for Sewer Rehabilitation Projects – (Little Buffalo and Dry Creek Basins) and (Jonesboro and Lemon Springs Basins) – (Exhibit H)

Insituform Technologies was awarded the low bid of \$2,447,222.20 for sewer rehabilitation of cured-in-place liners for the Little Buffalo and Dry Creek Basins project and \$492,577.50 for the Jonesboro and Lemons Springs Basin project. Approximately 20 miles of cured-in-place liners will be installed for the two projects.

Approval of Award of Bid for Water System SCADA Replacement – (Exhibit I)

Energy Erectors, Inc. was awarded the low bid of \$1,028,009 for the water system SCADA replacement project. Completion of the project will take 365 days. Penalties are in place if the project takes longer.

Award of Bid for Street Sweeper – (Exhibit J)

Twin State Equipment, Inc. was awarded the bid of \$149,886 for the purchase of a street sweeper with a \$20,000 trade-in allowance for the City's old street sweeper. Twin State Equipment met all the City's specifications.

Approval of Resolution Authorizing the Sale of 406 Wall Street to Lee County – (Exhibit K)

Resolution authorizing the sale of 406 Wall Street to Lee County was approved. The City and County jointly own the property located at 406 Wall Street due to a tax foreclosure. Lee County proposes to sell it by the offer, advertisement, and upset bid process. In order to accomplish that, the City needs to consider deeding its property to Lee County so they may execute a deed to the purchaser. They have agreed to credit to the City the proceeds of the sale divided between Lee County and the City.

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

SPECIAL AGENDA

Presentation of Farm-City Week Proclamation – (Exhibit L)

Bill Stone, with the Cooperative Extension Service representing Lee County 4-H, introduced two 4-H members, Dalton Coffey and Taylor Craig. Dalton Coffey read a proclamation proclaiming National Farm-City Week from November 17-23, 2006. Taylor Craig invited the public and council members to different activities celebrating Farm-City Week.

CASES FOR PUBLIC HEARING

Public Hearing on Non-Contiguous Annexation Petition by Spivey & Sturdivant Properties, Inc. of 34.37 Acres Located Approximately 0.52 Miles South of the Intersection of SR #1001 and NC 78.

Planner II Liz Whitmore stated that the public hearing is for a non-contiguous annexation of 34.37 acres owned by Spivey and Sturdivant Properties, Inc. located approximately 0.52 miles south of the intersection of SR #1001 and NC 78. The petition was received on March 17, 2006. The resolution directing the city clerk to investigate the certificate of sufficiency and a resolution setting the date for the public hearing were adopted on October 16, 2006. The public hearing was advertised in the Sanford Herald on October 26, 2006, eleven days prior to the public hearing.

The property is located in the Lemon Springs Rural Fire District, and the General Statutes requires the City to pay an annual proportionate share of any payments due on any debt relating to facilities or equipment. Notification was sent to the Lemon Springs Fire Department on October 18, 2006, and as of this date, no response has been received pertaining to any debt.

Ms. Whitmore explained that this site will be developed as single-family residential units. City services will be extended to the area. There is some concern as to the right-of-way not being annexed into the city at this time, but the deed does not extend to the center line of the road or to the other side of the right-of-way; therefore, we cannot request that this be annexed at this time. This could cause some complications with emergency services.

Ms. Whitmore advised that city services will be extended to the new area. The revenue to be received upon annexation of the property will be approximately \$1,500. Upon development, revenue will increase substantially. Mr. Thomas advised that the developers plan to move an existing lift station down to the site so it will have water and sewer. The developers will pay the cost of moving the lift station.

Council Member Williams stated that he did not understand the statement of the right-of-way not being annexed. Ms. Whitmore replied that during annexations, sometimes the deed goes to the centerline of the road or to the other side of the right-of-way and this is annexed at the same time. This deed does not go that far; it goes to the edge of the road right-of-way. If you don't annex the whole road, it causes confusion during emergency responses. This is something staff is trying to get a set policy on. Operations Manager Tim Shaw stated that the property being annexed is to the right-of-way of the street and the State of North Carolina maintains this road. If at some point in time the City would take over the road for maintenance, it could cause some concerns and we would like to see it annexed to at least the centerline and preferably to the opposite side of the road. In this case, their deed just goes to the right-of-way of the street. Public Works Director Larry Thomas said that this has been done before and has not been a problem. The state is going to maintain the street to the same level they maintain the state streets in the city. It is just a matter of street lights and snow plowing; it would be better if it were in the city but the state will maintain them. Council Member Williams asked why the emergency services are so concerned. Ms. Whitmore replied that the actual property is in the city; the road is in the county. If you have an accident of someone coming out of the subdivision, there could be some confusion as to who is suppose to go out on an emergency call. There is a church having some of the same issues which are trying to be corrected now. The access road to the church is in the County, but the church is in the city so it makes it confusing as to who is to be sent out on emergency service calls. A meeting is set for November 30 with staff from the various departments to figure out how to address this issue in the future. There are lots of annexations where we have done this before, but this is something that Mr. Shaw wanted brought forward.

Council Member Williams asked if an accident occurs in the ETJ area, if we provide services to them. Community Development Director Bob Bridwell responded that we do not. The ETJ area is a planning and zoning extension.

Mayor Olive opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

- Consider Ordinance to Extend the Corporate Limits of the City of Sanford, North Carolina – (Exhibit M)

Council Member Steve Brewer made the motion to adopt the Ordinance to Extend the Corporate Limits of the City of Sanford, North Carolina. Seconded by Council Member James Williams, the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS

Petition by William R. McDonald - to rezone 0.26 +/- of an acre from the current City of Sanford Office & Institutional (O&I) district to Residential (R-12) district. The property requested for rezoning is located at 722 Hawkins Avenue and is the same as depicted on Tax Map 9643.15, Tax Parcel 9643-63-3757 Lee County Land Records Office.

Assistant Community Development Director Marshall Downey advised that a public hearing was held on October 17, 2006. The Planning Board met and unanimously recommended that the City Council approve the petition based on the finding that the request is consistent with the spirit and intent of the 2020 Land Use Plan. The Planning Board also finds that the request

is reasonable and is in the public interest due to the availability of public utilities and the proximity of existing office and institutional development along Hawkins Avenue corridor.

- Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit N)
Council Member Joseph Martin made the motion to go along with the Planning Board's recommendation and adopt the Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. Seconded by Council Member Dan Harrington, the motion carried unanimously.

REGULAR AGENDA

Consider Authorization for Community Development Department to Apply for Pedestrian Planning Grant Funds, Which Have Been Made Available by the North Carolina Department of Transportation, for the Development of Comprehensive Local Bicycle and Pedestrian Transportation Plans for North Carolina Municipalities – (Exhibit O)

Community Development Director Bob Bridwell explained that staff has been working on a comprehensive transportation plan. Along with this, staff decided that with the availability of some Department of Transportation funds, to consider the application process for a pedestrian plan in the next funding cycle to be a concurrent plan with our thoroughfare plan. Staff is asking for authorization to prepare the application and have the mayor sign the application for submittal. These funds are only to develop a plan. The plan has to be submitted by December 1, 2006. Approval is considered by May 1, 2007, and the funding cycle will begin in the next fiscal year. We have twelve months to complete the plan. The cap is \$35,000 for each study.

Council Member Linwood Mann made the motion to grant the authorization to prepare the application and have the mayor sign it for submittal. Seconded by Mayor Pro Tem McNeil, the motion carried unanimously.

Consider Release of Personal Property Tax Penalty - Pentair Water Pool and Spa – (Exhibit P)

City Attorney Susan Patterson advised that City had received a letter from Pentair requesting a release from the late filing penalty for their 2006 personal property tax return. Lee County tax office reports that Pentair currently pays personal property taxes on assets with the value of over \$12 million. The taxes they paid to the City in 2006 were \$76,489.18. They had an extension until March 15, 2006, to pay their taxes, but they did not file their return until May 18, 2006. Since they filed late, they were assessed a 10 percent penalty under the law in the amount of \$7,648.92. They are seeking compromise on this amount. It is up to Council to release or to compromise, in any fashion, the late penalty that was assessed. The Lee County Board of Commissioners, through its Board of Equalization and Review, decided to release 50 percent of the penalty.

Council Member Steve Brewer made the motion to release Pentair from 100 percent of the 10 percent penalty. Seconded by Mayor Pro Tem McNeil, the motion carried unanimously.

Consider Authorization to Participate in a Waterline Extension on Walker Road – (Exhibit Q)

Public Works Director Larry Thomas advised that this issue was discussed at Law and Finance on Wednesday, November 1. He explained that a property owner on Walker Road

wants to develop his property and tie the lots onto the closest waterline on Walker Road. The City has an 8-inch waterline approximately 2,200 feet and Harnett County has a 4-inch waterline approximately 700 feet from his property. It will cost him approximately \$15,000 to extend the Harnett County line as a 6-inch line the 700 feet along Walker Road to his property. It will cost the developer an additional \$10,000 to install a meter at the existing end of the Harnett County waterline and make the extension as a City waterline. The property owner will have to extend the line into their properties just like other developers.

Public Works is requesting Council to agree to apply the \$10,000 the developer would spend on a meter at the end of the Harnett County line towards extending the City of Sanford's waterline. The cost of paralleling Harnett County to the end of their line is estimated to be \$30,000. Therefore, the City's participation would be approximately \$20,000. Mr. Thomas advised that the City of Sanford's system will be improved because fire protection will be available to the area; the City of Sanford's water will be available for future development and extensions; and once the line has been extended the length of Walker Road, there will be better water quality and circulation. Council Member Martin commented that this would create a better water flow thus producing better water quality. Mayor Pro Tem McNeil commented that extending the line would open up that area for water.

Mayor Pro Tem McNeil made the motion to participate in a waterline extension along Walker Road. Seconded by Council Member Steve Brewer, the motion carried unanimously.

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

OTHER BUSINESS

PUBLIC COMMENT – (Exhibit R)

No individual signed up to speak.

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 Mike Stone, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK

