

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, June 5, 2007, at 1:00 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 and delivered the invocation.

APPROVAL OF AGENDA

On motion of Council Member Linwood Mann, seconded by Council Member Mike Stone, the agenda was approved.

CONSENT AGENDA

Approval of May 1, 2007, City Council Minutes - (Filed in Minute Book 67)

Approval of May 15, 2007, City Council Minutes – (Filed in Minute Book 67)

Approval of Ordinance to Erect Stop Signs Within the City of Sanford Chapter 36, Traffic Code of Ordinances – (Exhibit A)

Ordinance was approved to erect stop signs on Morning Star Drive at Meridian Crossing and on Compass Way at Meridian Crossing.

The consent agenda items were approved upon motion of Council Member Joseph Martin. Seconded by Mayor Pro Tem Walter McNeil, Jr., the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS

Petition by Nottingham Property Associates, LLC- to rezone from Highway Commercial (HC) district, to Residential (R-12) district approximately 4.67 acres of land within the 300, 400 & 500 blocks of Robin Hood Lane. The property is the same as depicted on Tax Map 9643.01, all of Tax Parcel 9643-45-3344-00, and a portion of Tax Parcels 9643-25-8462-00, 9643-36-5443-00, 9643-36-6394-00, 9643-36-7394-00, 9643-46-1473-00 Lee County Land Records Office.- (Exhibit B)

Assistant Community Development Director Marshall Downey explained that this petition was presented at Council's last meeting and a public hearing was held. The Planning Board unanimously recommended that the City Council approve the petition.

- Consider Adoption of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit C)
Council Member Steve Brewer made the motion to adopt the Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. Seconded by Council Member James Williams, the motion carried unanimously.

Petition by Stewart-James, LLC- to rezone 34.5 +/- acres from the current Residential Single-Family (R-20) district to the Stewart-James, LLC Conditional Zoning district. The property requested for rezoning is one developed addressed as 3006 Carbonton Road. The property is the same as depicted on Tax Map 9632.01, Tax Parcel 9632-19-3407-00 Lee County Land Records Office. – (Exhibit D)

Assistant Community Development Director Marshall Downey explained that this petition was presented at Council's last meeting and a public hearing was held. The Planning Board unanimously recommended that the City Council approve the petition.

- Consider Adoption of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit E)
Council Member Dan Harrington made the motion to adopt the Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. Seconded by Mayor Pro Tem Walter McNeil, the motion carried unanimously.

REGULAR AGENDA

Consideration of a Preliminary Plat for Stewart-James, LLC Subdivision, a 49-Lot Residential Subdivision to be Located West on 34.5 +/- Acres Addressed as 3006 Carbonton Road. Developer Contact: Stewart-James, LLC – (Exhibit F)

Assistant Community Development Director Marshall Downey advised that this item is basically a follow up to the Conditional Zoning District Council just previously approved. The Planning Board, because the property is subdividing and creating lots, has to go through the formal step of submitting a preliminary subdivision plat, it is essentially the same exact plan that Council just approved for Conditional Zoning. The Planning Board unanimously recommended that Council approve the preliminary plat. The applicant requested that two different designs be considered as part of the approval for both the Conditional Zoning and preliminary plat. The reason for this is there is still some concern about the environmental issues related to the dam. The Division of Water Quality may not allow them to create a road that will go across the dam and if not, a cul-de-sac may have to be constructed instead.

Based upon staff's recommendation, Council Member Joseph Martin made the motion to approve the preliminary plat for Stewart-James, LLC Subdivision. Seconded by Council Member Steve Brewer, the motion carried unanimously.

Consideration of a Preliminary Plat for Hawkins Avenue Subdivision, a 23-Lot Residential Subdivision to be Located West of the Intersection of Hawkins Avenue and Golf Course Road. Developer Contact: Weaver Companies. – (Exhibit G)

Assistant Community Development Director Marshall Downey explained that this is a project that came to Council several years ago for a subdivision off of North Hawkins Avenue. The owner/developer is Weaver Companies out of Fayetteville. The project is approximately a

23-acre tract off of the west side of Hawkins Avenue located near the golf course. The project includes a 2,000 square foot, ranch-style house. If you recall, the project was proposed for a Residential Mixed (R-12) several years ago and the project was rezoned to R-12 which would allow up to 3.5 units per acre. The original developer, who came before Council and asked for this rezoning, is no longer tied to the project.

This project is a lower density project with only 23 lots. It is a large lot project where all the lots are at least a half-acre or larger.

The Planning Board reviewed the plan, and it meets the ordinance standards. The Planning Board unanimously recommended approving the project.

Mayor Pro Tem McNeil made the motion to go along with the Planning Board's recommendation and approve the project. Seconded by Council Member Dan Harrington, the motion carried unanimously.

Consider Sale of Vacant Lot – Washington Avenue – (Exhibit H)

Planner II Karen Kennedy stated that Terry and Linda Bristow made an offer of \$2,500 for a vacant lot - Block P Lot 3 on Washington Avenue. The offer was advertised in the newspaper, and no one responded during the time frame. Staff recommends approving their bid.

Council Member Linwood Mann made the motion to approve the sale to Terry and Linda Bristow. Seconded by Mayor Pro Tem Walter McNeil, Jr., the motion carried unanimously.

Consider Voluntary Non-Contiguous Annexation Petition by Tramway 20, LLC, of Approximately 39.43 Acres Located Approximately 200 Linear Feet West of the Intersection of Brenda Street and Lemon Springs Road.

Planner I Elizabeth Whitmore stated that this is a non-contiguous annexation petition by Tramway 20, LLC consisting of approximately 39.43 acres located 200 linear feet west of the intersection of Brenda Street and Lemon Springs Road.

- Resolution Directing the Clerk to Investigate a Petition by Tramway 20, LLC for a Non-Contiguous Annexation of 39.43 Acres.- (Exhibit I)
Planner I Elizabeth Whitmore explained that this resolution directs the city clerk to investigate the petition. Council Member James Williams made the motion to adopt the Resolution Directing the Clerk to Investigate a Petition by Tramway 20, LLC for a Non-Contiguous Annexation of 39.43 Acres. Seconded by Council Member Mike Stone, the motion carried unanimously.
- Receive Certificate of Sufficiency for Non-Contiguous Annexation by Tramway 20, LLC. – (Exhibit J)
City Clerk Bonnie White verified that the annexation petition is sufficient.

- Resolution Fixing the Date of a Public Hearing on the Question of Annexation Pursuant to G.S. 160A-58.2, Tramway 20, LLC. – (Exhibit K)
Planner I Elizabeth Whitmore stated that the resolution sets a date for the public hearing for June 19, 2007, at 7 P.M., in the Council Chambers. Council Member Joseph Martin made the motion to adopt the Resolution Fixing the Date of a Public Hearing on the Question of Annexation Pursuant to G.S. 160A-58.2, Tramway 20, LLC. Seconded by Council Member Steve Brewer, the motion carried unanimously.

Consider Voluntary Non-Contiguous Annexation Petition by William Frank Lee and Tina S. Lee and Roy Harrington and Rhonda Harrington Encompassing Approximately 13.51 Acres Located Approximately 2,350 Feet South of the Intersection of Avents Ferry Road and Broadway Road.

- Consider Resolution Directing the Clerk to Investigate Non-Contiguous Annexation Petition – (Exhibit L)
Planner I Elizabeth Whitmore explained that this resolution directs the city clerk to investigate the petition. Council Member Mike Stone made the motion to adopt the Resolution Directing the Clerk to Investigate Non-Contiguous Annexation Petition. Seconded by Council Member Dan Harrington, the motion carried unanimously.
- Receive Certificate of Sufficiency for Non-Contiguous Annexation by William Frank Lee and wife Tina S. Lee and Roy Harrington and Wife Rhonda Harrington – (Exhibit M)
City Clerk Bonnie White verified that the annexation petition is sufficient.
- Resolution Fixing Date of Public Hearing for Non-Contiguous Annexation Pursuant to G. S. 160A-58.2 by William Frank Lee and wife Tina S. Lee and Roy Harrington and Wife Rhonda Harrington - (Exhibit N)
Planner I Elizabeth Whitmore stated that the resolution sets a date for the public hearing for June 19, 2007, at 7 P.M., in the Council Chambers. Council Member Steve Brewer made the motion to adopt the Resolution Directing the Clerk to Investigate Non-Contiguous Annexation Petition. Seconded by Council Member Joseph Martin, the motion carried unanimously.

Consider Adoption of Privilege License Tax Ordinance – (Exhibit O)

City Manager Leonard O. Barefoot explained that City Attorney Patterson has prepared this ordinance for consideration by Council today. It embodies the schedules discussed at the budget presentation and also at the budget hearing. Mr. Barefoot recommended adoption of the ordinance.

Council Member Joseph Martin made the motion to decline the Privilege License Tax Ordinance. Council Member Mike Stone seconded the motion. The vote failed two to five with Council Members Dan Harrington, Steve Brewer, James Williams, Linwood Mann, and Mayor Pro Tem McNeil casting the dissenting votes.

Council Member James Williams made the motion to adopt the Privilege License Tax Ordinance. Council Member Steve Brewer seconded the motion. The vote was five to two to adopt the ordinance with Council Members Mike Stone and Joseph Martin casting the dissenting votes.

Consider Adoption of Annual Budget Ordinance for Fiscal Year 2007-2008 – (Exhibit P)

City Manager Leonard Barefoot stated that the budget was presented to Council on May 15, and a public hearing was held on May 29. He recommended adoption of the budget ordinance.

Council Member Linwood Mann made the motion to adopt the Annual Budget Ordinance for Fiscal Year 2007-2008. Council Member Williams seconded the motion.

Council Member Stone stated that he has thoroughly been going through the budget and he has come up with \$1 million worth of opportunities. In looking for \$250,000, Mr. Stone felt there were several items in the budget that could have been taken out that would not affect anything that the City does directly. He mentioned \$75,000 for curb extensions and \$25,000 for Depot Park. He said there was \$150,000 in contingencies in our General Fund Contributions to give away. He stated the items he just mentioned amounted to \$250,000 in just three items and he has \$1 million worth of them Council could use any way the City would choose to use to eliminate any budget shortfall. He added there were several items in the budget that really shook him as he studied the budget more. One of them was we took \$515,000 out of our Fund Balance and we turned right around and there is \$576,000 in General Fund Contributions. We used the fact that we were going to use a tax hike on our citizens and a privilege tax to divide the two. He stated it is hard to understand why we would take \$515,000 out of our General Fund savings account only to turn around and give away \$576,000. There are some items in the \$576,000 that are important. He felt some of the \$576,000 could be trimmed, because it is taxpayers' money that the City is going to give away. He said the politics that is played on this level are extremely difficult when you have someone who has only been on the board a year to come in.

Council Member Brewer stated Council Member Stone needed to speak for himself because Mr. Stone did not have a clue as to the citizens that have spoken to him and the other council members. Mr. Brewer said he takes offense from a man that accuses him and other council members of something when he does not have the proof of what he is speaking of. Council Member James Williams stated that he agreed with Mr. Brewer and that he voted his conscience, and it will move the City farther ahead. Mr. Williams added that he has spoken with a lot of people also.

City Manager Leonard Barefoot commented that to be fair to the public to understand, contingency is not a give away. Contingency is money set aside for unexpected expenditure needs. Financial Services Director Melissa Cardinali explained that the \$150,000 is in the General Fund Contributions Department, and it is money allocated in case there are emergencies that come up during the year. There are contingencies in both funds for unexpected emergencies. A good example is when fuel prices went up tremendously last year; that money was there, and we did not have to dip into fund balance or savings to carry departments and address those concerns. The other items included in the General Fund Contributions are just under \$143,000 that goes to Lee County; this fund is paying for our contracts with Lee County such as animal control and strategic services contracts, and we pay our portion of the economic development administration out of this fund.

The vote was five to two to adopt the Annual Budget Ordinance for Fiscal Year 2007-2008. The two dissenting votes were cast by Council Members Mike Stone and Joseph Martin.

Consider Capital Project Ordinance – Sewer Capital Project – (Exhibit Q)

Financial Services Director Melissa Cardinali advised that the budget that was just approved included \$1.5 million for the design of the waste water treatment plant upgrade. This ordinance takes the money and puts it aside in a capital project and sets it up so the design can begin.

Council Member Steve Brewer made the motion to adopt the Capital Project Ordinance – Sewer Capital Project. Seconded by Mayor Pro Tem Walter McNeil, Jr., the motion carried unanimously.

Consider Grant Project Ordinance Amendment – Little Buffalo/Northview Lift Station Improvements Project – (Exhibit R)

Financial Services Director Melissa Cardinali advised that the budget that was just approved included \$600,000 for improvements to Northview Lift Station and installation of some gravity sewers to facilitate the possible removal of Little Buffalo Lift Station. This ordinance amends that capital project by \$600,000 and sets the project up.

Mayor Pro Tem Walter McNeil made the motion to adopt the Grant Project Ordinance Amendment – Little Buffalo/Northview Lift Station Improvements Project. Seconded by Council Member Dan Harrington, the motion carried unanimously.

Public Works Director Larry Thomas informed Council that Mr. Barefoot received a notice on June 4 that the state is going to start looking at the sewer spills differently. The state is going to treat every spill with a notice of violation, and they are going to use seven to eight factors to determine what the fines are; the effective date the state will start the violations and fines is June 1. The state is not going to fully implement it until December 1, but he expects the city to receive notice of violations and fines for any spills that we may have. He added that he feels that the state is doing this because there are cities who are ignoring the spills. Mr. Thomas stated that we have had an aggressive program; we have installed cured-in-place liners and this lift station improvement will help solve the problem.

Consider an Additional Step to the City's Pay Plan – (Exhibit S)

City Manager Leonard Barefoot explained that last fall, Springstead Incorporated performed an analysis of our pay classification plan. The study found our salaries to be fairly well in line overall. There were some concerns about our police entry level salaries. They recommended that we adjust our salary schedule to add an additional step which would put us more in line with cities our size. The additional step would not cost any money to the city during the upcoming fiscal year. He recommended approval of the additional step.

Mr. Barefoot stated that the current salary plan has seventeen steps; it would have eighteen if approved. There are 2.5 percent increments in the pay range. When an employee is hired at entry level or promoted, they receive a 2.5 percent increase in pay. There are three employees near or at top of their range now and it would not add any money to this year's

budget (2007-2008), but the range would be expanded going forward. The benefit is more of a recruiting tool and keeping us competitive with other cities and counties we compete with.

Council Member Stone made the motion to table this issue until the first meeting in July to get more information on how it will affect the future and where we are going with our finances. Council Member Joseph Martin seconded the motion. Mr. Martin stated that he wanted to get an idea about what we would be spending.

City Manager Barefoot added that there are three employees who are at the top of their range. Those employees under our pay plan, being at the top of the plan, are eligible for the 2.5 percent as a bonus; that means they get it all on their review date and you must score very high to get this. The bonus costs more because they get it all on their anniversary date instead of a 2.5 percent increase spread over the next year. It is less expensive to add the additional pay step.

Council Member Brewer stated that the city paid a considerable amount of money for Springstead to do a study for us and inform us what we need to get ourselves up to par with other towns our size so we can retain the employees we have and not lose them. This is a large part of this recommendation.

Council Member Williams stated that he has done some research on this issue, and the three employees are good, dedicated employees who are eligible for this additional step. He did not have a problem approving it.

Council Member Stone stated that he is not against it; he is against the fact that it is less information and he would like more information for the entire board. He added that it was not discussed at the retreat this year.

Council Member Mann asked if Council approved this step, is it automatic that they receive this step increase. Mr. Barefoot replied no.

Mr. Barefoot stated that it only adds a single step to our overall pay plan. It does not guarantee any employee an increase; it is a recommendation from Springstead to keep our pay plan in line with other cities.

Council Member Martin asked who would determine who receives this step. Mr. Barefoot stated that two would be determined by the city manager and one employee by his supervisor, who is a department head. He added that it is an oversight on his part for not submitting this request earlier.

Council Member Joseph Martin stated that based on the information he has heard, he rescinded his second to Council Member Stone's motion. Council Member Stone's motion died for the lack of a second.

Council Member Linwood Mann made the motion to accept the recommendation and approve the additional pay plan. Seconded by Council Member James Williams, the motion

carried six to one to approve the additional pay step with Council Member Mike Stone casting the dissenting vote.

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

OTHER BUSINESS

Consider Resolution of the Sanford City Council Honoring Leonard O. Barefoot For His Years of Public Service – (Exhibit T)

Mayor Pro Tem Walter McNeil made the motion to adopt the Resolution of the Sanford City Council Honoring Leonard O. Barefoot For His Years of Public Service. Seconded by Council Member Dan Harrington, the motion carried unanimously. The resolution surplused Mr. Barefoot's office chair and awarded it to him as a token of appreciation. Mayor Olive asked Mr. Barefoot to stand beside her as she read the resolution honoring Mr. Barefoot for his 12.5 years of service with the City of Sanford as manager. Staff and council gave Mr. Barefoot a standing ovation in his honor.

Mr. Barefoot thanked Mayor Cornelia Olive, former Mayor Winston C. Hester, Council Members, and employees.

PUBLIC COMMENT

No citizen signed up to speak.

OTHER BUSINESS

Council Member Steve Brewer thanked everyone who prayed for his son, Matthew. He expressed appreciation on behalf of his family and added that Matthew is getting better.

Council Member Dan Harrington thanked the City's forefathers who made the tough decision to go to the river to get our water. All the counties surrounding Lee County are on restrictions and by the foresight of past council members, they made the hard decision to go to the river; it was the right decision and Sanford is lucky to have plenty of water.

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 Walter McNeil, Jr., the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK

