

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, August 5, 2008, at 1:00 P.M. The following people were present:

Mayor Cornelia P. Olive	Council Member Linwood S. Mann, Sr.
Mayor Pro Tem Joseph Martin	Council Member James G. Williams
Council Member Charles Taylor	Council Member Walter H. McNeil, Jr.
Council Member Mike Stone	Council Member Steve Brewer
City Manager Hal Hegwer	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 Hal Hegwer requested to add one item entitled Consideration of Demolition and Clearance of 131 and 133 McIver Street to the regular agenda. It was added as Item # 7E.

Council Member Mike Stone made the motion to approve the amended agenda. Mayor Pro Tem Joseph Martin seconded the motion and it carried unanimously.

CONSENT AGENDA

Approval of City Council Minutes Dated June 17, 2008 - (Filed in Minute Book 70)

Approval of City Council Minutes Dated June 25, 2008 – (Filed in Minute Book 70)

Approval of City Council Minutes Dated July 15, 2008 – (Filed in Minute Book 70)

Approval of Copier Service Contract with Xerox - (Exhibit A)
Copier Service Contract with Xerox was approved.

Approval of Resolution Authorizing Advertisement of Public Auction and Electronic Auction to Sell Personal Property of the City of Sanford - (Exhibit B)

Resolution was approved setting the date of a public auction on October 4, 2008, at 9 A.M., at the Public Works Service Center, to sell surplus property.

Approval of a Resolution Declaring the Intention of the City Council to Consider the Closing of an Unopened Portion of Martin Street - (Exhibit C)

Resolution was approved setting the date of a public hearing on September 2, 2008, at 7 o'clock P.M. in the Council Chambers to consider closing an unopened portion of Martin Street.

Approval of an Ordinance To Amend the City of Sanford's Code of Ordinances, Chapter 32, Streets and Sidewalks; Section 32-8 Street Lights - (Exhibit D)

Ordinance was approved to amend the City of Sanford's Code of Ordinances, Chapter 32, Streets and Sidewalks; Section 32-8 Street Lights.

Approval of Ordinance to Amend Chapter 26, Article II, Section 26-42 of the Sanford City Code – (Exhibit E)

Ordinance was approved to amend Chapter 26, Article II, Section 26-42 of the Sanford City Code.

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2008-2009 – (Exhibit F)

Ordinance was approved to amend the Annual Operating Budget of the City of Sanford FY 2008-2009.

City Manager Hal Hegwer requested to replace Item H – Approval of Ordinance to Amend Chapter 10, Section 10-29 Division 2 of the Sanford City Code with an amended Ordinance which deletes the language that a permit has to be required under Section 26-42 of Chapter 26.

Council Member Mike Stone requested to remove Item H from the Consent Agenda to the Regular Agenda for discussion because this item was not discussed previously. Council Member Charles Taylor made the motion to approve the amended consent agenda. Council Member James Williams seconded the motion and it carried unanimously.

DECISIONS ON PUBLIC HEARINGS

Petition by Steve M. Malloy of Adcock & Associates, Ltd. - On behalf of S&S Associates Family Ltd. Partnership and Cam-L Properties, Inc. to rezone from LI, Light Industrial district, to C-2, General Commercial district, 0.50± acres located in the northeastern quadrant of the intersection of S. Horner Blvd. and Grimm Street. The property is the same as depicted on Tax Map 9652.20, Tax Parcel 9652-80-3808-00, and a portion of 9652-81-3113-00 Lee County Land Record Office. (Exhibit G)

Assistant Community Development Director Marshall Downey advised that the planning board discussed the petition on July 15, 2008 and unanimously recommended that the City Council approve the petition.

- Approval of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit H)

Council Member Steve Brewer made the motion to approve the Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. Council Member James Williams seconded the motion, and the motion carried unanimously.

REGULAR AGENDA

Approval of a Preliminary Plat for the Windmere Section of West Landing Subdivision. The design consists of 3.0± acres to be developed as 5 residential lots located off of a proposed extension of Windmere Drive. Developer: Westfall Sanford, LLC. – (Exhibit I)

Assistant Community Development Director Marshall Downey explained that this is a small addition to the existing West Landing Subdivision. It is a five lot addition to the subdivision and is an extension of Windmere Drive. He advised that the preliminary plat was taken before the Technical Review Committee for review and was approved for technical specifications by staff. The Technical Review Committee and the Planning Board recommended approval.

Council Member Steve Brewer made the motion to approve the preliminary plat. The motion was seconded by Council Member Walter McNeil, Jr., and it carried unanimously.

Approval of Resolution Directing the Clerk to Investigate a Petition for a Voluntary Annexation Encompassing Approximately 45.05 acres by Carolyn and Coy Broadwell and CRD Investors, LLC. The site is located approximately 423 linear feet south of the intersection of Commerce Drive and Hwy. 87 – (Exhibit J)

Planner II Elizabeth Whitmore stated this is a resolution directing the City Clerk to investigate a petition submitted by Carolyn and coy Broadwell and CRD Investors, LLC. She noted that the area to be voluntarily annexed consists of two parcels – one parcel consisting of approximately 8.05 acres and the other parcel consisting of 137.45 acres. This is an addition to Barrington Park that was annexed approximately a year ago. She advised that this voluntary annexation was brought up this past May for a public hearing and was withdrawn due to issues pertaining to permits and with the timing of the purchase of the property.

Mayor Pro Tem Joseph Martin made a motion to approve the Resolution Directing the City Clerk to Investigate a Petition for a Voluntary Annexation Encompassing Approximately 45.05 Acres by Carolyn and Coy Broadwell and CRD Investors, LLC. The motion was seconded by Council Member Linwood Mann, and it carried unanimously.

Approval of a Budget Ordinance Amending the City of Sanford Water and Sewer Utility Rate Schedule for Fiscal Year 2008-2009 – (Exhibit K)

City Manager Hal Hegwer explained that the budget ordinance reflects the revised water and sewer utility rate schedule for the fiscal year 2008-2009 for the utility fund. Staff recommends adoption of the budget ordinance.

Council Member Steve Brewer made a motion to adopt the budget ordinance. Council Member Walter McNeil, Jr. seconded the motion. Mr. Hegwer advised that these rates will be effective September 1, 2008.

Council Member Mike Stone stated that the hardest part he has with this increase, despite our need for the wastewater plant, is putting an overall 31 percent increase on seniors and people in the community who are on City water and sewer. He noted this is especially hard for him to swallow at a time such as now when a lot of people are having it rough and that even though 31 percent may be small to some, it will make it difficult for some. He stated that he thought we could have done some different things on grants and some different things with the federal government and the state government, but there was a time issue and that was why we had to push it so quickly.

City Manager Hal Hegwer clarified that it will be a cumulative 31 percent increase over five years. He noted that this year there will be a 5 percent increase in water rates and a 12 percent increase in sewer rates.

Council Member Steve Brewer noted the average family's bill will go up approximately \$60-\$65 a year for the first year and after that, it would increase approximately \$20-\$30 a year. Mr. Brewer said to say it's a 31 percent increase is a very dangerous thing to throw out there; it is an approximate \$5 increase on one's bill and, while he does not want to increase anyone's rates, he stated this is something we have to do to plan for the future just like the people before us did. He also noted that it is very important we take steps now so we can have water and sewer ten years from now.

Mayor Cornelia Olive stated there were a motion and a second. The vote was six to one in favor to adopt the Budget Ordinance Amending the City of Sanford Water and Sewer Utility Rate Schedule for Fiscal Year 2008-2009. Council Member Mike Stone cast the dissenting vote.

Discussion Regarding Leasing the Jaycee Hut – (Exhibit L)

Council Member Mike Stone stated that he has received a lot of phone calls and that he was a Jaycee for ten years. He stated that both groups (Central Carolina Jaycees and the Business and Professional Women/USA) are great groups and everyone loves them. We talked about letting the county take the property. However, he said he would really like to make sure this lease goes in the Jaycee's name for all their outstanding community events they do in the community. Mr. Stone said that you want to find something positive for young people in this community to be involved in to develop leaders.

Council Member Mike Stone made the motion to give the Jaycee Hut back to the Jaycees. City Attorney Patterson explained what she was seeking was to whom to lease the property. She clarified with Mr. Stone if his motion is to lease the property to the Jaycees. Mr. Stone replied yes. Attorney Patterson stated there is a process that must be followed before the City could enter into a lease, including advertising for ten days. She stated if the decision could be made as to whom the City intends to lease, she will put the ad in the paper and the Council can adopt a resolution to enter into the lease at the next regular meeting. Council Member Charles Taylor seconded Mr. Stone's motion. Council Member Walter McNeil, Jr. stated he would like to add a stipulation that the Young Women's Club will be able to share the building with the Jaycee's and any other community group that may want to be involved. Attorney Patterson commented that her conversations with both organizations indicated that both parties did not want to share the building. She added that we already have a stipulation in the lease that they would be

required to allow the building to be used for certain civic functions. Mrs. Patterson explained we could continue with that, including using the building as a polling place, if necessary, and that by putting "civic functions" in the language, there would be some recognition by the group that would end up with the lease that they would allow other groups to be there. She noted that, as far as putting a stipulation directly for the Business and Professional Women's Group, the indication she received was they would rather the lease go to one or the other. Council Member Walter McNeil stated he received a call stating they would like to share. City Attorney Patterson suggested the information may have changed since the time she spoke with the groups. Mayor Olive noted three members of the Jaycees were signed up for the public comment session and they could address this issue at that time. Attorney Patterson suggested having those persons speak at this time and Mayor Olive agreed it was important to hear what they had to say before a vote was taken. By consensus of the Council, it was agreed to call the speakers to the podium.

Mr. Andy Childress (former member of Central Carolina Jaycees), Mrs. Kelly Miller (Individual Development Vice Present of Central Carolina Jaycees), and Mr. Hampton Rutledge (2008 President of Central Carolina Jaycees) spoke. Each noted the importance of the Jaycees' contributions to the community and their desire to lease the building. They all stated they would be willing to share the building with other civic organizations. When asked by Mayor Olive what repairs/improvements the building needed, Mr. Andy Childress commented it was his understanding that the building was in need of a new roof and that there was a tree which would need to be removed. He also stated that he understood the Jaycees had already made contact with individuals who could perform these jobs.

Mayor Pro Tem Joseph Martin stated he would hope that if the building was to be shared, perhaps the organizations could share the costs of repairs to the building. He also noted that if a chapter had to go out and buy property to sustain itself, all the fundraising would go to the building and no one (including the community) benefits from that.

Council Member Steve Brewer said he thought it would be wonderful if the Jaycees take the building and share it with the community. He said perhaps the Council needs to look at the building and see if the City can help with the expenses of all the repairs that need to be done. Mr. Brewer suggested approving the direction that the Council would like to go in with the building and then let the City Attorney and the City Manager work the details out. Mayor Pro Tem Martin said he would like for Jaycee President Rutledge and his board to get together and deem appropriate what needs to be done with the building and get some preliminary figures to present to the Council so that possibly the City can assist with the situation.

Attorney Patterson stated the original deed the City received for the property does not specify a particular use for the property and that when the City gave the rest of the property to the county, the City did retain this building and refer to it in the deed as the "Jaycee Hut" in the description.

Council Member Steve Brewer noted that this particular community does not have a community building and that the "Jaycee Hut" is where they go to have their National Night Out and other events and that he thinks we need to invest in that neighborhood also.

Mayor Pro Tem Joseph Martin asked who owns the building beside the Jaycee Hut and Attorney Patterson stated that the County does. She added that County Attorney Dick Hoyle told her the County had attempted to sell the building numerous times and no one was interested in purchasing it. She did not know if they were asking that the building be moved off of the lot, but she knew they were unable to accomplish selling it. Council Member Mike Stone stated he would like to leave knowing the direction of the Council was to lease the building back to the Jaycees. City Manager Hegwer added that he had spoken with the County Manager and that his biggest concern was the appearance of the building, stating that there had been complaints and the fact that the building is right there in their park. The County had some vital interest and wanted to talk about it, but he had not had a chance to talk with his Commissioners. Mayor Olive stated perhaps the County would be willing to help the City with appearance and maintenance of the building and Council Member Steve Brewer agreed.

Council Member Mike Stone clarified his motion; his intent was to enter into the process of leasing the Jaycee Hut to the Central Carolina Jaycees. Council Member Charles Taylor seconded. The motion was passed unanimously.

Demolition and Clearance of 131 and 133 McIver Street

Executive Director of Downtown Sanford, Inc. David Montgomery recommended the Council approve the bid of Cecil Holcomb of Raleigh for demolition and clearance of 131 and 133 McIver Street. He explained that the recommendation to accept this bid is subject to checking the lowest bidder's references, licensing requirements, and other legal compliance. If awarded, the contract will be forwarded to the Legal Department for the City Attorney's review and signature by the mayor. Council Member Charles Taylor commented that he was glad we could get a good price on the project. Mayor Olive asked what kind of timetable we would be looking at, and Mr. Montgomery stated we are looking at fifteen days after the contract awards. He explained the deadline set by Community Development is to have the project complete by the end of the month. Mayor Olive asked what the total will be brought to on how much is being devoted to this project including the purchase price of the buildings and the demolition. Mr. Montgomery stated that it will be approximately \$150,000. Mayor Olive asked if we are going to pave it and Mr. Montgomery said we will not. Council Member James Williams asked if the City has worked with the lowest bidder before and Mr. Montgomery stated that we have. Attorney Patterson noted that Cecil Holcomb has done previous demolitions for the Code Enforcement Department. City Manager Hal Hegwer said it was important to note that this does fall within the range of the \$33,000 budget set forth for demolition, and that it was part of the overall grant.

Council Member Steve Brewer made a motion to accept the demolition bid from Cecil Holcomb provided that he passes review from the City Attorney. Council Member James Williams seconded and the motion carried unanimously.

Approval of Ordinance to Amend Chapter 10, Section 10-29 Division 2 of the Sanford City Code – (Exhibit M)

City Attorney Susan Patterson explained this is an amendment to our Business Privilege License Ordinance and that it was initially proposed to be a cross-reference to the addition for the Festivals, Special Events, Parades, & Picket Lines Ordinance where, if you needed to get a

permit for those, you would also be able to enter into a blanket \$50 license for all the vendors at that sort of an event. Mrs. Patterson stated that after looking into many different situations that happen around town with various festivals and groups who have functions in which there may be a concession where they sell food or beverage or where someone might sell music or books, or at an event where someone may provide some service such as face painting for which they charge a fee, there was a need for those vendors to be able to get a blanket license as well for the festival. The amendment deletes the reference to the parade permit that you would have to get under the other policy. This would allow any festival, special event, parade, picket line, and group demonstration that have vendors to provide for the business license to cover all those vendors with one blanket fee for that event.

Mayor Pro Tem Joseph Martin asked how we would handle the Lion's Club Fair. City Manager Hal Hegwer stated that, since they are a civic organization, they would have to get a permit, but they would not have to pay a fee. Mr. Martin then asked what the reasoning behind getting a permit is. Mr. Hegwer explained the permit is more of a police power permit in the sense that it is for events that take place on City property. He said we have not required a permit for the Lion's Club in the past, because it is on private property. Mr. Hegwer states that the permit helps the police acknowledge and realize that such an event is going on. Examples given by Mr. Hegwer included festivals and parades.

Attorney Patterson added there is an exception in the noise ordinance that if you receive a special event permit, you would not be cited under the noise ordinance because you can amplify sound for that event for a limited duration for which you have your permit. She also stated that under our exemptions for the Business Privilege License, there is already a non-profit charitable organization exemption. Council Member Mike Stone stated that everyone at the fair is working for profit, and, therefore, are not non-profit charitable organizations. He further stated he feels this discriminates from business-to-business. Mr. Stone expressed his feeling that this is one more example of how the privilege tax discriminates by helping one group and hurting another. He said the tax is not fair and the purpose of the tax is to raise more money, yet discussions during this meeting were geared towards waiving the fee. Mr. Stone said with this policy, instead of fifty people paying \$50, only one person pays \$50. Mr. Hegwer explained at an event where there are multiple vendors, each individual vendor would pay for a merchant's permit which would be \$100. For events that are only one to three days, the \$100 would be more than many vendors pay for an entire year. He stated the idea is to encourage vendors to come in from the outside for these types of events. Otherwise, if we charge everyone \$100 regardless of the type or length of event, many vendors would not participate. For example, Mr. Hegwer mentioned events that take place in Downtown, such as Artoberfest. Council Member Mike Stone stated he agrees it would be unfair to charge a one-day vendor \$100. Council Member Steve Brewer noted there are multiple fees the vendors must pay, such as fees for the health department for vendors who are selling food. Mr. Brewer mentioned all the steps which must be taken for a private business to hold an event versus the few requirements of a church or civic organization event.

Council Member Steve Brewer made the motion to approve the amendment and Council Member Linwood Mann seconded. The vote was five to two in favor to approve the ordinance to

amend Chapter 10, Section 10-29 Division 2 of the Sanford City Code. Council Members Mike Stone and Charles Taylor cast the dissenting votes.

Following the vote, Council Member Steve Brewer asked the dissenting voters to clarify if they were voting against the motion because they felt the Lion's Club needed to be charged. Council Member Mike Stone explained he cast a dissenting vote because he has been opposed to the privilege tax and feels certain groups are being eliminated. For example, he stated no one on the Council will say they want to charge the Lions or Jaycees because those clubs vote. Mr. Stone said he believes in being fair to all businesses and organizations and believes the fairest way would be to have no privilege tax. Council Member Steve Brewer pointed out to Mr. Stone they were not voting on the privilege tax, rather the language of the ordinance. Mr. Stone stated there will be many more exemptions in the future.

PUBLIC COMMENT

The individuals who signed up to speak did so in the subject regarding leasing the Jaycee Hut.

OTHER BUSINESS

Council Member Walter McNeil, Jr. thanked the coordinators, the City Clerk, and participators of National Night Out and noted there would be twenty-nine participating communities. Council Member Linwood Mann commended Mr. McNeil for his continued efforts with National Night Out.

Council Member Mike Stone stated he was excited to see the new park on Third Street; he feels the community will make good use of it, and he hopes for many more neighborhood parks.

Council Member Charles Taylor thanked the Jaycees for being vocal and diligent in their efforts to secure a home. He commented he feels there is a rich history and tradition that the Council needs to continue doing anything possible to facilitate the Jaycees. Mr. Taylor also mentioned he had requested a copy of the list for Itinerant Merchants Licenses, and he was disappointed to see only nine issued since 2007. He pointed out there were obviously more than nine people over the course of twelve months who sold things in the Wal-Mart parking lot, and he feels the message needs to be sent out about the license requirement and needs to be enforced.

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.

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

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK