

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 19, 2008, at 7:00 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 Charles Taylor delivered the invocation.

APPROVAL OF AGENDA

Mayor Pro Tem Joseph Martin requested to change the order of the meeting. He stated that he had mentioned in an earlier meeting about changing the Public Comment Period from the end of the agenda and he has discussed this issue with the City Manager. Mr. Martin made the motion to add Discussion Regarding Relocation of the Public Comment Period to the Regular Agenda. Seconded by Council Member Mike Stone, the motion carried unanimously.

Mayor Pro Tem Martin made the motion to amend the agenda today by moving the Public Comment Period to before the Regular Agenda. Seconded by Council Member Steve Brewer, the motion carried unanimously.

Mayor Pro Tem Martin made the motion to move Item 7E. – Consider Naming of Pineland Street/Martin Street Neighborhood Park from the Regular Agenda to right after the Public Comment Period. Seconded by Council Member Stone, the motion carried unanimously.

On motion of Council Member Walter McNeil, Jr., and seconded by Council Member James Williams, the amended agenda was approved.

CONSENT AGENDA

Approval of Law and Finance Committee Meeting Minutes Dated July 9, 2008 - (Filed in the City Clerk's Office)

Approval of Joint Meeting of the Sanford City Council, Lee County Commissioners, and Town of Broadway for BRAC Presentation Dated July 28, 2008 – (Filed in Minute Book #70)

Approval of Resolution Authorizing the City Council to Enter Into a Ten-Year Lease with Central Carolina Jaycees – (Exhibit A)

Resolution was approved authorizing the City Council to enter into a ten-year lease with the Central Carolina Jaycees to lease the city-owned building located at 809 Tryon Street for \$1 per year.

Approval of Resolution Authorizing the City Council to Enter Into a Ten-Year Lease with Sanford Lions Club - (Exhibit B)

Resolution was approved authorizing the City Council to enter into a ten-year lease with the Sanford Lions Club to lease a 155' x 230' portion of a city-owned lot located on Fifth Street for \$1 per year.

Approval of Modification of Restrictive Covenants for Brick Capital Lots – (Exhibit C)

Modification of restrictive covenants for Brick Capital Lots – Block G, Lot 16 on Crestview Street and Block Q, Lots 10 and 11 on Washington Avenue, to change the terminology that states the lots will be for “single-family owner-occupied” to include rental terminology was approved.

Approval of Modification of Restrictive Covenants for New Bethel Free Will Baptist Church – (Exhibit D)

Modification of restrictive covenants for New Bethel Free Will Baptist Church was approved to waive the requirement of building a single-family residential home on it and allow a church building to be built on it. The city sold Lula McLean two lots in the Redevelopment area on Washington Avenue in 2000, and she never built on the lots. Ms. McLean left the two lots to New Bethel Free Will Baptist Church in her estate.

Approval of Resolution in Support of the Temporary Closure of a Portion of Church Street for the Purpose of a Church-Sponsored Outdoor Event – (Exhibit E)

Resolution was approved to close Church Street between Boykin Avenue and Oddfellow Street on Sunday, September 28, from 9 A.M. until 4 P.M. St. Mark United Church of God submitted the request.

Approval of Resolution Exempting the City of Sanford from the Mini Brooks Act for the Renovation of a Portion of City Hall and Addition to Fire Station #2 – (Exhibit F)

Resolution was approved exempting the City of Sanford from the Mini Brooks Act for the renovation of a portion of City Hall and the addition of approximately 704 sq. ft. to Fire Station #2. The resolution allows the city to negotiate directly with Mullins & Sherman Architects to perform the professional services for these two projects.

Approval of Authorization to Execute Municipal Agreement for 2008 Pedestrian Planning Grant – (Exhibit G)

Authorization to execute the Municipal Agreement for 2008 Pedestrian Planning Grant was approved. The City of Sanford was awarded a Pedestrian Transportation Planning Grant from the North Carolina Department of Transportation. The grant is \$40,000, which is 70 percent with a 30 percent match. The City is responsible for \$12,000 of the \$40,000 grant.

The consent agenda items were approved upon motion of Council Member Mike Stone. Seconded by Council Member Steve Brewer, the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS

Consider Amendment to the Unified Development Ordinance (UDO) Regarding Accessory Dwellings in the R-6, R-10, R-12, and MF-12 Residential Zoning Districts. – (Exhibit H)

- Consider Motion to Take From the Table Discussion Regarding Amendment to the Unified Development Ordinance (UDO) Regarding Accessory Dwellings in the R-6, R-10, R-12, and MF-12 Residential Zoning Districts

Council Member Linwood Mann made the motion to take this item from the table for discussion. Council Member Walter McNeil, Jr. seconded the motion and the motion carried unanimously.

Assistant Community Development Director Marshall Downey advised that this item was tabled at a Council meeting in June and was part of four amendments staff had proposed. He said if council could recall, this was to allow two single-family detached structures on one parcel in the R-6, R-10, R-12, and MF-12 districts. Council expressed concerns about this being allowed in the R-6 district because it is a high-density district. There were comments about parking issues also in R-6 district. Staff has made some changes and removed the R-6 and MF-12 districts from the amendment. With the revised amendment, it would only be allowed with the issuance of a Special Use Permit from the Board of Adjustment in the R-10 and R-12 districts. Staff added language to make sure that any proposed off-street parking would have to be designated parking areas such as gravel, concrete, etc.; you could not park on the turf or grass.

- Consider Ordinance Amending the City of Sanford Unified Development Ordinance – (Exhibit I)

Council Member Linwood Mann made the motion to approve the Ordinance Amending the City of Sanford Unified Development Ordinance. Seconded by Council Member Steve Brewer, the motion carried unanimously.

PUBLIC COMMENT

Wayne Gamble, residing at 918 Lansing Street stated that he was not here to argue, but he was here to speak about naming the Pineland Street/Martin Street community park after Council Member Walter H. McNeil, Jr. Mr. Gamble said he was not here to argue the fact that it should or should not be, but to state the fact that it should be. He said Mr. McNeil is a long-time educator and often times, our teachers and educators are the least honored people in our society. They give the most value in most cases and touch a lot of lives. Mr. Gamble stated that we should honor Mr. McNeil and name the park after him, not just because he has been an educator, but because he has served his seat well. He has been a good person in the community and supported all the communities; he has been very instrumental in bringing the National Night Out to the City of Sanford. The neighbors would like to give recognition to Mr. McNeil by naming the park after him. None of the residents on Makepeace, Lansing, Greenland, Pineland or Martin Streets sought to make this a political issue. Mr. Gamble said he read in the paper about the previous structures being name after Mr. Hale and Mr. Dennis A. Wicker and read something about not setting a precedent. The precedent has already been set. He said we have

had twenty years plus that a policy could have been adopted regarding naming public buildings, roads, and other places after individuals who are still alive; that has already been done. He said it is not political and let's do what is right. He said nobody thought that it would come to this point; they just wanted to honor someone who deserved the recognition.

Ricky Tysor, residing at 502 Pineland Street, stated that about a year ago, Pineland Street was a terrible place. They had elderly people that used to come out and work in their yard, but they could not because of the shootings every night. Mr. McNeil had the police mobile unit to be placed there and had no parking signs installed so that law enforcement could enforce it. He said it is totally different now; older people work in their yards and the kids love the pocket park. Mr. Tysor said he got a petition up to see what the neighbors wanted to name the park. He thought about Mr. McNeil; every person he went to was so excited to name the park after Mr. McNeil because he worked so hard for the neighbors. He has done a lot of good things for the community, and the neighbors would like to honor him. Mr. Tysor commented not to wait until a person is dead to honor them; honor them while they are living. On National Night Out, they submitted the petition to Mr. McNeil and he was speechless. The community is outraged about this issue, and they never thought they would be here talking about this. He received twenty-one names but he could have gotten 10,000 names. Mr. Tysor said the City asked them what they wanted to name the park and the residents came up with Walter McNeil.

Consider Naming of Pineland Street/Martin Street Neighborhood Park – (Exhibit J)

Council Member Walter H. McNeil, Jr. requested council members to recuse him from discussion and voting on this item. Council Member Steve Brewer made the motion to recuse Mr. McNeil from discussion and voting on this item. Seconded by Council Member Charles Taylor, the motion carried unanimously.

Operations Manager Tim Shaw advised that both parks are open and seem to be an attraction for the neighborhoods. There have been very little litter issues.

Council Member Steve Brewer made the motion to name this park W. H. McNeil, Jr. Park and comply with the request of the neighbors. Mayor Olive asked if it would be W. H. McNeil, Jr. or Walter H. McNeil, Jr. Park. Mr. Brewer replied whatever the residents want it to be. Council Member James Williams seconded the motion.

Council Member Mike Stone said he has known Walter McNeil for over thirty years and there is not a finer individual and he would support Walter. He said this has been one of the hardest decisions of anything, because he believes we have to set a standard but tonight he is going to set a standard for Walter McNeil. Mr. Stone said he wanted to set policy for this city, because he did not want it to become a political event of personalities. Mr. Stone said he would like to add to the motion that we name the park after Walter McNeil, but staff comes back with a recommendation in sixty days as to how we set policy in the future. Mr. Brewer did not accept the amendment. Mr. Brewer stated that this can be talked about at a later date and we need to name this park.

Mayor Pro Tem Martin agreed with Mr. Brewer but he agrees with Mr. Stone also. He did not think we can have policy and procedure for everything that is going to come up at a council meeting. A policy and procedure does not need to be added on to the motion. Mr.

Stone said Council is fortunate in that this is Walter McNeil's name we are looking at; however, in the future there are no guarantees.

Council Member Charles Taylor stated that he has spoken out against naming this park after an elected official. He also said that often times when there are naming conventions in place, there are usually provisions that state the person must be deceased or not active. He said it is nothing against Walter McNeil's service; he has done a wonderful job in education. Mr. Taylor said he was the son of an educator and values the fact of his service in the school system. Mr. Taylor stated that he has talked with people in his ward and respected the fact that Mr. Gamble and Mr. Tysor came here tonight and appreciated their efforts. Mr. Taylor added that his source of contention is naming anything after somebody sitting in office as we speak. Fortunately Mr. McNeil is a fine individual, but that may not be the case down the road. Mr. Taylor questioned if Council is setting itself up down the road potentially in a litigious situation where a group can be discriminated against when they come to Council on a naming convention whether it be City Hall or Public Works. He asked if they are setting themselves up for a potential sexual discrimination, racial, origin, ethic, any type of discrimination down the road if council does not vote favorably on an item being named after a certain individual. Attorney Patterson replied that it would be speculation, like asking her to look into a crystal ball. She could not tell them whether they would be setting themselves up for litigation because that depends on who brings a suit. However, naming something after somebody is entirely within the discretion of this Council. It is not necessarily precedent setting unless you want to look at it from the standpoint of if it is allowed one time; it could be allowed again. She said if you name something after somebody, someone could take offense to that, and sue you for discrimination; but this does not open Council up to any further liability than any other action that Council takes. It is completely discretionary on the part of Council.

Council Member Mann said we need to vote on the motion. The vote was five to one with Council Member Charles Taylor casting the dissenting vote. Mr. McNeil was recused from voting.

REGULAR AGENDA

Consider Barrington Park Voluntary Annexation Encompassing Approximately 145.05 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

- Receive Certificate of Sufficiency – (Exhibit K)
City Clerk Bonnie White verified that the petition was sufficient.
- Consider Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 – (Exhibit L)
Community Development Director Bob Bridwell advised that the resolution sets a public hearing for annexation on September 2, 2008, at 7 P.M. Mayor Pro Tem Martin made the motion to adopt the resolution fixing date of public hearing. Seconded by Council Member Stone, the motion carried unanimously.

Consider Resolution Fixing Date of Public Hearing for Stewart-James LLC Property Contiguous Annexation Encompassing Approximately 35.88 Acres Located South of the Intersection of Cool Springs and Carbonton Road – (Exhibit M)

Community Development Director Bob Bridwell advised that the resolution sets a public hearing for annexation on September 2, 2008, at 7 P.M. Council Member Steve Brewer made the motion to adopt the resolution fixing date of public hearing. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Consider Award of Architectural Contract for Renovations to Interior City Hall – (Exhibit N)

Public Works Administrator Laura Spivey explained that this is a contract with Mullins and Sherman in the amount of \$10,900 for architectural services. The architectural services are for renovations to the water department collection counter and engineering, community development entrance revisions, construction documents, specifications, bid processing, and construction observation and administration services. Council Member Linwood Mann made the motion to approve this contract with Mullins and Sherman. Seconded by Council Member James Williams, the motion carried unanimously.

Consider Award of Architectural Contract for Addition to Fire Station #2 – (Exhibit O)

Public Works Administrator Laura Spivey explained that this is a contract with Mullins and Sherman in the amount of \$12,000 for architectural services. The architectural service is for the 700 square foot addition and renovations to Fire Station #2 on Woodland Avenue. Council Member Steve Brewer made the motion to approve the contract with Mullins and Sherman. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Discussion Regarding Relocation of the Public Comment Period to the Regular Agenda

Mayor Pro Tem Joseph Martin made the motion to move the public comment period to right after the decisions on public hearings. 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

Council Member McNeil thanked the residents of Pineland and Martin Streets and the council for their consideration in naming the park after him.

Mayor Pro Tem Martin apologized to Mr. Taylor for some comments he had made to him on the phone. Mr. Martin said he appreciates the level of service Mr. Taylor brings to the council.

Mr. Martin stated that Mayor Olive is the individual that brought the community parks into play and if the Third Street Park does not happen to be named after her, a park needs to be.

Mr. Martin thanked Mr. McNeil for initiating National Night Out in Sanford. He thanked staff and the neighborhood coordinators for making it a community effort.

Council Member Mann thanked Council for a wise decision in naming the park after Walter McNeil.

Council Member Stone thanked the residents that spoke at public comment in favor of naming the park after Mr. McNeil because more involvement is needed from the public. Mr. Stone thanked Mr. McNeil for his service and for everything he has done for this community and said it is a pleasure to serve with him on this council.

Council Member Brewer congratulated Mr. McNeil for the park being named after him. Mr. McNeil will have served on this council for thirty-one years when this term expires.

Mr. Brewer said there is an infomercial about Sanford. It shows some beautiful sites and it shows some blighted areas such as a burned out house, McIver School, and the old Whitin-Roberts building. The infomercial states that the city should be taking care of these problems. Mr. Brewer assured the public that council and staff are working on these sites. He explained what is being done on each of the buildings on the infomercial. Council is working hard to make the appearance of Sanford a lot better.

Council Member Williams concurred with Mr. Brewer's comments regarding the infomercial. He thanked the residents for coming out and showing their support for Mr. McNeil.

Council Member Charles Taylor congratulated Mr. McNeil on a job well done and his service to his community.

Mr. Taylor said we still have \$25,000 that is allotted from the ABC Board, and he would like to see more benches put out at these respective parks along with the site on Sunset Street.

Mayor Olive mentioned that a plaque regarding the Heins family has been placed in the lobby of City Hall that explains the evolution of telephony. She thanked Building and Grounds Superintendent Steve Stewart for his work on this project.

Mayor Olive mentioned that Bill Hicks and people involved with churches have been working to improve McIver School. They have been given a break on the rent so they can upgrade the gymnasium as much as possible. They are feeding residents of the area. It started as a monthly project and it has increased considerably. She added that they have dreams of turning that into a shelter for unwed mothers and teaching of unwed fathers. There is a lot of potential in that building. She thanked Sandra Wilson for her contribution in this effort.

ADJOURNMENT

With no further business to come before the council, the meeting was adjourned on motion of Council Member Steve Brewer; seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK