

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 2, 2009, 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 Walter McNeil, Jr. delivered the invocation.

PUBLIC COMMENT – (Exhibit A)

Kathryn Moore, residing at 207 South Ninth Street, spoke against the proposed fencing ordinance for residential properties. She said that citizens have installed fences as an expensive last resort after numerous break-ins resulting in loss of property, property damage, bodily harm, as well as, a loss of a sense of security. Police come when called but the damage is already done. Passing the ordinance would victimize these citizens again. She stated that in the ordinance there is no mention of forbidding the same type of fencing including Constantine wire around businesses and neighborhoods. This sends a message that private citizens' lives and properties are not as important. She said that property tax dollars paid by these victims were used to install six-foot, barbed-wire fencing around City property. There are at least forty businesses with the forbidden fencing. Passing this ordinance without including businesses would be a double standard and a failure to protect the property rights and lives of the people Council represents. Ms. Moore also stated that the notice that was put in the *Sanford Herald* about the four amendments that were discussed were not clear. The first amendment regarding the fencing was worded to create a new residential design standards overlay zoning district. She said it was extremely vague and no citizen would have known this amendment was about fencing. The other three amendments were clear about the changes.

Alexandro Martinez, 332 Midland Avenue, spoke against the fencing ordinance. Several years ago, he lived at 110 Fifth Street, and he was robbed three times in one year and that is the reason he decided to install a fence at his place for safety purposes.

APPROVAL OF AGENDA

City Manager Hal Hegwer requested to add one item under the Special Agenda – Presentation by Fisher McMillan and two items to the Regular Agenda: (1) Consider a Time Limit Extension for Hawkins Avenue Subdivision and Consider a Stimulus Package for HAVEN's Homeless/Domestic Violence Shelter -\$600,000.

On motion of Council Member Charles Taylor, seconded by Council Member James Williams, the amended agenda was approved.

CONSENT AGENDA

Approval of Resolution to Temporarily Close a Portion of Chatham Street in Support of an Antique Car Show – (Exhibit B)

Resolution was approved temporarily closing a portion of Chatham Street between Charlotte Avenue and McIver Street between the hours of 6 A.M. to 6 P.M., in support of an antique car show to be held on June 6, 2009.

Approval of Resolution by the Sanford City Council for Veteran Government Bond, Stamp, and Coin Program – (Exhibit C)

Resolution was approved in support of a veteran government bond, stamp, and coin program to help veterans and their families.

Approval of Privilege License Tax Refunds for General Shale Brick and Monk's Furniture - (Exhibit D)

Approval was granted to refund the difference General Shale Brick overpaid in 2008 for business conducted in the County. They reported gross receipts for business conducted in the City and County. Approval was granted to refund Monk's Furniture privilege tax paid in 2008 as it is located outside the City limits.

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

SPECIAL AGENDA

Fisher McMillan introduced Alexander Brower III, President of the Lee County Conference of the North Carolina NAACP. Mr. Brower stated that every once in a while you meet someone that gives you that warm, fuzzy feeling and has the compassion and motivation to make things better. You also meet someone that will do exactly what they say and are fair-minded about it. Mr. Brower said that they had two people in their community, Ms. Marea Singletary and Ms. Mary McLean, who were those kinds of people. The NAACP decided to create an award in recognition of such outstanding service to our community. Each year during the Martin Luther King celebration, an award is given out. This past year, the awardee was unable to be there so they decided to present the award tonight. They presented the Mary McLean and Marea Singletary Award to Mayor Cornelia Olive for her outstanding service to the community. Mayor Olive thanked the members of the NAACP and said that it was an honor to receive the award.

CASES FOR PUBLIC HEARING

Public Hearing on Annual Budget for Fiscal Year 2009-2010

Mayor Olive advised that she would open the public hearing for the budget issues and a separate vote will be taken on each item. City Manager Hal Hegwer stated that the public hearing will be for any citizen wanting to speak on the budget and then a vote will be taken on the water and sewer utility rate schedule ordinance and the second vote for the adoption of the Fiscal Year 2009-2010 Operating Budget.

Mayor Olive opened the public hearing. No one spoke in favor or in opposition. With no one requesting to speak, the public hearing was closed.

- Consider Adoption of Budget Ordinance – Water and Sewer Utility Rate Schedule for Fiscal Year 2009-2010 – (Exhibit E)

Council Member Mike Stone made the motion to adopt the water and sewer utility rate schedule to increase water rates by 2 percent and to increase sewer rates by 4 percent. Council Member Taylor seconded the motion. City Manager Hal Hegwer stated that these percentages are not what he recommended in this proposed ordinance. The ordinance failed to pass by a two to five vote. Council Members McNeil, Mann, Martin, Brewer, and Williams casting the dissenting votes.

Council Member James Williams made the motion to adopt the budgeted utility rate ordinance as presented. Council Member McNeil, Jr., seconded the motion. The ordinance passed with a five to two vote. Council Members Stone and Taylor cast the dissenting votes.

- Consider Adoption of Annual Budget Ordinance for Fiscal Year 2009-2010 – (Exhibit F)

Council Member Steve Brewer made the motion to adopt the Annual Budget Ordinance for Fiscal Year 2009-2010. Mayor Pro Tem Joseph Martin seconded the motion, and it carried unanimously.

DECISIONS ON PUBLIC HEARINGS

Petition by Norman Block of CRD Investors, LLC- to rezone 251.49+/- acres from the current (Revised) Barrington Park Conditional Zoning District to Barrington Park Conditional Zoning District (Design #3) an area of land located along the southwest side of Commerce Drive in the South Point business park. The conditional zoning district will include a mix of single-family detached homes, town homes, apartments, as well as non-residential uses such as office-institutional and retail commercial uses. The property is the same as depicted on Tax Map 9660.01, as Tax Parcels 9660-18-0558-00, 9660-18-4369-00, 9660-37-6982-00 (part of), 9660-16-7151-00, 9660-15-0255-00, 9650-97-8129-00, 9660-17-4311-00, 9650-98-9031-00, 9660-07-7574-00, Lee County Land Records Office.- (Exhibit G)

Assistant Community Development Director Marshall Downey advised that this is a conditional zoning petition, and this is the third revision to Phase I. It is a redesign at the area in and around the pool and green space area. The Planning Board discussed this petition and recommended unanimously that Council approve the petition.

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

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

Petition by Aja McLeod on behalf of Works For Christ Christian Center, Inc. - to rezone 2.00+/- acres addressed as 1395 Fire Tower Road from the current R-12 Residential-Mixed Zoning District to Works For Christ Christian Center, Inc. Conditional Zoning District. The property is the same as depicted on Tax Map 9642.03, as Tax Parcel 9642-30-7258-00 Lee County Land Records Office.- (Exhibit I)

Assistant Community Development Director Marshall Downey advised that this is a conditional zoning petition. This was discussed at Council's last meeting, and the reason for the request is to lease space from the church for a youth center for school age kids. The Planning Board discussed this petition and recommended unanimously that Council approve the petition.

- Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit J)
Council Member Mike Stone made the motion to adopt the Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. Seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

Consideration of a Text Amendment to the Unified Development Ordinance (UDO) to Create New Residential Design Standards Overlay Zoning District. – (Exhibit K)

Assistant Community Development Director Marshall Downey advised that this text amendment is for the creation of a new overlay zoning district. This would be a set of tools that would be added to the Unified Development Ordinance. The Planning Board discussed this petition and recommended unanimously to add this text to the ordinance. Mr. Downey clarified that these standards do not apply to any properties or any areas within the City. This applies to Ward 1 only.

Council Member Brewer explained that this fence ordinance will not affect anyone that has a fence currently. He specifically wanted it for Ward 1, because there are many restrictive covenants on fencing that are running out. Some have already run out. Mr. Brewer advised Ms. Kathryn Moore that this Council is aware of the reasons they have fences in their neighborhoods and is aware of the security problems they are facing. It is a two-fold process and that is the reason they are looking at the overlay district in certain areas and not on the City as a whole. Mr. Brewer added that this amendment is to protect the aesthetic integrity of neighborhoods in Ward 1. There are no plans to put it in other wards. It is strictly for Ward 1 for places that already have rules like this in place.

- Consider Ordinance Amending the City of Sanford Unified Development Ordinance – (Exhibit L)
Council Member Brewer made the motion to adopt the Ordinance Amending the City of Sanford Unified Development Ordinance. Seconded by Mayor Pro Tem Martin, the motion passed six to one with Council Member Charles Taylor casting the dissenting vote.

Consideration of a Text Amendment to the Unified Development Ordinance (UDO) to Permit Social Assistance, Welfare and Charitable Service Uses Within the (LI) Light Industrial Zoning District.-(Included in Exhibit K)

Assistant Community Development Director Marshall Downey advised that Mr. Hicks requested this text amendment. He is looking to expand the uses at the old McIver School to include a homeless shelter as well as vocational training. In order to make this happen, there needs to be an amendment to the Light Industrial District. The Planning Board discussed this and recommended unanimously that Council approve this text amendment.

Mayor Pro Tem Martin asked for clarification purposes that if this conditional use is put on this property and this entity goes away, this property has the same right for somebody else to come in and do the same service. Mr. Downey clarified that if the Special Use Permit was granted by the Board of Adjustment for Mr. Hicks at this site, it would run with the land.

- Consider Ordinance Amending the City of Sanford Unified Development Ordinance – (Exhibit M)
Council Member Charles Taylor made the motion to adopt the Ordinance Amending the City of Sanford Unified Development Ordinance. Seconded by Council Member Mike Stone, the motion carried unanimously.

Consideration of a Text Amendment to the Unified Development Ordinance (UDO) to Revise Standards for Seasonal Fresh Produce Stands as it Relates to ETJ Areas.-(Included in Exhibit K)

Assistant Community Development Director Marshall Downey explained that this is an update to the current standards for temporary, seasonal fruit stands. The Gross Farms representatives came and spoke at the public hearing. They intend to set up in the City's ETJ. When staff looked at the different options for them, they found the current rules to be restrictive in the ETJ for this use. One of the options staff presented to the Joint Planning Commission was to expand the time line for produce stands in the ETJ to treat them like the County. The Planning Board recommended unanimously to approve the text amendment.

- Consider Ordinance Amending the City of Sanford Unified Development Ordinance – (Exhibit N)
Council Member Linwood Mann made the motion to adopt the Ordinance Amending the City of Sanford Unified Development Ordinance. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Consideration of a Text Amendment to the Unified Development Ordinance (UDO) Regarding Changes to the Current Standards for Free Standing Ice Vending Units.-(Included in Exhibit K)

Assistant Community Development Director Marshall Downey stated that "Twice the Ice" recommended some changes to this text amendment. Those changes were to allow faux brick material to the façade; change some roof line requirements, change some requirements to the steps, and some standards to the bollards.

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

Council Member Mike Stone made the motion to adopt the Ordinance Amending the City of Sanford Unified Development Ordinance. Seconded by Council Member Brewer, the motion carried unanimously.

REGULAR AGENDA

Consider Ordinance to Assign Recently Annexed Areas to a City Electoral Ward – (Exhibit P)

Community Development Director Bob Bridwell explained that the ordinance assigns recently annexed areas to a City Electoral Ward. The Stewart-James LLC property was assigned to Ward 1; Roy E. Mashburn property assigned to Ward 1; CRD Investments property assigned to Ward 5; and Coy and Carolyn Broadwell property to Ward 5.

Mayor Pro Tem Martin made the motion to adopt the Ordinance to Assign Recently Annexed Areas to a City Electoral Ward. Seconded by Council Member Mann, the motion carried unanimously.

Consider a Time Limit Extension for Hawkins Avenue Subdivision – (Exhibit O)

Assistant Community Development Director Marshall Downey advised that staff received a request from Developer Frank Weaver of Weaver Companies to extend the time for expiration of the approved preliminary plat for a subdivision located off Hawkins Avenue. The preliminary plat was approved on June 5, 2007, and the time is running out. There is a two-year window for preliminary plats to stay valid, and this plat expires this week. The time limit can be extended one to two years.

Council Member Brewer made the motion to approve a one-year extension. Seconded by Council Member Stone, the motion passed by a six to one vote, with Council Member Linwood Mann casting the dissenting vote.

Consider a Stimulus Package for HAVEN's Homeless/Domestic Violence Shelter -\$600,000 – (Exhibit R)

Community Development Director Bob Bridwell stated that staff attended a workshop last week with the Division of Community Assistance on stimulus funding that was going to be made available for homeless projects. The State is giving us a very limited time frame to apply which is June 12, 2009, by 5 P.M. These projects need to be shovel-ready which means the planning and preparation is done. HAVEN has a project ready for a new shelter located on Bracken Street and South Horner Boulevard. Their plans went to the Technical Committee last week. Mr. Bridwell and Karen Kennedy met with Kate Rumely, with Brick Capital Community Development Corporation this afternoon. Staff is requesting Council to allow City staff to serve as the applicant on behalf of the City with the sub-recipient being HAVEN, Inc. and the project manager being Brick Capital CDC. Staff is asking for permission to apply for \$600,000 in stimulus funding for this project. Other funding sources are also being pursued for additional funding. The grant does not require any match on behalf of the City.

Mayor Olive stated that Mr. Bill Hicks is working on a homeless shelter also and could both apply. Mr. Bridwell replied that if Mr. Hicks was further long in his preparations, he

could. Staff hopes there will be a second round of funding for homeless shelters. Congress passed approximately \$50 billion in funding for homeless shelters. Staff just received the criteria last Thursday and it is due June 12.

Council Member Mann made the motion to approve the application for stimulus funding for HAVEN's Homeless/Domestic Violence Shelter. Seconded by Council Member McNeil, 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 stated there have been some problems in the Pineland Street area, and he would like to try to get a grip on what is going on in that area. The perception is that the City is not doing anything. The Police Department is working as hard as they can in that area. He would like to have a meeting with Council to come up with some kind of concerted effort to put some pressure on the people in that area and people that come into that area about getting something done. Nobody should have to live in a situation where they are afraid to go to bed at night or sit on their front porch. He looked forward to working with Council on getting something done for that area.

Mayor Olive asked if he would like to have a closed session with the City Manager and the Police Chief to see if we can come up with some ideas. Can we have a closed session to do this; it would seem if we are talking about police strategies, that it would qualify. Attorney Patterson replied that she would search the law to see if it was an acceptable reason to go into closed session; they do not allow you to do general police matters in closed session. Police strategy is confidential, but under the direction of the Police Department. Mr. McNeil stated that if police strategy goes out before the public, people will know what you are going to do.

Council Member Mann added that this is a Police matter and they should address it; if the Police Department needs Council's help, then Council should give them all the support they can. He felt they are working on it now. Mayor Olive said that it is terrible to be living in a war zone.

Council Member McNeil thanked General Services Director Tim Shaw for getting the Martin Luther King Park started. It looks good where they have graded it and it is on its way.

Mayor Pro Tem Martin commended the Mayor on receiving the NAACP award. He thanked the City Manager, Finance Department, and all the staff for their hard work on another tough budget.

Mr. Martin said he has also received a lot of phone calls regarding the Pineland Street area. Until we come up with something, hopefully, we can send some type of police presence to let the residents know that we care about them.

Council Member Mann complimented City staff on the work they did with the budget.

Council Member Stone stated that he would like for us to get more involved with Jimmy Love and our court system. We are having a big problem with guys getting into jail, and they beat us out before our officers get finished writing the reports. No one wants to talk about it. The only good thing that comes out of all this is the fact that East Sanford has been dealing with this for years with the crime and break-ins they have had. Mr. Stone said that it is a Police matter, but it is their job to put the pressure on the Police, our chief, and let them know that Council is getting pressure. This Pineland problem has brought about a tremendous amount of pressure to him and everyone on the Council. We need to step outside the box and find out what Jimmy Love can help us do in Raleigh to help with our court systems that are not going on here presently.

Mr. Stone asked if we are still in the process of putting the Council agendas on television for our meetings. He also wants to make sure that when staff puts advertisements in the paper that the public can understand what is being voted on.

Council Member Brewer echoed Mr. Stone's comments about Jimmy Love being involved. He stated that if the *Sanford Herald* reporters would go to the courthouse and write down who the judge is, who the District Attorney is, what the offense is, and how they are letting them out with a slap on the hand, we will see those things stop, because there will be some accountability. It is a shame because criminals are not getting any time for it. Police are locking up people every day, and the public needs to know that nobody is doing anything at the courthouse except prosecuting about twelve superior court cases each year and the rest are plea-bargained out or let go.

Council Member James Williams thanked staff for their work on the budget.

Council Member Taylor thanked Police Officer Philip Mauldin for going out to Hawkins Run on Saturday with the Police Mobile Unit. He also did some Child I.D. kits. He encouraged the public to ask for these kits for their children; they are provided free of charge.

Council Member Taylor stated that actual identification has been issued from the Department of Transportation that they are not going to take up the pottery and the gateway with the stimulus money. It was too much of a contentious issue at this time. They awarded three gateways. As it stands now, the pottery issue is a dead issue.

Council Member Brewer reminded the public that if they have an alarm system in their business or home, to please update their call list. There have been several instances where an alarm company would call someone on a business and that individual did not work for the business anymore. The Police were at odds to find out who to call to get into the building to turn the alarm off.

Mayor Olive stated that she wanted to mention something about Cultural Resources. She went to the public hearing in Raleigh, and she felt we presented our case well on our interest in being involved in the pottery heritage area. We had been excluded from that area. When they got to the Cultural Resources hearing, they realized that everything was a foregone conclusion. She said that regarding the suggestions they had, they were told that the decisions had already

been made and the proposal had to be in to the Department of Transportation by this past week. The decision to delay or postpone the inclusion of the pottery area was probably a really good one.

City Manager Hal Hegwer announced that two arrests were made today regarding the issue in the Pineland area.

Mr. Hegwer thanked Sanford Contractors for the grading work they did for the Martin Luther King Park. He said that around April 14, we applied for four additional police officers. At that time, there was \$1 billion in funding available for police officers. They have received 7,272 applications which correlate to an expenditure of \$8.3 billion. That would fund about 39,000 police officers. They will fund about 12 percent of the officers requested. They emailed him stating that they received the City's application and everything looked good. Hopefully, we will hear something by September 30, 2009.

Mr. Hegwer thanked the Finance Department staff in preparation for the budget.

Mayor Olive thanked the members of the NAACP for the award they presented her.

ADJOURNMENT

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

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK