

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, September 1, 2009, at 7:00 P.M. The following people were present:

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| Mayor Cornelia P. Olive | Council Member Linwood S. Mann, Sr. |
| Council Member Charles Taylor | Council Member Walter H. McNeil, Jr. |
| Council Member Mike Stone | Council Member Steve Brewer |
| City Manager Hal Hegwer | |
| City Clerk Bonnie D. White | |

Absent: Mayor Pro Tem Joseph Martin
Council Member James G. Williams
City Attorney Susan C. Patterson

Mayor Olive called the meeting to order. Council Member Walter McNeil delivered the invocation.

PUBLIC COMMENT

No individual signed up to speak.

Mayor Olive welcomed members of Boy Scout Troop 942 sponsored by St. Luke Methodist Church who are working on their Citizenship in the Community badges as a requirement for advancement in rank. She handed the scout leader city pins to be presented to the scouts.

APPROVAL OF AGENDA

City Manager Hal Hegwer asked to add an item under Regular Agenda as Item B— Consider Capital Project Ordinance Amendment, making Item C the Resolution to Award the Clearwell Rehabilitation Project to Haren Construction.

On motion of Council Member Linwood Mann; seconded by Council Member Walter McNeil, the amended agenda was unanimously approved.

CONSENT AGENDA

Approval and Release of Law and Finance Committee Closed Session Minutes Dated May 27, 2009 – (Filed in Vault)

Approval and Release of City Council Closed Session Minutes Dated July 21, 2009 – (Filed in Vault)

Approval of August 12, 2009, Law and Finance Committee Minutes - (Filed in Vault)

Approval of August 18, 2009, City Council Minutes – (Filed in Minute Book 72)

Approval of Resolution Authorizing the Advertisement of a Public Auction and an Electronic Auction to Sell Certain Personal Property of the City of Sanford – (Exhibit A)

Resolution was approved to authorize the advertisement of a public auction and an electronic auction to be held on Saturday, September 26, 2009, beginning at 9 A.M. There will be some items with a reserve amount on them. If they do not bring the reserve price, then they will be put on GovDeals.

Approval of Resolution Declaring the Intention of the City Council to Consider the Closing of an Alley Adjacent to 505 Greensboro Avenue - (Exhibit B)

Resolution was approved declaring the intention of the City Council to consider the closing of an alley adjacent to 505 Greensboro Avenue. A public hearing will be held on October 6, 2009, at 7 P.M., for citizen input. A petition was received from Tim Knowles at 505 Greensboro Avenue to close the alley.

Approval of Ordinance Amending the Annual Operating Budget for Fiscal Year 2009-2010 – (Exhibit C)

Ordinance was approved to amend the annual operating budget for Fiscal Year 2009-2010 for several appropriations in the Police Department as noted on Exhibit C.

Approval of Supplemental Agreement with CSX Transportation to Allow Construction of Right-of-Way for Sanitary Sewer for Christian Provisions Ministry – (Exhibit D)

Supplemental Agreement with CSX Transportation to allow construction of right-of-way for sanitary sewer for Christian Provisions Ministry was approved. The City approved an agreement with CSX in 2005 so that we would have an encroachment agreement to allow that crossing. Christian Provisions Ministry hired a contractor and the contractor discovered rock at the point of crossing which would add to the costs. This supplemental agreement will allow the contractor to move the crossing approximately 80 feet away, and it is between the City of Sanford and CSX to allow for the crossing to service Christian Provisions Ministry.

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2009-2010 - (Street Lighting at City Hall) – (Exhibit E)

Ordinance was approved to amend the annual operating budget to transfer \$20,000 from Contingency Funds to the Street Department for improvements to street lighting around City Hall.

The consent agenda items were unanimously approved upon motion of Council Member Walter McNeil and seconded by Council Member Mike Stone.

SPECIAL AGENDA

Recognition of Lee County All Stars State Championship Team

Mayor Olive stated that this is not any ordinary team; they have practiced diligently—sometimes five nights a week for three hours a night. They came home with a state championship for County All Stars, ages ten and under. Members of the team identified themselves one by one and shook hands with council members.

Council Member Mike Stone thanked the coaches and said they would never be forgotten by these young men.

CASES FOR PUBLIC HEARING

DECISIONS ON PUBLIC HEARINGS

Petition by Roger W. Murchison & Carolyn J. Murchison - to rezone 1.39+/- acres addressed as 1700 Westover Drive and 1603 Dogwood Acres Drive from the current R-20 Residential Single-family Zoning District to C-2 General Commercial Zoning District. The property is the same as depicted on Tax Map 9631.02, as Tax Parcels 9631-57-6248-00 and 9631-57-5168-00 Lee County Land Records Office. – (Exhibit F)

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

This item was withdrawn by the petitioners.

Petition by John C. Daniel III of Daniel & Associates - to rezone from R-14, Residential Single-Family District and R-20, Residential Single-Family Zoning District to LI, Light Industrial Zoning District 1.34+/- acres located in the northwestern quadrant of the intersection of Glenwood Drive and Boone Trail Road / US Hwy 421 Road. The property is the same as depicted on Tax Map 9643.04, as Tax Parcels 9634-51-8783-00 and 9634-61-0745-00 Lee County Land Records Office - (Exhibit H)

Assistant Community Development Director Marshall Downey explained that by a three to two vote, the Planning Board recommended approving this request. In making this decision, the Planning Board finds that the request appears to be reasonable and in the public interest since the rezoning of the larger tract would be consistent with the adopted 2020 Land Use Plan and the owner plans to develop the smaller tract in conformity with the larger tract.

Council Member Charles Taylor asked if issues with light lines had been resolved with the owner of the property. Mr. Downey said he was not aware if that has been resolved. Council Member Stone said he had talked to George Perkins who owns the property who, earlier, had been looking at a December 31 deadline so that he could get his offices built and moved into. Mr. Stone said the decision about the power lines is the most important decision. Without approval of Progress Energy to move those power lines, Mr. Stone, stated that there was no way Mr. Perkins could be in there by December 31. Mr. Stone said that Mr. Perkins had indicated to him this morning that no agreement had been reached with Progress Energy. Mr. Stone said that is why he would strongly support going Conditional Zoning at this point.

Mayor Olive asked if the concern about the sewer lines been resolved. Mr. Downey said that they had had no further input from the petitioner regarding any of these issues; the only information they have been provided is a target date of December 31. The concept of Conditional Zoning as presented at the public hearing was discussed with the applicant, but it was just a timetable issue. They felt the only way they could move forward would be with regular zoning and they would try to address these other issues outside the zoning approval

process. Mayor Olive stated that there had been discussions about running sewer lines from Frontier Spinning and asked if there were sewage problems within that subdivision.

City Manager Hegwer said the sewer issue would be the petitioner's to address. He said the City is aware of some problems with some neighbors that have been on-going for many years. They would have to proceed through a petition process. With adequate signatures for a petition, the City would install the sewer and the property owners would be assessed according to City policy. He said that we have worked with those property owners and will continue to work with them to try to address that situation. If it is rezoned, that property would be a yes vote in a petition because they could either tie in to a sewer another way or that way. That would not prevent a petitioned project from going forward. Some other options are being looked at, as well.

Council Member Stone stated that running sewer from Mr. Perkins's property next door will not solve the sewer issues in that neighborhood because only four people have sewer problems in that direct neighborhood. To sign up for sewer, a majority vote is needed. Mr. Hegwer stated that for a few of those people with problems, there is an option of coming a different way with existing sewer lines that are not part of Frontier Spinning that have been extended within the neighborhood as it exists now. Some parts of that can serve some of those people there now. It is a gravity/grade issue. It would not serve very many, but it is a project that city is working on now with some of those owners who could just extend these lines to their property and they would have access.

Council Member Steve Brewer stated that he thought the council should take the petitioner's request and review it and approve it or not regardless of the time frame or whether power lines can be moved or whether or not people down the road get sewer. Mr. Brewer stated that he thought the concern of the community was the noise and the buffer. Looking at what Mr. Perkins builds up and down the 421 Corridor, he builds what he says he is going to build. Mr. Brewer said he had spoken to Mr. Perkins, and he is actually going to build his office on something that is already zoned correctly and put his entrance through those lots.

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

Council Member Steve Brewer made the motion to approve the petition to rezone from R-14, Residential Single Family District and R-20, Residential Single Family Zoning District to LI, Light Industrial Zoning District 1.34± acres located in the northwestern Quadrant of the intersection of Glenwood Drive and Boone Trail Road/US Hwy 421 Road. Council Member Linwood Mann seconded the motion.

Council Member Charles Taylor stated that council had passed zoning requests in the past that the project didn't come to fruition. He listed Hawkins Avenue as an example. He said that when the project did not come to fruition and the conditional zoning remained, we became vulnerable. Mr. Taylor says there are other issues in that neighborhood with traffic and rain and run off from rain. By voting carte blanche for this, Mr. Taylor said you are giving availability to put a convenience store there and other projects that you would not want in your own neighborhoods. Mr. Stone stated that Mr. Perkins is aware that he can get Conditional Zoning

from this board at any time. Mr. Stone said that Mr. Perkins cannot get the project done by December 31, and that he has admitted that. Council Member Walter McNeil stated that the Planning Board did not make a decision on Conditional Rezoning; they did straight rezoning. Council Member Stone stated that the Planning Board had three votes on this piece of property. One was to leave the parcel of land next to the housing development zoned for the buffer, and that was denied. Mr. McNeil stated that the majority vote was for the rezoning, and he said we could not go back and change that. Mr. Taylor said that the Council has gone against the Planning Board in some instances.

Mr. Downey clarified for Council that Conditional Zoning is not on the table tonight. Conditional Zoning must be requested by the property owner and the property owner has not expressed a desire to do that. This is a request for straight rezoning. Mr. Stone said the Planning Board was all over the place that night. In a similar zoning issue, they voted against one and for another. He said he does not feel that the Planning Board decision is relevant in this situation at all. He stated that the Planning Board needs to be consistent in its decisions if it is to be valid in the future.

Having a motion and a second on the table, council voted three to two in favor of the petition with Council Members Charles Taylor and Mike Stone casting the dissenting votes. Council Members Steve Brewer, Walter H. McNeil, Jr., and Linwood Mann voted in favor of the petition.

REGULAR AGENDA

Consider Granting Authorization for Utilization of the City's Right-of-Way for One Year – (Exhibit J)

Downtown Development Manager II David Montgomery advised Council that he would like permission to utilize the City's right-of-way in order to place some donation meters in the downtown area for a trial period of one year. The purpose of the meters is to try to curb some of the panhandling that has occurred downtown. The incentive is to give someone who might ordinarily give to a panhandler or who might be afraid to give to a panhandler, the opportunity to drop some of their spare change in the donation meters. These are old, antique meters that have been donated to Downtown Sanford. They will be refurbished and painted a special color to stand out. A sign will be on them indicating what the use is for. They will not be placed in front of a parking space, but will be placed on a corner or next to a business wall. This will be done in partnership with United Way who can take the funds from the meters and funnel them out to organizations that provide those services for the homeless such as food, shelter, and medicine. The other reason to partner with United Way is to hand out referral cards for businesses to give to panhandlers so they can have the information to find the service providers they need through their 211 service. Brochures will be handed out to downtown businesses explaining the program. There will also be a card for folks to know what to do when they are being panhandled.

Council Member Brewer thanked Mr. Montgomery for efforts to help panhandling.

Council Member Brewer made the motion to grant authorization for utilization of the City's right-of-way for one year to Downtown Sanford. The motion was seconded by Council Member Mike Stone. Council Member Taylor stated that he serves on the United Way board

and asked to be excused from this vote. Council Member Stone made the motion to excuse Council Member Taylor from this vote; seconded by Council Member Brewer, the motion passed unanimously. Council unanimously voted to grant authorization for the placement of the donation meters.

Consider Capital Project Ordinance Amendment Water Capital Project- (Exhibit K)

City Manager Hegwer called council's attention to Page 35 to a bid tabulation sheet for the Sanford water treatment plant clearwell rehabilitation project. This project is funded through a federal stimulus grant through which the City has received approximately \$2.5 million; part is a grant and the other part is a principal-forgiveness loan at zero (0) percent for twenty years. After these bids were received, we had to go back to the State of North Carolina for approval. That is why there is a time lapse between the time the project was bid and the request for approval. The low bid was from Haren Construction Company at \$1,531,450. The original project ordinance that was passed was only for the engineering part of this project. This amendment is a revised capital project ordinance setting out the revenues and expenditures for the project. Mr. Hegwer recommends that council approve these bids and agree to enter into a contract with Haren Construction and that we authorize the mayor to execute this on behalf of the City.

Council Member Stone made a motion to table this item, put it on Law & Finance agenda, and bring it back at the following meeting. He said he had just received the information today and was not willing to spend \$2.5 million on a last-minute item. He said he felt it was important to have a full board present at Law & Finance. He wants the opportunity to ask questions, to get more information, and to take it to other people in the field before he votes. Council Member Taylor seconded the motion. The motion failed with a vote of two in favor and three against. Those casting the dissenting votes were Council Members Brewer, McNeil, and Mann.

Council Member Brewer explained that the project was not new to the board. It had been discussed and how much the project was going to be back when they had talked about getting the stimulus money. He said that time is of the essence. He said Council needed to have faith in the staff and believe they are doing the most professional job possible when they come with these requests. Council Member Brewer made a motion that the Capital Project Ordinance Amendment Water Capital Project be approved. Seconded by Council Member Mann, the motion passed three to two, with Council Members Stone and Taylor casting the dissenting votes.

Council Member Mann stated that he agreed wholeheartedly with Council Member Brewer. He said that we have professional people here who have been studying this and we need to show our confidence.

Consider Resolution to Award the Clearwell Rehabilitation Project to Haren Construction – (Exhibit L)

Council Member Linwood Mann made the motion to approve the resolution to award the Clearwell Rehabilitation Project to Haren Construction. Seconded by Council Member McNeil, the motion passed with a three to two vote. Council Members Charles Taylor and Mike Stone cast the dissenting votes.

Council Member Steve Brewer made the motion to approve the contracts with Haren Construction and allow the mayor to execute the contracts on behalf of the City. Council Member Walter McNeil seconded the motion. Council Member Stone stated that in his years on council, they have never gone about it this way to make it cleaner, and there have been other issues that were close. He said it is a first for him and he has questions. Mr. Hegwer said the mayor had been asked before to execute contracts. In the absence of the city attorney, Mr. Hegwer said he prefers to do it this way. The vote was unanimous to approve the mayor to execute the contracts with Haren Construction.

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

OTHER BUSINESS

Council Member Charles Taylor thanked City and County employees in regard to Police Officer Scott Johnson's benefit.

Council Member Charles Taylor said that the Rosemount-McIver Historic District is looking at doing a Community Watch group. He asked if the City had looked at implementing any crime awareness programs with the Chamber of Commerce and the respective businesses. City Manager Hegwer said he was not aware of any, but he thought it was a great idea and that would be pursued. Mr. Hegwer said he knew considerable time was spent trying to watch businesses during the late hours of the night.

Mr. Taylor thanked Mr. Hegwer for coming out to Hawkins Run to address the issue of paving.

Mayor Olive encouraged women to go to the Women's Health Forum that is being put on by the Sanford Business and Professional Women that will be this Thursday from 7 P.M. - 8:30 P.M. at the Lee County Arts Center. It is free.

ADJOURNMENT

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

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK

