

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, November 2, 2010, at 7:00 P.M. The following people were present:

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| Mayor Cornelia P. Olive | Council Member L. I. (Poly) Cohen |
| Council Member Sam Gaskins | Council Member James G. Williams |
| Council Member Linwood S. Mann, Sr. | Council Member Walter H. McNeil, Jr. |
| City Manager Hal Hegwer | Council Member Charles Taylor |
| City Attorney Susan C. Patterson | City Clerk Bonnie D. White |

Absent:

Mayor Pro Tem Mike Stone

Mayor Cornelia Olive called the meeting to order. Council Member James Williams delivered the invocation.

PUBLIC COMMENT

No citizen signed up to speak.

APPROVAL OF AGENDA

Council Member Sam Gaskins made the motion to approve the agenda. Seconded by Council Member James Williams, the motion carried unanimously.

CONSENT AGENDA

Approval of City Council Meeting Minutes Dated June 1, 2010 – (Filed in Minute Book 74)

Approval of Law and Finance Committee Meeting Minutes Dated July 28, 2010 – (Filed in Vault)

Approval of City Council Ethics Training Class Minutes Dated September 1, 2010 – (Filed in Minute Book 74)

Approval of Law and Finance Committee Meeting Minutes Dated September 15, 2010 – (Filed in Vault)

Approval of City Council Meeting Minutes Dated September 21, 2010 – (Filed in Minute Book 74)

Approval of Law and Finance Committee Meeting Minutes Dated September 29, 2010 – (Filed in Vault)

Approval of City Council Meeting Minutes Dated October 5, 2010 – (Filed in Minute Book 74)

Approval of Extension of Banking Services Contract – (Exhibit A)

Approval of Award of Engineering Services Contract for City Hall Lighting Upgrade – (Exhibit B)

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2010-2011 (for Engineering Services Contract for City Hall Lighting Upgrade) – (Exhibit C)

Approval of Resolution in Support of the Temporary Closure of Portions of Several Streets for the Central Carolina Jaycees 2010 Sanford Christmas Parade – (Exhibit D)

Approval of Resolution to Accept Loan Offer from Construction Grants and Loans for the Big Buffalo Wastewater Treatment Plant Expansion – (Exhibit E)

Council Member Linwood Mann made a motion to adopt the consent agenda. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS: held jointly with the Planning Board.

Assistant Community Development Director Marshall Downey advised that five amendments were presented for public hearing at Council's last meeting. The Planning Board recommended approval of four of the five amendments. The amendment regarding the cul-de-sac size to be increased to 45 feet was tabled by the Planning Board. There was opposition expressed by one local developer. The Planning Board recommended the below listed four amendments to be adopted by Council.

Consideration of a text amendment to the Unified Development Ordinance (UDO) to include additional language to clarify the requirements for additions/expansions and changes of use. – (Exhibit F)

Assistant Community Development Director Marshall Downey stated that this amendment is to clean up the language and clarify certain standards as it relates to when an addition is added to an existing commercial structure and/or there is a change of use.

Council Member Sam Gaskins made the motion to adopt the text amendment to the Unified Development Ordinance (UDO) to include additional language to clarify the requirements for additions/expansions and changes of use. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Consideration of a text amendment to the Unified Development Ordinance (UDO) to clarify the term side yard setback for lots that have more than one street frontage.- (Exhibit F)

Assistant Community Development Director Marshall Downey stated that this is an amendment to add language that clarifies how the street sideyard setback on a corner is applied. It was vague in the current language.

Council Member Walter McNeil, Jr., made the motion to adopt the text amendment to the Unified Development Ordinance (UDO) to clarify the term side yard setback for lots that have

more than one street frontage. Seconded by Council Member L. I. "Poly" Cohen, the motion carried unanimously.

Consideration of a text amendment to the Unified Development Ordinance (UDO) to remove language that is vague and in conflict with the City's Public Works policies regarding access roads for sanitary landfills - (Exhibit F)

Assistant Community Development Director Marshall Downey stated that this amendment removes language that is vague and in conflict with the City's Public Works policies regarding access roads for sanitary landfills.

Council Member Linwood Mann made the motion to adopt the text amendment to the Unified Development Ordinance (UDO) to remove language that is vague and in conflict with the City's Public Works policies regarding access roads for sanitary landfills. Seconded by Council Member Sam Gaskins, the motion carried unanimously.

Consideration of a text amendment to the Unified Development Ordinance (UDO) to add language to include specific roadway segments which parallel roadways that are identified as a freeway/expressway or a thoroughfare on the City of Sanford/Lee County Thoroughfare Plan within the area designated for compliance with design standards for non-residential development.- (Exhibit F)

Assistant Community Development Director Marshall Downey explained that a couple of years ago staff applied new design standards for all of our major corridors and highways. Staff discovered that there are segments of secondary roads that parallel U. S. Highway #1. Staff felt they are service roads and staff has proposed an amendment that would add these segments that act as service roads to the design standards. Anything built on these corridors would be subject to the same standards as if they were on U. S. Highway #1 or Horner Boulevard.

Council Member L. I. "Poly" Cohen made the motion to adopt the text amendment to the Unified Development Ordinance (UDO) to add language to include specific roadway segments which parallel roadways that are identified as a freeway/expressway or a thoroughfare on the City of Sanford/Lee County Thoroughfare Plan within the area designated for compliance with design standards for non-residential development. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

- Consider Ordinance Amending the Unified Development Ordinance (UDO), which includes all of the text amendments noted above. – (Exhibit G)
Each amendment above was voted on separately and was included in this ordinance.

REGULAR AGENDA

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2010-2011 – (Exhibit H)

City Engineer Paul Weeks asked to explain this ordinance and the next two items listed below together. He stated that this ordinance amends the annual operating budget in the amount of \$101,080 for the North Plank Road waterline project. This is typical when we award a project. (Motion to approve is listed under the Award of Bid for North Plank Road Water Main Extension.)

Consider Interlocal Agreement for Plank Road Waterline Extension – (Exhibit I)

City Engineer Paul Weeks said that this is an interlocal agreement for the North Plank Road Waterline Extension. City staff, Public Works, Finance, and Legal, as well as County staff, have worked together refining this particular agreement. The purpose of this agreement defines how funds would be transferred from the County to the City with regards to this particular project. The ordinance above and the interlocal agreement both state the budget amount for the project being \$96,130. (Motion to approve the interlocal agreement is listed under the Award of Bid for North Plank Road Water Main Extension.)

Consider Award of Bid for North Plank Road Water Main Extension Project – (Exhibit J)

City Engineer Paul Weeks said that this is for Council's consideration to award the bid of the North Plank Road Water Line. Sanford Contractors is the low bidder at \$109,987.50. Upon refinement of the bid and removing some of the bid items in the project, staff is awarding the bid in the amount of \$87,025. When the project was bid, it was bid based on quantities.

Council Member Gaskins asked what was removed that brought the bid down \$20,000 plus. Mr. Weeks replied that when the project was initially designed, it was designed with nine fire hydrants - a fire hydrant every 500 feet. This being a rural area and according to our policies, typically they only go every 1,000 feet. A valve was removed from the project, which helped bring that down and we were able to shorten up some of the line going in. Typically when the extension is run, it is only run within the final lot so that it is just in the front so they can tap onto it. When the project was designed, it was designed farther. The reason for doing that was it was much easier for us from a permitting standpoint to permit a longer line and then build it shorter as opposed to doing it the other way. Mr. Gaskins asked how would the difference in the distance of the fire hydrants affect their insurance rates. Mr. Hegwer replied that it would not affect the insurance ratings at all as long as the line is there and the hydrants are there. We have a requirement for 500 feet in the City versus 1,000 feet for the County.

Mr. Mann asked how soon they could have water. Mr. Weeks replied that the contractor had indicated that they could start within two weeks of getting a contract and the contract time is 30 days.

Mr. Williams verified that the distance of the fire hydrants would not affect the insurance rates. It is the responding fire department's classification that make up the rates. When the fire department is trying to get a lower rating, that is when the fire hydrants may come into play. Mr. Williams asked about the difference in the budget amendment in the amount of \$101,080 and the amount of the bid of \$87,025. Mr. Weeks replied that in the budget amendment staff is asking for \$96,130 which is the funds that would be available for the project. Based on the interlocal agreement, if a change order became necessary during the project, staff would be able to initiate change orders up to that amount of \$96,130. If we were to exceed \$96,130, staff would have to get the permission of the Council and the County Commissioners before we could go any further. Mr. Williams asked about the \$4,950 on the amendment. Mr. Weeks replied that is a fee being charged to the individuals who tap on to the line. The cost is \$275 to tap on for an estimated 18 individuals. This money will be put towards the project. Attorney Patterson clarified that this budget amendment allows the City to take in the money from those people who are assessed and authorize the repayment of that to the County.

Council Member Linwood Mann made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2010-2011. Seconded by Council Member L. I. "Poly" Cohen, the motion carried unanimously.

Council Member Linwood Mann made the motion to approve the Interlocal Agreement for Plank Road Waterline Extension. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Council Member Walter McNeil, Jr., made the motion to award the bid for the North Plank Road Water Main Extension Project to Sanford Contractors. Seconded by Council Member James Williams, the motion carried unanimously.

Other Business

Council Member Walter McNeil, Jr., thanked City staff for the work done on the Dr. Martin Luther King Park. Council Member Cohen echoed Mr. McNeil's comments.

Council Member Linwood Mann complimented Code Enforcement Supervisor Carl Anglin for the work accomplished on Chatham Street, particularly the Koury Company building and the old Davenport building that was torn down.

Council Member Sam Gaskins encouraged the public to check out the new greenway at Riverbirch. He stated that Mr. Bridwell and Mr. Hegwer took them for a tour after the Public Policy meeting yesterday and it is remarkable.

Mayor Olive praised the Police Department on the quick arrest that was made with the bank robbery this morning.

City Manager Hegwer made Council aware there are three Rotary Clubs that have planned a "Hunger Walk" at Depot Park on November 6 at 8 A.M. There will be 100 to 200 people that will take part in the activity. They will walk on the sidewalks in the Downtown area and they will not be blocking any streets.

Mayor Olive said that there was a huge gathering of people at Depot Park on Saturday. It was a Family and Friends Day that was hosted by Provisions Ministries. She was there during the event and also went by there later, and they left Depot Park very clean. She praised them for doing such a good job of cleaning it up after their event.

Closed Session

City Attorney Susan Patterson read a motion to go into closed session in accordance with N.C.G.S. 143-318.11(a)(5) to instruct the public body staff or negotiating agents concerning the position to be taken on the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. So moved by Council Member Sam Gaskins, seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

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

RETURN TO REGULAR SESSION AND 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 Walter McNeil, Jr., the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK