

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, May 17, 2011, at 7:00 P.M. The following people were present:

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

Mayor Cornelia Olive called the meeting to order. Mayor Pro Tem Sam Gaskins delivered the invocation.

**PUBLIC COMMENT** – (Exhibit A)

Alexandria Reid, residing at 2117 Lee Avenue spoke regarding the Sanford Criterion Bike Race. Ms. Reid said she is present as a reminder to the Downtown Sanford Bike Race and the meeting they had that was said they would get together immediately afterwards and discuss the future plans of the meeting. They just put out an email to the coordinators of the bike race event and asked when that might happen. She attended the bike race that morning and afternoon because she is a dealer at the Sanford Antique Mall. Ms. Reid stated that she was impressed with the activities that actually happened as a result of the tangible races. There were participants actively on the street but there were not, in her opinion, any lingering crowds. Their business did suffer that day; the only sales that occurred that day were after 4 P.M. when the streets were opened. She said maybe another alternative location could be explored. She said the bike races could be shifted to the morning time when businesses are not open, and the running races can be held at another location so the streets can be opened up and not punish the business owners.

**APPROVAL OF AGENDA**

Council Member Bob Brown requested to remove Item E. - Approval of Resolution to Temporarily Close Streets in Support of the East Sanford Block Cleanup and Party from the Consent Agenda in order to have a separate vote on it. Council Member Linwood Mann made the motion to approve the amended agenda. Seconded by Council Member James Williams, the motion carried unanimously.

**CONSENT AGENDA**

Approval of Law and Finance Committee Meeting Minutes Dated April 13, 2011 – (Filed in Vault)

Approval of Law and Finance Committee Meeting Minutes Dated April 27, 2011 – (Filed in Vault)

Approval of Special City Council Meeting Minutes Dated May 11, 2011 – (Minute Book 76)

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

Resolution was approved to temporarily close a portion of Chatham Street in support of an antique car show on Saturday, June 4, 2011.

Approval of Ordinance Amending the Annual Operating Budget for Fiscal Year 2010-2011 - (To Appropriate Funds for Demolition and Site Cleanup at 101 W. Humber Street) – (Exhibit C)

Ordinance was approved amending the annual operating budget to appropriate \$3,150 from Contingency Funds to Code Enforcement for the demolition of a city-owned structure located at 101 W. Humber Street.

Approval of Award of Contract for Demolition and Cleanup to Faircloth’s Grading & Septic Inc. for Structure Located at 101 W. Humber Street – (Exhibit D)

Contract for demolition and cleanup of 101 W. Humber Street was awarded to Faircloth’s Grading and Septic, Inc., in the amount of \$3,150.

**ALL THE ITEMS LISTED ABOVE WERE DISCUSSED AT THE LAW AND FINANCE COMMITTEE MEETING ON MAY 11, 2011.**

Mayor Pro Tem Sam Gaskins, made a motion to adopt the amended consent agenda. Council Member Walter McNeil, Jr. seconded the motion. Attorney Patterson asked for clarification purposes if the item requested to be removed from the Consent Agenda - Consider Resolution to Temporarily Close Streets in Support of the East Sanford Block Cleanup and Party is to be removed from the Consent Agenda and placed on the regular agenda. Council Member Brown said that is correct. The motion carried unanimously.

**CASE FOR PUBLIC HEARING: held jointly with the Planning Board.**

Consider several corrective text amendments to Article 13 Flood Hazard Area Regulations of the UDO based on recommendations from the North Carolina Division of Emergency Management. – (Exhibit E)

The recommended changes include:

- Changes to Section 13.4.4.1 to clarify the use of Elevation Certificates as it relates to construction activities within a flood hazard area.
- Additional language added to Section 13.8.4.1.2 as follows, “When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of 13.8.2 and 13.8.6.”
- Minor change to Section 13.4.4.3 so that the reference to Article 5, Section B(3) be changed to 13.8.2.1.3.
- Minor change to Section 13.5.1(e) so that the reference to Section 13.8.5 be changed to Section 13.8.6.
- Minor change to Section 13.5.1(u) that the reference to Article 3, Section B be changed to Section 13.3.2.

- Minor change to Section 13.6.2, so that the first bullet should reference Article 13 of the UDO or “Flood Hazard Area Regulations” rather than “Flood Damage Prevention Ordinance.”
- Minor change to Section 13.7.4, so that fifth bullet should reference 13.2 instead of Article 2.
- Add new language Section 13.8.1.15 to read as follows, “When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.”
- Add new language Section 13.8.1.16 to read as follows, “When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.”
- Minor change to Section 13.8.2.1 so that the reference to Section 13.4.4 be changed to Section 13.3.2.
- Minor change in that current Section 13.9.3 should be relocated into Section 13.8 and re-titled Section 13.8.7 (with no change to current wording).

Assistant Community Development Director Marshall Downey explained that these are proposed text amendments to the Unified Development Ordinance (UDO). Back in the fall of last year, staff received a Community Assistance Visit from Mr. Stephen Garrett with the North Carolina Department of Emergency Management. They check on local governments to make sure they are doing what they need to do in terms of floodplain enforcement and management. They look at our records, permits, and ordinances to make sure we are conforming to the FEMA program. In doing so, Mr. Garrett followed up with a letter (included in Council’s packet) with minor changes or corrections to the UDO along with typos, etc. Most changes are updating references or fixing typos. There were a couple of things that did require a little more significant language and that is mainly to update our ordinance with the model ordinance that the State has. This draft has been provided to Mr. Garrett and he agrees that this will bring it into conformity with the State’s model.

Mayor Olive opened the public hearing.

Mayor Pro Tem Gaskins asked if we had addressed the concerns of the properties located under Field Observations in the letter (in Exhibit E) written from Mr. Kenneth Ashe. Mr. Downey replied yes; we are in the process of doing that. Every one of the properties with the exception of one location was developed prior to 2006 when the floodplain maps were revised and updated and new floodplain boundaries were identified. There was one older property built in 2002 that should have been built to floodplain standards; we will have to work with the State to mitigate any future issues on it.

Mr. Gaskins asked if it will be completed by June 3 as stated in the letter. Mr. Downey replied yes.

No one spoke for or in opposition. The public hearing was closed.

*The Planning Board retired to the West End Conference Room.*

**REGULAR AGENDA**

**Consider Comments from Dr. Parker McConville**

Dr. Parker McConville thanked Council for the time and effort they put in for the last four years in helping grow the bike criterion. He gave highlights from this year's bike event. They had 500 participants this year between the running races and the cycling races from eleven different states from as far away as California, Ohio, Pennsylvania, Florida, and surrounding states. He said that there were approximately 1,500 people at Depot Park in addition to the 500 participants. He thanked the Street Department; Department of Transportation; Police Department; DSI; the businesses that were open; and the individuals that helped organize the event. The food vendors left early because they sold out. The Wine Bar did 60 percent more business that day than last year.

Dr. McConville advised that they are going to donate at least \$8,000; he is waiting on one other sponsor to let him know what they are capable of doing so the number could increase to \$9,500 to \$10,000. Two merit scholarships will be awarded, to one senior student at Lee Senior High School and to one student at Southern Lee High School. Tramway School won the school competition because they had the most participants in the races that were held. The school will receive \$2,500 in gift certificates from Wal-Mart and \$2,500 in gift certificates from Building Knowledge. It will go to the teachers specifically to be used in their classrooms. Money will also be given to the Wounded Warriors Foundation and Lee County Industries who helped with the races. He has received nothing but positive feedback from the businesses that were open that day except for one business. They hope to start planning in June for next year to make the event grow and they are committed to addressing the issues leading up to the event. He added that it will not overlap with the Pottery Festival again for six years.

**Consider Resolution to Temporarily Close Streets in Support of the East Sanford Block Cleanup and Party-** (Removed from the Consent Agenda) – (Exhibit F)

Council Member Bob Brown stated that he requested this item be removed from the Consent Agenda because he lives in the area that the cleanup is involved with and he asked to be recused from voting on this issue. Council Member Linwood Mann made the motion to recuse Council Member Bob Brown from voting on this issue. Seconded by Council Member Charles Taylor, the motion carried unanimously.

Council Member Walter McNeil, Jr. made the motion to adopt the Resolution to Temporarily Close Streets in Support of the East Sanford Block Cleanup and Party. Seconded by Mayor Pro Tem Sam Gaskins, the motion carried unanimously, with Mr. Brown being recused from voting.

City Attorney Susan Patterson stated that she wanted the public to know in regards to the recusal of this subject that there is a statute that requires council members to vote on all matters except for those that are in their own financial interest that benefit them or address their official conduct. Official conduct does not necessarily mean something that affects where you live; however, with the latest ethics rules that were passed by the State Legislature, there was a new section regarding the appearance of impropriety or matters on which you may be biased. She felt it was under that section that Mr. Brown asked to be recused. Once he asked to be recused and Council votes on it to allow the recusal, then the vote stands.

Consider Discussion of Proposed Budget for Fiscal Year 2011-2012 – (Exhibit Exhibit G)

City Manager Hal Hegwer presented a powerpoint presentation on the highlights of the proposed budget for Fiscal Year 2011-2012 as shown on Exhibit G. Mr. Hegwer advised Council that four major projects were not included in the budget - the Downtown Streetscape Enhancement, Third Street Skateboard Park, Jonesboro Parking Lot, and the Endor Iron Furnace Greenway. He advised that he included the following contributions from the General Fund to three organizations which have been the standard in the past: \$20,000 to the Temple Theatre; \$3,000 to the Lee County Arts Council; and \$3,000 to the Railroad House Association.

Mr. Hegwer explained that Lee County is requesting an additional funding of \$28,000 for Animal Control this year; however, he has only budgeted an extra \$14,711 increase instead of the \$28,000. Lee County included the purchase of a truck and we did not include that in the budget. The City does not charge the County for the vehicles in Inspections and Community Development.

The budget includes a water rate increase of 2 percent and a wastewater rate increase of 3 percent effective with the first bill date in Fiscal Year 2011-2012. The average monthly impact on a City residential water and sewer account will be \$1.79. He included a sanitation fee increase of \$25 per residential household, and a cost-of-living adjustment of 2 percent.

**OTHER BUSINESS**

Council Member Linwood Mann congratulated Joe and Joni Martin on the accomplishment of their son, Daniel. He is one of the leading baseball pitchers in the United States. Daniel attends East Carolina University.

Mayor Pro Tem Sam Gaskins advised that he received a copy of a newspaper article where two people were here from Salton, Indiana, (ten miles from his hometown) working on rescue at the Emergency Training Center and went to Lowes following the tornado with equipment to extricate two people. His younger sister, who lives in Salton, Indiana, sent him the newspaper article.

Council Member Charles Taylor complimented the Fire Department on how well they were in control of a situation that occurred on Sunday. He was at a gas station Sunday close to Pfizer and a vehicle caught on fire. It was a situation that could have gotten ugly very quickly being close to the gas pumps.

Mr. Taylor reminded everyone of the benefit at Broadway on Saturday, May 28.

Mayor Olive complimented the Police and Fire Departments. When a vehicle accident occurred last weekend involving the Railroad House, Wilson Seymour said that he was so impressed with the way the Police Department and Fire Department responded in such a professional manner and kept the hysteria down as well as averting any worse property damage.

Mayor Olive announced that on Tuesday, May 24, Smithfield Chicken & Barbeque will be having 25 percent of its proceeds going to the American Red Cross for the tornado survivors.

Today, we had members of the North Carolina Aeronautics Council at the airport and everybody was bragging about the airport. She encouraged the public to visit the airport.

Mayor Olive informed everyone that this coming Saturday, May 21, 2011, there will be a cleanup in East Sanford. It will be four blocks of Charlotte Avenue. They are expecting 200 to 300 people to participate in the cleanup. All of the supplies have been donated and the labor is free. There will be some painting, some landscaping, some cleanup, etc. The same thing is going to happen in the Historic District neighborhood Saturday. They will be working around their own homes and the City has already done some cleanup at McIver Park.

City Manager Hal Hegwer asked Council to consider holding a budget workshop on Wednesday, May 25, at 1 P.M., in the Council Chambers. Mayor Olive asked that Council check their calendars and let Mr. Hegwer know if that date is okay. Mayor Olive asked Mr. Hegwer to check on some dates for the Council to visit Concord.

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

**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 L. I. "Poly" Cohen, the motion carried unanimously.

Respectfully submitted,

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CORNELIA P. OLIVE, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK