

CITY COUNCIL AGENDA
CITY OF SANFORD, NORTH CAROLINA

June 7, 2016, 7:00 P.M., CITY HALL



1. **MEETING CALLED TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENT**
5. **APPROVAL OF AGENDA**
6. **CONSENT AGENDA**
7. **SPECIAL AGENDA**
Proclamation Honoring the Life of William Worth “Butch” Johnson, Jr.–(Page 4)
8. **CASE FOR PUBLIC HEARING**
Public Hearing – Proposed Annual Budget Ordinance for Fiscal Year 2016-2017 –
(Page 5)
 - Consider Motion to Move the Golf Fund from the Enterprise Fund to the General Fund – (Page 6)
 - Consider Adoption of Annual Budget Ordinance for Fiscal Year 2016-2017 - (Page 7 – Handout)
9. **DECISIONS ON PUBLIC HEARINGS**
 - A. **Consideration of Amendments to the Unified Development Ordinance, Article 11 Sign Regulations, Section 11.8.2: Wall Signs by adding a new Subsection 11.8.2.6 Additional Wall Sign Permitted in NC, CBD, TNC, and PUD Zoning Districts and amending Table 11.2: Standards for Permanent Signage in the NC, CBD, TND, and PUD Zoning Districts to reflect that change.-** (Page 8)

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- Consider Ordinance Amending the City of Sanford Unified Development Ordinance – (Pages 9 - 11)
- B. Consideration of an Amendment to the Unified Development Ordinance, APPENDIX A - DEFINITIONS to add a definition of a “**Yard Sale**”. The purpose of this amendment is to clarify that yard sales shall be permitted as an accessory to any residential use and shall not require a zoning permit. Design standards shall be included within this definition.
- Consider Ordinance Amending the City of Sanford Unified Development Ordinance – (Page 12)
- C. Application by AGA Corporation - to rezone three vacant tracts of land totaling 86 acres +/- off of Commerce Drive from the current zoning of Light Industrial (LI) and Barrington Park Conditional Zoning District (Design #4) to Residential Single-family (R-14). The property is the same as depicted on Lee County Tax Map 9660.01 as Tax Parcels 9660-18-0558-00, 9660-08-9755-00 and 9660-08-5884-00 Lee County Land Records. The subject property is the same as illustrated as Tracts Six, Seven, and an adjoining 76.46 acre tract of land on a survey map recorded in Plat Cabinet 2007, Slide 265 of the Lee County Register of Deeds Office. – (Pages 13 - 17)
- Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina - (Pages 18 – 20)

10. REGULAR AGENDA

- A. *Please note that this item will only be considered if the rezoning request for the subject property is approved. (Application by AGA Corporation for Lee Co. tax parcels 9660-18-0558-00, 9660-08-9755-00 and 9660-08-5884-00.)*
Consideration of a Preliminary Major Subdivision Plat for a 23-Lot Residential Single-family Subdivision Labeled The Park at South Park to be served by public water, public sewer and public streets (all City maintained) with a connection to Commerce Drive. The subject property is a portion of an 86 acre +/- site requested to be rezoned to Residential Single-family (R-14) for which the public hearing was held on May 17, 2016.
- Consider Adoption of Subdivision Plat for a 23-Lot Residential Single-Family Subdivision Labeled The Park at South Park – (Pages 21 - 25)
- B. Consider Request for Right-of-Way Encroachment at 3020 Lee Avenue – (Pages 26 - 34)
- C. Consider Resolution to Award the Contract for City of Sanford Sidewalk Improvements Project 01: Horner Boulevard – (Pages 35 - 37)

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- D. Consider Ordinance Amending the Annual Operating Budget for the City of Sanford Fiscal Year 2015-2016 – (Legal) - (Pages 38 - 39)
 - E. Consider An Ordinance to Amend Various Sanford City Code Sections to Clarify Enforcement Mechanisms – (Pages 40 - 41)
 - F. Consider First Addendum to Commercial Lease Agreement – (Pages 42 - 45)
 - G. Consider Request by Progressive Contracting Company to Lease Suite 302, Third Floor in the Sanford Buggy Company Building - (Pages 46 - 47)
 - H. Consider Contract for Design Services for Assistance with Sanford Area Wayfinding Plan – (Page 48)
11. **NEW BUSINESS – (Items for discussion and action will only be taken if necessary. Otherwise, these items will be placed on the next agenda for approval.)**
12. **OTHER BUSINESS**
13. **ADJOURNMENT**

Office of the Mayor
City of Sanford

Proclamation ♦♦

**HONORING THE LIFE OF
WILLIAM WORTH "BUTCH" JOHNSON, JR.**

WHEREAS, William Worth "Butch" Johnson, Jr. was born in Norfolk, Virginia, but made his home in Sanford and graduated from Sanford Central High School; and

WHEREAS, Mr. Johnson married wife Sylvia and raised a daughter, Renee, while devoting himself to the improvement and development of Lee County; and, after Sylvia's passing in 2008, married wife Charlene in 2011 and became a father figure to step-daughter Vonna and his five grandchildren; and

WHEREAS, Mr. Johnson dutifully served as a police officer with the Sanford Police Department before becoming a Magistrate for the State of North Carolina in 1985, where he served for 20 years; and

WHEREAS, Mr. Johnson wanted to make a difference in his community and campaigned for the public offices of Sheriff and Lee County Commissioner, and was a strong supporter of local law enforcement, including the Sanford Police Department, Lee County Sheriff's Office, and North Carolina Highway Patrol; and

WHEREAS, Mr. Johnson had a lifelong friend in his companion dog Buddy and was a strong supporter of Carolina Animal Rescue and Adoption and their work finding loving homes for pets; and

WHEREAS, Mr. Johnson was a steadfast and dedicated employee who worked as an insurance adjuster for the James C. Greene Company for 43 years; and

WHEREAS, Mr. Johnson loved to watch his children and grandchildren at sporting events, was a die-hard Tar Heel fan with a great sense of humor who was full of life, and was greatly loved by his family and friends;

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Sanford, I, T. Chet Mann, do hereby recognize William Worth "Butch" Johnson, Jr., for his service to Sanford and Lee County and extend our heartfelt and sincere condolences to the Johnson family.

PROCLAIMED this 7th day of June, 2016.

T. CHET MANN, MAYOR

Public Hearing – Proposed Annual Budget
Ordinance for Fiscal Year 2016-2017

**Consider Motion to Move the Golf Fund
from the Enterprise Fund to the General Fund**

**Consider Adoption of Annual Budget Ordinance
for Fiscal Year 2016-2017**

MEMORANDUM

TO: Sanford City Council
Hal Hegwer, City Manager

FROM: David Montgomery, Long Range / Transportation Planner
Althea Thompson, Zoning Administrator

DATE: May 23, 2016

REF: Recommendation of the Planning Board Regarding Two (2) Text Amendments to the Unified Development Ordinance (UDO)

The following are two (2) text amendments to the UDO that were presented to City Council and Planning Board at a joint public hearing on May 17, 2016. The amendments were recommended for adoption by the Joint Planning Commission at their April 28, 2016 meeting.

Below is a brief summary of each proposed amendment with the Planning Board's recommendation. Attached are draft ordinance for your consideration. Each amendment will require a separate vote.

1. **Amendments to Article 11 Sign Regulations, Section 11.8.2: Wall Signs.** The proposed amendment will add a new Subsection 11.8.2.6 Additional Wall Sign Permitted in NC, CBD, TNC, and PUD Zoning Districts and amending Table 11.2: Standards for Permanent Signage in the NC, CBD, TND, and PUD Zoning Districts to reflect that change.

The Planning Board unanimously recommended approval of the proposed text amendment as presented at their May 17, 2016 meeting.

2. **Amendment to, Appendix A – Definitions.** The proposed amendment will add a definition of a "Yard Sale". The purpose of this amendment is to clarify that yard sales shall be permitted as an accessory to any residential use and shall not require a zoning permit. Design standards shall be included within this definition.

The Planning Board unanimously recommended approval of the proposed text amendment as presented at their May 17, 2016 meeting.

Please note that the proposed text amendment to, Article 2 Administrative Agencies, Section 2.6 Historic Preservation Commission (City of Sanford only), Subsection 2.1.6.2, that would reduce the membership of the Historic Preservation Commission from seven (7) members to five (5) members has been postponed for further discussion.

**AN ORDINANCE AMENDING
THE CITY OF SANFORD UNIFIED DEVELOPMENT ORDINANCE**

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina that the Unified Development Ordinance be, and it hereby is, amended as follows:

Section 1. That Article 11 Sign Regulations, Section 11.8.2, be deleted in its entirety and be rewritten to add a new Section 11.8.2.6 ADDITIONAL WALL SIGN PERMITTED IN NC, CBD, TND, and PUD ZONING DISTRICTS as follows:

11.8.2 WALL SIGNS.

The maximum permitted sign area, location, characteristics, and number of Wall Signs shall be determined in accordance with Tables 11-1 through 11-4 and as outlined in this section. The following additional regulations shall apply to on premise wall mounted signs:

11.8.2.1 SIGNS ON BUILDING WALLS WHICH DO NOT FACE PUBLIC STREETS.

The permitted wall sign may be placed on a wall that does not face a public street. The maximum allowable size shall be calculated as if the wall faces a public street. The maximum allowable size for a sign on one wall is not transferable to a wall with less frontage.

11.8.2.2 ADDITIONAL WALL SIGN PERMITTED ON CORNER OR DOUBLE FRONTAGE LOTS.

Lots with more than one street frontage shall be allowed to erect one additional wall sign on the secondary street frontage. The secondary wall sign may not be placed on the same building wall as the primary sign.

11.8.2.3 ADDITIONAL WALL SIGN PERMITTED TO FACE SIDE OR REAR PARKING LOT.

Lots with parking to the side or rear of a building shall be allowed to erect one additional wall sign facing the parking lot, provided that at least 50 percent of the required parking for the establishment is located to the side or rear of the building and an entrance to the establishment faces the parking lot. The secondary wall sign may not be placed on the same building wall as the primary sign.

11.8.2.4 LOCATION REQUIREMENTS FOR WALL SIGNS.

No wall sign may extend more than eighteen inches from the exterior of the wall and no portion of a sign shall extend above the wall on which it is mounted.

11.8.2.5 CHANGEABLE COPY.

As permitted in Table 11-4 of this Article, changeable copy or “reader board” area and electronic message board area are permitted as wall signs provided that the changeable copy or electronic message board area does not exceed 50 percent of the total area of the sign.

11.8.2.6 ADDITIONAL WALL SIGN PERMITTED IN NC, CBD, TND, and PUD ZONING DISTRICTS.

Lots within these districts with off-street parking or an alley to the side or rear of a building shall be allowed to erect one additional wall sign facing the parking lot or alley. The secondary wall sign may not be placed on the same building wall as the primary sign.

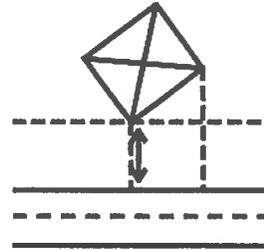
Section 2. That Article 11 Sign Regulations, Table 11-2, be deleted in its entirety and be rewritten as follows:

TABLE 11-2: STANDARDS FOR PERMANENT SIGNAGE IN THE NC, CBD, TND, AND PUD ZONING DISTRICTS

Sign Type	Use	Maximum Sign Area	Maximum Height	Maximum Number	Sign Location
Ground Signs	Individual Business/Use	32 square feet	8 feet	1 per frontage per § 11.8.4.5 for each lot or parcel	Outside of street right-of-way and site triangle
	Combined Development	16 square feet plus 8 square feet per additional tenant up to a maximum of 40 square feet	8 feet	1 per frontage per § 11.8.4.3 and 11.8.4.5 for each development	
	Subdivision Entrance Sign	40 square feet	8 feet	1 per entrance per § 11.8.7.1 and 11.8.7.2	
Wall Signs	Individual Business/Use and Multiple Business Complexes	0.5 square feet per lineal frontage or 48 sq. ft. maximum	shall not extend above the vertical wall	1 per frontage per § 11.8.2.2 or 11.8.2.6 for each business or tenant	N/a
Canopy/Awning Signs	Individual Business/Use and Combined Developments	16 square feet. Signs that are attached to the face or side of a canopy may not exceed 12 inches in height.	n/a	May be substituted for allowed wall signs. <i>This is not applicable to an additional/secondary wall sign.</i>	N/a

Projecting/ Suspended Signs	Individual Business/Use and Multiple Business Complexes	Projecting sign – 16 square feet or Suspended sign – 4 square feet	n/a	May be substituted for allowed wall signs. <i>This is not applicable to an additional/ secondary wall sign.</i>	No portion of a projecting or suspended sign shall extend more than 5 feet from building wall
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Rules of Interpretation for Table 11-2: (1) Frontage shall be measured by a distance extending from lines drawn perpendicular to the street and extending to the nearest edge of the front building façade (see illustration).



Section 3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this the 7th day of June, 2016.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

APPROVED AS TO FORM:

Susan C. Patterson, City Attorney

**AN ORDINANCE AMENDING
THE CITY OF SANFORD UNIFIED DEVELOPMENT ORDINANCE**

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina that the Unified Development Ordinance be, and it hereby is, amended as follows:

Section 1. That Appendix A., A-3 DEFINITIONS be amended to add a term and definition for “Yard Sale” as follows:

YARD SALE

All general sales, open to the public, conducted for the purpose of disposing of used personal household items including, but not limited to, all sales entitled “garage”, “yard”, “attic”, “porch”, “patio”, “rummage”, or “moving sale”. Yard sales shall be permitted as an accessory to any residential use on any property that contains a dwelling unit subject to the following conditions:

- *A yard sale shall be conducted on the property of the owner or tenant conducting the event.*
- *Yard sales shall be conducted only during daylight hours.*
- *Merchandise purchased for resale or obtained on consignment is prohibited.*
- *Yard sale are limited to two (2) events within a ninety (90) consecutive day period.*
- *Yard sale events shall not exceed two (2) consecutive days.*
- *All personal property exhibited outdoors during the sale shall be placed within a building or otherwise removed from the premises immediately following the end of the sale.*
- *No zoning or temporary use permit is required for yard sales as defined in this ordinance.*
- *Any sale (or display) of merchandise on a residential lot (or lot zoned for residential) that does not conform to the standards as defined within this section for a yard sale shall be considered a business use and shall be prohibited.*

Section 2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this the 7th day of June, 2016.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

APPROVED AS TO FORM:

Susan C. Patterson, City Attorney

Sanford City Council
Recommendation of Sanford Planning Board Regarding
Application #550-2016-01 to Amend the City of Sanford Zoning Map
Meeting Date: June 7, 2016

RECOMMENDATION FROM PLANNING BOARD:

The Planning Board recommends that the City Council support the request to rezone three vacant tracts of land totaling 86 acres +/- off of Commerce Drive from the current zoning of Light Industrial (LI) and Barrington Park Conditional Zoning District (Design #4) to Residential Single-family (R-14) to allow for the development of the property in a residential manner, even though it is not consistent with the 2020 Land Use Plan designation as Industrial-Commercial-Office and Industrial Park, as it appears to be reasonable and in the public interest based on the availability of public utilities, the surrounding lands uses and the zoning patterns in the area. Also, there has been no forward movement in the development of an industrial/business park on the Light Industrial (LI) portion of the site since the South Park Business Park approval in 2000 and there has been no forward movement on the development of the Barrington Park project on the Barrington Park Conditional Zoning portion of the site since the approval in 2007. Therefore, rezoning the subject property to a residential zoning district would appear to allow the owner to make reasonable use of the land while acknowledging that this area appears to be transitioning away from commercial.

The Planning Board did discuss the possible future extension of Commerce Drive to Lee Avenue, which was a concern to several neighbors at the public hearing, and commented that the proposed preliminary plat for the subject property did not illustrate the connection at this time and that NCDOT would review the connection to ensure that it is as safe as possible when/if a connection is proposed in the future since Lee Avenue is a NCDOT maintained public street. (Staff did forward the neighbor's concerns regarding the speed limit and the design of Lee Avenue to NCDOT after the May 17 meetings.)

REZONING REPORT FROM May 17, 2016 AGENDA *(with updates)*

Sanford City Council and Sanford Planning Board
Public Hearing Information
Application #550-2016-01 to Amend the City of Sanford Zoning Map
Public Hearing Date: May 17, 2016

APPLICANT & PROPERTY OWNER: AGA Corporation

REQUEST: Rezone from Light Industrial (LI) District and Barrington Park Conditional Zoning District (Design #4) to Residential Single-family (R-14) District

LOCATION: Three vacant tracts of land totaling 86 acres +/- off of Commerce Drive.
2016-06-07 Note: Most of the site is located between the end of Commerce Drive and Lee Avenue. It is accessible via Commerce Drive, Lee Avenue and Robert E. Lee Drive.

TOWNSHIP: Jonesboro

TAX PARCEL NO.: Tax Parcels 9660-18-0558-00, 9660-08-9755-00 and 9660-08-5884-00,
Lee County Tax Map 9660.01

ADJACENT ZONING:

Northeast (City): Light Industrial (LI)

Northeast (Lee Co.): Residential Restricted (RR)

Northeast (Lee Co.): Residential Restricted (RR) and Residential Single-family (R-20)

South (City): Barrington Park Conditional Zoning District and Light Industrial (LI)

East (City): Office & Institutional (O&I) and Light Industrial (LI), Opposite Commerce Dr.

West (City): Residential-Mixed (R-10) with a Mobile Home Park Overlay and Residential
Single-family (R-20)

2016-06-07 Note: Adjacent zoning updated for clarification & to include the jurisdictional info.

Introduction

The owner would like to rezone the subject property to allow for the development of the site in a residential manner. Specifically, the owner is interested in developing and/or marketing a single-family residential subdivision on the southwestern portion of the subject property and has submitted a preliminary subdivision plat for review. This plat was reviewed by the Sanford Planning Board on May 17, 2016 and is on this Sanford City Council agenda for consideration if the rezoning request associated with this report is approved.

2016-06-07 Note: Updated information regarding meeting dates.

Site and Area Description

The subject property is comprised of three vacant tracts of land located at the end of Commerce Drive, which is currently a dead end public street. The individual tracts are described as follows:

<u>Tract</u>	<u>PIN</u>	<u>Acreage per plat</u>	<u>Current Zoning</u>
1	9660-18-0558-00	8.80	Barrington Park CZ (Design#4)
2	9660-08-9755-00	0.77	Light Industrial (LI)
3	9660-08-5884-00	76.46	Light Industrial (LI)

Residential uses in the area include the Lockmere Village Mobile Home Park off of Lee Avenue (developed on adjoining property, but with no roadway connection to this site) the South Park Village Apartments multi-family project, that is currently under construction in the northeastern corner of the intersection of Commerce Drive and Harvey Faulk Road (you drive past this apartment community on the way to the subject property) and single-family houses off of Harvey Faulk Road.

Commercial uses in the area include Liberty Commons Nursing & Rehabilitation Center of Lee County at 310 Commerce Drive and Mid Carolina Innovations / Victor & Associates, Inc., an outpatient mental health treatment center, at 488 Commerce Drive.

Utilities

The subject property appears to have access to public water and public sewer. All development would need to be approved by the City of Sanford Engineering/Public Works Department to verify compliance with all applicable regulations.

Staff Analysis

The current zoning district of Light Industrial (LI) is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. LI districts should include areas which continue the orderly development and concentration of light industrial uses. LI zones should be located so as to have direct access to or within proximity to a major or minor thoroughfare. The minimum lot width is 80ft, the minimum lot depth is 100ft, which creates a minimum lot size of 8,000sf. There is no maximum building height is LI. A list of permitted uses for the LI zoning district is included within the agenda for your reference.

The current zoning district of Barrington Park Conditional Zoning District (Design #4) was to allow the development of a planned community that included areas for single-family detached houses (including patio homes), townhomes, multi-family apartments, office & institutional uses, neighborhood commercial uses, assisted living /retirement community with maximum densities per acre. The subject property was included within an area designated as multi-family apartments with a maximum density of 16 units per acre. There are illustrations that provide information regarding this conditional zoning district included within the agenda for your reference.

The proposed zoning district of Residential Single-family (R-14) is established to provide areas for medium density, single-family residential uses, with a maximum of three (3) dwelling units per acre, where adequate public facilities and services exist with capacity to serve development. R-14 provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character. The minimum lot size is 14,000sf with a minimum lot width of 75ft, a minimum lot depth of 100ft and a maximum building height of 40ft. A list of permitted uses for the R-14 zoning district is included within the agenda for your reference.

Transportation

All of the lots included within the subject property have frontage on Commerce Drive, a City maintained public street. All development would need to be approved by the City of Sanford Engineering/Public Works Department to verify compliance with all applicable regulations. The 2007 Lee County Comprehensive Transportation Plan does not illustrate Commerce Drive.

2016-06-07 Note: The largest tract of land, comprised of 74.46 acres +/-, also has 528ft of public road frontage along Lee Avenue (SR1133) and 60ft of public road frontage along Robert E. Lee Drive. (City maintenance ends at the intersection of Robert E. Lee Drive and Traveller Lane.)

Environmental & Local Overlay Districts

Per GIS, the site has a pond and streams, but it is not located within a Flood Hazard Area or Watershed Conservation Overlay District that is regulated by the UDO.

2016-06-07 Note: Small Area Plan Note Correction - It does appear that all of the subject property is included within the Greenwood Small Area Plan study area adopted by the Sanford City Council in June of 2005, which illustrates the site as being within the City of Sanford and , in general, recommends a 30ft buffer along all perennial streams and waters. There does not appear to be additional information specific to this site.

The City of Sanford, Lee County and the Town of Broadway do not have local grading permits and rely on the North Carolina Department of Environmental Quality to regulate land disturbing activities. For questions or concerns regarding land disturbing activities, please contact the North Carolina Division of Energy, Mineral, and Land Resources Sediment Program at 1612 Mail Service Center, Raleigh, NC 27699-1612 or call 919-707-9220 or visit the NCDEQ website at <http://deq.nc.gov>.

Development Standards

If rezoned, all of the uses permitted in the Residential Single-family (R-14) zoning district would be allowed and any future redevelopment of the subject property will be required to meet the current development standards of the UDO.

Staff has also received a preliminary plat for a portion of the subject property. This preliminary plat was reviewed by the Planning Board on May 17 and has been placed this evening's City Council agenda for final approval. Of note is that the subdivision, as designed, illustrates a range of lot sizes. Please further note that, although the proposed rezoning is to R-14, the developer has expressed a desire to not construct/include sidewalks. This is allowed currently within the UDO as the average lot size is used to determine if the project is required to provide sidewalks (along one side of the street). Based on the proposed plat, the average lot size is 25,848 square feet. So, even if the property is rezoned to R-14 this will not automatically trigger a requirement for sidewalk/curb & gutter as the requirement is based on average lot size as proposed in the subdivision design as opposed to the zoning district. For additional information regarding the proposed preliminary plat, please reference the preliminary plat information also included within this agenda.

As per information requested by Councilman Taylor at the May 17 meeting, there are nine lots less than 20,000sf in size (lots 13, 16, 17, 18, 19, 20, 21, 22 and 23) within the proposed subdivision. $9/23 = 0.39$ or 40% of the lots are less than 20,000sf in size with 60% of the lots being 20,000sf or greater in size.

2016-06-07 Note: Updated information regarding meeting dates, added information requested by Councilman Taylor, and noted that the preliminary plat information is included within this agenda.

Conformance with the Sanford/Lee County 2020 Land Use Plan

The 2020 Land Use Plan identifies a portion of the site as being Industrial Park and a portion of the site is not identified with land use designation. The Industrial Park designation is to provide for research and selective manufacturing with complimentary uses, to utilize the advantages of locating these uses near each other and to buffer them from adjacent uses. When considering the zoning of this property, current development trends and the surrounding zoning of the neighborhood should be considered.

Planning & Development Staff Recommendation

Staff recognizes that the request does deviate from the recommendations of the adopted comprehensive plan (2020 Land Use Plan), which identifies this area for Industrial-Commercial-Office and Industrial Park; however, the decision to rezone a portion of the subject property to the Barrington Park Conditional Zoning District in the past was based on public testimony that was received from the owners of the business park, which supported the rezoning change due to the persistent lack of interest in the industrial and business development on the subject properties since the original South Park Business Park approval in 2000. The same holds true today with regard to the lack of interest in developing this area in an industrial or business manner. Also, there has been no forward movement on the Barrington Park project since the original rezoning request in 2007. Therefore, rezoning the subject property to a residential zoning district would appear to allow the owner to make reasonable use of the land while acknowledging that this area appears to be transitioning from commercial. Please note that information presented at the public hearing should also be considered regarding a final decision on the requested zoning map amendment.

Ordinance 2016 -

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF SANFORD, NORTH CAROLINA**

WHEREAS, a request to amend the Official Zoning Map has been received from AGA Corporation to rezone three vacant tracts of land totaling 86 acres +/- off of Commerce Drive, as depicted on Lee County Tax Map 9660.01 as Tax Parcels 9660-18-0558-00, 9660-08-9755-00 and 9660-08-5884-00 Lee County Land Records and as illustrated as Tracts Six, Seven, and an adjoining 76.46 acre tract of land on a survey map recorded in Plat Cabinet 2007, Slide 265 of the Lee County Register of Deeds Office, from the current zoning of Light Industrial (LI) and Barrington Park Conditional Zoning District (Design #4) to Residential Single-family (R-14); and

WHEREAS, said request has been presented to the Planning Board of the City of Sanford; and

WHEREAS, the City Council of the City of Sanford conducted a public hearing on May 17 , 2016 to receive citizen input on the requested zoning map amendment; and

WHEREAS, the City Council of the City of Sanford approves the request to amend the Official Zoning Map of the City of Sanford;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANFORD:

The Official Zoning Map is hereby amended to rezone three vacant tracts of land totaling 86 acres +/- off of Commerce Drive, as depicted on Lee County Tax Map 9660.01 as Tax Parcels 9660-18-0558-00, 9660-08-9755-00 and 9660-08-5884-00 Lee County Land Records and as illustrated as Tracts Six, Seven, and an adjoining 76.46 acre tract of land on a survey map recorded in Plat Cabinet 2007, Slide 265 of the Lee County Register of Deeds Office, from the current zoning of Light Industrial (LI) and Barrington Park Conditional Zoning District (Design #4) to Residential Single-family (R-14). A copy of the subject property zoning map is included as Attachment A.

In making this decision, the City Council of the City of Sanford hereby finds that the request to rezone three vacant tracts of land totaling 86 acres +/- off of Commerce Drive from the current zoning of Light Industrial (LI) and Barrington Park Conditional Zoning District (Design #4) to Residential Single-family (R-14) to allow for the development of the property in a residential manner, even though it is not consistent with the 2020 Land Use Plan designation as Industrial-Commercial-Office and Industrial Park, appears to be reasonable and in the public interest based on the availability of public utilities, the surrounding lands uses and the zoning patterns in the area. Also, there has been no forward movement in the development of an industrial/business park on the Light Industrial (LI) portion of the site since the South Park Business Park approval in 2000 and there has been no forward movement on the development of the Barrington Park project on the Barrington Park Conditional Zoning portion of the site since the approval in 2007.

Ordinance 2016 -

Therefore, rezoning the subject property to a residential zoning district would appear to allow the owner to make reasonable use of the land while acknowledging that this area appears to be transitioning away from commercial.

ADOPTED this the 7th day of June, 2016.

ATTEST:

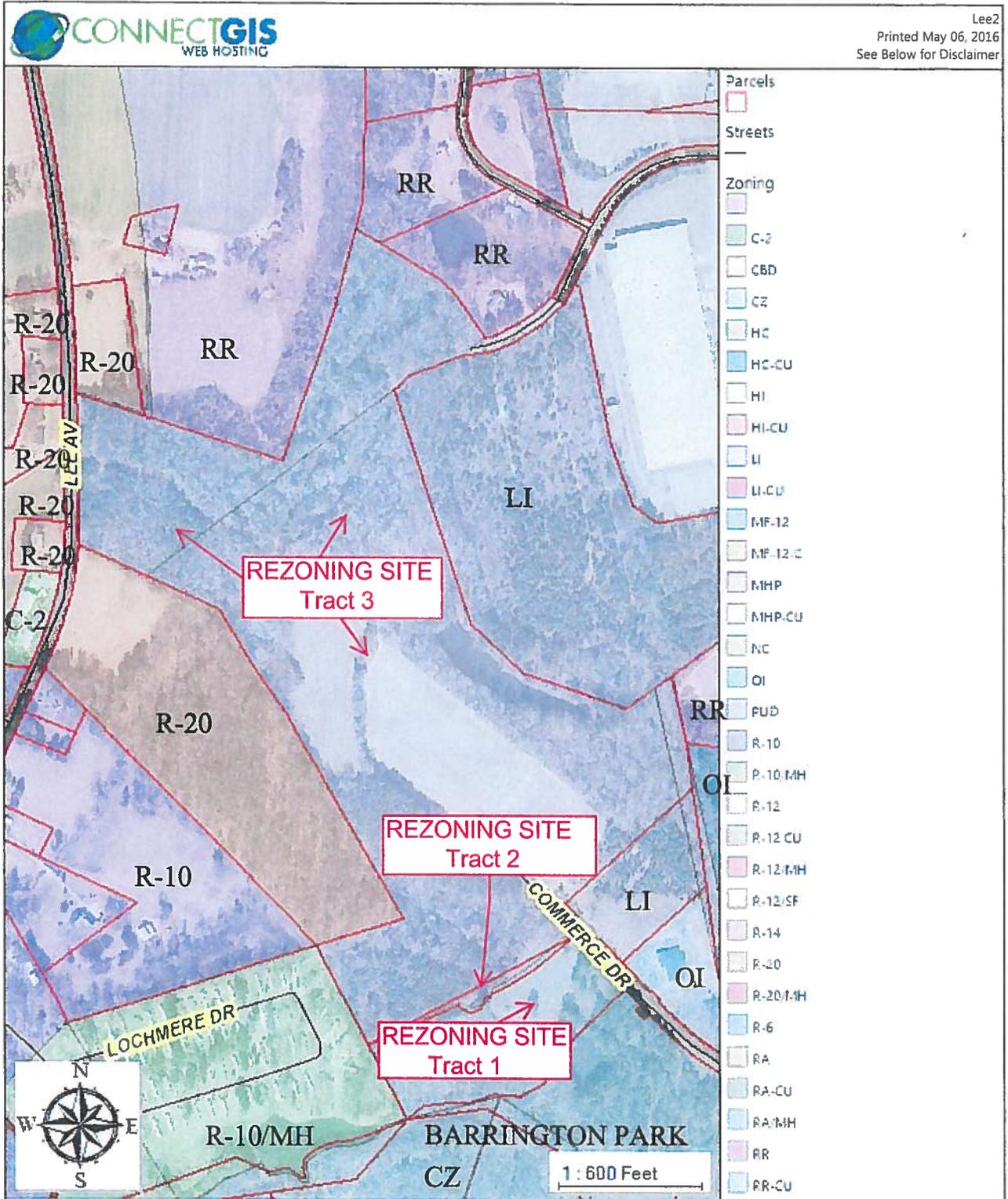
Bonnie Davis, City Clerk

T. Chet Mann, Mayor

APPROVED AS TO FORM:

Susan C. Patterson, City Attorney

ATTACHMENT A



This site is prepared for the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this site. The County of Lee and Mobile311, LLC assume no legal responsibility for the information contained on this site. Please be advised that you must contact the Lee County Tax Office for accurate tax values. Please contact the Lee County Appraisal Department if any building information is incorrect. The map, layer, data and website (collectively known as "the layer") are for graphical and illustration purposes only. The Lee County Strategic Services Department (hereinafter "the Department") provides the layer and the information contained within to the general public and has not customized the information for any specific or general purpose. Such information was generated from data maintained by different sources and agencies and as such, some limitations may apply based upon restrictions imposed by other sources or agencies supplying data to Lee County (hereinafter "the County"). While the Department strives to make the information on the GIS website as timely, reliable and accurate as possible, neither the Department nor the County local governments make any claims, promises, or guarantees about the accuracy, completeness or adequacy of the

**Consideration of a Preliminary Plat for
The Park at South Park Subdivision
Sanford City Council Meeting June 7, 2016**

Please note that this item will only be considered if the request to rezone the subject property to Residential Single-family (R-14), which is also on this agenda, is approved.

Introduction:

The applicant/owner, AGA Corporation is seeking preliminary plat approval for a 23 lot residential subdivision located within the City of Sanford's corporate limits. All lots are proposed to be served by public water, public sewer and public streets (City maintained).

Location: West & southwest of the terminus of Commerce Drive, east of Lee Avenue and west of Robert E. Lee Drive. Most of the site is located between the end of Commerce Drive and Lee Avenue. It is accessible via Commerce Drive, Lee Avenue and Robert E. Lee Drive.

Property Owner: AGA Corporation of P.O. Box 2825, Sanford, NC 27331

Developer: AGA Corp. may develop or market the site, undetermined at this time

Project Engineer: Ken Bright Associates, PLLC of 2305 Carthage St, Sanford, NC 27330

Project Surveyor: Ken Bright Associates, PLLC of 2305 Carthage St, Sanford, NC 27330

Township: Jonesboro

Tax Parcels: 9660-18-0558-00, 9660-08-9755-00 and a portion of 9660-08-5884-00

Tax Map: 9660.01

Zoning: PROPOSED Residential Single-family (R-14)

Note: The subject property is located within the corporate limits of the City of Sanford and is a portion of 86 acre +/- site requested to be rezoned to Residential Single-family (R-14) for which the public hearing was held on May 17 and for which the vote is scheduled for June 7. Approval of this plat will only be considered if the request to rezone the subject property to Residential Single-family (R-14) is approved.

Total Site Acreage: 15.6

Total Lots: 23

Minimum Lot Size: 14,000sf or 0.32 of an acre

Smallest Lot Size: 14,811sf or 0.34 of an acre (Lot 23)

Largest Lot Size: 41,530sf or 0.95 of an acre (Lot 6)

Average Lot Size: 25,848sf or 0.59 of an acre

Minimum Building Setbacks: Front, 30ft, as measured from the right-of-way of a public street
Rear, 20ft, as measured from the rear property line
Side(s), 12ft, as measured from the side property line

Linear Ft in Street: 1,245 linear feet

Streets: Public, to be maintained by City of Sanford

Water: Public, to be maintained by City of Sanford

Sewer: Public, to be maintained by City of Sanford

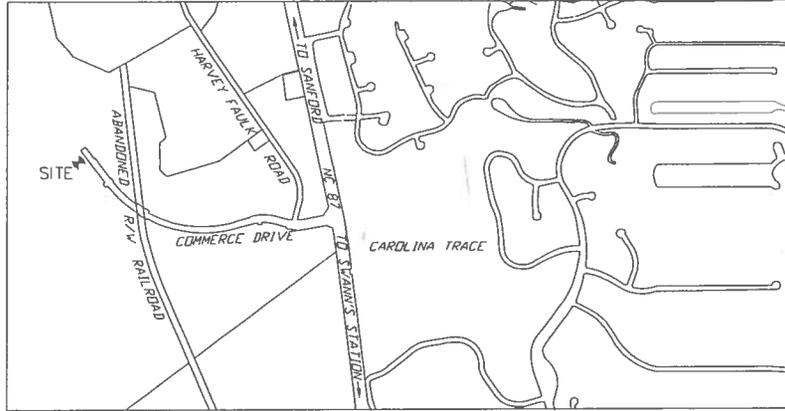
Notes:

- 1.) The plat was reviewed by the Sanford Planning Board on May 17, 2016 and the overall design was approved to move forward with board approval with the general condition that all Sanford/Lee Co/Broadway Technical Review Committee (TRC) technical revisions must be addressed prior to the final plat being recorded.
- 2.) The plat was reviewed by the Sanford/Lee Co/Broadway Technical Review Committee (TRC) on April 28, 2016 and the overall design was approved to move forward with board approval. All TRC technical revisions must be addressed prior to the final plat being recorded.
- 3.) North Carolina Department of Environmental Quality (NCDEQ) approval will be required if the developer disturbs an acre or greater.
- 4.) North Carolina Department of Transportation (NCDOT) approval is not required for a connection to a City maintained public street; however, the section of Commerce Drive from NC 87 Hwy to Harvey Faulk Road is maintained by NCDOT with the remainder of the roadway being maintained by the City of Sanford. Therefore, NCDOT has requested information regarding possible future phases or expansions of this subdivision when/if the information is available.
- 5.) The preliminary plat shall be valid for two years if approved by the Sanford City Council.
- 6.) All public utilities proposed to be City maintained (water, sanitary sewer & streets) must be installed or a financial guarantee posted prior to recording the final plat. All financial guarantees must be accepted by the Sanford City Council.
- 7.) Please note that, even though the site has been rezoned to R-14, the developer has expressed a desire to not construct/include sidewalks. This is allowed currently within the UDO as the average lot size is used to determine if the project is required to provide sidewalks (along one side of the street). Based on the proposed plat, the average lot size is 25,848sf; therefore, sidewalk/curb & gutter will not be required within this residential subdivision.
There are nine lots less than 20,000sf in size (lots 13, 16, 17, 18, 19, 20, 21, 22 and 23). $9/23 = 0.39$ or 40% of the lots are less than 20,000sf in size with 60% of the lots being 20,000sf or greater in size.
- 8.) The proposed street names of Tyvola, Manning, and Southwick have been reserved by the GIS/ Strategic Services Department for use in this project.

PRELIMINARY PLAT

THE PARK AT SOUTH PARK SUBDIVISION

COMMERCE DRIVE SANFORD, NC 27330



VICINITY MAP

INDEX

- C1 COVER
- C2 EXISTING SITE CONDITIONS
- C3 PRELIMINARY PLAT

**PRELIMINARY PLAT FOR
THE PARK AT SOUTH PARK**
 JONESBORO TOWNSHIP
 LEE COUNTY NORTH CAROLINA
 APRIL 7, 2016

DIVISION:
 AGA CORPORATION
 P.O. BOX 2825
 SANFORD, NC 27331

CITY: 9668-10-0238-00, 9668-00-9755-00 &
 PARTIAL OF 9668-00-5084-00

REFERENCE: DB 364, P. 537
 PLAT 2007/265

NUMBER OF LOTS: 63
SMALLEST LOT SIZE: 14,001 SQ. FT.
AVERAGE LOT SIZE: 29,848 SQ. FT.

LINEAR FEET OF STREET: 1,245 FT

SITE DATA:
TOTAL SITE SIZE: 156.1 Acres

ZONING: CURRENT C2 BARRINGTON PARK C2B04 & LI
 CURRENT C2 BARRINGTON PARK C2B04 & LI
 PROPOSED P-14

MIN. BUILDING SETBACK LINES & LOT DIMENSIONS:
 FRONT = 30 FT
 REAR = 20 FT
 SIDE = 10 FT
 MIN LOT WIDTH = 75 FT
 MIN LOT DEPTH = 100 FT

UTILITIES:
 SEWAGE CITY OF SANFORD
 WATER CITY OF SANFORD

NOTES:
 1) EXISTING CONTOURS FROM LEE CO GIS LDM MAPS.

REVISIONS:

KEN BRIGHT ASSOCIATES PLLC
 CONSULTING ENGINEERS
 100 W. MARKET STREET, SUITE 200
 SANFORD, NC 27331
 PHONE: (719) 770-3444
 FAX: (719) 770-3444
 e-mail: kbright@kenbright.com
 www.kenbright.com

THIS PLAT WAS PREPARED BY THE ENGINEER AND HIS FIRM IN ACCORDANCE WITH THE REQUIREMENTS OF THE NORTH CAROLINA PLAT ACT AND THE "UNIFORM CONVENTIONS AND PRACTICES FOR THE PREPARATION OF PLATS."

CONTACT:
 MR. VAN GRONDE
 100 W. MARKET STREET, SUITE 200
 SANFORD, NC 27331
 (719) 770-3444

DATE: MAY 11, 2016
SCALE: AS SHOWN
**THE PARK AT SOUTH PARK
PRELIMINARY PLAT**

C1
 1 OF

FILE:
 SP201615_THE PARK



COVER



May 3, 2016

Mr. Paul Weeks
City Engineer
P.O. Box 3729
Sanford, NC 27331

**Re: Request for Right of Way Encroachment Agreement
Groundwater Monitoring Well Installation
Cameron Drive, Sanford, Lee County, North Carolina**

Dear Mr. Weeks:

Eaton has prepared this letter to request access to the City of Sanford right-of-way along Cameron Drive to expand environmental monitoring of the property that Eaton previously owned at 3020 Lee Avenue in Sanford, Lee County, North Carolina. Eaton has entered into an Administrative Agreement with the North Carolina Department of Environment Quality (NCDEQ) Registered Environmental Consultant Program to voluntarily assess and remediate subsurface impacts at the site. Accordingly, Eaton requests permission for its contractor, Solutions-IES, Inc. (SIES), to conduct the required activities described below.

One (1) nested permanent monitoring well screened from 25 feet (ft) – 35 ft below ground surface (bgs) and 65 ft to 75 ft bgs is proposed for installation along the north side of Cameron Drive to collect groundwater samples as part of the ongoing environmental remediation. The permanent well would be used to monitor groundwater conditions over time. One vertical boring will extend to depths of approximately 75 ft bgs. The boring will be located along the north side of Cameron Drive in the non-paved area of the Right of Way next to the property identified by Lee County Parcel Identification Number (PIN) 9651-66-5686-00 (identified as MW-17S/MW-17D on attached **Figure 1**). A photograph showing the area of interest along Cameron Drive is included as **Figure 2**. Proposed well construction diagram is included as **Figure 3**.

Exact well location will be identified and cleared of underground utilities by a subcontractor prior to initiating work. The boring will be advanced using a Geoprobe® rig mounted on a pickup truck and the well will be unobtrusive and secured from tampering as best as practicable. All wells installed for groundwater sampling require a NCDEQ Well Construction Permit before work can proceed. The monitoring well permit request is included as **Attachment A**.

Traffic control will consist of "Road Construction Ahead" signs placed on the shoulder ahead of the work area along with traffic cones placed along the shoulder and extending at least 15 feet past the work area. All personnel working around the drilling equipment will wear DOT-approved traffic vests, hard hats, steel-toed shoes, and safety glasses.

Eaton understands that the City may have concerns regarding damage to the property and maintenance of the monitor wells. Eaton is prepared to complete necessary activities after well installation to restore the location to its pre-work condition. The wells will be "flush-mounted" with H-20 traffic-ready manholes and bolt-down covers, and should not interfere with routine mowing and maintenance activities. Eaton will maintain the wells until such time as the monitor wells are deemed no longer necessary, abandon them in accordance with the NCDEQ regulations, and restore the affected area to pre-work condition.

Eaton will indemnify and defend the City of Sanford from any and all claims by their employees, servants, contractors and assigns and by the public or any third party for property damage or bodily injury caused by the construction of these monitoring wells within the City of Sanford's right-of-way of Cameron Drive.

Please sign and date the enclosed duplicate copy of this letter and retain a fully executed copy for your records. It is requested that you also sign the attached Monitoring Well Permit Request. Both signed forms may be returned to SIES at the following address:

Solutions-IES, Inc.
1101 Nowell Road
Raleigh, NC 27607
Attn: Bilgen Yuncu

If you have any questions, please contact me at (440) 523-4777.

Sincerely,

Eaton



By: Jeffrey Allen _____

Title: Man. Acq. Integration & Remediation _____

Date : May 3 2016 _____

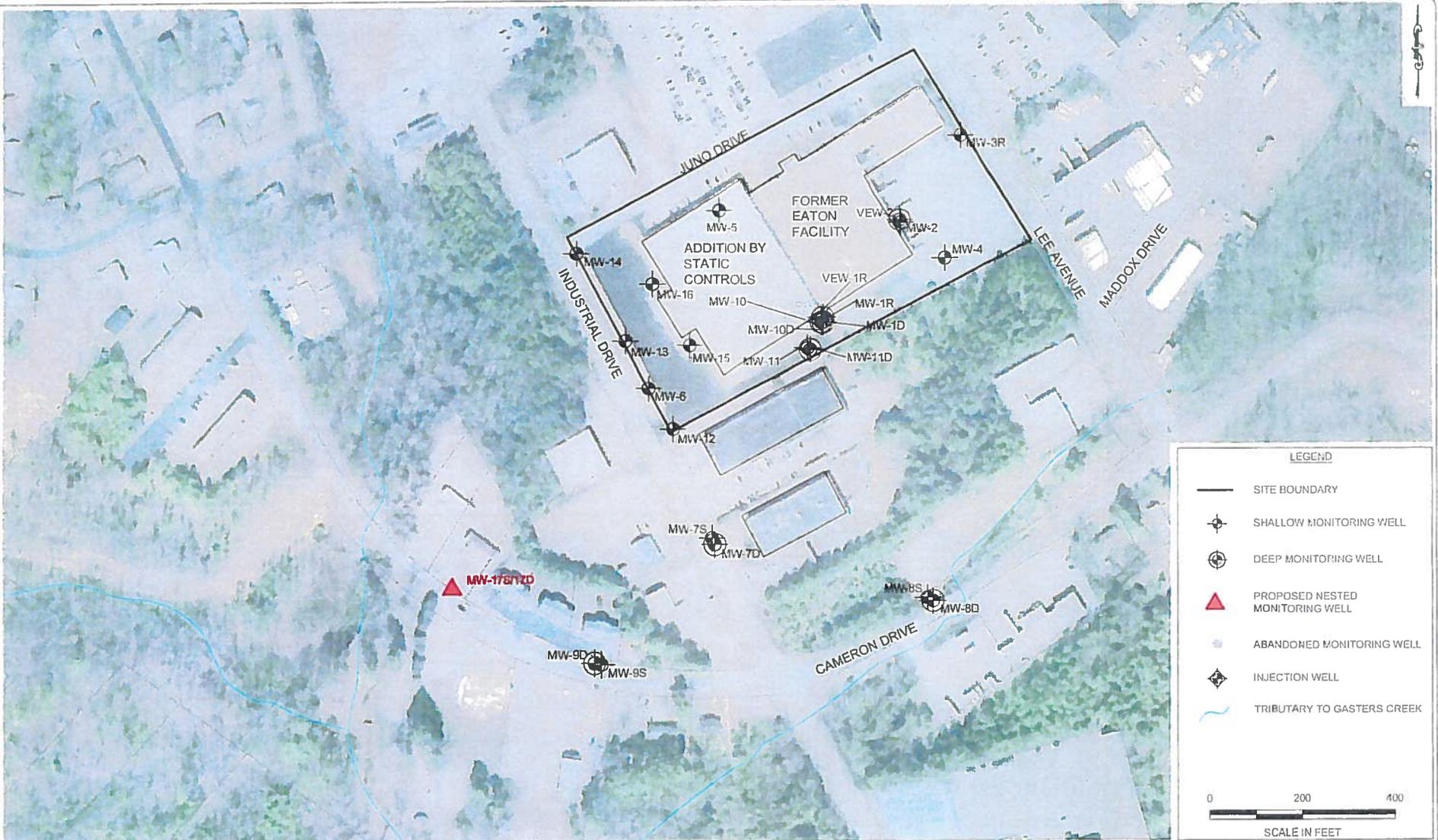
AGREED TO / ACCEPTED BY:

Name: _____

Title: _____

Date: _____

PROJECT NUMBER: 2016 0027 EATN
 DRAFTER: KTS
 CHECKED BY: BY
 PROJECT MANAGER: BY
 DATE: 4/19/2016
 FILE: Well Permit Application.rwg



Solutions-IES
 Industrial & Environmental Services
 1101 NOWELL ROAD
 RALEIGH, NORTH CAROLINA 27307
 TEL: (919) 873-1060 FAX: (919) 873-1074

FORMER EATON CORPORATION FACILITY
 3020 LEE AVENUE
 LEE COUNTY
 SANFORD, NORTH CAROLINA

PROPOSED PERMANENT WELL LOCATION

FIGURE
 1



Figure 2. View of Cameron Drive looking westward. Image taken from Google Maps ©2016

PROJECT NUMBER
2016.0027.EATN

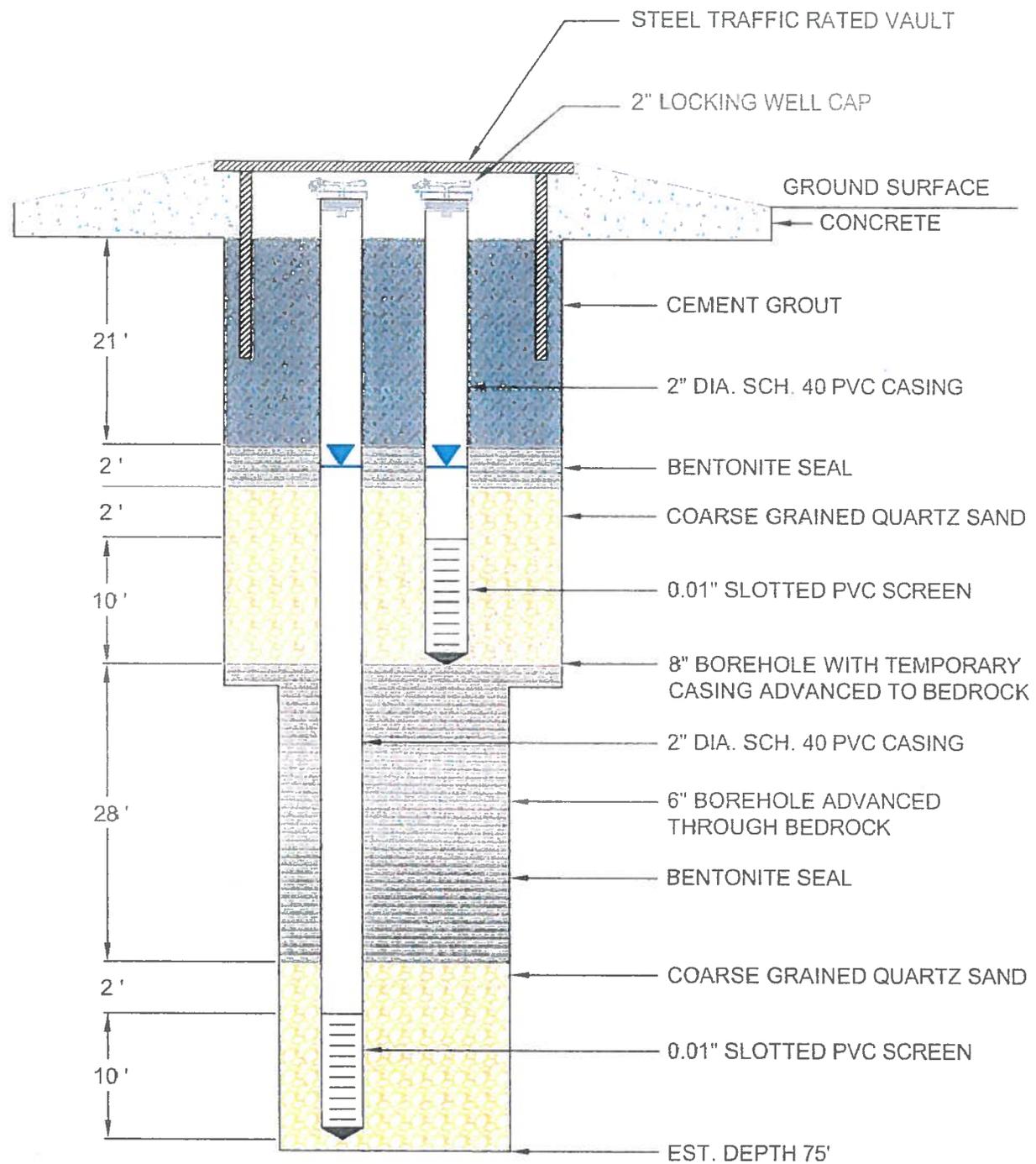
DRAFTER
SAM

CHECKED BY
BY

PROJECT MANAGER
BY

DATE
5/4/2016

FILE
Well Construction Form.dwg



TYPE II NESTED
FLUSH-MOUNT WELL
NOT TO SCALE



ATTACHMENT A
MONITORING WELL PERMIT APPLICATION

APPLICATION FOR PERMIT TO CONSTRUCT A MONITORING OR RECOVERY WELL SYSTEM

PLEASE TYPE OR PRINT CLEARLY

In accordance with the provisions of Article 7, Chapter 87, General Statutes of North Carolina and regulations pursuant thereto, application is hereby made for a permit to construct monitoring or recovery wells.

1. Date: April 25, 2016

2. County: Lee

3. What type of well are you applying for? (monitoring or recovery): Monitoring

4. Applicant: Eaton Telephone: (440) 523-4777
Applicant's Mailing Address: Mail Code 4S, 1000 Eaton Boulevard, Cleveland, OH 44122
Applicant's Email Address (if available): Jeffrey Allen : jeffpallen@eaton.com

5. Contact Person (if different than Applicant): Bilgen Yuncu Telephone: (919) 873-1060
Contact Person's Mailing Address: 1101 Nowell Road Raleigh, NC 27607
Contact Person's Email Address (if available): yuncub@solutions-ies.com

6. Property Owner (if different than Applicant): City of Sanford Telephone: (919) 777-1119
Property Owner's Mailing Address: PO Box 3729 Sanford, NC 27331
Property Owner's Email Address (if available): Paul Weeks: paul.weeks@sanfordnc.net

7. Property Physical Address (including zip code) and PIN Number: City right of way on north side of Cameron drive, 27332

8. Reason for Well(s): Assessment/Remediation
(ex: non-discharge permit requirements, suspected contamination, assessment, groundwater contamination, remediation, etc.)

9. Type of facility or site for which the well(s) is(are) needed: Manufacturing
(ex: non-discharge facility, waste disposal site, landfill, UST, etc.)

10. Are there any current water quality permits or incidents associated with this facility or site? If so, list permit and/or incident no(s).
No

11. Type of contaminants being monitored or recovered: VOCs
(ex: organics, nutrients, heavy metals, etc.)

12. Are there any existing wells associated with the proposed well(s)? If yes, how many? Yes, 2
Existing Monitoring or Recovery Well Construction Permit No(s): N/A

13. Distance from proposed well(s) to nearest known waste or pollution source (in feet): Approximately 800 ft

14. Are there any water supply wells located less than 500 feet from the proposed well(s)? No
If yes, give distance(s): NA

15. Well Contractor: Geologic Exploration Certification No.: TBD
Well Contractor Address: 176 Commerce Blvd, Statesville, NC 28677

PROPOSED WELL CONSTRUCTION INFORMATION

1. As required by 15A NCAC 02C .0105(f)(7), attach a well construction diagram of each well showing the following:
- a. Borehole and well diameter
 - b. Estimated well depth
 - c. Screen intervals
 - d. Sand/gravel pack intervals
 - e. Type of casing material and thickness
 - f. Grout horizons
 - g. Well head completion details

- | | |
|---|--|
| <p>2. Number of wells to be constructed in unconsolidated material: <u>1(nested well)</u></p> | <p>5. How will the well(s) be secured? <u>Flush-mount with locking cap</u></p> |
| <p>3. Number of wells to be constructed in bedrock: <u>1(nested well)</u></p> | <p>6. Estimated beginning construction date: <u>TBD</u></p> |
| <p>4. Total Number of wells to be constructed: <u>1 (referenced at two depths)</u>
(add answers from 2 and 3)</p> | <p>7. Estimated construction completion date: <u>TBD 3 days from start</u></p> |

ADDITIONAL INFORMATION

1. As required by 15A NCAC 02C .0105(f)(5), attach a scaled map of the site showing the locations of the following:
- a. All property boundaries, at least one of which is referenced to a minimum of two landmarks such as identified roads, intersections, streams, or lakes within 500 feet of the proposed well or well system.
 - b. All existing wells, identified by type of use, within 500 feet of the proposed well or well system.
 - c. The proposed well or well system.
 - d. Any test borings within 500 feet of proposed well or well system.
 - e. All sources of known or potential groundwater contamination (such as septic tank systems, pesticide, chemical or fuel storage areas, animal feedlots as defined in G.S. 143-215.10B(5), landfills, or other waste disposal areas) within 500 feet of the proposed well or well system.

SIGNATURES

The Applicant hereby agrees that the proposed well(s) will be constructed in accordance with approved specifications and conditions of this Well Construction Permit as regulated under the Well Construction Standards (Title 15A of the North Carolina Administrative Code, Subchapter 2C) and accepts full responsibility for compliance with these rules

Karen E. Souza
 Signature of Applicant or *Agent
Karen E. Souza
 Digitally signed by Karen E. Souza
 Date: 2016.04.26 13:23:18 -04'00'
 Printed name of Applicant or *Agent

Agent for Eaton
 Title of Applicant or *Agent
** If signing as Agent, attach authorization agreement stating that you have the authority to act as the Agent.*

If the property is owned by someone other than the applicant, the property owner hereby consents to allow the applicant to construct wells as outlined in this Well Construction Permit application and that it shall be the responsibility of the applicant to ensure that the well(s) conform to the Well Construction Standards (Title 15A of the North Carolina Administrative Code, Subchapter 2C).

Signature of Property Owner (if different than Applicant)

City of Sanford
 Printed name of Property Owner (if different than Applicant)

DIRECTIONS

Please send the completed application to the appropriate Division of Water Quality's Aquifer Protection Section Regional Office:

Asheville Regional Office
 2090 U.S. Highway 70
 Swannanoa, NC 28778
 Phone: (828) 296-4500
 Fax: (828) 299-7043

Raleigh Regional Office
 3800 Barrett Drive
 Raleigh, NC 27609
 Phone: (919) 791-4200
 Fax: (919) 571-4718

Wilmington Regional Office
 127 Cardinal Drive Extension
 Wilmington, NC 28405
 Phone: (910) 796-7215
 Fax: (910) 350-2004

Fayetteville Regional Office
 225 Green Street, Suite 714
 Fayetteville, NC 28301-5094
 Phone: (910) 433-3300
 Fax: (910) 486-0707

Washington Regional Office
 943 Washington Square Mall
 Washington, NC 27889
 Phone: (252) 946-6481
 Fax: (252) 975-3716

Winston-Salem Regional Office
 585 Woughtown Street
 Winston-Salem, NC 27107
 Phone: (336) 771-5000
 Fax: (336) 771-4630

Mooresville Regional Office
 610 East Center Avenue
 Mooresville, NC 28115
 Phone: (704) 663-1699
 Fax: (704) 663-6040



**RESOLUTION
TO AWARD THE CONTRACT FOR
CITY OF SANFORD SIDEWALK IMPROVEMENTS PROJECT 01: HORNER BLVD**

Whereas, at a duly advertised bid opening on May 19th, 2016 at 3 pm, four bids were opened for the above mentioned project.

Whereas, the bid from Carolina Earth Movers was rejected as irregular due to missing pricing information.

Whereas, Jymco Construction Company, Inc. is the apparent low bidder.

NOW, THEREFORE, BE IT RESOLVED, That City Council of the City of Sanford awards the contract, contingent on N. C. Department of Transportation Approval, for "City of Sanford Sidewalk Improvements Project 01: Horner Blvd" to Jymco Construction Company, Inc., in the amount of \$141,349.00, and authorizes the execution of the contract and any necessary documentation.

This the 7th day of June, 2016.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

Approved as to form:

Susan C. Patterson, City Attorney



ENGINEERING DEPARTMENT

CITY OF SANFORD

P. O. BOX 3729

TELEPHONE 919-777-1122

FAX 919-774-8179

North Carolina 27331-3729

OR 919-777-1118

Paul M. Weeks, Jr., P.E.
City Engineer

MEMORANDUM

TO: Mayor Mann and Council Members

FROM: Paul M. Weeks Jr., P.E. 

DATE: May 31, 2016

SUBJECT: Recommendation to award a contract for "Sidewalk Improvements Project 01: Horner Blvd"

Bidding for Sidewalk Improvements Project 01 opened on May 19th at 3:00 PM. Four bidders submitted responses which were reviewed with the tabulation as follows:

	Contractor	Bid Bond	Bid Amount
1	Carolina Earth Movers, Inc.	yes	non-responsive
1	Jymco Construction Company	yes	\$141,349.00
2	Armen Construction LLC	yes	\$175,106.00
3	Sandhills Contractors, Inc.	yes	\$311,065.58

Upon review of the bid documents, staff found that Carolina Earth Movers did not provide either a unit cost or an extended cost on one of their bid items. The North Carolina Department of Transportation requires these details pursuant to their bidding regulations. Since this project is partially funded by Department of Transportation, their bidding regulations apply.

After referring the issue to NCDOT for consideration, the Carolina Earth Movers bid was determined irregular and non-responsive. Therefore, the bid was rejected.

The apparent low bidder is Jymco Construction Company. The City has worked with this contractor in the past and found their work to be acceptable.

The funds for this project have been budgeted and the project is within the budgeted amount. Since this project is partially funded by the Department of Transportation, the City must award contingent on DOT approval.

Therefore, Staff recommends the award of the contract, contingent on DOT approval, to Jymco Construction Company, Inc. in the amount of \$141,349.00.

**AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET
OF THE CITY OF SANFORD FY 2015-2016**

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina in regular session assembled.

Section 1: The following amounts are hereby amended to ordinance 2015-36 per G. S. 159-15 for the continued operation of the City of Sanford, its government, and activities for the balance of the fiscal year 2015-2016.

**GENERAL FUND
APPROPRIATION OF FUNDS**

	REVENUES		EXPENDITURES	
100045 54000	Appropriated Fund Balance	12,000	10014700 00000 Legal	12,000
	Total Appropriation	<u>\$ 12,000</u>		

Section 2. This ordinance shall be in full force and effective from and after the date of its adoption.

ADOPTED this, the 7th day of June, 2016.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

Susan C. Patterson, City Attorney

2015-2016 BUDGET ORDINANCE AMENDMENT**GENERAL FUND****Appropriation of Funds** - results in increasing of budget**Revenues**

Appropriated Fund Balance	12,000	To appropriate fund balance for item described below
---------------------------	--------	--

Expenditures

Legal	12,000	To budget funds for legal services
-------	--------	------------------------------------

**AN ORDINANCE TO AMEND VARIOUS
SANFORD CITY CODE SECTIONS
TO CLARIFY ENFORCEMENT MECHANISMS**

Section 1:

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina, in regular session assembled, hereby amends the following sections of the Sanford Code of Ordinances to read as follows:

Sec. 1-7. - General penalty; citations; additional remedies.

- (a) Unless otherwise provided in this Code, each violation of this Code shall not constitute a misdemeanor, and violations of such provisions of this Code shall be punished by a fine not exceeding \$500.00.

- (e) The provisions of this Code and any other city ordinances may be enforced by one, all or a combination of the remedies authorized and prescribed by this section. However, if the ordinance states that it is enforceable by civil penalty in the nature of debt, it is not enforceable under NCGS 14-4.

- (f) Any ordinances hereafter adopted by the city council, the violation of which shall incur a penalty, shall specify whether the enforcement shall be pursuant to the civil penalty or criminal penal provisions of this section. If the ordinance states that it is enforceable by civil penalty, it is not enforceable under NCGS 14-4.

Section 2:

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina, in regular session assembled, that the following ordinances shall be amended by adding the phrase "and shall not be a violation of NCGS 14-4."

Sec. 4-195. (c)(1); (d)(1)a

Sec. 8-18. (a)

Sec. 10-320. (b)

Sec. 16-36. (a)

Sec. 16-105. (a)

Sec. 18-12. (a)

Sec. 20-191. (a)

Sec. 22-171. (a)

Sec. 28-8.

Sec. 40-5. (a)

Sec. 36-141.

Adopted this _____ day of _____ 2016.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

Susan C. Patterson, City Attorney

STATE OF NORTH CAROLINA
 COUNTY OF LEE

FIRST ADDENDUM TO
 COMMERCIAL LEASE AGREEMENT

THIS ADDENDUM made and entered into this 7th day of June 2016, by and between Progressive Development Co., LLC, (a North Carolina Limited Liability Company) (hereinafter Landlord”), and County of Lee, (a body corporate and politic and one of the hundred counties of the State of North Carolina), and City of Sanford, (a North Carolina municipal corporation) (hereinafter “Tenants”).

WITNESSETH:

WHEREAS the parties hereto entered into a Commercial Lease Agreement dated September 10, 2014, whereby the Tenants agreed to pay rent per square foot for the square footage occupied by each of the Tenants; and

WHEREAS, additional square footage of 221 square foot has been added to accommodate Environmental Health offices (County), IT closet and Mechanical HVAC Room (City/County shared); and

WHEREAS, Tenants have agreed to adjust their rent to pay for the additional square footage used by Tenants.

NOW, THEREFORE, for and in consideration of the mutual promises stated herein and such other and further consideration as the parties agreed, the receipt of which is hereby acknowledged, the parties here to agree as follows:

105 sq ft – Environmental Health (County)
116 sq ft – IT Closet and Mechanical HVAC Room (City/County shared)
 221 sq ft total

$105/221 = 47.5\%$ County
 $116/221 = 52.5\%$ City/County shared (26.2 % City and 26.3 % County)

$47.5\% + 26.3\% = 73.8\%$ County
 26.2% City

$\$1878.5 * 73.8\% = \$1,386.33$ County
 $\$1878.5 * 26.2\% = \492.17 City

The City agrees to pay additional rent in the amount of \$492.17 and the County agrees to pay additional rent in the amount of \$1,386.33.

Except as amended herein the provisions of the Interlocal Agreement for Financial Services shall remain in full force and effect.

IN WITNESS WHEREOF, the parties here to have caused this instrument to be signed in the respective names by the proper officials by authority of an official act of the governing body of each of the governmental units.

Adopted this the 7th day of June, 2016.

WITNESS/ATTEST:

As to Landlord

_____(SEAL)
Progressive Development Co. LLC
Brian P. Bystry, Manager

As to Tenant

_____(SEAL)
Lee County Government
John Crumpton, County Manager

As to Tenant

_____(SEAL)
City of Sanford
Hal Hegwer, City Manager

STATE OF NORTH CAROLINA
COUNTY OF LEE

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is the Secretary of Progressive Development Co., LLC, and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by its Manager, Brian P. Bystry, sealed with its corporate seal and attested by him/her as its Secretary.

Witness my hand and stamp and seal, this _____ day of June 2016.

Notary Public

My Commission expires: _____

STATE OF NORTH CAROLINA
COUNTY OF LEE

I, _____, Notary Public of said County and State aforesaid, certify that Gaynell M. Lee, personally came before me this day and acknowledged that she is the duly appointed or designated Clerk to the Board of Commissioners of said County, and that by authority duly given and as the act of Lee County Board of Commissioners, the foregoing instrument was signed in its name by its Manager, sealed with its corporate seal and attested by her as its Clerk.

Witness my hand and stamp and seal, this _____ day of June 2016.

Notary Public

My Commission expires: _____

STATE OF NORTH CAROLINA
COUNTY OF LEE

I, _____, a Notary Public of the County and State aforesaid, certify that Bonnie Davis personally came before me this day and acknowledged that she is the City Clerk of the City of Sanford and that by authority duly given and as the act of the City Council, the foregoing instrument was signed in its name by its Manager, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and stamp and seal, this _____ day of June 2016.

Notary Public

My Commission expires: _____

Lee County
Pre-Audit Certificate:

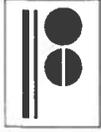
This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act.

Lisa Minter, Finance Officer
Lee County, North Carolina

Sanford
Pre-Audit Certificate

This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act.

Beth T. Kelly, Finance Officer
Sanford, North Carolina



PROGRESSIVE
CONTRACTING
COMPANY, INC.

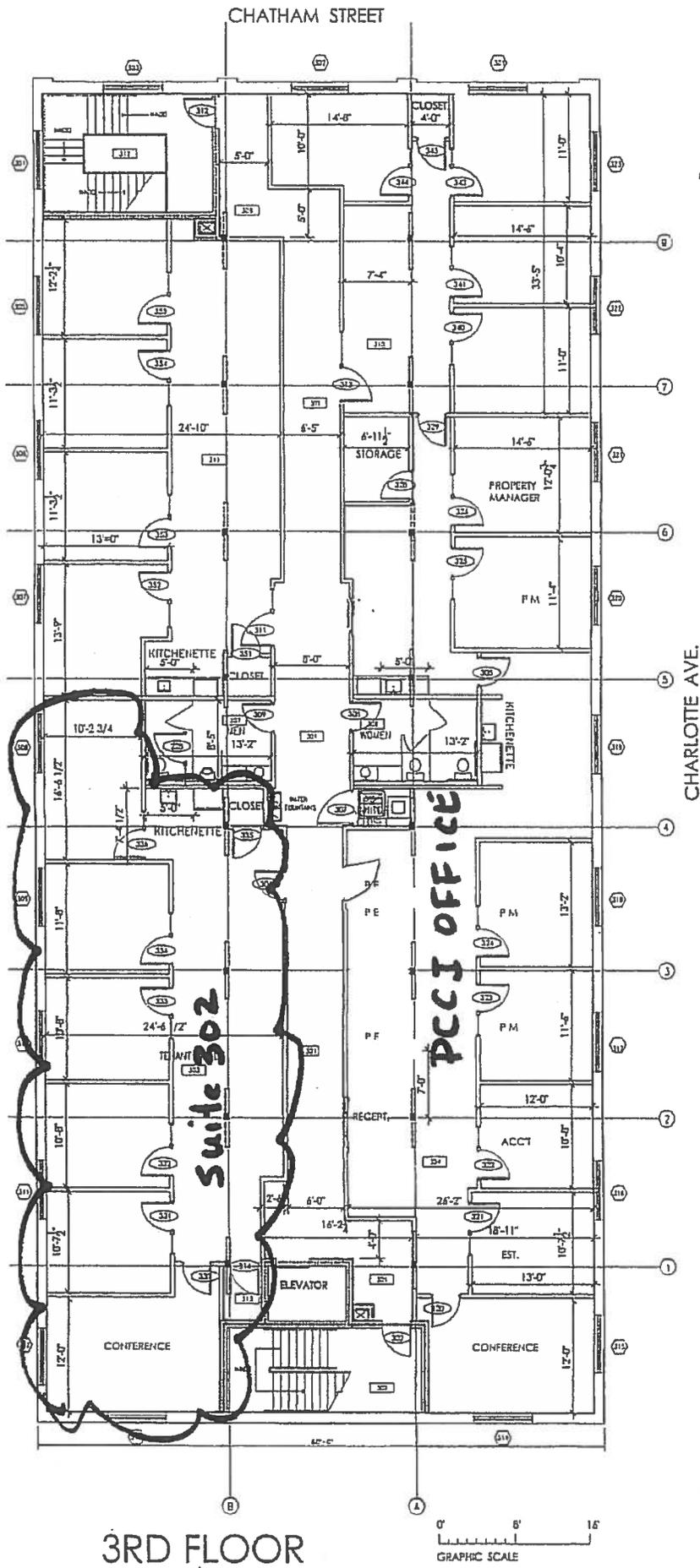
143 Charlotte Avenue, Suite 201
Sanford, North Carolina 27330
Tel: 919.718.5454 Fax: 919.718.5455

MEMORANDUM:

To: City of Sanford Mayor and Council
From: Joni Martin, Progressive Contracting Company, INC.
Date: May 27, 2016

Progressive Contracting Company, Inc. would like to request approval to lease Suite 302, third floor (2,126 sf) in the Sanford Buggy Company Building to Dr. Patterson for his medical office. If this space is leased there will be 2 remaining suites available for lease. See attached document for location of the proposed office suite.

This request is made per the executed Commercial Lease Agreement, Item Number Three, Use.



3RD FLOOR



MEMORANDUM

TO: City of Sanford City Council
Hal Hegwer, City Manager

FROM: David Montgomery, Senior Planner

DATE: May 16, 2016

REF: Consideration of contract for design services for assistance with Sanford Area Wayfinding Plan

In March staff released a RFQ soliciting design professionals for a Sanford Area Wayfinding Plan. Since that time, staff has evaluated and scored the RFQs that were received, and based on this evaluation, recommends the proposal as received from Bizzell Design, Inc. Staff is seeking your approval to negotiate a contract not to exceed \$35,000 with Bizzell Design, Inc. The project is estimated to be completed within 8 months.

As a reminder, staff and the consultant intends to work closely with a Design Committee throughout the development of this plan. Once a contract is executed, staff will work with the consultant to set up a meeting with the Design Committee to get the project kicked off.