

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 21, 2002, at 7:00 P.M. The following people were present:

Mayor Winston C. Hester	Mayor Pro Tem Joseph E. Martin
Council Member James G. Williams	Council Member Walter H. McNeil, Jr.
Council Member Clawson Ellis	Council Member Philip E. Dusenbury
Council Member Linwood S. Mann, Sr.	City Attorney Susan C. Patterson
City Manager Leonard Barefoot	Council Member J. T. Kirkman
City Clerk Bonnie D. White	

Mayor Hester called the meeting to order; Council Member J. T. Kirkman delivered the invocation.

City Manager Leonard Barefoot presented Kay Bunnell a plaque honoring her as "Public Works Employee of the Year." Mr. Barefoot shared some of the complimentary comments given by employees who nominated her, but one specifically given by the superintendents was that Ms. Bunnell is one of the best representatives of the City Public Works' logo which is "Service First." Ms. Bunnell thanked the City Council and City Manager on behalf of all the City employees for what they do for the employees. She stated that she was blessed with a great superintendent, Terry Windham, for his support and encouragement.

APPROVAL OF AGENDA

On motion of Council Member Phil Dusenbury, seconded by Council Member Walter McNeil, Jr., the agenda was approved as presented.

CONSENT AGENDA

Approval of May 5, 2002, City Council Minutes- Filed in Minute Book 59

The items listed below were discussed in detail at the Law and Finance Meeting held on Wednesday, May 15, 2002.

Approval of Resolution Authorizing the Advertisement of a Public Auction To Sell Certain Personal Property of the City of Sanford - (Exhibit A)

Resolution sets the date of the auction on June 8, 2002, at 9 A.M. to auction surplus cars, equipment and miscellaneous items.

Approval of Resolution Authorizing the Advertisement of an Offer To Purchase Vacant Lot on Lee Avenue, Sanford, North Carolina - (Exhibit B)

The resolution authorizes the advertisement to receive upset bids on a vacant lot owned by the City located at the corner of Lee Avenue and Seawell Street. The City received an offer

from WILAD, LLC in the amount of \$16,000 which exceeds the tax value. WILAD has agreed to accept the land encumbered by the monitoring well.

Approval of Bid for Four-Wheel-Drive Loader for Compost Facility - (Exhibit C)

Bid was awarded to L. B. Smith Company located in Raleigh, North Carolina, for the purchase of a L-70D Volvo, four-wheel drive loader for the compost facility. The price of the loader is \$97,760 with trading the old loader in.

Approval of Audit Services Contract - (Exhibit D)

The City's contract with Dixon-Odom PLLC for audit services was renewed. The rate is \$27,900 plus \$90 to \$125 per hour for assistance beyond the normal scope of the contract.

Approval of Resolution for Financing Four-Wheel-Drive Loader for Compost Facility- (Exhibit E)

Resolution was approved for BB&T to finance the purchase of a four-wheel-drive loader for the compost facility at a rate of 4.21 percent for four years.

The consent agenda items were approved upon motion of Council Member Walter McNeil, Jr. Seconded by Mayor Pro Tem Joe Martin, the motion carried unanimously.

CASES FOR PUBLIC HEARING

Petition by GPG Development, LLC - to amend its Deep River Forest development plans and R-PUD Planned Unit Development District for 636.23 acres located off the eastern side of Hawkins Ave., US HWY 15/501/NC87, and extending easterly bordering the Deep River/Lee County Line over to the eastern side of Deep River Road at its intersection with Zion Church Road. The area includes Lee County Tax Parcel No's 9646-65-8793, 9656-26-2792, and 9646-83-3550 as shown on Tax Maps 9646.02, 9656.01 and 9646.04. – (Exhibit F)

Assistant Community Development Director Trevis Averitt stated that adjoining properties owners in Lee County and Chatham County were notified of the public hearing. GPG Development LLC's application is to amend the Deep River Forest PUD (Planned Unit Development) District for 636.23 acres. Their request is to amend their existing PUD zoning which consists of Residential R-6 PUD, Residential R-12 PUD and General Business GB PUD distributed over the 636-acre area. Mr. Averitt noted that they are rearranging the overlay of districts on the 636-acre area. He displayed the location of the property on a map. The property was annexed into the City limits in August 1999, and there was an additional 5.5 acres annexed in February 2000.

Preliminary plans for a planned unit development (PUD) were approved by City Council on August 17, 1999. On March 7, 2000, Council approved an amendment to the plan for the additional 5.5 acres. Mr. Averitt stated that the approved plans included approximately 322.60 acres of R-6 PUD and R-12 PUD for a variety of single-family and multi-family housing types; 28.58 acres for a conference center; 22.96 acres of GB PUD for a variety of retail or service establishments; 226.3 acres of open space for park, stream buffer, and golf course; and 36.05 acres in public streets.

The revised plans propose approximately 438.50 acres of R-6 PUD and R-12 PUD for a variety of single-family and multi-family housing types; 30.59 acres of GB PUD for a variety of business and service establishments; 128.74 acres of open space for active and passive recreation and stream buffer; 34.06 acres in public streets; and 4.13 acres reserved for future development. The approved plan and the proposed plan are identical in that both provide for 1,264 dwelling units at an overall density of 1.99 units per acre. The major differences in the previously approved PUD plans and the proposed amendments are the elimination of the golf course on 183 acres and a conference center on 29 acres. The Deep River PUD Plan provides for the main access to the development on US Highway 15-501 away from Deep River Road; this is the same as in the old plan.

The Deep River Small Area Plan was adopted by City Council on August 1, 2001, and supersedes the 2020 Land Use Plan adopted in May 1999 for the Deep River Forest PUD area. City water and sewer mains will be extended to the development.

Mayor Hester opened the public hearing. Jerry Turner with Jerry Turner & Associates, Inc., from Raleigh, North Carolina, spoke in favor. Mr. Turner explained that the basic difference in the old and new plan is the removal of the golf course. The basic road system is the same. Mr. Turner read a list of Finding of Facts (Exhibit G) that must be met in order to permit a PUD. They feel it is a nicer plan because it has more single-family homes and larger lots.

Council Member Phil Dusenbury asked Mr. Turner if they planned on clear-cutting the property. Mr. Turner replied no, because the land is beautiful and their problem is trying to put a development on it without messing it up. They have no intentions of clear-cutting at all. Council Member Mann asked if they plan to have two entrances from the beginning of the project. Mr. Turner replied they are going to build the main thoroughfare or the collector road into the project and back to where it would tie into Jones Chapel Road. Mr. Turner stated that there would be two entrances built initially. Council Member Ellis stated that the property was annexed into the City several years ago and, if approved, when they plan on starting construction. Mr. Turner replied that the developers anticipate starting within the year. Council Member Mann asked if they had considered using the U. S. Highway 15-501 entrance to move materials in to construct the homes as opposed to Deep River Road. Mr. Turner replied they would be using U. S. Highway 15-501 as the main entrance road to bring in materials; that would be the main entrance built first.

Fred Sherrick, who owns property on U. S. Highway 15-501, spoke against the petition. He expressed his concerns regarding the abundance of wildlife on the property; taxpayers would be asked to support the installation of wastewater treatment pumping stations constructed for the development; overcrowded schools; not enough facilities for the increased number of kids over the age of 12; want the ability to retire in a quiet neighborhood; and Sanford does not need another golf course. Mayor Hester informed Mr. Sherrick there would not be a golf course in the development.

Kay Richter spoke in opposition of the petition. She expressed concern about paying taxes to give someone else sewer and also fertilizer and weed killers used on lawns will end up in the river. Mr. Barefoot explained that the line that was extended to Chatham County is a City of

Sanford water line, and it was paid for by Chatham County initially as part of their Farmer's Home water system over in the Asbury community. He said the sewer utilities that will be extended into the subdivision will be paid for by the developer and will require no tax money to pay for them.

Sheila Sherrick, who resides on Hawkins Avenue, expressed concern as to how the county will educate the added children as the schools are already overcrowded and the increase in noise from the added traffic.

Billy Hutchins, who lives across from the proposed entrance of the development on Deep River Road, expressed concern about the increased traffic and the effect it would have on the safety of kids at Deep River School.

Mayor Hester closed the public hearing.

Application by GPG Development, LLC - pursuant to NCGS 160A-385.1 and Article II, Division 4, Vested Rights, of the Sanford Zoning Ordinance for a five-year zoning vested right for Deep River Forest PUD. Request is for the phased development of the same properties and amended development plans identified and described in Item 1 above. – (Exhibit H)

Assistant Community Development Director Trevis Averitt advised that, just as in the previous applications in 1999, GPG Development, Inc. LLC has requested for vested rights for a period of five years. He advised that this is something that is provided for under state law and subsequently, under the Sanford Zoning Ordinance. It would allow the developer to continue to develop his property in accordance with the approved plans regardless of what zoning and subdivision changes might be forthcoming by the City. The period of five years was requested due to the size of the project, the level of investment, the need for and the desirability of the development, economic cycles and market conditions. In order to grant the developer five years, there has to be justification that the Council finds for granting vested rights. The developer had five years that began in 1999, and this would extend it for an additional five years if the amendment were approved.

Mayor Hester opened the public hearing. Jerry Turner spoke and reiterated the facts that Mr. Averitt stated earlier. Council Member Mann asked Mr. Turner again, that the road will be built extending from one entrance to the other regardless of the phases. Mr. Turner replied it would be built all the way from U. S. Highway 15-501 to tie into Jones Chapel Road as part of the first phase of development. Council Member Dusenbury asked how long it would take to develop the entire piece of property. Mr. Turner replied it would be a seven to twelve-year process.

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

The Planning Board retired to the West Conference Room.

REGULAR AGENDA

Consider a Preliminary Plat Plan of R.B. Properties Subdivision, Located Off Kelly Drive. Owner/Developer Barron J. Campbell Heirs & William Randall Campbell. – (Exhibit I)

Mayor Hester reminded the Council that at its last meeting, this item was tabled, and a motion is needed to take it from the table for consideration. So moved by Council Member Walter McNeil, seconded by Mayor Pro Tem Joe Martin, the motion carried unanimously.

Community Development Director Bob Bridwell advised that since Council's last meeting, the technical review committee met and found that technical compliance with the subdivision ordinance is still in effect. However, Council requested staff to research for some possibility of getting the street extended to have dual access. Several meetings were held and the developer had previously said that the first phase is 47 lots and upon completion of that phase, they would apply for completion of the streets. Staff has arrived at the concept that once the 48th lot is proposed for platting or a multi-family lot was under consideration, that the developer be required within one year per the requirements of the subdivision ordinances to complete that street all the way through to Kelly Drive.

Mayor Pro Tem Joe Martin made the motion to go along with the recommendation of staff, and the motion was seconded by Council Member Phil Dusenbury. The vote was 4 to 3 with Council Members Clawson Ellis, J. D. Williams, J. T. Kirkman and Linwood Mann casting the dissenting votes. Voting for the motion was Mayor Pro Tem Joe Martin, Council Members Phil Dusenbury and Walter McNeil. Mayor Hester asked Attorney Patterson what legal grounds was the plat turned down on. Attorney Patterson replied that Council has to state what grounds it was turned down on. Council Member Linwood Mann stated he voted against it for safety reasons. Mr. Mann advised that if the developer would complete the road to Kelly Drive, he would support it. He was concerned about the added traffic on Broadway Road, the fact that the entrance to the subdivision is located in a curve and the potential for increased vehicular accidents.

City Manager Barefoot advised that if Council was agreeable, rather than to deny the plat, to make the motion to approve the preliminary plan subject to the complete construction of the street in the initial phase due to the safety concerns on Broadway Road and public safety for fire vehicle access. The motion was made by Council Member Linwood Mann and seconded by Council Member J. T. Kirkman. The vote was 6 to 1 to approve the motion as stated by Mr. Barefoot with Council Member Walter McNeil casting the dissenting vote.

OTHER BUSINESS

Council Member Clawson Ellis stated on behalf of the ABC Board, he wanted to express their appreciation to R. V. Hight with the *Sanford Herald* for the very positive article he wrote in the paper Saturday morning. He said it was an article that needed to be written; it was informative, positive, and true. Mr. Ellis praised the ABC Board and stated that it was one of the best, if not the best, ABC systems in the State of North Carolina.

City Manager Leonard Barefoot stated that at the conclusion of the budget workshop, he discussed his desire to have the budget public hearing on June 11. It was his understanding at that time there was not enough time to advertise; however, we do have time. If Council had no objections, the scheduled City Council meetings would be held June 4 and June 25. Council was in agreement with the dates of the meetings.

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 James Williams, the motion carried unanimously.

Respectfully submitted,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK