

MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA

The City Council met at the Sanford Municipal Center, 225 E. Weatherspoon Street, on Tuesday, November 5, 2002, at 7:00 P.M. The following people were present:

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

Mayor Hester called the meeting to order; Council Member Phil Dusenbury delivered the invocation.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Approval of October 15, 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, October 30, 2002.

Approval of Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place For Public Hearing on Preliminary Assessment Roll for Hughes Street 8-Inch Sewer Line Extension –(Exhibit A)

The resolution sets a date of November 19, 2002 at 7:00 P.M. for the public hearing on the preliminary assessment roll. The 8-inch sewer line extension project is complete, and the total cost of the petition assessment project is \$14,231.52

Approval of Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place For Public Hearing on Preliminary Assessment Roll for Fields Drive 8-Inch Sewer Line Extension – (Exhibit B)

The resolution sets a date of November 19, 2002, at 7:00 P.M. for the public hearing on the preliminary assessment roll. The 8-inch sewer line extension project is complete, and the total cost of the petition assessment project is \$12,893.00.

Approval of Award of Bid for Street Resurfacing - (Exhibit C)

S. T. Wooten was awarded the street resurfacing project with a low bid of \$106,620.

Approval of Award of Bid for Street Patching – (Exhibit D)

S. T. Wooten was awarded the street-patching project with a low bid of \$216,900.

Approval of Award of Bid to Wooten Company for 2002-2006 Revitalization Strategies Administration Services – (Exhibit E)

The Wooten Company was awarded the contract for administrative services for the W. B. Wicker School project with the negotiated not-to-exceed fee to be based on the availability of approved grant funds to cover the administrative costs throughout the life of the project. The Wooten Company bid \$212,595 for administrative services. The State has constraints on the project that we have to redo the contract annually based on The Wooten Company's service to the City; the project does not have to be rebid unless The Wooten Company does not meet its criteria they set forth in their presentation.

Approval of Cape Fear River Assembly Membership Fees – (Exhibit F)

Approval was granted to negotiate with the Cape Fear River Assembly for the City of Sanford to join with a membership fee of \$1,921.

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

CASES FOR PUBLIC HEARING

Petition by John W. Coggin and Madge H. Coggin - requesting non-contiguous annexation of approximately 3.81 acres of property located at 2206 Jefferson Davis Highway. – (Exhibit G)

Planner I Amy Bean advised that the petition was received on August 23, 2002. The area being proposed for non-contiguous annexation meets the General Statute requirements which are:

- The nearest point on the proposed satellite corporation limits is not more than three miles from the corporate limits of the City of Sanford;
- No point on the proposed satellite corporate limits is closer to another municipality than to the City of Sanford;
- The area described is so situated that the City of Sanford will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- No subdivision, as defined in G. S. 160-376, will be fragmented by this proposed annexation. (This is not applicable for this petition).

The proposed annexation area has access to a 12-inch City-owned water line on Jefferson Davis Highway and on Pendergrass Road. The area has access to an 8-inch City sewer line, which is proposed to be extended through private property through an existing line west of the property. The cost will be borne by the developer.

The Sanford Police Department already provides patrol and other police services along Jefferson Davis Highway for the existing satellite areas of the City. The City's Fire Department will provide service to the proposed annexation area from Fire Station #3 with backup from the Central Fire Station.

Senate Bill 1146, adopted by the House Committee on August 26, 2002, exempts the City of Sanford from the law that states “the area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.”

Mayor Hester opened the public hearing. Sam Wornom spoke in favor of the petition. He informed the Council that they have a company called the “Fuel Mate” which is a convenient food store company under contract for the property. Mr. Wornom advised that they plan to spend from \$1.5 million to \$2 million in improvements on the property with a convenient food store, a restaurant, and will lease out one section of the building. They plan to extend sewer to the property. Mr. Wornom recognized owners, John W. Coggin and Madge H. Coggin in the audience.

No one spoke in opposition. Mayor Hester closed the public hearing.

- Consider an Ordinance to Extend the Corporate Limits of the City of Sanford– (Exhibit H)
Council Member Walter McNeil, Jr. made the motion to approve the Ordinance to Extend the Corporate Limits of the City of Sanford. Seconded by Council Member Joe Martin, the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS

Petition by Eldridge Pace and James Clifton, Sandhills Ice, Inc., Central Electric Membership Corp., Phillip Faulk, and ABJP, Inc., to rezone from City of Sanford Industrial Park (IP) district to Light Industrial (LI) district approximately 8.05 acres of land located at 200 East Wilson Road, 3107 Hal Siler Drive, vacant (3100 block) Hal Siler Drive, 3103 Hal Siler Drive, and 208 Gordon Wicker Drive. The properties are the same as depicted on Tax Maps 9651.08 and 9651.12, Tax Parcels 9651-97-6247, 9651-97-4976, 9651-97-4510, 9651-97-3603, and 9651-97-2757, Lee County Land Records Office. – (Exhibit I)

Planner I Amy Bean advised that the properties to be rezoned are located within the Walker-Wilson Industrial Park and houses a variety of industrial uses. The Planning Board unanimously recommended approval of the petition. Council Member Linwood Mann made the motion to approve the rezoning petition. Seconded by Council Member Clawson Ellis, the motion carried unanimously.

Petition by City of Sanford - to rezone from Lee County Residential Restricted (RR) district to City of Sanford Office & Institutional–Multifamily (OI-MF) district approximately 3.49 acres of land located at the intersection of Amos Bridges Road and northern access ramp of U.S. Highway No. 1 which were recently annexed into the City Limits. Tax Map 9644.02, Parcel No. 9644-66-0121, Lee County Land Records Office. – (Exhibit J)

Assistant Community Development Director Trevis Averett advised that at the City Council meeting held September 17, 2002, a public hearing was held jointly with the Planning Board. He stated that on September 17, the Planning Board tabled the manner for further study to zone it to Office and Institutional – Multi Family (OI/MF) District from Lee County

Residential Restricted (RR). It was annexed into the City limits effective August 31, 2002, (actually annexed August 20, 2002). The property is located approximately 800 feet from the intersection of Amos Bridges Road with Hawkins Avenue. The property fronts Amos Bridges Road and is adjacent to the on-ramp for U.S. Highway #1 North. The matter was tabled by the Planning Board for further study due to concerns of exactly what the property should be zoned. The Planning Board studied the matter again on October 15, 2002, and its recommendation was to rezone the property to Residential Agriculture (RA-20) District.

Mayor Hester asked what the reasons are for this decision. Mr. Averett replied that the Planning Board had concerns about whether the property is commercial property and whether OI/MF is the best zoning for it. The Planning Board realized that zoning it General Business does not necessarily guarantee what type of use will be there in that district. The apartments are zoned Residential Agricultural (RA-20) District across the street.

Mayor Hester asked if it is usually the Planning Board's authority to recommend something different from what the petitioner is requesting? Mr. Averett replied that the petitioner is the City of Sanford. It was advertised based on the fact that the Baptist Children's Home already owns the property. Considering at that time what the Baptist Children's Home was proposing to do, staff felt that OI/MF might best suit their needs. OI/MF serves as a buffer area between the commercial zoning and the surrounding residential areas to the northeast. Mr. Averett stated that it is a valuable tract of land located near a high traffic area. There are other businesses and a shopping center near it.

Mr. Averett stated that this is an initial zoning of a piece of property into our jurisdiction and Council has the option to rezone it to whatever zoning they feel is more appropriate. Mr. Averett advertised the property to be rezoned from Lee County Residential Restricted (RR) to Office and Institutional-Multi Family (OI/MF). OI/MF would allow offices, single-family uses, and multi-family; it does not allow retail sales and real commercial development. Adjoining property owners were notified of the rezoning.

Mr. Averett advised that he understood that the Baptist Children's Home would be constructing a group home for six or less mentally or physically disabled persons; they can subdivide this property and develop two single-family residences. Those uses, under State law, are treated as single-family development and they can be put in RA-20 District. Under State law, a family care home pre-empts local zoning and can go in any residential district the same as any other single-family use. However, OF/MF allows more flexibility as to the use of the property.

Council Member Phil Dusenbury stated that several people have commented to him they do not think it is the proper place to have a home of that type. It is a very busy intersection.

Mayor Pro Tem J. T. Kirkman expressed that some people feel that they have not been made aware of what is allowed in a particular zoning. There are several businesses and a shopping center around it and people that live in the Devroe Meadows Subdivision have concerns about it. Mayor Pro Tem J. T. Kirkman made the motion to table the matter for two weeks until some issues are ironed out.

Mr. Averett made Council aware that under State law, that when the property is annexed into the City's jurisdiction and has a County zoning, the property remains zoned Residential Restricted under the County's ordinance until such time as the City zones it. Within 60 days after annexation, the property becomes unzoned; this will occur at the end of November. City Attorney Susan Patterson informed Mr. Averett that if the property was annexed August 31, 2002, then the 60 days have passed, and the property is unzoned now. Ms. Patterson explained that the County's zoning has expired, and the City has not assigned a zoning category; therefore, it is an unzoned piece of property. She added that since there is no zoning control on the property, the Council, if it so chooses, should zone it as expediently as possible. Mr. Averett explained that as unzoned property anybody could apply for an application, and build whatever they want on it. City Manager Leonard Barefoot commented that if the Council does not zone it tonight, the property remains unzoned, and the petitioner can get a permit tomorrow, as there are no regulations on the property. Mr. Averett replied that is correct. Mr. Averett stated that if you zone it RA-20, a permit could still be issued for the construction of the two homes; they would need to subdivide the property into two lots.

Council Member Joe Martin commented that he is getting the same amount of calls that Mr. Kirkman has received. There are a lot of people that feel it is prime commercial property. He has heard there is a group of business people that would like to try to talk to the Baptist Children's Home about buying that lot. His support for tabling the issue is because it is a prime commercial piece of property and would like to keep it that way. Attorney Patterson reiterated the fact that Council can assign zoning tonight and decide whether to rezone it to something else in the future. She stated that you can table it and take the risk as to whether any permits are applied for, or you can assign zoning tonight.

C. F. McDowell, Vice-President of the Baptist Children's Homes, stated that the previous owners, Mrs. Jane Willett Cromer of Gulf, North Carolina, gave them this property. Her late husband, Howard Cromer, and she had plans for that property. They have a son who is 39 years old with developmental disabilities. Her desire is to make sure that her son has a place to be cared for. Baptist Children's Home started the kind of ministry that her son is going to need in the future. Mr. McDowell advised that Ms. Cromer is a Baptist, and she chose to give them the property for expanding the ministry for a place in hopes that her son (Baptist Children's Home have not guaranteed her this) and other adults like him would have a place of residential care. He stated that Ms. Cromer gave the property knowing how valuable the property is. Baptist Children's Home approached her when she gave them the property and asked her if she would allow them to sell the property and build somewhere else because of where the property is and the value. Ms. Cromer told them that she did not want them to do that because adults like her son deserve to live on valuable property as much as anywhere else. They ended the discussion with her and continued their process with the City.

Council Member J. T. Kirkman stated that the people who called him did not know the stipulations. A lot of people did not know about it, and if they did, they would have been at the public hearing when Mr. McDowell spoke about the plans for the property. Mayor Hester asked Mr. McDowell if he would be willing to sell the property and relocate if they could receive a premium price for it or if he would have to abide by the wishes of Ms. Cromer. Council Member Joe Martin asked him if Council zoned the property to something that would not allow group

homes, would Ms. Cromer give him the right to sell the property being as valuable as it is, and build at another location. Mr. McDowell replied that they would be willing, because of the fact that they want to be good citizens and good neighbors in this community; they would be willing to talk with Ms. Cromer about selling the property. He would have to get their president and attorney in on the matter. Council Member Linwood Mann stated that in the future, there will be an issue with noise and pollution because of where the property is located. Mr. McDowell advised they had planned to plant trees around the property. Council Member Mann felt it would be more appropriate to build somewhere in a peaceful setting. Mr. McDowell stated that Ms. Cromer strongly preferred that they not sell the property despite the value of it.

Council Member Joe Martin explained to Mr. McDowell that Council in no way is trying to jeopardize what they are trying to do. Council is faced with trying to come up with a solution that hopefully will benefit everybody. Council Member J. T. Kirkman advised that the Department of Transportation is going to perform a feasibility study in that area because two people have been killed at that intersection. Mr. Kirkman stated that it is a high-speed area and the proposed 421 Bypass is going to be within site of that property. It will be one of the largest interchanges in the State of North Carolina for a four-lane road. Mr. McDowell was not aware of the proposed 421 Bypass.

City Manager Leonard Barefoot explained that if Council tables the issue, it leaves Council's decision to zone it on the table. Mayor Hester asked Mr. McDowell if it was acceptable to him for Council to table it for two weeks and would this give him time to talk with the previous owner. Mr. McDowell replied that he will agree to tabling the matter for further discussion.

Council Member Joe Martin seconded the motion, and it carried unanimously.

REGULAR AGENDA

Consider Joint Resolution for Request of Projects in the Transportation Improvement Program (TIP) 2004-2010 – (Exhibit K)

Mayor Hester advised that the resolution would be presented to the Department of Transportation Commissioners in Asheboro, North Carolina, on November 19. City Manager Leonard Barefoot explained that the resolution lists the requested improvements for the next TIP period, which is 2004 – 2010. It was modified based on discussions by the officials from Lee County, Broadway, Economic Development Corporation, Chamber of Commerce, City of Sanford and the Committee of 100. Mr. Barefoot explained the improvements on the resolution.

Council Member Phil Dusenbury made a motion to approve the Resolution for Request of Projects in the Transportation Improvement Program (TIP) 2004-2010. Seconded by Council Member Clawson Ellis, the motion carried unanimously.

Consider Preliminary Subdivision Plat of Simpson Commerce Park, an Existing Commercial Development on Independent Drive (parallel to US Highway 421/Boone Trail Road). Owner: Simpson Family Partnership. – (Exhibit L)

Planner I Amy Bean explained that the property is zoned Light Industrial (LI) District and is comprised of 10.65 acres. It has public water and public sewer. Independent Drive will be

dedicated to the City. The Planning Board discussed the preliminary subdivision plan at its October 15, 2002 meeting and unanimously recommended that City Council approve the Simpson Commerce Park subdivision subject to required buffering between the adjoining residential property, and suggested that the plat be approved upon condition that the landscaping requirements be met.

Council Member J. T. Kirkman made a motion to go along with the Planning Board's recommendation. Seconded by Council Member Phil Dusenbury, the motion carried unanimously.

Consider Preliminary Subdivision Plat of The Pines Manor, an Existing Town Home Development Located at the Intersection of Carbonton Road and Highland Street. Owner: Donald R. Simpson. – (Exhibit M)

Planner I Amy Bean advised that the property is zoned Residential R-12 District and is comprised of 2.06 acres. The applicant is proposing to subdivide an existing townhome development consisting of 22 units. It has public water and public sewer. The Planning Board discussed this subdivision plan at its October 15, 2002 meeting and unanimously recommended that Council approve The Pines Manor subdivision.

Council Member Clawson Ellis made the motion to accept the Planning Board's recommendation and approve the preliminary subdivision plat. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

OTHER BUSINESS

Council Member Clawson Ellis thanked Fire Chief Wayne Barber for faxing Council Members information about the extension of the burning permit on Wilkins Drive.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned on motion of Mayor Pro Tem Joe Martin. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Respectfully submitted,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK

