

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, January 21, 2003, at 7:00 P.M. The following people were present:

Mayor Winston C. Hester	Council Member Joseph 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 and delivered the invocation.

APPROVAL OF AGENDA

On motion of Council Member Joseph Martin, seconded by Council Member James G. Williams, the agenda was approved as presented.

CONSENT AGENDA

Approval of December 17, 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, January 15, 2003.

Approval of Award of Bid for Demolition/Clearance/Grading Services for the W. B. Wicker School in the FY2002-2006 Revitalization Strategies CDBG Project Year 1 Activities – (Exhibit A)

Cecil Holcomb Renovation, Inc., from Raleigh, North Carolina, was awarded the low bid of \$128,000 for the demolition/clearance/grading services of four classroom buildings at the W. B. Wicker School. The agreement will be completed in two phases – the clearance of the building will be satisfactorily completed and then the grading of the site.

Approval of Award of Contract for Surveying Services for the W. B. Wicker School in the FY2002-2006 Revitalization Strategies CDBG Project Year 1 Activities. – (Exhibit B)

Enoch Engineers, PA, from Benson, North Carolina, was awarded the contract for surveying services for the W. B. Wicker School project. The negotiated contract fee is \$7,360.

Approval of Resolution Authorizing the Advertisement of an Offer to Purchase a Vacant Lot on the Corner of Oddfellow Street and Price Street from Brick Capital CDC - Block L Lot 1. – (Exhibit C)

Resolution was approved authorizing the advertisement for upset bids to be received for the vacant lot on the corner of Oddfellow Street and Price Street – Block L Lot 1. Brick Capital

Community Development Corporation has offered \$400 for the vacant lot for the construction of a single-family home. Brick Capital CDC requested waiver of the water and sewer tap-on fees.

Approval of Right-of-Way Encroachment Agreement between the City of Sanford and Static Control Components, Inc. – (Exhibit D)

The right-of-way encroachment agreement between the City of Sanford and Static Control Components, Inc. was approved for Static Control to install two communication cables in the right-of-way of Juno Drive. Static Control wants to get communication from one building to another. Static Control is responsible for the cables.

Approval of Resolution Authorizing the Public Works Director to Sign a System-Wide Wastewater Collection System Permit – (Exhibit E)

Resolution was approved granting Public Works Director Larry Thomas the authorization to sign a system-wide wastewater collection system permit and future reporting documents on behalf of the City.

Approval of Litigation Settlement Terms – (Exhibit F)

Approval was granted of the litigation settlement terms with Lulh Food Systems, Inc. (owner of Kentucky Fried Chicken) and M. Van Harris. Kentucky Fried Chicken brought its sign into compliance with the sign ordinance, and has dismissed its lawsuit. Mr. Harris has cleaned up his vacant lot at 309 Summit Avenue and paid the City the cost of the contractor to demolish the apartment.

Approval of Tender Agreement by International Fidelity Insurance Company for SCADA Lift Station Improvement Project – (Exhibit G)

Bitting Electric will complete the work on the SCADA Lift Station Improvements. L. J. Electric Company was awarded the original contract in June of 2002. However, since that time, they have gone out of business. International Fidelity Insurance Company will pay the additional money of \$36,700 to complete the contract. The agreement gives the insurance company an assignment of the City's claim against L. J. Electric.

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

Mayor Hester welcomed Fred McIver who was recently appointed to the alternate position on the Planning Board.

CASES FOR PUBLIC HEARING: held jointly with the Planning Board

Petition by Loraine M. Cress - to rezone from Residential (R-12) district to Office & Institutional (OI) District approximately .34 acre of land located at 207 Carbonton Road. The property is the same as depicted on Tax Maps 9642.01, Tax Parcel 9642-38-5477, Lee County Land Records Office. – (Exhibit H)

Planner I Amy Bean explained that the property to be rezoned is located approximately 750 feet northwest of the intersection of Carthage Street and Carbonton Road. It currently has an

existing residential dwelling located on it and the adjacent land uses include single-family dwellings to the south, east, and west, and a townhome development to the north. The property is not a corner lot and has 75 feet of road frontage on Carbonton Road. It has access to public water and sewer, and is not located within an identified flood hazard prevention area or a surface water supply watershed protection area.

This property is not located within the Scenic Corridor Overlay District or a Highway Corridor District. The adjoining parcels to the immediate east and west are zoned Residential (R-12) District. It should be noted that 211 Carbonton Road, which is located approximately 75 feet northwest of the property at the intersection of Carbonton Road and Whitford Street (rezoned in August 2001), is zoned Office and Institutional (O&I) District; this currently houses Bright Audiology. Approximately 350 feet southeast of the property is 115 Carbonton Road, which is zoned Office & Institutional (O&I/MF); this is the townhome development called "The Pines."

Ms. Bean advised that currently, the site is zoned Residential (R-12) District. This district is intended for a variety of residential uses, including single-family homes, duplexes, and multi-family buildings and developments. Certain nonresidential uses of a public or semipublic nature are permitted. The petitioner is requesting the property to be rezoned to Office & Institutional (OI) District. The purpose of this district is to provide areas which are conducive to the establishment and continuance of offices, institutions and commercial activities not involving the sale of merchandise. The permitted uses would include business and professional offices with no retail sales or deliveries, beauty shops and barbershops, medical and dental offices, and optical services. The 2020 Land Use Plan Map has not identified this property for any particular development. When considering the zoning of this property, current development trends of the neighborhood should be continued and applied.

Council Member Clawson Ellis stated that his only concern is the parking at the rear of the address and if there would be ample parking. Ms. Bean replied that provided what the property owner would like to do with the property, the specific use would have a specific parking requirement.

Mayor Hester opened the public hearing. No one spoke in favor or in opposition.

Council Member Joseph Martin directed a question to property owner Lorraine Cress who was in the audience. He stated that, for the record, he had a lady to call him and say she had talked with Ms. Cress about planting some evergreen trees in the back of the property for a buffer. Council Member Martin asked Ms. Cress if she was in agreement with this request. Ms. Cress replied yes.

The public hearing was closed.

Petition by Daniel Lee McLean - to rezone from Residential (R-6) district to General Business District approximately .19 acre of land located at 309 East Globe Street. The property is the same

as depicted on Tax Maps 96521.19, Tax Parcel 9652-52-5413, Lee County Land Records Office.-(Exhibit I)

Planner I Amy Bean advised that the parcel is a corner lot located at the intersection of East Globe Street and Dalrymple Street. The property currently has an existing single-family residential dwelling located on it which is being utilized as rental property. The property has 65 feet of road frontage on East Globe Street and 123.7 feet of road frontage on Dalrymple Street. It should be noted that 421 East Globe Street, which is located approximately 310 feet north east of the property at the intersection of South Horner Boulevard and East Globe Street, is zoned General Business (GB) District. The adjacent land uses include single-family dwellings to the north and west, a single-family dwelling and a multi-family duplex dwelling to the east, and single-family dwellings and a Masonic lodge to the south.

Ms. Bean explained that this area is being served by both public water and sewer and is not located within an identified flood hazard prevention area or a surface water supply watershed protection area.

Ms. Bean stated that the property is currently zoned Residential (R-6) District and is intended for a variety of residential uses, including single-family houses and planned multi-family development. Certain nonresidential uses of a public or semipublic nature are permitted.

The General Business (GB) Zoning District is to create and protect business areas for the retailing of merchandise and for carrying on professional and business services and, in some cases, wholesaling services for large populations. If rezoned, some of the specific permitted uses would include churches, funeral homes, hardware stores, dry cleaners, grocery stores, and a variety of retail business or service establishments whose principal activity is conducted within an enclosed building. General Business (GB) Zoning District does not permit variety, department, or drugstores greater than 15,000 square feet in size.

The Sanford and Lee County 2020 Land Use Plan identifies this area as being within the Mid/High Density Residential – Office District. The purpose of this classification is to identify areas which are appropriate for medium and high-density residential development, including single family, duplexes, and multi-family developments, as well as office development.

Mayor Hester opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

Amendment to the City of Sanford Zoning Ordinance, Article III, Districts Established; Permitted Uses, Section 42-173, Table of Residential Uses - by changing “Schools, elementary, junior and senior” from a conditional use, subject to the issuance of a conditional use permit granted by the City Board of Adjustment to a use permitted by right, subject to the usual development standards and provisions of this chapter within the Office & Institutional (O&I) District. Substantial changes may be made to the proposed amendment after the public hearing. – (Exhibit J)

Planner I Amy Bean informed Council that the amendment to Chapter 42 Zoning Ordinance would amend Article III, Districts Established; Permitted Uses, Section 42-173, Table of Residential Uses by changing “Schools, elementary, junior and senior” from a conditional use, subject to the issuance of a conditional use permit granted by the City Board of Adjustment, to a use permitted by right subject to the usual development standards under the provisions of this chapter within the Office & Institutional (O&I) District.

Mayor Hester opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

The Planning Board retired to the West End Conference Room.

REGULAR AGENDA

Consider Award of Bid for Air Monitoring and Asbestos Clearance Services for the W. B. Wicker School in the FY2002-2006 Revitalization Strategies CDBG Project Year 1 Activities. – (Exhibit K)

Community Development Director Bob Bridwell advised that bids were received for air monitoring and asbestos clearance for the demolition of the four classroom buildings at the W. B. Wicker School project. Carolina Environmental, Inc. from Cary, North Carolina, submitted the lowest bid of \$3,750 and staff recommends awarding the bid to them. Mr. Bridwell stated that they have done a background check on the company, and they are a very reputable firm.

Council Member Phil Dusenbury made a motion to accept the bid of Carolina Environmental. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

OTHER BUSINESS

Mayor Hester announced that Mayor Pro Tem J. T. Kirkman is a proud grandpa for the third time.

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

