

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, February 18, 2003, 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; Mayor Pro Tem J. T. Kirkman delivered the invocation.

**APPROVAL OF AGENDA**

On motion of Council Member Phil Dusenbury, seconded by Council Member Clawson Ellis, the agenda was approved as presented.

**CONSENT AGENDA**

Approval of February 4, 2003, City Council Minutes- Filed in Minute Book 60

*The items listed below were discussed in detail at the Law and Finance Meeting held on Wednesday, February 12, 2003.*

Approval of Reimbursement Contract Between Jay Norris and the City of Sanford – (Exhibit A)

Reimbursement contract with Jay Norris, the developer of Lee Bug Subdivision located off Franklin Drive, was approved. This will enable him to recoup some of the money if a resident decides to tie-on to the sewer line he extended to the Lee Bug Subdivision. The contract is for five years.

Approval of Offer From Brick Capital Community Development Corporation to Purchase a Vacant Lot - Block L, Lot 1 on Oddfellow Street/Price Street - (Exhibit B)

Offer of \$400 was approved and accepted from Brick Capital Community Development Corporation to purchase a vacant lot - Block L, Lot 1 on Oddfellow Street/Price Street.

Approval of Award of Bid for Demolition, Cleaning and Salvage of the Wicker Project from DL Restoration in the Amount of \$35,275 – (Exhibit C)

D. L. Restoration was awarded the low bid of \$35,275 for demolition, cleaning and salvage of the W. B. Wicker Project. The bid includes cleaning the school, furniture, equipment, and anything that is not permanently attached to the building, in addition to shoring up the building because the roof is falling in at several places and there is some damage to the floor. This bid does not include the auditorium, because Kate Rumely with Brick Capital Community

Development Corporation asked for the auditorium not to be included because they are not sure what they are going to do with that building.

Approval of Award of Bid for Professional Architectural and Engineering Services for W. B. Wicker School Historic Restoration and Lee-Harnett Area Mental Health Facility Dental Clinic – (Exhibit D)

Arthur Cogswell was awarded the bids for architecture and engineering of the Wicker restoration in the amount of \$165,669 and for the mental health facility and dental clinic in the amount of \$70,000. The contracts are awarded separately because Wicker School has budget money in the current budget from CDBG to begin work on the Wicker restoration, and the mental health clinic budget does not begin until the second year. The Wooten Company would like for the mental health clinic contract to be awarded contingent upon release of the second year funds.

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2002-2003 – (Exhibit E)

The ordinance amends the operating budget by adding to the General Fund an amount of \$33,250. The revenues will come from the 911 surcharge funds and be appropriated in the Police Department budget to upgrade computer equipment and software in the 911 communications center.

Approval of Modifications to the Contract for Planning Services – (Exhibit F)

Approval was granted to reimburse Lee County in the amount of \$32,101 due to the fact that the Downtown Planning position was included in the Community Development budget for the last four years. Lee County's refund of \$32,101 is for the years prior to the current year.

The planning contract was modified as follows:

2. DIVISION OF FUNDING. Parties agree that the division of funding for the initial term of this revised contract for planning services will require the County to pay \$243,020 or 45 percent of the proposed budget, excluding rent. On or about April 1 of each year, the City will provide the County with a budget estimate for the upcoming fiscal year and a suggested division of funding. Parties agree that the division of funding for the County will remain at 45 percent, including rent for a minimum of three additional contract terms provided that the level of services remains substantially the same.
  
6. FISCAL ACCOUNTABILITY. The City agrees to present the County with a budget that reflects the cost of operating the Community Development program. At the conclusion of each fiscal year, the Community Development Director will report to the City Manager any funds which were unexpended for capital, professional services or salaries resulting from any vacancy greater than thirty consecutive days. Upon receipt of this information, the City Manager will cause a prorata portion of these expenditures to be refunded to the County.

Approval of Modification of Interlocal Agreement for Sanford-Lee County Airport – (Exhibit G)

Approval was granted to modify the August 21, 2001 agreement between the City and the County. The current agreement states that the personal property tax revenue collected at the airport goes to the airport in support of its operations. The modification changes this issue. The intent is to keep the funds in a special reserve fund for airport purposes with the County, rather than it go to the airport and continue to grow. The County and City will have some control over those funds. This agreement will take these funds and place them in a special reserve account. Each year, the Airport Authority will prepare a budget and it will go to the County and those funds will be used to operate the airport. This would relieve the City and County to put up funds separate from the other tax dollars. It also states that in the event those funds are to accumulate and are no longer needed for that purpose, they would be spent for a purpose that would benefit both the City and the County.

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

**CASES FOR PUBLIC HEARING**

Petition by Sanford Sunset Properties - to rezone from Residential (R-20) District to Residential (R-14) District approximately 22.91 acres of land located on two (2) vacant parcels in the 2600 block of Carbonton Road. The property is the same as depicted on Tax Maps 9633.03 and, Tax Parcel 9633-30-2435 and 9633-30-7488, Lee County Land Records Office. – (Exhibit H)

Planner I Amy Bean advised the primary land uses surrounding the site are single-family residential dwellings and a neighborhood convenience store (Short Stop). Several subdivisions are located within the area such as: Brighton Park which adjoins the site along the northern property lines / zoned R-20; Westcroft – approximately 500 feet southwest of the site along Carbonton Road / zoned R-20; and Muirfield Village which is within the area opposite Cool Springs Road / zoned R-14. The property to be rezoned has approximately 1,052 feet of road frontage on Carbonton Road and has access to City water by way of a twelve-inch water line on Carbonton Road. City sewer is in the area but the site itself would require a sewer line extension to access it.

Ms. Bean stated that the property is currently zoned Residential (R-20) District. This district is intended primarily for single-family detached homes. Lots developed in the R-20 zoning district must have a minimum of 20,000 SF in size with a minimum lot width of 100 feet. Any single-family dwelling must be set back at least 30 feet from any street right-of-way, at least 30 feet from the rear property line, and at least 15 feet from any side property line. In a cluster development, a maximum of 43 lots could be created on this site. This does not take into consideration topography, streets, drainage, and other site conditions and design development considerations.

Ms. Bean explained that the Residential (R-14) zoning district is intended primarily for single-family detached homes on lots with a minimum of 14,000 SF and at least 75 feet of road frontage along a public street. Any dwelling must be set back at least 30 feet from any lot street right-of-way, at least 20 feet from the rear property line and at least 12 feet from the side property lines. Tracts zoned R-14 typically have access to public water and sewer. Subdivisions

that are located south of US Highway 1 and south of US Highway 421 which are zoned R-14 zoning district include: Muirfield Village, Westlake Downs, and Hearthfield Lakes. Within R-14 zoning district, if a cluster development was proposed, a maximum of 61 lots could be created on this site. This does not take into consideration topography, streets, drainage, and other site conditions and design development considerations. A minimum of ten percent of the acreage must be set-aside in open space for passive or active recreation. The 2020 Land Use Plan has identified this area within the low to medium density residential classification. This classification is intended for areas which are appropriate for single-family homes, duplexes, and townhomes.

Mayor Hester opened the public hearing. Dan Cape, one of the developers who bought the property, spoke in favor of the petition. He said retirement homes for retired persons, not multifamily or nursing homes, are hard to find in our area. They are looking at having common maintenance for exterior and for grounds. He said he was 55 years old and he was getting to the point with his eight acres that he may not want to cut all that grass. They are proposing to build a development called Heritage Point to provide a retirement facility for individuals who do not want to cut grass anymore and do not want to have the exterior maintenance. He stated that not everyone can afford to live in Hampton Ponds as these homes run around \$250,000. The smallest of the retirement homes would probably be 1,400 sq. ft. and the largest would be 2,000 sq. ft. Mr. Cape added that they would construct the homes with the larger homes in one area and smaller in another. Water and sewer is available. They would like to have approximately a quarter-mile paved walkway like Kiwanis Park in the shape of a figure eight, where the residents will be able to walk without going to Kiwanis Park. They also plan on having a putting green with two holes. This is something not available in our area. They would like to use the outlay perimeter of the property for a nature trail. Mr. Cape advised that Brighton Park residents do not want to be connected into the property of the proposed Heritage Point development, and the developers of Heritage Point do not want to connect to Brighton Park. In talking with Community Development Director Bob Bridwell and staff, Mr. Cape felt that this could be alleviated by abutting the end of the street in Heritage Point on the west side of the property. This would give each development its privacy. He felt there would be no noise to be concerned with because retirees do not like boom boxes, motorcycles with loud mufflers, and they do not work on their cars at 6:30 a.m. on Saturday morning. He has visited several developments of this nature, and they are very quiet. They would like to have the lots where they can build on them and not have the maintenance. The homes will run in the neighborhood of \$150,000 to \$200,000 range and the maintenance of the lot is very important. He noted that most of the developments on Petty Road are zoned R-14 such as Westlake Downs, Brownstone and Hearthfield Lakes. The older areas such as Westlake Valley, and Brighton Park are R-20.

Council Member Ellis commented that his math could be rough, but with R-20 zoning approximately 30 homes could be constructed and R-14 would raise it to 61 homes. Mr. Cape replied that when you take out the roads and walking trail, it cuts down on what you can do and with how many lots you can get; he felt it would be 40 plus lots instead of 60 plus lots.

Gerald Womble, one of the owners and developers, pointed out that R-14 and R-20 zoning will allow the same type of homes to be built; the difference is the size of the lot.

Terry Stewart, who developed Brighton Park approximately ten years, spoke in opposition. Brighton Park was a 48-acre tract, and they developed it into an average of three-acre lot sizes. They would like to keep it that way surrounding them to protect their investment. Mr. Stewart asked the residents in the audience who were against the rezoning to stand. Mr. Stewart asked if R-14 zoning allows duplexes, triplexes and multi-family housing. Mr. Averett replied no; it only allows single-family homes. He stated that when Mr. Cape referred to Westlake Downs, those people knew going in what they were getting, the size of the home and lot. People who bought in Brighton Park knew they were going to have large lots all around them. Michael Tatum and Mr. Stewart tried to buy this property several years back. The owner could not decide what he wanted for the property until about a year later. For the price he wanted for the property, they could not make it work for developing it. A group of investors located in the eastern part of the state tried to put a shopping center on that location. The reason for this was the owner was wanting so much money for the land and if he could get it rezoned, it would be for his benefit. Several other builders have looked at the land but they also could not make the numbers work. The only way to make it work is to increase the density and get more houses out of it. He did not pursue it, because they wanted to keep the larger lots in keeping with what they have now at Brighton Park.

Chet Mann, who resides at 2501 Brighton Pointe in Brighton Park, spoke in opposition. They were concerned that the quality of life is at issue and the standard of living that we all seek to maintain is an issue. He has no qualms with development, progress and profit, but at the expense of quality of life, he was concerned. He has two small children, and there are other children in the neighborhood and if that road was opened up, the traffic would increase significantly with a potential of 40 to 60 homes. Multiple dwelling sites can intensify that situation. Chet Mann stated that they feel they have a good area; not just their area, but also the entire Cool Springs Road corridor has a lot of good people that have gone in to making that a great place to live in Sanford. They are concerned about the unknowns that could potentially go in that development. He did not see any guarantees that it is all going to be retirement living; there would be no way to prohibit unretirees or working folks in multiple dwellings. They would like to see that area of town maintained basically the way it is now for their quality of life and our standard of living maintained. They would like to see the road stay closed on Gilmore Drive which could be accessed onto Carbonton Road.

With no one else requesting to speak, Mayor Hester closed the public hearing.

Amend the City of Sanford Code of Ordinances, Chapter 42, Zoning Ordinance, Article III Districts Established: Permitted Uses, Section 42-171, Districts Established; Description of Districts by adding a new Overlay District entitled "Historic Overlay District: HOD". Amend Article IV Development Standards, by adding a new "Section 42-216 Historic Overlay District" to provide development standards for the existing Historic Overlay Districts of Rosemount-McIver Park Historic Overlay District and Downtown Sanford Historic Overlay District including permitted uses, dimensional regulations, authentic restoration or reconstruction, and parking. Substantial changes may be made to the proposed amendment after the public hearing. – (Exhibit I)

Assistant Community Development Director Trevis Averett explained that this is a proposed text amendment to the Zoning Ordinance, Chapter 42, for amendments regarding the City's Historic Overlay Districts. These are existing historic districts that the City has already approved. The Rosemount-McIver Park Historic District which was listed in the National Register of Historic Places was approved on July 15, 1997. The Downtown Sanford Historic District was approved March 16, 1999, and is listed in the National Register of Historic Places.

Staff mailed over 300 notices to the property owners of these two districts and made them aware of the proposed changes. Mr. Averett stated there have been a few phone calls; however, to his knowledge he was not aware of any resident objecting to the proposed changes.

The ordinance amends Chapter 42 Zoning Ordinances, Article III Districts Established: Permitted Uses, Section 42-171 Districts Established; Description of Districts by adding a new Overlay District entitled "Historic Overlay District: HOD. This will establish in the City's zoning ordinance provisions for these existing historic districts.

The next amendment is by adding a new "Section 42-216 Historic Overlay District to Chapter 42 Zoning Ordinance, Article IV Development Standards. This section will establish development standards including permitted uses. The uses permitted will be the same as those in the underlying zoning districts, whether it is Residential (R-6) District, Residential (R-12) District or Office and Institutional District (O&I). The uses will not change from the underlying districts and that is established by these standards. Mr. Averett explained the dimensional regulations. If you were constructing a new building in the historic district, you have to have a Certificate of Appropriateness from the Historic Preservation Commission and, in term of setbacks in certain cases, it may not be appropriate to have the underlying district setbacks. It will allow the developer to look down either side of the property 300 feet and use the average of the buildings on either side within 300 feet. Mr. Averett explained if it involves authentic restoration or reconstruction of a structure within the district, it would allow the Historic Preservation Commission to make findings that are listed in Subparagraph (d) Authentic Restoration or Reconstruction in Section 2. Mr. Averett explained the parking waiver amendment. He stated that the amendments allow some flexibility with setbacks, parking and other dimensional regulations for lots that were created before the zoning ordinance *was established*.

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

The Planning Board retired to the West Conference Room.

## **DECISIONS ON PUBLIC HEARINGS**

### **REGULAR AGENDA**

### **OTHER BUSINESS**

City Manager Leonard Barefoot stated that he needed instructions on two issues. The first issue is having Police Chief Ronnie Yarborough to report to Council at the next Law and

Finance Committee meeting concerning the crime rate. After discussion with Chief Yarborough, they both felt it would be best to have Chief Yarborough to give his report at Council's retreat. Mr. Barefoot felt that the retreat could be held within the next four to five weeks. Based on the type of information Chief Yarborough would give, he would like to have the time for staff to look at the data and analyze it from a variety of perspectives. Council gave their consensus with this request.

Mr. Barefoot explained that there are two dates that could be used for Council's retreat. They were Wednesday and Thursday on March 26 – 27, and April 2 – 3. The Council agreed to hold the retreat on March 26 – 27. Mr. Barefoot asked Council for clarity that if there are items that are needed to be discussed with the County Commissioners, a meeting could be held whether it is in a retreat setting or not. The mayor, chairman of the board of commissioners, and the two managers would meet to determine whether a joint session is warranted after the annual retreats are completed. If a meeting is necessary, an agenda would be prepared. It was the consensus of Council for Mr. Barefoot to relay this information to County Manager Bill Cowan and Commissioner Chairman Herb Hincks.

Operations Manager Tim Shaw informed Council that the Department of Transportation will be installing a four-way stop at Courtland Drive and Harkey Road. The D.O.T. has already installed signs informing the public that this will be accomplished by March 19. They are also going to install flashers over the intersection. Mr. Shaw stated that the Department of Transportation commented to him that they have done studies about stoplights and that location was not warranted for stoplights at this time. Council members felt this was not sufficient for this location. City Manager Barefoot asked Larry Thomas to find out the justification for the four-way stop and installation of flashers from the D.O.T. and report back to Council.

Peg Esgate, Director of the Chamber of Commerce, stated that many people at the Chamber took encouragement in the fact that the issue of crime rate would be discussed at the City Council meeting so that they could come and be a part of it. She added that it was quite actively discussed at the last Congressional Action Meeting. She felt it would be best to hear it from Police Chief Ronnie Yarborough than through the media. Mayor Hester replied that is the reason they want it fully investigated so that what Council reports will be correct. Ms. Esgate commented that it would be appreciated to have a more public setting of that discussion after the Council retreat instead of the *Sanford Herald* reporting on it. Council Member Martin stated that maybe Chief Yarborough could speak at the Congressional Action Meeting. City Manager Barefoot replied that part of the problem with being hasty is the danger of running comparisons with Sanford, because one crime statistic measures crimes per 100,000 people in the proximity. Moore County's people are mostly retirees and are not threatening people and it would be unfair to measure crime in those manners. Chief Yarborough needs to have time to give accurate and factual information.

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

City Council  
February 18, 2003

**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,

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WINSTON C. HESTER, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK