

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 4, 2004, at 7:00 P.M. The following people were present:

Mayor Winston C. Hester	Council Member Philip E. Dusenbury
Mayor Pro Tem Joseph E. Martin	Council Member James G. Williams
Council Member Clawson Ellis	Council Member Walter H. McNeil, Jr.
Council Member Cornelia P. Olive	City Attorney Susan C. Patterson
City Manager Leonard Barefoot	
City Clerk Bonnie D. White	

Absent:

Council Member Linwood S. Mann, Sr.

Mayor Hester called the meeting to order. Council Member Walter McNeil, Jr. delivered the invocation.

**APPROVAL OF AGENDA**

On motion of Council Member Cornelia Olive, seconded by Council Member James Williams, the agenda was approved.

**CONSENT AGENDA**

Approval of April 20, 2004, City Council Minutes - (Filed in Minute Book 61)

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2003-2004 – (Exhibit A)

Ordinance was approved amending the annual operating budget to appropriate within the General Fund the Safe Kids Grant proceeds that have been received in the amount of \$3,000 and \$430 received through the sale of safety seats. These funds will be spent in the Safe Kids Program which is monitored by the Sanford Fire Department.

Approval of Renewal of Contract for Inmate Labor with the North Carolina Department of Correction – (Exhibit B)

Contract was renewed with the North Carolina Department of Correction for inmate labor. The City is allowed five inmates per day at \$1 per hour. This amounts to \$1,300 per year.

Approval of Award of Bid – Brookwood Trail Sewer Line Extension – (Exhibit C)

Burlington Mechanical was awarded the low bid of \$32,910 for the Brookwood Trail sewer extension project. This is a petition assessment project. The extension is approximately 600 feet and will serve eight lots.

Approval of Award of Bid – Sanford WTP Solids Treatment Facilities and Related Improvements – (Exhibit D)

Haren Construction Company, located in Tennessee, was awarded the low bid of \$5,916,000 which includes Alternate A and Alternate B for the Sanford WTP Solids Treatment Facilities and Related Improvements to the water treatment plant. It includes a new raw water pump station. The project will remove the solids from the wastewater that are generated through the treatment process at the water plant. The solids would be thickened and loaded and taken to the landfill. There are two alternates in the project. Alternate A is for some new sludge removal devices and some existing sedimentation basins. Alternate B is to replace approximately forty valves in the plant that are old and leaking.

Approval of Renewal of Contract with BlueCross BlueShield (BCBSNC) – (Exhibit E)

The contract was renewed with BlueCross BlueShield (BCBSNC) for the upcoming Fiscal Year 2004-2005 for the employee health insurance plan. It represents a 2.8 percent increase, which is about \$36,500 in addition to the current cost this year.

The consent agenda items were approved upon motion of Mayor Pro Tem Joseph Martin. Seconded by Council Member Clawson Ellis, the motion carried unanimously.

**CASES FOR PUBLIC HEARING**

Public Hearing on the Submittal of the Crossroads of Depot Park Urban Redevelopment Plan to the City of Sanford Planning Commission – (Exhibit F)

Downtown Executive Director David Montgomery explained that the Community Development staff is requesting the Redevelopment Commission to consider adoption of the resolution supporting and authorizing the submittal of the Crossroads of Depot Park Redevelopment Plan to the City of Sanford Planning Commission which was presented at the Law and Finance Committee meeting on Wednesday, April 28, 2004.

The Plan describes activities to be undertaken by the Redevelopment Commission in the blocks generally between Moore Street, Wicker Street, McIver Street, First Street, Weatherspoon Street, Seaboard Railroad and Charlotte Avenue. This plan was the result of the Community Development Block Grant received in October. In order to receive these funds, we have to certify a blighted area. This Plan allows us to do this. The State of North Carolina recognizes the importance of protecting and promoting the health, safety, and welfare of the inhabitants of its urban areas by authorizing redevelopment commissions to undertake public and private initiatives of rehabilitation, conservation, and reconditioning of areas, where in the absence of such action, there is a clear and present danger that the area will become blighted. A redevelopment plan indicates its relationship to definitive, local objectives as to appropriate land uses, improve traffic, public transportation, public utilities, recreational and community facilities and other public improvements. This Plan is the initial step in the preparation of expanded redevelopment plans in other parts of Downtown, but this is the first one of its kind in this area.

Mr. Montgomery gave a brief summary of the actual plan. Twenty-nine of the 36 structures in the Crossroads at Depot Park Area are non-residential in nature with 20 of the 29 non-residential buildings either being considered dilapidated or deteriorated. The main goal of the Plan is to remove urban blight and to provide economic opportunities through private, public

partnerships supportive of the major public investment which is currently taking place in Depot Park.

Mr. Montgomery said that specifically, the objectives of the Plan are to alleviate conditions which contribute to deterioration and blight; to offer construction and permanent financing at less than market rates; to make it more financially feasible for owners/developers to renovate buildings in the area which have been consistently ignored and are blights to the community; to bring buildings in the area up to North Carolina Building Code standards, fire and safety standards, and ADA requirements; to offer incentives for businesses to locate or expand by allowing them to undertake construction activities which will help create or retain jobs Downtown; to relocate residents to better housing who may be vulnerable to flooding because of the close proximity of Little Buffalo Creek to their property; to undertake public improvements to provide a physical environment that will encourage private investment; to encourage and facilitate a mixture of land uses including residential and upper floors of buildings which are currently vacant and deteriorating; and to rectify defective or inadequate street layout.

Mr. Montgomery advised that the proposed activities in the plan include: renovation of Depot Park Phase I; restoration of the Sanford Buggy Company, new roof on the Montessori School; and facade improvements on 121 Chatham Street. We are providing Progressive Development Company a long-term interest loan to make those improvements which will be paid back after a six-year period, once the building has been occupied and it is making a positive cash flow. With the money paid back from the loan, a revolving loan fund will be created where other private developers can tap into, and it will become a perpetuating process. Also proposed in the redevelopment plan is streetscape along Chatham Street, between Charlotte Avenue and McIver Street, and Charlotte Avenue between Hawkins Avenue and Little Buffalo Creek. The Plan proposes the demolition of the current King Roofing building; however, we have to find some other form of funding. The City was going to use Clean Water Management Trust Funds to purchase properties along Little Buffalo Creek; however, the State has said that we cannot do this. Included in the plan are converting Chatham Street from two-way to one-way with diagonal parking creating 30 more parking spaces and acquisition and clearance of property located along Little Buffalo Creek for a buffer and eventual greenway that will link City Hall to Downtown. Phase II includes rezoning of property located in the Redevelopment Area, from General Business to Central Business District (CBD) and Industrial to Office-Institutional. Conditional Zoning may be an option for this area in the future. The plan allows for upper floor housing with less than five units. Currently, the ordinances do not allow this. Hopefully when the UDO is passed, there are provisions in it to allow upper floor residential uses.

Mr. Montgomery pointed out that if the Plan is adopted, the Redevelopment Plan shall be in effect for twenty years from the date of the approval of this plan. Also, the plan can be modified, changed, or amended at any time by the City with approval of the local governing body and the Planning Commission. If adopted, the Plan will be reviewed by the City Planning Board on Thursday night whereby, they will make a recommendation to approve, deny, or amend with conditions. At that point, it will come back to Council for final approval.

Council Member Phil Dusenbury asked if the building has to be fully occupied or if there is a certain percentage of occupancy before the repayment process begins. Mr. Montgomery

replied it has to be fully occupied. There is a provision in the language that states that it has to be paid off at a certain point. Council Member Olive asked if Progressive Development has to be bonded to guarantee that the money will be repaid. Mr. Montgomery replied yes there will be a lien on the property.

Council Member Olive asked if there is a plan underway for redevelopment in the Horner Boulevard area. Community Development Director Bob Bridwell replied that they are performing a 421 Bypass impact analysis. Part of the analysis is looking at Horner Boulevard in a new and different way. Once trucks get off of the corridor, then staff will recommend looking at Horner Boulevard in terms of redesign, medians and plantings. This is a long-term proposal; however, it is not too early to get started on it now. Recommendations will come before Council in the summer. Staff is trying to figure out ways to redesign Horner Boulevard to make it “more calming” and make those recommendations to the Department of Transportation. Council Member McNeil replied that Horner Boulevard is a State road, and the State will have to put funds into it.

Council Member Williams asked how far Chatham Street will be made one-way traffic. Mr. Montgomery replied between Charlotte Avenue and McIver Street and hopefully, this will be done by early next year. Mayor Hester asked why the Planning Board was not present for this public hearing. Mr. Montgomery stated that it was due to time issues, and there was a mix up with the paper concerning the public hearing notice. A special meeting of the Planning Board will be held this Thursday to discuss the Plan. The Council is acting as the Redevelopment Commission tonight.

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

- Consider Adoption of Resolution by Sanford Redevelopment Commission Supporting and Authorizing the Submittal of the Crossroads of Depot Park Urban Redevelopment Plan to the City of Sanford Planning Commission – (Exhibit G)

Mayor Pro Tem Joseph Martin made the motion to adopt the Resolution by Sanford Redevelopment Commission Supporting and Authorizing the Submittal of the Crossroads of Depot Park Urban Redevelopment Plan to the City of Sanford Planning Commission. Seconded by Council Member Cornelia Olive, the motion carried unanimously.

### **DECISIONS ON PUBLIC HEARINGS**

Petition by Wolf heel Properties, Inc. - to rezone from Residential (R-12) District to General Business (GB) District approximately 0.54 acre of land located at 1012 Elm Street. The property is the same as depicted on Tax Map 9642.12, Tax Parcel 9642-95-8618, Lee County Land Records Office. – (Exhibit H)

Assistant Community Development Director Marshall Downey explained the rezoning request in detail. A public hearing was held on Tuesday, April 20, 2004. The Planning Board discussed the rezoning petition on April 20 and unanimously recommended that the City Council approve the petition. Council Member Olive stated she was curious as to why the whole square

block is Residential (R-12) and why we would change it to General Business even though it is across the street. Mr. Downey stated there is a pattern with General Business with the properties fronting on Horner Boulevard, as well as, the secondary properties on Elm Street. This would be the first encroachment with the one exception being Harbour's Car Wash located at the corner of Woodland Avenue and Makepeace Street. The Planning Board felt that the transition of that particular use would be appropriate for that particular road frontage along Elm Street.

Consider Ordinance Amending the Official Zoning Map of the City of Sanford – (Exhibit I)

Council Member Phil Dusenbury made the motion to approve the Ordinance Amending the Official Zoning Map of the City of Sanford. Council Member James Williams seconded the motion. Council Member Ellis commented that no one spoke in opposition at the public hearing. The vote was five to one to approve the ordinance with Council Member Cornelia Olive casting the dissenting vote.

Petition by Doris Hooper - to rezone from Light Industrial (LI) District to Residential (R-12) District approximately 1.67 acres of land located at the intersection of Cameron Drive and Industrial Drive (SR 1239). The property is the same as depicted on Tax Map 9651.11, Tax Parcel 9651-76-0198, Lee County Land Records Office. – (Exhibit J)

Assistant Community Development Director Marshall Downey explained the rezoning request in detail. A public hearing was held on Tuesday, April 20, 2004. The Planning Board discussed this rezoning petition on April 20 and unanimously recommended that the City Council approve the petition.

Consider Ordinance Amending the Official Zoning Map of the City of Sanford – (Exhibit K)

Council Member Walter McNeil, Jr. made the motion to approve the Ordinance Amending the Official Zoning Map of the City of Sanford. Seconded by Council Member James Williams, the motion carried unanimously.

Amendment to the City of Sanford Zoning Ordinance, Article II Administration, Division 2. Amendments, by adding the following new Sections: 42-91. Conditional Zoning Districts, 42-92. - Application for Conditional Zoning District, 42-93. Conditions; 42-94. Effect of Approval of Conditional Zoning District, 42-95 Reapplication after Denial or Withdrawal of a Conditional Zoning District Application, and 42-96. Protests Against a Conditional Zoning District Amendment. - (Exhibit L)

Assistant Community Development Director Marshall Downey explained the amendment to the zoning ordinance in detail. A public hearing was held on Tuesday, April 20, 2004. The Planning Board approved the text amendment with a few minor changes. The Planning Board wanted to add a few detail items in terms of what should be required on the Conditional Zoning application. They are architectural elements, scale/mass (in relation to environment, landscaping, and curb/gutter and sidewalks. City Manager Barefoot asked Mr. Downey to explain the addition of curb/gutter and sidewalks. Mr. Downey replied that there was some reluctance on staff's part to include this because there is a policy issue pending with the Unified Development Ordinance about curb and gutter and sidewalk. The way they wanted to treat it in

the draft ordinance was to put it in the form of pedestrian elements and to give the developer some flexibility as to how they would want to do that. In terms of the curb and gutter, this is an issue that one of the Planning Board members had indicated he wanted to see and the Board basically approved it. City Manager Barefoot asked Mr. Downey to explain to Council what the effect the recommendation, if approved verbatim, will mean to them in making decisions about residential subdivisions. Mr. Downey stated that when the application is being filled out for the Conditional Zoning District, it gives the developer something to go by. It does not mean that in every situation that these would be required. These are the kind of things that would be identified as wanted to see. If it were residential subdivision, it would not necessarily mean that they would have to have curb and gutter. This would be addressed through other provisions in the ordinance. You would not be required to have curb and gutter; it would be something that you need to consider in your design phase. Mr. Bridwell stated that it remains part of the negotiation with the developer.

Council Member Williams asked if somebody wanted to build a development and asked for a Type II Conditional Zoning and is unwilling or did not request to put in curb and gutter and sidewalk, what would happen. Mr. Bridwell reiterated that it is a menu of things that can be considered. It does not mean it is absolutely required. The Planning Board wanted to put these considerations in when going through a Conditional Zoning process. Mr. Downey explained that if Council adopts the UDO and as a policy, you decide you want curb and gutter and sidewalks, you would apply that to subdivisions to lots less than 20,000 SF. If a subdivision came in that met the criteria, even though it is a Conditional Zoning request, we would not necessarily want them to apply that criteria. We want to be consistent with the way we treat our developers. Mr. Bridwell advised that Paige Mill Court is a good example that had no Conditional Zoning in it at all. Sidewalks were installed in the development by the developer.

Mayor Pro Tem Joseph Martin praised staff for their proactive work. He felt Conditional Zoning will be a tremendous tool for Council to use. Council Member Williams stated that staff has done an excellent job; however, he feels the City should not legislate curb and gutter and sidewalk based on the cost.

Consider Ordinance Amending the City of Sanford Code of Ordinances Chapter 42 Zoning Ordinance – (Exhibit M)

Mayor Pro Tem Martin made the motion to go along with the Planning Board's recommendation and adopt the Ordinance Amending the City of Sanford Code of Ordinances Chapter 42 Zoning Ordinance. Council Member Clawson Ellis seconded the motion. The motion carried five to one in favor to adopt the ordinance with Council Member James Williams casting the dissenting vote.

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

**OTHER BUSINESS**

Mayor Pro Tem Joseph Martin announced that jazz concerts will begin in Depot Park, next Thursday, May 13, at 7:30 P.M. Mr. Montgomery added that the Community College will start their concert series in June.

Council Member Cornelia Olive thanked Fire Chief Wayne Barber, Assistant Community Development Director Marshall Downey, and Operations Manager Tim Shaw for their help with the Pottery Festival. She thanked Mr. Shaw for his help regarding a grease trap issue with a restaurant. Mayor Hester thanked Ms. Olive, on behalf of the Council, for her participation and help with the Pottery Festival. Ms. Olive commented that she was very thrilled that a writer with *Southern Living* will be doing a couple of articles on Sanford. The story on the Pottery Festival will be printed this fall or the first of next year.

City Manager Leonard Barefoot stated that he has a conflict next Wednesday, and would like to cancel the Law and Finance Committee meeting on May 12. A more detailed Council agenda will be sent to Council members earlier next week for their review. Council was in agreement to cancel Law and Finance.

**ADJOURNMENT**

With no further business to come before the council, the meeting was adjourned on motion of Council Member James Williams; seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Respectfully submitted,

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WINSTON C. HESTER, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK