

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, August 17, 2004, at 7:00 P.M. The following people were present:

Mayor Winston C. Hester	Council Member Linwood S. Mann, Sr.
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	Council Member Philip E. Dusenbury
City Manager Leonard Barefoot	City Attorney Susan C. Patterson
City Clerk Bonnie D. White	

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

Planning Board Chairman Ronnie Turner introduced the Planning Board members as there were several new members appointed.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Approval of August 3, 2004, City Council Minutes – Filed in Minute Book 61

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2004-2005 – (Exhibit A)

Ordinance was approved to appropriate within the General Fund \$125,000 of drug forfeiture money to be used within the Police-drug enforcement program and a reappropriation of \$145,000 within the Utility Fund for utility relocation (\$70,000) and the installation of sewer crossings (\$75,000) for the Highway 421 project.

Approval of FY 2002-2006 Revitalization Strategies CDBG Project Ordinance – (Exhibit B)

Project ordinance was approved for Year 3 of the FY 2002-2006 Revitalization Strategies CDBG Project (No. 04-C-1277) or the Wicker School project in the amount of \$350,000. This is Year 3 of the \$1,750,000 grant received for a five-year period.

Approval of Capital Project Budget Ordinance Grant No. 1998B-015 Clean Water Management Trust Fund Amendment – (Exhibit C)

Ordinance was approved which changes the project description change only. The change expands the description to include the Big Buffalo Creek. The change should read: the project authorized is the capital cost to acquire lands to buffer along Little Buffalo Creek and Big Buffalo Creek in Sanford/Lee County, North Carolina.

Approval of Ordinance Establishing No-Parking on the North Side of Maple Avenue in Front of 301 Maple Avenue in the City of Sanford –(Exhibit D)

Ordinance was approved establishing no parking on the north side of Maple Avenue, from the intersection of Maple Avenue and Third Street east 130 feet.

Approval of Award of Sprinkler Design and Installation Contract – W.B. Wicker School Renovation – (Exhibit E)

Phoenix Fire Protection, Inc. was awarded the low bid of \$9,750 for sprinkler design and \$103,000 for construction for the W. B. Wicker School project. An alternate proposal was approved of \$5,638 for a payment and performance bond which is required for 100 percent of the value of the contract.

Approval of an Interim Operations and Maintenance Agreement between the City of Sanford, Lee County, and its Water and Sewer District #1 – (Exhibit F)

The Interim Operations and Maintenance Agreement between the City of Sanford, Lee County, and its Water and Sewer District #1 was approved. It will give each entity the opportunity to effect an agreement until June 30, 2005, with a primary emphasis on allowing both entities to negotiate for the transfer of the water system to the City. Beginning July 1, 2004, the County agreed to raise the rate to 62.5 percent of the total cost of water used for flushing for the duration of the agreement or until such time the City of Sanford purchases the system. This rate could be renegotiated depending upon the results from the Timmons Group. If both parties do not agree on the reapportionment of flushing costs, the County and District agree to continue to pay for 62.5 percent of the flushing costs until the matter is settled through mediation.

The consent agenda items were approved upon motion of Council Member Linwood Mann. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

SPECIAL AGENDA

Proclamation Proclaiming the Month of August as Firefighter Appreciation Month – (Exhibit G)

Mayor Hester read a proclamation proclaiming the month of August as firefighter appreciation month. He presented the proclamation to Fire Chief Wayne Barber.

CASES FOR PUBLIC HEARING: to be held jointly with the Planning Board.

Petition by Bill McDonald – to rezone from Office and Institutional (OI) district, to General Business Conditional (GB-C) zoning district approximately 0.26 acre of land located at 722 Hawkins Avenue. (Exhibit H)

Planner I Amy Bean stated that the area requested for rezoning is located at the intersection of Hill Street and Hawkins Avenue. The tract of land is approximately .26 acre in size. It has an existing single-family dwelling constructed in 1957 located on the lot. It has approximately 90 LF of road frontage which is a NCDOT maintained street.

Zoning surrounding the site is a mixture of Residential-12, Residential Agricultural (RA-20), Office & Institutional/Multi-family, General Business, Light Industrial and Mobile Home Park. Land uses in the area are a combination of residential single-family dwellings, a mobile home park (Hawkins Avenue Mobile Park), professional office uses, business uses, a restaurant

and a convenience store. Area businesses in the vicinity include Hawkins Avenue Grill, Gifts & Frames Outlet, the Pantry and a professional office operated by Dowe O. Smith, all of which are zoned General Business (GB). In addition, Davis Glass Company is located in the area and is zoned Light Industrial (LI). Ms. Bean explained that the property has access to City water and City sewer and is not located within a designated flood hazard area or an established watershed.

The NCDOT 2002 Average Daily Traffic Count in closest proximity to this site is along Hawkins Avenue south of the intersection of Hill Avenue and Hawkins Avenue which approaches 14,000 vehicles per day. The site is located within the Scenic Corridor Overlay District and the Highway Corridor Overlay District. It is not located within the 421 Bypass Corridor. Per Section 42-25 of the Zoning Ordinance, a buffer strip shall be required between residential and non-residential uses.

Ms. Bean advised that the area requested for rezoning was rezoned from Residential (R-12) to Office & Institutional (O&I) in July of 2001. The property was utilized as a residential rental property until recently. Now that the house has been vacated, the owner is in the process of converting the residential structure into a commercial business as per the building inspections and planning department requirements. The owner has been unsuccessful in his attempts to lease to an office & institutional type of user and has requested conditional rezoning to allow for a retail and service component to be permitted.

The applicant is petitioning to rezone to General Business – Conditional (GB-C) Zoning District, Type 2; this is the City's first Type 2 zoning district. This type of zoning district is defined as a Conditional Zoning District created for the purpose of allowing a property owner to place additional conditions upon an existing, equivalent zoning district. This type of zoning district allows the petitioner to reduce or narrow the number of permitted uses and is practical for situations wherein the developer does not have a specific site development plan, but would like to designate a zoning district to accommodate a certain style of future development while protecting the interest and values of the surrounding properties and community. The applicant has included a detailed list of proposed permitted uses and if approved, the site shall be subject to the standard dimensional restrictions and design standards as established within the equivalent zoning district. Any conditions in association with a Conditional Zoning District shall be perpetually and legally binding upon the property. The petitioner has submitted a list of proposed uses in Council's packet that he would like to allow in this district. These are the only uses permitted in this district even though it is going to be zoned General Business Conditional Use District. All design development requirements such as parking would be required to meet the General Business District standards.

The 2020 Land Use Plan Map has identified this property for Commercial-Light Industrial Uses. This land use classification is intended to designate areas which are appropriate for light industrial and commercial uses.

Mayor Hester opened the public hearing. Bill McDonald, the petitioner, spoke in favor of the rezoning. He stated that he has spoken with the Glass family who owns the property and business (Davis Glass) behind his site. They have a chain link fence around his property. He has spoken with the neighbors and has tried to be a good neighbor. He has not been successful in

getting someone to occupy the building under Office and Institutional District zoning. Mr. McDonald stated that he would like to address any concerns the Glass family or anyone else may have. He would like to have a 9 A.M. to 5 P.M. business located there such as a CPA, surveyor, etc. He prepared a list of businesses that he felt would be good for the neighborhood to be included in the General Business Conditional Zoning District. He added that he would not have any outside storage or any equipment outside at all.

Mayor Pro Tem Martin asked Community Development Director Bob Bridwell that if the property is sold do the conditions and list of businesses Mr. McDonald prepared stay with the property with this type of conditional zoning. Mr. Bridwell replied yes.

Mayor Hester opened the public hearing. David Glass, who resides at 716 Hawkins Avenue and owner of the property that adjoins the southeast corner of Mr. McDonald's property, stated that he was not strictly opposed to it; however, he had some concerns he wanted to express. His concern was the positive or negative effect on the community. He was concerned about the type of businesses that would be able to locate on the site as he did not have a list of the businesses Mr. McDonald had prepared to be part of the zoning. Mr. Glass expressed concerns about the traffic at that intersection and the impact the rezoning would have on the property values in the future. A retail business would potentially increase the traffic. Mayor Hester closed the public hearing.

Bill McDonald asked to speak again. Mayor Hester reopened the public hearing. Mr. McDonald stated that he had spoken with Mr. Glass's wife last week, and their concerns are genuine. To address the issue of property values, it is one of the nicest homes on Hawkins Avenue; however, there are several homes on Hawkins Avenue across from the site that are deteriorating. To address the traffic issue, even if a beauty salon with three chairs is located there, it would not create that much traffic. There is plenty of parking for the usage of the building. Mr. Davis said that he understood there would be a buffer strip to be provided and asked Mr. McDonald to define that. Mr. McDonald stated that the Glass property has a series of eight to nine feet of foster hollys around. He plans to add some plantings along the corner and on the right side, there would be evergreens planted adjacent to the home. The hedges would be removed from the front to help with site distance; it would give ten to fifteen feet of clear vision up and down the street. Mr. McDonald showed Mr. Glass on a map how the buffering would be done. Mr. Glass was presented with a list of the businesses Mr. McDonald prepared that could be located there is approved. Mayor Hester closed the public hearing.

Petition by Wolfheel Properties, Inc. – to rezone from Residential (R-12) district, to General Business (GB) district approximately 0.34 acre of land located at 307 W. Rose Street. – (Exhibit I)

Assistant Community Development Director Marshall Downey explained that the site to be rezoned is located northeast of West Rose Street approximately 90 feet southeast of the intersection of Elm Street and West Rose Street and approximately 566 feet southeast of South Horner Boulevard. An existing single-family dwelling constructed in 1951 is located on the lot.

Land uses in the area are a combination of residential single-family dwellings, professional office uses and business uses. Area businesses in the vicinity include Mutual of Omaha Insurance, The Insurance Shoppe, the United States Post Office, Déjà vu, Tacos El Primo and Harbour's Car Wash, all of which are zoned General Business (GB). The property has access to City water and City sewer. The site is not located within a designated flood hazard area or an established watershed. The 2002 Average Daily Traffic Count, in closest proximity to this site is along Horner Boulevard southeast of the intersection of Courtland Drive and Horner Boulevard, approaches 29,000 vehicles per day. However, this count is not very close to this site.

The site is not located within a Scenic Corridor Overlay District, Highway Corridor Overlay District or the 421 Bypass Corridor. If rezoned, a buffer strip will be required between residential and non-residential uses. The 2020 Land Use Plan shows this area within the Mid to High Density Residential Office classification. Since completion of the land development plan, three properties west of the site have been rezoned to O&I and GB. A variety of professional offices have located in the area due to its proximity to the Lee County Courthouse and its accessibility to Horner Boulevard, a major thoroughfare. These conditions make the land more suitable for business and office development.

Mr. Downey stated the usages allowed in the Residential (R-12) District and General Business District.

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

Petition from Christians United Outreach Center of Lee County – to amend the City of Sanford Code of Ordinances, Chapter 42 Zoning Ordinance, Article III, Districts Established; Permitted Uses, Section 42-174 Table of Business Uses to include Central Business District (CBD) in the list of zoning districts permitting Community Food Services as a permitted use by right, subject to special requirements and to amend the City of Sanford Code of Ordinances, Chapter 42 Zoning Ordinance, Article V. Special Requirements for Certain Uses Permitted by Right, Section 42-258 Community Food Services. – (Exhibit J)

Assistant Community Development Director Marshall Downey advised that this is an application for a text amendment to amend the zoning ordinance to allow for community food service uses within the Central Business District zoning classification. The petitioner, Christians United Outreach Center of Lee County, approached staff regarding the need to locate a site in the old Jonesboro area and what zoning district they would be allowed in. Different options were discussed, and the Center decided to move forward with a text amendment. The ordinance defines a community food service use as establishments that collect, prepare, and deliver food for the needy. They distribute clothing and bedding, run collections for food and donations, and provide meals at fixed or mobile locations. Examples include food banks, meal delivery programs, and soup kitchens. They have also requested the current standard which requires sites used for community food services to provide a perimeter buffer be adjusted such that a buffer is only required where abutting residentially zoned or developed properties. Council Member Mann asked if a soup kitchen would be like a community food service. Mr. Downey replied

yes. Mayor Pro Tem Martin stated that downtown is a Central Business District and if the amendment is changed, it would be allowed in Downtown Sanford. Council has tried to keep the Central Business District conducive to businesses. Mr. Martin asked if the businesses in the Jonesboro and Downtown Central Business Districts were made aware of the amendment. Mr. Downey replied that if the text amendment is approved, it would apply to the Central Business Districts. Staff has not made any additional effort to contact any of the Downtown Business merchants. Staff did the standard advertising notice.

Council Member McNeil expressed his concern about the number of people in that area and what provisions would be made for bathrooms, etc. Council had this same concern when a rezoning petition was presented for the same purpose on Steele Street. Mr. Downey stated that the applicant is not planning to have a soup kitchen; they fall into the grouping which allows for a soup kitchen. The reason they brought forth this request is because they essentially want to have a location to store food. The Center is trying to lease the property. The owners of a couple of the sites they were looking at were reluctant to consider rezoning the properties. Council Member McNeil expressed that if rezoned, they could put a soup kitchen at the location.

Mr. Downey stated that if Council feels this is something they do not want to allow, then the petitioner can look at other options with staff. Council Member Martin asked if Council could approve it with conditions. Mr. Barefoot stated that this is not a petition for conditional use approval. It is a text amendment; whatever is in the ordinance is what they can do. Council Member Ellis asked if it would be in the best interest to table this issue until Mr. Mann could contact some of the businesses in Jonesboro. Mr. Barefoot stated that the public hearing is tonight, and Council needs to hear from the petitioner. The Planning Board could table the matter. Council Member Dusenbury stated that Council denied the Bread Basket for the same reasons.

Mayor Hester opened the public hearing. Raymond Atkins, President of the Board of Directors of Christians United Outreach Center (CUOCLC) of Lee County spoke in favor of the amendment. He stated that the Center is not trying to provide food preparation; they want to provide a food pantry where food can be available in bulk that individuals would take to be prepared at home. They also want to provide other services which they think will help the people in Lee County to become productive citizens. They would like to help them with financial services and aid, education on how to handle finances, and other various things they need to do. In looking at the zoning ordinances, food banks are included in the same manner as soup kitchens and food preparations. The Center chose to proceed with the text amendment primarily because they do not intend on doing any food preparation. They wish to store and distribute the food from the site. They are currently operating somewhat out of the old Lowes building in the area next to the Catholic Church. That building is not set up properly to be able to provide the service they would like to provide. It is made for a large retail store with offices in the back and the bathroom situation is not what they need. The Center has found another building which would fit their needs according to the layout, and it is located on Trade Street.

Mr. Atkins explained that the CUOCLE is a group that has representation of a number of churches which includes St. Stephens Catholic Church, Jonesboro United Methodist, Jonesboro Presbyterian, Pocket Presbyterian, Manna Church of Sanford, Kendale Baptist and several

others. They want to provide a service and a place where they can consolidate some of the smaller services that are provided by churches and to help eliminate the business of going from church to church to try to get aid in various manners. Mayor Pro Tem Martin asked Mr. Atkins if he had contacted the Emergency Food Pantry about consolidation. Mr. Atkins replied that they have approached the Emergency Food Pantry and the Salvation Army, and they have not been able to reach an agreement with them. The building they want to locate in is the old Watson Specialty building at 200 East Trade Street. There is street parking, and there is a small dirt parking area to the east side between that building and the Jonesboro Cleaners. Mayor Hester asked Mr. Downey if there are other options for the group. Mr. Downey replied that in the broader sense, you could make it a conditional use permit in the Central Business District as opposed to permitting it by right. These types of cases would then have to go before the Board of Adjustment for a conditional use permit. A public hearing would be held and they would have to meet certain guidelines; it is a quasi-judicial procedure which means the Board of Adjustment would look at facts only. The second option would be to look at the definition of Community Food Services and try to create two distinct categories such as food storage and food preparation and allow them in different zoning districts. Mayor Hester stated that the public hearing needs to be held on what has been requested by the Christians United Outreach Center (CUOCLC) of Lee County Center, and then it will go to the Planning Board.

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

Petition from Downtown Sanford, Inc. – to amend the City of Sanford Code of Ordinances, Chapter 42 Zoning Ordinance, Article VII, Signs, Section 42-320 Signs Permitted in the Central Business District (2) *Permitted Signs to add subsection (f) Sign criteria for Historic Painted Wall Signs.* – (Exhibit K)

Planner I Amy Bean advised that Downtown Sanford, Inc., approached the Planning staff regarding the desire to allow historical painted wall signs to be restored within the Central Business District. Upon independent research and review of the City's zoning ordinance, DSI staff determined what defined a historical painted wall sign and what procedures should be implemented to assure that signs proposed for restoration are restored to their original appearance. No enhancements as to illumination or animation shall be added which were not original to the sign. A painted wall sign is considered historic if it predates 1975; examples are the Hotel Wilrik and the Sanford Business College signs. Property owners wishing to restore the historical painted wall sign must verify with the designated City Historic Preservation Staff Planner the original state of the painted wall sign through photogenic documentation or a discernable outline. Any person wishing to renovate a sign located within the local Downtown Sanford Historic District will be required to get a Certificate of Appropriateness before proceeding with any work. Council Member Clawson Ellis asked where the funding will come from. Downtown Executive Director David Montgomery replied that the funding will come primarily from private property owners. DSI will allow under its matching façade grant programs the opportunity to match funds with the property owner for the historical wall signs. Lori Wright from Southern Jewelers has expressed interest in the wall sign next to the old House of Shampoo. Progressive Contracting is interested in the Sanford Business College sign.

Mayor Hester opened the public hearing. No one spoke in favor or in opposition. The Planning Board retired to the West End Conference Room.

REGULAR AGENDA

Consider Appointment to Fill an Alternate Position on the Board of Adjustment Which Also Serves as the Housing Board of Appeals – Term to Expire June 30, 2005 – (Exhibit L)

City Manager Leonard Barefoot said that Joshua Harris has applied for an alternate position on the Board of Adjustment. Council can accept the application or advertise the position. Council Member Linwood Mann made the motion to advertise the alternate position. Seconded by Council Member Cornelia Olive, the motion carried unanimously.

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

OTHER BUSINESS

Council Member Walter McNeil, Jr. said that Council received copies of several letters praising the Police Department on their service to the citizens of Sanford. Mr. McNeil commended Chief Yarborough and his officers for their service to the community and for the work they do to make Sanford a better place.

Mayor Pro Tem Joseph Martin invited the public to attend the talent competition at Depot Park on Saturday.

Council Member Clawson Ellis followed up on Mr. McNeil's comments regarding the Sanford Police Department. He stated that too many times the affirmative things that are said never find their way to the newspaper.

Council Member Cornelia Olive asked if there has been any update as to when Hawkins Avenue will be reopened. Mayor Hester replied that he will call Donnie Oldham for an update.

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 Cornelia Olive, the motion carried unanimously.

Respectfully submitted,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK

