

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, October 19, 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 Walter H. McNeil, Jr.	Council Member Philip E. Dusenbury
Council Member Cornelia P. Olive	City Attorney Susan C. Patterson
City Manager Leonard Barefoot	
City Clerk Bonnie D. White	

Absent:

Council Member Clawson Ellis

Mayor Hester called the meeting to order. Mayor Pro Tem Joseph Martin delivered the invocation.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Approval of October 5, 2004, City Council Minutes – (Filed in Minute Book 62)

Approval to Purchase Backhoe from Senter Tractor Company for the Water Utilities Division – (Exhibit A)

A low quote of \$62,374 was approved to purchase a backhoe from Senter Tractor Company for the Water Utilities Division.

Approval of Resolution Declaring the Intention of the City Council to Consider the Closing of Jerry Street; a Portion of Seventh Avenue; a Portion of Sixth Avenue; and Hill Drive – (Exhibit B)

Resolution was approved declaring the intention of the City Council to consider the closing of Jerry Street; a portion of Seventh Avenue; a portion of Sixth Avenue; and Hill Drive. The request came from the Lee County Board of Education. The streets were platted but never constructed. The resolution of intent will be advertised for four weeks in the Sanford Herald. The public hearing will be held on November 16.

Approval of Request to Release Solid Waste Fee of \$100 for 1714 Cone Street – (Exhibit C)

A request to release the solid waste fee of \$100 for 1714 Cone Street for year 2004 was approved. Approval was not given to waive the fees for years 2001, 2002, and 2003 since the City paid Waste Management for this service and was not notified by the property owner.

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

CASES FOR PUBLIC HEARING

Petition by Evelyn R. Talley - to rezone from Residential (R-20) district, to Office & Institutional /Multi-family (O&I/MF) district approximately 0.66 acre of land located at 513 W. Main Street. The property is the same as depicted on Tax Map 9652.18, Tax Parcel 9652-30-3204-00, Lee County Land Records Office. – (Exhibit D)

Planner I Amy Bean explained that the site requested for rezoning consists of one tract of land comprising approximately 0.66 of an acre located southeast of W. Main Street between Lemon Springs Road (SR 1001) and Academy Street. Ms. Talley has verbally indicated to staff that she recently inherited the property, and the home is in need of renovation/repair. She would like to rezone the property to allow more flexibility in marketing the property for sale. If rezoned to O&I/MF, the property could be marketed for either residential home or an office type use. The site has access to public streets and City water and sewer. Ms. Bean advised that the primary land uses surrounding the site are single-family residential dwellings to the east and south and business uses to the north and west. Area businesses include Piedmont Farm Credit, Green Valley Florist and Bridges Cameron Funeral Home.

Ms. Bean stated that the property is currently zoned Residential (R-20) District. The Residential (R-20) District is intended primarily for single-family detached dwellings. The proposed rezoning of Office & Institutional/Multi-family (O&I/MF) is a transitional district that is intended to accommodate offices, institutions, and commercial activities which do not involve the sale of merchandise as well as a variety of residential development styles ranging from single-family detached homes to multi-family developments with a maximum density of 12 units per acre.

The 2020 Land Use Plan Map has identified this property for Mid/High Density Residential office. 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. Ms. Evelyn R. Talley spoke in favor of the rezoning. She stated that she inherited the house, and nothing has been done to it since it was built in 1931. She would like to rezone it in case she wants to do something with it in the future. Ms. Talley said she is surrounded by a variety of businesses and would like to be business also.

Carol Chalmers Deese spoke in opposition. She expressed concern that she was born 39 years ago on Maybee Hill, an African-American community once tucked behind bushes, trees, fences, and houses that graced West Main Street. Ms. Deese stated that there used to be 25 homes but today only eight homes are inhabited. They would like to remain residential as the bushes are gone, and they can see traffic going up and down Main Street. Ms. Deese stated that they are surrounded by businesses. Bridges Cameron Funeral Home was recently rezoned to General Business, and because of the regulations governing businesses, they were able to push their light poles up to the tar on the road. Coming out of her mother's driveway, she cannot

make a complete turn with ease because of the light pole. Ms. Deese asked that the poles be placed several feet back; however, they were not. She stated that as the City of Sanford progresses, she did not want it to be at the expense of neighborhoods and communities. She stated that Ms. Talley has the right to rezone the home, and she did not want to block it. Ms. Deese said that she would like to see the City buy Ms. Talley's home and grant their neighborhood to use it as a spring board to develop their proposal for Maybee Hill to become a progressive neighborhood or assist them in raising the funds to build a community center. They do not want to lose the integrity of their neighborhood and community.

Joan Chalmers Quick spoke in opposition. She is the sister to Carol Chalmers Deese. Ms. Quick stated that she has spoken with Ms. Talley via phone and Ms. Talley was very kind, supportive, and understanding. They are trying to become a progressive neighborhood. Ms. Quick made a request of Ms. Talley to sell her home as a residential or historical home. She said that Ms. Talley assured her that she would be pleased with the buyer. They are not opposed to the rezoning; they are concerned as to the effect it would have on the Maybee Hill neighborhood and their efforts to become a progressive neighborhood. She is not against Ms. Talley but concerned about their neighborhood.

The public hearing was closed.

Petition by Tim Mercer - to rezone from Residential (R-12) district, to Residential (R-10) district approximately 0.54 acre of land located at 319 Raleigh Street. The property is the same as depicted on Tax Map 9652.18, Tax Parcel 9652-40-1129-00, Lee County Land Records Office. – (Exhibit E)

Planner I Amy Bean explained that the site requested for rezoning consists of one tract of land comprising approximately 0.54 of an acre located at the southeastern corner of the intersection of Raleigh Street and Academy Street. The site is developed with two single-family dwellings, one of which has been converted into a multi-family dwelling. Mr. Mercer has verbally indicated to staff that he intends to subdivide the property to create two new legal lots. The existing zoning of R-12, which requires a minimum of 12,000 SF per lot, would not allow the property to be subdivided into two lots because there is currently 23,525 sq ft on the lot. The R-10 zoning which requires a minimum of 10,000 SF per lot would allow the property to be subdivided into two lots.

Ms. Bean stated that the site has access to City public streets and City water and sewer. The primary land uses surrounding the site are single-family residential dwellings to the northeast, south, and west. The Jonesboro United Methodist Church is located to the northwest of the site, opposite the intersection of Academy Street and Raleigh Street. The property is currently zoned R-12 which is intended for a variety of residential uses. The applicant is petitioning to rezone to R-10 which is also intended for a variety of residential uses. The development standards within the two zoning districts and permitted uses are identical. The only difference is one requires a minimum lot size of 12,000 SF and the other lot size of 10,000 SF. The 2020 Land Use Plan Map has identified this property for Mid/High Density Residential Office. The purposes of this classification are 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 Pro Tem Martin asked since there are two houses on this lot, can both houses be rented out now. Ms. Bean replied yes.

Mayor Hester opened the public hearing. Tim Mercer spoke in favor of the petition. He advised that one house was built around 1900. There was once a barn located where the home is which faces Raleigh Street. The first mistake back then was that Mr. Brown was allowed to build a house facing Raleigh Street on a lot that was too small. It has been used as a house for some 50 years. The second mistake was 20 years ago, they were allowed to convert the large beautiful home that faces Academy Street into two apartments. Mr. Mercer said he would love to put this house back into a single-family residence and find a buyer for it. Mr. Mercer added he can rent the homes as it stands now. It would be more beneficial to convert it back into an old, beautiful, stately home that it is.

Mark Lovick, spoke in favor. Mr. Lovick presented pictures (Exhibit F) of the property to Council. He stated that his interest in the property is that his parents live next to the small home in the picture. His parents bought their home new in 1956 and at that time, there was a barn on the property next door to the two-story house. Somehow, in the early 1960s, the smaller home was built on the same parcel of land. Mr. Lovick added that his two sons stay with his parents when school is not in, and it is beneficial to him to know who lives in those two properties. They want to keep it a residential neighborhood. There is a fence line and hedge row that separates the smaller home from the two-story home.

Douglas Rowles, who resides at 2571 Academy Street, spoke in favor of the rezoning. He has owned his home on Academy Street for the past five years. He felt it would be beneficial to the neighborhood for the two-story home to be returned to a single-family dwelling.

Sandra Carter owns property on Raleigh Street. They are not opposed to what is said about the property; however, they are opposed to putting R-10 zoning in the middle of R-12 zoning. She felt the property could be sold with the owner living in the house and renting the second house where they can take care of the property. Ms. Carter said she would like for Council to consider that all the surrounding properties are R-12 and that is her concern.

Mayor Hester closed the public hearing.

Petition from Buffalo-Jonesboro Cemetery, Inc. - to amend the City of Sanford Code of Ordinances, Chapter 42 Zoning Ordinance, Article V, Special Requirements for Certain Uses Permitted by Right, Section 42-244 *Cemeteries*, subsections (b) and (c). Proposed changes include modifications to current setback (spacing) requirements for the placement of tombstones, crypts, monuments and mausoleums along adjoining property lines and along public streets. Substantial changes may be made to this proposed amendment after the public hearing. - (Exhibit G)

Assistant Community Development Director Marshall Downey advised that this is a public hearing for a text amendment regarding changes to special requirements for cemeteries. The petitioner, Buffalo-Jonesboro Cemetery, Inc., has petitioned for a text amendment to Section 42-244 (b) and (c) of the current zoning ordinance.

The petitioner is operating an existing 18 ± acre cemetery along Fire Tower Road and desire to expand onto a 2.5± acre tract located to the north of the existing cemetery at the corner of Fire Tower Road and Carthage Street. In discussing the expansion with the Planning staff, the petitioners discovered that no burial plots and/or related markers could be located closer than 40 feet from the street rights-of-way nor could any plot/marker be located closer than 25 feet to the property line abutting Buffalo Church.

In discussing this concern with staff, the petitioner inquired as to what options they have to use more of the property for the cemetery. Staff looked at rezoning; however, rezoning would not assist in this particular case because the standards set forth in the zoning ordinance pertain to all zoning districts. As a result, the petitioners decided to request that the actual zoning ordinance standards for cemeteries be amended. The petitioner is requesting to reduce the 40 foot distance from street rights-of-way to 25 feet. Additionally, the proposal is to change the language such that the 25-foot setback adjacent to adjoining properties only applies when the property is developed for residential use as opposed to residential zoning. Should this request be approved, it would reduce the distance from 40 feet to 25 feet for the burial plots and markers to be located anywhere there would be a public street right-of-way adjoining a cemetery. It would also reduce the distance from 25 feet to 10 feet in this particular case, because even though they would be abutting residential zoning, the property is actually developed as a church. So the wording, as proposed, would change the standards so that there would no longer be a 25 foot setback, it would be a 10 foot setback in that case. Mr. Downey reminded Council that this is a text amendment; it is not a site specific thing. If approved, this would apply to all cemeteries.

Council Member McNeil asked what happens if a highway comes through and widens the road. Mr. Downey replied that in this case, it would be fine because it would be established at the time they were approved for the cemetery. If the road came along and they decided to take additional property, this would be an issue where the Department of Transportation would have to work with the property owners. If they establish an additional right-of-way in a future expansion, it would affect it.

Mayor Pro Tem Martin asked if a property was residentially approved and no homes have been built what happens when residential homes start filtering in where the cemetery has built out to the line. Mr. Downey replied in that situation, being the cemetery was established first; they would be allowed to go to the 10-foot setback. It would be a buyer beware situation where the developer would understand that it is an existing cemetery and the cemetery is allowed to be that close.

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.

Public Hearing on Local Law Enforcement Block Grant (LLEBG) from the U. S. Bureau of Justice Assistance – (Exhibit H)

Detective Darla Cole advised that this is the ninth year the City has been approved for a block grant from the U. S. Bureau of Justice Assistance which is called the Local Law Enforcement Block Grant (LLEBG). The grant is for \$8,150 from the Federal Government which requires a 10 percent match from the City of \$906; this brings the total project amount to \$9,056.

Approximately \$5,000 of the grant would be used to purchase a computer to update evidence room records, the purchase of more advanced crime scene equipment for the investigative division such as blood testing kits, luminal kits, advanced finger printing materials and related training for this equipment. Currently, the evidence room records are kept by hand. Approximately \$4,056 would be used in the crime prevention area to purchase crime prevention materials for public presentations. The Community Policing Unit and the Investigative Division will be working together to get the public more aware of crime prevention efforts and how to protect themselves. They want to make more public presentations and make people aware of what they can do to protect their property and businesses. They want to purchase some engraving pens to bring back the property I. D. program. This is where an individual has an item that does not have a serial number on it, and the Police Department can engrave it with some personal number such as a license number that would mean something to the individual. So if an item got missing, the number would be entered into the national computer and you have a better chance of returning the missing item.

Ms. Cole explained that the Federal directives require the LLEBG Advisory Committee review this proposal, and the committee met this afternoon. Also a public hearing is required which is being held tonight.

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

- Consider Approval of Local Law Enforcement Block Grant
Council Member Walter McNeil, Jr. made the motion to approve the acceptance of the Local Law Enforcement Block Grant. Seconded by Council Member James Williams, the motion carried unanimously.
- Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2004-2005 – (Exhibit I)
Budget Director Barbara Cox explained that the budget amendment would provide funding authorization for the LLEBG grant that Ms. Cole explained previously. The ordinance would appropriate the funding for both the federal grant portion and the City's match.

Mayor Pro Tem Joseph Martin made the motion to adopt the ordinance amending the annual operating budget of the City of Sanford FY 2004-2005. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

REGULAR AGENDA

Receive Certificate of Sufficiency for Contiguous Annexation Petition Received Under N.C.G.S. 160A-31 by the City of Sanford and Forbes Real Estate Corporation. - (Exhibit J)

Planner I Amy Bean informed Council that at the last City Council meeting, the Clerk was directed to investigate the sufficiency of this petition. The City Clerk investigated the petition and determined that the petition was signed by all owners of real property requesting annexation. The Council received the Certificate of Sufficiency from the City Clerk.

- **Consider Resolution Fixing Date of Public Hearing on Question of Contiguous Annexation Pursuant to N.C.G.S. 160A-31.- (Exhibit K)**

Council Member Phil Dusenbury made the motion to adopt the resolution fixing the date of public hearing on question of contiguous annexation on November 2, 2004, at 7:00 P.M. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Consider Motion to Take From the Table Recommendation by the City Planning Board on a Preliminary Subdivision Plat for Ridgefield Development Subdivision, a Residential Major Subdivision to be Located Off of Cemetery Road (SR 1131). The Developer is Castle Ridge Development of Sanford, NC. – (Exhibit L)

Council Member Linwood Mann made the motion to take from the table and consider the recommendation by the City Planning Board on a preliminary subdivision plat for Ridgefield Development Subdivision. Seconded by Council Member James Williams, the motion carried unanimously.

- **Consider Recommendation by the City Planning Board.**

Council Member Walter McNeil, Jr. made the motion to go along with the Planning Board's recommendation to approve the preliminary plat for this major subdivision being developed by Castle Ridge Development conditional upon the following requirements: (1) Lots 11 and 12 be eliminated from the plat and (2) An easement be dedicated around the pond dam to allow for maintenance and repair of the dam. Council Member James Williams seconded the motion.

Council Member Olive stated that at some point in the future, the density of developments in subdivisions should be reviewed. Mayor Pro Tem Martin asked if the issue of having only one way in and one way out is addressed in the UDO. Mr. Bridwell replied yes; they try to look at adjacent properties to see if connectivity can take place. The UDO looks at the design rather than just by a checklist. Council Member Williams asked Mr. Bridwell to elaborate on the elimination of Lots 11 and 12. Ms. Bean replied that the lots will be reconfigured into additional land to the adjoining lots. They will not be considered buildable lots. The easement is around the toe of the dam to allow for maintenance of the dam. In the event the adjoining properties are owned by an individual, there will be an easement to allow access to

maintain the dam. Mr. Williams asked who will maintain the dam. Ms. Bean replied that it will be the private property owners that will maintain it.

A vote was taken on the previous motion to go along with the Planning Board's recommendation. The vote was four to two to approve the preliminary plat for this major subdivision being developed by Castle Ridge Development conditional upon the following requirements: (1) Lots 11 and 12 be eliminated from the plat and (2) An easement be dedicated around the pond dam to allow for maintenance and repair of the dam. Council Members Williams, Dusenbury, Martin and McNeil voted in favor of the motion. Council Members Olive and Mann cast the dissenting votes.

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

OTHER BUSINESS

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,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK