

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, December 21, 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.	City Clerk Bonnie D. White
Council Member Cornelia P. Olive	City Attorney Susan C. Patterson
City Manager Leonard Barefoot	

Absent:

Council Member Clawson Ellis
Council Member Philip E. Dusenbury

Mayor Hester called the meeting to order. Council Member Cornelia Olive delivered the invocation.

APPROVAL OF AGENDA

On motion of Council Member James Williams, seconded by Council Member Walter McNeil, Jr., the agenda was approved.

CONSENT AGENDA

Approval of December 7, 2004, City Council Minutes - (Filed in Minute Book 62)

Approval of Taxicab Operators License Renewals for 2005 – (Exhibit A)

Taxicab Operators License Renewals for 2005 for Service Cab Company (four cabs inspected) and American Yellow Cab Company (three cabs inspected) were approved.

Approval of Resolution by the City of Sanford, Town of Broadway, and County of Lee, North Carolina, in Support of Improvements to the Intersection of US 421, NC 87, and Wilson Road for the Sanford Marketplace Project – (Exhibit B)

Resolution by the City of Sanford, Town of Broadway, and County of Lee, North Carolina, in Support of Improvements to the Intersection of US 421, NC 87, and Wilson Road for the Sanford Marketplace Project was approved. Centdev Properties has been working the North Carolina Department of Transportation concerning highway access, requesting a median break in U. S. Highway 421 to allow a new access point for the proposed commercial development complex. Centdev indicates that the major prospective tenants for the project will not commit unless the NCDOT can commit to an accelerated timetable for the improvements at the intersection of US 421-NC 87- Wilson Road (which is part of the US 421 Bypass Project).

Approval of Joint Resolution for Request of Projects in the Transportation Improvement Program (TIP) 2006-2012 – (Exhibit C)

Joint Resolution for Request of Projects in the Transportation Improvement Program (TIP) 2006-2012 was approved which is a priority list of transportation improvements requested by the City of Sanford, Lee County, and the Town of Broadway that will be presented to the North Carolina Department of Transportation.

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

CASES FOR PUBLIC HEARING

Petition by Choplin Marine, LLC - to rezone from Residential (R-20) district to General Business (GB) district, approximately 1.38 acres of land located at the intersection of Cotton Road and Beechtree Drive and addressed as 3007 Beechtree Drive. The property is a portion of a newly recombined parcel depicted on Tax Map 9644.01, Tax Parcels 9644-45-7044-00 and 9644-45-6399-00, Lee County Land Records Office.- (Exhibit D)

Planner I Amy Bean explained that the site is approximately 1.38 acres of a portion of one tract of land which is a total of 5.44 acres at the intersection of Cotton Road and Beechtree Drive. Beechtree Drive is a NCDOT maintained street. City water is available on this site, and the site is currently developed using a private septic system. The primary land uses surrounding the site are single-family residential dwellings to the west and south; sales and service business uses to the north along Beechtree Drive; and sales and service and multi-family apartments and condominiums to the east which is opposite Jefferson Davis Highway. Area businesses include Choplin Marine boat sales and services (which is on the same parcel proposed for rezoning), Hills Carolina Wholesale Florist, Jamunkles Truck Covers, and Cooper Oil Company. This site is located within the Scenic Corridor Overlay District and is currently developed as Choplin Marine.

Ms. Bean added that the property is located within the City's ETJ (extra-territorial jurisdiction) and is currently zoned Residential (R-20) District. The R-20 District is intended primarily for single-family detached dwellings. The petitioner would like to rezone to General Business (GB). The purpose of the General Business (GB) 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. The property owner has indicated that the area to be rezoned is going to be an expansion of the existing boat sales and service area. The 2020 Land Use Plan has identified this property as being within an interchange/highway node. The purpose of this classification is for a major mixed use area of retail/service center of over 200,000 SF with additional major office and business park employment. Development at a highway node should be sited as designed as a community gateway.

Council Member Olive asked if a neighborhood meeting had been held. Ms. Bean replied no. Ms. Bean stated that she had received two phone calls from adjoining property owners expressing their concerns and one is present in the audience.

Mayor Hester opened the public hearing. Brad Simpson, spoke in favor of the petition, on behalf of the owner, Tim Pilson. Mr. Simpson stated that the intention of the rezoning is to construct a new 12,000 SF storage building to house boats; it will be an extension of the current business. The new construction will be an attractive brick building lined with windows in the same manner and construction of the existing building on site. Council Member Olive questioned Mr. Simpson if they were going to do any landscaping on the property. Mr. Simpson replied that the landscaping is currently in motion; the owner fully understands that all required buffering between the General Business property and Residential property, along with the Scenic Corridor landscaping along Beechtree Drive will be installed prior to the issuance of any new building permits for the projects in the future. Landscaping should be installed in the next two weeks.

David Taylor, an adjoining property owner, spoke in opposition. He was concerned about the landscaping. He stated that this business has been in business for a while and they were assured when it came before the board originally, that the landscaping and buffers would be put in when the business was originated. Mr. Taylor said he has spent \$3,000 putting up a privacy fence because all the trees were cut down and no buffers were put in place to cut down on the lights and noise from U. S. Highway 1. The owners have said they were going to do other things such as seeding an embankment they created when they dug out for the new parking lot and none of this has been done. There is an erosion problem next to his property and, over time, will cause his fence to fall. The area left of the proposed building was a septic drain field for this house that is there now. If someone was living in the house, there would probably be raw sewage on top of the ground. It was Mr. Taylor's concern that there is a parking lot over where the septic system was supposed to be.

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

Petition by Charles McLeod - to rezone from Residential (R-20) district, to Light Industrial (LI) district approximately 2.0 acres of land within the 2500 block of Lemon Springs Road. The property is the same as depicted on Tax Map 9651.01, Tax Parcels 9651-28-1805-00, 9651-28-1976-00 and 9651-29-2141-00, Lee County Land Records Office.- (Exhibit E)

Assistant Community Development Director Marshall Downey stated that the property owner is Lewis Calcutt. The area requested for rezoning includes three lots containing approximately two acres in size. The property fronts Lemon Springs Road. Any connections or improvements next to a state maintained road would require a driveway permit. There was a residential dwelling on the property several years ago; however, the structure burnt several years ago and was removed. Two accessory buildings remain on that portion of the site.

The land uses surrounding the property are a combination of commercial and low-density residential uses. Properties to the west are zoned General Business (GB) district. The commercial zone extends from NC Highway 78 (Tramway Road) to the subject tract. Some of the commercial uses include The Short Shop, Hargrove Taxidermy, Brenda's Salon and Sandhills Contractors. Adjoining properties north of the petitioned site are zoned Residential (R-20) district on which single-family dwelling exists. Properties to the east are zoned Residential (R-14) district and are currently undeveloped while the properties to the south are zoned Light Industrial (LI) district. Royster Clark, a farm supply business is located on this site.

The Light Industrial zoning continues approximately 1,200 feet along Lemon Springs Road. The current land use of this property includes CPL and Static Control Components, Inc. Mr. Downey added that the property has access to City water but does not have access to public sewer.

The NCDOT 2002 Average Daily Traffic Count study reports 4,300 vehicle trips per day on Lemon Springs Road. Mr. Downey explained that when you compare this to the 1994 Sanford Thoroughfare Plan for Lemon Springs Road from St. Andrews Church Road to Main Street, the base year volumes were 3,400 while the design year volumes were 1,300 vehicles per day. The Thoroughfare Plan recommended that the existing two-lane road be widened to a multi-lane section to serve future traffic from the developing residential areas along it as well as to the south.

The site is not located within a designated watershed or 100-year floodplain. Mr. Downey explained the Residential (R-20) and Light Industrial (LI) zoning requirements. The 2020 Land Use Map has identified this property within the Mid to High Density Residential-Office classification. 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. The permitted use list indicates that the Light Industrial District and General Business District allow for most of the same uses. As indicated by the 2020 Land Use Plan, non-residential establishments (retail and commercial uses) are usually found along major thoroughfares.

Council Member Mann asked if the property was fenced in. Mr. Downey replied no and if the business is expanded and abutting residential, you would have to have some type of buffering. Mr. Mann asked if there were hazardous materials on the property. Mr. Downey replied he did not know.

Mayor Hester opened the public hearing. Charles McLeod, manager of Royster Clark, Inc., spoke in favor. He stated that he has been with Royster Clark for over twenty-one years and at the current location for over three years. They have served the local farmers and citizens at that location for over forty years and would like to expand the business. They have outgrown the one-acre lot they are on now and in order to expand the business, they would like to purchase the two acres which adjoins the business from Louis Calcutt. Mr. Calcutt has agreed to sell the land contingent to it being rezoned Light Industrial.

Brenda Hargrove, who resides at 2606 Lemon Springs Road, stated that she was a widow with three small children when she moved to this location in 1981. Ms. Hargrove found when she moved to this location there was no access to City water or sewer. She had to buy a fourth of an acre of land to get to a manhole behind her property to get sewer. It has been a struggle for her since she has lived at that address. Ms. Hargrove stated that there are some small children that live in the residences that surround the business. Ms. Hargrove expressed that the issues she is concerned with is the noise during all hours of the night with trucks being unloaded; whether the fertilizer and nitrogen have explosive possibilities; and whether it will affect the well water. She felt it would hurt her property values. The owner or employees do not live close to the business. Ms. Hargrove stated that she would not be opposed to Royster Clark purchasing property behind the business from Mr. Lloyd and run the business off of Frazier Drive.

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

Petition by Brick Capital Community Development Corp. - to rezone from Office & Institutional/Multi-family (O&I/MF) district to Residential (R-6) district, approximately .80 acre of land located near the western end of Church Street, between South Vance Street and James Street. The property is the same as depicted on Tax Map 9642.11, a portion of Tax Parcel 9642-56-4948-00, Lee County Land Records Office.- (Exhibit F)

Planner I Amy Bean explained that the site requested for rezoning consists of a +/- .80 acre portion of one tract of land. The total acreage on this tract of land is approximately 2.9 acres and is located near the western end of Church Street. The site is currently cleared and undeveloped. The petitioner has verbally indicated to staff that the plan is to subdivide this portion of the property into five new lots to be developed for residential single-family housing. Rezoning this portion of the property with road frontage along Church Street would allow for the creation of 6,000 SF lots with a minimum lot width of 60 feet. The parcel has approximately 593 LF of public street frontage on Church Street, which is a City maintained street. City water and sewer are available.

Ms. Bean continued that the primary land uses surrounding the site are single-family residential dwellings to the east, west, and south, a planned multi-family development developed by the Sanford Housing Authority to the south (opposite Church Street), and the W. B. School to the north. The W. B. Wicker School is currently undergoing major renovations.

Ms. Bean explained the current Office and Institutional/Multi-family zoning and proposed Residential (R-6) zoning requirements. The petitioner has indicated to staff that, if rezoned, the area would be subdivided into five new 6,400 SF residential lots to be developed with single-family dwellings. The 2020 Land Use Plan 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.

Mayor Hester opened the public hearing. Kate Rumely, Executive Director of Brick Capital Community Development Corporation, spoke in favor. She stated that Brick Capital has been building homes in that general vicinity for about eight years. They are in need of more lots and that particular area is a very good location for five single-family homes.

With no one speaking in opposition, the public hearing was closed.

Petition by Brick Capital Community Development Corp. - to rezone from Residential (R-20) district, to Residential (R-14) district, approximately 15.95 acres of land located within the 700 block of Cool Springs Road, south of the intersection of Cool Springs Road and Carbondon Road. The property is the same as depicted on Tax Map 9632.01, Tax Parcel 9632-59-0348-00, Lee County Land Records Office.- (Exhibit G)

Assistant Community Development Director Marshall Downey advised that Brick Capital Community Development has withdrawn their petition so a public hearing will not be held.

Petition by Austin Bay, Inc. - to rezone from Residential (R-20) district to Light Industrial (LI) district, approximately 4.26 acres of land located within the 2200 block of Courtland Drive, between Lanlier Drive (SR1221) and Harkey Road. The property is a 2.62 +/- acre portion of one legal tract of land that is the same as depicted on Tax Map 9641.02, Tax Parcel 9641-99-7002-00, Lee County Land Records Office and a 1.64 +/- acre portion of an adjoining legal tract of land that is the same as depicted on Tax Map 9641.02, Tax Parcel 9641-98-7696-00, Lee County Land Records Office.- (Exhibit H)

Assistant Community Development Director Marshall Downey advised that the property owner is Helen T. Rollins and the applicant is Austin Bay, Inc. Mr. Downey explained that the area proposed for rezoning is located on two vacant tracts of land that slope downhill away from Courtland Drive. Mr. Downey referred to the map in Exhibit H which showed the zoning of the property. Both of the 10 plus acre tracts are split zoned with the majority of both tracts already zoned Light Industrial. A small amount of Residential (R-20) exists along both of these tracts to a depth of approximately 260 feet. The purpose of this request is to make all the property as it stretches from Tramway Road over to Courtland Drive zoned as Light Industrial. The parcels proposed for rezoning contain wooded areas around the edges of the properties, while the interior is mostly an agricultural field. Two farm buildings occupy the area. In addition, a small pond covers the western edge of one of the parcels.

The properties have access to City water but they do not currently have access to City sewer. However, there is a sewer line located approximately 1,100 feet from the property on Tramway Road. The combined road frontage on Courtland Drive for both parcels is approximately 705 LF. The 2003 NCDOT Average Daily Traffic Count for Courtland Drive is about 4,700 vehicles per day. In addition, both parcels have a certain amount of frontage along Tramway Road. The 2003 NCDOT Average Daily Traffic Count for Tramway Road between Courtland Drive and Brookhaven Drive is about 14,000 vehicles per day.

Tramway Road is a designated scenic corridor. Should these properties be rezoned and developed in their entirety, there would be streetscape plantings or landscaping required upon the frontage. Also a buffer strip would be required between residential and non-residential uses and between single-family and multi-family uses containing four or more units.

Mr. Downey added that the primary uses surrounding the area proposed for rezoning are single-family dwellings agricultural areas, vacant woodlands, a manufacturing facility – Honeywell, several commercial businesses – Nick’s Auto, Jim’s Restaurant, and Riddick Plumbing, and several industrial operations – Savage Trends, TRW Performance, and D&B Mechanical. Mr. Downey explained the rezoning requirements of the current Residential (R-20) District and the proposed Light Industrial (LI) District. The 2020 Land Use Plan has identified these properties as Mid/High Density Residential Office. The proposed light industrial is not compatible with this recommendation; however, it should also be recognized that the majority of the existing site is already zoned Light Industrial and there exists a substantial amount of non-residential development in the immediate vicinity.

Mayor Hester opened the public hearing. Larry Cheatham, agent for Austin Bay, Inc., spoke in favor. He stated there is no present use for this; however, if you look at the zoning map, you will see that this property is cut off, that is everything is zoned Light Industrial except for the portion being requested to be rezoned. It would follow the property line and join the property that is already there that is zoned Light Industrial.

With no one else requesting to speak in favor or in opposition, Mayor Hester closed the public hearing.

The Planning Board retired to the West End Conference Room.

REGULAR AGENDA

Consider Modifications to the Interlocal Agreement for the Consolidation of Certain Public Water Systems Within Lee County – (Exhibit I)

City Manager Leonard Barefoot explained that the modifications that were requested by the Lee County Board of Commissioners at its meeting on Monday, December 13, were explained in detail at the Law and Finance Committee meeting on Wednesday, December 15. On page 8, the word reasonably was added to the fifth WHEREAS; on page 9, subparagraph 3, language was added that includes in the transfer of assets to the City, an assignment of leases for antennas located on the water tanks. There is one tank on Colon Road that this lease refers to. On page 10, the Commissioners asked that the City add the language no later than in subparagraph 5 and to add the language that rates adopted upon completion of the rate study will be as equitable as the Local Government Commission will allow. Mr. Hoyle had some concerns about the County's ability to make assessments on the City's behalf so the words to the extent allowed by law were added in subparagraph 6.

City Manager Barefoot advised that Council is only considering the changes that were approved by the Lee County Board of Commissioners and would also leave in tact, the addenda to the original interlocal agreement that Council considered which was language from Farmer's Home agreements that the City would have to comply with as part of this approval.

Mayor Pro Tem Martin stated that he felt this will go down in history as another consolidated service that will be a cost saving service. He commended City Manager Barefoot and staff, County Commissioner Chairman Herb Hincks, and County Manager David Smitherman for the work they did in getting the agreement where both entities agreed upon it.

Council Member Linwood Mann made the motion to approve the modifications to the interlocal agreement. Seconded by Council Member James Williams, the motion carried unanimously.

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

OTHER BUSINESS

City Manager Leonard Barefoot stated that at the Employees' Service Award Banquet, Budget Director Barbara Cox was recognized for 35 years of service to the City and also that Ms.

Cox had informed him of her decision to retire. A reception will be held for Ms. Cox on Wednesday, January 5, from 3:00 P.M. to 5:00 P.M. Presentations will be done at 4:00 P.M. This will be Ms. Cox's last Council meeting.

Mayor Hester told Ms. Cox she will be sorely missed. She has been a very capable and dedicated employee and wished her well on her future endeavors. Council Member McNeil thanked Ms. Cox for her service to the City and the citizens of Sanford. Council Members Martin, Mann, Williams, and Olive also applauded Ms. Cox for her work and that she will be definitely missed.

City Manager Barefoot announced that the City will be closed for the Christmas holiday on Friday, December 24, and Monday, December 26. The City will also be closed on Friday, December 31 for the New Year's holiday. The Law and Finance Committee meeting scheduled for Wednesday, December 29 has been cancelled.

ADJOURNMENT

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

Respectfully submitted,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK