

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 1, 2005, 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 Walter H. McNeil, Jr.
Council Member Clawson Ellis	Council Member Cornelia P. Olive
Council Member Philip E. Dusenbury	City Attorney Susan C. Patterson
City Manager Leonard Barefoot	
City Clerk Bonnie D. White	

Absent:

Council Member James G. Williams

Mayor Hester called the meeting to order. Council Member Philip Dusenbury delivered the invocation.

**APPROVAL OF AGENDA**

On motion of Mayor Pro Tem Joseph Martin, seconded by Council Member Walter McNeil, Jr., the agenda was approved.

**CONSENT AGENDA**

Approval of January 18, 2005, City Council Minutes - (Filed in Minute Book 62)

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

Ordinance was approved to appropriate funds received from the NC Department of Transportation to relocate a meter vault at East Lee Middle School as part of the 421 Bypass project.

Approval of Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20 – (Exhibit B)

Resolution was approved authorizing the finance director to file an installment purchase application with the Local Government Commission for the purchase of the Lee County Water System. The resolution sets forth that the contract is necessary and that we prefer to do installment purchase rather than a bond issue because it is more cost effective for the City.

Approval of Ordinances Directing the Building Inspector/Code Enforcement Supervisor to Demolish the Property Herein Described as Unfit for Human Habitation and Directing that a Notice be Placed Thereon that the Same May Not Be Occupied:

Ordinance was approved directing the building inspector/code enforcement supervisor to demolish the property herein described as unfit for human habitation and directing that a notice be placed thereon that the same may not be occupied at:

- 108 N. Fifteenth Street – (Exhibit C)
- 305 Seawell Street – (Exhibit D)
- Globe Street – (Exhibit E)

Approval of Request by SouthPark Business Park for Consent to Cemetery Relocation – (Exhibit F)

Council gave SouthPark Business Park its consent to relocate a cemetery located at the rear of SouthPark Business Park in accordance with state regulations. SouthPark Business Park indicated that they plan to coordinate with the next of kin in placing the cemetery where the next of kin will still be able to visit.

Approval of Interlocal Agreement for Payment of Debt Service on Water System – (Exhibit G)

Interlocal Agreement for Payment of Debt Service on the Lee County water system was approved. The part of the debt service the District owes First Citizens Bank cannot be prepaid, so the City needs to have an agreement which will spell out how we will make that payment. This is an agreement between the City of Sanford and Lee County that the City will provide the money to the County and the County will make the payments so long as there is an outstanding balance.

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

**CASE FOR PUBLIC HEARING**

Consider Public Hearing on Financing Proposals for Purchase of Lee County Water System – (Exhibit H)

Financial Services Director Melissa Cardinali stated that the public hearing is for the financing of the purchase of the Lee County water system. The terms of the financing are an amount not to exceed \$8.5 million for 15 years at an interest rate of 3.47 percent. Mayor Hester opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

- Consider Adoption of Resolution Approving Financing Terms – (Exhibit I)  
Council Member Philip Dusenbury made the motion to adopt the resolution approving the financing terms. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

**DECISIONS ON PUBLIC HEARINGS**

Petition by Nottingham Property Associates, LLC. - to rezone from Highway Services (HS) district to Residential (R-12) district approximately 0.25 acre of land within the 300 block of Robin Hood Lane. The property is the same as depicted on Tax Map 9643.01, a portion of Tax Parcels 9643-46-1727-00 and 9643-36-9525-00, Lee County Land Records Office. – (Exhibit J)

Assistant Community Development Director Marshall Downey explained that the request is to rezone a portion of two lots containing approximately 0.25 of an acre of land within the 300 block of Robin Hood Lane, further identified as being a portion of Lots 15 and 58 within the Nottingham Subdivision from Highway Services (HS) district to Residential (R-12) district. It is a corrective type of rezoning. The details of the rezoning were given at the public hearing on Tuesday, January 18, 2005. The Planning Board discussed the petition after the public hearing and unanimously recommended that the City Council approve the petition.

- Consider an Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit K)  
Mayor Pro Tem Joseph Martin made the motion to adopt the Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. Seconded by Council Member Cornelia Olive, the motion carried unanimously.

Petition from Downtown Sanford, Inc. - to 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 (10) *Central Business District: CBD*. Also, to amend the City of Sanford Zoning Ordinance, Article III, Districts Established; Permitted Uses, Section 42-173, Table of Residential Uses. Also, to amend the City of Sanford Zoning Ordinance, Article III, Districts Established; Permitted Uses, Section 42-174, Table of Business Uses. Also, to amend the City of Sanford Zoning Ordinance, Article V, Special Requirements for Certain Uses Permitted By Right. - (Exhibit L)

Assistant Community Development Director Marshall Downey explained that this is a proposed text amendment. The details of the amendment were presented at the last public hearing on January 18, 2005, and at the Law and Finance Committee meeting on January 12, 2005. The proposal is to amend the zoning ordinance to allow for mixed-use dwellings in downtown. This would allow retail, commercial, and non-residential uses on the first floor of the buildings while allowing dwelling units on the upper floors. Five items were proposed in the amendment which relate to certain design criteria. They are:

- (a) Each dwelling unit will require at least one off-street parking space. The off Street Parking requirements may be met on-site or off-site at a distance of up to one thousand (1,000) feet from the permitted use. Off-street parking spaces to be used to satisfy this requirement must be such that the same parking space cannot already be in use for another dwelling or land use. A copy of a lease agreement for the off-street parking shall be submitted to the planning staff providing evidence that the required off-street parking has been satisfied.
- (b) Building owners will be responsible for trash disposal of all dwelling units in conjunction with the commercial establishments on the first floor.
- (c) No clotheslines on the outside of the building shall be permitted.
- (d) No outside storage for the dwelling unit shall be permitted.
- (e) No pets shall be allowed to reside within any of the dwelling units. This provision shall not prohibit the retail sale of pets in conjunction with a commercial establishment on the first floor.

Mr. Downey advised that the Planning Board recommended unanimously to pass the ordinance as presented in the form that was presented at the last Council meeting. However, based upon discussion by Council at the public hearing regarding dual use parking, staff has prepared two options for consideration. Option 1 provides language for dual-use parking. Option 2 removes the language of dual-use parking. Both Options 1 and 2 will need to add language under Sec. 42-259 (g) No pets shall be allowed to reside within any of the dwelling units, except service animals as required for disabled residents. This provision shall not prohibit the retail sale of pets in conjunction with a commercial establishment on the first floor.

The Planning Board was concerned about off-street parking and the proximity of finding off-street parking. It would be difficult for staff to administer the dual-use parking with tenants moving in and out of the buildings. Council Member Ellis asked who would enforce the violations of having pets in the building. Mr. Downey replied that it will be the responsibility of the Planning staff. If a resident has a pet and is in violation of this ordinance, then it will be handled as a zoning violation. Staff wanted to give Council the flexibility of deciding on which option they would prefer.

Council Member Phil Dusenbury asked to be excused from voting on this amendment because he has a financial interest in property in the Central Business District and to avoid any appearance of a conflict of interest. Mayor Pro Tem Joseph Martin made the motion to excuse Mr. Dusenbury from voting on this amendment. Seconded by Council Member Clawson Ellis, the motion carried unanimously.

- Consider an Ordinance Amending the City of Sanford Code of Ordinances, Chapter 42, Zoning Ordinance – (Exhibit M)  
Council Member Cornelia Olive made the motion to adopt Option 2 - Ordinance Amending the City of Sanford Code of Ordinances, Chapter 42, Zoning Ordinance with language added to Sec. 42-259 (g) No pets shall be allowed to reside within any of the dwelling units, except service animals as required for disabled residents. This provision shall not prohibit the retail sale of pets in conjunction with a commercial establishment on the first floor. Seconded by Council Member Clawson Ellis, the motion carried four to one with Council Member Linwood Mann casting the dissenting vote.

## **REGULAR AGENDA**

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

## **OTHER BUSINESS**

Mayor Pro Tem Martin stated that several people from Sanford and Lee County went to New Bern, North Carolina, last weekend for the North Carolina Main Street Program and came back very excited. Mr. Martin said that one of this year's Main Street champions is Operations Manager Tim Shaw. He added that Mr. Shaw has gone beyond the call of duty in working with Downtown and has been a tremendous asset.

Council Member Ellis asked Mr. Bridwell to give an update on Depot Park. Mr. Bridwell responded that substantial progress had been made in the last few weeks; banners are up; sidewalks are installed and cleaned; and the major infrastructure work that has been going on for two years is complete. Millstone has been secured and needs to be installed. It was donated by Mrs. Edison Beal for the Depot Park water fountain. Mr. Bridwell advised that an old plaque was secured that was part of a very historic process that occurred in the 20s noting that the highway was part of the original North Carolina Good Roads' System and designated that as part of the Daniel Boone trail. The metal on the plaque is from the Battleship Maine. It will be located in Depot Park.

Council Member Olive asked Mr. Bridwell to give an update on the sound barrier being constructed on U. S. Highway #1. Mr. Bridwell replied that staff checked on the barrier and was told that it was too late to change the contract from pre-fabricated concrete to brick because the contract was already awarded for the project. Mr. Bridwell stated that Ms. Olive made a good point that we should go back at a later point and cover the concrete with brick veneer.

Mr. Bridwell stated that in reference to the interchanges on U. S. Highway #1, the chain link fences are not attractive. Staff has made a request to the Department of Transportation that consideration be should be given to some alternative to the chain-link fences.

Council Member Olive commented that there seems to be more graffiti around town and was hoping a report would be given about it tonight.

Mr. Barefoot stated that the date for Council's retreat is March 16 and 17.

**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 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