

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, September 19, 2006, at 7:00 P.M. The following people were present:

Mayor Cornelia P. Olive	Council Member Linwood S. Mann, Sr.
Mayor Pro Tem Walter H. McNeil, Jr.	Council Member James G. Williams
Council Member Dan Harrington	Council Member Joseph Martin
Council Member Mike Stone	Council Member Steve Brewer
City Manager Leonard Barefoot	
City Clerk Bonnie D. White	

Absent:

City Attorney Susan C. Patterson

Mayor Olive called the meeting to order. Mayor Pro Tem Walter McNeil, Jr. delivered the invocation.

APPROVAL OF AGENDA

City Manager Leonard Barefoot requested to add a presentation by Ron Miriello, Vice-President for Support Services at Central Carolina Community College under the Special Agenda.

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

SPECIAL AGENDA

Ron Miriello, Vice-President for Support Services at Central Carolina Community College, thanked Council for its contribution to the National Youth Sports Program (NYSP). The City contributed \$5,000 in April 2006, and these funds assured them the financial base for continuation of the program. They enrolled 164 children and no child was turned away. They found several ways to save money and, therefore, were able to return the City's \$5,000 contribution.

CONSENT AGENDA

Approval of September 5, 2006, City Council Minutes - (Filed in Minute Book 65)

Approval of Ordinance Establishing a Loading Zone on South Moore Street of the City of Sanford – (Exhibit A)

Ordinance was approved establishing a loading zone beginning at a point on the west side of South Moore Street, 156 feet from the centerline of Carthage Avenue and continuing for a distance of 171 feet for loading and unloading, Monday - Saturday, 8 A.M. – 6 P.M.

Approval of Ordinance Establishing a No-Parking Zone on a Portion of an Alleyway of the City of Sanford – (Exhibit B)

Ordinance was approved establishing a no-parking zone in the alley directly behind and adjacent to the business located at 122 South Moore Street.

The consent agenda items were approved upon motion of Council Member Mike Stone. Seconded by Council Member Steve Brewer, the motion carried unanimously.

CASES FOR PUBLIC HEARING

Consider Petition by Phillips Management Group, Inc. - to rezone 50.11 acres, located along the west side of Pendergrass Road, just north of the intersection of Belford Drive, and includes property located at 1726 Pendergrass Road, from the current zoning of (RR) Residential Restricted District to a Conditional MF-12 Multi-family Zoning District.- (Exhibit C)

Assistant Community Development Director Marshall Downey explained that the developer is Phillips Management Group, Inc., and the property owners are Eldon S. and Susan Dummit. The site is requested for rezoning consists of two (2) tracts of land comprising approximately 50.11 acres and is currently undeveloped. The purpose of the rezoning request is to assemble the property for a fairly large mixed residential project. This includes 332 dwelling units. There would be 272 apartments and 60 townhomes. This equals to a density of approximately 6.6 units per acre. For comparison purposes, the current MF-12 zoning, which is the City's highest density zoning, allows up to 12 units per acre.

Mr. Downey displayed a layout of the project on an overhead screen for the Council and public to view. He explained the design standards for the Ryder Downs MF-12 Conditional Zoning District. The request includes two separate components, an apartment complex that borders the eastern edge of the properties and a smaller townhome project that borders the southern boundary. The remaining 15 plus acres to the north and west are intended to remain undisturbed, and the developer is interested in offering this tract for dedication for public space. The apartment complex adjoins Pendergrass Road and is proposed to include 35 apartment buildings. Of these 35 buildings, there will 21 two-story buildings each containing eight 2-bedroom units; 12 two-story buildings each containing eight 1-bedroom units; and 2 one-story buildings each containing four 1-bedroom units. The one-story buildings will be the closest to Pendergrass Road. The smaller townhome project will incorporate twenty separate buildings each containing three bedrooms. Fourteen of the units will have garages and all of the units will have a minimum of a two-car paved driveway.

Mr. Downey explained to Council the site amenities and improvements, building design, landscaping, and utilities and infrastructure as listed in Exhibit C.

Mr. Downey stated that the project will have two points of access: (a) new driveway from Pendergrass Road and (b) a new public street that will connect with Belford Drive. The new driveway on Pendergrass Road will be the main entrance for the apartments. This is a private road so they will need approval from the Department of Transportation for access to

Pendergrass. They have contacted the D.O.T., and the D.O.T. is requiring a left-turn lane installed for northbound traffic. The second connection will require the short extension of Belford Drive, which is a short, dead-end street that serves the 22 lots of the only developed phase of the Westfield Subdivision. This short extension will connect with a new public street that will serve the townhome portion of the project.

Mr. Downey reiterated that the developer has talked with staff about the possibility of dedicating this 15 plus acres to public land. The Lee County Parks and Recreation Director has expressed an interest in obtaining this land, and the developer is aware that if this is approved, he would need to continue to work with staff through the subdivision process to offer this for dedication at some point. The developer is aware that he will have to work with staff to preserve a point of access at the time of the preliminary subdivision plat.

The site is not located within a designated flood hazard area or an established watershed.

Mr. Downey explained that this is a conditional zoning request and the current zoning ordinance standards do not apply except for what the developer has requested as part of this project including the site plan. If approved, only the uses listed in (Exhibit C) as well as the conditions in the staff report would be applied. The Council and/or Planning Board may request of the petitioner that certain conditions be considered, however, the petitioner must accept such conditions before inclusion in the zoning district.

The project was reviewed by the City's Technical Review Committee on March 23, 2006. City staff provided guidance regarding utilities, fire protection and the conditional zoning process. The developer and his design professionals have worked with City staff over the past several months to resolve all technical concerns.

The 2020 Land Use Plan Map does not identify a specific land use for the subject property.

Mr. Downey advised that a community meeting was conducted back in January of this year for this project. There were approximately 30 area residents who attended the meeting. Representatives from Phillips Management discussed the project and provided some highlights of their experience in multi-family development. Residents questioned the developer regarding the need for additional apartments in Sanford and the negative impact on schools. The developer and his representatives responded by indicating that the market demand for housing along US 1 is high and that they would like to provide a high quality project to meet this demand. Other questions related to the vacancy rate within the current Phillips Management projects and if the new project will have subsidized units. The developer responded that his company currently has a vacancy rate of 6 per cent for the 7,000+ units that they maintain and that none of the units in the Ryder Downs project would be subsidized housing. One resident expressed a desire to have any units that would be located along Pendergrass Road be limited to one story to be more in harmony with other buildings in the area. The developer modified the design to accommodate this suggestion.

Staff recommends that the Planning Board support the petition. This recommendation is based on the availability of public utilities and the proximity of existing mixed density residential development, including multi-family along Pendergrass Road. However, information as presented at the public hearing may provide additional information that should be considered regarding a final decision on the requested zoning map amendment.

Mayor Olive asked if this project will be done in phases. Developer Keith Phillips responded that it would be done in phases. The first road (Saddlebrook Drive) will be developed first with buildings 1 – 10, then the amenities; then the second road and the third road would be completed, and this connects to the back phase which is a for sale project. This would be started at the same time of the beginning of the first phase. As the projects get developed, the roads would be connected together.

Mayor Pro Tem McNeil asked about the lift station and if the city would have access to it. City Engineer Vic Czar responded that the lift station does not meet the requirements to be publicly maintained so it is a lift station that would be designed just to serve that project. The sewer lines inside the project would be designed to city standards in the eventuality that the lift station may be eliminated in the future. That lift station is specific just to this project and the city would not maintain it.

Mayor Olive opened the public hearing. Attorney Eddie Winstead spoke in favor of the project on behalf of the Phillips Management Group. He informed Council that this project has been in the making for a couple of years. Phillips Management Group is from Greensboro, North Carolina, and they have been in the business managing and developing multi-family housing projects for about 50 years. They currently manage over 7,000 apartment units in North Carolina, South Carolina, Georgia, and Florida. Some of those projects in our area included Raleigh, Chapel Hill, and Aberdeen. They have built multi-family housing communities in Burlington, Graham, Kernersville, Raleigh, Greensboro, and Statesville.

The Ryder Downs project has been over two years in the making. This property has been on the market for some time. Mr. Winstead referred Council to the pictures provided by Phillips Management in their agenda packets of the proposed housing units and development. Phillips Management wants the development to have a feel of a community, neighborhood, and something that blends in with the rest of the community in that part of Lee County. The property has easy access to U. S. #1. The Raleigh and Triangle area is rapidly growing and is far exceeding its capacity for continued growth, and we are seeing more people leaving the Triangle area and moving to Lee County. Mr. Winstead added that city officials were recently in Atlanta, Georgia, regarding the base realignment commission bringing large numbers of families into the Fort Bragg-Fayetteville area, and Sanford and Lee County are going to benefit from this growth.

Mr. Winstead said that Phillips Management is not proposing brick or wood-frame boxes in a field. The architectural renderings of the buildings as well as the site plans show that this will be a community with natural areas, walkways, a lot of natural landscaping, trees, and shrubbery. Mr. Winstead said that Phillips Management is looking at developing this project over a five-year period. The initial phase would involve the development of the first 8-10

apartment units on the primary street going off of Pendergrass Road; the second and third streets as infill. The townhomes on the lower section will be an initial phase as well, but since the townhouses will be for private ownership, they will be built on an as-needed or as-demands dictate basis; it would not be something that was built all at one time and then marketed.

Mr. Winstead said the developers felt that as a protection for other landowners and for this project, they felt the best use for the 15-plus acres at the back of the site would be to offer them to the citizens of Lee County for public use. They have been in discussion with city staff and Lee County about this issue.

Mr. Winstead stated that what dictates where retailing, restaurants, and other service businesses locate is nothing more than where the people live. It will take rooftops in western Lee County and West Sanford to further develop that area with restaurants and retailing.

Mr. Winstead stated that the request is for multi-family conditional zoning and this zoning means that the developer cannot change the plan down the road; any deviations would have to come back to Council for approval.

Steve Malloy, from Adcock and Associates, spoke in favor on behalf of the Dummits. Mr. Malloy said that he started marketing the project in January 2003. It was marketed for anybody to look at. They had three types of buyers, people with horses, single-family home builders, and multi-family home builders. The feedback from the people with the horses stated it is not in horse country in addition to the growth in that area.

Mr. Malloy advised that a neighborhood meeting was held at the Owl's Nest Clubhouse. They send out notices to everyone who lives within 100 feet or owns property within 100 feet of the Dummits, residents from the Westfield Subdivision, and a notice to the Owl's Nest Homeowners Association. Keith Phillips from Phillips Management wanted everyone who might have a say to have an opportunity to know about the meeting. Mr. Malloy said he hand carried an invitation to every home in Owl's Nest Subdivision; this was an additional 150 invitations sent out over and above what would normally go out. About 30 people attended. There were a number of concerns brought up and all but one was incorporated into the final design. The only request that they did not accommodate was the request that the traffic not come through Belford Drive. The added accommodations amounted to over \$500,000 being added to the project, in addition to 30 percent of the property being purchased being dedicated to the public.

Flora Williams, resident of Westfield Subdivision, said she was not speaking in opposition, but had a concern with the additional traffic. She lives in the first house on the left on Belford Drive. She said the subdivision is family oriented and wanted Council to think about what the increased traffic would do to the families living in the subdivision with little kids. She did not want Belford Drive to be opened up for traffic to the proposed subdivision.

No one spoke in opposition. Mayor Olive closed the public hearing.

The Planning Board retired to the West End Conference Room.

Consider Program Amendment to CDBG Revitalization Strategies Program Years 4 and 5. Forms require Mayor and Clerk Signatures. – (Exhibit D)

Patt Crissman, with The Wooten Company, advised that at the last Law and Finance Committee meeting, we discussed the need for rehabilitating a house on Saunders Street. From Council's direction because it was such a large amount of money (\$73,000) to rehab the home, Council thought it would be better spent if the family were relocated. In order to do this, a program amendment is necessary to allow the city to move funds from rehab to other line items. Year 4 is due to close out in January, and Year 5 just began last month. We have the flexibility of swapping activities from one year to another. The amendment proposes to move rehab money to relocation/acquisition. It also moves some of the W. B. Wicker activities into Year 4. The Wicker activities are complete; they are just waiting to be reimbursed.

Council Member Martin asked if the homeowners are willing to relocate. Ms. Crissman replied that she called them and they are willing to move. Ms. Crissman said the family likes the neighborhood so they do want to stay in the Wicker neighborhood if they can find a home for them.

Ms. Crissman said the property will be acquired for a small amount of money and Council can dispose of the lot in the manner they choose. It will cost approximately \$6,000 to demolish and clean up the home due to asbestos. It will be a lot less if there is no asbestos.

Mayor Olive opened the public hearing and no one spoke in favor or in opposition. The public hearing was closed.

Council Member Steve Brewer made the motion to approve the program amendment. Seconded by Council Member James Williams, the motion carried unanimously.

REGULAR AGENDA

Consider Authorization to Surplus the House and Lot Located at 1315 Bragg Street – (Exhibit E)

City Manager Leonard Barefoot explained that Council recently rejected a final low bid for the property the city acquired from HUD at 1315 Bragg Street following an initial offer and upset bid process. It was his recommendation that the bid be rejected because of the low price offered relative to the appraised value of the property. Mr. Barefoot stated that since that time, we have done some work to keep the property from being further declined. He added that it is his recommendation that Council declare the property surplus and authorize him to solicit an auctioneer and auction the property at an absolute auction and open it up to the highest bidder.

Council Member Joseph Martin made the motion to go along with the city manager's recommendation and surplus the house and lot located at 1315 Bragg Street. Seconded by Council Member Linwood Mann, the motion carried unanimously

Consider Resolution in Support of the National League of Cities' Partnership for Working Toward Inclusive Communities – (Exhibit F)

City Manager Leonard Barefoot advised that the National League of Cities has had a program ongoing for the last seven years for partnership for working toward inclusive communities. The resolution is in support of declaring that the city believes in inclusiveness, and the resolution states that the city joins the national partnership in working towards inclusive communities. There are a number of cities in North Carolina who have adopted similar resolutions and are becoming a part of the partnership. He spoke with Ellis Hankins, Director of the North Carolina League and this program is very near and dear to the heart of our national president who will be at the Greensboro meeting in October. They are requesting as many cities as possible to adopt the resolution in show of support to him when he comes to Greensboro.

Mr. Barefoot explained that inclusiveness means that you recognize the fact that all citizens of our community need to share and participate in the process of making our community the best possible community it can be. The national program is to help create an awareness for operating an environment of inclusiveness. The National League has designated the week of September 25 – 29, 2006, as its annual Race Equality and Inclusive Communities Week. Council Member Mann asked if a plan and regulations have been established. Mr. Barefoot responded that the National League of Cities hopes that in addition to adopting a resolution and stating our intent to be an inclusive city, that we foster programs that will help achieve the goal of inclusiveness, along with cities throughout America.

Mayor Olive stated that bylaws for a human relations commission have been designed by the Quest Inclusiveness Committee, and they are now pending before the Lee County Commissioners. Mayor Olive added that she did not think the final product has been taken before the commissioners, but it is in the works.

Council Member Williams said that they will have seminars at the North Carolina meeting in Greensboro that will explain how you go about including young people getting involved in city government. He added that Mayor Pro Tem McNeil is working on this program.

Mayor Pro Tem McNeil said that inclusiveness means that everyone in the city will have access to any kind of program the city does; it means that different ethnic groups will be afforded the opportunity to participate in the city's government. We have already started this with the Progressive Neighborhoods Program and Brick Capital Community Development, etc. Mayor Pro Tem McNeil said we have to move toward showing people that we welcome them to be a part of the city's government.

Council Member Williams added that a meeting will be held on October 14 at the League meeting in Greensboro for a youth summit. Hopefully, we will be able to get some young people and their parents involved.

City Manager Barefoot stated that a committee is working to identify some 10th and 11th graders to make the trip to Greensboro for the Saturday session at the League meeting on October 14. We plan to announce it on the city's television station to get some participants. We have spoken with the Chamber of Commerce and the Boys and Girls Club about getting

some participants and plan to speak with the high schools. The goal is to get some young people to attend the one-day session in Greensboro, at the city's expense, and hopefully thereafter, the young people will help us develop a youth council. The committee is working on a grant from the Z-Smith Reynolds Foundation for some funds to help us develop the program and create some meaningful activities and educational tools for this youth council.

Council Member Steve Brewer made the motion to adopt the Resolution in Support the National League of Cities' Partnership for Working Toward Inclusive Communities. Seconded by Council Member Dan Harrington, the motion carried unanimously.

Consider Demolition and Removal of Five Residential Structures

- Consider Ordinance 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 and Award of Contract to Elvis Faircloth Grading for Demolition and Cleanup – **700 Oddfellow Street** – (Exhibit G)

Code Enforcement Officer Carl Anglin stated that 700 Oddfellow Street belongs to Hector, Mayela, and Elizabeth Gonzalez. They signed a voluntary consent to have the home demolished. The bid amount was \$3,850. The reason for the increased cost of demolition is the increase in fuel costs. The structure looks good from the outside but there are no floors or walls inside.

Council Member Mike Stone made the motion to adopt the ordinance and award the project to Elvis Faircloth Grading for demolition and cleanup. Seconded by Council Member Steve Brewer, the motion carried unanimously.

- Consider Ordinance 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 and Award of Contract to Elvis Faircloth Grading for Demolition and Cleanup – **505 Wall Street** – (Exhibit H)

Code Enforcement Officer Carl Anglin stated that 505 Wall Street belongs to Blandonia Presbyterian Church. They signed a voluntary consent to have the building demolished. The bid amount was \$4,150. Someone gave this structure to the church about five years ago and it has steadily gone into a state of dilapidation.

Mayor Olive asked who pays for the demolition and cleanup. Mr. Anglin replied that the City does. The owners that sign the voluntary consent forms have agreed to pay the City back. The City files tax liens on the other structures.

Council Member Joseph Martin made the motion to adopt the ordinance and award the project to Elvis Faircloth Grading for demolition and cleanup. Seconded by Council Member Dan Harrington, the motion carried unanimously.

- Consider Ordinance 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 and Award of Contract to Elvis Faircloth Grading for Demolition and Cleanup – **112 N. 5th Street** – (Exhibit I)

Code Enforcement Officer Carl Anglin stated that 112 N. 5th Street belongs to James and Josephine Capps. They came in for their initial hearing and we had to publish the findings and fact order. The bid amount was \$2,950. The house has literally rotted in half. There is no repair to it.

Mayor Pro Tem McNeil Jr., made the motion to adopt the ordinance and award the project to Elvis Faircloth Grading for demolition and cleanup. Seconded by Council Member Mike Stone, the motion carried unanimously.

- Consider Ordinance 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 and Award of Contract to Elvis Faircloth Grading for Demolition and Cleanup – **313 McIver Street** – (Exhibit J)

Code Enforcement Officer Carl Anglin stated that 313 McIver Street belongs to Roger Lyons Jr. This house has been burned, chopped, and broken into; it has been severely vandalized. The bid amount was \$4,350, but this includes the demolition of an accessory house behind it also.

Council Member Joseph Martin made the motion to adopt the ordinance and award the project to Elvis Faircloth Grading for demolition and cleanup. Seconded by Council Member Steve Brewer, the motion carried unanimously.

- Consider Ordinance 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 and Award of Contract to Elvis Faircloth Grading for Demolition and Cleanup – **609 S. Horner Boulevard** – (Exhibit K)

Code Enforcement Officer Carl Anglin stated that 609 S. Horner Boulevard belongs to Roger Lyons Jr. This house looks nice from the outside; however, on the inside the floors are out because the termites have eaten the inside, and it has become a hangout for vagrants. The bid amount was \$4,950.

Council Member Dan Harrington made the motion to adopt the ordinance and award the project to Elvis Faircloth Grading for demolition and cleanup. Seconded by Council Member Mike Stone, the motion carried unanimously.

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

OTHER BUSINESS

Council Member Dan Harrington commented on how good the bridge looks on Horner Boulevard. It has been pressured washed.

Mayor Olive stated that when Mr. Barefoot and she went to Atlanta, Georgia, last week to represent Sanford and Lee County with the relocation fair for the Base Realignment Commission, the comments they received from other counties were very complimentary. The other counties that participated seemed really impressed with the package that Sanford and Lee County put together in cooperation with CCCC. They carried 5,000 DVDs and had a two-page handout. A weblink was prepared for the commission. She received an email from a retired general who is coordinating in North Carolina, and he praised them highly on Sanford's presentation and what they accomplished while at the fair.

Mr. Barefoot played the DVD that was handed out at the fair for the public and staff.

Mr. Barefoot stated that he would be out of the office next Wednesday and ask Council if they would move the Law and Finance Committee meeting to Tuesday at 1:00 P.M. in the West End Conference Room instead of Wednesday. Council was in agreement to move the meeting.

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 James Williams, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK