

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 3, 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 Attorney Susan C. Patterson
City Clerk Bonnie D. White	

Mayor Olive called the meeting to order. Council Member Joseph Martin delivered the invocation.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Approval of September 19, 2006, City Council Minutes - (Filed in Minute Book 66)

Approval of Award of Bid for a Compost Turner - (Exhibit A)

Award of bid for a compost turner from Southeastern Environmental and Waste Equipment was approved. The bid was \$131,110 with a trade-in allowance of \$13,200 for the old compost turner, resulting in a cost of \$117,910 to the City. Mr. Barefoot stated that staff looked into the paint color of the compost turner and it will be painted white on the assembly line so the paint cost is negligible to go ahead and get it to be white.

Approval of Rejection of Award of Bid for the 1500 GPM Pumper – (Exhibit B)

The bid of \$442,934.05 submitted by KME for a 1500 GPM Pumper was rejected. Staff will rebid the pumper truck.

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2006-2007 – (Exhibit C)

Ordinance was approved amending the annual operating budget transferring funds from the Street Department that were originally appropriated for the purchase of a flusher truck to the Solid Waste Department for the purchase of a knuckleboom truck.

Approval of Ordinance Repealing the No-Parking Restriction on a Portion of Church Street of the City of Sanford – (Exhibit D)

Ordinance was approved repealing the no-parking restriction for both sides of Church Street at and west of its intersection with James Street. A letter was received from the Boys and

Girls Club in connection with the Sanford Housing Authority's requesting that the no-parking restriction on a portion of Church Street be repealed. The Boys and Girls Club is using the Housing Authority property for club activities and need the parking for staff and parents to participate in the Boys and Girls Club.

Approval of Ordinance to Erect Stop Signs Within the City of Sanford Chapter 36, Traffic Code of Ordinances – (Exhibit E)

Ordinance was approved to erect stop signs within the Nottingham Subdivision located off of Burns Drive.

Approval of Authorization for Joe Johnson Auction and Realty Company to Conduct the Sale of the Property Located at 1315 Bragg Street – (Exhibit F)

Authorization for Joe Johnson Auction and Realty to conduct the sale of the property located at 1315 Bragg Street was approved. The buyer will be charged an 8 percent fee of the auction price with no charge to the City. Mr. Johnson would assume the cost of advertising.

Approval of Authorization for the City to Approach the North Carolina Association of Convenience Store Owners Regarding a Statewide Initiative to Establish a Law Requiring Convenience Store Operators to be Paid Before Dispensing Fuels – (Exhibit G)

Authorization was given for Council Member Steve Brewer to approach the North Carolina Association of Convenience Store Owners regarding a statewide initiative to establish a law requiring convenience store operators to receive payment before fuel can be dispensed.

Approval of Resolution Authorizing Use of GovDeals Electronic Auction to Dispose of Surplus Personal Property – (Exhibit H)

Resolution was approved authorizing the use of GovDeals Electronic Auction to dispose of surplus personal property.

Approval of Ordinance Establishing Two-Hour Parking on a Portion of the East Side of South Steele Street in the City of Sanford – (Exhibit I)

Ordinance was approved establishing two-hour parking along the east side of South Steele Street, between the intersections of Cole Street and South Moore Street, Monday-Saturday, 8 A.M. – 6 P.M.

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

CASE FOR PUBLIC HEARING

Public Hearing on Resolution Approving Financing Terms for Sewer Rehabilitation – (Exhibit J)

Assistant Financial Services Director Beth Kelly advised that the resolution approves the financing terms for sewer rehabilitation with RBC Centura for \$3 million at 3.81 percent interest for ten years.

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

- Consider Adoption of Resolution – (Exhibit K)
Council Member Steve Brewer made the motion to adopt the Resolution Approving Financing Terms for Sewer Rehabilitation. Seconded by Council Member Mike Stone, the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS

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 L)

Community Development Director Marshall Downey explained that this is for a conditional zoning district of 50.11 acres located off Pendergrass Road on the west and would include an extension onto Belford Drive, a public street. The project covers two tracts of land and would include 272 apartments and 60 townhomes.

The Planning Board recommended unanimously that Council approve the petition. The Planning Board provided this recommendation based on a finding that the request is consistent with the spirit and intent of the 2020 Land Use Plan. The Board also found that the request is reasonable and is in the public interest due to the availability of public utilities and the proximity of existing mixed density residential development, including multi-family, along Pendergrass Road.

- Consider Adoption of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit M)
Council Member Steve Brewer made the motion to adopt the Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. Seconded by Dan Harrington, the motion carried unanimously.

REGULAR AGENDA

Consider Appointments to the Local Firemen’s Relief Fund Board of Trustees – (Exhibit N)

City Manager Leonard Barefoot stated that he explained the purpose of the Firemen’s Relief Fund at the Law and Finance Committee meeting. There were two members appointed by Council. The late Council Member Phil Dusenbury was a member, and a replacement needs to be appointed and Council Member James Williams who is presently serving. Two members need to be appointed, or appoint one new member and reappoint Council Member James Williams.

Council Member Steve Brewer made a motion to appoint Council Members James Williams and Dan Harrington by acclamation. Seconded by Mayor Pro Tem McNeil, Jr., the motion carried unanimously.

Consider Preliminary Plat for South Ridge Subdivision to be Located Off of Lemon Springs Road (SR 1001). Owner/Developer: CAPI I., LLC. – (Exhibit O)

Assistant Community Director Development Marshall Downey stated that this is a request for Council's consideration of a preliminary subdivision plat. The Planning Board recommended that Council adopt the plat. This is a new single-family development with 101 lots proposed; it is a residential cluster. The property is located off of Lemon Springs Church Road and south of Tramway Road. It will be accessed via some existing public streets that are currently serving existing residential neighborhoods which will include extension of streets in a larger subdivision on the interior.

Mr. Downey said in terms of cluster, the zoning is R-12 which means the typical subdivision lot would be 12,000 sq. ft. lot. The exterior lots which abut the existing neighborhood are 12,000 sq. ft., as required by ordinance. The lots that are clustered are 9,000 sq. ft. lots located on the interior of the project and/or abutting the open space that is proposed. As a trade-off for allowing for the smaller lots, the developer was required to have at least 20 percent open space. It will be served by public water and sewer. The project was reviewed by the City's Technical Review Committee and found to be in compliance with all the regulations.

Mr. Downey added that the Planning Board and staff recommend that the plat be approved with the condition that the property be annexed. Council Member Joseph Martin asked if the owner/developer is acceptable to voluntary annexation. Mr. Downey replied yes and Mr. Branson, representing the developer, was in the audience and also stated that they were acceptable for voluntary annexation.

Council Member Joseph Martin made the motion to approve the preliminary plat with the condition that the property be voluntarily annexed into the *City*. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Consider Preliminary Plat for Phase 2 of North Pointe Townes Subdivision to be Located Off of an Extension of Meridian Crossing. Owner/Developer: Lookout Development Company. – (Exhibit P)

Assistant Community Development Director Marshall Downey advised that this is a request to add 12 additional units in a much smaller Phase II expansion of North Pointe Townes Subdivision. The original phase was approved in July and August of 2002. It would be served by public water and sewer.

City Manager Barefoot asked if the lots in Phase I have sold well. Community Development Director Bridwell responded that he thought all of the lots in Phase I are 100 percent sold. The second phase looks like about 50 to 60 percent sold out.

Council Member Dan Harrington made the motion to approve the preliminary plat for Phase 2 of North Pointe Townes Subdivision to be located off of an extension of Meridian Crossing. Seconded by Council Member James Williams, the motion carried unanimously.

Consider Revised Preliminary Plat for Savannah Subdivision (Formerly Beaver Creek Subdivision) to be Located Off of an Extension of Keller-Andrews Road (SR1154). Owner: Keever Development Corporation/Developer: Tim Holleman, Jim Hughey & Edward Keever. – (Exhibit Q)

Assistant Community Development Director Marshall Downey advised that the developer is requesting to revise a previously approved subdivision plat. This project was brought to Council in January of 2005 as a clustered patio-home project located off Keller-Andrews Road. The developer is requesting to revise the original approval by changing the front setback from a minimum of 20 feet with an average of 25 feet to simply a minimum of 20 feet. The developer is proposing to remove the average of 25 feet stipulation to allow greater flexibility in positioning the houses on the lots. All other setbacks and regulations for this subdivision still apply as per the original approval. When the developer started applying some of the actual topography, he discovered that the 25-foot setback was too rigorous to meet. He is basically requesting a straight 20-foot setback on all lots along the frontage.

Council Member Martin stated that he remembered the presentation and it was a really nice looking development and is this still the same. Mr. Downey replied yes; nothing has changed.

Council Member Mann commented that 20 feet did not seem far enough for a setback. Mr. Downey replied that they were approved to have 20 feet but not all of the lots; they had to have an average of 25 feet. In a patio-home type project, it is not that unusual to have a little closer setback than the standard non-clustered conditional subdivision. Mr. Mann commented that it eliminates the front yard. Mr. Downey replied that it reduces the front yard.

Jim Hughey, one of the developers of Savannah, stated that when they started designing the house plans and getting down to the nuts and bolts of getting the final plans down, with a zero lot line you cannot have windows on one side of the house, so it necessitated making a long house. The additional five feet they are requesting gives them a little bit more flexibility. Regarding the concern about being too close to the road, there is a 50-foot right-of-way, and then there is 20 feet back of the 50 feet. Essentially, to the back of the curb to the house are 31.5 feet and then you have a 27-foot road and then another 31.5 feet to the other house. There is a 90-foot opening between the houses where the road is. The subdivision they patterned this one after had 20-foot setbacks. Mr. Hughey stated that where it essentially hurt them was if you put one home at 20 feet, they would have to put one at 30-feet to get the 25 feet average; with the lots being so tight with the length of the houses, they could not afford to do this. They are requesting to keep them uniform at 20 feet and they will still have 90 feet from house to house.

Council Member Mann asked if this was the type property that would be maintained by them such as cutting the grass and shrubbery. Mr. Hughey replied that their plan is to have a landscape contractor, through the homeowner's association, to maintain all the front yards, bushes, grass, and all the plantings.

Council Member Linwood Mann made the motion to approve the revised preliminary plat for Savannah Subdivision (Formerly Beaver Creek Subdivision) to be located off of an

extension of Keller-Andrews Road (SR1154). Seconded by Council Member Steve Brewer, the motion carried unanimously.

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

OTHER BUSINESS

PUBLIC COMMENT – (Exhibit R)

No individual signed up to speak.

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 Mike Stone, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK