

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, January 16, 2007, 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. Mayor Pro Tem Walter McNeil, Jr. delivered the invocation.

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

Approval of January 2, 2007, City Council Minutes – (Filed in Minute Book 66)

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

CASES FOR PUBLIC HEARING

Petition by Michel & Terri Dussault, Roger & Patricia Collins, and Patricia Pemberton - to rezone 26.78 +/- acres from the current Residential Single-family (R-20) district to Residential Restricted (RR) district. The property requested for rezoning is located at 318 Traveler Lane, 446 Traveler Lane, 453 Traveler Lane, and two adjoining parcels to the north. The property is the same as depicted on Tax Map 9661.03, Tax Parcels 9661-03-4431, 9661-03-0900, 9661-04-5206, 9661-03-6904, and 9661-03-8460 Lee County Land Records Office. – (Exhibit A)

Assistant Community Development Director Marshall Downey advised that the site requested for rezoning consists of five tracts of land totaling 26.78 acres. The tracts include Lots 4, 5, 6, and 7 of the South Fork Subdivision, which is a large residential subdivision developed under county guidelines in the mid 1980s. The subdivision is somewhat unusual because these five tracts are located within the city's ETJ zoning jurisdiction and the southern portion of the subdivision is located within the county's zoning. The Council will recall that this item was briefly discussed in terms of applying a traditional county zoning (RR zoning) to the city's ETJ.

Mr. Downey explained that the five tracts are located at the end of Travellers Lane, a private road that serves the South Fork subdivision and connects with Robert E. Lee and Harvey Faulk Road. The three dwellings (on five tracts) as included in this petition are requesting consideration of rezoning to “downzone” from R-20 to RR to accommodate the more rural setting. One of the petitioners, Michel and Terri Dussault, indicated a need for the RR zoning to allow for: (1) Placement of four horses on their 10 plus acres as they would like to start an equine teaching facility in cooperation with the local agricultural extension center, and (2) Placement of a large accessory structure that would house farm equipment, but would also maintain an accessory dwelling on a second floor above the storage area.

The current R-20 zoning would not permit either of these uses; however, the RR zoning would permit them along with the current single-family residential dwellings.

Mr. Downey stated that none of the five tracts are located within a designated historic district, nor within a designated flood hazard area or watershed. The R-20 and RR districts are single-family districts; the main difference is that the R-20 is a 20,000 square-foot lot and RR is a 30,000 square-foot minimum lot size.

The 2020 Land Use Plan Map has identified this property for Industrial Park. The purpose of this classification is to allow for research and select manufacturing operations. The subject properties are developed as part of a low-density residential neighborhood, which does not conform directly to the recommendations of the plan.

Staff supports the petition to rezone from R-20 Residential Single-family to RR Rural Residential.

Mayor Olive opened the public hearing. No one spoke in opposition. Michel Dussault spoke in favor and requested the rezoning petition be granted. With no one else requesting to speak, the public hearing was closed.

The Planning Board retired to the West End Conference Room.

Voluntary Contiguous Annexation Petition – by Albert Adcock for Annexation of Approximately 2.31 Acres of Property Located Approximately 750 Linear Feet South of the Intersection of Amos Bridges Road (SR 1420) and Brady Road (SR 1468).

Community Development Director Bob Bridwell stated that the property is located in the West Sanford Township. The property encompasses approximately 2.31 acres. The petition was filed on October 6, 2006. The Northview Rural Fire Department was notified on December 20, 2006, and no indication of any debt has been received. The landowners were notified on January 3, 2007. Public hearing notification was published in the Sanford Herald on January 5, 2007, which meets the General Statutes’ requirements.

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

- Consider Adoption of Ordinance to Extend the Corporate Limits of the City of Sanford, North Carolina – (Exhibit B)
Mayor Pro Tem Walter McNeil, Jr. made the motion to adopt the Ordinance to Extend the Corporate Limits of the City of Sanford, North Carolina. Seconded by Council Member Mike Stone, the motion carried unanimously.

REGULAR AGENDA

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

Public Work Director Larry Thomas explained that in December of 2006, the city incurred two waterline breaks on the 24-inch line coming into town. This normally happens every two years and would cost about \$35,000 to repair. The leak occurred at Lick Creek Road and on Poplar Springs Church Road and staff had to do some things it does not normally do. Mr. Thomas added that this is an unusual request, because we have not had a repair to cost this much before. It took approximately two to three weeks to repair it. The ordinance transfers \$110,000 from Contingency in the Utility Fund to Water Construction and Maintenance to cover the cost.

Mr. Thomas informed Council that they replaced approximately 200 feet of the 24-inch waterline coming into town on Lick Creek Road and 50 feet on Poplar Springs Church Road. They installed a valve at the creek to eliminate having to turn the water off to the Valleyview Subdivision if a break occurred again. It was very wet and the water kept coming back in on them from the creek. The guardrail had to be replaced also.

Council Member Steve Brewer made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2006-2007. Seconded by Council Member Dan Harrington, the motion carried unanimously.

Consider Request to Release Late Listing Penalty – (Exhibit D)

City Attorney Susan Patterson advised that a request was received from Ruby C. Moore requesting release of a late listing penalty for E&R Moore Family, LLP, and Moore's Machine Shop. These companies were supposed to list their personal property and business inventory by March 15, but they did not file the listings until April. The County's Board of Equalization and Review did agree to release the late listing penalty for these companies. According to the Statutes, the late listing penalty is 10 percent of the tax due and that is to compensate the city for the time that the city went without the money. The request is to release \$178.60 for Moore's Machine Company and \$640.76 for E&R Moore Family, LLP. It is Council's discretion to release it or not.

City Manager Barefoot added that historically, the Council has taken the position to give the same consideration the County has given unless there are extenuating circumstances.

Council Member Joseph Martin made the motion to release the late listing penalty of \$178.60 for Moore's Machine Company and \$640.76 for E&R Moore Family, LLP. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Consider Resolution Authorizing the Removal of the Signal Lights at the Intersection of Eleventh Street and Charlotte Avenue – (Exhibit E)

City Engineer Vic Czar advised that the city has a traffic signal at the intersection of Eleventh Street and Charlotte Avenue and staff would like to remove that traffic signal because there have been some problems with it malfunctioning. It is aged and is very difficult to find repair parts for. The city had a study done to determine whether the signal was warranted, and it is not according to the consultant's study. Some of those streets are Department of Transportation (D.O.T.) streets, but the signal is the city's. Therefore, the state has nothing to do with the maintenance of it that is the reason it is up to the city to remove the signal, but we are dealing with the state because it involves some of their streets. The state has a procedure they would like for the city to follow to remove it, to do it in the safest manner. They want us to post signs for a month and they will come in and put up some stop signs to inform the public. One of the steps in their procedures requires the city to adopt a resolution showing its intent to remove that traffic signal.

Mayor Olive asked how we were going to make that area safer. Mr. Czar replied that the through movement would be Charlotte Avenue to Sanlee Drive. The other three approaches would have stop signs. Council Member Stone asked if the D.O.T.'s recommendation is based on the volume of traffic. Mr. Czar replied yes; it was based on low volume of traffic and pedestrians. Council Member Stone stated that it worries him because of how many roads come into one intersection. Council Member Williams added that he has some concerns about removing it because the traffic light has been there for so many years.

Mr. Czar stated that staff's initial intention was to wait for it to malfunction and take it down at that time; however, the D.O.T. wants to take more of a proactive approach where you put up signs stating you are going to remove the signal light. The stop signs would be put up and bagged, and there will be another sign that states the city is going to remove the signal light on a given day. During that thirty-day period, there will be an amber light flashing (yield) on the through movement (Charlotte Avenue) and a red light flashing on Oakwood Avenue/Eleventh Street which means you are supposed to stop. The D.O.T. would like to inform the public as much as they can that it is coming. Mayor Pro Tem McNeil asked if a red flashing light could be installed warning the public of a stop ahead coming into town from the county. Mr. Czar replied that would be on Eleventh Street or the Colon Road area, and staff could ask the D.O.T. about how they feel about it. Council Member Williams asked about leaving the red flashing light up. Mr. Czar replied that it is a maintenance expense and the signal is not warranted according to the studies. Mayor Pro Tem McNeil commented that since Colon Road is a state road would he look into installing a flashing red light. Mr. Czar replied that he would ask the state.

Public Works Director Larry Thomas stated that replacing the light would cost \$15,000. The D.O.T.'s study and the city's study both show that a light is not warranted. When the city originally installed the signal light, the state said it was not warranted to have a traffic light. Council Member Brewer asked about the cost of a flashing light. Mr. Thomas replied he did not know, and the city would have to get permission from the state because it is on their street. Council Member Steve Brewer asked if staff could look into installing a red flashing light and see what it would cost.

After much consideration and discussion, Council Member Joe Martin made the motion to table this request until Council gets additional information. Seconded by Council Member Steve Brewer, the motion carried unanimously.

Consider Hearing Regarding Withdrawal of Bid – (Exhibit F)

City Engineer Vic Czar explained that on December 21, 2006, the Engineering Department held its second bid opening for the streetscape project – installation of sidewalks, different kind of lighting, benches, etc., in portions of the downtown area. The low bidder on both projects was McQueen Construction. The project was split into two sections. After reviewing his bid, Mr. McQueen submitted the Engineering Department a letter stating that he had made a mistake in preparation of his bids. Mr. McQueen omitted certain items he intended to include such as mobilization, performance and payment bonds costs, and demolition of existing sidewalk. Staff has reviewed his work papers to verify that he did omit these items for verification purposes. According to General Statutes, if an omission has been made in preparation of the bid, Mr. McQueen can withdraw his bid and request his bid bond be returned to him. With inspection of the working papers, staff believes there was a clerical error. Mr. Czar stated that the Engineering Departments recommends that Mr. McQueen be allowed to withdraw his bid and return his bid bond to him.

Mayor Olive opened the hearing and asked if anyone wished to speak against Council allowing Mr. McQueen to withdraw his bid. No one spoke in opposition or in favor. The hearing was closed.

Council Member Steve Brewer made the motion to allow Mr. McQueen to withdraw his bid and return his bid bond to him. Council Member Mike Stone seconded the motion, and it carried unanimously.

Consider Resolution Supporting and Authorizing the Submittal of a Historic Preservation Fund Grant Application to the North Carolina State Historic Preservation Office – (Exhibit G)

Downtown Sanford Executive Director David Montgomery advised that the resolution supports and authorizes a historic application to the State Historic Preservation Office which is due January 31, 2007. This grant is available only to North Carolina Certified Local Governments (CLG).

The total amount of 2007 grant funding allotted to CLGs by the NC State Historic Preservation Office is between \$65,000 - \$70,000. The grants range in the amounts of \$1,500 to \$15,000. Grant funds cover approximately 60 percent of the cost of the work and a local match of 40 percent is required. Eligible projects include a variety of items called surveys, preservations plans, and design guidelines. All projects must be completed by August 31, 2008.

Mr. Montgomery explained that the activities proposed in the grant include hiring of a consultant to prepare a nomination to the National Register of Historic Places for the historic neighborhood known as East Sanford. There are approximately 700 structures. Staff anticipates cost of the project to be approximately \$25,000; therefore, the city would be applying for \$15,000 and the local match being \$10,000. The benefit is recognition that East Sanford is a significant, local historic district. Being on the National Register puts into place

what is called consideration in the planning for federal or federally assisted projects such as state roads, bridges, communication towers – anything that falls under the federal act. Those properties would be looked at to see what the impact would be on those properties. The most important benefit is the eligibility for federal and state tax credits for both income and non-income producing properties. For non-income producing properties, which are typically residential, there is a 30 percent state tax credit. The minimum you have to spend on a non-income producing property is \$25,000. For income-producing properties, which are rental units and/or industrial type development, there is a 20 percent federal tax credit and 20 percent state tax credit.

Mr. Montgomery pointed out that if someone takes advantage of the tax-credit program, there is a review at the state level for those activities. The person reviewing it looks at it at the Secretary of Interior standards; there are ten standards that are looked at.

Mr. Montgomery stated that when the survey is done, they will look it to see which structures are contributing or non-contributing. Contributing means the structure was built 50 years prior and hasn't been significantly changed. Those structures that are post that date are considered non-contributing and cannot take advantage of the tax credits to that degree.

Council Member Mann made the motion to adopt the Resolution Supporting and Authorizing the Submittal of a Historic Preservation Fund Grant Application to the North Carolina State Historic Preservation Office. Seconded by Council Member Brewer, the motion carried unanimously.

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

OTHER BUSINESS

Mayor Pro Tem McNeil congratulated Mr. Bill Rosser on his appointment as administrator for the highway department of the Department of Transportation.

Mayor Pro Tem McNeil informed Council that the Martin Luther King group has land for a designated park close to the guardrail on North Horner Boulevard near the underpass. He stated that eventually something will be there to draw attention from the guardrail, and he hopes the City can participate in this endeavor.

Council Member Mann commented that the water tower behind the old Saco-Lowell plant had been removed, and how good it looked.

ADJOURNMENT

With no further business to come before the council, the meeting was adjourned on motion of Mayor Pro Tem Walter McNeil; seconded by Council Member James Williams, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK