

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, March 20, 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 and delivered the invocation.

APPROVAL OF AGENDA

Council Member Mike Stone made a motion to approve the agenda. Mayor Pro Tem Walter McNeil, Jr. seconded the motion. Mayor Cornelia Olive stated that an amendment to the motion was needed to consider discussion by County Commissioner Jerry Lemmond regarding a Resolution Urging the Use of Inhibitors in Meth Production adopted by the Lee County Board of Commissioners. Council Member Linwood Mann made the motion to amend the first motion and the agenda to include this item for discussion. Seconded by Council Member Dan Harrington, the motion carried unanimously.

CONSENT AGENDA

Approval of March 5, 2007, City Council (Retreat) Minutes - (Filed in Minute Book 66)

Approval of March 6, 2007, City Council (Retreat) Minutes - (Filed in Minute Book 66)

Approval of March 6, 2007, City Council Minutes – (Filed in Minute Book 66)

Approval of Modifications to the Interim Management Agreement – (Exhibit A)

Modifications to the Interim Management Agreement to employ Leonard O. Barefoot as the Interim Manager were approved.

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

CASES FOR PUBLIC HEARING - held jointly with the Planning Board

Petition by The Pantry, Inc. - to rezone 5.24 +/- acres from the current Residential Single-family (R-20) district to Office & Institutional (O&I) district. The property requested for rezoning is an undeveloped tract accessed via Boone Drive. The property is the same as depicted on Tax Map 9643.03, Tax Parcel 9643-04-3947 Lee County Land Records Office. – (Exhibit B)

Planner II Amy Bean advised that The Pantry, Inc., is requesting to rezone one undeveloped 5.24+/- acre parcel on Boone Drive, located to the rear (southwest) of the existing Pantry Corporate Headquarters at 1801 Douglas Drive. The petitioners have indicated that the purpose of the rezoning is to allow for the development of a new office building and associated site improvements at some point in the future. There are several zoning districts in the area.

The property has access to city and sewer. The current zoning of R-20 is intended for low density, single-family uses. The Office and Institutional zoning district is intended to provide for agencies and offices rendering specialized services and traditional institutional functions.

The 2020 Land Use Plan Map has identified this property for commercial/office and institutional development. This land use classification is intended to designate areas which are appropriate for office and commercial uses. When considering the zoning of this property, current development trends and the surrounding zoning of the neighborhood should also be considered.

Staff recommends that Council support the petition to rezone from Residential (R-20) to Office & Institutional (O&I). This recommendation is based on the availability of public utilities and the proximity of existing office & institutional and commercial development along Douglas Drive. 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.

Council Member Joe Martin asked if the building is built on the lot, will the unimproved Boone Drive be paved or brought up to city standards. Mr. Martin stated that we have a Boone Trail Road and would this be a conflict with E-911 with Boone Drive. Mrs. Bean replied that as far as renaming the road and E-911 services, at the point in time when the petitioner decides to develop the property, they will probably weigh the options as to whether or not they want to attempt to close that right-of-way and make that a private development or whether or not they would like to pursue developing that as a public street. If they decide to make it a public street, staff could talk with GIS Director Don Kovasckitz and see if there are any conflicts with the name to avoid future confusion.

Mayor Olive opened the public hearing. Joe Faulkner, with the CE Group located at 1100 Regency Parkway, in Cary, North Carolina, was present to represent The Pantry. He said he would answer any questions the Council may have. No questions were presented.

No one spoke in opposition. The public hearing was closed.

Petition by Jimmie D. Bullis. - to rezone 0.83 +/- acres from the current General Commercial (C-2) district to General Commercial Conditional Zoning District (C-2-C) district. The property requested for rezoning is addressed as 1221-D N. Horner Blvd. The property is the same as depicted on Tax Map 9643.01, Tax Parcel 9643-05-3853 Lee County Land Records Office. - (Exhibit C)

Planner II Amy Bean advised that Jimmy Bullis would like to rezone one tract of land that is 0.83+/- of an acre located at 1221-D North Horner Boulevard from General Commercial (C-2) to General Commercial Conditional Zoning District (C-2-C). The surrounding uses are a mixture of General Commercial (C-2), Light Industrial (LI), Office & Institutional (O&I), and Residential Single-family (R-20).

She explained that land uses in the area are a combination of professional offices (Pantry & Lee Moore Oil Company), a restaurant (Burger King), a motel (Days Inn) and a mix of retail uses located within the various retail/lease spaces within the building on the adjoining lot to the north which fronts N. Horner Boulevard.

The petitioned property is currently zoned General Commercial (C-2) district. This district is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. The applicant is petitioning to rezone to General Commercial Conditional zoning district. This type of district is defined as a Conditional Zoning District created for the purpose of allowing a property owner to place additional conditions upon an existing or equivalent zoning district. The petitioner has submitted a list of proposed uses to be permitted within the General Business Conditional (C-2-C). The uses include all of the uses as currently permitted within the C-2 zoning district, and it adds an apartment as a permitted use on this site. The petitioner would like to be able to add an apartment to the second floor portion of the building for the purposes of maintaining a dwelling on site for himself. This would allow him to work and reside on the same property for convenience and security-related purposes. Currently, this mixed-occupancy type use is only allowed within the Central Business Zoning District (CBD), which is normally found in the Downtown areas.

The 2020 Land Use Plan Map has identified this property for Commercial-Office and Institutional Uses. This land use classification is intended to designate areas which are appropriate for commercial and office and institutional type uses.

Staff recommends that the Planning Board support the petition. This recommendation is based on the availability of public utilities, the mix of existing development along N. Horner Boulevard, and the precedent set by allowing mixed-use buildings in the Central Business District. However, information presented at the public hearing may provide additional information that should be considered regarding a final decision on the requested zoning map amendment.

City Manager Barefoot asked that considering the variety of uses that are allowed in this district and permitting the applicant to live in the building, if it created any fire or safety hazards. Mrs. Bean replied that the applicant has spoken with the Building Inspections Department and with the Fire Department and he has hired a professional engineer to draw up the plans. The applicant is aware of the building codes and how he needs to design the living space.

Mayor Olive opened the public hearing. Mr. Jimmie Bullis stated that he would be glad to answer any questions Council may have. No one spoke in opposition. The public hearing was closed.

The Planning Board retired to the West End Conference Room.

REGULAR AGENDA

Consider Resolution of Intent to Apply for Urban Forestry Grant Funds – (Exhibit C)

Planner I Liz Whitmore explained that grant funds will be awarded in amounts between 1,000 to \$15,000 with 100 percent matching funds from the City. The Appearance Commission on Monday, March 19, 2007, endorsed the resolution of intent to apply for the grant funds. Their goal is to conduct five tree surveys which include the four existing historic districts: Rosemount-McIver, Hawkins, Lee Avenue, and Downtown Sanford. A tree survey would be conducted on significant trees within that area. She stated that in addition, they have established an East Sanford tree district and a survey would be conducted in this area also. The reason this area was established is because this district follows most of the East Sanford neighborhood which the City recently submitted for a grant to the NC State Preservation Office to put this on the National Register District of Historic Places. The areas are bounded by Temple Avenue to the north, Goldsboro Avenue to the south, First Street to the west, and Eleventh Street to the east. In addition a tree conservation plan would be established for the City of Sanford. She said it was important to establish a tree conservation plan to address the practices of clear cutting when subdivisions are being proposed for development.

Ms. Whitmore advised that regarding the retention of mature trees and the planting of new trees according to an introductory guide to urban and community forestry programs by the United States Department of Agriculture Forest Service, the Southern Region Pamphlets, there are eight ways that trees benefit people. They are improving air quality, saving energy, reducing noise pollution, increasing economic stability, improving personal health, improving water quality, creating wildlife diversity, and adding beauty. In addition to the creation of this tree conservation plan, is one of the first steps of becoming a designated Tree City USA.

The application is due March 30, and we will be notified July 1, 2007, should we receive the grant.

Council Member Dan Harrington stated that this a lot of area in East Sanford and that more research should be done to see what the ramifications are going to be since the City would have to match the grant funds. Council Member Mike Stone said he would in support of tabling this item. Mayor Olive asked that since the deadline for the grant is March 30, could we recess this meeting, as a Council meeting, until the work session on March 28, 2007, at 1:00 P.M., to vote on this matter. City Manager Barefoot stated that Council could reconvene this meeting at the date and time of the work session for that purpose and any other matters to come before Council. Council Member Dan Harrington made the motion to table this item until Wednesday, March 28, 2007, at 1:00 P.M. Seconded by Council Member Mike Stone, the motion carried unanimously.

Consider Ordinance Establishing Two-Hour Parking on the Southwest Corner of Cole and Steele Streets – (Exhibit D)

Operations Manager Tim Shaw explained that the ordinance establishes two-hour parking on the southwest corner of Cole and Steele Streets, in front of Bobby Wood Accounting. Mr. Wood and Downtown Sanford Incorporated, both support this request. It would be for five spaces just in front of his property. The remaining spaces south of this would still be unlimited.

Council Member Steve Brewer made the motion to adopt the Ordinance Establishing Two-Hour Parking on the Southwest Corner of Cole and Steele Streets. Seconded by Mayor Pro Tem Walter McNeil, the motion carried unanimously.

Consider Ordinance to Repeal No-Parking on a Portion of McIver Street Ordinance 1989-9 – (Exhibit E)

Operations Manager Tim Shaw explained that Lee County Parks and Recreation Director John Payne has requested this ordinance. There is a 70-foot no parking zone established in front of the Old Armory which is now called the Bobby Hales Center. They are requesting that this 70-foot no parking area be repealed to allow them more parking for the people who use this facility.

Council Member James Williams made the motion to adopt the Ordinance to Repeal No-Parking on a Portion of McIver Street Ordinance 1989-9. Seconded by Council Member Joseph Martin, the motion carried unanimously.

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

City Manager Barefoot explained that during the retreat, purchasing mobile data terminals, light bars, and radios for patrol vehicles were discussed. Council asked staff to look for funds to pay for these improvements. The funds would be taken from the increase the city received interest earned on in idle funds this year. Police Chief Ronnie Yarborough stated that he discussed with Council for the upcoming budget, a need for replacing mobile radio units and blue lights for eleven police cars. The mobile radio units are the lifeline the officers have to communications. They have started incurring some problems with them and need to be replaced. The new police cars will probably be in by July, and the new radio units will be installed on the new cars. There are more than eleven cars that need to be replaced; however, this is the initial step because these cars are the backbone of the operation of the department. These vehicles run 24 hours a day. These will be state-of-the-art radios and the latest blue strobe lights.

Council Member Linwood Mann made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2006-2007. Seconded by Council Member Mike Stone, the motion carried unanimously.

Consider Support of Resolution Urging the Use of Inhibitors in Meth Production – (Exhibit G)

Lee County Commissioner Jerry Lemmond stated that the Lee County Board of Commissioners adopted a resolution urging the use of inhibitors in meth production on February 19, 2007. He spoke about the serious problems of meth production. He asked Council to adopt this resolution and forward a copy to him. He is gathering the resolutions and letters from

law enforcement personnel to send to our representatives in Raleigh and Washington. Mayor Olive stated that this item will be placed on a subsequent agenda for Council to consider.

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

RECESS

Mayor Pro Tem Walter McNeil, Jr., made the motion to recess this meeting until Wednesday, March 28, 2007, at 1:00 P.M., in the West End Conference Room, to consider the Resolution of Intent to Apply for Urban Forestry Grant Funds and any other matter that needs to be taken care of by Council. Seconded by Council Member Steve Brewer, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK