

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, May 15, 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 McNeil, Jr., delivered the invocation.

**APPROVAL OF AGENDA**

On motion of Council Member Mike Stone, seconded by Council Member Joseph Martin, the agenda was approved.

**CONSENT AGENDA**

Approval of April 26, 2007, Reconvened City Council Minutes - (Filed in Minute Book 67)  
Approval of April 27, 2007, Reconvened City Council Minutes – (Filed in Minute Book 67)  
Approval of May 1, 2007, Reconvened City Council Minutes – (Filed in Minute Book 67)  
Approval of May 3, 2007, Reconvened City Council Minutes – (Filed in Minute Book 67)

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

**CASES FOR PUBLIC HEARING**

Petition by Nottingham Property Associates, LLC- to rezone from Highway Commercial (HC) district, to Residential (R-12) district approximately 4.67 acres of land within the 300, 400 & 500 blocks of Robin Hood Lane. The property is the same as depicted on Tax Map 9643.01, all of Tax Parcel 9643-45-3344-00, and a portion of Tax Parcels 9643-25-8462-00, 9643-36-5443-00, 9643-36-6394-00, 9643-36-7394-00, 9643-46-1473-00 Lee County Land Records Office. – (Exhibit A)

Planner I Amy Bean explained that the subject property is approximately 4.67 acres located within the 300, 400, and 500 blocks of Robin Hood Lane. The area surrounding the property is either undeveloped or developed with single-family residential dwellings that are already part of the Nottingham Subdivision. The area proposed for rezoning has road frontage on either Robin Hood Lane or Tucks Court, which are both public, city-maintained streets. Public water and sewer are available within the subdivision and the subject property is not located within an established floodplain, watershed, 421 Bypass Corridor, or a designated historic district.

The petitioner owns and has developed Nottingham Subdivision, and is requesting to rezone to Residential-Mixed (R-12) to be consistent with the existing Nottingham Subdivision. Lots developed in the Residential-Mixed (R-12) zoning district, have a minimum lot size of 12,000 SF and a minimum lot width of 75 feet. Minimum setback requirements are 30 feet from any street right-of-way line, 12 feet from the side property line, and 20 feet from the rear property line.

Ms. Bean advised that the design for this development has already been approved and the preliminary plat was approved in August of 2001. The existing zoning is Highway Commercial (HC) and this use typically accommodates uses that depend upon a large traffic flow and development of a commercial nature. The 2020 Land Use Plan Map has identified this property as low to mid-density residential.

Staff recommends that the Planning Board and City Council support the petition to rezone from Highway Commercial (HC) district to Residential-Mixed (R-12) district. This recommendation is based on the existing trend of residential development within the area, the availability of public utilities and the approved preliminary subdivision plat for Nottingham Subdivision. 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 what the status of Burns Drive is in the Department of Transportation's overall plan. She stated that Burns Drive will be impacted seriously with this development. Council Member Martin added that there are a lot of 18-wheel trucks on that road. Mayor Olive stated that it was damaged during the construction of the bypass and the bridge. It needs to be a safe and wide-enough road for the people who already live there.

Community Development Director Bob Bridwell stated that Burns Drive is addressed in the NCDOT Thoroughfare Plan but he could not remember what the designation is. He could not recall any immediate plans. He will check on this issue and give it to council.

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

Van Groce, Jr., spoke in favor. He stated that when they bought the properties, they were zoned in different ways. They would like to get all the properties zoned consistently with the zoning of the existing residential development. The public hearing was closed.

Petition by Stewart-James, LLC- to rezone 34.5 +/- acres from the current Residential Single-Family (R-20) district to the Stewart-James, LLC Conditional Zoning district. The property requested for rezoning is one developed addressed as 3006 Carbonton Road. The property is the same as depicted on Tax Map 9632.01, Tax Parcel 9632-19-3407-00 Lee County Land Records Office. - (Exhibit B)

Planner I Amy Bean advised that the property is located on Carbonton Road between Wicker Street/NC 42 and Stoneybrook Drive. The subject property is one 34.5 acre tract with road frontage on Carbonton Road. It is developed with one existing single-family dwelling and

is heavily wooded with an existing lake. The area surrounding the subject property is either undeveloped or developed with single-family residential dwellings. There are several residential subdivisions in the area including Willowbrooke, Westcroft, Heritage Pointe, Hearthfield Lakes, Muirfield, and Royal Pines; all of which are zoned Residential (R-20) with the exception of Willowbrooke which is zoned R-14.

Ms. Bean explained that public water may be accessed via an extension of the existing 12-inch water line located in the right-of-way of Carbonton Road. Public sewer may be accessed via an extension of the existing sewer line located on adjoining property to the northwest of the site. The developer is working with the City Engineering Department regarding the requirements for connection to public utilities.

The property is located within the City of Sanford's Extra-territorial jurisdiction, but is not within the corporate limits. The site would need to be annexed in order to access public water and sewer and have city maintained public streets. The subject property is located within an established floodplain. It is, however, located within the Deep River watershed. The design, as proposed, would meet the requirements of the watershed.

The site is not located within the 421 Bypass Corridor or a designated historic district.

Ms. Bean explained that the tract is currently zoned Residential Single-family (R-20). This zoning district is established to provide areas for low-density, single-family uses with a maximum of two dwelling units per acre. The applicant is petitioning to rezone to Stewart-James, LLC, Conditional Zoning District, Type 1. This is a stand-alone district with its own unique conditions and is most suitable where none of the current city zoning districts accommodate the desired use(s) and the owner/developer has a clear vision as to how the property is to be developed. Applications for a Type I district require that a detailed site plan be included. The petitioner has indicated that the purpose of the rezoning is to allow for the development of a new residential subdivision and the associated site improvements.

Ms. Bean referred to Design #1-Preferred Design for Road Around the Pond. This plan illustrates how the site is to be developed, and, if approved, this plan would be legally binding on the land. If developed, the site would have to be developed per the approved site plan even if a property transfer were to take place. This plan also proposes a green road around the lake. Design #2 proposes two separate roads -- one north of the lake, one south of the lake with both roads terminating and a cul-de-sac that is connected by a pedestrian walking trail which crosses the dam. The developer prefers to use Design #1; however, the feasibility of this design is still being studied by the various jurisdictional agencies and the developer. Design #2 is being presented for approval as a second option. Also as part of this approval, the developer would like to reserve the right to grant up to a 5-foot variance in the side setback of all lots.

The 2020 Land Use Plan shows this area within the Low/Mid Density Residential classification. This classification designates areas which are appropriate for the development of single-family homes, duplexes, and townhouses.

Based on the existing residential development patterns in the vicinity, staff recommends that the Planning Board and City Council support the petition.

Council Member Linwood Mann stated that he did not see any specified open space on the design. Ms. Bean replied that the only common open space will be the lake and the area around the lake.

Mayor Olive opened the public hearing. No one spoke against the rezoning petition.

Terry Stewart, with T. L. Stewart Builders, spoke in favor. He recognized Arthur James III, who, along with his brother, David James, owns the land. David James is an architect out of Seattle, Washington, and, along with Ken Bright of Ken Bright Associates, has been instrumental in helping them with the preliminary design. Mr. Stewart stated that there are no property lines going into the lake, so the entire lake will be maintained by the homeowners' association, and the road runs around the lake. There will be 25 feet around the lake that will be common area for the entire subdivision's use.

Arthur James III spoke in favor. He stated that his brother, David James, and he own this property, and it has been in the family since the mid 50s. Mr. James advised that his brother and he do not live in Sanford and have thought about a development. Through negotiations with Mr. Stewart, they have worked out an arrangement for the development. It would be developed in a high quality fashion.

Mr. Stewart advised that this project would be a combination of Carter's Grove and Hampton Ponds Subdivisions. The development would be a combination of large Carter's Grove lots, some patio homes, and some single-family woodland lots.

Richard Hess, who resides at 3105 Carbonton Road, asked some questions. He said he had not heard anything about a traffic impact study; how the schools at J. R. Ingram and West Lee would be affected; and if the area is going to be annexed by the city, how far up would the water lines be extended.

Community Development Director Bob Bridwell advised that this is a state secondary road, and the state does not require a traffic impact analysis on Carbonton Road. City Engineer Vic Czar stated that the waterline that is planned would have to go in front of the entire subdivision, and it will come from the Stoneybrook Subdivision end. It will not go all the way up to Wicker Street. The developer will be paying for the extension of the water line.

Mr. Hess asked if the City will annex the other side of Carbonton Road if the proposed subdivision is annexed. City Manager Barefoot replied that the developer is petitioning the annexation; he can only petition for his property. No other properties will be required to be annexed.

Mayor Olive closed the public hearing.

The Planning Board retired to the West End Conference Room.

**REGULAR AGENDA**

Consider Grant Project Ordinance – Water Capital Project – (Exhibit C)

City Engineer Vic Czar explained that the ordinance sets up the account for the Harkey Road Pump Station project and puts the grant money in the account which amounts to \$500,000. Council Member Linwood Mann made the motion to adopt the Grant Project Ordinance – Water Capital Project. Seconded by Council Member Mike Stone, the motion carried unanimously.

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

City Engineer Vic Czar explained that this is a budget amendment which budgets funds for the local match of \$500,000 in the capital ordinance for the Harkey Road project. Council Member Dan Harrington made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2006-2007. Seconded by Mayor Pro Tem Walter McNeil, Jr., the motion carried unanimously.

Consider Resolution of Support for the Clean Water Act of 2007 – (Exhibit E)

Public Works Administrator Laura Spivey referred to a letter in council's packet from the North Carolina Rural Economic Development Center, Inc. regarding the critical clean water legislation that needs to be passed before the General Assembly for a Clean Water Bond in the amount of \$500 million for critical needs water and sewer projects. The resolution is in support of the Clean Water Act of 2007 which would provide \$500 million in grant monies for water and sewer projects throughout the state.

Mrs. Spivey stated that the City of Sanford received almost \$10 million in grant funds in the last seven years from the passage of 1998's Clean Water Bond of \$800 million. She added that it may be difficult to get any of these funds because it is geared toward critical needs – water and sewer issues, but staff will try.

Mayor Pro Tem Walter McNeil, Jr., made the motion to adopt the Resolution of Support for the Clean Water Act of 2007. Seconded by Council Member James Williams, the motion carried unanimously.

Consider Presentation of Proposed Budget for Fiscal Year 2007-2008 – (Exhibit F)

City Manager Leonard Barefoot presented the highlights of the proposed budget for Fiscal Year 2007-2008. He stated that the two key issues which have already been broached publicly are the implementation of a business privilege license program and his continued support for the operation of the Sanford Municipal Golf Course. The proposed budget includes \$250,000 from anticipated revenues collected as a result of implementing the business privilege license program. He felt it is a fair tax in that it exacts a fee from businesses which have the privilege of using our streets, our police and fire departments, and other services we provide to accommodate the customers who shop with them.

Mr. Barefoot added that the Sanford Municipal Golf Course is not only the oldest golf course in the surrounding area, but is also the only golf course located within the corporate limits of Sanford. It has historical significance since it was constructed during the Great Depression as a WPA project. This golf course has touched hundreds of lives of young people

by teaching them important life skills at a time when they could just as easily have been led in a different, less productive direction. He added that it is just as important to the community as the Enrichment Center, O.T. Sloan Park, San Lee Park, Kiwanis Park, or any other open space or recreation initiative which expectedly operates at a deficit.

Mr. Barefoot stated that nine new positions were requested within the General Fund budget, however, none were recommended. Requests were made for six firefighter positions, one beautification groundskeeper, one program analyst, and one code enforcement position. He noted that all these positions could be funded; however, it is his desire to hold the ad valorem tax rate as close to revenue neutral as possible.

Mr. Barefoot explained that the proposed budget includes a proposal to borrow \$1.5 million for the purpose of rehabilitating the clearwell and baffling at the water treatment plant. This rehabilitation will allow us to remain in compliance with state and federal treatment regulations as well as increase redundancy in the treatment process. Funds are included in the budget to begin to study how we can provide expansion to our water plant and waste water treatment plant for the future.

Mr. Barefoot gave a summary of the revenues and expenditures in each fund of the proposed budget as listed in Exhibit F.

Mr. Barefoot stated that if Council is agreeable, he would like to hold a public hearing on the budget on Tuesday, May 29, 2007, at 7 P.M., in the Council Chambers, due to the fact that the June 5 Council meeting is a day meeting, and we do expect some attendance for the hearing. Council can hold as many budget workshops as they need. Mr. Barefoot asked to recess this meeting until Thursday, May 17, 2007, at 1:30 P.M. So moved by Mayor Pro Tem Walter McNeil, Jr., it was seconded by Council Member Dan Harrington. Mr. Barefoot asked Council where they would like to hold their first budget workshop. Council Member Mike Stone requested to have the workshop in the Council Chambers. Mayor Pro Tem Walter McNeil modified his motion to hold the workshop in the Council Chambers. Council Member Dan Harrington modified his second to the motion. The vote was unanimous to recess this meeting until Thursday, May 17, 2007, at 1:30 P.M., in the Council Chambers, for Council to hold its first budget workshop.

Mr. Barefoot stated that staff has prepared an ordinance regarding the business privilege license. The business privilege license program will be enacted by an ordinance. It is not required to have a public hearing on this program; however, at the same time council adopts the budget, it would be a good time to adopt the business privilege license program. Staff has prepared a more concise ordinance of the businesses and what the licenses would cost.

Mr. Barefoot stated that if the business privilege license program is not enacted, Council has got to replace those revenues either by cutting the budget, or by moving it to the property tax rate. Citizens can speak at the public hearing on the budget regarding the business privilege license program.

Mr. Barefoot advised that he is supposed to let Council know thirty days in advance as to when he is leaving; however, he cannot make that deadline. Mr. Barefoot said he would stay until the new manager comes to work here, and the new manager is scheduled to begin work here on June 13; therefore, Mr. Barefoot's last day will be June 12.

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

**OTHER BUSINESS**

Council Member Mike Stone thanked Mr. Barefoot for his presentation of his thirteenth budget here in Sanford. The budget has presented Council with some difficult decisions to make; however, Council can manage its way through these decisions. Out of a \$42.5 million budget, they are looking for approximately \$250,000. A business privilege license program does not have to be adopted, nor an increase to the property tax. He feels that Council can resolve this issue without passing a privilege or property tax. He felt it could be done through minor cuts.

Council Member Steve Brewer commented that the privilege license is not about \$250,000; it is about the future of Sanford and looking down the road and doing business in a different manner. He stated that we need to look at growth and where our city needs to go. Misinformation continually floats around this town and the scare tactics being used to present this program are terrible. He posted a sign with his name and cell phone number for the public to call if they have questions regarding the business privilege license program. He will explain the real facts and why Sanford needs to look down the road.

Council Member Williams stated that the citizens of Sanford need to know there is more to the privilege license than meets the eye. The state mandates that the city perform fire inspections on each business and it is an unfunded mandate by the state and somebody has to pay for it. The City has infrastructure needs such as a new waste water treatment plant that Public Works Director Larry Thomas has informed Council about. He stated that he does not want to raise taxes excessively in one year. The businesses that locate in Sanford come and go without the knowledge of the city inspector and fire inspector. In changing occupancies, some businesses are not where they should be, and if they are required to get a license from the city, then staff will know when they are leaving or occupying a building that requires inspections. Mr. Williams said he is not interested in playing to a special interest group, and he is going to vote for what is best for the City of Sanford.

Council Member Dan Harrington thanked City Manager Leonard Barefoot and staff for the budget they have prepared.

City Attorney Susan Patterson informed Council that she has been contacted by our cable consultant that there is a bill to be voted on in the Legislature tomorrow in the House Utilities Committee. This bill would restrict local government's ability to provide high speed broadband internet service to the community. This will affect communities especially in rural areas that do this where the big internet providers have chosen not to go, and he is encouraging us to let our legislators know that we are not necessarily in favor of this bill and to encourage them to vote

against it. It may not affect us now but could in the future. With Council's permission, she will be contacting legislators in the morning.

Mrs. Patterson advised that the annexation bill the City presented was ratified today. The City requested the Legislature to enact a bill that would lift a restriction on the City from doing satellite annexations more than three miles from the City limits. This would allow the City to do a satellite annexation and was initiated at the request of a developer that would like to petition annexation into the City; it only applies to voluntary petitions and those that attach to a place that has already been annexed into the City. This bill would allow us to make satellite annexations bigger by adding some property to it and also prohibits the City from annexing areas within Chatham County.

City Manager Leonard Barefoot stated that it is required by law to advertise the public hearing on the proposed budget with ten days notice. He asked that the public hearing be held on Tuesday, May 29, 2007, at 7 P.M., in the City Council Chambers. All council members were in agreement.

Mayor Olive thanked the Finance Department staff for the work they did on preparing the proposed budget.

**RECESS AND ADJOURNMENT**

With no further business to come before the council, Council Member Joseph Martin made the motion to recess this meeting until Thursday, May 17, 2007, at 1:30 P.M. in the City Council Chambers. Seconded by Mayor Pro Tem Walter McNeil, the motion carried unanimously.

Respectfully submitted,

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CORNELIA P. OLIVE, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK