

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 18, 2008, at 7:00 P.M. The following people were present:

Mayor Cornelia P. Olive
Mayor Pro Tem Joseph Martin
Council Member Charles Taylor
City Manager Hal Hegwer
City Clerk Bonnie D. White

Mayor Pro Tem Walter H. McNeil, Jr.
Council Member James G. Williams
Council Member Mike Stone
City Attorney Susan C. Patterson

Absent:

Council Member Linwood S. Mann, Sr.
Council Member Steve Brewer

Mayor Olive called the meeting to order. Council Member Charles Taylor delivered the invocation.

APPROVAL OF AGENDA

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

CONSENT AGENDA

City Manager Hal Hegwer requested that the minutes dated March 5, 2005 be changed to read March 5, 2008.

Approval of Minutes of City Council Retreat Dated March 4, 2008 - (Filed in Minute Book 69)

Approval of Minutes of City Council Meeting Dated March 4, 2008 – (Filed in Minute Book 69)

Approval of Minutes of City Council Retreat Dated March 5, 2008 – (Filed in Minute Book 69)

Approval of Ordinance Authorizing the Closing of Streets and Parking Places for Parades, Festivals, and Special Events – (Exhibit A)

Ordinance was approved authorizing the closing of streets and parking places for parades, festivals, and special events.

Approval of Resolution to Temporarily Close Portions of Steele Street in Support of Armed Forces Day – (Exhibit B)

Resolution was approved temporarily closing portions of Steele Street in support of Armed Forces Day Parade on May 17, 2008.

Approval of Resolution Temporarily Closing Several Streets and Parking Spaces in Support of Downtown Sanford Bike Race - (Exhibit C)

Resolution was approved temporarily closing several streets and parking spaces in support of Downtown Sanford Bike Race on April 27, 2008, between the hours of 6:00 A.M. and 5:00 P.M.

The amended consent agenda items were approved upon motion of Mayor Pro Tem Joseph Martin. Seconded by Council Member James Williams, the motion carried unanimously.

SPECIAL AGENDA

Presentation of Proclamation to Janice Mosley – (Exhibit D)

Mayor Cornelia Olive read and presented to Janice Mosley a proclamation honoring her for receiving the *Order of Excellence*, an award for outstanding practitioners who have shown life-long dedication to the cause of natural medicine, from the World Organization of Natural Medicine Practitioners at its 2008 national conference in Houston, Texas.

CASES FOR PUBLIC HEARING: held jointly with the Planning Board.

Petition by This End Up Furniture - to rezone from Residential Single-family (R-20) district to Light Industrial (LI) district 21+/- acres addressed as 500 N. Seventh Street. The property is the same as depicted on Tax Map 9653.13, Tax Parcel 9653-02-8833-00 Lee County Land Records Office.- (Exhibit E)

Assistant Community Development Director Marshall Downey explained that the request is to rezone from Residential Single-family (R-20) to Light Industrial (LI). A substantial amount of this site is currently zoned residential although the site has been in place there for several years. It is a corrective zoning so it will bring the entire project/property into Light Industrial zoning. A majority of the area to the rear and side of the property is residential in nature; however, the property has been developed for a number of years and is used as This End Up Furniture warehouse and business.

Mr. Downey advised that the subject property is currently utilizing city water and city sewer. It is not located within an established watershed or environmentally sensitive area. Mr. Downey explained what R-20 and LI districts are intended for. He said the 2020 Land Use Plan Map does not identify a specific land use for the subject property. Staff recommends that the Planning Board and City Council support the petition to rezone from R-20 to LI.

Council Member Williams stated that he has received some complaints about noise from the plant and asked about the buffer requirements. Mr. Downey explained that if This End Up would construct a building on the back side of the building and encroach along the area along North Avenue, a buffer would be required. Mr. Downey explained that for LI zoning a 50-foot buffer is required without a berm; however, you could reduce it to 25 feet if you use a 6-foot high berm.

Mayor Olive opened the public hearing. Kevin Kelly, owner of the property, stated that he is in favor and would be happy to answer any questions council members may have. Mr. Kelly told Mr. Williams he would like to hear the complaints and see if they could address them.

Mayor Olive closed the public hearing.

Petition by Mansour Rammouni - to rezone from Residential Mixed (R-12) district to General Commercial (C-2) district four tracts of land that total 1.22+/- acres. The properties are addressed as 111 & 115 San-Lee Drive and two adjoining vacant tracts. The properties are the same as depicted on Tax Map 9653.18, Tax Parcels 9653-21-6487-00, 9653-21-8501-00, 9653-21-7325-00 and 9653-21-6307-00, Lee County Land Records Office.- (Exhibit F)

Assistant Community Development Director Marshall Downey explained the property is at the corner of San-Lee and Charlotte Avenue and there is a cluster of Commercial (C-2) properties. Mansour Rammouni, who is the applicant and owns the four tracts of land in question, also owns the convenience store, which is located at the corner of Charlotte Avenue and San-Lee Drive. The subject property includes 1.22 acres and does include two, single-family houses that front San-Lee Drive which are 111 and 115 San-Lee Drive. There are two vacant tracts that are located on the Charlotte Avenue side. The majority of the area surrounding this site, other than the parcels directly at the intersection, is zoned Residential (R-12).

Mr. Downey explained that the property does have access to city water and city sewer. The property is not located within an established corridor or environmentally sensitive areas. Mr. Downey explained that the current Residential (R-12) zoning is a residential-mixed district that essentially allows for single-family dwellings as well as certain multi-family uses depending on the amount of acreage that you have. It allows up to 3.5 dwelling units per acre.

Mr. Downey explained that the General Commercial (C-2) zoning is established to provide for general commercial activities primarily retail and wholesale in nature with limited outdoor display. The 2020 Land Use Plan does not identify a specific land use for the subject property.

Mr. Downey advised that staff recommends that the Planning Board and City Council not consider making this change based on concerns for future expansion of non-residential zoning into this residential neighborhood surrounding it. These four parcels do not have frontage on a thoroughfare and based on the zoning ordinance, the C-2 zoning should be applied to parcels that front on thoroughfares or close proximity to thoroughfares.

Council Member Stone asked if the applicant was offered an opportunity to do conditional zoning. Mr. Downey replied yes; that he had spoken at length with James Wicker, who is representing Mr. Rammouni and also with Mr. Rammouni about the option. Council Member Taylor stated that in Item 9 on the application, it is very ambiguous what the intent of this property is. It states to clean property, make more parking, and expand business. Mr. Downey said that once the C-2 district is approved, any use in the C-2 district would be allowed to go there.

Council Member Williams asked Mr. Downey to explain about being located in close proximity to thoroughfares. Mr. Downey replied that as Council would recall, Mr. Bridwell and

planning staff brought to Council a long-range transportation plan and part of that was a thoroughfare plan which is your major highways and roadways, typically US and NC numbered roads such as 421, 87; your high traffic carriers through your community. The ordinance tries to set aside the C-2 zoning in those heavy retail, automobile oriented-type districts that particularly warrant that type of business.

Mayor Olive opened the public hearing. James Wicker, representing Mansour Rammouni and his family, spoke in favor. Mr. Wicker stated that he has served on the Planning Board for nine years with six years as chairman. He is here to help them rezone because their nationality is Indian and they have trouble speaking. Mr. Wicker said that this is similar to the This End Up rezoning request. Mr. Rammouni's property has been zoned C-2 for probably 65 years. It was Lee Sporting Goods, and the Rammouni's have run this property for about six to seven years and have done a good job. They have owned the property behind the store for about six years and they intended to expand their business at some point and time. The houses they have rented have become shanty shacks; people are camping out in them and hiding behind the store and they need to get rid of them. Mr. Wicker said no one is going to build a new house and try to rent it. Mr. Wicker stated that they are contiguous to his property; the other corners are zoned commercial. Mr. Wicker asked council members would you spend thousands of dollars to have it surveyed and get an engineering plan and let council know what he is going to do when he has no intentions of building a new building at this time. Mr. Wicker continued that Mr. Rammouni wants to know that his property is secured with the other property that he owns, and it is conducive to do what he is doing business as. Mr. Wicker said the houses are in non-conformity and he asked Mr. Downey why he would say no. Mr. Downey replied that the houses are non-conforming. Mr. Wicker reiterated that Mr. Rammouni would tear the houses down if rezoned. Mr. Wicker stated that it is good for the community because he would clean up the area and make it a nice, neighborhood store. Mr. Wicker said it is not spot zoning; it is contiguous with what Mr. Rammouni already has, and is similar to This End Up.

Council Member Mike Stone said his main concern is that if he just simply wanted to use it, why would Mr. Rammouni not accept the conditional zoning and come back to council and tell them what he wants to do. Mr. Wicker replied that Mr. Rammouni does not have a real building desire right now and does not have the capability or money, but he wants to know in the future that he has something to deal with. Mr. Wicker said at some point, Mr. Rammouni would have to come back to the Planning Department and Council and ask for whatever he can build there and make sure it is in compliance; there is a safety net there and he cannot go out and build what he wants to.

Mayor Pro Tem Martin said the safety net is in some ways vague and that is what Council Member Stone referred to. Mr. Martin said the General Commercial district includes a variety of things that can go there. In the past, there have been a lot of times where individuals will say what they plan to do with the property and once it is zoned, nothing happens for six months, and then the property is sold. Once the property is zoned C-2 and sold, there is a variety of things that can be located there. Mr. Wicker stated that Mr. Rammouni can already do that on the 1.5 acre lot he has now that is already zoned C-2. Mayor Olive asked Mr. Wicker to clarify if he said Mr. Rammouni plans to tear down the unsightly residences either

way or only if it is rezoned. Mr. Wicker replied only if but he may still do it anyway; it is an expensive thing to do when you tear down something. Mr. Wicker suggested donating the houses to the fire department and do a practice burn. They are not worthy of fixing them up. Mr. Wicker said it does not make sense to him to do Conditional Use zoning for the back part and Commercial use for the front part; they should both be the same, because they are owned by the same person.

Helena Palmer, representing her mother who lives at 729 Charlotte Avenue, spoke in opposition. Ms. Palmer stated that she did not know about the unsightly properties he owns; however, it is down an unsightly place going down Charlotte Avenue. She said her mother has lived there for over twenty years and there are a lot of older people that also live in that area. Her concerns are the heavy traffic and the potential to draw a lot of strangers to the neighborhood. It is quiet now and they would like to keep the area residential. A change would open the door for more commercial property to develop. This would change the whole scope of the neighborhood. She said she has spoken with other residents in that area, and they were not aware of the possible change and the effects it could bring to the neighborhood. She said later on someone might decide that they want to put a night club or something else there the neighborhood does not want once it is rezoned.

With no one else requesting to speak, Mayor Olive closed the public hearing.

The Planning Board retired to the West End Conference Room.

PUBLIC COMMENT – (Exhibit G)

Jimmy Stewart, residing at 1403 Hawkins Avenue, stated that several of the neighbors have requested a resolution from council members supporting their opposition to the treatment facility proposed to be located on the 700 block of Hawkins Avenue. He presented the City Clerk a petition (Exhibit H) signed by residents opposing the treatment center. Mr. Stewart said a lot of the residents want to hear how the council members feel about the treatment center.

David Glass, residing at 716 Hawkins Avenue, said he wanted to reiterate Mr. Stewart's comments regarding a resolution of how council members stand on the treatment center. He said he had no idea that the use that was allowed by this zoning would allow a Level IV Treatment Center. He did not know what a Level IV facility was until this issue came up. Mr. Glass said that this would not be a positive addition to their community. He stated that we need treatment facilities for troubled youth that need help. He has heard nothing from the community and citizens but an expression for that; they support what this facility does. There is just a lot of distress about it being located in the middle of a residential area. It is unfortunate that this particular piece of property happened to be zoned to allow this center and the property owners were not aware of it. They are asking for a show of support from Council.

Kenneth Laughinghouse, residing at 305 Hawkins Avenue, urged the Council to consider this petition or a resolution. They have heard from a lot of the Council Members; it seems that most of the Council is opposed to this facility being built. He said, "The UDO is large enough to drive a truck through" based on the zoning ordinances the City has and maybe the zoning ordinances need to be reviewed so no one is faced again in Sanford with having a lock-down

facility put in another neighborhood. Mr. Laughinghouse urged Council to step forward and take some bold steps to prevent this from being built. He understands that the City is not inclined to be sued, but the taxpayers feel that this is no fault of the residents and perhaps it goes back to City Council. He said, if the City is sued, the taxpayers will pay the price for the City being sued. Mr. Laughinghouse said perhaps other people in other parts of the City do not agree, but perhaps they should have that facility in their neighborhood, then they might agree that having the City sued for rescinding this zoning may be the best option that is available. He urged Council Members to speak out in favor of this resolution.

Mayor Olive asked the citizens in the audience to stand if they are an opponent of this project. Mayor Olive said that she felt the Council agrees that a facility such as this is important in any community and it has been a difficult issue for the Council Members to address. She stated that the location of the proposed facility in an established residential neighborhood has been a tremendous concern and called for a roll call vote on those who oppose this location. All the Council Members present were opposed to the location of the treatment facility.

OTHER BUSINESS

Mayor Pro Tem Martin stated that he did not know that treatment centers were allowed in the Office and Institutional zoning district. He said that Council has to deal with regulations from higher up government; had he known back then when the property was rezoned to O & I, he would probably have not voted for Office and Institutional zoning.

Mayor Olive informed Council that the Lee County Commissioners have agreed that they would like to meet with a couple of members from the City Council concerning the 911 operation. She said they would like to have a meeting with a couple of members from the Council, both managers, Chairman Bob Brown and herself. Mayor Pro Tem Martin and Council Member Mike Stone volunteered to be on the committee. Mayor Olive said that she thought they would be meeting with Lee County Board of Commissioners Robert Reives and Jerry Lemmond, and Chairman Bob Brown.

Council Member Taylor thanked the residents from the Hawkins Avenue neighborhood for being present and for speaking up. Mayor Pro Tem Martin said he has been so impressed with the professionalism that he has spoken with regarding the treatment center. He said it is a touchy area and they have been very professional in dealing with the issue.

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

ADJOURNMENT

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

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK