

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, December 1, 2009, at 7:00 P.M. The following people were present:

Mayor Cornelia P. Olive	Council Member Linwood S. Mann, Sr.
Mayor Pro Tem Mike Stone	Council Member James G. Williams
Council Member Charles Taylor	Council Member Walter H. McNeil, Jr.
Council Member Sam Gaskins	Council Member L. I. (Poly) Cohen
City Manager Hal Hegwer	City Attorney Susan C. Patterson
City Clerk Bonnie D. White	

**ORGANIZATIONAL SESSION**

Clerk of Court Susie Thomas administered the Oath of Office to Mayor Cornelia Olive. Mayor Cornelia Olive administered the Oath of Office to Council Member Samuel P. Gaskins – Ward 1; Council Member James Williams – Ward 3; and to Council Member Leopold Ira (Poly) Cohen – At Large. Family members joined the elected officials as they were sworn into office. Terms are for a four-year period. Oaths are on file in the City Clerk's office.

**INVOCATION**

The invocation was delivered by Father Craig Lister of St. Thomas Episcopal Church.

Mayor Olive called the meeting to order.

**COUNCIL APPOINTMENT OF MAYOR PRO TEM**

Mayor Olive opened the floor for nominations. Council Member Sam Gaskins nominated Mike Stone. Council Member Charles Taylor made the motion to close the nominations. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Council Member Charles Taylor made the motion to appoint Council Member Mike Stone as Mayor Pro Tem. Seconded by Council Member Sam Gaskins, the motion carried unanimously.

**PUBLIC COMMENT**

No citizens signed up to speak.

**APPROVAL OF AGENDA**

City Manager Hal Hegwer requested to add a Closed Session in place of the Special Agenda. Mayor Pro Tem Mike Stone made the motion to approve the amended agenda. Seconded by Council Member James Williams, the motion carried unanimously.

### **CONSENT AGENDA**

#### **Approval of Acceptance and Approval of CDBG-R Agreement and Funding Approval Documents – (Exhibit A)**

CDBG-R Grant Agreement and Funding Approval Documents were approved.

- **Resolution Concerning Community Development Code of Conduct and Conflict of Interest Provisions With Regards to CDBG-R Haven Project – (Exhibit B)**  
Resolution Concerning Community Development Code of Conduct and Conflict of Interest Provisions With Regard to CDBG-R Haven Project were approved.
- **Project Budget Ordinance—(Exhibit C)**  
Community Development Block Grant Recovery (CDBG-R) Program Project Ordinance was approved and the ordinance sets up the project on the books. Grant funds received total \$506,413.

#### **Approval of Contract for the East Sanford Survey for the Nomination to the National Register of Historic Places - (Exhibit D)**

Contract between the City of Sanford and Laura A. W. Phillips to conduct the East Sanford Historical Survey for the National Register of Historic Places was approved.

#### **Approval of Resolution Authorizing Use of GOVDEALS Electronic Auction To Dispose of Certain Personal Property of the City of Sanford – (Exhibit E)**

Resolution was approved authorizing use of GOVDEALS Electronic Auction to dispose of a 2000 International Chassis with Vactor JetVac Body, Serial Number 1HTGMAOR4YH321461.

The consent agenda items were approved upon motion of Council Member Walter McNeil, Jr. Seconded by Mayor Pro Tem Mike Stone, the motion carried unanimously.

### **CLOSED SESSION**

Mayor Olive informed the public that the closed session should not last more than ten minutes. Attorney Patterson read a motion to go into closed session in accordance with N.C.G.S. 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege. So moved by Council Member Linwood Mann and seconded by Council Member Walter McNeil, the motion carried unanimously.

### **RETURN TO REGULAR SESSION**

The mayor reconvened the regular session.

### **CASE FOR PUBLIC HEARING**

#### **Public Hearing – Installment Purchase Financing Terms for City Hall Renovations – (Exhibit F)**

Financial Services Melissa Cardinali explained that later in the agenda, Council would be making a decision to pay for the renovations to City Hall either from available fund balance or through installment purchase financing. If Council chooses to continue with the installment purchase financing, we are required to have a public hearing on the terms of that financing. The proposed financing would be with Branch Banking and Trust (BB&T) for five years at 2.92

percent. Mr. Hegwer added that a public hearing was held because it was advertised and if Council decides not to proceed with fund balance as staff recommended, then staff would have to restart this process with a three or four month time lag to go back through the process and the bids from the financial institutions would expire.

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

### **DECISIONS ON PUBLIC HEARINGS**

Petition by Phu Tran, Faye Cameron of Broadway Realty and Peggy G. Sorrell - to rezone 14.78+/- acres at 2631, 2633 & 2639 Mt. Pisgah Church Road from Residential Single-family (R-20) district to Light Industrial (LI) district. The property is the same as depicted on Lee County Tax Map 9661.02 & 9662.04, Tax Parcels 9661-89-4926, 9661-89-3883 and a portion of 9661-89-6644 Lee County Land Records. The property is also all of Lots 1 & 2 of the "Survey for Tom Hardy & Grace Hardy" recorded in Plat Cabinet 5, Slide 123, Lee County Registry of Deeds and a portion of Tracts 1 & 2 and Lots 3, 4 & 5 as illustrated on the "Survey for Bobby F. Sorrell" recorded in Plat Cabinet 7, Slide 51F, Lee County Registry of Deeds. – (Exhibit G)

Planner II Amy McNeill gave a background of the rezoning request for the newly elected Council Members. In October of 2009, Mr. Phu Tran approached planning staff regarding an interest in purchasing 2631 & 2633 Mt. Pisgah Church Road with the intent to develop a commercial business at one or both of the locations. Staff advised Mr. Tran that both tracts would be required to be rezoned in order to be redeveloped in the manner proposed.

Also around this time, a local realtor interested in marketing 2639 Mt. Pisgah Church Road contacted planning staff regarding the dual zoning of property. Upon consideration of the information provided by planning staff, the property owner (Ms. Peggy Sorrell) decided to join Mr. Tran's request to rezone the property; thereby creating one request to rezone a total of 14.78+/- acres from Residential Single-family (R-20) to Light Industrial. The subject property is comprised of three separate tracts of land located west of Mt. Pisgah Church Road and east of Cox Mill Road.

Staff recommends that the Planning Board and City Council support the petition to rezone based on the proximity of other industrial uses in the area such as Moen and Coty and the proximity of the site to US Hwy 421, (which is a major thoroughfare), and the fact that there is an existing warehouse already developed on the site of 2639 Mt. Pisgah Church Road. The City of Sanford Planning Board discussed this rezoning petition at the November 17, 2009, meeting and by a unanimous vote recommended to approve the request.

Mayor Pro Tem Mike Stone reminded council members with the terms of what is allowed in Light Industrial. He would favor the request if he knew what was going to go there at the site. The property can still be marketed as commercial with approval in the terms of the sale of the zoning from the Council. He said that we have been through a lot of experience in the past five years especially with the Hawkins Avenue Level IV facility of not knowing what is going on. These have been the fault of the Council by not following up and following through. Mr. Stone stated that he encourages the group to market this property, but he has a lot of concerns with

Level VI and Light Industrial in that area. There is some R-20 in that area. The gentleman that wants to do the home workshop can get a Conditional Use as well. He wants to look after those neighborhoods. Mr. Stone stated that Hawkins Avenue organized and stood up and he is not sure this neighborhood will have the same ability to do so; therefore, he felt it was in the best interest of Council to look after these neighborhoods. He will support the rezoning if he knows what is going there. Mr. Stone said that an adult entertainment or a Level IV facility could go there in that zoning and it scares him that this could happen.

Council Member James Williams stated that he lives down the street from the property to be rezoned. He has talked with a lot of the adjoining property owners and his neighbors about the rezoning. He advised that to the left of that property is a former tobacco warehouse being used by Coty as a storage house; to the left of that is what was the Gaylord Brothers factory; to the right is Moen; and in front of it the land belongs to Coty. Mr. Williams added that he has talked with some of the people who requested the rezoning and in his opinion, the best use of the property would be Light Industrial or factory use, and he felt rezoning it that way would benefit the entire City.

- Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit H)  
Council Member James Williams made the motion to adopt the Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. Seconded by Council Member Poly Cohen, the motion carried in favor with a six to one vote. Mayor Pro Tem Mike Stone cast the dissenting vote.

Petition by Mark Lyczkowski of CRD Investors, LLC - to rezone 251.5+/- acres from the current Barrington Park Conditional Zoning District (Design #3) to Barrington Park Conditional Zoning District (Design #4) an area of land located along the southern side of Commerce Drive in the South Park business park. The conditional zoning district will include a mix of single-family detached homes, town homes, apartments, as well as non-residential uses such as office-institutional and retail commercial uses. The property is the same as depicted on Tax Map 9660.01, as Tax Parcels 9660-18-0558-00, 9660-18-4369-00, 9660-37-6982-00 (part of), 9660-16-7151-00, 9660-15-0255-00, 9650-97-8129-00, 9660-17-4311-00, 9650-98-9031-00, 9660-07-7574-00, Lee County Land Records Office.- (Exhibit I)

Planner II Amy McNeill advised that the developer is proposing to revise the Zoning Master Plan for the Barrington Park Conditional Zoning District. This is a site plan specific zoning district; therefore, all changes to the master plan must be approved by the City Council.

This rezoning petition requests to revise the approved design for the “North” part of the project only and adds no additional acreage to the overall approved development. In summary, there is less acreage now dedicated to the smaller residential lot sizes and more acreage now dedicated to the larger residential lot sizes. There is approximately the same amount of acreage dedicated for development as offices, institutional, neighborhood commercial, assisted living, retirement community, townhomes, and multi-family residential. The main change appears to be the redesign of the entryway off of Commerce Drive into the development, which eliminates the “Village Green” concept and replaces it with a traffic circle/round-about design.

Staff does recommend that the Council & Planning Board support the petition for Barrington Park (North) Conditional Zoning District (Design #4), as it appears that the developer is attempting to refine the concept that was previously approved. Staff makes this recommendation with the condition that no development shall occur unless or until the developer submits modified conditional zoning petition(s) with specific design standards identified for the individual phases within the project.

The City of Sanford Planning Board discussed this rezoning petition at the November 17, 2009, meeting and by a unanimous vote recommended to approve the request.

The Planning Board also finds that because this request is a conditional zoning request that it shall include the following conditions:

1. No development shall occur unless or until the developer submits either (a) a site plan or (b) a preliminary plat for the individual phases within the project. Each phase (site plan or plat) shall be reviewed and approved by the Planning Board and City Council and shall include site specific design standards which illustrate the characteristics that define each particular phase of the development. The Planning Board and/or the City Council shall have the authority to negotiate with the developer regarding said design standards to ensure that such design elements are complimentary to the themes and styles as established or envisioned for the entire Barrington Park planned community.
2. The project shall be developed as noted in the descriptive narrative "Barrington Park, A Planned Community of Residential Neighborhoods" provided by the owner/developer.
  - Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit J)  
Council Member Walter McNeil made the motion to go along with the Planning Board's recommendation. Seconded by Council Member Charles Taylor, the motion carried in favor with a six to one vote with Council Member Linwood Mann casting the dissenting vote.

## **REGULAR AGENDA**

### **Consideration of Funding of City Hall Renovations**

Financial Services Director Melissa Cardinali pointed out that because the bids came in so positively on the project and we did have the debt service payments in the budget, that the net effect on fund balance would be just under \$217,000, which is significantly less than originally projected.

Mayor Pro Tem Mike Stone made the motion to proceed to take the money from the fund balance, not exceeding \$220,000. Seconded by Council Member Sam Gaskins, the motion carried unanimously.

Consideration of a Revision to Phase 1, Preliminary Plat for Barrington Park Subdivision – (Exhibit K)

Planner II Amy McNeill stated that since Council just approved the revised Conditional Zoning for the Barrington Park Conditional Zoning District, the revised subdivision plat must now be approved by the City Council. Specific information is provided within the report and the preliminary plat is provided on page 34 of the agenda for your reference.

The City of Sanford Planning Board discussed this subdivision plat at the November 17, 2009, meeting and recommended by a unanimous vote that the preliminary subdivision plat be approved conditional upon the development of the passive open space and tot lot/playground area as part of Phase 1, as agreed upon in the prior approvals. The developer would like to go ahead and proceed with legally creating some of the lots within Barrington Park in order to get this project going.

Mayor Pro Tem Stone stated there are two entrances in and out of Barrington Park and is this acceptable for rescue vehicles and fire personnel. Ms. McNeill replied yes; it was reviewed by the Technical Review Committee and the fire department required the two entrances in and out.

Council Member Charles Taylor made the motion to accept the Revision to Phase 1, Preliminary Plat for Barrington Park Subdivision. Seconded by Council Member James Williams, the motion carried in favor with a six to one vote. Council Member Linwood Mann cast the dissenting vote.

Consider Motion to Take From the Table Discussion Regarding the Closing of Alley Adjacent to 505 Greensboro Avenue

Council Member Walter McNeil, Jr., made the motion to take from the table discussion regarding the closing of alley adjacent to 505 Greensboro Avenue. Seconded by Council Member Linwood Mann, the motion carried unanimously.

Administrative Services Coordinator Angela Baker stated that on October 6, 2009, a public hearing was held to close the alley adjacent to 505 Greensboro Avenue. Since then, the parties have agreed to close the alley and they are recommending closing the alley. They will be submitting a plat with how they wanted it closed.

City Attorney Susan Patterson added that part of the reason the decision was delayed was to allow staff to send a letter to the railroad. When it was examined, it was determined that the railroad did not touch the alley that was being requested to be closed. Mrs. Baker sent a letter to the railroad and received confirmation that they did receive that letter as a courtesy. There is one slight typed change in the resolution and that is to include the reference to the plat because they are dividing the alley in a way that is not straight down the middle. It is to be revised so that Mr. Haire receives the first 20 feet all the way across the front of the alley in accordance with the sketch (Exhibit L) that is at Council's seat that is colored in to show which part each adjoining property owner would receive. If Council so chooses to pass the alley closing, there would be a plat recorded at the courthouse to reflect who receives which part so there is no question who gets what.

- Consider Adoption of Resolution Ordering the Closing of an Alley Adjacent to 505 Greensboro Avenue – (Exhibit M)

Council Member Poly Cohen made the motion to adopt the Resolution Ordering the Closing of an Alley Adjacent to 505 Greensboro Avenue. Seconded by Council Member Linwood Mann, the motion carried unanimously.

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

**OTHER BUSINESS**

Council Member Charles Taylor stated that he plans to have his updates from the Historic Preservation Commission and Parks and Recreation Committee meeting at the next Law and Finance Committee meeting.

Mr. Taylor mentioned that Noelle Marsh has represented our City well and he hopes at some point we have the opportunity to honor her for her accomplishments on, “So You Think You Can Dance.” Ms. Marsh made the top ten last week and this ensures her that she will be on a forty-city tour that will be taking place after the event is over with. Mr. Taylor encouraged everyone to go home and vote for her.

Mayor Olive announced that a reception would be held immediately following the City Council meeting in the lobby area of City Hall to honor our recently elected officials.

**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 James Williams, the motion carried unanimously.

Respectfully submitted,

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CORNELIA P. OLIVE, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK