

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 19, 2010, 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	

Mayor Olive called the meeting to order.

INVOCATION

Council Member L. I. (Poly) Cohen delivered the invocation.

PUBLIC COMMENT

No citizens signed up to speak.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Approval of November 10, 2009, Law and Finance Committee Minutes – (Filed in Minute Book 73)

Approval of Resolution and Memorandum of Agreement between the North Carolina Department of Transportation and the City of Sanford – (Exhibit A)

Resolution and Memorandum of Agreement between the N.C. Department of Transportation and the City of Sanford were approved. This allows the City of Sanford to remove vegetative debris from FEMA designated routes in the event of a State of Emergency or disaster. This agreement would allow the D.O.T. the ability to release authority for City forces to remove vegetative debris from N.C.D.O.T. streets within the City limits excluding the major thoroughfares such as U. S. Highway #1. The agreement can only be activated after a Federal Declaration and allows local governments to be eligible for reimbursement. The agreement allows the City to be reimbursed for picking up debris on N.C. D.O.T. streets, as well as our own streets.

Approval of Reimbursement Contract Between the City of Sanford and Thomas Phillips and David Walton – (Exhibit B)

Reimbursement Contract was approved between Mr. David Walton and Mr. Thomas Phillips and the City of Sanford. Should the property owner(s) that would benefit from the extension of the sewer line to Mr. Phillips' and Mr. Walton's properties decide to tap onto the sewerline, the City will collect the sewer tap fees based on the City's reimbursement policy and reimburse Mr. Walton and Mr. Phillips.

Approval of Ordinance Repealing Ordinance 1996-20, Reserving a Handicap Parking Space on Gulf Street and Establishing Four-30 Minute Parking Spaces and One Handicap Parking Space on a Portion of Gulf Street of the City of Sanford – (Exhibit C)

Ordinance was approved repealing Ordinance 1996-20, reserving a handicap parking space on Gulf Street and establishing four 30 minute parking spaces and one handicap parking space on a portion of Gulf Street.

Approval of Ordinance Repealing No Parking Areas Along Portions of Industrial Drive, Frazier Drive, and Keith Drive - (Exhibit D)

Ordinance was approved to repeal no parking areas along portions of Industrial Drive, Frazier Drive, and Keith Drive.

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

SPECIAL AGENDA

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

Petition by Patrick J. Theismann of Beacon Management Corporation - to rezone 8.5 acres+/-, which is comprised of five tracts of land, one of which is vacant and the others being addressed as 2107, 2111, 2113 and 2201 Woodland Avenue, from the current Residential-Mixed (R-12) Zoning District to Covington Place Elderly Housing Conditional Zoning District. The property is the same as depicted on Tax Map 9652.18, as Tax Parcels 9652-32-2400, 9652-32-2185, 9652-32-5208, 9652-32-4087 and 9652-31-3940 Lee County Land Records.- (Exhibit E)

Planner II Amy McNeill explained that in November, Mr. Ray Covington contacted planning staff regarding an interest in redeveloping property that his family owns on Woodland Avenue as an elderly housing community. After meeting with planning staff, Mr. Covington and the proposed developers decided to pursue the conditional rezoning of the property in order to develop the site in the manner proposed.

The subject property is comprised of five separate tracts of land located on Woodland Avenue, opposite the Harkey Road intersection, which total 8.5+/- acres; four of the lots are developed with single-family homes and one lot is vacant. Ms. McNeill referred to the map on the screen and on page 30 of Council's agenda packet. Individual lot information was provided in the rezoning report for Council's reference. The adjacent zoning to the north, south, east and west is all Residential-Mixed (R-12).

Regarding public utilities, there is an 8-inch public water main and an 8-inch public sanitary sewer main located in the right-of-way of Woodland Avenue and there is also an 8-inch public sanitary sewer main that bisects the subject property.

Ms. McNeill advised that the subject property has 756 feet of road frontage on Woodland Avenue, which is a City maintained public street (in the area of the subject property) with a right-of-way of 60 feet. All driveway connections must be approved by the Public Works Department.

The subject property is not located within a Watershed Conservation Overlay District, a Historic Preservation Overlay District, a FEMA Flood Hazard Area or the 421 Bypass Corridor. It is currently zoned Residential-Mixed (R-12), which is established to provide areas for a mix of residential dwelling types and in areas where large-lot development is discouraged and adequate public facilities and services are available. This district provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character. There is a list of permitted uses for the Residential-Mixed (R-12) District included within the agenda for Council's reference.

Ms. McNeill stated that the applicant is requesting to rezone the property to Covington Place Elderly Housing Conditional Zoning District. This would be a stand-alone district with its own unique conditions. This type of zoning district is most suitable in situations where the current city's zoning districts do not accommodate the desired uses and where the developer has a clear vision as to how the property is to be developed; therefore a detailed site plan is required. If approved, this plan would be legally binding on the land and developed as per the approved plan, even if the property was to be sold. She referred to the site plan included with the petition and labeled Covington Place Elderly Housing, which is on Page 19 of Council's agenda.

Ms. McNeill said that this site plan illustrates how the site is proposed to be developed. The "Covington Place" neighborhood is proposed for development with fifty, single-story residential units developed within ten separate townhome buildings, all of which feature traditional architecture and have been designed to house seniors age 55 and older. There will be forty - one bedroom apartments, and ten - two bedroom apartments, along with a community center, which will house the on-site manager's office, communal laundry facilities, resident computers and sitting/activity areas. (Washer & dryer hookups are offered within each apartment.) There will be small storage rooms located off of the back patios where residents may store items such as seasonal decorations. Amenities, such as planters and benches, will be placed throughout the development for the residents to enjoy. Light poles that fit with the style of the community will be installed to ensure that the development is well lit. She referred Council to the architectural elevations and floor plans on pages 20 - 25 of their agendas.

Regarding the landscaping, the developer has stated that the site will be generously landscaped utilizing as much of the existing trees and foliage as possible. Staff would recommend that, if approved, the project be required to meet the requirements within the UDO for a multi-family project, including the required landscaping, sidewalks along Woodland Avenue, etc. - items that may be too detailed to be included within the conceptual site plan.

As a reminder, the conditional zoning process is a negotiated zoning process and, as such, the Council and/or Planning Board may request that certain conditions be considered or altered; however, the petitioner must accept such conditions before inclusion in the conditional zoning district.

The 2020 Land Use Plan Map identifies the use for the subject property as mid/high density residential - office. The purpose of this classification is to identify areas which are appropriate for medium & high density residential development, including single-family, duplexes, and multi-family developments, as well as office development. However, when considering the zoning of this property, current development trends and the surrounding zoning of the neighborhood should also be considered.

A neighborhood meeting was held on January 6, 2010, to allow for discussion of this proposed rezoning. The main concerns of the neighborhood appeared to be the removal of existing trees on the project site and the possibility that the development may add to the existing drainage problems in the area associated with the lack of maintenance along an existing creek, which causes the water to back up and flood adjoining property.

In response to the 1st concern, the developer has stated that the site will be generously landscaped utilizing as much of the existing trees and foliage as possible.

In response to the 2nd concern, the planning staff has spoken with the City Engineering Department to make them aware of the problem so that they can ensure that the City is providing good maintenance of the drainage areas that are on public property in this area to assist in alleviating this problem.

Planning staff recommends that the Planning Board and City Council support this rezoning petition. The recommendation is based on the fact that the conditional zoning request appears to be reasonable and in the public interest based on the information/conditions as presented in the conditional zoning petition and since the request is in accordance with the adopted comprehensive plan. 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 opened the public hearing. Mayor Olive asked about the creek maintenance. Ms. McNeill replied that there was an adjoining property owner who resides to the rear of this property that has had some problems with the creek backing up and flooding his home. It was determined that the problem is the result of timber cleared in the area and it filled in the creek. The creek was blocked up but it was on private property; it was not on public property, but the neighbors were together at the neighborhood meeting and it was decided that they would work together to help alleviate the problem. It is on private property.

Ray Covington, formerly of 2107 Woodland Avenue, now residing at 709 Crowell Court in Whitsett, North Carolina, spoke in favor of the rezoning. His office is located at 212 West Main Street, Sanford, North Carolina.. The subject property is the home place that he grew up on. He said that he is speaking on behalf of his mother, Irene Covington, and his entire family.

In thinking about their home place and how to best utilize the property, they wanted to do something special. They have thought about this type of neighborhood for the last four years and with the economy, they slowed the process down. However, as fate occurred, he ran into John Cavanaugh from Greensboro and they talked about the project. Mr. Cavanaugh told him that George Carr is doing a lot of work with type of community. Mr. Carr has been in this business for thirty years. He introduced Mr. Carr, Patrick Theismann, John Cavanaugh, and Ken Bright, engineer for the project and his wife, Martha Bright.

George Carr, who lives in Greensboro, spoke about the project. He said that they have the project designed with forty – one-bedroom units that have an average of 700 square feet in size, and the two-bedroom units have about 900 square feet. The design of the community would be a craftsman form of architecture which they felt fits beautifully into the Woodland neighborhood. They have done this design before and are currently building in Greensboro and it has been extremely well received. It is a nice cottage style with single-story buildings. It will be an all-leased community to residents 55 and older. The rental ranges are in the \$400 to \$600 range for the one bedroom units and \$500 to \$600 range for the two-bedroom units. John Cavanaugh will do the general construction.

Mayor Olive asked where else besides Greensboro have they built these type projects. Mr. Carr replied Wilmington; Bristol, Connecticut; Rockingham County; Reidsville, Burlington, Winston; Charlotte; Greensboro; Sumpter, South Carolina; they now have a proposal in Morganton that is not developed yet. About 80 percent of the projects are for senior citizens. They have done some historic rehab communities where they converted hospitals, schools, etc.

Mr. Carr presented Council with pictures of this plan in two locations. One site is still under construction so the landscaping is not in place and the green grass has not grown in and the other one just opened a few months ago.

Mayor Pro Tem Stone said that the Covingtons' have an excellent reputation in this community as far as bringing the better projects we like to have. He asked about the building materials and if there are any improvements made upon your last plan to make this a better plan. Mr. Carr replied that they never build another community without critiquing the prior community. Even with the two projects they looked at previously in the pictures, they have made a few changes. One of the changes they have made with the last development is that they used more brick. If they can get their architectural work right, they are going to do more brick on the center portions of the four and five-unit buildings. They have to use the asphalt shingles but they use the longer-life asphalt shingles. They do not take the bottom grade. They are very careful about the colors. They do not use reproduction furniture; every piece of furniture they get is an antique except for the upholstered pieces. They are also very selective about the art that they use.

Council Member Gaskins said that he saw the creek earlier today. He asked if the wetlands on the upper left hand corner of the map is a retention pond. Mr. Carr asked Mr. Ken Bright to address this question. Mr. Bright said that the area indicated in blue are existing wetlands. There was one section in the middle when the creek somewhat disappears and that is an existing pipe across the property. They have applied for the permits that they need to carry

this project forward. Referring to the wetlands on the left hand side of the page, they have a retaining wall to keep the building foundation from encroaching into that area, but they do not plan on any other encroachments at this time. Mr. Gaskins asked Mr. Carr if there was any project closer to Jamestown. Mr. Carr replied that 702 or 704 Main Street in Jamestown but it is not built yet. There is a facility called Springbrook Meadows in High Point; on Fleming Road – the west side of Greensboro there is a facility called Seager Place near Guilford College. In northern Greensboro, they have a Rankin School Farm that was just completed and Rankin School Place, which was built three years earlier.

Ray Covington said that he wanted to thank Planner II Amy McNeill, Assistant Community Development Director Marshall Downey and Community Development Director Bob Bridwell for their work, support, and guidance in helping them over the last four years to make sure they have a very good job.

Harold Heasley, residing at 2116 Lee Avenue, said that he has lived there since 1982. He has a creek that runs behind his house and every time it rains more than an inch it floods. He has a John Deere tractor that he has restored, and the last time it flooded, it went over the wheels of his tractor. He asked why can't somebody do something about this creek before they build this development. If they build this project, there will be more water coming down the street. He does not want this in his yard anymore.

Ray Covington said that Steve Whetzel came to the neighborhood meeting and two days later, Ken Bright, the local representative of the Department of Transportation, and he met on Mr. Whetzel's property and Mr. Bell's property. Mr. Bell had done a timber cruise on his 4.5 acres about ten years ago and did not do a very good job of cleaning the creek bed at that time and Mr. Bell realizes that some work needs to be done on his portion of that creek. If you go south of Mr. Bell's property, you get to Mr. Whetzel's property and he has an elevated road that has a 30 to 36 inch pipe that goes through it and if that pipe gets clogged, it is going to back up on Mr. Heasley's property and the Covington's property. He said that the bridges need to be there because that is where the sewerline is going through. Mr. Covington felt it needs to be studied or looked at to see if another pipe needs to be put into his bridge to alleviate the problem. Mr. Heasley added that this creek has brush, leaves, and trash and has been that way for years. Mr. Covington agreed with Mr. Heasley and Mr. Bell is aware of it and would like to do something to help.

Mayor Pro Tem Stone asked Mr. Covington to assure this Council that he will keep his creek beds clean. Mr. Covington replied that he will and has always kept those creek beds clean.

With no one speaking in opposition, the public hearing was closed.

The Planning Board retired to the West End Conference Room.

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

OTHER BUSINESS

Council Member L. I. (Poly) Cohen extended Councils' condolences to the Lewis Mitchell family. He was buried at Buffalo Presbyterian Church today. Mayor Pro Tem Stone echoed Mr. Cohen's condolences to the Lewis Mitchell family.

Mayor Pro Tem Mike Stone said that he received a letter today from the Association of General Contractors. In the past, they have talked about building a \$12 million Police Department and we have discussed it but it has never come before Council. Today, it went out on the Association of General Contractors for bid and it says that the City is considering a relocation of the Police Department and renovation of existing space. Mr. Stone wanted to know why this has not been made known to Council at this time at an expense of \$12 million going out to bid to the Association of General Contractors. He was concerned.

City Manager Hal Hegwer clarified that it is not a bid. During last year's budget, we had money budgeted to do a space study and needs of the Police Department and other facilities that we have. City Engineer Paul Weeks stated that they get this all the time from contractors that call them, telling them on the AGC and other websites, they are looking at projects such as the wastewater treatment plant expansion and we continue to tell them we are still in design. Somewhere along the line, someone is jumping the gun and putting something out there that should not be. Staff is not putting this out.

Mr. Stone said that the document he is holding came from the City of Sanford and it states that bids to owner, the City of Sanford Public Works Director and Engineer Vic Czar. His concern is if we are doing it, council needs to be advised. Mr. Hegwer said that he would like to see the document he has, because he does not know what he is talking about. We are not bidding the Police Department. The point he is making is it is hard for him to assess the situation when he gets calls from contractors all over the state and he does not have a clue of what they are talking about. Mr. Hegwer stated he does not have a clue either. Mr. Hegwer said that it says that the City is seeking consulting firms for facilities assessment and space needs and that is what it is. It was just to look at our space needs. Mr. Stone said that Council needs to be advised as to what is going on. Mr. Hegwer replied that Council would be advised once the assessment is received.

Council Member Charles Taylor said that a citizen brought up a good point yesterday about sequence on our stoplights on Horner Boulevard. A lot of towns have it where one light turns green, the rest of them turn green to keep the flow of traffic going throughout Horner Boulevard. He would like for us to talk to the Department of Transportation and have some sequence and logic behind the way the lights are turning now, but it would make sense to have them all turn green at one time so there is not a backlog.

Mr. Taylor said that 3M has hired 41 permanent jobs since October. Caterpillar is taking some applications also. It appears that the manufacturing sector is picking up; it accounts for a little over 35 percent of our employee base here.

Mr. Taylor thanked the Covingtons' for doing a conditional zoning. He referred to a situation affecting the Glenwood Subdivision that is in his ward. He received a call from a

gentleman tonight and they discussed what is going on in Glenwood now. As a governing body, they zoned something with the intent that a building was going to be built there by December 31 and nothing has happened. He hoped that Council will take to heart these requests as they come up in the future and whenever we can do conditional zoning, then certainly take advantage of that opportunity.

Mayor Olive announced that the City Council will be having its annual retreat Wednesday, Thursday, and Friday at City Hall and they are opened to the public.

ADJOURNMENT

With no further business to come before the council, the meeting was adjourned on motion of Mayor Pro Tem Mike Stone; seconded by Council Member Linwood Mann, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK