

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 Wednesday, October 18, 2011, at 7 P.M., in the Council Chambers. The following people were present:

Mayor Cornelia P. Olive	Council Member L. I. (Poly) Cohen
Mayor Pro Tem Sam Gaskins	Council Member James Williams
Council Member Walter H. McNeil, Jr.	City Clerk Bonnie D. White
City Manager Hal Hegwer	

Absent:
Council Member Bob Brown
Council Member Linwood S. Mann, Sr.
Council Member Charles Taylor
City Attorney Susan C. Patterson

Mayor Cornelia Olive called the meeting to order. Council Member Walter McNeil, Jr. delivered the invocation.

PUBLIC COMMENT – (Exhibit A)

Keith Clark, residing at 212 Acorn Drive, expressed his concern on the economic development situation in Lee County and presented Council with an article titled, “Sanford Rank Drops 50 Places in Economic Strength Among U.S. “Micropolitan” Areas.”

APPROVAL OF AGENDA

Council Member Walter McNeil, Jr. made the motion to approve the agenda. Seconded by Mayor Pro Tem Sam Gaskins, the motion carried unanimously.

CONSENT AGENDA

Approval of Law and Finance Committee Meeting Minutes Dated August 31, 2011 – (Filed in Vault)

Approval of City Council Meeting Minutes Dated September 20, 2011 – (Filed in Minute Book 76)

Approval of Law and Finance Committee Meeting Minutes Dated September 28, 2011 – (Filed in Vault)

Approval of Ordinance to Amend the City of Sanford Code of Ordinances Chapter 38, Utilities Article III. Rates, Billing and Controls. Section §38-103 Complaints and Adjustments – (Exhibit B)

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2011-2012 (Christmas Decorations for Downtown Sanford) – (Exhibit C)

Council Member L. I. "Poly" Cohen made the motion to approve the consent agenda. Seconded by Council Member James Williams, the motion carried unanimously.

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

Public Hearing on Voluntary Annexation Petition by Tramway One Associates LLC - of Contiguous Voluntary Annexation of Tramway One Associates, LLC consisting of 34.23 acres, located opposite & east of the intersection of Pendergrass Road and US Hwy 1 / Jefferson Davis Hwy and Tramway Road / NC Hwy 78. – (Exhibit D)

Administrative Services Coordinator Angela Baker advised that on August 12, 2011, the City of Sanford received a petition from Tramway One Associates, LLC, for annexation of 34.23 acres of property located at U. S. Highway 1/Jefferson Davis Highway and Tramway Road/NC Highway 78.

She said that on September 20, 2011, the City Council adopted a resolution directing the City Clerk to investigate the sufficiency of the petition. On October 4, 2011, the City Council received a Certificate of Sufficiency from the City Clerk and adopted the resolution setting the date for the public hearing tonight. Notice of the public hearing was given by publication in the *Sanford Herald* on October 6, 2011.

The annexation area lies in the Tramway Fire Department District and General Statute 160A-31.1 requires a city to pay annually a proportionate share of any payments due on any debt. Staff has requested that financial information and we have not received anything back from that fire department at this time. If annexed, City services will be extended to this area in the same manner as they are provided to the rest of the City. The subject property appears to have public water and the developer plans to extend sanitary sewer to serve this site. The annexation area is currently undeveloped. Upon development, the City will have to provide garbage, recyclables, leaf and limb, and bulk trash collection. The City Police Department is already providing patrol services in the Tramway area, which is adjacent to the annexation area. The City's Fire Department will provide service to the proposed annexation area from Fire Station #2 located on Woodland Avenue with back-up from Fire Station #3 located on Cool Springs Road. The average response time to the proposed annexation area is six to eight minutes. Mrs. Baker said that no additional costs are anticipated to serve the annexation area as it is undeveloped.

She explained that the assessed valuation of the annexation area is \$281,500 and at the City's tax rate of \$.54/100, annual revenues of \$1,660.85 can be anticipated. The tax value is accurate for the area in its undeveloped state.

Mayor Olive opened the public hearing. Woods Doster, residing at 1709 Tomberlin Road, spoke in favor. He is an attorney in Sanford and is the manager of Tramway One Associates, LLC. He said they are asking for the rezoning of this property to C-2 and believe that zoning is commensurate for the other zoning in the area. They have a contract on the southeastern corner of the subject property for a nursing home. They want to rezone all of the property to C-2 so he does not have to come back and ask for rezoning.

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

Council Member Williams felt it needs to be brought to Council's attention regarding the response time of the Fire Department which is six to eight minutes and he did not know the impact on the City's fire rating.

Mayor Olive reopened the public hearing.

Fire Chief Wayne Barber advised that they have looked at runs in that area they have already responded to from the City's stations and this is the average time. We have a lot of traffic congestion - Tramway Road, schools, U. S. Highway #1 four lanes with the shopping center, and it is going to take some time to get to these areas. The answer is to add an additional fire station. Mr. Hegwer stated that we have mutual aid agreements with the other departments. There are many times that the City responds ahead of the County rural fire departments before they reach a scene. Chief Barber added there are a lot of conditions that come into play and depends on when the call comes in. Mr. Williams asked for clarification that to keep the fire rating we have now, which is 4, we have to be 5 minutes or less. Chief Barber replied that the ideal time is 6 to 7 minutes. A lot of factors go into keeping our rating, not just the response time; it depends on our training, our equipment, our dispatch, our water supply, etc. The response time is also included but it is not the only factor that plays into it.

- Consider Adoption of Ordinance to Extend the Corporate Limits of the City of Sanford, North Carolina – (Exhibit E)
Council Member Walter McNeil, Jr. made the motion to adopt the Ordinance to Extend the Corporate Limits of the City of Sanford, North Carolina. Seconded by Council Member L. I. "Poly" Cohen, the motion carried unanimously.

Public Hearing on Application by W. Woods Doster of Tramway One Associates, LLC - to rezone one tract of land totaling 34.23 acres +/-, addressed as 3100 Tramway Road from Highway Commercial (HC) Zoning District and Residential Restricted (RR) Zoning District to General Commercial (C-2) Zoning District. The property is the same as depicted on Lee County Tax Map 9631.02, as Tax Parcel 9631-65-6246-00 Lee County Land Records. It is also illustrated as "34.23 acres total area" as shown on a map entitled "Survey for Hayden Lutterloh" recorded in 2000 in Plat Cabinet 9 Slide 46, Lee County Register of Deeds Office. – (Exhibit F)
Note: This rezoning request is conditional upon the subject property being annexed into the corporate limits of the City of Sanford, for which the public hearing will be also be held on October 18, 2011.

Planner II Amy McNeill explained that this is the rezoning request that goes hand-in-hand with the annexation request which Council just approved. This property is currently for sale and is being marketed for commercial development; therefore, an official request to rezone this tract of land to a commercial zoning district that is prevalent in the area (General Commercial, C-2) has been submitted for Council's consideration.

There is a wide range of uses in the area including a radio station, a furniture store, convenience stores with gas sales, fast food restaurants, banks, a laundry mat, a shopping center and single-family homes.

The General Commercial (C-2) zoning 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.

A list of the permitted uses for both the existing and the proposed zoning districts is included within the agenda for your reference.

The 2020 Land Use Plan identifies this area as an interchange highway node, which is a major mixed use area of retail and service businesses (centers) with additional major office and business park employment.

Staff recommends that the Planning Board and City Council support this rezoning petition as it appears to be in accordance with the comprehensive land use plan and it appears to be reasonable and in the public interest based on the wide variety of uses within the area: the availability of public water and public sewer (via a proposed sewer extension) and the precedent set by other properties in the area that have been rezoned to General Commercial (C-2). Please note that information presented by others at this public hearing may provide additional information that should also be considered regarding a final decision on the requested zoning map amendment.

Mayor Olive opened the public hearing. Woods Doster, residing at 1709 Tomberlin Road, spoke in favor. He asked that his comments made earlier regarding the annexation request be made at this time.

With no one speaking in opposition, the public hearing was closed. Mayor Olive thanked the Planning Board for the contribution they make and the time they spend coming to the meetings to perform this service.

The Planning Board retired to the West End Conference Room.

REGULAR AGENDA

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2011-2012 – (Exhibit G)

City Manager Hal Hegwer explained that this ordinance amends the annual operating budget in the amount of \$3,000. This covers the cost of ShopsQA software - \$1,000 for setup and \$250 per month for the balance of this fiscal year. He had previously said it would cost \$200 per month. It would allow businesses to register on the City's website promoting and marketing their business. This item was discussed at the last Law and Finance meeting.

Mayor Olive added that this would have links to the Chamber of Commerce, the Economic Development Corporation and any number of different websites so that our merchants can take advantage of it. The merchant is the only person that can change their site information.

Mayor Pro Tem Sam Gaskins made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2011-2012. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Consider Motion to Take From the Table for Discussion and a Vote Consider Award of Request for Proposal for Engineering Services for the City of Sanford FY 2009 Community Development Block Grant – Maple Avenue Project – (Exhibit H)

Council Member Walter McNeil, Jr. made the motion to Take From the Table for Discussion and a Vote - Consider Award of Request for Proposal for Engineering Services for the City of Sanford FY 2009 Community Development Block Grant – Maple Avenue Project. Council Member James Williams seconded the motion and it carried unanimously.

- Consider Award of Engineering Services for the City of Sanford FY 2009 Community Development Block Grant - Maple Avenue Project to J. Thomas Engineering
Council Member James Williams made the motion to award the Engineering Services for the City of Sanford FY 2009 Community Development Block Grant - Maple Avenue Project to J. Thomas Engineering. Seconded by Council Member L. I. “Poly” Cohen, the motion carried unanimously.

ALL THE ITEMS LISTED ABOVE WERE DISCUSSED AT THE LAW AND FINANCE COMMITTEE MEETING ON WEDNESDAY, OCTOBER 12, 2011.

OTHER BUSINESS

Council Member L. I. “Poly” Cohen announced that early voting starts on October 20.

Mayor Olive announced that beginning this weekend will be the annual Brush and Palette Club at the Armory.

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 Sam Gaskins; seconded by Council Member James Williams, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK

