

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, February 21, 2012, 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. | Council Member Rebecca Wyhof      |
| Council Member Jimmy Haire           | City Clerk Bonnie D. White        |
| City Manager Hal Hegwer              | City Attorney Susan C. Patterson  |

Absent:  
Council Member Charles Taylor

Mayor Cornelia Olive called the meeting to order. A moment of silence was observed. The Pledge of Allegiance was recited.

**PUBLIC COMMENT**

No citizens signed up to speak.

**APPROVAL OF AGENDA**

Mayor Pro Tem Sam Gaskins made the motion to approve the agenda. Seconded by Council Member Rebecca Wyhof, the motion carried unanimously.

**CONSENT AGENDA**

Approval of Law and Finance Committee Meeting Minutes Dated February 1, 2012 – (Filed in Vault)

Approval of City Council Meeting Minutes Dated February 7, 2012 – (Filed in Minute Book 77)

Approval of Award of Demolition Proposal for 305 and 307 Fourth Street, FY 09 Maple Avenue Community Development Block Grant Project – (Exhibit A)

Award of demolition of 305 and 307 Fourth Street to Robert Taylor, Taylor'd Lumber, Inc., in the amount of \$4,600 was approved.

Approval of Award of Rehabilitation Bids for 324 Maple Avenue and 400 Maple Avenue, FY 09 Maple Avenue Community Development Block Grant Project – (Exhibit B)

Rehabilitation of 324 Maple Avenue was awarded to D & A Complete Construction located in Shannon, North Carolina, in the amount of \$59,000 and rehabilitation of 400 Maple Avenue was awarded to Calvin Sedberry, located in Candor, North Carolina, in the amount of \$54,825.

Approval of Ordinance to Erect Stop Signs Within the City of Sanford Chapter 36, Traffic Code of Ordinances - (Exhibit C)

Ordinance was approved to erect stop signs in the Nottingham Subdivision.

Approval of Resolution Authorizing Application to the North Carolina Rural Economic Development Center for Hillcrest Farm Road Water Line Extension – (Exhibit D)

Resolution to submit an application to the North Carolina Rural Economic Development Center for the Hillcrest Farm Road water line extension was approved and authorizes City Manager Hal Hegwer to execute such documents as may be required in connection with the application.

Approval of Health Plan Renewal for Fiscal Year 2012-2013 – (Exhibit E)

Approval to proceed with the Health Plan Renewal Options as listed on Exhibit E was granted.

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2011-12 – (Tree Planting Program) – (Exhibit F)

Ordinance was approved to amend the annual operating budget to transfer \$1,000 from the Horticulture Department to the Community Development Department to budget funds to pre-drill holes pertaining to the NC Urban Forestry Grant.

Council Member L. I. “Poly” Cohen made the motion to approve the consent agenda. Seconded by Mayor Pro Tem Sam Gaskins, the motion carried unanimously.

**SPECIAL AGENDA**

**CASES FOR PUBLIC HEARING**

Application by Anson O. Harrington - to rezone two vacant adjoining tracts of land located in the southwestern quadrant of the intersection of S. Third Street and Sycamore Street, totaling 0.6627 of an acre +/-, with one lot formerly addressed as 414 S. Third Street, from Residential-Mixed (R-6) Zoning District to Light Industrial (LI) Zoning District. The property is the same as depicted on Lee County Tax Map 9642.08, as Tax Parcels 9642-98-1902-00 and 9642-98-1822-00 Lee County Land Records. – (Exhibit G)

Assistant Community Development Director Marshall Downey advised that in January of 2012, Mr. Harrington met with staff to express interest in rezoning two tracts of land that adjoins his existing contractor’s business, Install Inc., which is located at 209 and 210 Sycamore Street. The goal appears to be to re-develop the two lots in a commercial manner, which may or may not be part of the existing business. After a general discussion of the site design requirements, the rezoning process, and the surrounding zoning, Mr. Harrington decided to submit an official request to rezone the two tracts of land from Residential-Mixed (R-6) to Light Industrial (LI).

The subject property consists of two vacant tracts of land located in the southwestern quadrant of the intersection of S. Third Street and Sycamore Street. Both lots appear to have access to public streets, public water, and public sanitary sewer.

Uses in the area include a general contractor’s office (Install, Inc.), a church (True Gospel United Church of God) and several single-family dwellings. Mr. Downey gave the adjacent zonings that surround the property.

The current zoning district of Residential-Mixed (R-6) is established to provide higher density residential living opportunities with compact development consisting of the full spectrum of residential unit types where adequate public facilities and services are available. The R-6 is typically a 6,000 square-foot dwelling unit – very high density type of district.

Mr. Downey explained that the proposed zoning district of Light Industrial (LI) is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail type uses. LI districts should include areas which continue the orderly development and concentration of light industrial uses. A list of permitted uses for the LI Zoning District is included within the agenda packet.

The 2020 Land Use Plan Map does not identify a specific land use for the subject property. When considering the zoning of this property, current development trends and the surrounding zoning of the neighborhood should be considered.

Staff recommends that the Sanford City Council and Planning Board support this rezoning petition as it appears to be an extension of the existing, adjoining zoning district and is consistent with the current development in the area. The 2020 Land Use Plan Map does not identify a specific land use for the subject property.

The information presented at the 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. Anson O. Harrington, residing at 2875 Lower Moncure Road spoke in favor. He said they purchased the two lots in hopes that it would help the community and his business. He has no use for the lots now; however, he will clean them up, sow grass and may use them for equipment storage later. One of the lots is not good for building on. They just want to make them look nice for the City and he hopes it will encourage the neighbors to do the same.

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

#### Consideration of Seven Text Amendments to the Unified Development Ordinance – (Exhibit H)

Assistant Community Development Director Marshall Downey explained that these are corrective amendments for the most part except for one of them and they have been initiated by staff based on their review and interaction with the public.

#### Proposed Amendments 1, 2, 3 and 4 to Article 11 Sign Regulations

##### Proposed Amendment #1

Mr. Downey said that this amendment is in reaction to a state change. Staff recently adopted new legislation that allows for placement of political signs in state roadways/rights-of-way and in doing so, they set some new rules. Staff is updating our local rules to reflect what the state has mandated or is handing down throughout the state. There could be different standards for the city streets and Broadway; however, in discussing it with the joint planning commission, this issue would be complicated for candidates because they would not know which a state or city street is. The recommendation is to update the local rules for all political signs to match with the state rules.

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

Proposed Amendment #2

Mr. Downey explained that this amendment is a change to the sign ordinance. Staff discovered that we did not have language in our current UDO that addresses temporary construction signs and this amendment adds the language necessary in Section 11.7.18 Temporary Construction Signs.

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

Proposed Amendment #3

Mr. Downey explained that this amendment is to the sign ordinance. The current language dealing with real estate signs in the UDO was vague and did not include some feedback they have been receiving from the real estate community and property owners. The amendment adds language that allows for both the sale and lease of property as addressed in 11.7.12 Real Estate Signs (Off-Premise).

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

Proposed Amendment #4

Mr. Downey advised that this amendment corrects a typo. Staff recommends that Table 11-4 Standards for Sign Characteristics be revised to include “changeable copy” option for signs in the C-1, O&I, LI and HI grouping to include “P” for permitted as shown on the proposed amendment.

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

Proposed Amendments 5 and 6 to Appendix 1 Definitions and Table 4.6-1 Permitted Use Matrix

Mr. Downey explained that amendments 5 and 6 are basically a county issue. Staff has run into situations where people place an RV or travel trailer and use it as a permanent residence in rural areas. These proposed amendments include a definition that characterizes what travel-trailers/campers and motor homes are and adds the definition of a residence. It gives staff more ability when asked for clarification on this issue. Travel-trailers/campers and motor homes are only permitted in an approved travel-trailer park.

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

Proposed Amendment 7 to Article 5, Section 5.13.3 Agricultural Animals

Mr. Downey explained that this amendment is specific to Broadway. In October of last year, the Town of Broadway amended their town code to prohibit livestock. The UDO needs to be updated to reflect in Section 5.13.3 that livestock is no longer allowed in the Town of Broadway. It came to staff’s attention and after consultation with the city attorney and attorneys, that we realized after sending out the information in Council’s packet, that the City revised its standards to allow poultry in the City limits. Therefore, section 5.13.3 will be changed to read that no livestock is permitted within the town limits of the Town of Broadway. Staff will change the sentence to read swine and goats are not permitted in the City of Sanford.

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

*The Planning Board retired to the West End Conference Room.*

## **REGULAR AGENDA**

### **Consider Selection of Design Firm for Downtown Streetscape and Parking Lot**

- **Consider Motion to Take From the Table for Discussion Selection of Design Firm for Downtown Streetscape and Parking Lot**

Mayor Pro Tem Gaskins made the motion to take from the table for discussion selection of design firm Downtown Streetscape and parking lot. Council Member Rebecca Wyhof seconded the motion and it carried unanimously.

- **Consider Selection of Design Firm for Downtown Streetscape and Parking Lot – (Exhibit D)**

City Manager Hal Hegwer advised that this issue was discussed at Law and Finance. This is for the selection of a firm that staff recommended for the Downtown Streetscape and parking lot.

Council Member McNeil made the motion to accept staff's recommendation and select McGill and Associates as the design firm. Council Member Haire asked if this is the parking lot behind Chatham Street. Attorney Patterson clarified that this is to pick the engineer to do the design work. It was a request for proposals and a qualification process that staff went through to make this recommendation. The next two items, should you make the selection, is to enter into contracts for each of those two projects with this firm. This action is to make the selection. Mr. Hegwer added that this is not the contractor but the selection of a design firm for the project. Council Member Wyhof seconded the motion. Mr. Gaskins asked for clarification purposes the distinction between being able to select it via matrix and being able to send it out for bids. Mrs. Patterson replied that when you select a design professional, you are selecting a contract with an engineer, architect, or surveyor. Those are specified under state statutes that they are not to be given to the lowest bidder. You are looking for a qualified individual to do the work. You go through a qualification process where the different design firms submit information talking about their experience and their level of expertise in the area. An evaluation process is performed by staff and then determines which firm has the best ranking based on the evaluation of their qualifications. Then this information is submitted for the selection process without regard to price. Staff negotiates a price with the firm.

Mayor Olive said that following discussions with Downtown Sanford, Inc., the consensus was that Charlie Watson alley and the intersection of Carthage and Wicker Streets could be eliminated and the proceeds of that amount Council had appropriated could be used for the other projects. Mayor Olive asked if this motion includes those two things. Attorney Patterson replied that this motion is to select the design professional to do the work for these two projects. How you want to amend the projects or change the project scope can be done when you look at the contract amount which are the next two items under B and C on the agenda.

Mr. Hegwer added that we would pick the firm first and then decide on what scope of work you want to enter into in that contract. If you want to revise the scope of work, you can do it at that time.

Mayor Olive said that Progressive Contractor had offered to participate in the cost of the parking lot. She said that there was a letter written some time back and has it been clarified that the offer is still good. Mr. Hegwer replied that the letter should have been sent to Council. He spoke with Joni Martin, a representative of Progressive Contracting, and she said the commitment was still there. Mr. Haire clarified that their \$1 a year lease expires this May; it was from May 2002 to May 2012. Mr. Hegwer replied that this is the lease on the existing property that the City owns that we allow the lease for the improvements of the parking lot that exists as it is today. Mayor Olive said that a couple of times the comments have been made that the parking lot project would cost over \$200,000 that has been allocated. She asked where would the balance of the cost come from if we do not get the grant. Mr. Hegwer stated if we choose to improve the parking lot and it is to be a City-owned parking lot, then it would be the funds from the General Fund. The grant would allow us to take it to a new level in terms of environmental attributes that could be added to it for water quality, etc.

The vote was five to one in favor to select McGill & Associates for the design firm. Council Member Jimmy Haire cast the dissenting vote.

Consider Entering into Contract for Design of Downtown Streetscape

- Consider Motion to Take From the Table for Discussion Selection of Design Firm for Downtown Streetscape

Council Member Rebecca Wyhof made the motion to take from the table for discussion consider entering into contract for design of Downtown Streetscape. Mayor Pro Tem Sam Gaskins seconded the motion. The motion carried five to one in favor with Council Member Jimmy Haire casting the dissenting motion.

- Consider Entering into Contract for Design of Downtown Streetscape – (Exhibit J)

Public Works Director Vic Czar said that this is the contract that includes the design of Wicker Street and Carthage Street and Charlie Watson lane. If it is the pleasure of the board to remove the design of these two particular projects from this contract, the design firm is aware of this possibility. If Council makes that motion subject to those changes, staff will be glad to pursue them.

Mayor Olive asked if anyone wanted to make the motion to this effect with the amendment. No motion was made.

Mayor Olive asked if anyone wanted to make the motion to enter into a contract with the design of Downtown Streetscape. Mayor Pro Tem Sam Gaskins made the motion to enter into the contract with McGill and Associates. Council Member Rebecca Wyhof seconded the motion. Council Member Haire said he is not against the project; he is against the procedure. He did not think enough people knew about it that will be involved. He spoke with someone that has been in business for 31 years in Downtown

Sanford yesterday, and they knew nothing about it. It seems like there is not enough light on the subject.

The motion carried five to one in favor with Council Member Haire casting the dissenting vote.

Consider Entering into Contract for Design Services for Downtown Parking Lot and Street Improvements

- Consider Motion to Take From the Table for Discussion Contract for Design of Downtown Parking Lot and Street Improvements

Council Member Walter McNeil, Jr. made the motion to take from the table for discussion contract for design of Downtown parking lot and street improvements. Council Member L. I. "Poly" Cohen seconded the motion. The motion carried six to one in favor with Council Member Jimmy Haire casting the dissenting vote.

Mr. Haire said that he is afraid that if we get these plans, there will be no funding for it unless we get an enormous grant or the City pays for it. Mayor Olive stated that when this was discussed in the past, one of the options they had was to do this project on a piece-meal basis – pay as you go. In the Downtown study McGill and Associates prepared, they showed how to do the project incrementally. Mr. Cohen added that we can borrow the money and complete it, but then we have to stretch it out for 15 to 20 years to pay it back, if we cannot get the grant. Ms. Wyhof stated that her understanding is that we have to have these plans in place in order to apply for any grants in a meaningful way.

- Consider Entering into Contract for Design Services for Downtown Parking Lot and Street Improvements – (Exhibit K)

Mr. Hegwer advised that Council has selected a design firm; entered into a contract for the design of Downtown Streetscape. This is another contract with McGill and Associates for the design of the Downtown parking lot and street improvements associated with that parking lot.

Council Member McNeil made the motion to enter into a contract for design services with McGill and Associates for Downtown parking lot and street improvements. Seconded by Council Member James Williams, the motion carried in favor five to one with Council Member Jimmy Haire casting the dissenting vote.

**OTHER BUSINESS**

Mr. Hegwer stated that the City has been participating in the urban archery season for two years. The 2012 year has just been completed and will be on the website soon. There was a total of five deer harvested during 2011. If Council has no objections, he will renew the form to participate next year and send it in.

Mr. Hegwer reminded everyone of the retreat in the morning at 8:30 A.M., in the West End Conference Room.

Mayor Olive reminded everyone that U. S. Senator Kay Hagan will be at the Central Carolina Community College tomorrow afternoon at 2:30 P.M. to tour the facility.

Mayor Olive asked Council if they could meet with the Lee County Environmental Affairs Board on Thursday, March 1, or Thursday, March 8, at 5:15 P.M, in the West End Conference Room to discuss hydro-fracking. She asked Council to let City Clerk Bonnie White know their wishes.

Mr. Haire said there was a gentleman in Raleigh that would like to come before Council and speak on fracking. Mr. Hegwer said that he could come on March 1 or March 8.

**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 Council Member L. I. "Poly" Cohen, seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Respectfully submitted,

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CORNELIA P. OLIVE, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK