

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, April 17, 2012, at 7 P.M., in the Council Chambers. The following people were present:

Mayor Pro Tem Sam Gaskins	Council Member L. I. (Poly) Cohen
Council Member James Williams	Council Member Charles Taylor
Council Member Walter H. McNeil, Jr.	Council Member Rebecca Wyhof
Council Member Jimmy Haire	City Clerk Bonnie D. White
City Attorney Susan C. Patterson	City Manager Hal Hegwer

Absent:
Mayor Cornelia P. Olive

Mayor Pro Tem Sam Gaskins 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 stated that Item D-Public Hearing on Local Historic Landmark Ordinance Application (To be Held Jointly with the Historic Preservation Commission) needs to be removed from the agenda.

Council Member Rebecca Wyhof made the motion to approve the amended agenda. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

CONSENT AGENDA

Approval of Law and Finance Committee Meeting Minutes Dated March 14, 2012 – (Filed in Vault)

Approval of City Council Meeting Minutes Dated March 20, 2012 – (Filed in Minute Book)

Approval of Resolution Authorizing Installment Purchase Financing for Street Improvements – (Exhibit A)

Resolution was approved authorizing Finance Director Melissa Cardinali to request installment purchase financing bids to finance street improvements. Resolution sets a cap on the borrowing of \$950,000.

Approval of Reimbursement Resolution–Street Resurfacing – (Exhibit B)

Reimbursement Resolution was approved that states the City cannot reimburse itself for more than \$220,000 for the street resurfacing project on Wilkins Drive. The project will be financed through installment purchase financing.

Approval of Award of Bid for Wilkins Drive Rehabilitation Project to Raleigh Paving-(Exhibit C)

Raleigh Paving was awarded the Wilkins Drive Rehabilitation Project in the amount of \$161,043.

Approval of Planning Firm (Alta Greenways) for Bicycle Plan – (Exhibit D)

Alta Greenways Planning Firm was selected to be the design firm for the bicycle plan. The City received a grant from the NC Department of Transportation several months ago for a bike plan. It is an 80/20 match. It is a bicycle plan for all of Sanford, Lee County, and Broadway. It will become a part of the permanent Master Comprehensive Transportation Plan.

Approval of Resolution to Temporarily Close a Portion of Dalrymple Street – (Exhibit E)

Resolution was approved to close a portion of Dalrymple Street on April 28 from 3 P.M. to 8 P.M. for the purpose of holding a Car Show and Cruise-In at the Brick City Grill.

Council Member L. I. “Poly” Cohen made the motion to approve the consent agenda. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

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

Public Hearing on Petition Requesting Contiguous Annexation of Approximately 47.38 Acres of Property Owned by Bobby A. Branch and wife, Elizabeth Branch; BA Branch Properties; Camel Saddle Properties, LLC; ACA/PJA, LLC; and Kevin H. Wind, located at the Intersection of Tramway Road and Jefferson Davis Highway. – (Exhibit F)

Administrative Assistant Angela Baker explained that on February 21, 2012, the City of Sanford received a petition from Bobby A. Branch and wife, Elizabeth Branch; BA Branch Properties, Camel Saddle Properties, LLC; ACA/PJA, LLC; and Kevin H. Wind, for annexation. An annexation boundary survey map prepared by Larry K. Allen was submitted with the petition. On March 20, 2012, the City Council of Sanford adopted a resolution directing the City Clerk to investigate the sufficiency of the petition. On April 3, 2012, the City Council received a Certificate of Sufficiency from the City Clerk and adopted a resolution setting the date for a public hearing on the question of annexation of the property for April 17, 2012, at 7 p.m. in the Council Chambers of the Sanford Municipal Building.

She advised that at least 10 day’s notice of the public hearing was given by publication in the *Sanford Herald* on April 6, 2012. The property owner was mailed a copy of the notice on April 5, 2012. City staff in the Police, Fire, Public Works, Engineering, and Finance Departments was also notified of the proposed annexation.

The annexation area lies in the Tramway Fire Department District and a request for financial information was sent to the Tramway Fire Department on March 21, 2012. At this time, staff has not received a response from them.

The acreage of this parcel is 47.38 acres and is located at the intersection of Tramway Road / NC Hwy 78 and US Hwy 1 / Jefferson Davis Hwy with road frontage on both Tramway Road and Jefferson Davis Hwy.

If the property is annexed, City services will be extended to the new area in the same manner and on substantially the same basis that they are provided to the rest of the City. The subject property appears to have access to public water, and the extension of public sanitary sewer to serve this site has been proposed by the developer. The annexation area is currently undeveloped. Upon development, the City will have to provide garbage, recyclables, leaf and limb, and bulk trash collection for the proposed area. City Police are already providing patrol and other police services within the Tramway area, which is adjacent to the annexation area. Patrols will be extended into the annexation area as development occurs. 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 Rd). The average response time to the area of proposed annexation is six to eight minutes. The City ordinance will not allow burning of stumps and debris from land clearance within 1,000 feet of a dwelling.

She advised that no additional costs are anticipated to serve the annexation area in its undeveloped state, unless a brush fire or some other activity occurs on the property that requires investigation.

The assessed value of the annexation area is \$1,525,400. The annual revenues at this time would be \$8,237.16. The tax value is accurate for the area in its undeveloped state. If developed the value would increase substantially. The proposed area is to be rezoned tonight after the adoption of the ordinance to extend the corporate limits.

Mayor Pro Tem Sam Gaskins opened the public hearing.

Mark Lyczkowski, residing 3023 Carrington Lane, spoke in favor of the project. He is the project manager for Bobby Branch and his wife, Elizabeth, for this project. They are very excited about the opportunity this proposes for the City of Sanford and they feel it will be a great asset for the citizens. He feels Sanford is behind on the retail curve and nice restaurants. Mr. Lyczkowski said there have been a lot of rumors he wanted to put at rest; there are no contracts for any stores. There are discussions with several users and some of them are fast foods. They want to get the site prepared, annexed and rezoned for the uses they want to do. There is a lot of engineering and design work that has to take place. Before they show this site to some of the businesses, they need to have it site ready.

Albert Adcock, residing at 1414 Gormly Circle, spoke in favor. He complimented Mr. Branch and Mr. Lyczkowski on putting together a nice tract of land. They have worked very hard on getting this together. It is time to get sewer to the property and get it rezoned. The project will create more jobs and increase the tax base for the City. It will also create some stores where the citizens can shop and not go to Raleigh and Cary. He encouraged Council to rezone this property.

Laurie McCauley, residing at 5800 Bryan Drive, spoke in opposition. Ms. McCauley said she is one of the oldest members of the Tramway community because she has lived there the longest; she lives in Breezewood Acres. Ms. McCauley stated that she missed the neighborhood meeting that was held at the Fire Department that was held by City staff. She felt they were going to lose their community atmosphere. She has a child with disabilities and her residence has been a perfect place to raise her children. She wanted to know how it will affect the dogs and cats in that community; also, have mice and rabbits are coming in since the construction. Ms. McCauley expressed concern about the wetland areas and what will it do to her property where she lives and her septic tank. She expressed concern about the increased traffic flow and asked where the school buses will turn around. She asked questions about the wetlands and if there would be issues with flooding.

Mr. Lyczkowski came back to the podium and addressed Ms. McCauley's concerns. He said the wetlands are basically across the street from where the Laundromat is located on Highway 78 and the wetlands will not affect her in any adverse way with her lot. He explained that he has petitioned to the state to get a wetlands permit. Mr. Lyczkowski said that the area they plan to disturb sits across the street from the Laundromat. The group of trees where the area is undisturbed is where the pocket of wetlands is located. The reason that they want to disturb them is they have submitted a traffic analysis to the State of North Carolina. The State has required them to put their main entrance through those wetlands because it is 950 feet to 1,000 feet from the intersection. The D.O.T. will not allow them to have their main ingress and egress close to U. S. Highway #1, so they had to move their main entrance all the way down Highway 78, which dissects and cuts the wetlands in half. In order to do this, they have petitioned the State for an individual permit, which takes up to six months to get. When you apply for an individual permit, they contact each individual residence that adjoins the property; this is the reason the residents have been notified.

- Consider Ordinance to Extend the Corporate Limits of the City of Sanford, North Carolina – (Exhibit G)
Council Member L. I. "Poly" Cohen made the motion to approve the Ordinance to Extend the Corporate Limits of the City of Sanford, North Carolina. Seconded by Council Member James Williams, the motion carried unanimously.

City Manager Hal Hegwer asked Ms. McNeill to explain the continued review of the site and how it works with this project. Ms. McNeill said that the site is proposed to be developed commercially, probably as a shopping center. This will require outparcels to be created so the property will be subdivided. The division of the property will come back before the Planning Board and City Council. The Planning Board and Council will have a chance to review the way the property is proposed to be divided and it will have to meet the City's local subdivision ordinance. In addition, the commercial aspect of the property (the development of the site) will be reviewed. It depends on how the developer proposes it to staff. The developer may propose it all at one time so that they can see everything that is happening on every section of land or he may propose it to staff one or two lots at a time; it depends on how he stages the project over time. Each aspect of this project will be reviewed for compliance with the local zoning ordinance for setback compliance, landscaping compliance, maximum pervious surface ratio, so they will make sure that once the property is developed, it is developed as per our local zoning

ordinance. The developer will have to secure any state approvals including the North Carolina Department of Transportation approval, U. S. Army Corp of Engineer approvals for wetlands, and the Division of Water Quality approvals for the water quality on site (the retaining aspect of it). Even after the annexation and rezoning, if approved, there is a whole technical level that comes next. This is the big picture and it gets down to the very technical details and aspects of it once the developer knows how he would like to propose it to be developed.

Application by Bobby A. Branch - to rezone 47.38 acres +/- of land located in the southeastern quadrant of the intersection of Tramway Road/NC Hwy 78 and Jefferson Davis Hwy/US Hwy 1/15-501, from Highway Commercial (HC), Residential Agricultural (RA) and Residential Restricted (RR) Zoning Districts to General Commercial (C-2) Zoning District The property is the same as depicted on Tax Map 9631.04, as Tax Parcels 9631-43-9947-00, 9631-53-6941-00, 9631-54-9199-00, 9631-63-0437-00,9631-52-8917-00, 9631-53-7122-00, 9631-53-6225-00, 9631-53-5424-00,9631-52-5911-00, 9631-53-4038-00, 9631-53-3301-00, 9631-53-0283-00,9631-43-7372-00, 9631-43-7176-00, 9631-43-7076-00, 9631-42-7949-00, 9631-42-7846-00 and 9631-42-6795-00 Lee County Land Records. – (Exhibit H)

Planner II Amy McNeill stated that this is the property that was just annexed into the corporate City limits. It consists of eighteen tracts of land, totaling 47.38 acres located in the southeastern corner of the intersection of Tramway Road / NC Hwy 78 and US Highway 1 Jefferson Davis Highway. Recently, the property owners have decided to move forward with this proposed project and have submitted for Council's consideration an official request to rezone the subject property to the General Commercial (C-2) Zoning District, a commercial zoning district that is prevalent in the area.

There is a wide range of uses within this area which includes a shopping center, convenience stores with gas sales, a pharmacy with retail sales, a fast food restaurant, a bank, a laundry mat, a church and single-family dwellings. The McDaniel Farm Subdivision and Cheshire Farm Subdivision, both of which are residential single-family subdivisions, adjoin the site to the south.

Ms. McNeill stated that the adjacent zoning in the area ranges from General Commercial (C-2) to Residential Restricted (RR). There is also Residential Agricultural (RA) and some Highway Commercial (HC) on the opposite corner. She displayed a map which showed the zoning of the properties surrounding the site.

The proposed zoning district of General Commercial (C-2) 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.

The 2020 Land Use Plan identifies this area as an interchange highway node, which identifies a major mixed use area of retail/service center of over 200,000sf with additional major office and business park employment. Development at a highway node should be sited and designed as a community gateway. When considering the zoning of this property, current development trends and the surrounding zoning of the neighborhood should also be considered.

She reiterated that staff held a Public Informational Meeting on April 10, 2012, at the Tramway Fire Station to discuss this proposed rezoning with the adjoining property owners and any/all interested parties. Approximately 30 people attended the meeting and the primary concerns appeared to be traffic congestion, providing a buffer between the existing residential development and the proposed commercial development, and protecting an existing pond on an adjoining lot from pollution associated with the proposed commercial development.

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 at the public hearing may provide additional information that should also be considered regarding a final decision on the requested zoning map amendment.

Council Member Williams asked about the buffer required for this site. Ms. McNeill replied that there is a minimum requirement, either a 15 or 20 feet landscape buffer, between the adjoining residential property and the commercial property and it will have to be installed on the commercially developed property. Also, if there is existing vegetation, staff encourages the developer to leave the existing vegetation; he may have to plant some trees in that area to meet the intent of the buffer, but we certainly do not encourage them to remove mature trees and plant small ones in their place. The property owner did indicate that if there was any existing vegetation there, he would be willing to leave that in addition to any required landscaping.

Mr. Williams asked about the existing pond. Ms. McNeill replied that the existing pond is located northeast of the site on the adjoining lot. The developer explained that even though we have not seen a site plan, there would be a large stormwater pond required to be placed at the rear of the development that would catch the runoff water from the parking lot and hold it there; thus, preventing the pond on the adjoining property from being polluted.

Mr. Williams asked if we have to inspect it to make sure it is done. Ms. McNeill replied no; our zoning ordinance does not address stormwater retention. We rely on the North Carolina Department of Water Quality to do that for us.

Mayor Pro Tem Gaskins opened the public hearing.

Mark Lyczkowski, residing 3023 Carrington Lane, spoke in favor of rezoning this land to C-2. He said the reason they want to rezone the entire tract of land to C-2 is because they want to be able to present the complete project to potential buyers about possibly locating in that area. The rezoning would be in harmony with both intersections.

A child, Brianna Hickerson, residing at 2901 Cheshire Drive, spoke in opposition. She said the stormwater pond is right in the back of their backyard and they used to have trees they would play in and now that is gone and there is just a pile of dirt. That is their backyard. She is worried about the noise it will cause from this project.

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

Application by John Wyatt - to rezone one 2.067 acre +/- tract of land addressed as 1006 Goldsboro Avenue, from Office & Institutional (O&I) Zoning District to Light Industrial (LI) Zoning District. The property is the same as depicted on Lee County Tax Map 9652.05, as Tax Parcel 9652-18-5439-00 Lee County Land Records. – (Exhibit I)

Planner II Amy McNeil, stated in February of 2012, a local contractor met with staff to express interest in converting an existing vacant manufacturing facility into a contractor's office with outdoor storage. After a general discussion of the site design requirements and the rezoning process, the interested party conferred with the property owner, who then submitted an official request to rezone the tract of land to the Light Industrial (LI) Zoning District, which permits a contractor's office with outdoor storage subject to the site design standards within the UDO (Unified Development Ordinance) and upon issuance of a Special Use Permit by the City of Sanford Board of Adjustment.

It should be noted that the subject property was developed in 1960 prior to the adoption of a zoning ordinance by the City of Sanford in 1967, at which time this site appears to have been zoned Light Industrial due to the nature of the existing development. In 2005, the subject property was rezoned from Light Industrial (LI) to Office & Institutional (O&I) with the intent of opening an after-school program at this location. At this time, the property owner is requesting to rezone the property back to the original zoning district of Light Industrial.

The subject property is one 2.06 acre +/-tract of land, located on Goldsboro Avenue between S. Seventh Street and E. Rose Street. The site is developed with a 13,000sf manufacturing facility, which is currently vacant. It appears to have access to public water, public sanitary sewer, and public streets.

Uses in the area are primarily residential in nature and include single-family dwellings, a duplex and some multi-family buildings.

Morningside Presbyterian Church is located west of the site at the intersection of S. Seventh Street and Goldsboro Avenue but there are no other commercial buildings or businesses located within the immediate area. The adjacent zoning to the north, south, east, and west are Residential Mixed (R-10).

The current zoning district of Office & Institutional (O&I) is established to provide for agencies and offices rendering specialized services and traditional institutional functions (both public and private) including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities and charitable institutions. A list of permitted uses for the O&I Zoning District is included within the agenda for Council's reference.

The proposed zoning district of Light Industrial (LI) district is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. However, these standards do not apply to this

existing situation because the building was there prior to the adoption of the zoning for the City of Sanford and prior to the adoption of the UDO. So the current standards that we use to rezone properties do not apply in this case. This case is a little bit unusual.

If rezoned to LI, the proposed use as a contractor's office with outdoor storage requires a Special Use Permit to be granted by the City of Sanford Board of Adjustment prior to the redevelopment of the site; however, it should be noted that if rezoned, all of the uses permitted in the LI district would be allowed and any future redevelopment of the subject property will be required to meet the current development standards of the UDO (Unified Development Ordinance).

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

Ms. McNeill advised that staff recommends that the City Council and Planning Board support this rezoning petition, as it appears to be reasonable and in the public interest based on the development of the site as a manufacturing facility prior to the adoption of a zoning ordinance by the City of Sanford, the availability of public water & public sewer, and the fact that the site was formerly zoned Light Industrial (LI). Please note that 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.

Council Member Jimmy Haire asked if there will be any loud night-time noise. Ms. McNeill replied they do not regulate hours of operation, only land use. Currently, the property is zoned Office and Institutional so a contractor's office could be located but could not have outdoor storage. In order to have outside storage, if rezoned, the next step would be the Special Use Permit issued by the Board of Adjustment.

Mayor Pro Tem Gaskins opened the public hearing.

Andrew Miles, of 160 Cow Path Crossing in Siler City, representing American South General Contractors at 1378 McNeill Road, spoke in favor. He said their intent with this property is to use it as their warehouse and to temporarily store their mobile offices and storage trailers, which are basically a tractor-trailer storage van. They need a place to put them when they are in between jobs. The outside storage portion is not going to be a bunch of lumber and building materials or blocks stacked up on the lot. The hours of operation are minimal. As a warehouse, they have a couple of men who are over there at any given time taking material in or removing material. Their normal hours of work are 7:30 A.M. to 3:30 P.M. This property was previously Light Industrial and this building has been vacant for some time. The property will be improved and cleaned up. They have a solar-panel manufacturing company that they may at some point put at this location. It is basically an assembly-process; it is not heavy manufacturing. It does not take a lot of manpower to do what they plan to do. It will be minimal staff.

Mr. Miles lives at 160 Cow Path Crossing in Siler City.

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

The Planning Board retired to the West End Conference Room.

Public Hearing on Local Historic Landmark Ordinance Application (To be held jointly with the Historic Preservation Commission)

This item was removed from the agenda.

- Consider Adoption of Ordinance Designating the Isenhour House – 318 Summitt Drive as a Local Landmark – (Exhibit J)

REGULAR AGENDA

Approval of Resolution in Support of National Day of Prayer – (Exhibit K)

City Manager Hal Hegwer stated that this resolution is in support of National Day of Prayer set for May 3.

Council Member Charles Taylor made the motion to adopt the Resolution in Support of National Day of Prayer. Seconded by Council Member Jimmy Haire, the motion carried unanimously.

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

OTHER BUSINESS

Council Member Rebecca Wyhof thanked the public for attending the “We Love Sanford” Day of Remembrance for the tornado that occurred a year ago this week that was held at Depot Park this past weekend. The event highlighted what brings everyone together as a community and the heart and spirit of what happened that day. She said it was a great event.

Council Member Jimmy Haire stated that if the building on Goldsboro Avenue was not there, he would not be here. It operated as Wyatt Knitting. His father came to Sanford in 1947 at the end of World War II to work at Wyatt Knitting.

Council Member Charles Taylor said that we have gone through the year anniversary of the biggest tragedy that hit our community and yet we are still so far in some efforts, in particularly, Lee Avenue. We are within a 60 to 90 day window of Static Control returning to their headquarters. We have people, internationally, who are coming by to see the new headquarters and when you look across the street, you see the ruins that are still left behind. There was an auction held and the bid was not accepted. He hopes we can pursue any options available to clean it up. There are some environmental concerns on that property.

Mr. Hegwer stated that staff will look into this matter.

ADJOURNMENT

With no further business to come before the council, the meeting was adjourned on motion of Council Member L. I. "Poly" Cohen, Jr., seconded by Council Member Charles Taylor, the motion carried unanimously.

Respectfully submitted,

CORNELIA P. OLIVE, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK