

Council Meeting  
1.15.13

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 15, 2013 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 Jimmy Haire	Council Member Walter H. McNeil, Jr.
Council Member James Williams	Council Member Rebecca Wyhof
Council Member Charles Taylor – Participated by telephone	
City Manager Hal Hegwer	Deputy City Clerk Janice Cox
City Attorney Susan Patterson	

Absent: Mayor Cornelia Olive  
City Clerk Bonnie White

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 one signed up for public comment.

**APPROVAL OF AGENDA**

The Council Agenda was unanimously approved upon motion of Council Member Poly Cohen and seconded by Council Member Walter McNeil.

**CONSENT AGENDA**

Approval of City Council Retreat Minutes Dated February 22, 2012 - (Filed in Minute Book 77)

Approval of City Council Retreat Minutes Dated February 29, 2012 – (Filed in Minute Book 77)

Approval of City Council Minutes Dated November 20, 2012 – (Filed in Minute Book 77)

Approval of Law and Finance Committee Meeting Minutes Dated December 12, 2012 – (Filed in City Clerk’s office)

Approval of Changes to Sewer Use Ordinance – (Exhibit A)

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford – (Exhibit B)

Approval of Grant Project Ordinance Amendment Wagon Trail Road Waterline Extensions - (Exhibit C)

Approval of Resolution Supporting and Authorizing the Submittal of a PARTF Application to the North Carolina Division of Parks & Recreation for the Purposes of Developing the Medical Mile Greenway Extension to the Endor Iron Trail – (Exhibit D)

Approval of Banking Services Contract Recommendation - (Exhibit E)

The Consent Agenda was unanimously approved upon motion of Council Member James Williams and seconded by Council Member Poly Cohen.

### **SPECIAL AGENDA**

**Proclamation Honoring the Life and Community Service of Lantie D. Kitts – (Exhibit F)**

Mayor Pro Tem Sam Gaskins read and presented a proclamation honoring the life and community service of Lantie D. Kitts to Mr. Kitts's wife, Thelma Kitts. Mr. Kitts had served his community in many ways including terms on the Board of Adjustment, the Sanford Housing Authority, the Board of Appeals, and the Historic Preservation Committee.

### **CASES FOR PUBLIC HEARING**

**Application by Sixto Alvarez Mendoza and Eunice F. Alvarez—to rezone three tracts of land totaling 1.07 acres +/- located in the southeastern corner of Dalrymple Street and Stone Street, with one tract addressed as 2215 Dalrymple Street and two adjoining vacant lots formally addressed as 2211 and 2213 Dalrymple Street, from Residential-Mixed (R-6) Zoning District to General Commercial (C-2) Zoning District. The property is the same as depicted on Lee County Tax Map 9652-52-5776-00 Lee County Land Records – (Exhibit G)**

Planner II Amy McNeill explained that in December 2012, Mr. Mendoza submitted a rezoning petition requesting to rezone the subject property to a commercial zoning district to allow for the redevelopment of the site as a commercial business. It is the understanding of staff that Mr. Mendoza would like to convert/develop the site into a retail type business and perhaps even demolish the existing house and construct a commercial building with several lease spaces and associated site improvements, such as parking and landscaping. See Exhibit F for site description.

Yesterday, staff received a written request from Mr. Mendoza to amend his request in order to rezone from Residential-Mixed (R-6) to Neighborhood Commercial (NC) and not to General Commercial (C-2) per his original request. Adjacent properties are either zoned R-6 or C-2. R-6 Zoning is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. R-6 supports the principles of concentrating urban growth and reinforcing existing community centers.

The subject property does not appear to be located within a Watershed Conservation Overlay District, a Flood Hazard Area, the 421 Bypass Corridor, a designated historic district or an area included within the adopted small area plans or neighborhood plans. The property is located within an area illustrated on the 2007 Lee County Comprehensive Transportation Plan as having a recommended minor thoroughfare going through the site; however, there is currently no

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funding available and no further studies completed for this possible future street. Also, Stone Street adjoins the site and is already constructed and in use.

The 2020 Land Use Plan map identifies the property as Mid/High Density Residential-Office. The purpose of this classification is to identify areas which are appropriate for medium and high density residential development, including single family, duplexes, and multi-family developments, as well as office development. Ms. McNeill noted that when considering the zoning of this property, current development trends and the surrounding zoning of the neighborhood should also be considered.

Ms. McNeill stated that given the property's proximity to Horner Boulevard, the volume of traffic that appears to use this section of Dalrymple Street as a cut-through from the main street to South Horner Boulevard and given the definition of Neighborhood Commercial, it was decided that Neighborhood Commercial zoning district was more appropriate. Information presented during the public hearing should also be considered in the final decision.

Council Member Williams asked if a neighborhood meeting had been held. Ms. McNeill replied that there had not been one.

Mayor Pro Tem Gaskins opened the public hearing. Following are comments from people who spoke: – (Exhibit H)

Ms. Alvarez, daughter of the applicant, Sixto Alvarez Mendoza, spoke on behalf of her father in favor of the rezoning. Mr. Alvarez is addressed at 988 Frank Wicker Road, Sanford, NC. She stated that her father was trying to get the property rezoned to place his own business on the property that he thought would help other people.

Josiah Blue of 6515 Tarryton Road, Fayetteville, NC spoke against the rezoning. He stated that he and his wife, Theresa Blue, own a property at 2217 Dalrymple Street. He stated there was no commercial in the vicinity of where residents live and that everything that is commercial in this tract is located at the corner of Dalrymple and Horner Boulevard or corner of Dalrymple and Main Street. He stated that if this property is rezoned, it will be right in his back door at 2217 Dalrymple and regardless of the type of business he puts there, it would create more traffic and there is a lot of traffic on that street as it is.

Montrose Williams Simmons of 2218 Dalrymple Street spoke against the rezoning. She stated that the traffic is very busy at the intersection of Dalrymple Street and Stone Street and that children use that way to walk to and from school. Sometimes, it takes her fifteen to twenty minutes to get out of her driveway. She stated that the speed limit should be 35 MPH, but most people drive 55 to 60 MPH on that street. She stated that rezoning this property would create more accidents and the traffic would be horrendous, and it is already congested.

Allen McLean of 1513 Winterlocken Drive spoke against the rezoning. He stated that he owns property at 2219 Dalrymple Street. He asked if was an advantage for the property owners to have the Alvarez property commercialized and asked if he could be told what kind of business would be put on the rezoned property. City Attorney Patterson stated that when Council rezones

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a property, they need to consider all the zoning activity that can be under that zoning category. Mr. Alvarez can tell them if he so desires. Speaking, again, for her father, Ms. Alvarez stated they were not going to do anything bad, but wanted to sell retail clothing and maybe later on, shoes. Mayor Pro Tem Gaskins explained to the current speaker that these were the plans now, but the property owner would be able to have any of the allowed businesses in the rezoning category. Mr. McLean stated that was his worry. He stated he was not against anyone making a living. He would be all for it if it helps the value of his property, but if it going to make it suffer, he does not want any part of it.

Theresa Blue, who resides at 6515 Tarryton Road, Fayetteville, NC, spoke against the rezoning. She stated that the property at 2217 Dalrymple Street is home where she was raised and that she and her sister now own that property. One of the properties for rezoning is next door. She stated that she and her family get together there often, and to have a business right in her back door will make the traffic worse on that narrow street. She stated she had to wait five minutes Saturday night at 8:30 just to drive out of the driveway due to the heavy traffic.

James Reives of 2201 Dalrymple Street spoke against the rezoning. He stated that his property is separated by South Stone Street and the property to be rezoned. South Stone goes to the ABC store and from 5:00 to 9:00 P.M., you can't get out of your driveway for cars going there. If Mr. Alvarez puts a store there, it will make it rough on the people who live there.

Beverly McLeod of 414 East Stone Street spoke against the rezoning. She stated that Mr. Alvarez's land is right beside her house and they don't want a retail store at this location because of traffic. She stated that the ABC store gets their detectives to come and clean up the yard.

Ms. Alvarez explained that Mr. Alvarez's business is on the corner and there are four roads they can take. She stated that the property is more commercial than neighborhood. Right beside the property is a gas station and the ABC store. There is only one house behind the property. They plan to open and close with business hours. She does not see how this business will affect that with four roads. She stated that having a business there will help the value of their properties.

Montrose Simmons spoke again, saying the property they bought only has the ABC store there with no other businesses close by.

Council Member Haire stated that the application used the term "Strip Center" and asked if they were proposing more than one store. Ms. Alvarez stated that it would be just one. He asked where parking would be and which direction the store would face. Ms. Alvarez stated he was trying to find an architect to tell him where the best places would be for the store and parking.

Theresa Blue spoke again saying that her property at 2217 is right next door to the property they are talking about, separated only by a row of hedges. The business would be right beside her. She asked where the parking would be.

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Council Member Williams asked Ms. McNeill to explain the main difference between Neighborhood Commercial and General Commercial and if there would be a buffer. Ms. McNeill stated that she has a colleague who has created a list comparing the two. She will provide it for him. She stated that Horner Blvd. is mostly General Commercial (C-2) which allows for the widest range of service and retail uses. Neighborhood Commercial narrows that down by not allowing the big box stores or stores with the higher traffic counts. Neighborhood convenience stores are still allowed. A buffer would be required. Against the residential property next door, there would be a 15' landscape buffer. Against the commercial property to the east, an 8' landscape buffer would be required. Along Dalrymple and Stone Street, 8' of street-yard landscaping would be required.

Mr. Williams explained that the reason he had asked about having a neighborhood meeting was for the benefit of the people present tonight so they could know what the differences are and about the buffering. Ms. McNeill explained that if she had received phone calls from the number of people present tonight, a neighborhood meeting would have been scheduled. She did not receive any phone calls, so she did not know of any concerns or opposition until right before the meeting.

Theresa Blue spoke again stating that she had received no notice about any of this. She found out about it when she came to Sanford on Saturday. Nothing came to 2217 Dalrymple about the public hearing.

Montrose Simmons spoke again. She stated that she received her letter about Mr. Alvarez changing his request on Saturday, but most of her neighbors did not get a letter. She stated they could not notify someone that they wanted to have a neighborhood meeting when they, themselves, had not been notified.

Ms. McNeill stated that letters were mailed to adjoining property owners as per the tax records of Lee County. Signs were posted on the property with a phone number at the bottom. Two ads were run in the Sanford Herald. All the letters did go out for the original request of C-2. The two classifications are so similar that she was not required to send another notice in that regard. She stated she had not received any return mail regarding this request.

Mayor Pro Tem Gaskins closed the public hearing.

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

Hearing on Program Amendment 2009 Community Development Block Grant Program Maple Avenue Community Revitalization – (Exhibit I)

Community Development Manager Karen Kennedy stated that this project is down to the final stages. She is requesting line item transfers to categorize the areas in which the money was used. Three of the targeted homes did not receive grant funds as the landlord was not interested. These three houses along Fifth Street had to be put under Code Enforcement rather than Rehabilitation.

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Mayor Pro Tem Gaskins opened the public hearing. No one spoke in favor or against the amended project at the public hearing. Council Member Williams asked the addresses of the three homes. Mrs. Kennedy stated 213, 215, and 217 between McIver and Maple Streets. Mrs. Kennedy invited Council members to ride down Maple Street and look at the work that has been done, particularly the park. Mayor Pro Tem Gaskins closed the public hearing.

- Consider Authorization for Mayor to Execute Amendment Documents for Submission to Division of Community Assistance  
Council Member Rebecca Wyhof made a motion to authorize the mayor to execute amendment documents for submission to the Division of Community Assistance. Seconded by Council Member Walter McNeil, the motion passed unanimously.

**DECISIONS ON PUBLIC HEARINGS**

Application by T. L. Stewart Builders, Inc. – to rezone two tracts of land totaling 2.16 acres +/-, with one tract addressed as 2203 Woodland Avenue and an adjoining vacant lot, from Residential-Mixed (R-12) Zoning District to Woodland Storage Conditional Zoning District to allow for the development of a mini-warehouse storage business. The property is the same as depicted on Lee County Tax Map 9652.18, as Tax Parcels 9652-31-3881-00 and 9652-31-5897-00 Lee County Land Records – (Exhibit J)

Assistant Community Development Manager Marshall Downey reviewed the application and stated that the Planning Board recommended, by a unanimous vote, to approve the request by Terry L. Stewart to rezone two tracts of land totaling 2.16 acres as stated above.

- Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Exhibit K)  
Council Member Poly Cohen made the motion to approve the Ordinance amending the official zoning map of the City of Sanford as stated above; seconded by Council Member Walter McNeil, the motion passed unanimously.

**REGULAR AGENDA**

Consider Appointment to the Historic Preservation Commission (Term Expires June 30, 2015) – (Exhibit L)

City Attorney Patterson stated that there were two applications for this position and Council could select either one of the two or decline both. City Manager stated that the position had been advertised. After discussion, Council Member James Williams made the motion to table the appointment until more information can be received on applicants or additional applicants come forth; seconded by Council Member Rebecca Wyhof, the motion passed unanimously.

**OTHER BUSINESS**

Council Member Jimmy Haire asked if the applicants for the appointment to the Historic Preservation Commission could be contacted by Council members. Mayor Pro Tem Gaskins responded that they could.

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By telephone, Council Member Charles Taylor paid tribute to Mr. L. D. Kitts for his dedicated community work. Mr. Taylor also stated that the Mining Board would be meeting in Sanford and he encouraged other Council members to attend. He stated that the mayor's comments made in jest regarding the county at the recent employee luncheon were communication killers.

Council Member Walter McNeil stated that the Jonesboro Parking Lot was coming along with the curb and gutter now being installed.

**ADJOURNMENT**

Having no further business to come before the council, the meeting was unanimously adjourned upon motion by Council Member James Williams and seconded by Council Member Poly Cohen.

Respectfully Submitted,

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CORNELIA P. OLIVE, MAYOR

ATTEST:

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Janice Cox, Deputy City Clerk