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, August 20, 2019, at 6 p.m., in Council Chambers. The following people were present:

Mayor T. Chet Mann
Council Member Byron Buckels
Council Member Jimmy Haire
Council Member Charles Taylor
City Manager Hal Hegwer
Deputy City Clerk Vicki Cannady

Mayor Pro Tem Rebecca Wyhof Salmon
Council Member Sam Gaskins
Council Member James Williams
Council Member Norman Charles Post, III
City Clerk Bonnie Davis
City Attorney Susan Patterson

CALL TO ORDER

Mayor Mann called the meeting to order. Council Member led the invocation. The Pledge of Allegiance was recited.

PUBLIC COMMENT (Exhibit A)

Steven Mullins, 1503 Old Carbonton Road, Sanford, informed Council that he has had problems with flooding on his property located at 1503 Carbonton Road and requested that the City and County implement procedures requiring developers to contain rainwater and implement a stormwater management program to protect property (see attached Exhibit B).

James Edwards, 1911 Longwood Avenue, Sanford, stated that he has lived on Longwood Avenue for 36 years and expressed support for the proposed ordinance limiting the total number of dogs and cats in a household to eight. For seven years, he has lived directly across the street from the resident who had a very large number of animals and there have been problems with odor and barking. He requested support for neighborhood residents and noted that allowing 30 animals in a household would result in 1,500 animals in a neighborhood of 50 houses and since this Council has discussed higher residential density, this could be a problem.

Mark Sessoms, 1912 Longwood Avenue, Sanford, expressed support for the proposed ordinance. He lives beside the house that had a large number of dogs and for the past seven years, he has had problems due to barking, can’t use his rear yard because of the odor and noise, and can’t enjoy his property. He encouraged Council to listen to neighborhood residents.

Lynda Turbeville, 1514 Briarcliffe Drive, Sanford, stated that she is concerned with the proposed ordinance for several reasons, including the fact that no provision is included for those who temporarily house animals and she may be in violation when rescues are counted along with her own animals. She questioned how the ordinance will be enforced since there is no registration system for animals in Lee County and whether a “grandfather” clause would address situations where people had more than eight animals prior to the effective date of the ordinance. She suggested that sufficient time was not allowed for consideration of these issues or public input and that that a concerted effort was made to enact the ordinance as quickly as possible at the August 6 meeting which was held at 1:00 p.m. rather than the normal meeting time of 6:00 p.m. (due to National Night Out activities held that night in the community) and requested that more time be allowed for discussion.
Analyn Sessoms, 1912 Longwood Avenue, Sanford, expressed support for the proposed ordinance limiting the number of pets and explained that as a realtor, she is concerned that neighborhood values are experiencing “economic obsolescence”, a situation where values drop due to factors from sources other than the property itself. She stated that appraised values are lower in her neighborhood than similar properties in other neighborhoods due to circumstances beyond their control.

John Swartout, 515 Richmond Drive, Sanford, Vice-President of the Hawkins Run Home Owners Association, expressed support for the proposed ordinance limiting the total number of pets. He stated there was a situation in his neighborhood where a homeowner had an excessive number of cats and there were problems with odor, “spraying” and destroying grill covers. He noted that Hawkins Run is revising their covenants to limit the number of animals.

Jeff Reid, 3417 Winterwind Circle, Sanford, former President of the West Landing Home Owners Association, admitted he was not aware that Sanford residents could own up to 30 animals without a special license. He expressed support for the proposed ordinance and noted that the home owners association of a nearby neighborhood currently has a limit of three animals for each home.

Kim Jacobs, 2500 Aventsferry Road, Sanford, who works with animal rescue programs, expressed concern about the proposed ordinance limiting the number of pets and suggested that it will increase an already-full shelter as families have to find homes for animals that place them over the limit. She expressed concern about the lack of a “grandfather” clause and the difficulty, cost and time involved in enforcing it. She acknowledged that these laws are often enacted to address hoarding situations but suggested a more effective method is to utilize and enforce ordinances already in place. She suggested that the proposed ordinance is unconstitutional and unenforceable and referenced decisions of two higher courts: Holt vs. City of Sauk Rapids and Commonwealth of Pennsylvania vs. Mary Creighton.

Lori St. James, 1703 Columbine Road, Sanford, who works with a local non-profit animal rescue group, agreed that a change is needed to control the animal population and suggested that the proposed ordinance will hurt rescue groups and responsible homeowners like her: she has ten dogs and will be forced to choose two that will no longer be allowed. She proposed a task force to develop an ordinance mutually agreeable to rescue groups and government. She also noted that under the proposed ordinance, as currently written, a person can own eight dogs, breed them multiple times a year and as long as they sell puppies before they are four-months old, they are in compliance, but she is breaking the law by owning ten animals even if some are rescue animals, which she suggested was unfair.

Kelsey Quinn, 3414 Rabbit Ridge Road, Sanford, stated that she was concerned with the proposed ordinance and cited research from the National Animal Interest Alliance regarding ordinances limiting the number of animals that show they are ineffective and counter-productive. She stated that Lee County has one of the smallest shelters in the state and if an ordinance is to be implemented, she asked Council to reconsider how it will be enforced, how it will affect law-abiding citizens and how it will put pressure on the shelter. She agreed that an eight-animal limit is reasonable but recommended guidelines and a pet licensing plan with incentives and discounts to responsible pet owners who have their pets spayed, neutered, vaccinated and microchipped. She also encouraged Council to create an Animal Control Advisory Board composed of representatives from pet related businesses, dogs and cat club enthusiasts, and a non-pet owner to help establish better guidelines and ordinances on restrictions, and urged Council to reconsider the proposed ordinance and do more research.
Julie Sharpe (2002 Longwood Avenue) expressed support for saving animals but noted that her neighborhood has problems with basic quality-of-life issues. There are many children and elderly residents in the neighborhood who are frightened by some of the animals. She has considered selling her home but doesn’t think she would get fair market value because people would not want to purchase a property adjacent to a house with a large number of dogs. She questioned how Council members would respond if a neighbor owned 30 dogs and requested that they lower the number of animals allowed.

APPROVAL OF AGENDA
Mayor Mann requested that an item be added to the Special Agenda as Item 7A, “Presentation by Indira Everett, District Manager with Duke Energy” and that Item 11-C, “Update on Public Art”, be removed. Council Member Taylor made the motion to approve the amended agenda. Seconded by Buckels, the motion carried unanimously.

CONSENT AGENDA
Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020—Insurance Premium Related to Cyber Security (Exhibit C)
Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020—Compensation for Inspections Personnel (Exhibit D)
Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020—EDPNC (Exhibit E)
Council Member Gaskins made a motion to approve the Consent Agenda; seconded by Council Member Buckels, the motion carried unanimously.

SPECIAL AGENDA
Presentation by Duke Energy District Manager Indira Everett (Exhibit F)
Indira Everett, District Manager with Duke Energy, stated that the Duke Foundation met last Thursday to discuss several storm resiliency grant proposals, including one from the Sanford Fire Department for additional equipment and upgrades for severe weather and water resource programming. Many applications were submitted for the first award of this competitive state-wide program and while all were not funded, the City received an award of $10,000. Chief Wayne Barber informed Council that the funds would be used to procure additional personal flotation devices, tethers, helmets, whistles, gloves, and boots for water rescues.

Special Presentation in Recognition of the Sanford Youth Academy (Exhibit G)
Mayor Mann explained that Council Member Byron Buckels helped initiate this program to encourage youth engagement. Kelly Miller, Public Information Officer, explained that the City partnered with Lee County Schools during the week of July 22 to offer the third annual Youth Academy, a camp that provides opportunities for youth to engage in positive leadership and team-building experiences. The goal is to strengthen relationships between local youth and first responders, while also exposing youth to potential career paths. This year the program was opened to rising seventh-graders and was held at East Lee Middle School. Each day the 14 participants joined in personal development activities and explored career opportunities in local government, specifically municipal government. They learned about law enforcement, public works and fire fighter careers and spent time at the Sanford Municipal Golf Course, Lee County Courthouse, and Lee County Jail. They learned about educational requirements and employment benefits offered at the City of Sanford. Participants included Harlie Adkins, Travis Barnes, Kendall Brewer, Janiyah Chambers, Camden Dew, Cameron Jackson, Hunter Jackson, Raymond Knotts, Steven McNeill, Isabella Miller, Owen Miller, Lucas Nelson, Kyniha Self, and Brinlee Sellers. Mrs. Miller played a short video of the week’s highlights and Mayor Mann thanked several
people who helped shape policies that affect area youth, including Board of Education members Dr. Lynn Smith, Dr. Steven Coble, Christine Hilliard, and Patrick Kelly. Mayor Mann and Council Member Buckels presented certificates to participants.

Presentation of Arbor Day Proclamation (Exhibit H)

Mayor Mann read the proclamation and presented it to Liz Whitmore with the Planning Department.

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

Application by Criteria Development to rezone eleven tracts of land totaling 209.26 acres with frontage/access off Commerce Drive, located on the south side of Commerce Drive between the Harvey Faulk Road intersection and the terminus of Commerce Drive, from South Park High Density Conditional Zoning District to Laurel Oaks Subdivision Conditional Zoning District to allow for the development of a residential subdivision. The subject property is identified as Lee County tax parcels 9660-18-5664-00, 9660-18-6263-00, 9650-98-9031-00, 9650-97-8129-00, 9650-96-8137-00, 9660-07-7574-00, 9660-16-4729-00, 9660-17-4596-00, 9660-15-0255-00, 9660-27-6006-00, and a portion of 9660-37-7933-00 as illustrated on the Laurel Oaks Master Plan. All parcels are depicted on Lee County Tax Maps 9660.01, 9650.02 and 9660.03 (Exhibit I)

Zoning Administrator Amy McNeill explained that staff received this application as the first step in the proposed development of a new residential community off of Commerce Drive. The applicant has requested it be rezoned to the “Laurel Oaks Subdivision Conditional Zoning District” to establish the overall design and density for this proposed residential subdivision with conditions and plans submitted for consideration by the Planning Board and Council. The information provided as supplemental information with the rezoning application will allow the boards to view the site plans, architectural elevations, and other details for the project to ensure that the proposed density and vision for this residential community align with the board’s overall vision for the area. She explained that the proposed Laurel Oaks Subdivision Conditional Zoning District is a stand-alone zoning district with its own unique conditions and under this conditional zoning district, an applicant has the freedom to develop his or her own unique list of permitted uses and design standards. It is also understood that such a district would need to be designed so as to maintain the integrity and characteristics of the surrounding community, as well as conform to the spirit and intent of the Zoning Ordinance. If approved, the information is legally binding on the land; therefore, the site must be developed as per the approved plans and conditions even if a property transfer were to occur. Any item not specifically addressed in the rezoning process must comply with the UDO standards.

Ms. McNeill reviewed information on the project detailed in the attached Exhibit I, and reviewed the following general design standards for the rezoning request:

- The Laurel Oaks Subdivision will be comprised of several neighborhoods, with each being governed by a Home Owners’ Association (“HOA”) that will have an Architectural Review Board to review design materials, site plans and landscaping for each home.
  - Housing types will include single family homes and townhomes.
  - The building program will consist of no less than two distinct home series, “Express” and “Freedom” as illustrated in Exhibit I, with at least three home types within each. As the community develops, additional series may be included.
  - A total of 625 units are proposed: 355 lots Express series single-family homes; 76 lots Freedom series single-family homes; and 214 lots Express series townhomes, all as shown on the “Laurel Oaks Master Plan Map” included in Exhibit I. Details for
Freedom and Express series homes (square footage, setbacks, exterior materials, etc.) are included in Exhibit I.

- Amenities will include no less than one mile of public and private greenways; neighborhood pool; clubhouse; “tot lot”; dog park; sport court; and picnic area. Ms. McNeill referenced the Amenity Features Matrix in the lower right corner of the “Laurel Oaks Master Plan” for information on specific amenities (benches, bike racks, etc.).
  - The clubhouse will be at least 1,500 square feet with cement board and brick exterior; meeting areas, workout facilities and restroom with changing areas.
  - The trail system will incorporate benches and pet waste stations at trailheads and key open space locations. The public portion of the greenway will meander along the natural features on the western boundary of the property with cross access provided to allow for future connections to a regional greenway system.
  - Every street will have a sidewalk on one side of the street and a designated planting strip with street trees planted at an average rate of one per 50 feet on center (additional information on street trees is included as supplemental information in the rezoning application exhibit).
  - The entrance feature will include a monument sign with landscaping and irrigation and will incorporate water as a component of the design.

- All roadways within the subdivision are proposed to be city maintained.
- Water and sewer systems are proposed to be city maintained and the designer is currently in discussions with City’s Public Works Department on the best way to serve the site.
- There is an area of 100-year flood plain along the western property line that adjoins Gasters Creek which also contains wetlands, all as illustrated on the concept plan: no development is proposed within this area.

Ms. McNeill explained that the Long-Range Land Use Plan identifies this area as “Mixed Use Activity Center” and “Suburban Neighborhood”. It appears that this subdivision incorporates the characteristics of the “Suburban Neighborhood” and it is a residential area on the outskirts of a core urbanized area. It is large-scale single-family residential development and is walkable within the interior of the subdivision. She stated that a public information meeting was held on this request on August 8, 2019, which she attended as a staff representative, along with three project representatives and a property owner but no one from the public attended.

Regarding staff recommendation, Ms. McNeill explained that staff has reviewed several iterations of this subdivision and the overall design has been revised to address many of their concerns. Design features have been incorporated to create an integrated residential community. Streets have been stubbed to the property lines in several locations to allow for future connectivity when and if there is development on adjoining lots, which is beneficial for emergency services and connecting neighborhoods to one another for providing goods and services and for institutional uses (such as parks and schools). Ms. McNeill noted that staff has consistently expressed concern about diversity of housing stock. The current design includes three product types (two detached single-family products and townhomes); however, Council and the Planning Board should be aware that these products and lot sizes are mostly targeted for entry-level home buyers. She explained that while staff recognizes the need for affordable housing and certainly our community would welcome workforce housing, staff is concerned that the entire community appears to be targeted for this type of product.

In summary, Ms. McNeill stated that staff supports the project’s overall design and understands the developer’s desire to meet market demand; however, staff suggests that Council and the Planning
Board give reasonable consideration to the impact of 625 new housing units essentially targeting the same entry-level market. She reminded everyone that the conditional zoning process is a negotiated process and as such, Council and/or the 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. She also noted that information as presented at this public hearing may provide additional information that should be considered regarding a final decision on this request.

Mayor Mann opened the public hearing.

Kelly Reece, with WithersRavenel Engineering in Raleigh, stated that her firm is working as land planner, landscape architect, environmental scientist and engineer for the Laurel Oaks project. Also present were Zac Fuller (engineer with WithersRavenel); Josh Reinke (with Ramey Kemp & Associates, Transportation Consultants); Chip Pickard (with Criteria Development) and Zac Anderson (with D.R. Horton Homes). Ms. Reece provided an overview of the project, explaining that three home types have been proposed to allow a range of price points and diversity of housing, that the large amenity package will offer an active and healthy lifestyle, promote a “sense of place” and encourage interaction among residents.

Responding to questions about size and prices, Mr. Anderson (with D.R. Horton Homes in Morrisville) explained that homes will range from 1,200 to 3,800 square feet and since engineering plans (needed to finalize costs) are not yet available, prices are not final. He estimated that townhome prices will start in the high $100,000 range and extend into the $300,000s; however, the market, not the builder, sets prices. He also noted that the “Freedom” series (show in yellow on the south side of the map) are age-targeted (not age-restricted) for 55-plus, with no homeowner yard maintenance responsibilities. He estimated that prices for these homes will begin around $300,000; homes in the “Express” series will be above $200,000; and it is likely that no single-family homes will be less than $200,000. He explained that each product type will have about eight to ten different floor plans, with four or five different elevations, so homes of the same series will be distinguishable side by side because they will have different roof lines, gables, and facades (board and batten, stone, brick).

Mayor Pro Tem Salmon expressed concern about the fact that the only entrance to this 625-home development will be on Commerce Drive, with no separate entry on Highway 87 or Lee Avenue, even for emergency vehicles. Mrs. Reece noted there are two separate entrances on Commerce Drive and all intersections will operate at an acceptable level at full build-out, so there is no concern regarding congestion. She confirmed that her staff has worked very closely with Deputy Fire Chief Ken Cotton and that various revisions to street cross-sections have been made so that even the City’s largest fire truck can get through, even if cars are parked on both sides of the streets. Mayor Pro Tem Salmon also questioned whether there was adequate guest parking since only one-car garages are shown in the townhome areas. Mrs. Reece explained there is at least 20 feet between garages and sidewalks to allow for at least one additional vehicle and that one spot for every five units is also provided for overflow parking (based on D.R. Horton’s experience and standards in other municipalities). Regarding diversity of housing stock, Mayor Pro Tem Salmon questioned whether other types of housing will be included as the developer moves into additional phases and the conditional zoning is revised. Mr. Anderson confirmed this has been discussed and being able to pivot up construction is important to them. He acknowledged there is some fear of over-committing in a neighborhood this large since they could be left for many years with empty lots, as was the case ten years ago, but they are receptive to the idea of semi-custom, higher-end products as the market demands and they would like to keep that option open. Mayor Pro Tem Salmon questioned whether there were any drawings or renderings that could be
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provided to Council to better illustrate where particular amenities and features will be located and Mrs. Reece explained that engineers are finalizing site plans. Mayor Pro Tem Salmon expressed concern and requested more concrete details since this development is denser than typical in Sanford and many would be more comfortable with a slightly larger setback between homes, perhaps 15 feet rather than 10, and the neighborhood should be highly amenitized to make up for this higher density. Mrs. Reece stated that they tried to address this by committing to a substantial greenway and interconnected sidewalk system, tot lot, dog park, sport courts, pool and clubhouse.

Regarding traffic flow inside the neighborhood, Deputy Fire Chief Ken Cotten confirmed this had been resolved but noted that issues regarding traffic flow, congestion and volume onto Commerce Drive had been referred to the Department of Transportation (“DOT”). Mayor Pro Tem Salmon stated that her concern was how the neighborhood would be accessed if there were a problem on NC Highway 87. Mr. Reinke explained that his firm is working on a traffic impact analysis with DOT and if there were a problem at NC Highway 87 and Commerce Drive, there is driveway access tying into Harvey Faulk Road and there are ways to maneuver around that intersection.

Council Member Gaskins noted that when Council toured the developer’s housing development in Burlington, there were significant hill and tree buffers between neighborhoods and questioned whether there was any neighborhood separation here. Mrs. Reece explained that there are some natural features (streams, wetlands) that provide buffers, as does the amenity center and open space. Mr. Gaskins specifically noted that the rear yards of homes in Phases 2 and 3 directly abut each other and Mrs. Reece responded that those yards are fairly deep and each single-family home will have a patio and good portion of yard but acknowledged there would be no physical buffer.

With no other speakers or questions, Mayor Mann closed the public hearing.

Consideration of a proposed text amendment to the jointly adopted City of Sanford/Lee County/Town of Broadway Unified Development Ordinance (UDO), Appendix B Specifications of Forms to be Submitted, B-4 Subdivision Plats, to revise Public Works Certificate (Exhibit J)

Zoning Administrator Amy McNeill explained that Public Works Director Victor Czar requested that language in the Public Works certificate on final subdivision plats for property within the jurisdictions of Sanford and Broadway be revised to replace the vague references of the city and town accepting streets, utilities and other acquired public improvements with the more specific reference of the city and town accepting public water, sewer and/or streets. The rationale for this revision is to clarify specifically what improvements the City of Sanford and Town of Broadway will be responsible for maintaining within a subdivision. The certificate for Lee County already has the proper language. The existing and proposed certificates are provided in the attached Exhibit J.

Mayor Mann opened the public hearing and with no speakers, closed the public hearing.

Consideration of (7) seven proposed text amendments to the jointly adopted City of Sanford/Lee County/Town of Broadway Unified Development Ordinance (UDO) as it relates to (a) oil and gas extraction, development and production (“fracking”) and (b) traditional mining and quarrying. More specifically, the proposed amendments include:

- Amendment #1 – Amend Table 4.6-1, Permitted Use Matrix, to revise rules as to which zoning districts allow oil and gas extraction as well as traditional mining and quarrying.
- Amendment #2 – Create a new section 4.16 Mining Special Use Overlay District (MSUOD) that will establish new rules and procedures for traditional mining and quarrying operations.
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- Amendment #3 – Amend Section 5.23, the supplemental design requirements for mining and quarrying, to add additional criteria and standards.
- Amendment #4 – Delete section 5.41 entirely to remove the current supplemental rules for oil and gas extraction.
- Amendment #5 – Amend Appendix A to (a) add new definition for Oil and Gas extraction, development and production and (b) revise current definition for Mining and Quarrying.
- Amendment #6 – Amend section 3.5 to add a new subsection 3.5.4 to allow the County the ability to use a consultant (mutually acceptable to the applicant) to conduct additional study(s) of impacts for certain land uses within the “Industrial and Manufacturing” or “Transportation, Communications and Utilities” land use subcategories as found in the Permitted Use Matrix (Table 4.6-1 of the Sanford/Lee County UDO).
- Amendment #7 – Amendment to Section 13.8 to amend the flood hazard rules to prohibit both (a) oil and gas surface operations and (b) mining and quarrying operations from locating in a flood hazard area (100-year floodplain) (Exhibit K)

Community Development Director Marshall Downey reviewed information on the attached Exhibit K-1 and explained that this project was initiated by the Lee County Board of Commissioners who directed staff to research how to improve regulations and determine what we could and could not do regarding oil and gas extraction (“fracking”). This issue was also being researched in Chatham County and they retained legal services from Poyner Spruill in Raleigh to assist them in developing new regulations. Lee County joined in that contract and we were able to jointly develop regulations for both counties to address oil and gas extraction. At the same time, Lee County also adopted a moratorium to put a freeze on traditional mining and quarrying, so an addendum was done to the Poyner Spruill contract for them to research those regulations as well. This information was presented to the Lee County Commissioners (since they were the lead agency on this issue) and they adopted these seven amendments, which are somewhat interrelated, in June.

Mr. Downey explained that regarding oil and gas exploration, development and production, or “fracking”, working through the consultant, County attorney, and Planning staff, the request is that Council adopt this definition (Amendment 5), which is taken directly from state rules. He noted that when amendments are made to the UDO, even if a particular situation affects or applies only to the County or the City, it is still presented to both governing bodies to maintain consistency in ordinances; however, this particular issue would certainly affect both City and County, although it would not affect the City as much as the County (which is why they took the lead).

Regarding Amendment #1, the Consultants recommended that we add two new definitions to the ordinance, “Oil and Gas Exploration, Development and Production” (fracking) and “Gas Compressor Stations”, which are typically located off-site, further away from the well pad but they can still have impact on surrounding neighbors and/or properties. They recommended that the City, County and Broadway adopt the same rules to allow these uses as a special use permit which is not approved by staff or Council but by the Board of Adjustment through a quasi-judicial process during which evidence is presented to verify that the proposal meets the four required tests.

Mr. Downey explained that the map area shown in pink on page 6 of Exhibit K-1 illustrates areas that cannot be fracked. The only areas that can be fracked, based on current state setback regulations, are shown in green and only a very small area in the city is even eligible for consideration. We have additional requirements that properties must be zoned LI, HI or RA and only two of the six fit this zoning. The map on Exhibit K-1 page 7 illustrates why this is more of a County issue since there is much more property outside city limits that can be fracked. Council Member Gaskins asked whether that includes
"horizontal drilling" and. Mr. Downey stated this is only surface operations since we can regulate only zoning, not what is done underground. He explained that one of the major issues that the County wanted the Consultants to review was whether we can regulate fracking in any way ("pre-emption") and they were confident that we can put some level of regulatory control on it.

Regarding traditional mining and quarrying, Mr. Downey reminded everyone of the case in Lee County where a quarry was proposed and a lawsuit filed after the application for rezoning was denied. The County wanted the consultants to analyze what could be done to tighten our rules and regulations and they recommended that we update how this is approached in terms of land use. The prior ordinance was very loose in that a special use permit application could be filed in almost every zoning district of the City and County. The County has now approved a two-step approval process: for any type of mining, a “Special Use Overlay District” application would have to be approved by Council and Planning Board in order to allow that zoning on top of the current base zoning, and it would be allowed only in areas zoned RA, LI and HI. He referred to the map of page 14 of Exhibit K-1, and noted that most properties are already developed (although that development could be abandoned) but the likelihood of it happening in the city is very low based on the criteria: the property must have one of those three zonings, and even if the property is zoned LI, HI or RA, the request for the mining overlay would have to be presented to Council and a public hearing would be required. Additional standards include requirements that the exterior perimeter may not be located within one-half (1/2) mile of an existing school, library, day care facility, health care facility, park and/or religious institution, nor can it be located within 1,000 feet of any existing dwelling. Legislative approval is required from the governing body (Council); a site-specific plan must be presented to the Board of Adjustment; and the four criteria must be met. The consultants also recommended additional criteria and language as shown on page 15 of Exhibit K-1 to assist the Board of Adjustment in making their decision. Mr. Downey explained that additional standards for mining and quarrying are also shown on pages 117 through 120 of Exhibit K and noted that the consultant included much detail to ensure that staff, applicants, citizens and everyone involved would be aware of expectations when applications are made.

Mr. Downey further explained that the last two changes affect both oil and gas extraction as well as mining and quarrying (cross-over amendments). The first is an addition in Section 3.5.4, “Additional Studies for Certain Land Uses” which was done by the consultant in Chatham County and is recommended here. If staff feels there are certain land uses that may need additional information or study, they can request it from a consultant mutually agreed-upon by the applicant and staff to conduct and study the impact specific to that land use. This is not just for oil and gas or fracking but all industrial and manufacturing, transportation, communications and utilities land use subcategories, more particularly described beginning on page 125 of Exhibit K. Floodplain regulations were also updated to ensure that oil and gas operations, as well as mining and quarrying, would not be located within a 100-year floodplain.

Mayor Mann opened the public hearing.

Council Member Taylor complimented staff, City and County legal departments and Attorney Dunn for making the Joint Planning Committee’s job easier. Mr. Williams noted that lot sizes in the City are very different from the County and questioned whether this was addressed in the amendments. Mr. Downey confirmed that mining operations must have at least five acres, which would be a potential challenge in the City, and noted that the changes focus more on zoning districts and the process through which approval is granted; however, the only thing that specifically addresses lot sizes is the mining portion of the amendments. He explained that people who are much more knowledgeable on oil and gas
issues suggested that a minimum of five acres is needed before a property is considered for a well pad site but since this is addressed through state regulations, it was not addressed in this situation; we attempted to address local zoning and avoid specifics.

Mayor Mann closed the public hearing.

Recess

A recess was taken at 7:45 p.m. and the meeting was re-convened at 7:55 p.m.

Public Hearing on an Economic Development Project to be Named Later (Exhibit L)

Michael Smith, CEO of the Sanford Area Growth Alliance (“SAGA”), explained that their Economic Development Committee approved this project and the Board of Commissioners approved it last night. The project remains very competitive and we are still in competition with two other states. He explained that the County will donate a portion of their incentive to the City to assist with site preparation. He requested that Council approve sharing up to $4,372,483 in project costs, including up to $1.3 million for site preparation (including, but not limited to, acquisition of road right-of-way, clearing, grading, preparation of site), and grants up to $2,072,483 over the ten year life of the project, generated with revenues from the City’s General Fund. This project will create 460 new full-time jobs, with an average wage of over $51,000 over the ten years. He requested that Council approve the terms of this incentive agreement as advertised.

Mayor Mann opened the public hearing.

Council Member Haire asked whether all 460 jobs would be one shift or multiple shifts. Mr. Smith explained that the 460 jobs would be over a seven-year period, with 330 in the first phase but he was unaware at this time whether the project would be operated 24 hours daily, seven days a week. Council Member Gaskins questioned the tax value of property and equipment. Mr. Smith responded that the project would provide $170 million in new taxable investment. Mr. Gaskins questioned whether the proposed $2 million over ten years was a standard provision and Mr. Smith confirmed it was. Council Member Williams, noting that this proposal is somewhat different than the City’s normal economic development incentive but is needed to bring industry, requested that Mr. Smith provide more detailed background for the public. Mr. Smith explained that this is a very competitive project and because of that, SAGA asked Council to be more aggressive than normal in terms of flexibility (helping with up-front funding to help offset costs) and length of the agreement, but otherwise, it is very similar to other performance-based grants. He also noted that even with the up-front assistance provided by the City, it will be deducted from the grants that the company is earning as they invest in the City and create these new full-time jobs.

With no one else speaking, Mayor Mann closed the public hearing.

- Approval of Economic Development Project (Exhibit M)
  Council Member Gaskins made a motion to approve the terms of the City’s participation in the cost of an economic development project with a company to be named later as detailed in the Public Hearing Notice on the attached Exhibit M; the motion was seconded by Council Member Williams. City Attorney Patterson explained that a resolution to approve the project and contract for the project will follow at a later date. The motion to approve the terms detailed in the Notice carried by a vote of six to one with Council Member Taylor voting against.
Consider Public Hearing on Resolution by the City Council of the City of Sanford (CDBG Program) (Exhibit N)

City Engineer Paul Weeks explained that Catherine Renbarger with WithersRavenel has worked with staff to help acquire a $2 million CDBG-I (Community Development Block Grant- Infrastructure) grant through the North Carolina Department of Environmental Quality ("DEQ").

Catherine Renbarger explained that the purpose of this public hearing is to discuss the City’s CDBG-I funding application. It will cover the City’s community development needs, development of the proposed activities, review program compliance before submission, and allow citizens an opportunity to comment. The City proposes to request funding from the DEQ’s CDBG-I program for the City’s Sewer Rehabilitation Project. The purpose of the CDBG-I program is to improve the quality of life for low- to moderate-income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service; and to benefit a residential area where at least 51% of the beneficiaries are low- to moderate-income, as defined by the US Department of Housing and Urban Development.

For the fiscal year 2019, Ms. Renbarger explained that CDBG-I funding available is expected to be approximately $26 million and the maximum grant available is $2 million over a three-year period. Applications for funding will be received by September 30, 2019 and the CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund two activities: water and sewer infrastructure, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I, can fund a range of water and sewer infrastructure activities, including, but not limited to, projects that resolve water loss in distribution systems; extend public water to areas with contaminated wells; extend water lines to areas with dry wells; assist with low water pressure; resolve inflow and infiltration to collection systems; extend public sewer to areas with failed septic tanks; rehabilitate a wastewater treatment plant to allow for greater efficiency; and regionalize two or more systems.

Ms. Renbarger explained that the City is seeking no more than $2 million in CDBG-I funding for the City’s Sewer Rehabilitation Project in order to replace aged sewer lines in low- and moderate-income neighborhoods that are beyond their useful life and are causing health and sanitation issues. The project area includes sections of Talley Avenue, Linden Avenue, North First Street, North Second Street, North Fourth Street, South Fourth Street, South Fifth Street, North Sixth Street, South Sixth Street, Midland Avenue, Charlotte Avenue, McIver Street, Maple Avenue, Hickory Avenue and Goldsboro Avenue. If time and budget allow, additional sections of already identified project streets may be added, as well as areas on Market Street, South Second Street, South Third Street, North Seventh Street, and South Seventh Street (as shown on map in Exhibit N). The proposed project was identified in the 2018 and 2019 Asset Management Plans. Informal community meetings were held in the project area to inform citizens of the potential project and get feedback from residents. A total of 100 percent of the CDBG-I funding will be used to benefit low- to moderate-income people. The project area in the City of Sanford has been determined to have an income survey area of 83.41 percent. The range of activities covered by these funds include construction; environmental review; engineering design; construction administration and observation; legal activities; surveying; and grant administration.

Ms. Renbarger informed Council that if the City is awarded the CDBG-I grant, staff is required to adhere to federal procurement requirements and other federal regulations which include the Americans with Disabilities Act; Davis-Bacon and related Labor Acts; adoption and/or submittal of a Citizens’ Participation plan, Equal Opportunity plan, Fair Housing plan, Language Access plan, Relocation
Assistance plan, Section 3 plan; and Excessive Force provision. The State of North Carolina also requires that if the City receives these funds, staff will comply with requirements of the general displacement and relocation policy for CDBG grant funding. She also noted that no displacement or relocation will occur as a result of this particular CDBG-I grant activity. In the past, the City has applied for and received numerous CDBG projects, including the Maple Avenue park, Autumn Oaks housing complex project, Woodland Avenue sidewalk, and water and sewer projects. The City will submit its application for the City of Sanford Sewer System Rehabilitation Project on September 30, 2019 and it will be available for review during normal business hours at the City Engineer’s Office (225 E. Weatherspoon Street, Sanford). Additional information is also available from City Engineer, Paul Weeks (919-777-1122). Any complaints or grievances regarding this project or public hearing should be addressed to the City Engineer no later than September 4, 2019.

Mayor Mann opened the public hearing.

Council Member Haire noted that both “rehabilitation” (liners placed inside old lines) and “replacement” methods have been used and questioned which be used for this project. Ms. Renbarger explained that this project calls for replacing 8,000 linear feet of eight-inch sewer line.

With no one else speaking, Mayor Mann closed the public hearing.

- Consider Adoption of Resolution (Exhibit O)
  Council Member Buckels made a motion to approve the Resolution by the City Council of the City of Sanford Authorizing the City Manager to Execute and File a CDBG-I Grant Application as shown on the attached Exhibit O; seconded by Council Member Taylor, the motion carried unanimously.

Public Hearing on Cliffside Drive Sewer Extension Petition

City Engineer Paul Weeks explained that this project is included under the Council-approved program through which the City pays 75 percent of the construction cost to extend sewer service, with the homeowner paying the remaining 25 percent, along with the cost to decommission their septic tank and reroute their plumbing. In this particular instance, only one homeowner will benefit from the petition. Bids were opened on July 11 and unfortunately, they came in about 63 percent higher than the original estimate. Per state guidelines, this public hearing is being held before the project can proceed. Mr. Weeks noted that the homeowners original project estimate of $7,225 was now approximately $11,100.

With no one else speaking, Mayor Mann opened the public hearing.

Council Member Gaskins asked how the homeowner responded to this increase and Mr. Weeks explained that she unfortunately could not attend the public hearing because of work but was emphatic that she wants to proceed.

Mayor Mann closed the public hearing.

- Recommendation to Award a Contract for Cliffside Drive Sewer Extension Project (Exhibit P)
  Council Member Taylor made a motion to award the contract for the Cliffside Drive Sewer Extension Project to Thomas Construction Company; seconded by Council Member Gaskins, the motion carried unanimously.
Public Hearing on Application by Jonathan Hart to Extend Corporate Limits

David Montgomery, Senior Long-Range Planner, explained that a petition for annexation of 2.93 ± acres was received on April 17, 2018, for property located at the corner of Lee Avenue and Snyder Street (shown on the attached Exhibit Q). The property will be the future location of J.A. Hart Construction and Remodeling and the request for annexation is being made so that he can access city sewer service. The proposed annexation would be contiguous by nature of its proximity to a 3.21 ± acre tract just north on Snyder Street. Regarding consistency with the “PlanSanLee” Future Land Use Plan, the proposed area for annexation is identified in the plan as “Maker District” place type, which is typically appropriate for a wide range of small-scale light industrial uses; therefore, the future use as a construction office is in conformance with the Future Land Use Plan.

Mr. Montgomery explained that if annexed, city services would be extended to the new area in the same manner and on substantially the same basis as provided to other parcels within the city. The City’s fire department will provide service to the annexation area out of Station #2 (220 Woodland Avenue, approximately 1.7 miles from the property), with an estimated response time of five minutes. Regarding estimated costs incurred by the City, the annexation area lies in the Carolina Trace Rural Fire Protection District. The North Carolina General Statutes require the City to pay annually a proportionate share of any payments due on any debt relating to facilities or equipment of the rural fire department, if the debt was existing at the time of submission of the petition. The Lee County Tax Office shows that the total assessed value for the Carolina Trace protection district is $403,237,800 as of 2019; the assessed value of the proposed annexation area is $303,200; and the annual debt payment for the Carolina Trace Fire Department is currently $73,928.80, indicating approximately $55.99 in contributory debt annually. Approximately $1,879.84 is anticipated in tax revenue to the City if the property is annexed, based on a value of $303,200 and the current tax rate of $0.60 per $100 valuation. Since this property is located in the City’s extra-territorial jurisdiction (“ETJ”), rezoning within 60 days is not required.

Mayor Mann opened the public hearing.

John Hart (3408 Lee Avenue, Sanford), the petitioner, informed Council that he owns Hart Construction Company (which was just recently incorporated), that he currently has twelve employees, plans to grow his business along with the community and hopes to provide services to Sanford and surrounding areas.

With no one else speaking, Mayor Mann closed the public hearing.

• Consider Ordinance to Extend Corporate Limits of the City of Sanford to Jonathan Hart (Exhibit M)
  Mayor Pro Tem Salmon made a motion to approve the Ordinance Extending the Corporate Limits of the City of Sanford to Jonathan Hart as shown on the attached Exhibit O; seconded by Council Member Taylor, the motion carried unanimously.

DECISIONS ON PUBLIC HEARING
There were no decisions on public hearings.

REGULAR AGENDA
Consider Reimbursement Resolution – Design Work for Site Preparation (Exhibit N)
  Public Works Director Vic Czar explained this reimbursement resolution has to do with the public hearing on the proposed economic development project held earlier tonight. SAGA CEO Michael
Smith made a good point as time is of the essence in this particular case. We are doing something a little different than we typically do, which is upfronging some of the incentive. The City is going to be involved with preparation of the site to a certain condition and we would like to do it through SAGA, because it can expedite the way we deliver the service. SAGA is organized different than the City. We would go through SAGA, but staff would be heavily involved with negotiating contracts with engineers and contractors; reviewing the work that is done making sure it meets all the requirements the City needs and approval of any payments before they are made. It just expedites the process for this project. Staff has spoken with SAGA and they are willing to do it. If we proceed this way, then Item H. - Consider Recommendation to Enter Into an Engineering Agreement for Sewer Extension for an Economic Development Project needs no action tonight.

Financial Services Director Beth Kelly explained that this is a reimbursement resolution in the amount of $260,400 to allow the City to reimburse itself for the amount we pay SAGA for site preparation. We made changes to the wording to reference payment to SAGA for incentive-related expenses. The resolution transfers $260,400 from Fund Balance for this appropriation and it will be a contribution to SAGA; the description is payment for incentive-related expenses. Mayor Pro Tem Salmon asked if this will cause any issues. Attorney Patterson explained that some communities establish non-profit corporations to handle these duties for them, so that they can go through the non-profit and handle the acquisition of services and activities for contracting in a manner that is not as cumbersome as it is for the City; it expedites the process. City Manager Hal Hegwer explained that this is very unusual; time is of the essence. Traditionally, we would hire an engineer and we would go through that process and a bidding process; all these things have complications. If you do not receive three bids the first time, you have to rebid the project and it puts you off another 30 days, etc., where the non-profit can go about it more directly.

Council Member Gaskins made the motion to adopt the Reimbursement Resolution – Design Work for Site Preparation. Seconded by Council Member Williams, the motion carried unanimously.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 – Design Work for Site Preparation (Exhibit O)
With reference to the above subject and explanation by Financial Officer Beth Kelly, Council Member Sam Gaskins made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 – Design Work for Site Preparation. Seconded by Council Member Williams, the motion carried unanimously.

Consider Recommendation to Enter Into an Engineering Agreement for Sewer Extension for an Economic Development Project (Exhibit P)
No action needed due to the City using SAGA to handle site preparation of an economic development project.

Consider Reimbursement Resolution – Sewer Extension for Site Preparation (Exhibit Q)
Financial Services Director Beth Kelly explained that this reimbursement resolution is related to the sewer extension for site preparation for the incentive project. This reimbursement resolutions allows the City to front the $400,000 for site preparation and reimburse itself through issuing debt.

Council Member Gaskins made the motion to adopt the ordinance. Seconded by Council Member Williams, the motion carried unanimously.
Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 – Sewer Extension for Site Preparation (Exhibit R)

Financial Services Director Beth Kelly explained this ordinance appropriates $400,000 of retained earnings to the sewer capital department for the sewer extension for the site preparation related to the incentive project.

Council Member Gaskins made the motion to adopt the ordinance. Seconded by Council Member Williams, the motion carried unanimously.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 – (Re-appropriations) (Exhibit S)

Financial Services Director Beth Kelly explained that this is our annual re-appropriations for projects that were earmarked for expenditures in the prior fiscal year that were not complete or received by June 30, 2019. Mayor Pro Tem Salmon stated that she would like to know what the cost might be in future budgets to include carbon dioxide detectors.

Council Member Buckels made the motion to adopt the ordinance. Seconded by Mayor Pro Tem Salmon, the motion carried unanimously.

Consider Recommendation to Award a Contract for 2019-2020 Full Depth Rehabilitation (Exhibit T)

City Engineer Paul Weeks explained that on June 20, bids were due for the 2019-2020 for Full Depth Rehabilitation Project but staff only received one bid. Therefore, staff rebid the project and on August 8, two bids were received and opened. Turner Asphalt submitted the low bid of $686,247.94. Staff checked references and received excellent recommendations. Turner Asphalt is also a Department of Transportation contractor. This is the reason we bid the project as large as we did, to attract some of the larger contractors. A pre-construction meeting has been held with Turner Asphalt and staff recommends awarding the bid to Turner Asphalt in the amount of $686,247.94. Council Member Gaskins made the motion to award the contract to Turner Asphalt. Seconded by Council Member Buckels, the motion carried unanimously.

Consider Recommendation to Enter Into an Engineering Agreement for Site Development for an Economic Development Project (Exhibit U)

City Engineer Paul Weeks explained that this item is in reference to the economic incentive project that has been discussed. We put out Requests for Qualifications (RFQ) to engineers to design a sewer system for this particular economic development project and we received RFQs from three engineering firms. Freese and Nichols was selected by the selection committee. Staff entered into negotiations with Freese and Nichols and staff recommends entering into the contract with them in the amount of $339,650. Council Member Gaskins made the motion to enter into a contract with Freese and Nichols, in the amount of $339,650. Seconded by Council Member Buckels, the motion carried unanimously.

Mr. Czar said thank you to Council as Bob Joyce reminded him that working through SAGA and doing this economic development project as quickly as possible was critical to being on the company’s radar. Mayor Mann stated this Council is economic development positive and we want to bring this company to Sanford; we can make this happen with working through SAGA. Mr. Taylor stated that the only non-traditional method is they acquired a service through negotiation and not a bid process and he is a firm advocate of the bid process. He understands the timeliness of the project but in the future, he would like to stick to the bid process because it has worked well for the City. Mayor Mann said his
comments were so noted and the typical bid process would have cost us the project due to the time it would take to go through the bid process.

Consider Motion to Take from the Table - Consider Appointments to Friends of Sanford, Inc.

Mayor Pro Tem Salmon made the motion to take from the table appointments to Friends of Sanford, Inc. Seconded by Council Member Buckels, the motion carried unanimously. Mayor Mann stated that the Friends of Sanford is a non-profit with seven members, which is a Board of Directors. These seven members would have some continuity by position. He added that Joann Thaxton is no longer the president of the Lee County Arts Council; Krista Von Canon is the incoming president of the Arts Council and she has agreed to serve if appointed. He has spoken with Mayor Pro Tem Rebecca Salmon and Council Member Jimmy Haire and they have both agreed to serve on this non-profit if appointed. The citizen-at-large, Buck Harris, has agreed to serve in this capacity.

- **Consider Appointments to Friends of Sanford, Inc. (Exhibit V)**
  Council Member Gaskins made the motion to close the nominations and appoint by acclamation the following individuals and the positions which would serve by continuity by position as slated on Exhibit V:
  - Mayor – T. Chet Mann (to represent mayor’s position);
  - Council Member Jimmy Haire and Mayor Pro Tem Rebecca Salmon (to represent two council members);
  - Beth Kelly (to represent the City’s Finance Director position);
  - Buck Harris (to represent the citizen-at-large position);
  - Mike Smith (to represent the CEO SAGA or designee position) and,
  - Krista Von Canon (to represent the President of the Lee County Arts Council).

  Seconded by Mayor Pro Tem Salmon, the motion carried unanimously. Mr. Hegwer added that staff will reach out to these individuals very quickly to approve the bylaws. This was the last item staff was waiting on to present to the IRS. Mayor Mann added that this formation of the non-profit will allow citizens to make gifts or donations to the Depot Park building, arts projects etc.

Consider Appointments to the Opioid Commission (Exhibit W)

Council Member Norman Charles Post, III nominated the following people to serve in the various positions and appoint by acclamation:

- **At-Large Appointments**
  - Emilia Guerrero
  - Armunda Hancock
  - Rebecca Whitaker
  
- **Treatment Facility Representative**
  - Dr. Daniel Maurer

- **Lee County Sheriff Department Representative**
  - Sgt. Jynnifer Bridges

- **Sanford Police Department Representative**
  - Narcotic Agent Marshall McNeill

- **Medical Community Representative**
  - Mike Sperico with EMS

  Council Member Sam Gaskins seconded the motion. Council Member Williams asked if there was any room on this board for a council member to serve on this committee as a liaison? Mayor Mann
replied yes; he did not know there is a limit. Council Member Post stated that it was contemplated that Council Member Taylor and he would be the two non-voting, ex-officio liaisons; however, he welcomed any council member to attend and participate. A vote was taken and the motion carried unanimously.

**Consider Ordinance to Amend the Sanford Code of Ordinances to Add Chapter 4-21 Limiting the Number of Dogs and Cats (Exhibit X)**

Mayor Mann noted that last week, he was out of procedure for this item as we had an absent council member; therefore, we did not have the percentage of votes needed due to the day of introduction. We need a new motion for this item to be valid. Council Member Sam Gaskins made the motion to table this item to have the opportunity to look into the possibility of modifying the wordage and to research establishing a task force with people who are knowledgeable in the area. Mayor Pro Tem Salmon seconded the motion. She stated that in the intervening time, a joint interlocal committee meeting was held to discuss this issue with the County and Mayor Mann, Council Member Gaskins and she met with the sheriff and animal control officer to discuss this matter. There are some questions that need to be addressed in the wording and there is uncertainty from the individuals that spoke. We need a provision in it for grandfathering or having some type of variance because there is the issue of people who are law-abiding citizens today that would be non-law-abiding citizens tomorrow.

Council Member Charles Taylor stated that he has spent a lot of time reading and understanding the issue. He is to represent the people. He has seen this issue several times. We keep hearing the issue of registration; it is not a door-to-door issue to see how many pets you have. It is a complaint driven issue that is the reason you got the response from the Sheriff’s Department you received the other day. They will enforce whatever we put in place. You cannot grandfather in because this is a policing ordinance; it is not a zoning ordinance, so you cannot grandfather people in, which was made evident by our general counsel. The most profound thing he has heard recently is we are preaching the message of density and more dense neighborhoods. He has also heard from six HOAs; they are taking some type of action regarding the number of animals allowed. Hawkins Run is going to four animals and two in townhomes. This is something that needs to be addressed and he is speaking out against the motion to table.

Mr. Gaskins felt there is nobody on this Council against a good law but he felt it should be done right the first time.

Mayor Mann took a vote to table the motion to adopt the ordinance. The motion to table the ordinance failed with a vote of four voting against tabling the matter, which were Council Members Taylor, Williams, Buckels and Haire. Council Member Gaskins, Mayor Pro Tem Salmon and Council Member Post voted in favor to table the matter.

Council Member Taylor made the motion to adopt the ordinance and to add that it will be enforceable as of September 17, 2019 instead of enforceable immediately. Council Member Williams seconded the motion.

Council Member Post stated that he has not researched this matter but his concern is the unconstitutionality that the young lady spoke about during public comment. Mr. Post asked City Attorney Patterson if she has looked into it. City Attorney Patterson replied that she researched the case law for North Carolina and cases discussing regulations on the number of animals. She did not find any that were negative to the city’s position. She researched federal cases and found a few; she did not find any Supreme Court cases but she did not look at that question. She did not have any that came up by
virtual of our suit that were U. S. Supreme Court rulings. Attorney Patterson was not familiar with the two cases that were cited by the young lady out of Pennsylvania. Pennsylvania is not the Fourth Circuit; she did not know if she was talking a state court case or something that would not be applicable to the City. She has not had the time to research to know specifically if there are any Constitutional prohibitions.

A vote was taken and the motion to approve the ordinance with the effective date of September 17, 2019, passed with a vote of four to three. Voting in favor were Council Taylor, Williams, Haire, and Buckels. Voting against were Mayor Pro Temp Salmon, and Council Members Post and Gaskins.

NEW BUSINESS
Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020
(Downtown Sanford, Inc.) (Exhibit Y)

City Manager Hegwer explained that in order to provide additional security in our Downtown Sanford area, this budget amendment in the amount of $97,594, will allow DSI to retain off-duty police officers. After consulting with DSI over the last several days, they are recommending coverage of approximately 55 man-hours per week, which totals 2,860 hours per year. This money is budgeted for 12 months. DSI Director Kelly Laudate is available for questions. DSI felt this is a good plan that would work and it will start September 1 or the last week of this month. Kelly Laudate stated that DSI feels it will be a strong partnership with the Police Department.

Mrs. Laudate stated that Major Thomas, Manager Hegwer and she has had a lot of good conversation and they feel good about their partnership and the steps that are being taken. Mayor Mann asked Mrs. Laudate if she is comfortable with allocating and managing those resources. Mrs. Laudate replied yes; she has a lot of support from Major Thomas. Council Member Buckels added that he agrees that Downtown Sanford needs more security; however, we do have other communities in our neighborhoods who experience a high level of volatile situations and issues, which could also use extra security as well. He agrees with DSI but he wished we could be proactive as far as with what we are doing tonight. His vote will not be for financing this because he feels there are other needs that are priority as well when it comes to security in our City.

Council Member Gaskins made the motion to adopt the ordinance. Seconded by Council Member Williams, the motion carried six to one with Council Member Buckels casting the dissenting vote.

Consider Resolution Requesting Prioritization of Transportation Funding for Realignment of Kelly Drive (Exhibit Z)

Community Development Director Marshall Downey explained that this item was introduced and discussed at the Joint Interlocal Committee meeting last Friday. It was introduced by Lee County Chairperson Amy Dalrymple. This is a much-needed project by the community college and has been for some time. This resolution encourages the Department of Transportation to allocate funding and move this project along as soon as possible. Today, at 1 P.M., there was a kickoff meeting with two D.O.T. consultants, County Manager Dr. John Crumpton, Dr. Chapman and Philip Price with Central Carolina Community College, and local staff from the City. It was a great opportunity to start the dialogue and make sure this project goes in the right direction. The meeting also included pulling people from surrounding businesses (Magneti-Marelli, Tyson and other surrounding industries and CCCC). The target date is 2022 for letting and construction of the Kelly Drive project. Council Member Post made
a motion to approve the resolution. Seconded by Council Member Buckels, the motion carried unanimously.

Consider Update on Public Art
This item was removed from the agenda.

Consider Resolution of the Sanford City Council Authorizing Hiring of Outside Counsel (Exhibit AA)
City Attorney Patterson explained that here has been a new case decided at the Court of Appeals where the Court of Appeals dismissed a case a town had because of the lack of a resolution by the City Council authorizing the hiring of outside counsel and the filing of the lawsuits. Due to this issue, it is recommended that we pass a resolution authorizing the hiring of outside counsels we currently have which are Parker Poe Adams & Bernstein; Yarborough Winters & Neville, P.A.; Cranfill Sumner & Hartzog, LLP; Teague Campbell Dennis & Gorham; Lewis & Roberts; and Harrington, Gilleland, Winstead, Feindel & Lucas, LLP to file suits on our behalf. This resolution confirms that Council has authorized the hiring of these firms to represent the City of Sanford and authorizing the filing of suits on the City’s behalf.

Mayor Pro Tem Salmon made the motion to adopt the ordinance. Seconded by Council Member Buckels, the motion carried unanimously.

Closed Session
City Attorney Susan Patterson read a motion to go into closed session in accordance with NCGS 143.318.(11)(a) (3) to consult with an attorney employed to preserve the attorney-client privilege. So moved by Mayor Pro Tem Salmon and seconded by Council Member Williams, the motion carried unanimously.

RETURN TO REGULAR SESSION
Consider Settlement of Litigation
City Attorney Susan Patterson noted that we have been engaged in litigation in order to condemn land for a sewer line. The condemnation was against Jimmy Woods, Gerald D. Woods and wife, Gayle Woods; Karon Riggs Swayze and husband Michael D. Swayze; Sheila Riggs Heam and husband Mark T. Heam. The matter went to mediation and staff is seeking approval to settle for $60,000 Council Member Gaskins made the motion to approve the authority to settle the litigation in the amount of $60,000 for the condemnation. Seconded by Council Member Williams, the motion carried unanimously.

OTHER BUSINESS
Public Works Director Vic Czar stated that the park will be ready soon but it is very difficult to have an exact day due to testing, etc. With a little luck, the playground may be open at the end of the week. Mr. Czar explained that as things become available for use, they would like to allow the public to use the equipment that is available and schedule a ceremonial ribbon cutting with Council and other individuals a little later.

Mayor Mann announced that several members will be going to on a field trip to visit the airport and the Moncure Megasite on Friday. Anyone wishing to go, please let City Clerk Bonnie Davis know.

Council Member Taylor stated that some great points were made tonight. If we go back to 2018, Council heard a presentation from the Health Department on the numbers of animals that were placed in
other areas. We need to revisit the spay/neutering issue and to look at the feral cat issue. The “TNR” (trap, neuter, release) program has some great merit and we are no different than any other city dealing with feral cats. He has an individual in Ward 2 that would like to do a presentation on feral cats.

**ADJOURNMENT**

Council Member Gaskins made the motion to adjourn the meeting; seconded by Mayor Pro Tem Salmon the motion carried unanimously.

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

Respectfully Submitted,

T. CHET MANN, MAYOR

ATTEST:

BONNIE DAVIS, CITY CLERK