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, September 3, 2019, at 6 p.m., in Council Chambers. The following people were present:

Mayor T. Chet Mann  
Mayor Pro Tem Rebecca Wyhof Salmon  
Council Member Byron Buckels  
Council Member Sam Gaskins  
Council Member Jimmy Haire  
Council Member Norman Charles Post, III (6:08 PM)  
Council Member James Williams  
City Manager Hal Hegwer  
City Attorney Susan Patterson  
City Clerk Bonnie Davis  
Deputy City Clerk Vicki Cannady

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

PUBLIC COMMENT – (Exhibit A)
Reverend Willie B. Simpson, spoke regarding road construction on Woodland Avenue. He said that he had an accident with road construction on Woodland Avenue and Rose Street. When he was leaving the church on Wednesday night, they had a sign that says road work in progress, but did not have a sign up where he had the accident. He said it was uneven pavement and the pavement stood about 2.5 inches below the regular level. He was going 35 MPH when he hit the uneven pavement and the bump knocked his wheels out of alignment. He would like for the City to pay for the front-end alignment. Reverend Simpson added that he has pictures on his phone. Mayor Mann asked him to forward the pictures or show it to the City engineer in the audience. (Council Member Post arrived at this time).

APPROVAL OF AGENDA
Council Member Gaskins made a motion to approve the agenda; seconded by Council Member Buckels, the motion carried unanimously.

CONSENT AGENDA
There were no items on the consent agenda.

SPECIAL AGENDA
There were no items on the special agenda.

CASES FOR PUBLIC HEARING: to be held jointly with the Planning Board.
There were no cases for public hearing.

DECISIONS ON PUBLIC HEARING
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, 9650-98-2031-00, 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 B)

Community Development Director Marshall Downey explained that a public hearing was held on August 20, 2019 and the Planning Board recommended unanimously to approve the rezoning request. The developer and his representatives are present in the audience for questions.

- **Statement on Long Range Plan Consistency as it Relates to Rezoning Request**
  Mayor Pro Tem Salmon stated that the proposed design appears to comply with the Plan SanLee “Suburban Neighborhood” in that it is a residential area on the outskirts of a core urbanized area; it is large scale single-family residential development, and it is walkable within the interior of the subdivision; therefore, she made a motion that the request is consistent with the adopted long-range plan. The motion was seconded by Council Member Gaskins. Mr. Gaskins stated that the homes that are proposed shown in the packet are 1,200 square feet for one type of home and 1,400 square feet for two other types of homes, and asked what is the largest size of home proposed at this time. Zach Anderson, with D. R. Horton Homes, 2000 Aerial Center Parkway, Morrisville, North Carolina, replied that the minimum square foot for the townhome product is 1,400 square feet and then the other single-family homes go up to 3,200 square feet. The vote was unanimous to approve the rezoning request.

- **Adoption of Ordinance Amending Official Zoning Map of the City of Sanford, North Carolina (Exhibit C)**
  Council Member Buckels stated that the proposed zoning map amendment is reasonable and in the public interest because it is consistent with the adopted land use plan; the site has an existing zoning designation of a high density conditional zoning district; the site has existing access to public water and streets; and the design has stubbed streets to the property lines to allow for future connectivity; therefore, he moved to approve the request to rezone 209 ± acres off of Commerce Drive identified as the Lee County tax parcels referenced in the staff report from South Park High Density Conditional Zoning to Laurel Oaks Subdivision Conditional Zoning District. The motion was seconded by Council Member Haire and the motion carried unanimously.

**Proposed Text Amendment to the jointly adopted City of Sanford/Lee County/Town of Broadway Unified Development Ordinance (UDO), Appendix B- Specifications to Forms to be Submitted, B-4 Subdivision Plats, to revise the Public Works Certificate - (Exhibit D)**

Community Development Director Marshall Downey explained that a public hearing was held on August 20, 2019, and the Planning Board recommended unanimously to approve the text amendment request. This text amendment was requested by Public Works Director Vic Czar, for clarification purposes as to what infrastructure the City is responsible for when he signs off on a subdivision plat, - which is City water, City sewer and City streets.
Consider Vote to Approve or Deny the Text Amendment - Consider Ordinance Amending the City of Sanford Unified Development Ordinance (UDO) (Exhibit E)

Council Member Taylor made a motion to approve the Ordinance Amending the City of Sanford Unified Development Ordinance (UDO). Seconded by Mayor Pro Tem Salmon, the motion carried unanimously.

Seven (7) 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.
- 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 F)

Community Development Director Marshall Downey explained that a public hearing was held on August 20, 2019 and the Planning Board recommended unanimously to approve the text amendments. This was an issue directed by Lee County, in partnership with Chatham County. This issue affects the county more than the City.

Consider Ordinance Amending the City of Sanford Unified Development Ordinance (Exhibit G)

Council Member Gaskins made a motion to approve the Ordinance Amending the City of Sanford Unified Development Ordinance. Seconded by Council Member Williams, the motion carried unanimously.

REGULAR AGENDA

There were no items on the regular agenda.
NEW BUSINESS

North Carolina Housing Finance 2019 Urgent Repair Program (URP)

Community Development Manager Karen Kennedy explained that the City has been approved for the 2019 Urgent Repair Program from the North Carolina Housing Finance Agency for $100,000. There is a local match of $10,000 of which the City and County will each pay $5,000.

- **Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 (Exhibit H)**
  Council Member Taylor made a motion to approve the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 to allocate the City’s local match of $5,000; seconded by Council Member Buckels, the motion carried unanimously.

- **Grant Project Ordinance (Exhibit I)**
  This ordinance sets the project up into the financial accounting system to allocate the $110,000 into the City’s finances. Mayor Pro Tem Salmon made a motion to approve the Grant Project Ordinance; seconded by Council Member Buckels, the motion carried unanimously.

- **Assistance Policy (Exhibit J)**
  The assistance policy is required for each grant so that when individuals apply for the program, they receive this policy to let them know everything that the policy and program entails. It tells what the program is and describes each of the eligibility requirements. The thing that is different this year is the state has increased the per house allocation to $10,000; it was $8,000 for many years. So, the forgiven loan has a different depreciation amount, although it is termed a forgiven loan as long as the homeowner stays in the home; there is no payback eligibility. It talks about the types of work that is done one each home and how we select the contractors and do the work for each item. It will be the first of next year before we send out the applications for this program.

  Council Member Haire made a motion to approve the Assistance Policy; seconded by Council Member Buckels, the motion carried unanimously.

- **Procurement and Disbursement Policy (Exhibit K)**
  This policy is put in place and approved by the state to make sure that contractors who we work with know the procurement policies for how we select them; we always have to send bid packages to three contractors and hope for at least one bid when they come back in. The policy talks about bid packages; how we secure them and that we are open, fair, and consistent with the process.

  Mayor Pro Tem Salmon made a motion to approve the Procurement and Disbursement Policy; seconded by Council Member Gaskins, the motion carried unanimously.

Agreement for Services with Triangle J Council of Governments for NC Housing Finance Agency 2019 Urgent Repair Program (Exhibit L)

Community Development Manager Karen Kennedy explained that for the 2018 URP and 2018 Essential Single-Family Rehab Program, we had to seek new consultant services for this type work that would assist with the rehabilitation work write-ups. We were fortunate enough to gain an
opportunity to work with Triangle J Council of Governments and they have agreed to continue to
work with our 2019 URP. This is an agreement for services to work with them.

Council Member Gaskins made a motion to approve the Agreement for Services with Triangle J
Council of Governments for NC Housing Finance Agency 2019 Urgent Repair Program. Seconded
by Council Member Buckels, the motion carried unanimously.

Resolution Directing the Clerk to Investigate a Petition for Annexation by Esplanade Communities of
Florida, LLC (Exhibit M)
Senior Long-Range Planner David Montgomery explained that the resolution directs the clerk
to investigate a petition for non-contiguous annexation for property located off of Fire Tower Road
owned by Esplanade Communities of Florida, LLC. Staff received the petition on June 4, 2019.
Council Member Gaskins made the motion to approve the resolution. Council Member Taylor
seconded the motion. (No vote was taken but was corrected on September 17, 2019, City Council
meeting).

- Receive the Certificate of Sufficiency for Voluntary Annexation (Exhibit N)
  Mayor Mann received the Certificate of Sufficiency for Voluntary Annexation from City
  Clerk Bonnie Davis stating the petition was sufficient.

- Resolution Fixing Date of Public Hearing on Question of Annexation by Esplanade Communities of Florida, LLC (Exhibit O)
  Mayor Pro Tem Salmon made a motion to approve the Resolution Fixing the Date of the
  Public Hearing on the Question of Annexation by Esplanade Communities of Florida,
  LLC. Seconded by Council Member Gaskins, the motion carried unanimously.

Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting
Time and Place for Public Hearing on Preliminary Assessment Roll – Hawkins Avenue Sewer
Extension (Exhibit P)
City Engineer Paul Weeks explained that this is first project that has made it through
construction; this is where the City pays 75 percent of the construction costs; the remaining costs is
assessed to the homeowners. The project is complete and in service. Staff mailed letters to
homeowners informing them that now is the time to tie-on to the sewer. This resolution sets the
amount of the assessment that the homeowners would be subject to and sets the date of the public
hearing for October 1, 2019, at 6 P.M.; this is when the assessment roll will be presented to Council.
The amount subject to assessment is $41,968.99; which amounts to $6,994.83 (which is one-quarter
of the cost) per lot.

Council Member Taylor made the motion to adopt the Resolution Declaration the Cost and
Ordering Preparation of Preliminary Assessment Roll and Setting the Time and Place for the Public
Hearing on the Preliminary Assessment Roll – Hawkins Avenue Sewer Extension. Seconded by
Council Member Gaskins, the motion carried unanimously.

Encroachment Agreement with Duke Energy for Sanford-Chatham Sewer Extension (Exhibit P)
City Engineer Paul Weeks explained that this is an encroachment agreement with Duke
Energy. Typically, staff does not bring this to Council; however, in this particular case, Duke Energy
wants someone from the City to counter sign an easement with us. This is for the Sanford-Chatham
County sewer extension from Colon Road to the river; it is everywhere the City is paralleling with the Duke Energy easement. In that easement, we have approximately 2.9 acres of temporary easement where we need to drive over and .07 acres of permanent easement. We need to complete this paperwork to move forward.

Council Member Buckels made the motion to approve the Encroachment Agreement with Duke Energy for the Sanford-Chatham Sewer Extension. Seconded by Council Member Gaskins, the motion carried unanimously.

Ordinance to Erect Stop Signs within the City of Sanford – Chapter 36, Traffic Code of Ordinances (Exhibit R)

Transportation Administrator Phillip Lawrence explained that staff has been petitioned by citizens in Chancellors Ridge to erect stop signs at the eastern most intersection of Chancellors Ridge Way with West Chase Run in both directions.

Council Member Taylor made the motion to approve the Ordinance to Erect Stop Signs within the City of Sanford – Chapter 36, Traffic Code of Ordinances. Seconded by Council Member Gaskins, the motion carried unanimously.

Ordinance to Erect Stop Signs within the City of Sanford – Chapter 36, Traffic Code of Ordinances (Exhibit S)

Transportation Administrator Phillip Lawrence explained that staff has been petitioned by citizens in Chancellors Ridge to erect stop signs at the western most intersection of Chancellors Ridge Way with West Chase Run in both directions.

Council Member Gaskins made the motion to approve the Ordinance to Erect Stop Signs within the City of Sanford – Chapter 36, Traffic Code of Ordinances. Seconded by Council Member Haire, the motion carried unanimously.

Ordinance Establishing a 10-Minute Loading Zone on the West Side of the 100 Block of N. Moore Street of the City of Sanford (Exhibit T)

City Engineer Paul Weeks explained that Illusions, at the corner of Carthage and Moore Streets, has requested a loading zone on the west side of Moore Street in front of the store. It would be a ten-minute loading zone and would encompass the first two parking spaces as you turn onto Moore Street from Carthage Street. DSI has been informed and DSI is in agreement. Mr. Taylor stated that he received a couple of calls and he visited with three venues – the Makepeace, Pedals and Illusions. There were issues with parking and tickets issued while he was there. Someone took his wife into Illusions and she was on oxygen and before he got her in the chair, the man received a ticket. The officer was doing their job. This will allow for a loading zone blocked off for temporary parking on the Moore Street side. It is safer on Moore Street instead of Carthage Street.

Council Member Taylor made the motion to approve the Ordinance Establishing a 10-Minute Loading Zone on the West Side of the 100 Block of N. Moore Street of the City of Sanford. Seconded by Council Member Gaskins, the motion carried unanimously.
OTHER BUSINESS

Council Member Taylor stated that he is proud to see the release on the announcement of preparations for Hurricane Dorian. Public Works staff has done a great job of cleaning out storm drains, making sure the lines are blown out, etc., in preparation for the hurricane.

Mr. Taylor noted that Rocky Mount has done a great job with their growth and villages. They have the same problems that we have in similarity in dealing with the youth and the shootings. These kids are faced with a lot of consequences and decisions and they are not making the right choices. Sanford is not alone when we look at what has happened. Rocky Mount has had fifteen shootings this year; very similar to our community.

Mr. Hegwer explained the storm-related preparations and activities (see Exhibit U) the City has done to prepare for the hurricane. Staff has checked equipment to ensure continued operation. Mayor Mann announced and encouraged the public to sign up for City alerts through text or tweeted in the event of a problem/situation.

Mayor Mann stated that a lot of discussion has been held regarding the violence/shootings that have occurred recently. The Police Department will be giving an update to Council and our citizens on this issue.

Mayor Mann stated that the $500 million expansion at Pfizer with the new gene therapy is exciting and Sanford will be soon known as a city of gene therapy replacement and a life sciences hub. We have other companies interested in clustering around this expansion, which could be a tremendous asset to our City.

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 or retained by the public body in order to preserve the attorney-client privilege. So moved by Council Member Buckels and seconded by Council Member Gaskins, the motion carried unanimously.

RETURN TO REGULAR AND ADJOURNMENT

Council Member Gaskins made the motion to adjourn the meeting; seconded by Council Member Post, 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