

**MINUTES OF MEETING OF THE  
CITY COUNCIL OF THE CITY OF SANFORD  
SANFORD, NORTH CAROLINA**

The City Council met at the Sanford Municipal Center, 225 E. Weatherspoon Street, on Tuesday, April 17, 2018, at 6 p.m., in Council Chambers. The following people were present:

Mayor T. Chet Mann  
Mayor Pro Tem Rebecca Wyhof  
Council Member Sam Gaskins  
Council Member Jimmy Haire  
Council Member James Williams  
City Attorney Susan Patterson

Council Member Charles Taylor  
Council Member Byron Buckels  
City Manager Hal Hegwer  
City Clerk Bonnie Davis  
Deputy City Clerk Vicki Cannady

Absent:

Council Member Norman Charles Post, III

**CALL TO ORDER**

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

**PUBLIC COMMENT- (Exhibit A)**

Greg Stoch, residing 220 N. Gulf Street, encourage Council to support the Ordinance Establishing Speed Limit on N. Gulf Street Between Carthage Street and Weatherspoon Street in the City of Sanford, for better control and safety on Gulf Street and in the Rosemount McIver neighborhood.

**APPROVAL OF AGENDA**

Mayor Pro Tem Salmon made the motion to approve the agenda. Council Member Taylor seconded the motion. Mayor Mann requested to amend Item 11G under New Business to Consider Appointment of Chairman and Hotelier to the Tourism Development Authority. Mayor Pro Tem Salmon amended her motion to include the amendment and Council Member Gaskins amended his second to the motion to approve the amended agenda and it carried unanimously.

**CONSENT AGENDA**

Approval of City Council Minutes Dated September 19, 2017 – (Filed in Minute Book 91)

Approval of City Council Retreat Minutes Dated March 8, 2018 – (Filed in Minute Book 93)

Approval of City Council Retreat Minutes Dated March 9, 2018 – (Filed in Minute Book 93)

Approval of City Council Work Session Minutes Dated March 13, 2018 – (Filed in Minute Book 93)

Approval of City Council Meeting Minutes Dated March 20, 2018 – (Filed in Minute Book 93)

Approval of Health Insurance Renewal for Plan Year 2018-2019 – (Exhibit B)

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2017-2018 – (Repair Cole Street Parking Lot and Demolition of 165 Charlotte Avenue) - (Exhibit C)

Approval of Resolution of the City Council of the City of Sanford Authorizing the Condemnation Action on Parcels for Sanford-Chatham County Sewer Extension Project – (Parcel 9687-30-4279-00) - (Exhibit D)

Approval of Resolution of the City Council of the City of Sanford Authorizing the Condemnation Action on Parcels for Sanford-Chatham County Sewer Extension Project – (Parcel 9686-29-1747-00) - (Exhibit E)

Approval of Resolution of the City Council of the City of Sanford Authorizing the Condemnation Action on Parcels for Sanford-Chatham County Sewer Extension Project – (Parcel 9676-52-8667-00) - (Exhibit F)

Approval of Resolution of the City Council of the City of Sanford Authorizing the Condemnation Action on Parcels for Sanford-Chatham County Sewer Extension Project – (Parcel 9687-30-6005-00) - (Exhibit G)

Approval of Resolution of the City Council of the City of Sanford Authorizing the Condemnation Action on Parcels for Sanford-Chatham County Sewer Extension Project – (Parcel 9687-30-3847-00) - (Exhibit H)

Approval of Resolution of the City Council of the City of Sanford Authorizing the Condemnation Action on Parcels for Sanford-Chatham County Sewer Extension Project – (Parcel 9686-27-4454-00; 9686-15-5032-00; 9687-30-4517-00; 9686-39-5699-00) - (Exhibit I)

Approval of Resolution of the City Council of the City of Sanford Authorizing the Condemnation Action on Parcels for Sanford-Chatham County Sewer Extension Project – (Parcel 9666-31-7056-00; 9666-52-2894-00; 9666-50-4813-00; 9665-69-2324-00) - (Exhibit J)

Council Member Gaskins made the motion to approve the consent agenda. Seconded by Council Member Buckels, the motion carried five to one in favor with Council Member Taylor casting the dissenting vote.

### **SPECIAL AGENDA**

Consider Proclamation Honoring the Life of Lisa McBryde – (Exhibit K)

Mayor Mann read a proclamation honoring the life of Lisa McBryde and presented it to her friends, Susan Oldham, Mary Tatum and Lisa Meadows.

Consider Proclamation Proclaiming April 18, 2018, as Lineman Appreciation Day – (Exhibit L)

Mayor Mann read a proclamation proclaiming April 18, 2018, as Lineman Appreciation Day. Grant Badgett with Duke Energy was present in the audience and noted that staff would mail the proclamation to Indira Everett.

**PUBLIC HEARING: held jointly with the Planning Board.**

Application by Wynnefield Properties, Inc. - to rezone a 5.00 acre  $\pm$  portion of a 15 acre  $\pm$  tract of land addressed as 1732 Westover Drive, from General Commercial (C-2) to the Mashburn Property Multi-Family Conditional Zoning District to allow for the development of an apartment community. The property is the same as depicted on Lee County Tax Map 9631.02 and 9631.01 as Tax Parcel 9631-56-2403-00 Lee County Land Records and is illustrated as Tract 3 on a survey map recorded in Plat Cabinet 9, Slide 79E of the Lee County Register of Deeds Office. – (Exhibit M)

Zoning Administrator Amy McNeill explained that the subject property is a 5 acre +/- of a 15-acre tract of land addressed as 1732 Westover Drive and the owner would like to rezone from General Commercial (C-2) to Mashburn Property Multi-family Conditional Zoning District to allow for the development of a multi-family apartment community. The Sanford/Lee County Technical Review Committee has reviewed the civil and architectural plans for the project. Upon review of the information provided, the developer decided to pursue the rezoning of the property and the development of this project via the conditional zoning process and has submitted this rezoning request for Council's consideration. She gave the adjacent zonings surrounding the property as listed on Exhibit M.

The 2020 Land Use Plan Map identifies the subject property as being within an Interchange/Highway Node, which is a land use classification identifying a major mixed-use area of retail/service center of over 200,000 square feet with additional major office and business park employment. Development at a highway node should be sited and designed as a community gateway.

A public informational meeting was held on April 11, 2018 and no citizens attended. Staff did receive a phone call from an Owl's Nest resident who has an existing sanitary sewer coming through their property that has an occasional unpleasant odor. She is concerned about the smell possibly being created for the inability of the existing sewer lines being able to handle the capacity and that the new development may add to the problem. The Engineering Department verified that the existing sanitary sewer capacity and lines in the area can handle the additional development and the smell is a separate matter.

Planning staff recommends that the Council support the rezoning request, as it appears to be a continuation of a multi-family trend in the area and the subject property is a 5-acre portion of an existing 15-acre tract and is located to the rear of the large tract of land.

Mayor Mann opened the public hearing. Craig Stone, from Jamestown, North Carolina, with Wynnefield Properties, spoke in favor of the rezoning request. They are a family firm who has been in business for 46 years, specializing in multi-family housing. He explained the project in detail and answered questions by Council Members.

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

Consideration of a Text Amendment to the Unified Development Ordinance, Article 6 Subdivision Regulations, to add language to clarify that all proposed lots that would require a private septic system in order to be developed must be approved by either a licensed soil scientist or the Lee County Environmental Health Department prior to the plat being recorded. - (Exhibit N)

Zoning Administrator Amy McNeill explained that upon conferring with the Lee County Environmental Health Department, staff determined that specific language should be added to the UDO Subdivision Regulations to clarify that all proposed lots that would require a private septic system in order to be developed must be approved by either a licensed soil scientist or the Lee County Environmental Health Department prior to the plat being recorded. A version of this language was included within the Lee County Subdivision Ordinance that was in place prior to the UDO but was not carried over. The rationale for this requirement is that it prevents someone from creating undevelopable lots.

Mayor Mann opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

Consideration of a Text Amendment to the Unified Development Ordinance, Article 4 Permitted Use Matrix, to remove "Boarding House/Room Renting" as a permitted land use in all zoning districts. - (Exhibit O)

Community Development Director Marshall Downey explained that this is an amendment to the UDO. Staff is requesting to amend our ordinance to remove boarding houses, the definition as well as the category for the land use from our Unified Development Ordinance as indicated in Exhibit O. Staff is recommending that this land use is archaic and dated as a valid land use and should be removed as an option for new starts. The concern with the boarding homes/room renting is that this would encourage conversion of an existing (typically larger) single-family structure with minimal investment. Staff is concerned that this is not the intent of the infill policies as envisioned in our Land Use Plan Update. Staff is recommending to remove that land use category from the UDO. Mr. Downey explained the difference between room renting and an Airbnb.

Mayor Mann opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

Consideration of a Text Amendment to the Unified Development Ordinance, Article 11 Sign Regulations as a major update, which is the result of a U.S. Supreme Court decision regarding sign regulations. - (Exhibit P)

Community Development Director Marshall Downey explained that a 2015 United States Supreme Court ruling on sign regulation has major implications for all local governments and may require them to revise their sign ordinance in order to reduce legal risks. Attorney Patterson hired the law firm of Parker Poe to assist staff in revising the wholesale regulations before Council tonight. Mr. Downey introduced Attorney Mac McCarley with Parker Poe Law Firm.

Attorney McCarley said the ruling upended sign regulation all across the country as we have done it for years. In the past, we would regulate by each problem that arose. What the court has said in this case, is that it is content-based regulation and runs afoul of the First Amendment. So, what we now have to do is do all the regulations on signs on the basis of time, place, and manner only. The short-hand rule now from the Supreme Court is if you have to read the sign to know what regulation applies, then it is content-based and it is therefore, unconstitutional. So now we have to regulate basically on time, place and manner. Place - means we are going to regulate it by zoning district or the use of the property. Manner - that is going to be what size is it; lighted or not-lighted; is the lighting exterior or interior; it is all going to be time, place, or manner. Time - means it is either permanent or temporary; those are the two choices. Everything that the City had in its sign ordinance that is

related to these different kinds of signs have now been collapsed into some version of time, place and manner regulations. There used to be a regulation about fuel island canopies which usually have a gas company name on it or logo. The City's ordinance said you may put the name of a company and a registered logo. Now it states you may have one and it is a fuel-island canopy but it simply regulates how much copy you can put on it and how big it is but you cannot state what it is going to say. The ruling also relates to the subdivision signs; the City's used to say you may have a subdivision sign that has the name of the subdivision on it; now it says you may have a sign at the entrance to a subdivision but you can put on it whatever you want. The only limit is obscenity. The City's ordinance is no longer specific; it is time, place and manner regulations.

Mayor Mann opened the public hearing. Attorney McCarley answered questions posed by the Council Members.

Attorney Patterson stated that although staff took great efforts working with Parker Poe to revise this ordinance to pass constitutional muster on these things, there is one area which there is a slightly different approach, which is political signs. The State Legislature enacted a rule that allowed you to place political signs in the street rights-of-way during certain times and along all state streets. We have so many state highways that go through Sanford, and there was a question about whether we would have different rules for the City streets as opposed to the State streets. We do have a provision that says that for political signs, you will go with the standards and conditions as dictated by State law. Mr. McCarley said that is time, place and manner. Time is that it sets a period of time before the one-stop voting starts and ten days after the election.

Mr. McCarley advised that every community in the country that regulates signs is going to go through this process. The good news is Sanford is going through it before the City gets sued. His guess is that over the next ten years, every jurisdiction will be redoing their sign ordinance; they will have to.

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

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

### **NEW BUSINESS**

#### **Consider Amendment to the Administration and Management Services Agreement with NC Coalition to End Homelessness – (Exhibit Q)**

Community Development Manager Karen Kennedy explained this is an amendment to the contract the City has with the North Carolina Coalition to End Homelessness; Terri Allebaugh has been representing them for the City through the S3 Housing Connect Project and has been a valuable resource. He brings the expertise to make sure we are doing things like some of the larger communities. The contract amendment is for an extension of Mr. Allebaugh's services, to cover the period of January 1, 2018 through December 31, 2018, at an amount not to exceed \$8,857. Please see Exhibit Q for the Statement of Work Items. Throughout the process, S3 Connect has been working with Bread of Life, extreme weather shelter facility, Outreach Mission and several other local non-profits, and they have found that if we want to get them grant ready, we have to get them more organized and Mr. Allebaugh brings the expertise to accomplish this goal. Mr. Allebaugh ran a non-profit in Durham for many years.

Council Member Taylor made the motion to adopt the amendment to the Administration and Management Services Agreement with NC Coalition to End Homelessness. Seconded by Council Member Buckels, the motion carried unanimously.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2017-2018 – (Johnston/Lee/Harnett Community Action) – (Exhibit R)

Karen Kennedy explained that this budget amendment appropriates \$8,900 for Amendment to the Administration and Management Services Agreement with NC Coalition to End Homelessness just approved by Council; and \$1,500 to Johnston/Lee/Harnett Community Action for emergency shelter/housing needs. Council Member Buckels made the motion to approve the ordinance. Seconded by Mayor Pro Tem Salmon, the motion carried unanimously.

Consider Ordinance Establishing Speed Limit on N. Gulf Street Between Carthage Street and Weatherspoon Street in the City of Sanford – (Exhibit S)

Transportation Administrator Kris Furmage explained that staff has received a request to reduce the speed limit on N. Gulf Street between Carthage Street and Weatherspoon Street to 25 MPH. Mr. Taylor expressed concern about lowering the speed limit and the enforcement of speed and running of stop signs. After a lengthy discussion, Council Member Buckels made the motion to adopt the ordinance. Seconded by Mayor Pro Tem Salmon, the vote was in favor five to one with Council Member Taylor casting the dissenting vote. Council Member Taylor requested that a speed study be done prior to putting up the signs to see if there is any improvement.

Consider Resolution in Support of the Temporary Closure of Streets for the Purpose of an Arts and Vine Festival – (Exhibit T)

Transportation Administrator Kris Furmage explained that a request has been made to temporarily close a portion of Bracken Street between N. Horner Boulevard and N. Steele Street for the purpose of the Arts and Vine Festival, between the hours of 8 AM and 9 PM, on May 12, 2018. Council Member Gaskins made the motion to approve the resolution in support of the temporary closure. Seconded by Council Member Buckels, the motion carried unanimously.

Consider Resolution in Support of the Temporary Closure of Streets for the Purpose of an AACA Car Show – (Exhibit U)

Transportation Administrator Kris Furmage explained that Anthony Bright, acting on behalf of the AACA Car Show, is requesting a temporary closure of Moore Street between Wicker Street and Carthage Street and Chatham Street between Charlotte Avenue and McIver Street, along with the drive that runs through Depot Park, on June 2, 2018, between the hours of 6 AM and 4 PM, for the purpose of the Tenth Annual AACA Car Show. He confirmed with Jennifer St. Clair that Mr. Bright followed DSI's procedures for requesting street closures for Downtown. DSI's board approved the request.

Council Member Williams made the motion to approve the resolution. Mayor Pro Tem Salmon seconded the motion.

Council Member Taylor stated that as Council closes streets, we need to be cognizant of the effect we have on businesses. He is glad to see that the car show has outgrown Chatham Street and glad to see them at Depot Park. Mr. Taylor stated that to minimize impact on Moore Street, is it possible that we can pass this regulation with the stipulation that we look at utilizing our parking

space behind the Buggy Company. He suggested blocking off from Chatham Street to First Street, and have the cars located in the middle of the street and our parking lot. It would help some businesses out and cuts out the businesses that are affected significantly. When you close the Moore Street side of the railroad tracks, you affect a lot of businesses. There are only one or two businesses on Chatham Street that are operational prior to 3 PM.

Mr. Hegwer stated that included in the packet is a letter from Anthony Bright stating that only one business – the Antique Mall – was not excited about the closure.

Council Member Taylor made the motion to table this resolution and take the matter up on May 1, 2018 and give staff time to look at closing Charlotte Avenue from Chatham Street to First Street and provide the parking lot at the Buggy Building for the car show. Seconded by Council Member Gaskins, the motion carried unanimously.

Consider Resolution in Support of the Temporary Closure of a Portion of North Avenue for the Purpose of an Outreach Celebration by East Sanford Baptist Church – (Exhibit V)

Transportation Administrator Kris Furmage explained that East Sanford Baptist Church would like to temporarily close a portion of North Avenue from Third Street to Fourth Street for the purpose of an Outreach Celebration, on Wednesday, July 4, 2018, between the hours of 3 PM and 8 PM. Council Member Buckels made the motion to approve the resolution. Seconded by Mayor Pro Tem Salmon, the motion carried unanimously.

Consider Appointment of Chairman and Hotelier to the Tourism Development Authority – (Exhibit W)

City Manager Hal Hegwer advised that Donnie Oldham resigned from the Tourism Development Authority (TDA) as chairman; therefore, Council needs to appoint a new chairman to serve until such time as Council appoints a chairman in June of each year. The TDA also has one hotelier vacancy (term expires June 30, 2020). The vice-chair is selected by the TDA members. Staff spoke with Mr. Trivedi, with Baymont Hotel, who is willing to serve on the authority.

Mayor Mann stated that Mr. Oldham resigned as chairman only because he did not feel he was the right person with the right skill set to lead the TDA in the direction of marketing to put heads-in-beds. SAGA was involved with this and had a long-term macro approach to harvest this over a lot more time. The TDA wants to take immediate action to bringing people to Sanford for the sole purpose of having them spend the night, which benefits our City. Mr. Oldham felt it was over his qualifications and wanted to see someone else with more expertise and promotional knowledge. The hotelier resignation was a regional person and did not feel she could attend the meetings.

Council Member Gaskins made a motion to appoint Steve Brewer by acclamation as chairman to serve until June 30, 2018. Seconded by Council Member Williams, the motion carried unanimously. Mr. Gaskins made the motion to appoint Sam Trivedi to fill the position of hotelier for the remainder of the term. Seconded by Mayor Pro Tem Salmon, the motion carried unanimously.

Mr. Gaskins noted that he felt Council may need to appoint an alternate from the hotel industry at some point. The difficulty is with the hoteliers as they manage the hotel and it is hard for them to leave work to attend the meetings. Therefore, it creates a problem with attendance and achieving a quorum. We may need to go back to the State to see if we can change the ratio of hoteliers. Mr.

Taylor noted that we may need an alternate to the food and beverage industry representatives because we have restaurants that attract people from out of town. It was suggested making this item a work session item.

**OTHER BUSINESS**

Council Members praised the Streetfest event and thanked everyone who participated in putting together this event.

Council Member Taylor praised Britton Buchanan on The Voice and suggested that we need to honor him at some time in the future. Mr. Taylor cautioned everyone about communication to merchants on street closings in regards to Streetfest. Streetfest was a great event and he hopes Council will continue funding the fireworks.

Mayor Mann stated that our "Open for Business" agenda is working as our City/County has had a \$400 million tax base expansion. Wallet Hub is a financial resource organization in Washington, D. C. and has ranked us 15<sup>th</sup> in the United States for best small cities to start a business. Salisbury and Wilson are ahead of us and New Bern behind us. He commented how wonderful the Streetfest event was and applauded Britton Buchanan on his performance on The Voice.

Mayor Mann reminded everyone of the Block Party on Saturday, April 28.

Marshall Downey gave an update on the wayfinding signage project.

**ADJOURNMENT**

Council Member Buckels 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,

  
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T. CHET MANN, MAYOR

ATTEST:

  
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BONNIE DAVIS, CITY CLERK