

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 21, 2015, at 7 P.M., in the Council Chambers. The following people were present:

Mayor T. Chet Mann  
Council Member Byron Buckels  
Council Member Jimmy Haire  
Council Member Charles Taylor  
City Clerk Bonnie Davis  
City Manager Hal Hegwer

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

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

**PUBLIC COMMENT** – (Exhibit A)

Richard Hearn, residing at 192 Tabitha Lane, spoke in opposition to coal ash. He had a 25 acre tract at the end of Post Office Road, within a half mile of the where the coal ash is going and the developers called and asked him about coal ash and what he thought about it. Mr. Hearn said that he told them it must be a contaminant because they are wanting to move it to Sanford and that it must have the right type of soil. The developer backed out of the deal, and he had previously sold this developer 39 acres. Charah is buying up everything in that area. He owns 140 acres surrounding the mine. He did not know if the City or County can do anything about it.

Joe Bray, residing at 1770 Post Office Road, spoke in opposition to coal ash. His wife grew up at 969 Post Office Road and the area was a playground for her. Her father worked at the brickyard for 47 years. He expressed concern about the liner being ruptured by the water that seeps up from the ground. He said a lot of residents who reside in that area have wells and they are hard to get. They have a pond and water seeps out of the ground from a natural spring all year. He expressed concern that flying coal ash will contaminate everything in that area. He said if they have a hurricane, this place floods from the creeks. When Hurricane Fran came through, it was days before they could get through.

Jay Calendine, residing at 210 High Ridge Drive, said he wished like many others, that Council had within its purview the ability to deny this coal ash storage site. Unfortunately, that is not the case; that decision was taken out of the City and County's hands. There is no decision Council can make tonight that will prevent that site being located and that is the shameful truth of it. He has spoken with individuals who attended the Citizen's Academy, and those individuals would mention the wastewater treatment facility and how amazing it is. The City has the resources and the staffing capabilities to treat the leachate here. The reason we should do this is because we lose the visibility on the whole process if Charah builds its own facility, or if Charah contracts with another municipality. The main reason for doing this is for the protection of water.

Holly Moore, residing at 86 Cottontail Lane, spoke in opposition to coal ash. She and her husband have lived at this address for twenty plus years ago. She has property in Lee and Chatham Counties. She and her husband live off the land. They have a small fruit orchard and they hunt off the land. They have a creek that runs through their land that stays full of water unless they have an extreme drought. They are concerned because their land abuts the coal ash site and they have well water. She would like

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for Council to consider what is being brought into their community and they do not need that in their backyard with all the uncertainty there is with this issue.

Connie Gartin, residing at 4240 Fox Run Road, spoke on behalf of Relay For Life for Lee County. The year 2015 represents 30 years since Dr. Gordon Klatt walked a tract for 24 hours in Tacoma, Washington all alone. He started the effort. The annual event that eventually became Relay for Life has hundreds of thousands of participants worldwide and all are raising money to fight cancer. This is Lee County's 20<sup>th</sup> Anniversary of Relay for Life. She invited everyone to participate and they are promoting "Paint the Town Purple." Purple is the color for Relay and the dates are May 1 through May 11. She asked everyone to show support by decorating their homes and businesses with purple ribbons, bows, balloons, signs, etc. She asked Council to support this effort by proclaiming May 1 through May 11, 2015 as "Paint the Town Purple" days.

### **APPROVAL OF AGENDA**

Council Member Taylor made the motion to approve the agenda. Seconded by Council Member Gaskins, the motion carried unanimously.

### **CONSENT AGENDA**

Approval of City Council Meeting Minutes Dated February 3, 2015 – (Filed in Minute Book 83)

Approval of City Council Retreat Meeting Minutes Dated March 4, 2015 – (Filed in Minute Book 83)

Approval of Law and Finance Committee Meeting Minutes Dated March 11, 2015 – (Filed in Vault)

Approval of City Council Retreat Meeting Minutes Dated March 11, 2015 – (Filed in Minute Book 83)

Approval of City Council Meeting Minutes Dated March 17, 2015 – (Filed in Minute Book 83)

Approval of Law and Finance Committee Meeting Minutes Dated April 1, 2015 - (Filed in Vault)

Approval of City Council Special Meeting Minutes Dated April 1, 2015 - (Filed in Minute Book 83)

Approval of Resolution to Temporarily Close a Portion of Chatham Street and Moore Street in Support of the AACA, San Lee Chapter, Antique Car Show - (Exhibit B)

Approval of Entering Into an Agreement with Hazen and Sawyer for Professional Engineering Services for an Electronic Operation and Maintenance Manual – (Exhibit C)

Approval of Increase in Funding for Health Insurance and Increase in Dependent Premium Amount for Fiscal Year 2015-2016 - (Exhibit D)

Council Member Buckels made the motion to approve the consent agenda. Seconded by Council Member Wyhof, the motion carried unanimously.

### **SPECIAL AGENDA**

Presentation of "Paint the Town Purple" Proclamation - (Exhibit E)

Mayor Mann read a proclamation proclaiming May 1, 2015 through May 11, 2015 as “Paint the Town Purple” days in Sanford and encouraged all citizens to participate in the activities that week for Relay for Life. He presented it to Connie Gartin.

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

Application by Keller Investment, LLC- to rezone 15.62 acres +/- from the current zoning of General Commercial (C-2) and Office & Institutional (O&I) to Southpark Apartment Home Community Conditional Zoning District to allow for the development of a multi-family apartment community. The subject property includes two lots located along the north side of Commerce Drive addressed as 11 & 12 Commerce Drive and is the same as depicted on Tax Map 9660.01, as Tax Parcels 9660-38-6740-00, which is zoned General Commercial (C-2), and 9660-38-2880-00, which is zoned General Commercial (C-2) and Office & Institutional (O&I), Lee County Land Records Office – (Exhibit F)

Design Review Coordinator Amy McNeill explained that earlier this year, staff met with representatives of Keller Investment, LLC to discuss the site design standards and review and approval process for multi-family projects within the City of Sanford. Upon review of the information provided, the firm decided to pursue the rezoning of the subject property and the development of this project via the conditional zoning process and has, therefore, submitted a rezoning request for consideration.

Specifically, Keller Investment, LLC has submitted a request to rezone two lots totaling approximately 15.6 acres located in the northwestern quadrant of Commerce Drive and Harvey Faulk Road, and addressed as 11 and 12 Commerce Drive – from General Commercial (C-2) and Office & Institutional (O&I) to Southpark Apartment Home Community Conditional Zoning District to allow for the development of a multi-family apartment community.

The lots were created in the year 2000 as Lots 11 and 12 of the Southpark Business Park, a twelve lot commercial subdivision to be served by public water, sewer and streets. Since this time, the proposed utilities have been installed and accepted for maintenance by the City, but only two of the lots have been developed and most of the lots located to the south of Commerce Drive were rezoned in 2008 to allow for the development of Barrington Park - a mixed-use planned development that has yet to break ground.

Earlier this year, staff met with representatives of Keller Investment, LLC to discuss the site design standards and review and approval process for multi-family projects within the City of Sanford. Upon review of the information provided, the firm decided to pursue the rezoning of the subject property and the development of this project via the conditional zoning process and has therefore submitted this rezoning request for your consideration.

The adjoining property to the north is located within the jurisdiction of Lee County, is zoned Residential Restricted (RR) and is developed with single-family homes (826 and 1038 Harvey Faulk Road) and a church (Miracle Baptist Church at 830 Harvey Faulk Road). The adjoining property to the south, opposite Commerce Drive, is zoned General Commercial (C-2) or Barrington Park Conditional Zoning District and is approved for development as part of a mixed-use community, which includes commercial development at the front towards NC Highway 87 South and residential development of various types further down Commerce Drive. The adjoining property to the west is zoned Office & Institutional (O&I) and is developed as Liberty Commons, a nursing and rehabilitation center. The adjoining property to the east, opposite Harvey Faulk Road, is zoned General Commercial (C-2) and

is developed with a commercial multi-tenant building with frontage on NC Highway 87 South and Harvey Faulk Road or is vacant.

Ms. McNeill advised that Southpark Apartment Homes Conditional Zoning District is a Type 1 Conditional Zoning District, which is a stand-alone district with its own unique conditions. This type of zoning district is most suitable in situations where the current zoning districts do not accommodate the desired use(s) and where the owner/developer has a clear vision as to how the property is to be developed. As such, applications for a Type 1 district require that a site plan and architectural elevations be included and the information is legally binding on the land; therefore, the site has to be developed as per the approved plans even if a property transfer were to take place.

The following conditions/information has been included as part of the rezoning application:

- The site is to be developed as a multi-family apartment home community.
- The project will be developed in two phases, the timing of which is market driven.
- Density will not exceed 288 apartment units (18.4 units per acre).  
*The UDO multi-family zoning district of MF-12 allows 12 units per acre. This a slight deviation from what is typically allowed within the UDO.*
- There will be a total of 12 apartment buildings, a clubhouse with a swimming pool, a pool house, enclosed garages, a mail kiosk and an enclosed dumpster/recycling area.
- Site amenities include a tot lot play area for kids and a fenced dog park area.
- The clubhouse, swimming pool and tot lot will be provided in Phase 1.
- There are three types of three-story apartment buildings.
- There will be a 25 foot building setback from the exterior property lines.  
*The UDO multi-family zoning district of MF-12 requires a minimum building setback of 20 foot from the exterior property line.*
- The site is designed with 13% open space.  
*The UDO requires 10% open space for projects with 250+ units.*
- All utility lines will be placed underground, unless evidence can be provided to the City (staff) that it is physically impossible and an undue hardship.
- Site lighting will be provided for security.
- There may be security gates at the entrances which are accessed via a key pad. (This is an option the developer is currently considering but is not going to commit to at this time.)
- Sidewalks (with no curb & gutter) will be installed along the public streets.  
*The UDO requires multi-family projects to install sidewalks in combination with curb and gutter along the public streets which provide access to the development. The project is proposing sidewalks with no curb and gutter along the public streets which access Commerce Drive and Harvey Faulk Road.*
- The landscaping will meet or exceed the standards of the UDO.
- The building design appears to have a traditional architectural style, with a combination of brick veneer, vinyl board and batten siding and horizontal vinyl siding on the exterior of the buildings. The main roofing material will be shingles with standing seam metal roofing on the apartment building entrance areas to add architectural interest.

Ms. McNeill referenced the attached conceptual civil drawing set and the architectural elevations for this project in the agenda. The project designer presented a special presentation to address the issues.

The project will have two points of access, with the main entrance off of Commerce Drive and the secondary entrance off of Harvey Faulk Road.

Ms. McNeill stated that if the conditional zoning district is approved, the site must be developed in the manner approved by the boards and only the uses permitted in the Southpark Apartment Home Community Conditional Zoning District and other uses typically associated with multi-family development would be permitted.

The 2020 Land Use Plan Map identifies the use for the subject property as retail-commercial, which identifies areas appropriate for retail and commercial development. It should be noted that the area adjoining the subject property to the west and south, opposite Commerce Drive, is identified as Industrial Park; however, the actual development and other rezonings in this area (Barrington Park Conditional Zoning District) do not correspond with the 2020 Land Use Plan designation. In other words, we have deviated in the past in this area given the existing development trends.

A public information meeting was held on April 15, 2015 to allow for discussion of this proposed rezoning. The applicant/developer, project designer and staff were in attendance, but no adjoining property owners or other members of the public attended the meeting. She mentioned that since that date, she has been contacted by one adjoining property representative; it is the pastor of Miracle Baptist Church to the north. He received the notice late because the mail goes to the treasurer and he had questions about storm water. Ms. McNeill forwarded, by email, a copy of the site plan to the pastor and explained that storm water was going to be handled on site. She provided the contact information for the project engineer, who could explain in more detail exactly how the storm water ponds work on site.

Staff recommends that the Sanford City Council and Planning Board support this rezoning request – even though it is not consistent with the 2020 Land Use Plan - as it appears to be reasonable and in the public interest based on the existing development along Commerce Drive not being developed in a retail or commercial manner, there have been other rezonings in the area (Barrington Park Conditional Zoning) which did not correspond with the 2020 Land Use Plan designation and included a multi-family component (both apartments & townhomes with a density of 16 units per acre), and the availability of public water and sewer. As with any request for conditional zoning that proposes to deviate from the design standards of the UDO, staff encourages compliance, but recognizes that there may be unique circumstances with each rezoning request which may warrant approval of the design as proposed. Information presented at the public hearing should also be considered regarding a final decision on the requested zoning map amendment.

Mayor Mann opened the public hearing. Carter Keller, with Keller Investments, 2030 Windmill Drive, spoke in favor. Joe Faulkner, Registered Landscape Architect, who works with the CE Group, 301 Glenwood Avenue, in Raleigh, spoke on the proposed project. He said the 288 units that have been proposed will require 450 parking spaces per the UDO. Of those, they are proposing 418 surface parking spaces and 67 garages. The project will have a 24/7 fitness facility, a Wi-Fi Café, 24/7 billiards room, a laundry facility, a bus stop for the children and a dog park.

Mr. Faulkner added that they have located sidewalks along Commerce Drive and Harvey Faulk Road as required; however, they are not proposing curb and gutter along these roadways. Mr. Faulkner explained that putting the curb and gutter is not an issue but once you put it in, you have to pipe (there

is a ditch that is further up Commerce Drive that flows into this area); you have to pick that drainage up through a sub-surface piping. Putting the sub-surface piping that would be required is where the problem comes. There is not any room due to the existing three separate fiber optic lines that run parallel to the existing pavement and also an existing 12-inch waterline. It is not cost effective to relocate these utilities. The south side of Commerce Drive is higher than the north side, so all the drainage goes from the far side of Commerce Drive and tilts back toward the development. The problem is this existing edge of pavement is dead flat. You would end up ponding water if you installed curb and gutter. Mr. Faulkner spoke about the storm water pond and how the water will drain from the property.

Nash Duggins, from Asheboro, works for Keller Investments. He spoke about the design of the buildings and presented a powerpoint presentation displaying pictures of the apartments and the amenities.

Council Member Gaskins asked that without the curb and gutters and drain pipes, what happens when you get one of the big storms; how does it get to the retention pond? Mr. Faulkner replied that it will handle this; he does storm water management on any project he works on. Mr. Faulkner stated that he always makes sure to route the 100-year storm event to make sure it handles it without overtopping. They will route the 100-year storm event to ensure that it is capable of at least passing it through and not do any flooding upstream.

Mr. Keller added that the interior of the development has curb and gutter and drainage pipe.

Pastor Danny Linville, from Miracle Baptist Church said he is not in opposition of progress. They appreciate the development in the Commerce Drive area. He questioned the higher density from 12 to 18 units per acre and with 288 units, there will be more traffic and he asked what consideration had been given to traffic management. He questioned the water management because of the one-year, 24-hour event last year caused erosion damage which they have just completed and repaired. The storm water management is a real issue to them if there is a pond. They are the property north of the project. The low point going from the north up Harvey Faulk Road, it does not go through the side ditch but it goes through the middle of their property. Storm water management is a concern to them.

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

The Planning Board retired to the West End Conference Room.

#### Public Hearing on Installment Purchase Financing for Streetscape and Pedestrian Improvements in the Amount of \$2,750,000

Financial Services Director Beth Kelly explained that the City is required to have a public hearing as part of the Local Government Commission's (LGC) process for approval of installment purchase. Once the LGC approves the loan, they will review the public hearing minutes. At that point, they would bring it back to Council and Council would approve the actual contract.

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

#### REGULAR AGENDA

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2014-2015 (Raleigh Executive Jetport) – (Exhibit G)

City Manager Hal Hegwer explained that at the last Law and Finance meeting, he requested the Council to consider a loan to the Raleigh Executive Jetport for the General Aviation Apron Expansion and the Taxiway Rehabilitation /Widening in the amount of \$190,000 from the City and from the County. That amount was incorrect; it should be \$226,111 from each entity for a total of \$452,222. What is being suggested on this temporary loan is a 3 percent interest rate for approximately one year and after that 12 months, the intention of the Airport Authority is to seek permanent financing by possibly coming back to the City and County or through a financial institution to accomplish that goal. The actual federal grant amount is \$4,070,000.

Council Member Sam Gaskins made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2014-2015 (Raleigh Executive Jetport). Seconded by Council Member Norman Charles Post III, the motion carried unanimously.

Consider Resolution of the City Council of the City of Sanford, North Carolina Declining Water Treatment for Duke Coal Ash Ponds – (Exhibit H)

Council Member Taylor stated that he wanted to give a background on why they are back to where they were two weeks ago and some developments since then. He read the resolution as follows to be recorded in the minutes:

“Resolution of the City Council of the City of  
Sanford, North Carolina Declining Water Treatment for Duke Coal Ash Ponds”

Whereas, North Carolina’s 2014 Coal Ash Management Act passed in the NC House and Senate does not require Lee County/Sanford to receive Coal Ash from Duke Energy;

Whereas, North Carolina’s 2014 Coal Ash Management Act does not require the City of Sanford, which treats the water for the City of Sanford and Lee County, to treat water from the Duke Coal Ash Reclamation site in Lee County;

Whereas, water, being our most precious resource needs protection, so do the citizens of the City of Sanford and County of Lee;

Now, THEREFORE, be it resolved, that the Mayor and the Sanford City Council respectfully decline treatment of water from the Duke Energy Coal Ash waste stream including Charah or any entity acting on the behalf of Duke Energy.”

Mr. Taylor denied that this measure was a political or ineffective measure. He referenced that coal ash would affect the people in the area such as Randy Moore, Joe and Donna Bray, and the military living in Water’s Edge development. He has toured the site and seen wildlife, wildflowers, and a pond that was classified as wetlands which was drained without a permit. He indicated that he sought advice on this resolution from the School of Government, attorneys, DENR, environmental organizations, the County Commissioners’ Association, and the North Carolina League of Municipalities – which are opposed to any of these communities receiving coal ash. He stated there is one standard followed for treatment; not that Sanford can treat it better or that we can control the water treatment better, when this water is released, it meets the same standards. He stated that we can refuse to treat the leachate; our city manager confirmed that this past week that we cannot deny water access to these individuals

but we can deny to treat their water. We cannot discriminate because of race, or because of creed, or religion or ownership of the company who may be bringing this here. But, it is certainly in our purview to do away with treating this water. If they do decide to treat it on site, we can refuse what they give us after that; that's perfectly our right. He indicated that it is also our right to charge and set whatever rate we want to. He suggested that if this City Council doesn't want to adopt a resolution to do everything we can to do away with treating this coal ash water, we could charge them \$125 a gallon to get their attention. That will make a lot of money for this City and by that time, you can support the people who live in this area. He said that we already don't treat other industries in Sanford. He read an excerpt from a City Councilman's email. "Please be aware that coal ash is coming to Lee County. The Duke DENR public documents have been researched; the work on the two local sites have been ongoing for over a year and a half. This legislation has created much like writing a job description describing the person you have already decide to hire. The permits are already prepared by DENR, and are ready to be issued, which is a very unusual situation." He indicated that many industries in Sanford have heavy metals in their waste; Moen and Coty are examples. Heavy metals are dangerous and 25 percent of North Carolina residents get their drinking water from the Cape Fear River. He asked if we wanted to be liable for the 2.5 million people downstream that is pulling water out of the Cape Fear River? He said that May 16 is the close date for the comment period. Permits will be issued soon thereafter and DENR will issue those permits based on the information they get. He indicated that elected officials in Chatham County are interested in doing some things jointly to protect property values and land sales. He said he has an agenda to stop coal ash. He gave an example of grass-root efforts to stop a regional landfill.

Mr. Taylor expressed concern that coal ash would affect growth, education, quality of life, and recruitment of industry. He indicated that other counties are prepared to fight it legally. He requested the Council pass the resolution to fight or delay coal ash coming to Lee County. He indicated that surrounding counties would not treat the leachate, and that we join our neighbors in Chatham County in agreeing not to treat the water. In closing, he added one more quote that he heard this week: "Let us not seek the Republican answer, or Democratic answer, but the right answer. Let us not seek to fix the blame for the past; let's accept our own responsibility for the future." That was said by the late John F. Kennedy speaking to Loyola College Alumni or banquet in Baltimore, Maryland on February 18, 1958.

Mayor Mann asked if there is a motion to consider the resolution. Mr. Taylor made the motion to approve the resolution. There was no second, so the motion died for the lack of a second.

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

### **OTHER BUSINESS**

Council Member Taylor defended his lack of attendance at Council meetings on Wednesday night due to attendance at church. On July 15, 2014, when the Council decided to move the Law and Finance meeting to Wednesday evenings, he fought to keep Wednesday night open to allow Christian faith citizens to protect their freedom of religion due to a commitment he made to his church and other staff's commitment to choir. The City Clerk has been notified each time when these conflicts exist. He admitted to making statements of being ashamed, because of his dissatisfaction of how citizens and those serving in volunteer capacities have been treated and that his opinion and perspective on behalf of those he represents, have not been respected. He gave the example of the golf course and that

Council denied the simple request to hear presentations after companies submitted proposals. He addressed that fresh ideas were ignored and that he was opposed to the GOP postcard mailing during the election.

He indicated that the issue of coal ash treatment in Sanford was never been about becoming a hero to environmentalists, but simply about doing the right thing, trying to block Duke from relocating coal ash to Sanford. He mentioned the employee survey that he worked diligently to implement as a tool for employees, regardless of the hurdles and objections from our legal department, and that he encouraged disclosure of negative comments received even about himself. He reiterated his communication with the residents in his ward and their frustration with Duke Energy. He characterized frustration of citizens that are not being listened to or represented. He addressed comments that he helped pave the way for the environmental nightmare of fracking which he stated was incorrect as the hydraulic fracturing road was paved by the Legislature. He mentioned his service on the Mining and Energy Commission to write the rules and pointed out that only one person from City Council and several staff personnel attended those meetings; likewise, the mayor and at-large members, who also represent Ward 2, have not joined him on travels around Ward 2, except for a photographer living in the Historic District. He addressed that he added his proposed resolution on the impacts of Ward 2 to the City Council agenda after vetting by the School of Government, NC Department of Environment and Natural Resources, attorneys, as well as a couple of environmental organizations. He thanked the mayor and the council for allowing him to express his concerns and thoughts, when he felt personally attacked.

Council Member Sam Gaskins responded to the comments of Mr. Taylor by admitting he sent an email that said coal ash is coming to Lee County and the land purchase was made and announced immediately after the elections in November of 2014. The cost to purchase that land in Lee County was \$3.5 million. He stated that it was a done deal because you don't spend that kind of money on a gamble. It was announced at the Sanford Area Growth Alliance meeting that the permits were already prepared by DENR. Duke will be spending millions to transfer coal ash to Lee and Chatham County. The cost to transport the leachate, which is mostly water and at a far lower density, is nominal compared to what they are paying to bring the coal ash here. He stated that Charah has already been shopping multiple wastewater treatment facilities for where they are going to ship the leachate. They also have the option of treating the leachate on site. It was his opinion that to refuse to treat the leachate would be a serious mistake as we would not be able to control the testing and monitoring requirements as well as not being the last one to have control of that leachate. He compared coal ash legislation to hydraulic fracturing legislation, and read Senate Bill 729 which states, "Notwithstanding any authority granted to counties, municipalities, or other local authorities to adopt local ordinances including those imposing taxes, fees, or charges, regulating health, environment, or land use, all provisions of local ordinances including those regulating land use adopted by counties, municipalities or other local authorities that regulate or have the effect of regulating, the management of coal combustion residuals and coal combustion products, including regulation of carbon burnout plants within the jurisdiction of local government are invalidated to the extent necessary to effectuate the purposes of this part that do the following: Place any restriction or condition not placed by this part upon the management of coal combustion residuals or coal combustion products within any county, city or other political subdivision." He indicated that it is despicable to prey on fearful people with the false hopes that refusing to treat leachate at the Sanford facility will make a difference. He felt the TEA party officials flip flop on environmental issues as a ploy to create a diversion and a campaign issue for fall elections.

Council Member Wyhof stated that she appreciated the residents coming today for public comment. She shared their frustrations and she did not feel that a lot of the residents had been listened to and so much of the control of this process has not been given to the local citizenry and local government. For her part, she did not feel this was a partisan issue nor an issue of money. For her, it is entirely about the health, safety, and welfare of the people who live here. There has been a lot of thinking in the last months about what we can do, what we were elected to do, and what our heart tells us to do. For her, she feels it is her duty to keep all the possible tools that we have in our tool chest available and on the table to deal with this issue. This Council passed a resolution that we do not want coal ash and we do not want it in this community. She felt that in order to do our best part to protect everybody, we have got to fully vet this process. It is a process that includes working with City staff and our fellow community. We all share the water and we all have to figure out a plan to deal with this in the best way possible. This may be the only one place that there is an opportunity that we can intercede on behalf of our community to protect our health, safety and welfare. She trusts our city employees, whether it is police, fire or water safety.

Council Member Post stated that he appreciated the residents of the Colon area for coming tonight. He made it clear that he did know of any Council member who wants this coal ash to come to Sanford and Lee County. The unfortunate truth is that the North Carolina General Assembly brought it here. He indicated that everyone on this Council, from the bottom of their hearts, wants to do what is best for the citizens of Sanford and Lee County. This leachate has to be treated. He asked would you rather it be shipped off to some other location to be treated while the coal ash is still sitting in your backyard or would you rather the City oversee the treatment of the leachate to ensure that it is safe? There are approximately 87 to 100 county residents that live off of well water within a one mile radius of the proposed mine site. Maybe we can take some of the money and hook those residents up to City water so they won't have to be subjected to the possibility of well contamination. He reminded people that we do have one gentleman that sits on this Council who is a part of the Mining and Energy Commission and they are calling this coal ash dump a "mining reclamation site." He asked everyone to think about that.

Council Member Buckels also thanked the residents of Colon Road for coming and speaking tonight and showing support for their community. He called the comments thought provoking. He reminded everyone that we all are affected by this issue at hand; we all have family that live in this county; we all share in this together; it is not an easy issue. He hopes and prays that things will turn out the way it should for this County and that the decisions made by him tonight are from his heart and conviction. It has nothing to do with politics and money. It is about the citizens and people they represent and he hopes everyone can be respectful of each other on what we are all trying to do on this Council.

City Manager Hegwer explained that staff was approached about the possible treatment of coal ash and met with the company regarding our concerns. There has been no decisions made with that; it has been handled at the staff level and we are performing a lot of due diligence on it. Staff is talking with experts on the matter and no decision has been made; we are not being pushed to make a decision by anyone. The City's goal is that everyone is protected since we all drink the water.

Community Development Manager Karen Kennedy informed Council that the City of Sanford/Lee County have received two different grant awards. One is for the 2015 Urgent Repair Program in the amount of \$100,000 and we received another round of funding from the Housing

Finance Agency for the single family rehab program. This is a loan pool and we go in the loan pool and originally receive \$170,000 for three homes and after that, it is open to any of us who can get work done up until they close the project out. We were fortunate with our 2012 project to get seven homes done before they closed the funding.

Mrs. Kennedy presented a powerpoint of the 5<sup>th</sup> Annual Sanford Block Party that took place this past Saturday. She showed pictures of before and after of the homes that had work done to them either by yard work, painting, raking, new plantings, etc. Mayor Mann read a list of names of individuals who participated in the event and thanked Mrs. Kennedy for her work in coordinating this event.

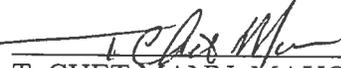
Mayor Mann stated that he has lived in Sanford his entire life and described his family's service to the community. He is a fourth generation and his family has been in this community for 100 years or more. His great grandfather, A. K. Miller, started many things in Sanford, including the first Chamber of Commerce. His grandfather was an alderman for eighteen years and mayor following that in the 60s. His father has served in every non-elected capacity that there is his whole adult life because he cares about Sanford. He would not do this job for any other reason other than he loves Sanford and he cares. He stated he hates coal ash. He described his relationship to those who live near the coal ash site and stated that he did not want the coal ash to come to Sanford, but he has not heard a plan that would stop the coal ash from being located here. Charah has the ability and the backing to treat their waste water run off anyway they choose regardless of our stance. He stated that he respects each Council members' opinion, including Mr. Taylor's. It is his belief that the general public understands the following three things: 1) the vast majority of the general public in Sanford and Lee County understand that we are going to get coal ash no matter what we do; 2) they know it is in the best interest to treat the wastewater runoff and not yield the control over the process to someone else who may or may not have our best interest in mind; 3) at least we understand we have the knowledge and the technology with our modern wastewater treatment plan to treat and remove heavy metals, better than most. And, he concurs with Ms. Wyhof that we can do it better than most. He indicated that the voters overwhelmingly voted for this City Council in the last election and support the things we are doing and the direction this Council has taken. He stated that the decisions of this Council are thought out well and they are vetted well and decisions don't come easy. He is in favor of moving the golf course back to the General Fund because the bond rating agencies questioned why the golf course was in an isolated Enterprise Fund as it was confusing and it raises questions as there is unnecessary costs. He stated that residents of Ward 2 could call their at-large reps and mayor anytime. Mayor Mann stated that the public tells him every day what a great job this City Council is doing. He defends the work of this Council and appreciates each and every member who is doing the best we can for our community and citizens.

City Council Meeting  
April 21, 2015

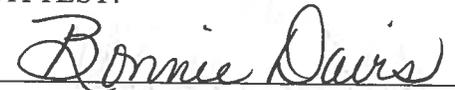
**ADJOURNMENT**

Council Member Haire made the motion to adjourn the meeting; seconded by Council Member Buckels, the motion carried unanimously.

Respectfully Submitted,

  
\_\_\_\_\_  
T. CHET MANN, MAYOR

ATTEST:

  
\_\_\_\_\_  
BONNIE DAVIS, CITY CLERK