

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 18, 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
Council Member Rebecca Wyhof
City Attorney Susan Patterson

Mayor Pro Tem James Williams
Council Member Sam Gaskins
Council Member Norman Charles Post, III
City Manager Hal Hegwer
City Clerk Bonnie Davis

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

PUBLIC COMMENT (Exhibit A)

Albert Adcock (of 1414 Gormly Circle), a local long-time builder and developer, stated his opposition to the proposed text amendment requiring Curb & Gutter and Sidewalks. He noted that while he has received many requests from clients for larger houses and lots, he has received only one request for curb and gutter during his 52 years of business. Van Groce, Jr., (of 915 Gilmore Drive), another local builder and developer, stated that he doesn't understand how this proposal will benefit Sanford or help Council to accomplish its' goal of increasing density. He also noted potential zoning issues which could limit builders and developers economically.

APPROVAL OF AGENDA

Council Member James Williams made a motion to add to the agenda an item for discussion of moving Law and Finance Committee meetings to a different night of the week. Seconded by Council Member Haire, the motion carried unanimously (added as Item 10-A).

Council Member Gaskins made the motion to approve the agenda as modified. Seconded by Council Member Wyhof, the motion carried unanimously.

CONSENT AGENDA

Approval of Resolution in Support of the Temporary Closure of Several Streets for the Purpose of the Sounds on Steele Music Festival (Exhibit B)

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford for Fiscal Year 2015-2016 (Exhibit C)

Approval of Resolution Authorizing Loan to the Sanford-Lee County Regional Airport Authority (Exhibit D)

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

DECISION ON PUBLIC HEARINGS

Consider UDO Text Amendment Requiring Curb & Gutter and Sidewalks (Exhibit E)

Community Development Director Marshall Downey explained that this is a text amendment for consideration requiring curb and gutter and sidewalk in basically all subdivisions within the City of Sanford and Town of Broadway. As proposed, it would not affect projects on lots greater than 30,000 square feet in unincorporated areas outside city limits. It was sent to the Planning Board in March and a Public Hearing was held, where it was tabled until two additional issues were addressed: (1) researching/comparing density in other comparable communities and (2) researching/comparing curb and gutter and sidewalk requirements in other comparable communities. Research presented to the Planning Board in April indicated that Sanford's density was 19th of the 20 comparable communities and that an overwhelming majority of those communities required curb and gutter and sidewalk. The Planning Board met with several home builders (including the two who spoke tonight) in June, who stated their opposition to the proposed amendment. After consideration, the Planning Board voted to move this proposal forward (by a four to two vote) and recommended approval for Council's consideration.

Council Member Taylor stated that several families have continued to build in Sanford over the years and the top few builders account for more than 200 years of experience. He noted that some of the more densely developed projects (Carbonton Cove, The Porches, Falling Waters, Savannah) have not been very successful in Sanford and there appears to be little demand for that type of product here.

Council Member Taylor made a motion to deny the proposed ordinance. Council Member Williams seconded the motion and Mayor Mann opened the floor for discussion.

There was discussion supporting both sides of the issue. Council Member Williams stated that the proposed changes would raise costs to homebuyers by \$15,000 to \$20,000 and that the market, not Council, should set housing prices. Council Member Gaskins stated that he lives in a community with no curb and gutter or sidewalk. Since sidewalks would increase safety for walkers in the neighborhood, and since curb and gutter would direct water to the storm sewer, he supported the proposal.

Mayor Mann agreed that while Council doesn't need to set market prices, it does need to create environments that will allow markets to thrive. Data has shown that all 16 competitive cities in North Carolina with populations of 25,000 to 50,000 (those considered to be Sanford's "peers") have regulations requiring curb and gutter and sidewalk. Although some Council members were contacted by local builders, the Mayor heard only from builders and developers who believe the economics will work if ordinances like this are enacted. Our housing market has not rebounded like it has in the surrounding communities. This Council has agreed to be pro-growth, for both residential and commercial, and to adopt ordinances encouraging density. Since larger lots aren't selling, maybe smaller, denser lots will sell. Developments which have already been approved will be "grandfathered" and not subject to the proposed changes.

Council Member Wyhof suggested that the issue appears to be one of timing: should this issue be addressed now or later, in connection with the updated 2020 Land Use Plan? She would like Council to move forward, but with the understanding that the goal is to indicate, through zoning, the City's desire for a different type of development. Council Member Haire shared a

statement from the chief economist with Fannie Mae who stressed that the long-term health of the housing industry depends heavily on millennials, whose income is below that of the previous generation. Mr. Haire agreed that if these proposed changes will only increase housing costs, now is not the time to implement them; Council can always address these issues in the future.

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

Mayor Mann acknowledged good discussion on both sides of the issue and called for a vote on whether to adopt the ordinance amending the UDO. Attorney Patterson noted that the motion, as made, was to deny adoption of the ordinance amending the UDO, rather than to adopt the ordinance amending the UDO. Mayor Mann clarified that the vote was on the motion to deny adoption of the ordinance amending the UDO. City Clerk Bonnie Davis requested, and Mayor Mann asked for a show of hands. Council Members Taylor, Williams, Haire and Post voted in favor of denying adoption of the ordinance amending the UDO. Voting against the motion to deny adoption of the ordinance amending the UDO were Council Members Gaskins, Wyhof and Buckels. Mayor Mann confirmed that by a vote of four to three, adoption of the ordinance amending the UDO was denied.

REGULAR AGENDA

Discussion of Moving Law and Finance Meetings to a Different Night of the Week

Council Member Haire stated that it would be simpler if all Council meetings were always held on a Tuesday, always at 7:00 p.m. Council Member Wyhof expressed reluctance in asking staff members to stay after 5:00 p.m. every Tuesday for a meeting.

Council Member Taylor made a motion that Law and Finance meetings be moved to the second and fourth Tuesday nights of the month at 7:00 p.m., with Council having discretion to cancel meetings, if needed. This motion was seconded by Council Member Haire.

Council Member Gaskins requested that this motion be amended to state that one Law and Finance meeting will be held on the second Tuesday of the month at 7:00 p.m., with Council having discretion to add another meeting, if needed, on the fourth Tuesday of the month, at 7:00 p.m. Council Member Post seconded this amended motion.

Mayor Mann opened the floor for discussion. Various issues were discussed, including previously scheduled meetings (the Board of Adjustments already has a meeting scheduled on the second Tuesday night of the month), ensuring there is adequate time for discussion of issues prior to Council's first monthly meeting (when there may be a gap between meetings), and the County Board of Commissioners' meeting schedule (typically the first and third Monday of the month, except June, July, August and September, when typically only one meeting is held, on the second Monday of the month. Meetings begin at 4:00 p.m., Public Hearings begin at 6:00 p.m.).

Mayor Mann called for a vote on the amended motion, that Council will have one Law and Finance meeting on the second Tuesday of the month, at 7:00 p.m., with Council having discretion to add another meeting, if needed, on the fourth Tuesday of the month. City Clerk Bonnie Davis requested, and Mayor Mann asked for a show of hands. Council Members Williams, Gaskins, Haire, Wyhof, Post and Taylor voted in favor of the motion. Council Member Buckels voted against the motion, which carried by a vote of six to one.

Since the amended motion above was passed, Council Member Taylor withdrew his original motion that Law and Finance meetings be moved to the second and fourth Tuesday nights of the month at 7:00 p.m., with Council having discretion to cancel meetings if needed.

CLOSED SESSION

City Attorney Patterson stated that a motion was needed for Council to go into closed session in accordance with NCGS 143-318.11(a)(5) to instruct the public body staff or negotiating agents concerning the positions to be taken in negotiating the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

The motion to go into closed session was made by Council Member Gaskins. Seconded by Council Member Haire, the motion passed unanimously.

OTHER BUSINESS

There was no other business.

RETURN FROM CLOSED SESSION AND ADJOURNMENT

Council Member Gaskins made the motion to adjourn the meeting; seconded by Council Member Wyhof, the motion carried unanimously.

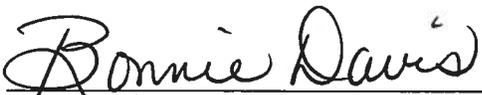
**ALL EXHIBITS CONTAINED HEREIN ARE HEREBY INCORPORATED
BY REFERENCE AND MADE A PART OF THESE MINUTES.**

Respectfully Submitted,



T. CHET MANN, MAYOR

ATTEST:



BONNIE DAVIS, CITY CLERK