

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, October 6, 2015, at 7 P.M., in the Council Chambers. The following people were present:

Mayor T. Chet Mann
Council Member Sam Gaskins
Council Member Jimmy Haire
Council Member Charles Taylor
City Clerk Bonnie Davis

Mayor Pro Tem James Williams
Council Member Rebecca Wyhof
Council Member Norman Charles Post, III
City Manager Hal Hegwer

Absent:

Council Member Byron Buckels
City Attorney Susan Patterson

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

PUBLIC COMMENT

Brenda Johnson, residing at 815 W. McIntosh Street, spoke in support of Brick Capital. She encouraged Council Members to fund Brick Capital to keep it sustainable.

O. B. Thomas, residing at 3205 Kendale Drive, stated that the sidewalks being installed look good and it is money well spent. He mentioned paying taxes to the City. He stated that with regard to funding Brick Capital, if Pandora has a box and you open it, he wants his share.

APPROVAL OF AGENDA

Mayor Mann requested to add the Citizens Academy to the Special Agenda and remove the Closed Session from New Business.

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

CONSENT AGENDA

Approval of City Council Workshop Meeting Minutes of August 12, 2015 – (Filed in Minute Book 85)

Approval of City Council Meeting Minutes Dated August 18, 2015 – (Filed in Minute Book 85)

Approval of City Council Meeting Minutes Dated September 1, 2015 – (Filed in Minute Book 85)

Approval of Law and Finance Committee Meeting Minutes Dated September 8, 2015 – (Filed in Vault)

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

SPECIAL AGENDA

Mayor Mann congratulated the Citizens Academy participants. The mission of the academy is to educate residents about how their city government functions. The ultimate goal is for them to be more engaged and knowledgeable about the decision-making process and to help others learn about city government and how it works. Participants were Ann Barkley, Tammy Barlow, Greg Davenport, Kamilah Davis, Chris McDonald, Katie McDonald, Bill Oberkirsch, Dave Schau, Jan Tart, and Candace Norris (absent). He thanked them for giving of their time for eleven weeks listening to the staff and helping staff to understand what the citizens care about. A short video clip was presented by Public Information Officer Kelly Miller, and Mayor Mann presented each participant with a certificate.

DECISION ON PUBLIC HEARING

Amendment to the Unified Development Ordinance - to add a new land use category for "Mining and Quarries, Oil and Gas Extraction" and to revise/update the existing land use category for "Mining and Quarries". The following sections of the Ordinance is being proposed to be amended: (1) Amendment to Article 4, Table 4.6-1 Permitted Use Matrix to add a new land use category "Mining and Quarries, Oil and Gas Extraction" and further indicate that the use shall be permitted as a Special Use with development regulations in the RA and LI zoning districts and permitted by right with development regulations in the HI zoning district, (2) Amendment to Article 5, Supplemental Development Regulations, to create a new Section 5.41 in order to add supplemental design standards for the land use "Mining & Quarries, Oil & Gas Extraction", and (3) Amendment to Article 4, Table 4.6-1 Permitted Use Matrix - to revise/update the existing land use category for "Mining and Quarries" to "Mining and Quarries, *except Oil and Gas*" and prohibit the land use category as being allowed as a Special Use in the RR, R-20, R-14, R-12SF, R-12, R-10, R-6, MF-12, NC, HC, C-1, C-2, O&I, and CBD districts, and further indicate that the use shall be permitted as a Special Use with development regulations in the RA and LI zoning districts and as a permitted use by right with development regulations in the HI zoning district. – (Exhibit A)

Community Development Director Marshall Downey explained that a public hearing was held on September 22, 2015 to consider changes to the UDO related to oil and gas amendments. This item was taken to the Planning Board that same evening and they unanimously recommended to support the amendments. However, based on recent action of the State Legislature to ratify SB 119: GSC Technical Corrections 2015, amending NCGS 113.415.1 Local ordinances regulating oil and gas exploration, development, and production activities invalid; preempts local ordinance and after consultation with the City Attorney, staff has withdrawn from consideration for adoption the proposed text amendments. This legislation specifically preempts local governments from having the power to regulate the management of oil and gas exploration, development, and production activities, and the use of horizontal drilling and hydraulic fracturing for that purpose (see Exhibit A).

REGULAR AGENDA

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2015-2016 – (Exhibit B)

Financial Services Director Beth Kelly explained that this ordinance amends the operating budget to reappropriate funds for equipment and supplies ordered that were not complete at June 30, 2016. They would have included them in the reappropriations that were brought to Council last month; however, they had some software issues with these three purchase orders.

Council Member Wyhof made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2015-2016. Seconded by Council Member Gaskins, the motion carried unanimously.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2015-2016 – (Loan to Airport Authority) - (Exhibit C)

Financial Services Director Beth Kelly explained that this ordinance amends the operating budget to appropriate \$650,000 from Fund Balance to loan to the Sanford/Lee County Regional Airport Authority. The promissory note is the next item on the agenda for the loan.

Council Member Gaskins made the motion to adopt Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2015-2016 – (Loan to Airport Authority). Seconded by Council Member Haire, the motion carried unanimously.

Consider Promissory Note Between the City of Sanford and Sanford/Lee County Airport Authority – (Exhibit D)

City Manager Hal Hegwer explained that Council just approved a budget amendment for the \$650,000 appropriated for a loan to the Airport Authority. In August 2015, Council approved a resolution authorizing a loan to the Sanford/Lee County Regional Airport Authority in the amount of \$850,000. The plan at the time was for a match for a federal grant that the airport received for the apron expansion and taxi-way widening project and the construction of approximately 30 T-hangars to house additional aircraft. There is currently a waiting list for much more than the 30 T-hangars that the Airport Authority plans to build. For consideration tonight, there is a promissory note for the total of \$650,000. As the Airport Authority has discussed these projects moving forward, they felt the Local Government Commission would be more in favor of the application for the loan approval if the apron expansion and taxiway widening project were removed at this time. The grant funding is good for subsequent years (for an additional two to three years) so the Authority will come back and try to take care of those project matches out of the airport's fund balance or capital reserve account.

Mr. Hegwer advised that the promissory note is for fifteen years, at an interest rate of 2.83 percent, in the amount of \$650,000.

Council Member Gaskins made the motion to approve the Promissory Note between the City of Sanford and Sanford/Lee County Airport Authority. Seconded by Council Member Post, the motion carried unanimously.

NEW BUSINESS – (Items for discussion and action will only be taken if necessary. Otherwise, these items will be placed on the next agenda for approval.)

Consider Request from Progressive Contractors to Move Its Home Offices to Third Floor of Buggy Factory – (Exhibit E)

City Manager Hal Hegwer explained that Progressive Contractors is requesting to move its home offices to the third floor of the Buggy Factory. The City and County shared departments will be locating in part of the ground floor and occupy all of the first and second floors, along with the Sanford Area Growth Alliance. There is additional space on the third floor. Progressive will utilize about one-third or one-half of the space. In our commercial lease agreement that we agreed to, there is language that states

that the landlord shall not assign the lease or sublease any portion of the premises without prior consent of the tenants. Tenants shall have the right of first refusal prior to landlord renting any other additional spaces in the premises. Staff agree that having the owner of the building in the building is compatible and does not foresee any problems with it.

Council Member Wyhof questioned what are the access issues; will people have to go through City space to get to third floor or is it completely sealed and confidential? Mr. Downey replied no; they will not have to go through City space. You will have the Chatham Street entrance. There will be an interior stairwell immediately upon your entry. You will be directed to go up to get to the floor. Staff is working with Progressive now in terms of the electric strikes and key locks to determine what time the public will have access to certain areas. The short answer is there are common areas and areas that the City has proprietary control over and those will be off limits based on what we want them to have access to. Staff is working with Progressive and SAGA on a number of common issues.

Council Member Gaskins made the motion to approve the request. Seconded by Council Member Post, the motion carried in favor five to one, with Council Member Williams casting the dissenting vote.

Mayor Mann stated that regarding the redistricting for the 21st Century North Carolina, he has been asked that the City Council considering adding our name to the list of leaders supporting North Carolinians to end gerrymandering. This includes former Governors Martin and Hunt, former Mayors Richard Venrick and Charles Meeker, as well as, 90 current mayors of towns from the mountains to the shore. You have people from both sides of the aisle trying to end gerrymandering in an effort for fair voting in North Carolina's future. The state is changing and the demographics have changed. They would like for us to consider a resolution saying that we would be for ending gerrymandering and for redistricting in a more fair way. There are several resolutions he will bring for Council to consider and he would like for it to be on the next meeting.

Closed Session

This item was removed from the agenda.

OTHER BUSINESS

Council Members congratulated the Citizens Academy participants and staff for putting together a great, eleven-week academy.

Mr. Taylor complimented staff on the preparations they made getting ready for the storm, making sure the storm drains were clean. He passed on a sentiment of the prayers being with those that were affected by the storm, particularly those in Columbia, South Carolina. There were a lot of swift water rescues.

Mr. Williams stated that he would like to see a directory prepared of the stores Downtown. He had a young lady stop by his office looking for an antique shop and he did not know where it was.

Mr. Gaskins extended his thoughts and prayers to Council Member Buckels and his mother.

Mr. Haire echoed Mr. Taylor's comments on the storm drains being cleaned. He said the City did an outstanding job in preparing for the storm. At a location in West Landing, there was 17 inches of rain.

Mr. Hegwer asked City Clerk Bonnie Davis to give an update on the dates for the next weeks of City Council meetings. Mrs. Davis noted there would be a Law and Finance Committee meeting on Tuesday, October 13 as scheduled; the City Council meeting for October 20 and November 3 are cancelled; and there will be a special City Council meeting on October 27.

Mayor Mann stated that we will have a Chinese delegation of seventeen people in Sanford on Thursday. They will be in town for a pottery tour and will be attending several other events in Sanford. Dr. She in Raleigh, with the China Council, has organized the event with Public Information Officer Kelly Miller. Lunch will be held at the Civic Center hosted by Central Carolina Community College.

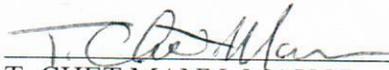
Mayor Mann congratulated all the candidates at the Candidates Forum. He was proud of all the candidates and represented Sanford very well. It was a very intelligent, candid but polite, cordial debate. He reminded everyone of the Economic Summit, hosted by the Triangle Business Journal, on Tuesday, October 13, at 7:30 A.M., at the Civic Center. You will look at what is going on in the region and what it takes to be successful. The cost is \$20.

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

ADJOURNMENT

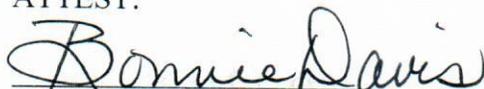
Council Member Wyhof made the motion to adjourn the meeting; seconded by Council Member Gaskins, the motion carried unanimously.

Respectfully Submitted,



T. CHET MANN, MAYOR

ATTEST:



BONNIE DAVIS, CITY CLERK