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 5, 2016, at 7:00 p.m., in Council Chambers. The following people were present:

Mayor T. Chet Mann
Council Member Byron Buckels
Council Member Charles Taylor
Council Member James Williams
City Manager Hal Hegwer
City Attorney Susan Patterson
Mayor Pro Tem Sam Gaskins
Council Member Jimmy Haire
Council Member Norman Charles Post, III
Council Member Rebecca Wyhof
City Clerk Bonnie Davis

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

PUBLIC COMMENT – (Exhibit A)

Dr. Ophelia Livingston (of 7716 Villanow Drive, Sanford), as Chairperson of Downtown Sanford, Inc. ("DSI"), informed Council that the DSI board does not support the proposed plan to create diagonal parking on Carthage Street which would reduce the number of lanes from four to two and gave the following reasons for their opposition:

- Insignificant gain of parking sports: Because the Temple Theater and likely the Makepeace apartments would need loading zones, the few parking spots gained would not outweigh the negative aspects of the proposed plan.
- Bottlenecks and major traffic jams: Currently, freight trucks with no other options use a lane of traffic to make deliveries to downtown businesses. Because trains are stopped on the tracks multiple times per week and sometimes more than once a day, traffic would be backed up with no alternative lane to use. This backlog of halted vehicles would block storefronts, causing considerable loss of sales to small business owners.
- Crash rates: Statistics show a higher crash rate with diagonal parking than parallel parking. One of the most common causes of accidents is that drivers backing out of angled parking are not able to clearly see oncoming traffic. Traffic tends to be "stop and go" where there is angled parking, as empty spaces are hard to detect by approaching drivers.

Lisa Whalen (613 Palmer Drive, Sanford) stated that there are residents in her community who are having constant yard sales, leaving items out unattended with signs to contact the seller if they want to make a purchase. She suggested that Council develop a policy for yard sales.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Approval of City Council Meeting Dated March 15, 2016 (filed in Minute Book 86)

Mayor Pro Tem Gaskins made a motion to approve the Consent Agenda. Seconded by Council Member Williams, the motion carried unanimously.

SPECIAL AGENDA

Presentation of Arbor Day Proclamation – (Exhibit B)

Mayor Mann read the proclamation and presented it to Liz Whitmore, Planner II with the Historic Preservation Commission. He thanked her for working to help make Sanford a "Tree City" and acknowledged B.T. Bullock Elementary School for their partnership on the project.

Presentation of National Auctioneers Day Proclamation – (Exhibit C)

Mayor Mann read the proclamation and presented it to Lisa York of Adcock and Associates Real Estate and Auction, thanking her for her leadership in the field and in Sanford.

DECISIONS ON PUBLIC HEARINGS

Consideration of text amendments to the Unified Development Ordinance, Article 11, Sign Regulations, Section 11.6 Prohibited Signs to allow Sandwich Board Signs as noted, and to Section 11.7 Signs That Do Not Require a Permit by adding a new Subsection 11.7.19 Sandwich Board Signs with conditions as set forth in the section (Exhibit D)

Consideration of multiple text amendments to the Unified Development Ordinance to allow for Breweries (Exhibit D)

- Amendment to Article 4, Table 4.6-1 Permitted Use Matrix to add a new land use for Regional Breweries, Large Breweries and Microbreweries and further indicated that Regional Breweries, Large Breweries and Microbreweries shall be permitted as of right in the Light Industrial (LI) and Heavy Industrial (HI) districts and that Microbreweries shall also be permitted in the Highway Commercial (HC), Light Commercial & Office (C-1), General Commercial (C-2) and Central Business (CBD) districts with supplemental development regulations
- Amendment to Article 5, to creation a new Section 5.42 in order to add supplemental development regulations for Microbreweries allowed in the Highway Commercial (HC), Light Commercial & Office (C-1), General Commercial (C-2) and Central Business (CBD) districts
- Amendment to Appendix A to add Definitions for Regional Brewery, Large Brewery, Microbrewery, Brewpub, and Taproom
    - Consider Adoption of Ordinance Amending the City of Sanford Unified Development Ordinance (Exhibit E)

Marshall Downey, Community Development Director, stated that these proposed changes were presented at the public hearing on March 15, at which time concerns were raised about distance standards relative to churches, day care facilities and detached single-family structures. The original draft ordinance ("Option One") was unanimously recommended by the Planning Board but based on concerns expressed by Council and Broadway representatives, a revised ordinance has been drafted ("Option Two"). This revised ordinance is identical to Option One, except that Section 5.42.4.2 does not include the Central Business District, meaning that those spacing standards affect Highway Commercial (HC), Light Commercial (C1), General Commercial (C2), Planned Unit Development (PUD), and Traditional Neighborhood (T&D) but would no longer affect the Central Business District (CBD), which includes Downtown Sanford, Downtown Jonesboro and Broadway. He noted that this change would affect distance requirements not only for churches, but also for daycares and detached single-family residences in the Central Business District and applies only to brewery locations and has no effect on sandwich board regulations, which would remain as originally presented.

City Attorney Susan Patterson noted that state law distance separation requirements for alcohol sales would remain in place; they cannot be changed by local ordinance.

Council Member Wyhof made a motion to adopt the Ordinance Amending the City of Sanford Unified Development Ordinance as shown in Option Two. Seconded by Council Member Post, the motion carried unanimously.

REGULAR AGENDA

Consider Grant Project Ordinance – Rural Economic Development Grant – Comfort First Heating & Cooling, Inc. Water Infrastructure Improvements – (Exhibit F)

Laura Spivey, Public Works Administrator, explained that a Rural Economic Development grant has been received in the amount of $103,615 and construction of the water infrastructure improvements can begin after this ordinance is approved. She explained that the agreement requires that the company create twenty jobs and if fewer are created, they would be required to return approximately $5,000 for each job less than twenty.

Mayor Pro Tem Gaskins made a motion to adopt the Grant Project Ordinance for the Rural Economic Development Grant – Comfort First Heating & Cooling, Inc. Water Infrastructure Improvements. Seconded by Council Member Wyhof, the motion carried unanimously.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2015-2016 – Local Match for Rural Economic Development Grant – (Exhibit G)

Public Works Administrator Laura Spivey explained that this ordinance addresses the local match of $10,000 required of the City, noting that the match was originally estimated at $20,000.

Mayor Pro Tem Gaskins made a motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2015-2016 – Local Match for the Rural Economic Development Grant. Seconded by Council Member Post, the motion carried unanimously.

Mayor Mann commented that Comfort First is a successful local company which began in the Tramway area and that they now have several locations in other areas of the state.

Consider Reimbursement Resolution – Acquisition of Land (First Street Properties) – (Exhibit H)

Finance Director Beth Kelly explained that this proposed resolution would allow the city to be reimbursed from future bond proceeds for the cost of acquiring properties located at 103 First Street, 105 First Street and 113 First Street.

Council Member Wyhof made a motion to adopt the Reimbursement Resolution for the Acquisition of 103 First Street, 105 First Street and 113 First Street. Seconded by Mayor Pro Tem Gaskins, the motion passed unanimously.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2015-2016 – Appropriation for Purchase of First Street Properties – (Exhibit I)

Financial Services Director Beth Kelly explained that this ordinance would appropriate $128,100 of fund balance for purchasing the three First Street properties.

Mayor Pro Tem Gaskins made a motion to approve the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2015-2016 - Appropriation for Purchase of First Street Properties. Seconded by Council Member Haire, the motion passed unanimously.

City Manager Hal Hegwer explained that the City is purchasing these properties because they are located in an area that will be used for greenway and parking improvement projects. Mayor Mann confirmed that Council has been working on this for quite a while and it is part of the long-term plan to increase the impact of greenway bonds and improvements projects.

Consider Approval of Rosemount-McIver Park Historic Guidelines – (Exhibit J)

Community Development Director Marshall Downey explained that this item was removed from the Council agenda on December 8, 2015, so that another public input session could be held. A meeting, led by Council Member Haire and attended by more than 20 citizens, was held on March 22, at which time there was a consensus to proceed with the guidelines, acknowledging that they are fluid and revisions may, and likely will, be needed in the future.

Mayor Pro Tem Gaskins made a motion to approve the Rosemount-McIver Park Historic Guidelines. Seconded by Council Member Buckels, the motion passed by a vote of six to one; Council Member Haire cast the dissenting vote.

Consider Waiver of Fee for Variance Application for 419 Evergreen Street – (Exhibit K)

Community Development Director Marshall Downey summarized the situation in which a permit was granted to Jesus Olivera Beltran to construct a porch at 419 Evergreen Street, subject to a front setback of 20 feet from the road right-of-way. When a neighbor later applied for a permit, staff determined that the front setback should have been 30 feet. Staff has reviewed remedies and recommends that Mr. Beltran apply for a variance through the Board of Adjustment to reduce the setback from 30 feet to 23 feet (the distance from the porch as constructed to the right-of-way). Since the Planning Department has no authority to waive the fee and the error was made by staff and not Mr. Beltran, Council has been asked to consider waiving the $240 fee.

Council Member Haire noted that other residences are also being improved on Evergreen Street and Mr. Downey agreed that Mr. Beltran set a good example with his project. Mayor Pro Tem Gaskins questioned whether setback requirements should be reviewed in order to avoid similar situations in the future and to encourage neighborhood improvements in this and other areas. Mr. Downey acknowledged that rezoning and other comprehensive options are being considered.

Council Member Post made a motion to approve the Waiver of Fee for Variance Application for 419 Evergreen Street. Seconded by Council Member Williams, the motion passed unanimously.

New Business

Council Member Williams recognized that Indira Everett with Duke Energy was in the audience. Mayor Mann thanked her for grants they have recently awarded.

Council Member Taylor stated that he recently held another community meeting which was attended by about 18 citizens, including Council Member Haire and Patrick Carroll of the

Police Department, who shared a speed demonstration. He thanked the police department for their work and requested that information be shared on their program to check homes of citizens who are away on vacation. He also requested an update on the debris pickup schedule and on Brick Capital.

Mayor Mann thanked the police department for their work and stated that he and Police Chief Ronnie Yarborough were guest speakers at a recent Jonesboro Rotary Club meeting. They were asked to speak for twenty minutes about the Safe Neighborhood Project, body cameras and related issues but were engaged with the audience for over ninety minutes. He also reminded Council of the importance of the upcoming board appointments and that this year's Block Party will be held Saturday, April 9, on Woodland Avenue.

CLOSED SESSION

Attorney Patterson stated that a motion was needed to go into closed session in accordance with North Carolina General Statute 143-318.11(a)(3) to consult with an attorney employed or retained by the public body to preserve the attorney/client privilege.

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

ADJOURNMENT

Council Member Taylor made the motion to adjourn the meeting; seconded by Council Member Buckels, 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

T. CHET MANN, MAYOR

ATTEST:

Bonnie Davis

BONNIE DAVIS, CITY CLERK