

**REVISED - CITY COUNCIL AGENDA**  
**225 EAST WEATHERSPOON STREET**  
**SANFORD, NORTH CAROLINA**  
**January 21, 2020    6:00 P.M.    COUNCIL CHAMBERS**



- 1. MEETING CALLED TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE** – in Connection with Flag Ceremony Performed by Boy Scout Troop 942G
- 4. PUBLIC COMMENT**
- 5. APPROVAL OF AGENDA**
- 6. CONSENT AGENDA**
  - A. Approval of City Council Work Session Meeting Minutes dated September 10, 2019 – (Pages 3-11)
  - B. Approval of City Council Meeting Minutes dated September 17, 2019 – (Pages 12-39)
  - C. Approval of City Council Meeting Minutes dated October 1, 2019 – (Pages 40-52)
  - D. Approval of City Council Work Session Meeting Minutes dated October 8, 2019 – (Pages 53-58)
  - E. Approval of City Council Work Session Meeting Minutes dated November 12, 2019 – (Pages 59-66)
  - F. Approval of City Council Meeting Minutes dated November 19, 2019 – (Pages 67-81)
  - G. Approval of City Council Work Session Meeting Minutes dated December 10, 2019 – (Pages 82-88)
  - H. Approval of Capital Project Ordinance Amendment – Moncure Megasite Wastewater Project No. S1703 – (Page 89)

- I. Approval of Grant Project Ordinance Amendment – Sanford/Lee County Regional Airport Sewer Extension Project No. S1801 – (Pages 90-91)
- J. Approval of Engineering Services Agreement for Little Buffalo Sanitary Sewer Replacement with WithersRavenel – (Pages 92-118)

**7. SPECIAL AGENDA**

**8. CASES FOR PUBLIC HEARING**

Consider Municipal Service District Expenditures – (Page 119)

- Approval of Municipal Service District Expenditures

**9. DECISIONS ON PUBLIC HEARINGS**

**10. REGULAR AGENDA**

A. Approval of Memorandum of Agreement – Project Safe Neighborhoods – (Pages 120-125)

B. Approval of Ordinance Amending the Annual Operating Budget FY 2019-2020 – Project Safe Neighborhoods – (Pages 126-127)

**11. 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.)**

A. Consider Ordinance Amending the Annual Operating Budget FY 2019-2020 – Golf Course (Pages 128-129)

B. Consider Approval of Lease with Bharat Forge Aluminum – (Page 130-132)

C. Consider Approval of Construction Contract Award Recommendation - Project Forge Sewer Extension – (Pages 133-137)

- Consider Resolution of Tentative Bid Award for Gravity Sewer for Project Forge – (Page 138)

D. Consider Discussion Regarding Appointments to the Sanford Housing Authority (Pages 139-146)

**12. OTHER BUSINESS**

Closed Session – (Page 147)

**13. ADJOURNMENT**

**SANFORD CITY COUNCIL  
WORK SESSION**

Tuesday, September 10, 2019  
225 East Weatherspoon Street, Sanford, NC

The City Council held a work session on Tuesday, September 10, 2019, at 6:05 p.m. (immediately after the 6:00 Special Called City Council Meeting) in the West End Conference Room at City Hall. The following people were present:

Mayor Chet Mann	Pro Tem Rebecca Wyhof Salmon
Council Member Byron Buckels	Council Member Jimmy Haire
Council Member James Williams (arrived 6:15 p.m.)	Council Member Sam Gaskins
Council Member Charles Taylor (arrived 6:15 p.m.)	Council Member Norman Charles Post, III
City Manager Hal Hegwer	City Attorney Susan Patterson
Deputy City Clerk Vicki Cannady	

Absent:

City Clerk Bonnie Davis

Mayor Mann called the work session to order. City Manager Hal Hegwer requested that Item #2 on the agenda, "Consider Franklin Drive Water Extension Petition" be moved to Item #1 since neighborhood residents were in attendance.

**Consider Franklin Drive Water Extension Petition (Exhibit A)**

City Engineer Paul Weeks reviewed three maps and explained that Map A-1 shows the original project area to extend water south from Chancellors Ridge subdivision. The original petition included 15 owners but was approved by owners of only three parcels, so the project was shortened considerably, as shown on Map A-2. Of the five owners on the revised petition, three of the five (60 percent) who own three of the six lots (50 percent) approved. Mr. Weeks explained that he is bringing this matter before Council because the petitioner has tried several times to increase participation but feels that will not happen. He reminded Council that this process is a staff guideline and not a general statute requirement and it is in Council's discretion whether to move forward on a project.

Council Member Jimmy Haire explained that this is a hardship case: he has had several conversations with Meghan Chewning, whose child has an illness and can no longer use well water. The family has spent about \$5,000 to improve well water levels but the levels do not remain consistent and they cannot risk fluctuations, so she sees this as the best solution for her child's health.

Mr. Weeks explained that the estimated assessment cost to each homeowner would be about \$8,835 per lot, which is higher than the estimate for the larger original project (which lent itself to a front-footage based assessment). He confirmed that everyone he has spoken with supports the project, but all owners will be assessed, regardless of whether they support it. He also confirmed there will be a public hearing on the petition, at which time all affected property owners will have an opportunity to speak. After the public hearing, Council will determine whether to allow the project to proceed. Consensus was reached to proceed with the public hearing on the Franklin Drive water extension petition.

### **Consider Update from Water Filtration Facility (Exhibit B)**

Scott Christiansen, Water Filtration Administrator, explained that the City joined the Area Wide Optimization Program (“AWOP”) in 2010. AWOP, which was established by the Environmental Protection Agency (“EPA”) in 1998, sets turbidity performance goals that have been adopted by all 50 states. The concept behind the program is using existing technology, equipment and processes to optimize water quality, which ultimately provides a better product for customers. He informed Council that of the 6,000 regulated systems in the state, our system was one of only 57 that was recognized for meeting performance goals in 2018. He also reviewed information on bromide and explained that our water filtration plant was asked to partner with the Raleigh EPA to help certify instrumentation sensors to identify bromide levels in the upper Cape Fear River. The only other test site in the county is on the Allegheny River in Pennsylvania. Bromide, a type of salt, is currently unregulated and is seen as an emerging contaminant concern. Two sensors were placed at our facility in June (at no cost to the City) and there will ultimately be a remote check from Raleigh to analyze discharge. This research will benefit utility companies across the country and ultimately consumers. He noted that staff is building relationships and gaining valuable information while also providing a valuable service and participating in the scientific process.

### **Presentation by MeterSys (Exhibit C)**

Andy Honeycutt, with MeterSYS (Advanced Metering Solutions), explained that his company has worked with the City since 2012. He provided information on the evolution of water meter technology and noted some of the shortfalls of the current system, including about 1,000 exceptions and 200 re-reads monthly, manual disconnections, tampering, workers’ compensation claims (14 in 2014) and about 15 percent of billing specialists’ time troubleshooting meter issues (which increases exponentially over time). Automatic meter infrastructure (AMI) technology emerged about ten years ago and uses signals to connect and disconnect service and costs are coming down for this equipment. He reviewed financial metrics from 2016 with updated capital estimates, and explained that the price for a complete change out to an AMR (automatic meter reading) system (meters, transmitters, network, software, labor) was only about \$500,000 less than a complete change out to an AMI system but the net present value, internal rate of return and return on investment of the AMI are much greater. He noted that they don’t even have conversations about ARM systems with most utility providers anymore since AMI has proven to be a stable technology.

Mr. Honeycutt explained that there are a number of networks available, including wifi, such as our downtown network, but it is designed to be a convenience network for those in our central business district, not for utility operations, or cellular, which is high bandwidth but also high cost. The question is whether the two can be melded into an environment of low-cost, long-range transactions via a network such as LoRa (“lot area network”), which Mr. Honeycutt explained was capable of taking our utility information along with other devices and expanding the investment in the network. Three years ago, MeterSYS was promoting AMI only but now they are focused on making AMI the backbone to add other devices and smart applications onto the network and expand functionality. He reviewed cost and operability comparisons between LoRa and cellular, noting that cellular has its place on devices in networking but they believe that for metering and other low bandwidth long-range needs, LoRa has proven itself in the market. The technology could be used to gather parking data (when and how often spaces are used, when peaks and valleys occur) and sensors could be linked if we decide to do paid parking. Other potential applications include monitoring of pollutants, air and water quality, stormwater and wastewater, solid waste, event occupancy, and soil moisture irrigation management. They have partnered with a company to test parking sensors and have a test lab in their Raleigh offices. The device

has a magnet, runs on a ten-year battery, indicates whether a parking space is occupied and sends a notification if a designated “no parking” violation has occurred. He confirmed that the data goes to law enforcement and while the admissibility has not been tested yet in the court system, it helps with parking management.

City Manager Hegwer noted that this technology was not available three years ago and staff decided if we were going to build a network to read meters, perhaps it could do more. A propagation (radio frequency) study was done to research placement and reach, and they confirmed it would do quite well in the City but not as well county-wide. He proposed three devices for a pilot program and suggested that a build-out strategy then be developed for City- and/or County-wide AMI. He reviewed a concept budget for a system they feel would give us a good start on a network without unnecessary costs should we decide not to proceed further. Mr. Hegwer confirmed this program would be used for meter reading and perhaps there may be ancillary benefits later should we decide to consider other applications. Mr. Honeycutt explained that they have a partner in the customer engagement platform who provides information to customers regarding usage, patterns, alerts, alarms, and notifications through network data, which would greatly reduce exceptions and billing problems through hourly trend lines. Customer engagement would help operations through data for utilities, public safety, parks and recreation, and planning, and provide citizens help with conservation, safety, transportation and cost savings. He also stated that once the LoRa network is acquired (owned or leased), it becomes of interest to others who have LoRa-enabled devices. As smart communities grow, there will be other commercial applications that will need LoRa-enabled networks that can parse out network capacity.

Mr. Honeycutt summarized the AMI enhanced customer experience, including alerts sent by multiple channels (print, email, voice, text); leak resolution; bill explainer; water reports; customer letters; and print leak alerts. He hopes to accomplish a smart city strategy for the City by evaluating our needs, identifying projects with specifics, implementing a very defined strategy for roll-out, quality control, engaging customers, and providing ongoing service and support. He answered questions from Council members regarding the technology, access and security. Regarding implementation, Public Works Director Vic Czar explained that since this is basically only data, a great deal of bandwidth is not needed. He conceded that the industry evolves quickly but this system is the best currently available and it will do what we need for quite some time. Just as we waited for the market to settle and replaced our street lights with LED bulbs, staff believes the time has come to consider the next step in this process. Funds are available in the water rehabilitation account to cover a test program. We would learn operationally and organizationally what should be implemented to maximize customer service. A pilot program with about 50 meters (of a system with roughly 9,000 meters) would cover six to twelve months and indicate what we should be looking for when we convert to a new system, which may cost up to \$6 million. He noted that the cost of installing a communication system has levelled off. Among the questions that must be answered are: who owns the communication system; how is it maintained; and who is responsible for what. Services are likely available to handle these responsibilities and Mr. Czar recommended that we use them. Mr. Honeycutt explained that his company currently operates three small utility AMI systems in the state and they have field crews to handle repairs. Mr. Hegwer noted that we will gain a great deal of knowledge from customers in a pilot program and agreed that the time has come to move forward. Mayor Mann questioned whether there was consensus from Council to move forward and Council members agreed to move forward with the pilot program.

### **Recess**

A brief recess was taken at 7:20 p.m. and the meeting was re-convened at 7:35 p.m.

**Consider Updates on Interactive Voice Response (“IVR”) and Payment Options (Exhibit D)**

Michelle Ballard, Utility Administration Department Customer Service Manager, explained that the City will offer an automated option beginning October 1 that will allow customers to call into the office and pay over phone with a credit or debit card, 24 hours a day, seven days a week, without speaking with a Customer Service Representative (“CSR”). The same office phone number (919-775-8215) will be used and they can press “0” to speak to a CSR, “1” for the automated service, and payments can be made in less than two minutes. Another program, “CheckFree Pay”, will allow citizens to pay their water bills at two locations, Piggly Wiggly or Walmart, during business hours. A fee is charged and two to three days are required for processing. Although the program has not been formally announced, more than 400 payments have already been made at Piggly Wiggly. She confirmed that the processing fee is paid by the customer and agency, not absorbed by the City. If a payment is made through this system on the last day before a late payment is assessed or service is disconnected, the customer is responsible for contacting our office and informing a CSR that payment was made and the payment can be verified through our system. However, if the client does not notify our office, Tyler Notify will contact the customer to inform them that no payment has been received and they will likely be charged a late fee or remain on the disconnect list. Financial Services Director Beth Kelly pointed out that both vendors typically inform customers to contact our office or bring the payment to our office if their service is scheduled to be disconnected. She also noted that all correspondence from the City instructs clients paying on the cutoff date to call or come into our office to make payment. Ms. Ballard also noted that the vendor receipt includes a message that two to three days processing days should be allowed.

Council Member Taylor commented that most city phone numbers now begin with “777-” and questioned whether we pay to maintain the 919-775-8215 phone number or is this an opportunity to roll into the network with the other numbers. Mrs. Kelly explained that it is still part of the network but part of a separate que system. Mr. Hegwer added that staff is researching a phone system and we do not want to change this number because so many have used it for so long; however, a change could be considered in the future.

Mrs. Kelly informed Council that there have been discussions with vendors regarding new and transfer accounts, along with payments and deposits, through an online application process without the need to come into our office. Our current website, Civic Plus, has some application processes but they are not encrypted and the new system would encrypt personal information. She also explained that we have not previously passed along fees charged by our third-party provider for online payments but they have increased dramatically over the last few years, so staff is gathering information to present for future consideration by Council. She also informed Council that several large customers with very large bills (up to \$40,000 monthly) now pay with credit cards in order to receive rebates, a policy the City will also be using to pay our electric bill (to receive a one percent rebate). The County and other governing units now pass these fees along to their customers. Several options are available, including a small flat fee or fee for payments exceeding a certain dollar amount and Mrs. Kelly suggested we consider these options since costs will likely increase as more companies use these rebates. She informed Council that a conference call was scheduled for September 11 with the online provider and if additional funds are needed, a budget amendment would be presented at the next Council meeting for approval. She estimated approximately \$10,000 to \$15,000 would be needed to implement the online documentation program, with a portion being one-time upfront and a portion recurring. This information will be shared with the public through social media, mailing inserts and other methods.

**Consider Presentation and Discussion on Crime Data (Exhibit E)**

City Manager Hal Hegwer explained that our Police Department collects and relies heavily on data and there is a great deal of misinformation about crime, so Council members should have factual history and background so they can respond. Many data sites on the internet use open data where people can actually go in and add data that can be weighed differently than methods used by professionals who collect, weigh and interpret it. He encouraged everyone to be very cautious about information and to always consider the source.

Mr. Hegwer explained that our police department participates in the North Carolina Crime Reporting Program, part of a nationwide cooperative statistical effort administered by the Federal Bureau of Investigation (“FBI”). While the program’s primary objective is to generate a wider set of criminal statistics for use in law enforcement administration, operation and management, its data, over the years, has become one of the country’s leading social indicators. The American public looks to the Uniform Crime Reports (“UCR”) for information and fluctuations in crime while criminologists, sociologists, legislators, municipal managers, the press, and other students of criminal justice use these statistics for varied research and planning purposes. We are part of that nationwide effort in collecting data and passing it along to the SBI and FBI and are responsible for submitting all of our data to the Division of Criminal Information (“DCI”) in an effort to maintain quality and uniformity of data, while they provide training for their staff to analyze and classify the data.

Mr. Hegwer informed Council that “Part I” crimes include murder, rape, robbery, aggravated assault burglary, larceny, motor vehicle theft and arson. Police Department Chief Ronnie Yarborough further explained that crime rates include only Part I offenses: “violent crime” (murder, rape, robbery, aggravated assault) and “property crimes” (burglary, larceny, motor vehicle theft and arson). All other offenses, “Part 2” crimes (misdemeanor assault, drug offenses), which include data on arrests, not the number of offenses, are never taken into consideration in the crime rate. He explained that what really drives the number of property crimes is larceny offenses and that is primarily due to shoplifting, not serious crime on the street. His issue with the UCR is primarily due to this lack of distinction, since a city’s total crime index number (the index is based on crime per 100,000 population) will increase at the same rate as a result of one tube of toothpaste being shoplifted at Walmart as a murder, since they have both the same reporting value, and this makes the number very misleading. This is also the case in most cities because larceny is the most minor offense. When he sees an increase in the property crime number, his staff first investigates the number of shoplifting incidents at Walmart.

Chief Yarborough explained that crime began to fall overall in Sanford around 2000-2001, then began to increase. The Selective Enforcement Unit began doing “hot spot” policing in areas where the majority of break-ins and other crimes occurred and in many of these areas, crime dropped for several years. It was also noted that if more than one major crime occurs within a short period, the media often reports it as a major crime spree, even though there may be a difference of only two per year. In an area with only three major crimes annually, an increase to six is a 100 percent increase, so having smaller numbers can be a disadvantage. While the numbers fluctuate, the City’s overall crime trend numbers are moving down. Mr. Hegwer also noted the actual number of violent crimes in the City has decreased from 1999 through 2017. Total property crimes decreased from 1999 through 2017 and total crimes (violent and property) also decreased during that period. Mayor Mann stated that when looking at statistics from comparable cities, typical consumers may not understand that property crimes are not just breaking and entering into a home: this is an example of how information is misinterpreted and misunderstood. Mr. Hegwer explained that some websites combine statistics on violent crime with other crimes and give

more weight to one type (such as murder) than another, which skews the numbers. Mayor Mann (who is in the mortgage industry) stated that in his business, the Multiple Listing Service (a real estate data source) includes statistics on crime. People considering locating to an area may look at this data that may or may not be as factual as it should be, since services are operated by different companies and use various sources to compile the data.

Chief Yarborough stated that there were 99 aggravated assaults in 1999 and 38 in 2017, but he could remember back in the 1970s when there were about 350. He explained that these records only go back to 1999, but crime began to decline around 1991-1992. Rapes have dropped dramatically, with 36 since 2005 and only five of those occurring between 2015 and 2017. Mr. Hegwer noted that an email received by Council members showed Broadway having a much higher crime rate which, as local residents know, is not the case, but because it is a small town, one crime really skews the numbers.

Mr. Hegwer explained that when comparing Sanford to other cities, one should be aware that the only variable is the actual population because it is the only measurable component and indexing is the only way you can compare cities of different sizes. He and Chief Yarborough wanted Council to have a feel for how Sanford ranks against other cities similar in size and nature; however, he also noted that the FBI and SBI emphasize that comparisons should not be made because the crime rate for a particular community can be deceiving unless several factors are taken into consideration. Factors affecting the crime rate include poverty, population density, access to interstates and military bases. He noted that there are no major retail stores in the County, which means they have a different type of crime than the City (which has almost all of the retail), making comparisons between the two inaccurate. Chief Yarborough agreed that urban and rural areas are very seldom compared. Mr. Hegwer also noted the importance of accurate population counts since the crime index is based on population. Chief Yarborough explained that while they don't like to do index comparisons, Sanford is lower in property, violent and overall crime rates than several others. It was also noted that crimes reported with "Sanford" addresses include crimes committed outside the City limits since Sanford addresses range outside the city limits into not only Lee County, but also Harnett and Moore. Mr. Hegwer also noted that Sanford shouldn't realistically be compared with Cary, Holly Springs or Apex.

Mr. Hegwer suggested that people should understand that crime is not a result of enforcement but individual attitudes. People's actions and whether they abide by the law often cannot be changed; everyone has their own moral compass. Regardless of the size of the police force, this is hard to combat. Chief Yarborough added that when people question what the police can do about murders committed on private property, there is very little they can do. If illegal activity is taking place and someone is shot or an argument breaks out between family members and someone is shot, there is practically nothing the police can do.

Council Member Williams suggested that this Council is on the right tract, providing new recreation and recruiting industry. Council Member Buckels suggested that the frequency of an event can alter the perception, as when more than one violent crime occurs within a short time and none for the rest of the year. Chief Yarborough stated that the best thing his department can do is send a message: while there may not be much the police can do in a private residence to prevent crime, they can quickly and aggressively investigate and arrest the perpetrators.

Council Member Taylor suggested a great deal of the violent offenses are the result of two groups with a long-standing history against each other. Chief Yarborough agreed and noted that in most cities

with high crime rates, there is a direct correlation with the poverty rate. He cited poverty rates of some area cities: 35.6 percent in Lumberton; 30 percent in Kinston; 26 percent in Statesville; 22 percent in Salisbury; compared to 7 percent in Fuquay-Varina; 5 percent in Cary; 4 percent in Holly Springs; and 2.49 percent in Pinehurst.

Council Member Gaskins questioned how so many youth committing crimes obtain guns. Chief Yarborough explained that his department finds that older family members often acquire the guns or the youth break into homes or vehicles and steal them. Stolen firearms, particularly those involved in violent crimes, are immediately turned over to the Federal Bureau of Alcohol, Tobacco and Firearms. "Project Safe Neighborhood" is still ongoing, with meetings and gun screenings done every few months. About 20 cases have gone to the U.S. Attorney's Office since June of 2018 and there will be three or four more in the next month. He also stated that many of the young offenders have no regrets about their crime but noted that not all offenders are young. In 2019, they charged individuals who were aged 16, 20, 34, 39, and 51. In 2018, individuals charged were aged 15, 17, 18, and 20. In 2017, they charged individuals aged 15, 22, and 36. Many of the youth arrested in connection with shootings have no supervision or guidance from parents or grandparents.

Mayor Mann asked Chief Yarborough what his department sees as the City's largest crime problem and whether there were any troublesome trends. Chief Yarborough responded that the largest problem is young people with firearms. He again noted the problem with stealing guns from vehicles, both locked and unlocked, and the fact that they are often used in violent offenses. While it is a criminal offense to leave a gun unlocked in a home with young children, it is not a crime to leave a gun in an unlocked vehicle. In violent situations involving 15-, 16-, and 17-year-olds, they often all have guns, while the legal age to purchase or possess a firearm is 21. Council Member Taylor suggested an education campaign, including using homeowners' association meetings to encourage people to lock vehicles and keep serial numbers of guns so that they can be traced. Chief Yarborough added that when there is a murder, his department assigns all personnel who stay on the case and push hard to solve it. He commended his staff of professionals who often work through weekends and holidays. Mr. Hegwer stated that in the past, confrontations evolved into fist-fights or knife-fights but now they evolve into shootings.

Mr. Hegwer informed Council that data is not yet available for 2018-2019 but Chief Yarborough predicted it will be fairly similar to that reported for 2017. Mayor Mann commented that as communities grow and bring more high paying jobs, crime rates often drop. He suggested that as we bring in more quality-of-life improvements and higher paying jobs, perhaps we will see the same. Chief Yarborough noted that our crime rates increased somewhat while the Shearon Harris Nuclear Power Plant was being constructed, with higher numbers of transient and construction laborers. Mr. Hegwer suggested that when youth have hope, education and good jobs, it brings stability and opportunities. Mayor Mann suggested that citizens' attitudes toward crime can help create an awareness and push-back against youth with guns and that peer pressure can also have an effect. Council Member Buckels commented that it is tragic when any lives are lost, regardless of age, home structure or background, and we should all be vigilant and diligent leaders. Mayor Mann thanked Chief Yarborough for the presentation.

### **Other Business**

Council Member Charles Taylor stated that he had spoken with April Barr, of Barr Recreation, the installer of Kiwanis Family Park ("KFP") playground equipment, who informed him that the park will be featured in their national catalog this year, the only park to which they sent a photographer. He

reminded Council that a swing proposed for the park was replaced with a surfboard and “Volito” disc, which was intended to serve as a gathering place for participants to play together. He, along with other Council members, received phone calls today from a local citizen who saw a woman struggling to maneuver a child in a wheelchair. Mr. Taylor asked Ms. Barr if there is a way to replace this equipment with a swing capable of holding a wheelchair and he was told that due to the way the frame was configured, it could not. He asked for a cost estimate and size requirements for a swing that could house a wheelchair and was told it would require a 20’ x 32 space (about 640 square feet) to house one unit or 32 feet x 32 feet for two units (about 1024 square feet). Ms. Barr also explained that the wheelchair-accessible swing could not be incorporated directly into the playground due to the amount of weight on a swinging projectile; she also recommended fencing it. Mr. Taylor confirmed that he had spoken with Council Members Buckels and Post, who are also on the Park Committee, and proposed a space between the splashpad and splashpad restrooms. He suggested it would be a great location because there are several handicapped access parking places directly in front of that area and it has only a couple of covered metal junction boxes and an underground sewer line.

Mr. Taylor explained that there are two products primarily used for wheelchair swings and Barr has access to both. The first, a German made product, is \$20,000, and the Sport Play product (available in single- and double-bay) is \$4,000 for the front-entry double-bay. Site preparation (scraping, leveling, excavation) is estimated at \$2,500 and installing a base similar to the playground is estimated at \$2,500. Mulch or shrubbery would be needed along the side, along with curbing or water control and a fence. The largest expense would be the fall-safe material, which runs about \$10 per square foot or about \$11,000 for 1024 square feet (32 x 32 feet), for a total cost of about \$20,000. Reducing the area to about 400 square feet (by reducing the amount of fall-safe material under the swing and the area leading to the swing) would reduce the cost by \$7,000, for a total cost of approximately \$13,000 for two swings. He recommended we have Barr review the design, which they agreed to do for no charge, and provide a proposal.

Mr. Taylor noted that this Council and the Parks Committee identified inclusivity as the primary priority for the park but there is a big misnomer regarding exactly what “inclusive” means. While many playground elements are wheelchair accessible, it does not mean that all equipment is. Inclusivity covers a wide spectrum, including equipment for individuals on the autism spectrum and those with Post-Traumatic Stress Disorder. City Manager Hegwer stated that his concern is that the equipment would be separated from the playground, even though that is because of safety concerns. Mayor Pro Tem Salmon suggested contacting staff at The Stevens Center, who work a great deal on inclusivity issues, to ask whether it is more important to have equipment together or separated. Mr. Taylor agreed that feedback from Roger Bailey would be quite valuable and stated that he spoke with someone whose feedback indicated it would be a great teaching tool to show that handicapped individuals are not limited. He noted that the proposed location is not at the rear of the property but literally front and center, between two major areas of the park. Connectivity is available, the area is fairly level, and no digging into the existing surface is required.

Mr. Post questioned whether this issue should be filtered through the ADA Compliance Committee but Mr. Taylor confirmed the swings are ADA compliant. Mr. Hegwer suggested that staff discuss this proposal with the park consultant and Barr to develop a proposal for Council approval. Mr. Taylor also noted that he was concerned with drainage at the rear of the large splashpad bucket where water moves very quickly. Mr. Hegwer recommended that we also ask the designers to recommend a solution. Mr. Taylor stated that many parents of preschoolers have requested that the splashpad be

available during morning hours in this abbreviated season. Mr. Hegwer reminded everyone that additional staff was not hired for this short season but if Council feels more staffing is needed, we could add hire a few temporary workers before warm weather ends. He informed everyone there were approximately 2,500 to 3,000 visitors this past weekend and about 200 on Monday. Some of the benches have not been installed and the grass isn't perfect but we did not want those details to prevent the opening. Mr. Williams stated that he had received requests for more shade structures. Holly Marosites stated that the City has a newly created Instagram account for parks and many people have shared photos. Several dates have been proposed for a park dedication ceremony and construction on the park sign should begin next week. Trash receptacles, benches and the plaque, which we would like to have completed prior to the dedication ceremony, should be installed by the end of the month. Council Member Buckels noted that he saw children running near the street and questioned whether speed bumps should be installed in the parking area. He also asked whether directional signs should be installed at the traffic circle and whether there will be problems with erosion where people land at the fence. Mr. Hegwer agreed that staff will investigate these issues, along with other details they want to resolve near the entrance.

Mr. Haire noted that the bond referendum approving the parks bond was approved exactly six years ago by the voters and thanked them for supporting it.

Mayor Pro Tem Salmon commented that the park opening this past weekend showed Sanford at its best, with an exciting community project. She thanked staff and noted that the soft opening would help before next year's opening.

Mayor Mann reminded everyone of the Depot Committee's campaign to raise \$800,000 to restore the Depot for use as a Visitors' Center. A community dinner will be held on October 17 with seating for 400 under a large tent at Depot Park before the final concert of the season. They hope to raise \$20,000 by selling \$50 tickets to the event, which will be open to the public. The TDA will begin the search for an Executive Director soon. A delegation of 35 will be visiting from Atizapan, Mexico, during the weekend of October 5 and several events will be held, including the El Refugio Festival at The Mann Center. The EDPNC will be holding an event on October 8 and 9 at the Civic Center with about 200 economic developers and the governor expected to attend. He also explained that the special meeting (held just prior to this workshop) was postponed because numbers on the economic development project must be revised and another hearing will be held, perhaps on September 24, after final figures are received and required notices are posted.

### **Adjournment**

Council Member Buckels made the motion to adjourn. Seconded by Council Member Gaskins, the motion carried unanimously.

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T. Chet Mann, Mayor

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Bonnie Davis, City Clerk

**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, September 17, 2019, at 6 p.m., in Council Chambers. The following people were present:

Mayor T. Chet Mann  
Council Member Byron Buckels  
Council Member Jimmy Haire  
Council Member Charles Taylor  
City Manager Hal Hegwer  
Deputy City Clerk Vicki Cannady

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

**CALL TO ORDER**

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

**PUBLIC COMMENT** – (Exhibit A)

Mr. Jim Womack, residing at 1615 Boone Trail Road, spoke on behalf of Robert M. Abee of Sugar T Properties Inc., who is the owner of the building at 101 South Steele and Pastor Shawn Williams, who is the lead pastor at God’s Promise Church, which currently lacks a church home. He was provided a letter yesterday from the City’s Planning Department informing the building owner and God’s Promise Church that they were in violation of Article 4, Zoning District Regulation Table 4-4.6-1 Permitted Uses. The letter states that the church is not allowed to meet even temporarily within the Downtown Business District. By definition, the poorly worded zoning rules do not permit any religious activity in the Central Business District, making Downtown Sanford the designated godless business district. You see a religious organization is a group of two or more people who practice their faith in an organized manner; a Constitutionally protected right in both state and federal levels. Some legal minds would argue that regulating the practice of faith in Downtown Sanford is an affront to our Constitution, natural law and tradition American values. He spoke previously with City Councilmen and the Planning Department about the temporary use of a Downtown building for this purpose. He was given the impression that the ordinance applied to permanent establishment of churches in the Downtown Business District, not a temporary location into an office building, as is the case here. After four months, the City is electing to enforce this zoning restriction in what looks like a broad government over-reach. The congregation in question is a small black church, that brings business into Downtown Sanford. It violates no other ordinances or code and it lacks an affordable alternative site at the moment, and is presently primarily there during periods that do not conflict with other Downtown business activities. He asked for the report documenting the investigation and findings of the City leading to the conclusion that the church and landlord were in violation of City zoning. He wanted to see how the City arrived at a fine of \$100 per day for them operating at that location; there was no such report. This letter was generated with no backup documentation. He felt none of us want to go down the path of legal remedies; this is what the church is being forced to do. He recommended an informal process and a mutually acceptable remedy be pursued. He felt it could be worked out

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if the Council will revoke its letter and threat of fines, and have the Planning Department to work cooperatively with the landlord and church to reconcile the current situation.

### **APPROVAL OF AGENDA**

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

### **CONSENT AGENDA**

Approval of City Council Budget Work Session Minutes Dated May 29, 2019 – (Filed in Minute Book 97)

Approval of City Council Meeting Minutes Dated August 20, 2019 – (Filed in Minute Book 98)

Approval of City Council Meeting Minutes Dated September 3, 2019 – (Filed in Minute Book 98)

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 (Legal) – (Exhibit B)

Approval of Resolution Directing the Clerk to Investigate a Petition for Annexation by Esplanade Communities of Florida, LLC – (Exhibit C)

Approval of Correction to Annexation Report for the City of Sanford and John Hart dated August 20, 2019 – (Exhibit D)

Council Member Gaskins made the motion to approve the consent agenda. Seconded by Mayor Pro Tem Salmon, the motion carried unanimously.

### **SPECIAL AGENDA**

Consider Presentation by Peggy Taphorn on The Temple Theatre

Temple Theatre Director Peggy Taphorn announced that this is the Temple Theatre's 35th season and expressed gratitude for Council's continued support. The Temple brings in almost 41,000 people annually from 63 counties and its statewide reputation continues to grow. These people spend money in Sanford; last season, 59 percent of its patrons came from outside of Lee County, validating the claim that the Temple Theatre is a leading regional theatre and Lee County's number one tourist attraction. These visitors have a tremendous impact on area restaurants and retailers. The local economy would be adversely affected without Temple Theatre in Historic Downtown Sanford. The economic impact of the Temple Theatre on the local economy is \$4.2 million annually. For every \$1 spent at the Temple Theatre, an additional \$9 goes into the local economy. The Temple Theatre provides numerous educational programs and opportunities for Sanford's children. The 2014 implementation of the North Carolina sales tax on admission charges is a constant source of income for Lee County and benefits everyone. Using the Temple's success as a model, Temple will become a sister theatre in Chatham County in the new Chatham Park development with a projected opening in 2023. She presented Council with a brochure regarding the Temple's impact on this community, and it will be used as a fundraising tool and as a model for success. They offer a wide range of programming through its special events as well as their

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main stage and youth productions. She recognized Temple Theatre Board Member Patrick Kelly, who was present in the audience.

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

Mayor Mann informed the public that Council, Planning Board and staff will hear the discussion tonight and if they have questions, they need to be asked at the public hearing, not when the Planning Board is adjourned into the West End Conference Room. All information relevant to each case should be presented during the public hearing. After the Planning Board retires to the West End Conference Room, the Planning Board may ask for clarification of information received during the public hearing but may not receive new information.

Consider Public Hearing on Application by Criteria Development - to rezone approximately 422 acres of land with frontage on US Hwy 1/Jefferson Davis Hwy, Colon Road, and Perry Pond Road (access is via Colon Road and Perry Pond Road) for the purpose of developing a residential subdivision with approximately nine (9) acres along Colon Road reserved for commercial development. The request is to rezone to a site plan specific conditional zoning district that would be developed as per a Master Plan. The subject property is currently zoned Central Carolina Enterprise Park – Triassic Conditional Zoning District and is identified as Lee County Tax Parcels 9656-40-4064-00, 9656-30-6363-00, 9656-40-5730-00, 9656-30-2798-00, 9656-21-8042-00, 9656-21-6195-00, 9656-21-3414-00, 9656-21-1854-00, 9656-32-0572-00, 9656-31-3906-00, 9656-31-6495-00, 9656-42-9136-00, 9656-52-8194-00, 9656-64-5263-00, 9656-53-7929-00, 9656-33-6617-00 and 9656-12-9991-00 as depicted on Lee County Tax Maps 9656.01, 9656.02, 9656.03, 9656.04, and 9655.01 – (Exhibit E)

Zoning Administrator Amy McNeill explained that Planning staff has received a rezoning application from Criteria Development as the first step in the proposed development of a new residential community with a commercial component off of Colon Road. The applicant is requesting to rezone to the Galvin’s Ridge Subdivision Conditional Zoning District to establish the overall design and density for this proposed residential subdivision with conditions and plans submitted for consideration by the Planning Board and City Council. The information provided, as supplemental information with the rezoning application, will allow the boards to view the site plan, architectural elevations, and other details for the project to ensure that the proposed density and vision for this residential community, along with the commercial component, aligns with the board’s overall vision for the area.

Colon Road is located in the Deep River community of northern Lee County. This area is predominately rural, with the Central Carolina Enterprise Park and the Raleigh Executive Jetport being the largest industrial developments in the area. She explained the surrounding land uses as:

- North of the site are single-family homes off of Zion Church Road on land zoned Residential Agricultural (RA).
- South of the site, opposite Colon Road, are single-family homes off of Colon Road on land zoned Residential Agricultural (RA) and the Central Carolina Enterprise Park off of Enterprise Park Drive on land zoned Central Carolina Enterprise Park Conditional Zoning District.
- East of the site, opposite US Hwy 1/Jefferson Davis Highway, is a single-family home and a telecommunication tower off of Colon Road on land zoned Residential Agricultural (RA),

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vacant wooded land zoned Residential Agricultural (RA), and vacant wooded land zoned Central Carolina Enterprise Park-Triassic Conditional Zoning District.

- West of the site are single-family homes off of Deep River Road or Perry Pond Road (private) on land zoned Residential Agricultural (RA).

The existing zoning is Central Carolina Enterprise Park-Triassic Conditional Zoning District is a stand-alone district with its own unique conditions. It was rezoned several years ago for proposed industrial development.

The proposed zoning is Galvin's Ridge Subdivision Conditional Zoning District, which is a stand-alone district with its own unique conditions. Under a Conditional Zoning District Type 1, an applicant has the freedom to develop his/her own unique list of permitted uses and design standards. It is also understood that such a district would need to be designed so as to maintain the integrity and characteristics of the surrounding community, as well as, conform to the spirit and intent of the UDO. This type of zoning is suitable in situations where none of the current conventional zoning districts accommodate the desired uses and the applicant has a clear vision as to how the property is to be developed.

As a reminder, the conditional zoning process is a negotiated zoning process and, as such, the Planning Board and/or City Council may request that certain conditions be considered or altered. However, the petitioner must accept such conditions before inclusion in the conditional zoning district.

She referenced the supplemental information submitted with the rezoning application to view the written description (labeled "Galvin's Ridge Residential Development, Development Overview"), the conceptual site plan (labeled "Galvin's Ridge Master Plan"), architectural elevations of the single-family homes and the townhomes, street cross sections, street tree standards, and traffic information. There is a letter with the subject line "Memorandum of Understanding for TIA Report (which is the traffic information for this project.)"

Ms. McNeill stated that in general, the following design standards are applicable for the Galvin's Ridge Subdivision Conditional Zoning District:

**Housing:** The Galvin's Ridge development will provide both single-family and townhome dwellings, commercial parcels and open space with community amenities. The residential subdivision will be comprised of several neighborhoods with every home type being part of the larger neighborhood that will be governed by a Home Owners Association (HOA).

The homebuilder or developer will remain the administrator of the HOA until the neighborhood is 80 percent built out at minimum. The HOA will have an Architectural Review Board (ARB) to review design, materials, site plan and landscaping for each home. The housing types will include single-family homes and townhomes. The building program will consist of no less than three distinct home series, the "Express," "Horton," and "Freedom" series. As the community develops, additional home series may be offered.

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### **Express Series Single-Family Homes**

- 477 ± lots of this housing type
- 1,400 sf minimum of heated space
- 3 bedrooms minimum
- patio
- concrete driveway
- two-car garage with decorative hardware on all garage doors
- exterior materials (brick, stone, faux stone, vinyl)
- minimum of two architectural facade types (brick, stone, faux stone, board and batten, shake, horizontal siding)
- front yard with turf sod lawn
- front yard with one canopy tree (2" caliper), six evergreen shrubs and/or groundcover
- back yard with seed and straw
- 10-foot aggregate side yard setback
- 20-foot minimum front yard setback

### **Freedom Series Single-Family Homes**

- 104 ± lots of this housing type
- 1,400 sf minimum of heated space
- 3 bedrooms minimum
- patio
- concrete driveway
- two-car garage with decorative hardware on all garage doors
- minimum of two exterior materials (brick, stone, faux stone, cement board, vinyl)
- minimum of two architectural facade types (brick, stone, faux stone, board and batten, shake, horizontal siding)
- front yard and back yard with turf sod lawn
- front yard with one canopy tree (2" caliper), six evergreen shrubs and/or groundcover of 3-gallon size
- 10-foot aggregate side yard setback
- 20-foot minimum front yard setback

### **D.R. Horton Series Single-Family Homes**

- 182 ± lots of this housing type
- 1,600 sf minimum of heated space
- 3 bedrooms minimum
- patio
- concrete driveway
- two-car garage with decorative hardware on all garage doors
- minimum of two exterior materials (brick, stone, faux stone, cement board, vinyl)
- minimum of two architectural facade types (brick, stone, faux stone, board and batten, shake, horizontal siding)
- front yard and back yard with turf sod lawn

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- front yard with two canopy trees (2" caliper), six evergreen shrubs and/or groundcover (7-gallon size)
- 10-foot aggregate side yard setback,
- 20-feet minimum front yard setback.

### **Express Series Townhomes**

- 232 ± units of this housing type
- 1,200 sf minimum of heated space
- 3 bedrooms minimum
- patio
- concrete driveway
- one-car garage minimum with decorative hardware on all garage doors
- exterior materials (brick, stone, faux stone, cement board, vinyl)
- minimum of two architectural facade types (brick, stone, faux stone, board and batten, shake, horizontal siding)
- front yard with turf sod lawn
- back yard with seed and straw
- 10 evergreen shrubs and/or groundcover (3-gallon size) per unit
- 2" caliper trees will be spaced along the frontage of the buildings

There is a total of 995 units proposed.

The Galvin's Ridge subdivision will offer a range of amenities including no less than 3.5 miles of public and private greenways, a neighborhood pool, clubhouse, tot lot, two dog parks, sport court and picnic area. The clubhouse will be a minimum of 1,500 square feet and will include meeting areas, workout facilities, and restroom with changing areas. The trail system will incorporate benches and pet-waste stations at trail heads and key open space locations. In addition to the greenway system, every street will have a sidewalk on one or both sides of the street. Every street has a designated planting strip with street trees planted at an average rate of 50 feet on center and additional information regarding street trees is included as supplemental information submitted with the rezoning application. She referenced the Amenity Feature Matrix in the lower right corner of the Master Plan for information regarding what specific amenities such as benches, bike racks, etc., will be located in specific areas.

Regarding the commercial component, this subdivision includes 13.4 +/- acres at the southwest corner of the site along Colon Road. The developer currently does not have specific development plans for this component. As such, the developer is acceptable to a condition of this rezoning that when this commercial section is to be developed, this portion of the project will need to come before City Council and Planning Board as a modification to the conditional zoning. This would require a new public hearing, as well as, notification to adjoining property owners, posting of signs and notice in the local newspaper. Staff does suggest that this future commercial development avoid strip shopping centers and out parcels that tend to emphasize large parking lots in the front. Preference should be given to a design that incorporates multi-modal connectivity common to true mixed-use commercial development. When and if this is approved, any proposed future commercial development would have to come back before the Council and Planning Board.

The entrance feature will include a monument sign with landscaping/irrigation and will incorporate water as a component of the design. The developer has committed to modifying the existing Central Carolina Enterprise Park sign and incorporating it into part of their signage package.

All roadways within the Galvin's Ridge subdivision are proposed to be City maintained. The overall development is planned to gain access via three points along Colon Road, with a fourth point of access being Perry Pond Road, which will be improved to be a City-maintained public street. Information regarding how this project may impact traffic in this area was included as supplemental information submitted with the rezoning application, specifically a letter with the subject line "Memorandum of Understanding for TIA Report."

According to the MOU Report, it is estimated that the proposed development, as it is proposed at the time, would generate approximately 19,290 site trips on the roadway network during a typical 24-hour weekday period. NCDOT will require a Traffic Impact Analysis (TIA) to be completed for this project, which may trigger roadway improvements in the area.

This proposed subdivision is proposed to be served by City-maintained public water and sewer and the applicant is currently in conversation with the City of Sanford Public Works Department regarding how best to serve the site.

There is no 100-year floodplain within the subject property, but there does appear to be wetlands on site associated with an existing pond and there several "blue line" streams on site, which are typically regulated by NCDEQ. It is the responsibility of the project designer to ensure compliance with all applicable state and federal regulations. The designer did incorporate those existing natural features into the common open space.

The subject property is located within our Watershed Conservation Overlay District, specifically the Cape Fear/Lee County Watershed Protected Area. A watershed is a basin-like landform delineated by ridgelines that descend into lower elevations that carries rain water from the land into soils, ground waters, creeks, and streams, eventually making its way to larger rivers and the ocean. Development within this area is allowed, but there is a maximum density and built upon area requirements designed to ensure the health of the watershed. All development within this community, both residential and commercial, must comply with the UDO watershed regulations.

The subject property is located within the study area for the Deep River Small Area Plan adopted by Lee County in 2001 to serve as a guide for future growth and development in the Deep River area. The information provided is general in nature, with the following ten goals intended to represent the community's vision for the future of the Deep River area:

- growth and development which does not overburden roads, schools, utilities, or police and fire services
- protection of the rights of individual property owners
- a balanced tax base which allows tax rates to remain low
- preservation of low-density, quiet, rural neighborhoods

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- concentration of higher-density growth in planned, mixed-use employment and residential centers
- preservation of forests, open space and farmland
- a system of parks and greenways which respects the rights of property owners while providing limited access to natural areas and rivers
- sign, building and landscaping design standards that maintain the rural character of the area
- protection of natural habitat and water quality
- land uses which are appropriate for the area and are compatible with the desires of the local community.

The Plan SanLee Land Use Plan identifies the future land use place types for the subject property as “Industrial Center”, which has the following characteristics:

- Represents community’s largest industrial employers
- Clusters of industrial parks and districts consisting of heavy infrastructure to support corresponding industrial processing and manufacturing
- Separated from lower intensity residential by natural buffers at periphery
- A local example is the NC 42/ Cox Mill Road area in Sanford.

The Plan SanLee Land Use Plan identifies this area as “Industrial Center.” The Galvin’s Ridge subdivision does not appear to comply with this designation; however, it should be acknowledged that there was a possibility that the property would be developed in a residential manner, since the approval of the current zoning district in 2017 included a provision to allow future residential development at this location if the subject property did not develop in an industrial manner within a certain timeframe.

A public information meeting for this rezoning request was held on September 6, 2019; approximately 40 people attended; project representatives and staff were in attendance. The following questions/concerns were expressed at the meeting:

- Concern regarding an increase in traffic, especially during the morning and evenings, when people are leaving and arriving home. There was a question will roadway improvements be required as part of this project? Until the NCDOT receives a full-blown traffic impact analysis, that is yet to be determined.
- The adjoining property owners would have preferred a wider buffer of existing vegetation/trees to remain around the perimeter of the property and Mr. Davis Harris of 2500 Deep River Road would like an 8-foot tall privacy fence to be installed along the perimeter of his property. (The proposed perimeter buffer is approximately 50 feet.)
- Concern was expressed regarding new residents (in the City) possibly calling the police when neighbors (in the County) are target practicing.
- Concern was expressed regarding how long it would take emergency responders from the City to arrive at the subdivision in the event of an emergency.
- Concern was expressed by the neighbors who currently use Perry Pond Road as an access, that their access not be impeded in any way and that there may be a lot more traffic using this roadway if this project is approved.
- Concern was expressed regarding the small lot size as the proposed lots were significantly smaller than the existing lots in the area.

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- Concern about the high density which translates into more people in the area and with more people, and with more people comes more traffic, noise and possibly crime.
- Would the adjoining residents be able to connect to public sewer that is extended to serve the subdivision?
- Some attendees were perplexed as to why the City would annex and rezone property for industrial/manufacturing uses that could bring jobs and then consider rezoning the property for residential development. It was questioned as to whether or not the City was doing its job with recruiting industry.
- Some were concerned that this subdivision would be a “bedroom community” with residents that would work out-of-town and go shopping, spend their money, etc., out-of-town in other areas such as RTP, Cary, Apex, or Raleigh.
- There was concern regarding what type of commercial development would be located along Colon Road.

Staff has reviewed several reiterations of this subdivision design and, to the developer’s credit, the overall design has been revised to address some of staff’s concerns and questions. Design features, such as greenways, area parks, and a clubhouse have been incorporated into the design in an attempt to create a residential community, as opposed to a typical residential subdivision. Sidewalks have been added on at least one side of the street to encourage and allow for pedestrian circulation to points of interest within the neighborhood. The design incorporates the floodplain into the common open space, as opposed to being included in the individual lots. Streets have been “stubbed” to the property lines in several locations to allow for future connectivity when/if there is development on adjoining lots, which is beneficial for emergency services and connecting neighborhoods to one another, goods/services, and institutional uses, such as parks and schools.

While progress has been made with the overall design, several outstanding concerns remain. Staff is of the opinion that a range of lot sizes and house sizes should be encouraged so that there are several levels of single-family housing available within this neighborhood. Outside of the townhomes, the current design has one basic standard single-family lot size. Staff has consistently expressed concern about the architectural design quality and diversity of the housing stock. The current design does include four product types -three detached, single-family products and one townhome.

However, Council and Planning Board should be aware that a substantial portion of the housing products are targeted for entry level home buyers. While staff recognizes the need for affordable housing and, certainly, our community would welcome workforce housing, staff wants Council and Planning Board to be aware that the majority of this community could be developed for this type of product. Staff suggests that Council and Planning Board give reasonable consideration to the impact of 1,000 ± new housing units in which the majority could be at the same entry level market.

In summary, while staff understands that development is market driven and concedes that the overall design has been significantly revised to address some of our concerns and questions, there are still changes that can be made to address the concerns of both staff and the neighbors that

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are beneficial to both the developer and the area residents of Sanford/Lee County for both the near future and many years to come.

The applicant and project representatives were present in the audience and will provide additional information and answer questions regarding this request. If, after all of the information has been presented, the Council or Planning Board still has questions, staff will be glad to try to address the questions.

Mayor Mann opened the public hearing. Kelly Race, Engineer with WithersRavenel, stated they are the engineers and landscape architects, land planners, and environmental scientist for this project. She recognized Engineer Rob Caudell; John Reinke with Ramey Kemp and Associates, which is the firm that performed the traffic impact analysis; Chip Pickard with Criteria Development; and Zach Anderson with D. R. Horton Homes. She stated that they have worked closely with staff on the neighborhood and a lot of work has gone into the proposed development and they appreciate staff's work with them. For the interest of time, she did not want to repeat what Ms. McNeill previously said. They committed to a minimum of a 50-foot perimeter buffer when one is not required, but in many cases, is much greater than that. The site will revert to residential on January 1, 2020. Of the 420 plus acres of this site, 188 acres of the acreage will be undeveloped; 16.5 acres of the 188 acres are developed open space, which would include the 1,500 foot clubhouse; a nice sized pool and at least 3.5 miles of greenway trails - which they worked very diligently with staff to make sure all those trails connect with the sidewalk system and open space scattered throughout the neighborhood to make them useful trails; two dog parks; at least one sport court - maybe two, picnic areas, etc. The neighborhood has an overall density of 2.37 units per acre. Two of the three home types - the townhomes and the Freedom Series, all yard maintenance will be maintained by the HOA. All homes are covered under the HOA, which will be governed by the builder until at least 80 percent of the homes are sold and built. In addition, benches, pet way stations will be integrated into the greenway sidewalk network, at trail heads, and key open space locations; every street has at least one sidewalk (sometimes two), and every street has a designated planting strip for street trees that will be planted at a minimum of 50-feet on center, in addition to the landscape packaging and they have a list of acceptable trees and not-acceptable trees. The purpose of this neighborhood is to develop a sense of community and neighborhood action.

Zach Anderson, with DR Horton Homes, at 2000 Center Parkway, Morrisville, North Carolina, discussed specifics of the home types. Their interest began when a few people met with the mayor, SAGA and several of the growth-centered stakeholders in town to discuss what Sanford is like. They liked Sanford and want to put a lot of product on the ground. The group expressed a strong desire to grow, not just in work force, but in bringing that workforce with the housing. He hopes with the new jobs coming to Sanford, he hopes they will live in their proposed communities. Having to work with municipalities across North Carolina, they have never met a group that is wanting to grow like Sanford. The proposed site is adjacent to the Central Carolina Enterprise Park, where there will be many jobs and many more to come and is only seven minutes from the Moncure Megasite. They wanted a site to bring in all their product types. Four different product types will be brought to the community, as simultaneously as they possibly can with the phasing of construction. There will be townhouses, which will be approximately 1,400 square feet with one-car garage and three bedrooms and the entire yard and exterior of the building will be

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maintained by the HOA; the Express Homes, typically this product ranges from the low \$200,000 to low \$300,000. He does not see these homes as an entry-level house. Not everyone wants to spend money on a \$400,000 home. Their Express Homes Series is geared to middle income buyers or a growing family. It is a three-bedroom, two-car garage homes, that ranges from three to five bedrooms; square footage range from 1,400 up to 2,800 or larger square footage. The DR Horton is a higher-income home with features on inside and outside are upgraded; you may see a three-car garage and five to six bedrooms in these homes. Freedom Homes are the ranch homes that are geared for active adults, 55 years of age and older but not restricted. Anyone can purchase it. Each product has numerous floor plans so it is highly unlikely you will see the same home twice in 995 homes. DR Horton is America's largest builder; they did not get here by building poor quality homes; they have a diverse product brand and high-quality homes; extensive amenities; he cannot stress enough to find a site with this level of amenities. There are not many chances to bring this level of community in where you can live, work and play. Construction of this project will take about ten years and will bring hundreds of jobs; not just trades people but your schools will grow. You will get more teachers, police officers, medical staff, etc. You cannot sustain a community without growing housing. This project will meet the diversity of housing, bring more jobs, and create a beautiful gateway that shows a city that is ready to grow.

Mayor Mann opened the public hearing.

Van Groce, Sr., resides in Cary, but his business is in Sanford. He spoke in favor of the project. He felt it was a great planning job; he has no financial interest in it. He added that people are coming and there is a shortage of housing and lots. The choice is that we will end up with 1,000 minor subdivision lots strung up and down every street/road in the County, or we will have a planned community such as this one.

Davis Harris, who resides on Perry Pond Road, spoke against the rezoning. His wife and he went to McIntosh on the Lake (Exhibit F) in Burlington and took pictures. He said on the master plan, he saw lots of 6,750 square feet - .15 of an acre which is 6 or more per acre. There is 43,000 square feet in an acre. The density is thicker than what might have been stated. He said when they went to Burlington, they got a couple of copies of the houses they were selling in the Cove and the Glen, and they were selling for \$238,000; that is an average of \$105 per square feet. If you multiple the \$105 x 1,600 square feet that equals \$168,000. Burlington was supposed to be a representative of this development. That development is beside I-40 and I-85 corridor, which is about one-half a mile outside the City limits; somewhat an urban development going out-just outside the City limits. This proposed development in Sanford is five miles from the City limits. Just riding through the neighborhood in Burlington, there were cars parking in the street with stuff in the carports, which makes it a little hazardous. In the Burlington community, the finished paving was not complete; he saw a swimming pool and clubhouse but no playground. There were kids in the street with skateboards as they had nowhere to play. They went to Briar Chapel, and looked at different subdivisions and looked at the density. The Plan Sanlee is used to identify how this property conformed to the existing neighborhood area place types.

The Plan Sanlee was adopted in 2018 and it was used on the Highway 87 South Development-Laurel Oaks. The Plan Sanlee Use Plan is supposed to support a sustainable urban growth pattern. It is a blueprint for future development and it is something we should be using.

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Residents expressed the following concerns which were traffic, loss of farm land, loss of open space, school capacity, park capacity and quality of future growth. Many expressed that growth and higher density growth should be focused in areas where it is most suitable. Deep River is a place type of countryside. He is not against development or change; he is against high-density neighborhoods. The median income in Raleigh is \$77,000 and Lee County's is \$49,000. A lot of Wake County residents are looking to buy or move here, so if you give this a different option, maybe they will buy the homes with bigger yards.

Christy Raegan, residing at 253 Phil Johnson Road, spoke against the request. She is speaking as a member of the Deep River community and also as an educator. She believes it would have a negative impact on the schools. Now, there are 574 students attending the Deep River Elementary School and their total capacity is 599. East Lee currently serves 666 students and their total capacity is 800. Lee Senior currently serves 1,464 students and its capacity is 1,675. This current proposal will cause overcrowding in the schools and studies have shown that overcrowding is directly tied to poor student achievement, as well as teacher performance. Overcrowding creates unsafe environment, increases school violence, as well as bullying. School resources are already lacking and asked Council to please consider this when considering making a decision.

Tina Robinson, residing at 2644 Deep River Road, stated that she and her husband moved here about ten years ago and they love the area. They love the country setting. She asked Council to reconsider the current plan and make it match the surrounding area.

Ron Knowles, residing at 2009 Cedar Lake Rd, stated that he and his wife moved here 28 years ago. He went to school here and graduated from Lee County High School. He is not against the development but he is against the density of the development. This plan will make a drastic change for Lee County. He has been a lot of places and seen a lot of these types of developments and when you are talking a ten-foot setback between houses; this is where you can reach out and touch your neighbor and his neighbor will hear him sneeze. ABC News and 60 Minutes did investigations on DR Horton in the Wilmington area and, at this point, DR Horton is having to spend money multiple years in order to go back and do repairs on buildings they have already built. The quality being built is not the standard that we want to see here in Lee County. There will be a lot of impacts to the schools and a large number of cars coming and going around the Industrial Park. He felt it will be a nightmare with all the traffic tied to the development.

Meg Moss, Chamber of Commerce Executive Director for the Sanford Area Growth Alliance and located at 115 Chatham Street, spoke in favor of the project and thanked Council for their continued support of their efforts as they continue to work together to make Sanford a great place to live, work and play. There are a number of positive changes that have taken place over the past eighteen months. They are happy that all of these things are giving great momentum to move Sanford forward. We need communities where people want to live. Our group supports new residential development and welcome the new opportunity for new families in our area.

Keith Miles, residing at 1771 Zion Church Road stated that the back end of his property clips the right of way that cuts through the development. He has lived here since 2004. He works in Morrisville and he sees developments like this every day while he is driving. This is not

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Sanford; if you look and see what is represented here and drive around the Deep River area, there is a certain amount of space around the homes and harmony with having your own space and property. With people stacked on top of each other, which is represented in the master plan, it will attract a certain level of discord with the residents and it is not compatible with the local area. The reason he moved his family to Sanford was to have more space. If this development represented the characteristics of the area, he felt the local residents would be much more receptive to this endeavor.

Mike Simpson, residing at 221 Wendy Lane off Deep River Road, spoke against the rezoning request. He stated he has lived here for four and a half years. Prior to that, he lived nine years in Apex off of Olive Chapel Road, across from where Dogwood Ridge Development was and it is very similar to what is being proposed in Galvin's Ridge. With it, they saw crime increase, children were being bussed all over Wake County because there was no capacity in Apex at the elementary school for the children. They capped out the size of the schools. His wife currently works in Raleigh and he works in Fort Bragg. He just got off deployment this weekend and was told about the development. Part of the reason they left Apex was the traffic and crime increase that happened all around the Chapel area. When they moved from Apex, they found a rural setting that they both love. His home is on five acres of land. It is an easy commute for his wife to Raleigh and easy commute for him to Fort Bragg. He felt it should be developed like the Doe Run Subdivision. If it was less congested of a subdivision it would be great.

Linda Debolt, residing at 1162 Zion Church Road, stated that she is a natural resources biologist and environmental scientist and she spends her time doing wetlands and streams, natural resources, and threatened and endangered species. She works with her clients to get permits to do their projects. She is for development, but she sees the impacts that it has on our natural environment. The 400 acres of the project is .2 percent of the area of our county, but yet using the Census data, at an average of 2.7 people per household, this project will take 4.5 percent of our current population and put it in .2 percent in their area. She was in Swift Creek in Johnston County all day. What she saw last week is what we will see here and she sees it all the time. She goes to Swift Creek every two years and walks it, plus eleven other rivers for 100 miles every two summers documenting the impacts of development in Wake on the streams in the Neuse River basin. The Neuse River basin has buffer rules where Cape Fear does not have any buffer rules. The reason it appears they do not have development up to the stream banks is floodplain. There is nothing to keep them from cutting trees down all the way to the stream banks. It would be nice if they would leave the trees. This density of a development provides a ton of stormwater and the stormwater will flow to the Cape Fear River, 1.44 miles upstream of our raw water intake; it has to travel as a crow flies from the development to the Cape Fear and then 1.44 miles to our raw water intake. The level of stormwater flowing off this amount of impervious surface is going to make a significant change in all of the streams from this point down to the Cape Fear River. She has documented it for 30 plus years and the 100 miles of stream she walks, is for the City of Raleigh to document what is going on. She sees developments of this density and when you clear that much land, you cannot stop the impact. She implored everyone to not consider high-density development.

Jerry Atkins, residing at 270 Atkins Lane, located off Deep River Road. His brother developed Doe Run Subdivision in the late 80s. He worked with him in the early 90s and helped build and sold many of the homes. At that time, it was a sought-after area. They sold the homes

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to people from Wake County who wanted to flee the congestion/traffic there. Most of the lots were about 1.2 acres with a few larger lots. When his brother developed it, he did not like it being developed near his home. His brother told him that it is not whether it is going to be developed because it is going to be developed; the question is how we develop it. His brother told him if they develop it into something nice, they can live in it. He commended Council and their predecessors for the good job they have done in Lee County. Personally, he would not build anything and stay the way they were but things are going to change. Van Groce has been a part of the Deep River Road building and the people coming in are being assimilated. It is not long before outsiders are becoming insiders. Mr. Atkins said the development will bring congestion. He does not know much about DR Horton and the quality but he knows that Horton and several other home builder chains are almost predatory in the way they search out sites like this; they are a national company. He said we do not have to jump at the first thing down the pipe; we don't have to move forward with this project. When people come off Perry Pond Road going north on Deep River Road, it will be a problem. He commended Council on the job that has been done for decades and he hoped that Council will continue in that vein and help their community develop as it has as a showcase; nobody is happy with this development.

Brett Ragan, residing at 253 Phil Johnson Road stated that his wife spoke earlier and he is a small business owner. In his research, he found that DR Horton Homes does not hire local people; they bring in their own workers; buy all the materials out of town and ship it on railroads, transfer trucks, etc. Lee County will not get any revenue with what they bring in. We might get some tax base but no revenue. He is a landscaper and he will not get a job with them; plumbers, heating and air, and builders will not get a job.

Josh Smith, residing at 150 Womble Road stated that he is a small business owner and self-employed for twenty years. He felt they would not get any benefits from the development as far as their work. DR Horton will bring in their workers and they will not come from Lee County. He referenced the convenience centers and what it will look like with the added development. He spent six years as a police officer in the late 90s. The development will be enforced by the City law enforcement and asked what is the response time. He stated before we put 1,000 homes in Deep River; get the jobs before people move here. He referenced the increase in traffic and the way it will change Deep River.

Mandy Moss, residing at 299 Perry Pond Road, referenced her comments regarding how long it will take the ambulance, with only four by day and three by night. EMS has no criteria according to how many more people you put in this county to add ambulances; the hospital decides and that should be a great concern when you add that many more people to the County. She stated that Northview and the Deep River Fire Departments do not have full-time staff. If they are contracted, they would have to wait and back the City up; if one home catches on fire, the next one would be on fire. The Police Department is not close and if there is an issue, it is no telling what time they would arrive. She referenced City services, limb trucks, bulk trash trucks, waste industries, street services, water and sewer services, inclement weather and their taxes will go up. Additional employees will be needed by the City. Other things that will be affected will be social services, mental health department and schools. You are placing an urban neighborhood in a rural setting. Those that have good jobs look for median to high level homes; not entry level homes. We are going to drive thru there in ten years and they will be rented. The homes proposed are not

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a high-end home. A lot of people who move here are first-time home buyers. SAGA has done a great job and looked at this property and was denied. She does not know why you would not continue using this as industrial space.

Council Member Taylor stated that we are back to a situation they were faced with off of Cool Springs Road and Valley Road a couple of months ago dealing with density. Some of the same issues came up tonight with the quality of homes and the project was rejected. The quantity of homes located in that prospected area was also next to some people who are like the Deep River community who have invested in property and farms passed down from one generation to the next. He appreciates the comments he has heard tonight and also those who have reached out and made phone calls and emails. He asked DR Horton to give a target price point of the four classifications of homes. Zach Anderson replied it is very difficult for them to make that call this early in the process at rezoning. They have yet to go through any precise engineering documents on this and given the amount of environmental/buffering they have to do; it really depends on when they get into the engineering. They anticipate somewhere in the high \$100,000s in townhomes; Express Homes in the \$200,000 into the \$300,000; the Horton homes in the high \$200,000 and high \$300,000; and the Freedom Homes somewhere in the mid \$200,000 to mid \$300,000 range, depended on where they come with the engineering. As we grow these lots bigger, the price and affordability go higher. They may be able to do acre lots but nobody working across the street will be able to afford them; that is the nature of today's development. Development costs have gone up tremendously in the last ten years; it is three times the cost to develop, not including the land cost. Density is a part of affordability they are looking to provide in this neighborhood.

Mr. Taylor asked regarding run off, currently he is dealing with two situations of drainage issues in his area; one was at Northpoint Townhomes and the other in Nottingham. Is there plans to mass grade this entire project, so you are dealing with one elevation or are you looking at keeping the current contour of status of the land. Rob Caudell, with WithersRavenel and residing at 137 South Wilmington Street, Raleigh, North Carolina, replied the proposal is to be phased with proper erosion control installed for each new phase, which would alleviate some of the concerns for the mass grading. The city manager and he visited a site in Ward 2 yesterday, where there was 40 to 50 feet of separation between the two homes and the individual was told to keep the silt fence up for seven months after the home was built for seeding purposes. They were told if they took the silt fence down, they would assume liability on the drainage coming downstream. That is the impetus behind his question because in these mass graded projects, you pretty much keep a level of elevation throughout the neighborhood and spots where you have contours and swells throughout the land. Mr. Caudell replied that their plan is to provide adequate drainage per the City's code. As far as erosion control, he is not exactly sure how Sanford typically does it, but he knows that usually COs are not issued until the sites are stabilized with seeding.

Kelly Race stated that the City of Sanford does not issue sedimentation and erosion control permits; it would be pursued through the State of North Carolina and the developer has chosen to break the development in much smaller lots so that you are not opening up this many acres at one time and trying to maintain all of that erosion control.

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Mr. Taylor added that there is a strong sensitivity to impervious surfaces and removal of actual basins that capture a lot of water control because the more we pave and build on, the less area that water has to go and that has been a big concern.

Mr. Williams noted that it has been brought up there will be 2.5 houses per acre and one resident figured it to be one house on a fifth of an acre. Ms. Race replied that the way you calculate density is not only looking at the areas that the actual lots are in, you look at the entire lot. There are many municipalities that allow developers to develop smaller lots with the tradeoff that there be open space left and that is the way density is calculated. The number of units per acre are calculated by looking at the total acreage and the number of units to be developed on the total acreage and it comes out to 2.37 in Galvin's Ridge.

Council Member Gaskins asked City Attorney Patterson to read the contract revisions received earlier today and review them. City Attorney Patterson stated that in 2017, the Council undertook the discussions regarding development of property. In 2017, they approved the development of property in phases. They have a provision in the developer's agreement that was signed contractually with the owners of the property, that they would allow Phase I uses, which are industrial type uses for the property and effective January 1, 2020, the property shall automatically be subject to Phase 2 permitted uses. These permitted uses would allow the property to be developed for residential including, but not limited to apartments, duplex dwellings, townhomes, and traditional single-family detached dwellings. The Phase II listing revises and replaces the listing for secondary permitted uses included in Phase I. This expanded phase listing includes additional commercial uses intended to support both industrial and/or residential development. So, in 2017, when Council initially looked at the property, they zoned the property under conditional use zoning, which allowed Phase I Uses which are industrial and Phase II uses that would include, in 2020, all residential uses. It did not describe how the uses would be developed on the property but said that the land would automatically be allowed to have those uses, so there is a decision that has been made already regarding allowing residential uses. The document also included that the site would have additional site plan development that would come back to Council to describe how it would be developed.

Mr. Gaskins added that as of January 1, 2020, it replaces Phase I which includes the industrial. Attorney Patterson replied it allowed additional uses for residential development on the property; so, the residential use is an additional use allowed for development.

Mayor Pro Tem Salmon stated that one of the things they have discussed as a Council that came up when they were looking at the Commerce Drive project, was having a variety of housing stock and options for our current and new residents coming in and making sure we have a wide variety of housing diversity. We just approved that neighborhood which included three of these four product types and she asked them to discuss what percentage potentially are you looking at for the DR Horton home lines that would add something different that will be coming on line when the Commerce Drive property is completed. What can they expect as they talk about how this will improve our housing diversity? She wants to make sure we are getting a wide variety of housing stock out of the projects. Ms. Race replied that she did not know the number of each particular type. Mrs. Salmon asked is that number set in stone. Zach Anderson replied that there will be 182 plus and minus DR Horton homes out of 992 homes; this is what the market looks like today;

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our buyer pool of people who want to live here are larger at the lower end and it works its way up. They would love to have the ability to pivot up. There is not a demand for a large number of \$500,000 homes in this community; he did not want to say we want to pivot down; they want to expand. Their market studies have shown the pool of buyers matches the product diversity.

Mr. Anderson answered Mr. Buckels' question about the hiring of local people. He said they do hire local trades people and purchase materials from local suppliers; however, they will bid this project out to use the best vendor for them. He will take all the business cards he can get.

Mr. Gaskins responded to some concerns from the residents. He said that these acres are already inside the City limits; therefore, the City will pick up their waste; and will make sure that it is covered with Police and Fire Protection. His concern with the traffic is the high-density community. Four to five factories would be outstanding at that location. He asked the residents how they would feel with having the factories located on that acreage as it will increase the traffic during shift changes and there will be heavy equipment and trucks. The arguments he has heard are the same arguments that would tie with industrial. The one company announced today will be using less than 100 acres and it is a huge factory coming to Sanford and we could easily locate five to six businesses there.

Josh Smith replied it is simple to him because he felt no one on council would want that in your backyard. If you woke up with 1,000 homes in your back yard, would you be happy with it? His concern is not just the people coming in and how would you feel about four to five factories coming out there. This is what we wanted was commercial. Mr. Smith replied there are already factories. Mr. Gaskins replied they are not on the 400 acres and we have not begun with the companies in that park. Dow ThermoTech is coming in and we have a spec building and it is just starting. If Council was able to make it commercial and hold it commercial, is the community going to see the same reaction and he would like to see that addressed. Mr. Smith replied that if you take the acreage that is there and put that many houses on it, it will be overcrowded; he asked what is wrong with building one to two homes per acre and make them nice homes. Mr. Gaskins asked again would they be happy for several industries locating on the acreage; is it going to be the same argument. You would have 24/7 lights, industrial hum, heavy traffic, equipment and trucks.

Scott Fallin, residing on Badders Road, has been a life-time resident of Deep River and lives on property of his grandfather. Development is coming. This is not housing built for people in Lee County nor from Wake County. It is for the people coming in to Lee County for the industry. There is a great opportunity here for Lee County to bring in the industries but we have to grow responsibly. He works in Wake County and the jobs are not here for everybody in Wake County. Growth needs to be at the right rate that people acclimate to Lee County; not bring Wake County to us because they ran out of run.

Jerry Atkins felt that the residents would be better off with industries in that location and it would serve several purposes. He believes it would help increase the tax base more so than the proposed residential development. We would not have to build schools; we would have to have more services but they would be more targeted. If it is industry, we win, but lose if we move forward with this residential development.

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Mary Glines, residing at 1346 Zion Church Road, personally would like to see the property developed as industry. She is a long-time Lee County resident that grew up and stayed in this area. She is employed in the Central Carolina Enterprise Park and her husband drives to Wake County up US Highway #1. If developed as industrial, she asked that the entrance would mainly stay at the Enterprise Park Road. Therefore, not as many cars and trucks would be going up to the Deep River Road/Colon Road intersection. Her concern is the amount of entrances and exits off Colon Road. She would like to see more jobs in the area.

Amy McNeill read a letter from Teresa Wall, a Deep River area resident who could not be at the public hearing (Exhibit G), which addressed impacts to the schools, law enforcement, rescue fire departments, etc.

With no one else requesting to speak, the public hearing was closed. He thanked everyone for speaking and paused a few minutes for the room to clear.

Consider Public Hearing on Application by Curry Engineering - to rezone the following tracts of land totaling approximately 8.29 acres  $\pm$  to the Southeastern Development Apartments Conditional Zoning District to allow for the development of an apartment community with a clubhouse and associated amenities: Tract 1: 9652-61-0830-00 is a 1.20 acre tract of land zoned General Commercial (C-2) developed as a real estate office/property development company addressed as 2505 Dalrymple Street and illustrated as Lot 2 on a 2000 plat labeled Recombination Survey for White Dog Properties, recorded at Plat Cabinet 9, Slide 57G of the Lee County Register of Deeds Office. Tract 2: 9652-61-2624-00 is a 2.25-acre vacant tract of land with frontage on Dalrymple Street, zoned General Commercial (C-2), and illustrated as Lot 3 on a 2000 plat labeled Recombination Survey for White Dog Properties, recorded at Plat Cabinet 9, Slide 57G of the Lee County Register of Deeds Office. Tract 3: 9652-61-7648-00 (portion of) is a 3.22 acre portion of 5.41 acre tract of land zoned General Commercial (C-2) developed as a restaurant addressed as 2600 S. Horner Blvd and illustrated as a 5.41 acre lot on a 2013 plat labeled Boundary Survey for Sonic, Sanford, NC, recorded at Plat Cabinet 2013, Slide 49 of the Lee County Register of Deeds Office. Tract 4: 9652-61-1414-00 is a 0.30-acre tract of land zoned Residential-Mixed (R-6) and developed with a house addressed as 2517 Dalrymple Street. Tract 5: 9652-61-2494-00 is a 1.01-acre vacant tract of land with frontage on Dalrymple Street zoned Residential-Mixed (R-6). Tract 6: 9652-61-2410-00 is a 0.31-acre tract of land zoned Residential-Mixed (R-6) and developed with a house addressed as 2603 Dalrymple Street. All of the lots are illustrated on Lee County Tax Map 9652.19 – (Exhibit H)

Zoning Administrator Amy McNeill explained that Planning staff has received a rezoning application from Curry Engineering as the first step in the proposed development of a new multi-family apartment community off of E. Main Street and Dalrymple Street. The applicant is requesting to rezone to the Southeastern Development Apartments Conditional Zoning District with conditions and plans submitted for consideration by the Planning Board and City Council. The information provided as supplemental information with the rezoning application will allow the boards to view the site plan, architectural elevations, and other details for the project to ensure that the design of this project aligns with the board's overall vision for the area. This site is located in the northwestern corner of E. Main Street and Dalrymple Street in the Old Jonesboro area of Sanford.

The site is comprised of five tracts of land:

- North of the site, opposite E. Main Street, is a vacant lot that has been approved for a new Valenti's Italian restaurant and the Cameron Square shopping center.
- South of the site is Wicker Oil and Applegate Village Apartments, off of Dalrymple Street.
- East of the site is Blacks Tire & Auto, Harbour's Car Wash, McDonald's restaurant with drive-thru, Thomas' Butcher Shop, a retail lease space, and Sonic drive-in restaurant.
- West of the site is a single-family home at 2518 Dalrymple Street, a Farm Bureau insurance office, Randy's Unlimited Auto Sales and Car Hunters.

The subject property is comprised of six tracts of land, three of which are zoned General Commercial (C-2) with the other three tracts zoned Residential-Mixed (R-6).

The General Commercial (C-2) zoning district is intended to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. The Residential-Mixed (R-6) zoning district is established to provide higher density residential living opportunities with compact development consisting of the full spectrum of residential unit types where adequate public facilities and services are available. A list of permitted uses for each zoning district was included within the agenda package for Council's reference.

Southeastern Development Apartments Conditional Zoning District is a stand-alone district with its own unique conditions. Under a Conditional Zoning District Type 1, an applicant would have the freedom to develop his/her own unique list of permitted uses and design standards. It is also understood that such a district would need to be designed so as to maintain the integrity and characteristics of the surrounding community, as well as conform to the spirit and intent of the UDO. This type of zoning is suitable in situations where none of the current conventional zoning districts accommodate the desired uses and the applicant has a clear vision as to how the property is to be developed.

In general, the following design standards are proposed for the Southeastern Development Apartments Conditional Zoning District:

- 8.12-acre site
- 13 total apartment buildings and one clubhouse building
- 204 total apartment units with a 25 units per acre density proposed

She referenced the conceptual drawing set labeled, "Southeastern Development Apartments" submitted with the rezoning application to view the site plan, architectural elevations, and other details for the project to ensure that the design of this project aligns with the board's overall vision for the area.

She stated that this project does not comply with the UDO standard for required parking. The design proposed is currently 46 spaces short of compliance. Staff acknowledges that the UDO is not a perfect document; therefore, if the developer provides information/documentation to support the number of parking spaces proposed as being more reasonable than the UDO standard, it may be taken into consideration by the boards. The developer is proposing to limit the number of vehicles allowed per unit as part of the apartment rental/lease agreement, which would be a

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private matter not regulated by staff. While everyone would like to see new growth in the Jonesboro area, care should be taken to prevent a future parking problem within the area and to be a good neighbor.

As part of the negotiated zoning process, the Planning Board and/or City Council may request that certain conditions be considered or altered, such as requesting that an apartment building or buildings be removed in order to lessen the parking requirement and to make room for additional parking so that the design complies with the UDO. However, the petitioner must accept such conditions before inclusion in the conditional zoning district.

The historic Dalrymple-Blue house at the corner of E. Main Street and Dalrymple Street will be converted into a clubhouse for use by the apartment residents and usable office space. A swimming pool is proposed between the clubhouse and apartment building 1. There is also a second amenity area, labeled "Amenity Area B" with outdoor seating adjoining apartment building 13.

All roadways within the Southeastern Development Apartment community will be private drives, owned and maintained by the property owner. The overall development is planned to gain access via two drives off of Dalrymple Street, one drive off of E. Main Street, and connection to an existing access easement off of Dalrymple Street that may be used by emergency services when/if needed. A NCDOT will be required for the drive off of E. Main Street. Dalrymple Street is a City-maintained public street; therefore, no driveway permit is required, but the City Engineering Department must approve the site plan.

The Southeastern Development Apartment community is proposed to be served by public City maintained water and sewer. The applicant is currently in conversation with the City of Sanford Public Works Department regarding how best to serve the site.

There is no 100-year floodplain or mapped wetlands on site, and the site is not within a Watershed Conservation Overlay District or a historic district. It is the responsibility of the project designer to ensure compliance with all applicable state and federal regulations regarding environmental issues that are not regulated at a local level.

The Plan SanLee Land Use Plan identifies two future land use place types for this land included within this rezoning request.

Most of the subject property is designated as "Downtown", which has the following characteristics:

- High intensity commercial core, mixed use urban environment
- Dense grid of streets eases connectivity and access especially oriented for pedestrians
- Active focal point for entire community
- A local example is the Downtown Sanford/ Downtown Jonesboro area.

The portion of the subject property located immediately to the rear of the Sonic restaurant off of S. Horner Blvd is designated as "Commercial Corridor," which has the following characteristics:

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- Represents established commercial developments along highest volume transportation routes
- Traditionally “strip” development pattern
- Connectivity and access improvements in future redevelopment
- A local example is S. Horner Boulevard in Sanford.

The Plan SanLee Land Use Plan identifies most of this site as “Downtown” which includes multi-family dwellings served by public water and wastewater/sewer as a land use with a suggested density of 10-16 units per acre. This project appears to comply with the land use designation for the Downtown area, while exceeding the suggested density.

A public information meeting for this rezoning request was held on March 20, 2019 with four adjoining property owners/ area residents, project representatives and staff in attendance with the following matters discussed:

- Stormwater runoff from the proposed project was a concern. The project would add impervious surface in an area that is already experiencing stormwater problems downstream from this site with an example being the Brick City Grill site.
- The developer offered to solely maintain the private drive between 2505 Dalrymple Street and 414 E. Main Street since this project could generate a lot of traffic along this private drive that is currently owned/shared by the owners of 2505 Dalrymple Street and the owners of 414 E. Main Street. A formal legally binding agreement was proposed to be created and signed by all applicable parties.
- There was concern that the increase in traffic may cause traffic to back up at the intersection of E. Main Street and Dalrymple Street. There does not appear to be adequate storage in the area turn lanes and/or the cycling at the local signalized intersections does not appear to prevent traffic from backing up at certain times of the day.
- Phasing and timing of the actual build out was discussed with the neighbors being concerned that the project may remain unfinished if the economy slows down.
- It would be nice if the large trees in front of the existing large white house/ office building that will be converted into a clubhouse would remain. The developer agreed to try to keep the large existing trees.

Staff has reviewed two iterations of this apartment community. The overall design has been revised to include additional property with an improved circulation pattern, entrances/exits have been added, and a concern regarding the use of adjoining “overlap” property has been eliminated, for which the designer/developer is to be commended. The designer also conferred with the City Engineering Department regarding the neighbor’s concerns regarding stormwater. Staff has the following recommendations for the proposed design:

- Orient Apartment Building 1 to face E. Main Street\*
- Orient Apartment Buildings 2 & 3 to face Dalrymple Street\*  
(\*This is to avoid having the rear of the building facing a public roadway since the rear of buildings tend to be not as attractive as the front of building.)
- Extend the sidewalk along all of the Dalrymple Street frontage
- Add sidewalk to connect the interior sidewalk to the pool and clubhouse

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- Comply with the UDO standard for parking or provide information/documentation to support the number of parking spaces proposed as being more reasonable than the UDO standard, along with information regarding how limiting the number of vehicles allowed per unit as part of the apartment rental/lease agreement would be enforced

As a reminder, the conditional zoning process is a negotiated zoning process and, as such, the Council and/or Planning Board may request that certain conditions be considered or altered; however, the petitioner must accept such conditions before inclusion in the conditional zoning district. Also, information as presented at the public hearing may provide additional information that should be considered regarding a final decision on the requested zoning map amendment.

Mayor Mann opened the public hearing.

Don Curry, with Curry Engineering 205 South Fuquay Avenue, in Fuquay Varina spoke in favor of the proposal. They do not object to staff's recommendations and feel the developer, Mr. Cooper, has done a great job trying to preserve the character of this corner, keeping the existing house and its historic look. They could have added more parking if they wanted to get into that area but it would have cut into the green space. They have the solution to provide ticketed parking as discussed by staff. They plan to mirror the look on both sides of the buildings that face Dalrymple Street so that the rear will look like the front. There is no issue with extending additional sidewalk down Dalrymple Street as recommended by staff. They have been talking with Mr. Perry regarding the shared access between the two properties and he understands the intent to provide maintenance for it. They will be providing some stormwater continuation for the development, adding impervious area for the development. Mr. Cooper addressed the issue of parking for Council and explained the ticketed parking method.

Mr. Taylor said we have had a lot of drainage issues on Main Street and behind Joyner Dickens as it relates to runoff. Are they confident that we can control the flow of water into downtown Jonesboro from a different area with this project and not create another issue northbound?

Mr. Cooper replied that he is a civil engineer. The issue with stormwater no matter which side they put the apartments on, it is the same result; it will go to the same area. You have a problem on Horner Boulevard; there is a pipe that is 15 inches. It does not do any good to put in a 24-inch storm drain pipe that would tie into a 15-inch pipe. They are going to spend over \$200,000 to put in an underground holding system. Basically, you dig a big hole in the ground and fill it up with a bunch of gravel underneath the parking lot in the rear of the complex; it will be an underground holding tank and slowly bleed off. It was be a reduction in the nuisance that is caused downstream rather than adding to it.

Don Curry replied there is quite a reduction and info provided to the Engineering Department. They will have a complete stormwater report. There is not a stormwater ordinance in Sanford but that does not mean there are no challenges. Mr. Taylor thanked him for his attention with the stormwater runoff. There is a lot of sensitivity in neighborhoods when there is a microburst storm.

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Steve Malloy, residing at 2016 Bellaire Drive, spoke on behalf of the owner and in favor of the rezoning request. He has helped market that property before the Sonic was built and over the years, the vast majority of people who looked at purchasing the back side of the property where the old Ford dealership was, were all body shops or auto repair. Mr. Cooper has brought a different use for that property; and the property could have been used for auto repair.

Billie Holsopple, 301 East Raleigh Street, expressed concern regarding how the traffic will be created on Raleigh Street. Mr. Curry replied that there are three entrances; one near Trade Street; one near Raleigh Street and the existing driveway on Main Street. She felt it will be a problem on Raleigh Street.

With no one else requesting to speak, the public hearing was closed. Mayor Mann stated that the West End Conference Room will be at capacity per Fire Code once all seats are filled; therefore, the Galvin's Ridge zoning request has been placed first on the Planning Board agenda. Once the Planning Board considers this request, we ask that those attending for the Galvin's Ridge project, please exit the conference room to make room for those attending for other projects on the agenda. Anyone here for Items 2-6 on the Planning Board agenda should wait in the lobby until staff summons you.

The Planning Board retired to the West End Conference Room.

Consider Public Hearing on Application by Esplanade Communities of Florida, LLC, to Extend Corporate Limits – (Exhibit I)

Senior Long-Range Planner David Montgomery explained that on June 4, staff received a petition from Esplanade Communities of Florida, LLC to annex 29.26 plus or minus acres located along Fire Tower Road. The property will be the future location of Southern Estates Subdivision. The request meets the five criteria of N.C.G.S. 160A-58.1 regarding voluntary non-contiguous annexation as listed in Exhibit H. The proposed area for annexation is identified in the Future Land Use Plan as Suburban Neighborhood Place Type, which is defined as a residential area on the outskirts of a core urbanized area, with large scale development of single-family residential with a high degree of transportation connectivity between neighborhoods and surrounding network thoroughfares. If it is annexed, City services will be extended to the new area in the same manner and on substantially the same basis that they are provided to the rest of the City. The site has access to public water and will be served by public sewer after annexation.

Mayor Mann opened the public hearing. Mark Lyczkowski, residing at 3018 Carrington Lane and representing Esplanade Communities in Florida, spoke in favor of the project. He stated that sidewalks will be constructed on both sides of the streets. It is close to Southern Lee High School and they hope the families can be pedestrian friendly to the school. A lift station will be designed by the City of Sanford specifications and paid by Esplanade Communities. It will be inspected by the City.

With no one else speaking for or against the annexation, Mayor Mann closed the public hearing.

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- Consider Ordinance to Extend Corporate Limits of the City of Sanford to Esplanade Communities of Florida, LLC – (Exhibit J)

Mayor Pro Tem Salmon made the motion to adopt the Ordinance to Extend the Corporate Limits of the City of Sanford to Esplanade Communities of Florida, LLC. Seconded by Council Member Taylor, the motion carried unanimously.

#### Consider Public Hearing on the Cemetery Road Water Line Extension

City Engineer Paul Weeks explained that it is a water petition project and is a petition where the homeowners pay 100 percent of the cost; the City would finance the cost at 8 percent interest. The project was bid and the contractors' bids came in 36 percent higher than the engineering estimate. In this case, we have a public hearing to give everyone the opportunity to discuss the project. After the public hearing, Council will consider awarding the contract. The project bid price came in at \$43,504.90 which increased the per lot cost to \$5,438. We had seven out of eight property owners sign the original petition which is about 88 percent. After the bid prices came in and the lot price was revised, we had five out of eight of the property owners indicate that they are still for it or 63 percent, which is a majority. We had one that called and said they were against it and we had two unknowns. One person was going to be here tonight but could not make it. The original cost estimate per lot was \$4,000. This petition affects eight lots.

Mayor Mann opened the public hearing. With no one requesting to speak, the public hearing was closed.

- Consider Recommendation to Award Contract for Cemetery Road Water Line Extension – (Exhibit K)

Council Member Gaskins made the motion to award the contract to Sandhills Contractors Inc., for the Cemetery Road Water Line Extension. Seconded by Council Member Haire, the motion carried unanimously.

### **REGULAR AGENDA**

#### Consider Updates on Interactive Voice Response (IVR) and Payment Options – (Exhibit L)

Customer Service Manager Michelle Ballard explained starting October 1, the City will offer to its customers pay by phone option for their water bill, 24 hours per day; 7 days per week at no cost using a credit or debit card. The automated service will allow customers to check their account balances and make payments at no cost. Customers can call 919-775-8215 to make payment during business hours; they can press 0 for customer representative or 1 for automated service. Customers can pay their water bills at any local check free pay location throughout the City. Customers have to pay a convenience fee but the fee is charged by the pay station and can take up to three business days for the City to receive the transaction. The customer can go to [www.checkfreepay.com](http://www.checkfreepay.com), key in your zip code and the location will be displayed. She stated that if a customer has a water bill due the 10<sup>th</sup> of the month and wait until the 10<sup>th</sup> of the month to pay it at a check free location; it takes three business days to receive the transaction and they need to call the City water department and let staff know or it will be considered late.

## **NEW BUSINESS**

### **Presentation of Sewer System Asset Management Plan – (Exhibit M)**

City Engineer Paul Weeks explained back in 2018, the City applied for a \$2 million CDBG grant to assist the City in rehabilitating sewer in the East Sanford area. We did not get the grant last year; however, we are trying again this year. Last year, we had Council to approve a resolution approving a Sewer Asset Management Plan that we put together last year and we need to do the same thing tonight. When we applied the first time, we received a lot of good feedback and they told us to go more in depth in our asset management plan, which is what we have put together. This document is called a living document because it is going to grow with time; it identifies where you need to spend your money throughout your entire system. It takes things such as consequence of failure and determines where the worst spots are in your system and where the City needs to be focusing its time and efforts. In the past, we have used institutional knowledge, which means staff had extensive knowledge and experience regarding the lines. This plan will help direct staff in the future to point them in the direction and be a long-term spending plan for the next five to ten years.

The CDBG grant can be spent in low-and-modern income areas over three years if we get this grant. The areas might shift from year to year with funding source. Mr. Weeks and Mr. Robinson answered questions by council members regarding the sewer lines and their ratings.

- **Consider Resolution Approving 2019 Sewer System Asset Management Plan – (Exhibit N)**  
Council Member Haire made the motion to adopt the Resolution Approving 2019 Sewer System Asset Management Plan. Seconded by Council Member Gaskins, the motion carried six to one in favor with Council Member Buckels casting the dissenting vote.

Mr. Taylor asked if it is time to have a Stormwater Division of Public Works. Mr. Hegwer replied that we can hold a discussion at a future workshop.

### **Consider Entering into an Engineering Agreement for Linden Avenue Rehabilitation Engineering Services – (Exhibit O)**

City Engineer Paul Weeks reminded Council that Community Development Manager Karen Kennedy was able to get a CDBG grant to rehabilitate a portion of Linden Avenue and as part of the grant, the City was funded to install sidewalk and curb and gutter and drainage improvements along Linden Avenue and part of First Street. Staff sent out RFQs for engineering services and seven firms submitted proposals. Three members of staff reviewed the proposals and McGill and Associates was selected. The contract has been reviewed by staff and The Wooten Company, who is the City's administrator for the CDBG grant to make sure it follows all the rules required by the CDBG process. Staff recommends entering into the agreement contingent upon the release of funds with McGill and Associates in the amount of \$67,500. It will not start until funds are released from CDBG and we are expecting that sometime in November.

Council Member Buckels made the motion to enter into an engineering agreement contingent upon the release of funds with McGill and Associates for the Linden Avenue Rehabilitation Engineering Services. Seconded by Mayor Pro Tem Salmon, the motion carried unanimously.

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Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 (Online Forms) – (Exhibit P)

Financial Services Director Beth Kelly explained that the ordinance appropriates \$15,000 from Retained Earnings to the Utility Fund Administration Department to budget funds to enable us to create online forms to use a third party vendor so that developers and customers are able to complete tap forms and complete new water accounts for our Utility Fund accounts and submit payment on line. There will be an annual recurring fee of approximately \$2,000 to \$5,000 related to payments.

Mayor Pro Tem Salmon made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 (Online Forms). Seconded by Council Member Gaskins, the motion carried unanimously.

Consider Approval of Matching Funds Grant from North Carolina Department of Natural and Cultural Resources for Sanford Architectural Survey Update and Possible Expansion of Historic District – (Exhibit Q)

Senior Long-Range Planner David Montgomery explained that the City received a grant from the NC Department of Cultural Resources in the amount of \$10,000 for an architectural survey of our Downtown Historic District and possible expansion of the district. The original survey for that district was done in 1985 and included 96 properties. Cutoff for consideration is 50 years, so anything built before 1935 was not considered; new cut off is 1969, which could make 23 properties eligible for state and federal tax credits. One of them could be the Singer Building on First Street and with the possible expansion of the district, there could be an additional 15 properties outside of the current district survey. Total cost for the survey is \$20,000 (State would pay \$10,000 and the City pay \$10,000 as a local match) and survey is supposed to be completed by April 21, 2020.

- Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 – Local Match (Exhibit R)  
Council Member Gaskins made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020. Seconded by Council Member Haire, the motion carried unanimously.
- Consider Grant Project Ordinance – NC Office of Archives and History – Sanford Architectural Survey and National Register – (Exhibit S)  
Council Member Gaskins made the motion to adopt the Grant Project Ordinance – NC Office of Archives and History-Sanford Architectural Survey and National Register. Seconded by Council Member Haire, the motion carried unanimously.

Consider Grant Agreement for Triad Corrugated Metal / Project Overhead Building Reuse Program - (Exhibit T)

- Exhibit A: Scope of Services
- Exhibit B: Payment Schedule
- Exhibit C: Reporting Schedule
- Exhibit D: Closeout/Job Requirements

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- Exhibit E: Legally Binding Commitment
- Exhibit F: Promissory Note
- Exhibit G: Limited Waiver of Confidentiality
- Exhibit H: Deed of Trust Documentation

Management Analyst Holly Marosites explained that under the NC Department of Commerce Building Reuse Program, the City has been awarded a building reuse grant for Triad Corrugated Metal. The public hearing for this project was previously held in June of this year. The company is renovating the building located at 109 McNeill Road, which is the previous location of Whitin-Roberts Building. The company anticipates approximately \$300,000 in eligible building reuse costs. The project will create 17 new jobs. The contractual agreement is between the City of Sanford, Triad Corrugated Metal and the NC Department of Commerce; staff advises that the City require an optional deed of trust on the property and this requirement is established through Exhibit H of the contract. If approved, \$85,000 in assistance from the NC Department of Commerce will be received for this project. A five (5) percent local match is required which would be \$4,250 and that will be provided by the company.

Council Member Taylor made the motion to adopt the Grant Agreement for Triad Corrugated Metal/Project Overhead Building Reuse Program with the stipulation of the deed of trust placed on the property. Seconded by Council Member Haire, the motion carried unanimously.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 (Local Match for NC Department of Commerce – Rural Economic Development Division – Building Reuse Program for Triad Corrugated Metal, Inc. Project) – (Exhibit U)

Financial Services Director Beth Kelly explained that the ordinance appropriates \$8,500 from Fund Balance for the local match (administrative expenses) for the NC Department of Commerce Building Reuse Program for Triad Corrugated Metal as previously discussed.

Council Member Gaskins made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 (Local Match for NC Department of Commerce – Rural Economic Development Division – Building Reuse Program for Triad Corrugated Metal, Inc. Project). Seconded by Council Member Williams, the motion carried unanimously.

Consider Grant Project Ordinance Amendment – NC Department of Commerce – Building Reuse Program – Vacant Building Category – Triad Corrugated Metal / Project Overhead – (Exhibit T)

Financial Services Director Beth Kelly stated that the ordinance sets up the grant project with the grant amount of \$89,250; grant administrative expense of \$8,500 and the local match of \$4,250.

Council Member Gaskins made the motion to adopt the Grant Project Ordinance Amendment – NC Department of Commerce – Building Reuse Program – Vacant Building Category – Triad Corrugated Metal / Project Overhead. Seconded by Council Member Williams, the motion carried unanimously.

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Consider Appointment to Fill a Vacancy on the Sanford Tourism Development Authority (At-Large Position) for a Term Expiring June 30, 2022 – (Exhibit V)

Council Member Sam Gaskins nominated Ed Strickland and made the motion to appoint Ed Strickland by acclamation. Seconded by Council Member Williams, the motion carried unanimously.

**Other Business**

Mayor Mann noted that he was told by the members of the Department of Commerce and members of the Economic Development Partnership of North Carolina how incredible our local Sanford/Lee County team is when competing with other states for the two large companies locating in Sanford. This is our first new job location that we have had in a while.

The first Opioid Commission meeting will be held on Wednesday, October 9, at 6 P.M., in the West End Conference Room. It is an open meeting to the public.

**CLOSED SESSION**

Closed Session – City Attorney Patterson read a motion to go into closed session in accordance with N.C.G.S. 143.318(11)(a)(3) and (4) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege and to discuss matters relating to the location or expansion of industries or other business in the area served by the public body. So, moved by Council Member Gaskins and seconded by Mayor Pro Tem Salmon, the motion carried unanimously.

**RETURN TO REGULAR SESSION AND ADJOURNMENT**

Council Member Williams made the motion to adjourn the meeting; seconded by Council Member Post, 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

**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 1, 2019, at 6 p.m., in Council Chambers. The following people were present:

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

Absent:

Council Member Charles Taylor

**CALL TO ORDER**

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

**PUBLIC COMMENT (Exhibit A)**

Hubert Wall, of 363 Perry Pond Road, addressed comments made at the September 17 public hearing on the Galvin's Ridge re-zoning by a D.R. Horton representative who said there would be 2.57 houses per acre including green space. The proposed development has about 422 acres and 180 acres of green space, leaving about 240 acres for approximately 1,000 households or four households per acre. Development plans posted to the City's website show 22-foot wide side streets, five-foot wide sidewalks on each side, 30-foot wide major streets, neighborhood pool with parking, 1500 square foot clubhouse with parking, sport court and parking, and a minimum 50 foot buffer around the perimeter for a number nearer to six houses per acre according to Mr. Wall. He compared this to the City of Sanford, which, according to his 2018 data is 24.1 square miles for 1,243 people per square mile. Using 240 acres per square mile and a factor of 37.5 percent, applying that 1,243 people per square mile indicates the 240 acres at Galvin's Ridge should have no more than 466 people for the same density as the City today. He stated that using 30,000 as Sanford's population and around 11,500 households indicates about 2.7 people per household, so putting 1,000 households on that 240 acres would produce a population of about 2,740 or 587 percent more than the density of Sanford, which may produce that much more crime.

Layne Knowles, of 2009 Cedar Lake Road, Sanford, suggested that with several new developments (Carbonton Cove, Rosemount, Laurel Oaks, Moncure Valley, apartments on Main Street in Jonesboro, new phase at Brownstone), there is no shortage of housing in Lee County. She suggested there won't be jobs for new residents; we will be creating a bedroom community and burdens will be placed on Lee County taxpayers. She questioned who will provide schools and other services for new residents and suggested we attract companies to provide jobs for housing already planned. She stated that the Kalyani Group that will be building on a site in Sanford will provide only 350 jobs and the site proposed for the Galvin's Ridge residential community would be better served as an industrial site.

Jordan Tillett, of 2036 Deep River Road, Sanford, stated that he attended the September 17 Planning Board meeting, at which time a representative for the developer of the proposed Galvin's Ridge was questioned about the project's density and he deferred to the developer who stated that he had met

with people from the surrounding community to answer questions about the project but no one at the meeting recognized him. He was also asked if he would be willing to compromise and consider reducing the density and he refused. Mr. Tillett stated that the developer and his colleagues, who was sitting near him, whispered during the meeting and called members of the Deep River community idiots. He questioned whether this is the type of company we want to work with to build the future of Lee County. He stated that he has requested information from the past six months between staff, elected, governing bodies and development community from the City Clerk and encouraged Council to delay a vote on the zoning until adequate time has been allowed to review all the information since he hasn't been received yet. He read a biblical passage and suggested that money is the driving force of this project.

Crete Smith, 2044 Deep River Road, Sanford, stated that extending water and sewer service to Colon Road for Project Forge will cost about \$1 million and that surveying and other related work has already cost about \$55,000. She suggested that the Triassic site was better suited for Project Forge and questioned why it wasn't purchased for that project.

Ron Knowles, 2009 Cedar Lake Road, stated that \$80,000 was spent on updating the Land Use Plan and questioned whether the City was willing to go against it and approve a high-density development. He suggested that using the plan would make Lee County a showplace and noted that other developments have been rejected because of density. He stated that he has heard this is a "done deal" and suggested that residents were being misled. He mentioned a fire at Surf City where eight homes were recently lost within a few hours and commented that they were as near to each other as the houses proposed for Galvin's Ridge and questioned whether this is a chance we want to take in Deep River.

Josh Smith, of 150 Womble Road, Sanford, read two letters addressing recertification of Central Carolina Enterprise Park; both were dated May 1, 2019, and one was to Austin Rouse, Certified Sites Program Director with the Economic Development Partnership of NC from the City Manager and the second was to the Steering Committee of the Certified Industrial Sites from the County Manager. The letters refer to infrastructure investments that position CCEP as a premium location for industrial development and increased growth that will benefit Sanford and Lee County. He questioned why the letters were sent to recertify property for industry and what happened in the last five months to cause the change from industrial to high-density housing. He encouraged Council not to strip Lee County of employment opportunities and higher tax base that SAGA has worked so hard to establish.

Teresa Wall, of 363 Perry Pond Road, Sanford, referenced a post from Mayor Mann's mayoral page and a July 1 article from *The Rant*, covering Ashley Davenport, who moved with her husband to Sanford in 2006 from Holly Springs. It included comments that forests were being replaced with tract homes with very little personality that looked the same and suggested that the proposed Galvin's Ridge development would be similar. She also referred to a February 7 article from *Business North Carolina*, "Town Square, Sanford Sons" that included comments that despite all the amenities in larger communities around us, young people like the small town feel of Sanford, uniqueness of the business community, shops where they know you and your family, finding security in knowing your children's teachers, sending them to the same school every year, not being redistricted frequently, being able to call the principal or superintendent, and being invested in the community. She referred to the Mayor's May 31 post about his weekly drive around Sanford and the industrial spec building that already had interest from around the country and the soon-to-be-finalized new signature residential community on Colon Road. She commented that one of the goals of the Land Use Plan states that we would allow but not promote rural residential development outside urban service areas and provide standards that protect the character of rural areas but she didn't think our rural character was being protected.

Mandy Moss, of 299 Perry Pond Road, Sanford, read from the Developer's Agreement between the City and the property owners regarding the property upon which the Galvin's Ridge development is proposed and suggested that the City determined that it is in the City's best interest for the property to remain for industrial use.

Davis Harris, of 527 Perry Pond Road, Sanford, stated that approximately 1,200 feet of the proposed Galvin's Ridge development would run along his property line, which according to the Master Plan, would allow 17 housing units to be built along that line. It also calls for a 50-foot buffer but he stated that the timber was select cut last year and with only a thin section of trees remaining, you can see right through the buffer. He stated that housing tax values in the Deep River area (Providence Landing, Doe Run, Mount Joy Place, Copper Ridge) range from \$275,000 to \$745,000, more than the homes proposed for Galvin's Ridge, which he suggested does not conform with the Deep River community.

### **APPROVAL OF AGENDA**

Mayor Mann requested that Item 8-A under Cases for Public Hearing, "Issuance of Sanford Housing Authority Revenue Bonds", be removed (the public hearing was held at the Sanford Housing Authority on September 23) and added to New Business as Item A1, "Resolution- Approval of Multi-Family Housing Facilities Known as Garden Street, Gilmore Terrace, and Matthews Court." He also requested that Item 11-M under New Business, "Consider Accepting Golden LEAF Foundation Grant for Infrastructure Improvements Associates with Project Forge", be removed from the agenda.

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

### **CONSENT AGENDA**

There were no items on the consent agenda.

### **SPECIAL AGENDA**

There were no items on the special agenda.

### **CASES FOR PUBLIC HEARING**

#### **Public Hearing on Municipal Service District (MSD) Expenditures**

Financial Services Director Beth Kelly reviewed expenses as shown on the attached Exhibit B. Mayor Mann opened the public hearing and with no speakers, closed the public hearing.

- **Approval of Municipal Service District (MSD) Expenditures (Exhibit B)**  
Council Member Gaskins made a motion to approve the MSD expenditures as shown on the attached Exhibit B. Seconded by Council Member Haire, the motion carried unanimously.

#### **Public Hearing on Hawkins Avenue Sewer Extension**

City Engineer Paul Weeks explained that this is the final step in this petition process. After all costs were received and the date of the public hearing was set, notices were mailed to all affected parties on September 4 and notification of the public hearing was published in *The Sanford Herald* on September 5. The final owners' cost per lot will be \$6,994.88. The resolution, if approved by Council, will confirm the assessment roll and levy the assessment. A notice of the roll will then be published in *The Sanford Herald* and bills mailed to property owners.

Mayor Mann opened the public hearing and with no speakers, closed the public hearing.

- Resolution Confirming Assessment Roll and Levying Assessments- Hawkins Avenue Sewer Extension (Exhibit C)  
Council Member Gaskins made a motion to approve the Resolution Confirming the Assessment Roll and Levying Assessments- Hawkins Avenue Sewer Extension. Seconded by Council Member Williams, the motion carried unanimously.

Public Hearing on Modifying the Terms of an Economic Development Project with Kalyani Precision Machinery, Inc. and Bharat Forge Aluminum USA, Inc. (Exhibit D)

Sanford Area Growth Alliance (SAGA) Chief Executive Officer Michael Smith stated that this project has moved rapidly since he first met with Council in closed session in May to discuss framework. The announcement that the project would be coming to Sanford was made on September 17.

Mayor Mann opened the public hearing.

City Attorney Susan Patterson summarized changes to the terms of the proposed economic development project from the last Council meeting. The project consists of an industrial building and the purchase of machinery and equipment estimated to be \$170,363,980 by two subsidiary companies of the Kalyani Group. The City proposes to share in an amount estimated to be \$5,001,166 toward the cost of the project, plus an additional \$700,000 contributed by Lee County toward site improvements; however, the total amount of incentive payments may be more or less than the stated amount as calculated as a percentage of actual property taxes paid by the companies based on actual capital investments. The subsidiary company has a goal of creating 156 new full-time jobs at an average annual wage of \$47,992 and making investments of \$43,000,000. Another subsidiary company has a goal of creating 304 new full-time jobs at an average annual wage of \$47,056 and an investment of \$127,363,980 over the ten-year life of the project.

Mr. Smith commented on the August announcement of Pfizer's \$500 million expansion and this new project. He asked that Council approve details that have been worked on for the past several weeks that will add more than \$170 million to the tax base and create 460 full-time jobs for the community with the majority of these workers living in Lee County. While he conceded that some who work for this company will live elsewhere in the Triangle, that is still positive and one of the many reasons this is a great place to do business. We have a phenomenal region and should celebrate that, not apologize. The company will also offer a competitive benefits package. This project was extremely very competitive with other sites from not only North Carolina but also from South Carolina, Tennessee, and Kentucky. Company representatives were still receiving calls from competitors up until the announcement that they would be coming to Sanford was made on September 17 at the Governor's Mansion. It was extremely important for us to be more creative and aggressive to win this project. Regarding incentives, Mr. Smith explained that they are performance based, which means they do not take a single dollar from any existing City program but actually add new tax base and tax payers. He closed by saying the City and County should celebrate this exciting, incredible time and thanked everyone for their support.

City Attorney Susan Patterson explained that the agreement is performance based and includes "clawbacks", provisions that require reimbursement by the company if they fail to perform as required. The agreement is not finalized since details are still being discussed but the company plans to make most of their improvements within the first five years.

Michael Smith added that Kalyani representatives recognized the teamwork here and saw that the community embraced what they want to do and who they wanted to be, which they don't get everywhere. He also recognized Bob Joyce, SAGA's Economic Development Executive Director, for the hours he put

into this project and acknowledged help from the State. He mentioned that he was late to this meeting because he was with State representatives on another project and that Sanford is on their radar because when they come here, they know we are a good place to do business and know we have support. This project, along with the Pfizer and Caterpillar expansions, will add 800 jobs and more than \$700 million in tax base. He noted that Kalyani is so large and so highly regarded – not only in India but worldwide – that other companies will wonder why they chose Sanford and may consider us. He also noted that combining our Chamber of Commerce and Economic Development Departments allows opportunities to pool staff and resources when needed. Dr. Lisa Chapman, President of CCCC, who literally helped write the job training manual when she worked with the State, was another key in winning this project, as well as Caterpillar.

Josh Smith, who spoke during Public Comment portion of the meeting, questioned why, with this much potential in Lee County, we would allow prime industrial property to be used as residential.

Council Member Williams questioned the timeline for the incentives and Attorney Patterson explained that it is actually ten years but the company is moving their investment into the earlier years which means they will meet their maximum direct investment of \$170 million sooner and receive more tax money sooner based on that investment being made sooner.

Mayor Mann closed the public hearing and explained that no action would be taken tonight on modifying the terms since details are still being finalized.

### **DECISIONS ON PUBLIC HEARING**

Application by Curry Engineering to rezone the following six tracts of land totaling approximately 8.29 acres + to the Southeastern Development Apartments Conditional Zoning District to allow for the development of an apartment community with a clubhouse and associated amenities: Tract 1: 9652-61-0830-00 is a 1.20-acre tract of land zoned General Commercial (C-2) developed as a real estate office/property development company addressed as 2505 Dalrymple Street and illustrated as Lot 2 on a 2000 plat labeled Recombination Survey for White Dog Properties, recorded at Plat Cabinet 9, Slide 57G of the Lee County Register of Deeds Office. Tract 2: 9652-61-2624-00 is a 2.25-acre vacant tract of land with frontage on Dalrymple Street, zoned General Commercial (C-2) and illustrated as Lot 3 on a 2000 plat labeled Recombination Survey for White Dog Properties, recorded at Plat Cabinet 9, Slide 57G of the Lee County Register of Deeds Office. Tract 3: 9652-61-7648-00 (portion of) is a 3.22-acre portion of a 5.41-acre tract of land zoned General Commercial (C-2) developed as a restaurant addressed as 2600 S. Horner Blvd. and illustrated as a 5.41-acre lot on a 2013 plat labeled Boundary Survey for Sonic, Sanford, NC, recorded at Plat Cabinet 2013, Slide 49 of the Lee County Register of Deeds Office. Tract 4: 9652-61-1414 is a 0.30-acre tract of land zoned Residential-Mixed (R-6) and developed with a house addressed as 2517 Dalrymple Street. Tract 5: 9652-61-2494-00 is a 1.01-acre vacant tract of land with frontage on Dalrymple Street zoned Residential Mixed (R-6). Tract 6: 9652-61-2410-00 is a 0.31- acre tract of land zoned Residential-Mixed (R-6) and developed with a house addressed as 2603 Dalrymple Street. All of the lots are illustrated on Lee County Tax Map 9652.19 (Exhibit E)

Zoning Administrator Amy McNeill explained that the public hearing on this rezoning request was held on September 17. She informed Council that the Planning Board voted unanimously to recommend the approval of this request as presented, subject to the following conditions:

- orient Apartment Building 1 to face East Main Street;
- orient Apartment Buildings 2 and 3 to face Dalrymple Street;
- extend the sidewalk along all of the Dalrymple Street frontage;
- add sidewalk to connect the interior sidewalk to the pool and the clubhouse;

- submit a copy of the Road Maintenance Agreement for the shared private drive between the subject property and adjoining tract of land at 414 East Main Street to Planning staff prior to zoning approval being issued for the first building permit (Ms. McNeill informed Council that the applicant and developer confirmed this document has been executed and a recorded copy will be provided to her);
- The owner/operator of the apartment community is responsible for enforcing the developer's proposal to limit and enforce the number of vehicles allowed per unit as part of the apartment rental lease agreement. The Planning Board was amenable to the proposed ticketed system whereby each tenant would have a ticket or sticker placed in or on the vehicle to indicate it is allowed to park within the apartment community and all others would be towed.

The Long-Range Plan identifies most of this site as "Downtown," which includes multi-family dwellings as a use, with a suggested density of ten to sixteen units per acre; therefore, this project appears to comply with the land use designation for the Downtown area while exceeding the suggested density. It also appears to be reasonable and in the public interest based on the site having access/frontage on public streets and access to public water and sewer.

Mayor Pro Tem Salmon questioned whether the developers accepted the Planning Board's conditions and Ms. McNeill confirmed that they had.

- Statement on Long Range Plan Consistency as it Relates to this Rezoning Request  
Council Member Buckels stated that the proposed design appears to comply with the Plan SanLee designation of "Downtown," which includes multi-family dwellings as a use and therefore, made a motion that the request is consistent with the adopted Long-Range Plan. The motion was seconded by Mayor Pro Tem Salmon and carried unanimously.
- Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina (Exhibit F)  
Council Member Gaskins stated that the proposed zoning map amendment is reasonable and in the public interest because it is consistent with the adopted Land Use Plan. The site has access to public water and sewer, and the site plan submitted with the rezoning application appears to take into consideration the existing conditions; therefore, he made a motion to approve the request to rezone 8.12 +/- acres with frontage on East Main Street and Dalrymple Street, identified as the Lee County tax parcels referenced in the staff report, from General Commercial (C-2) and Residential-Mixed (R-6) to Southeastern Development Apartments Conditional Zoning District, subject to the conditions set forth by the Planning Board. The motion was seconded by Mayor Pro Tem Salmon and carried unanimously.

## **REGULAR AGENDA**

There were no items on the regular agenda.

## **NEW BUSINESS**

Resolution Providing Approval of Multi-Family Housing Facilities Known as Garden Street, Gilmore Terrace, and Matthews Court in the City of Sanford, North Carolina, and the Financing Thereof with Multi-Family Housing Revenue Bonds in an Aggregate Amount Not to Exceed \$17,000,000 (Exhibit G)

Christen Kirby, attorney with McGuire Woods in Raleigh, serving as Bond Council to the Sanford Housing Authority ("SHA"), explained that she was requesting Council approval of a resolution approving the issuance by the Sanford Housing Authority of tax exempt bonds in an amount up to \$17 million for three projects, all of which are existing housing developments located within the City that will be renovated with bond proceeds: Garden Street Apartments (not to exceed \$4,960,000), Gilmore

Terrace Apartments (not to exceed \$7,540,000), and Matthews Court Apartments (not to exceed \$4,500,000). She explained that the Federal Tax Code requires that before the SHA can issue these bonds, there must be an approval from the highest elected body having jurisdiction over both the location of the projects and the issuer of the bonds in principle of the issuance of the bonds, following a public hearing. The public hearing was held at the SHA office by its board on September 23. She confirmed that the City will in no way be obligated to make payments on the bonds and they will not affect the City's legal debt limit or debt ratios for financial statements. As stated in the resolution, the resolution in no way approves anything other than issuance of the bonds and does not represent an endorsement of the project or replace any permitting, zoning or other approvals.

Council Member Gaskins made a motion to approve the Resolution Providing Approval of Multi-Family Housing Facilities known as Garden Street, Gilmore Terrace, and Matthews Court in the City of Sanford, North Carolina, and the Financing Thereof with Multi-Family Housing Revenue Bonds in an Aggregate Amount Not to Exceed \$17,000,000. Seconded by Council Member Buckels, the motion carried unanimously.

### **REGULAR AGENDA**

#### **Preliminary Plat Labeled "Southern Estates, Preliminary Plan" for a New 87-Lot Residential Single-Family Home Subdivision with Open Space (Exhibit H)**

Zoning Administrator Amy McNeill explained that Esplanade Communities is seeking preliminary plat approval for an 87-lot residential subdivision located off Fire Tower Road within the corporate limits of the City. All lots are proposed to be served by City maintained public water, public sewer and public streets. The design for this subdivision was approved in March as part of the conditional re-zoning process for this site. Review and approval of the preliminary subdivision plat is the next technical step required for this project to move forward since this is a requirement of the Unified Development Ordinance for all major subdivisions. Ms. McNeill explained that the Planning Board recommends Council approve the preliminary plat since it appears to correspond with the design previously approved as part of the recent re-zoning of the site to a site plan specific conditional zoning district. The preliminary plat, if approved, will be valid for two years.

Mayor Pro Tem Salmon made the motion to approve the Preliminary Plat labeled "Southern Estates, Preliminary Plan." Seconded by Council Member Gaskins, the motion carried unanimously.

#### **Preliminary Plat Labeled "Winstead Farms, Phase 2" for a New 12-Lot Residential Single-Family Home Subdivision (This site is located in the City of Sanford's ETJ) - (Exhibit I)**

Zoning Administrator Amy McNeill explained that several large tracts of land were inherited recently and while the subdivisions have the same "Winstead Farms" name and are in the same area, they are not actually the same tract. She noted that Winstead Farms, Phase I, was a minor subdivision requiring staff level approval but now that additional lots are being proposed to be created from the parent tract of land, the subdivision has transitioned from a minor subdivision to a major subdivision; therefore, Phase 2 must be considered by the Planning Board for a recommendation and by City Council for a vote. The site is in the City's extra-territorial jurisdiction ("ETJ") and is therefore subject to approval by City's boards, even though this design is more typical for a subdivision in the County.

Ms. McNeill explained that HWW Properties is proposing to create a 12-lot subdivision located off Lemon Springs Road, Harwood Drive and Meadow View Lane. The property, which is vacant and mostly wooded, is located in an area developed with residential single-family homes. Lots would be served by public water, private individual septic systems and public streets. It is zoned R-20 with a minimum lot size of 20,000 square feet and minimum building setbacks are 30 feet from the front and rear, and 15 feet

from the left and right sides. It is not located within a flood plain, watershed conservation overlay district, historic district or small area study plan area. The new subdivision would be accessed via existing public roads maintained by the NC Department of Transportation, served by public water via a waterline along Meadow View Lane and Harwood Drive and all connections would have to be approved by the City's Public Works Department. The subject property has been evaluated by a licensed soil scientist to determine the suitability of soils for individual private septic systems. The project surveyor has utilized this general information when configuring lots and the map submitted with the soil report illustrates soils suitable for septic systems. Staff from Planning and Lee County Environmental Departments have copies of the soil scientist's study. Future residential development on each lot served by individual private septic systems would require approval by the Lee County Environmental Health Department at the time that the developer or individual lot owner proposes home construction. The preliminary plat was reviewed by the Technical Review Committee ("TRC") in August and the board was amenable to the preliminary plat moving forward for review and approval by Planning Board and Council. All outstanding TRC revisions must be addressed prior to the final plat being recorded and if approved, would be valid for two years.

Ms. McNeill informed Council that the Planning Board recommends Council approve the preliminary plat for Winstead Farms, Phase 2, as it appears to comply with the Unified Development Ordinance subdivision regulations. The subject property has access to public water and streets, and the soil report appears to support configuration of the lots.

Council Member Gaskins questioned how near the property is to city sewer service and Ms. McNeill explained that it was not near enough to trigger the Public Works Department's mandatory extension policy nor is the cost to connect financially viable for the developers. She also noted that this would trigger the requirement that the developer offer the property for annexation.

Mayor Pro Tem Salmon made the motion to approve the Preliminary Plat labeled "Winstead Farms, Phase 2." Seconded by Council Member Haire, the motion carried unanimously.

Preliminary Plat Labeled "Winstead Farms, Phase 5" for a New 4-Lot Residential Single-Family Home Subdivision (A small area of this site is located in the City of Sanford's ETJ, with the majority of the site being within the jurisdiction of Lee County) - (Exhibit J)

Zoning Administrator Amy McNeill explained that explained that several large tracts of land were inherited recently and while the subdivisions have the same "Winstead Farms" name and are in the same area, they are not actually the same tract. She noted that this phase of Winstead Farms is located on a separate tract of land located on the opposite side of St. Andrews Church Road from Phase 2 described in the previous item. Winstead Farms, Phase 3 is a pending minor subdivision on a separate tract of land and Phase 4 was a minor subdivision already approved by staff. Now that additional lots are proposed to be created from the parent tract of land that was part of Phase 4, this subdivision has once again transitioned from a minor subdivision to a major subdivision and therefore, Phase 5 must be considered by the Planning Board for a recommendation and by City Council for a vote. A small area of this site is located in the City's Extra-Territorial Jurisdiction ("ETJ") and subject to approval by the City boards, even though the design is more typical of a subdivision found in Lee County.

Ms. McNeill explained that HWW Properties proposes to create a four-lot subdivision that will be served by public water, private individual septic systems and public streets. The property is located off Lemon Springs Road and St. Andrews Church Road and a portion of Lots 7, 8 and 9 are located in the City's ETJ as illustrated by a dashed line on the plat; however, the majority of the subdivision is located within Lee County. The general area is developed with residential single-family homes and the subject property is vacant and wooded. It is zoned R-20 with a minimum lot size of 20,000 square feet. Minimum

building setbacks are 30 feet on the front and rear and 15 feet along the right and left sides. The property is not located within a watershed conservation overlay district, historic district or small area plan study area but a small area along the southwestern property line of Lot 6 is located in the flood plain (one reason the lot is so large). The subdivision would be accessed via existing public roads maintained by the NC Department of Transportation and served by public water via an existing public waterline along Minter School Road and St. Andrews Church Road, and those connections would require approval by the Public Works Department. The subject property has been evaluated by a licensed soil scientist and lot configurations is based on soils suitable for individual septic systems. The Lee County Environmental Health Department has a copy of the soil report and would have to approve all individual perc sites for individual homes on these lots prior to zoning approval being issued for home construction. The plat was reviewed by the Technical Review Committee in August and the board was amenable with the process moving forward. If approved by Council, the plat would be valid for two years.

The Planning Board recommends that Council approve the preliminary plat for Winstead Farms, Phase 5, as it appears to comply with the Unified Development Ordinance subdivision regulations, has access to public water and streets, and the soil report appears to support configuration of the lots.

Council Member Gaskins noted that several lots had very little soil labeled “suitable” for septic tank systems. Ms. McNeill explained that the soil report verifies there is enough “suitable soil” to build a standard sized home and noted that the County Environmental Health Department will actually go to the site and review a site plan of the proposed home location and determine whether the soil is adequate to support the home proposed (i.e., three-bedroom, four-bedroom, etc.). She added that the Environmental Health Department did determine that the information provided by the soil scientist was reasonable. Mr. Gaskins noted there was a similar problem in a section of West Lake Valley that was recently approved but the cost to install sewer was extreme and took quite some time. Ms. McNeill also noted that the soil scientist will actually have to sign and seal the plat before it is recorded.

Council Member Buckels made the motion to approve the Preliminary Plat labeled “Winstead Farms, Phase 5;” seconded by Council Member Haire, the motion carried unanimously.

Preliminary Plat Labeled “Moncure Valley Subdivision” off of Lower Moncure Road (*This site is located in the City of Sanford’s ETJ*) - (Exhibit K)

Zoning Administrator Amy McNeill explained that Caviness Land is seeking preliminary plat approval for a 12-lot residential subdivision located off Lower Moncure Road in the City’s Extra-Territorial Jurisdiction (“ETJ”). All lots are proposed to be served by public water, private septic systems and a public street. The subject property is comprised of one wooded tract located off Lower Moncure Road in an area that is predominantly rural and developed with single-family dwellings. It is zoned Residential Single-Family R-20 which has a minimum lot size of 20,000 square feet and minimum building setbacks of 30 feet from the front and rear and 15 feet from the left and right sides. The subject property is located within our Watershed Consideration Overly District, specifically the Cape Fear/Lee County Watershed Protected Area. Development within this area is allowed but there are maximum density and build-upon area regulations designed to ensure health of the watershed and this project does appear to comply with the Unified Development Ordinance watershed regulations. The subdivision would be accessed via a new public road that the developer would construct to NC Department of Transportation standards and submit for acceptance and maintenance by DOT. It would be served by public water via a new waterline connection along Lower Moncure Road and by individual private septic systems. The soils have been evaluated by a licensed soil scientist in order to determine suitability of soils for individual private septic systems. The project designed has utilized this general information when configuring lots and the preliminary plat illustrates the suitable soils for septic systems. Staff from both the Planning Board

and Lee County Environmental Health have copies of the soil scientist's study and future residential development on each lot served by septic systems would require approval by the Lee County Environmental Department at the time development is proposed.

Ms. McNeill pointed out an error on page three of the Planning Board Recommendation report: in the second full paragraph, "Please be aware that the subdivision design as illustrated on the preliminary does not appear to comply with the UDO standard in the following two respects," the word "not" should be removed. Prior to the Planning Board meeting, Common Area #2 was removed and integrated into Lots 1 through 8 in order to comply with the UDO subdivision regulations and the staff report was not updated to reflect this change. The subdivision design does indeed comply with all UDO subdivision standards. She explained further that the preliminary plat was reviewed by the Technical Review Committee ("TRC") in April and the board was amenable to the plat moving forward for review and approval by the Planning Board and City Council. All outstanding TRC revisions must be addressed prior to the final plat being recorded and if approved, would be valid for two years.

Ms. McNeill informed Council that the Planning Board recommends Council approve the preliminary plat for the Moncure Valley Subdivision off Lower Moncure Road as it appears to comply with the UDO subdivision regulations. The subject property has access to public water and the soil report appears to support configuration of the lots.

Mayor Pro Tem Salmon questioned whether there will be a homeowners' association to bear maintenance responsibilities for the proposed bus stop shelter and mail kiosk at the development. Ms. McNeill confirmed there will be a homeowners/property owners' association.

Council Member Haire made the motion to approve the Preliminary Plat labeled "Moncure Valley Subdivision;" seconded by Council Member Buckels, the motion carried unanimously.

#### Reimbursement Resolution – Project Forge – Infrastructure Improvements (Exhibit L)

Financial Services Director Beth Kelly explained that the next six items all relate to Project Forge. This reimbursement resolution authorizes that costs paid from the Utility Fund for the project be reimbursed from loan proceeds for the project's water and sewer infrastructure improvements. City Engineer Paul Weeks explained that the Golden LEAF grant acceptance form will likely be presented to Council at the October 15 meeting and that engineering work has begun. Mrs. Kelly stated there will be other grant sources for the Utility Fund project and this is simply the estimate for the City's contribution.

Council Member Buckels made the motion to approve the Reimbursement Resolution- Project Forge Infrastructure Improvements; seconded by Council Member Gaskins, the motion carried unanimously.

#### Annual Operating Budget Amendment FY 19-20-Project Forge-Infrastructure Improvements (Exhibit M)

Financial Services Director Beth Kelly explained that this budget amendment appropriates \$1.5 million in retained earnings to the capital project fund for water and sewer infrastructure improvements.

Council Member Buckels made the motion to approve the Annual Operating Budget Amendment FY 19-20 for Project Forge Infrastructure Improvements; seconded by Council Member Gaskins, the motion carried unanimously.

Grant Project Ordinance – Project Forge – Infrastructure Improvements (Exhibit N)

Financial Services Director Beth Kelly explained that the document originally included in the agenda packet was revised when the Golden LEAF agreement was removed from the agenda. A revised Grant Project Ordinance will be provided to the Mayor for signing, if approved by Council, showing \$1.5 million in total appropriations from the Utility Fund. When the Golden LEAF Grant Agreement is presented for Council approval, the project will be amended to include \$1.5 million from Golden LEAF.

Council Member Gaskins made the motion to approve the Grant Project Ordinance for Project Forge Infrastructure Improvements; seconded by Council Member Buckels, the motion carried unanimously.

Reimbursement Resolution – Project Forge – Site Preparation/Roadway (Exhibit O)

Financial Services Director Beth Kelly explained that this resolution allows reimbursement related to site preparation in an amount up to \$1.3 million.

Council Member Gaskins made the motion to approve the Reimbursement Resolution for Project Forge Site Preparation and Roadway; seconded by Mayor Pro Tem Salmon, the motion carried unanimously.

Annual Operating Budget Amendment FY 19-20 – Project Forge – Site Preparation/Roadway (Exhibit P)

Financial Services Director Beth Kelly explained that this budget amendment will transfer the \$260,400 appropriation previously approved by Council from one department into the department where it can be moved to the capital project and the appropriation of \$1,039,600 (balance of the \$1,300,000) from Fund Balance that will be reimbursed through a future loan issuance.

Council Member Gaskins made the motion to approve the Annual Operating Budget Amendment FY 19-20 for Project Forge Site Preparation and Roadway; seconded by Council Member Haire, the motion carried unanimously.

Grant Project Ordinance – Project Forge – Site Preparation / Roadway (Exhibit Q)

Financial Services Director Beth Kelly explained that this ordinance establishes the grant project for site preparation in the amount of \$2,964,600, composed of \$1.3 million from the General Fund, \$700,000 from Lee County and a \$964,600 Economic Development grant from the NC Department of Transportation for the roadway.

Mayor Pro Tem Salmon made the motion to approve the Grant Project Ordinance for Project Forge Site Preparation and Roadway; seconded by Council Member Gaskins, the motion carried unanimously.

Preliminary Assessment Resolution – Franklin Drive Water Line Extension (Exhibit R)

City Engineer Paul Weeks explained that this project involving six lots near Chancellor's Ridge subdivision was previously discussed at a Council workshop. He reminded Council that this water petition is different than the sewer petitions presented recently to Council because homeowners will absorb 100 percent of construction costs, but the City will finance the cost at eight percent annual interest. This petition has the support of three of the five owners who own three of the six lots. This preliminary assessment resolution sets the public hearing for October 15, 2019.

Council Member Gaskins made a motion to approve the Preliminary Assessment Resolution for the Franklin Drive Water Line Extension; seconded by Council Member Buckels, the motion carried unanimously.

Resolution in Support of NCDOT Improvements Associated with Project Forge (Exhibit S)

City Engineer Paul Weeks explained that the letter sets forth DOT's commitment to provide \$964,600 toward construction and design of a roadway for Project Forge and the resolution confirms we support the improvements. We will hire the engineer, bid the project out, and oversee installation, but DOT will pay the cost up to \$964,600. This process is being used due to the project's tight timeline. Since DOT can't act as quickly as we can, we can control the pace if we control the project and still follow their requirements. Mr. Weeks noted that the local DOT office was very responsive to staff needs, which helped tremendously in getting the project to this point. Mayor Mann agreed this is another testament to the state's involvement in helping us land this project as we competed with other states.

Council Member Gaskins made a motion to approve the Resolution in Support of NCDOT Improvements Associated with Project Forge; seconded by Council Member Buckels, the motion carried unanimously.

Golden LEAF Foundation Grant for Infrastructure Improvements Associated with Project Forge

This item was removed from the agenda.

Interlocal Agreement Between the City of Sanford and Lee County for Project Forge (Exhibit T)

City Attorney Susan Patterson explained that the Lee County Commissioners approved \$700,000 toward site preparation costs for Project Forge and this agreement between the City and County memorializes what will happen with those funds. The County will acquire 98.24 acres on Colon Road to be developed as the industrial site and this \$700,000 contribution will be used for site preparation, including but not limited to, acquisition of road right-of-way, clearing, grading, and preparation of a site pad. We are trying to complete this within a reasonable time and do the work or reimburse the company for having the work done. The County will begin the annexation petition process to be annexed into the City limits and request rezoning of the property in a timely fashion. They have asked the City to waive fees associated with those applications. They will also convey the property to the company. In the event the City is reimbursed any site preparation costs by the Kalyani Group, we will reimburse the County an amount proportionate to their investment. All terms are subject to preliminary authorizations, including the governing bodies approval of incentive contracts for Project Forge, and the County's successful borrowing of funds related to the project. She also noted that this document was approved by the Commissioners at its meeting last night.

Council Member Buckels made a motion to approve the Interlocal Agreement between the City of Sanford and Lee County for Project Forge; seconded by Council Member Gaskins, the motion carried unanimously.

**OTHER BUSINESS**

Mayor Pro Tem Salmon commented on the number of jobs associated with several large industrial announcements recently but also noted that congratulations are in order to SAGA, the Chamber of Commerce and our thriving small business community. There have been many ribbon cuttings and the old K-Mart building has been refurbished into a Planet Fitness and Ollie's. Mayor Mann noted there have been many meeting requests from people who want to buy commercial property.

City Manager Hal Hegwer reminded everyone that the Council meeting scheduled for the first Tuesday in November (November 5) coincides with the municipal election, so that meeting will be cancelled, but due to the heavy volume of activity, an additional meeting may be scheduled.

Mayor Mann offered several scheduling reminders: our Sister City delegation from Atizapan, Mexico, will be in Sanford this weekend. The Latino Festival (hosted by El Refugio) will be held Saturday, October 5, at The Mann Center from 11:00 a.m through 3:00 p.m.; the official Sister City signing ceremony will be held that afternoon in the Municipal Center lobby at 5:00 p.m. and a reception will follow at The Hawkins House at 6:00 p.m. Fundraising efforts to restore the Depot Building continue and a committee meeting will be held Monday, October 7, at 1:30. A community dinner catered by downtown chefs will be held at Depot Park on Thursday, October 17 with seating for 400. There will also be a public art unveiling that night, along with the final concert of the season. The dinner is open to the public; tickets are \$50 per plate and all proceeds go to support Depot restoration. The Economic Development Partnership of NC will hold their "Energizing Rural NC" conference at the Dennis Wicker Civic Center with about 200 mayors, elected leaders and economic developers from around the state attending. The TDA will be sponsoring events in and around downtown after the conference. The first meeting of the Opioid Abuse Epidemic Task Force will be held Wednesday, October 9, at 6:00 in the West End Conference Room of the Municipal Center. The new airport terminal dedication ceremony and reception will be held at the RaleighExec Jetport on October 10, at 5:30 p.m. The most recent Citizens Academy will conclude on October 15 with a dinner at 5:00 p.m. in the West End Conference Room. Dedication of the Kiwanis Family Park has tentatively been set for Friday, October 18, at 11:30 a.m. SAGA's annual banquet will be held Tuesday, October 22, at 5:00 p.m. at the Dennis Wicker Civic Center. A benefit concert by the Merry Gadflies to benefit S3 Housing Connect will be held on November 22, at 7:30 p.m. at the Temple Theatre.

#### **ADJOURNMENT**

Council Member Gaskins made the motion to adjourn the meeting; seconded by Council Member Haire 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

SANFORD CITY COUNCIL  
**WORK SESSION**  
 Tuesday, October 8, 2019  
 225 East Weatherspoon Street, Sanford, NC

The City Council held a work session on Tuesday, October 8, 2019, at 6:00 p.m. in the West End Conference Room at City Hall. The following people were present:

Mayor Chet Mann	Mayor Pro Tem Rebecca Wyhof Salmon
Council Member Byron Buckels	Council Member Jimmy Haire
Council Member James Williams	Council Member Sam Gaskins
Council Member Charles Taylor	Council Member Norman Charles Post, III (left at 6:45pm)
City Manager Hal Hegwer	City Attorney Susan Patterson
City Clerk Bonnie Davis	Deputy City Clerk Vicki Cannady
Intern Rayvon Walker	

Mayor Chet Mann called the work session to order. He said that WRAL.com has put out six positive articles about Sanford and asked everyone to read them.

**Presentation of Carthage Street/Charlotte Avenue Complete Streets Feasibility Study (Exhibit A)**

Senior Long-Range Planner II David Montgomery stated that in 2016, the NC Department of Transportation offered a new grant program focusing on Bicycle and Pedestrian Planning for Specific corridors that needed more in-depth analysis. Staff felt that Carthage Street and Charlotte Avenue would be a great candidate as an initial test pilot for the grant. Carthage Street and Charlotte Avenue is a part of a national US Bike Route and as of three weeks ago, we did not have any bike accommodations on that route and fortunately, staff was able to work with the NCDOT and we now have two miles of bike lane. The road traverses the north boundary of downtown connecting the eastern and western parts of the City. It has several residential neighborhoods connected to it. In 2018, we were awarded the grant and NCDOT reached a contract agreement with Stantec, which has an office in Raleigh. He added that Mike Rutkowski and his team Erica Ortman, Jaquasha Colon (who is a graduate of Southern Lee) and Mary Hudson Elbech, of Mobycon, worked on this project.

He introduced Mike Rutkowski to give a presentation on the complete streets feasibility study and noted the purposes of the street study is to provide safe pedestrian and bicycle accommodations to multiple users and destinations along the corridor, including destinations such as Downtown Municipal Service District, Kiwanis Children's Park, Depot Park and two planned greenways. Mr. Rutkowski presented the report and recommendations in the study (Exhibit A). Streets should be inviting and for everyone's use. This project on Carthage Street and Charlotte Avenue starts from Wicker Street to Oakwood Avenue. There was a ten-month schedule to work on the study. The group established a committee (about ten people) with various local stakeholders in order to understand problems and potential solutions. They did a riding/walking audit to understand how it feels to be a pedestrian. People wanted to accommodate all modes of transportation and wanted to feel safer in the studied area. The biggest safety problem was poor lighting and lack of security in the corridor of the study. Lighting is a reflection of security.

Mr. Rutkowski showed images showing improvements and developments of the Carthage Street and Charlotte Avenue (Before and After Images in Exhibit A).

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Mike Rutkowski introduced the idea of a roundabout on Oakwood Avenue as it is a gateway into our community and by putting in bike lanes, they would like for the traffic to slow down in that area. Mayor Chet Mann noted that 55 homes are being built in the area and the proposed roundabout will make sense in the area.

Mr. Rutkowski made a suggestion about the removal of the Prince Hotel and proposed a new site design of mixed-use retail and residential sites at this location. He suggested that the city study redevelopment in this area.

Senior Long-Range Planner II David Montgomery concluded the presentation. He noted that the City has obtained \$1.9 million of STIP funds from the DOT to do improvements on Carthage Street between Wicker and Chatham Streets. Based upon their estimates, the total costs for all the improvements they are recommending for that section is over \$4 million. The anticipated construction date is 2021. We have recently received notice that we are going to receive \$1.5 million in STIP funds for Charlotte Avenue, which will run from Chatham Street to Eleventh Street and Oakwood Avenue. The total cost for that corridor was a little under \$4 million.

David Montgomery stated that the study's five recommendations for the next five years will just include the \$1.9 million; the \$1.5 million occurs after the five-year period. The five recommendations are: (1) protected intersections at Hawkins Ave; (2) protected intersections at Caribton Road; (3) planted and brick-stamped medians all along that corridor including the Temple Theatre; (4) protected bike lanes; and (5) Road Diet Improvements at Seventh Street and Charlotte Avenue (which is completed) but a recommendation is to improve the lighting on Charlotte Avenue with the upgrades to the Cobra lights in the next couple of years. In regards to the sidepath that they are recommending for Carthage Street section, they feel it is too costly at this time for the \$1.9 million but this is something they would like Council to consider in the future.

Mr. Montgomery will be presenting this document to the public and then, Council will have a chance to approve the report.

### **Public Arts Update (Exhibit B)**

Planner II Elizabeth Whitmore presented and explained a powerpoint presentation (Exhibit B) listing the ten murals and the cost of each mural that have been completed in the last four years and five months and also future proposed art projects. The first mural installation was the Sanford Spinners mural completed in 2015. To date, \$226,436 has been spent in public art, which consist of a 17.5 percent grant from the Representative John Sauls and the State of North Carolina; 17.5 percent grant from the City of Sanford; and 65 percent in private donations.

Mrs. Whitmore explained the organization's plans of using the grant money provided by the City and discussed various fundraising activities and events that the organization will undertake in the upcoming year.

Mrs. Whitmore suggested a mural for the Latino and Hispanic community in Sanford. She also suggested that a painter from the Sister City in Mexico and a local painter should design the mural. Mayor Chet Mann noted that the Sister City nonprofit can spearhead this mural project. This is a great idea for the community.

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Liz Whitmore provided a list of buildings for public art projects known as the railroad wall. Council Member Jimmy Haire provided the history for many of the buildings. She added that another mural (Mountains to the Coast) is in the works in the City by 2021. She presented an idea that was made to create murals highlighting various industries in Sanford.

She explained the Otocast app. It is an audio guide to local art that features artist commentary, videos, and photographs. Each of Sanford's murals, sculptures, and other public art objects are included. The app even shows the art on a map so that users can easily move from location to location.

Mayor Chet Mann said that he appreciated the diversity of the projects and how the organization is using its resources.

A brief recess was taken at 7:05 P.M. and the meeting re-convened at 7:20 P.M.

### **Discussion on Cherry Blossom Festival and Beautification Efforts (Exhibit C)**

Council Member Charles Taylor introduced an idea to Council about the opportunity of having a Cherry Blossom Festival in Sanford. Dr. Larry O'Connell, (in the audience) would like to do a festival as a way to commemorate his wife's memory (married over 50 years) in Jonesboro. Dr. O'Connell has looked at several projects including NC State University on beautification and add some trees to that area.

The main idea presented is to conduct a Sanford Cherry Blossom Festival and cherry blossom trees will blossom in late March. The festival can be used a signature event for Sanford, and it could attract tourists to the city. The trees planted in areas of Jonesboro would be replaced with cherry blossom trees. A lot of Dr. O'Connell's business was done in the Jonesboro area. A lot of the trees planted in Jonesboro are beginning to deteriorate, die, or stunted growth. He displayed a picture of the trees planted in Jonesboro now. Some of the trees are touching the awnings of the businesses now and some have had to be replanted. There needs to be some repair/improvements to the boxes at the tree stations.

Mr. Taylor stated that the City could replace the existing trees with Cherry Blossom trees. The trees would run from Horner Boulevard down Main Street, down Woodland Avenue in front of Jonesboro Methodist Church, down the corridor and possibly some locations on Woodland Avenue. If you go past where the hotel is, get to where Dr. O'Connell's lot was, you do not see the grates, you see an elevated mound so you would not have to be dealing with the grates; we would continue to replace up to Horner Boulevard by Piggly Wiggly. Dr. O'Connell would like to keep the consistency of the same height throughout the town with 10 to 15-gallon pot trees that would bloom the next year. This would be an immediate impact and would not be something you would have to wait five years to bloom.

Council Member Jimmy Haire asked if the grates under the tree need to be redone using the proposed trees? Mr. Taylor replied under the existing root structure – no. The Kwanzan tree gets a little bigger but the actual dwarf tree does not. Exhibit C shows the various trees. Macon, Georgia has 350,000 cherry trees. The second cherry tree is a Prunus Kursar which is a dwarf growing tree, which grow 10-12 feet tall. This is a great tree for height restrictions with the awnings.

City Council Work Session  
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Council Member Charles Taylor highlighted more opportunities that the festival would bring for the City; for example, corridor enhancements, Carthage street project, downtown streetscape replacement, depot park enhancement, Jonesboro streetscape, additional opportunity with Depot Park projects and plant trees for someone you honor. It could be an opportunity to raise money.

The time frame, which was appealing from Dr. O'Connell's standpoint, is the cherry blossoms will hit around late March to early part of April, depending on how dry the winter is or how wet the winter is; it is in line with azaleas. It would be a great drawing card for tourism, back drop for photos, food trucks, vendors etc. Dr. O'Connell has committed to replacing all the trees in Jonesboro at his cost and adding the trees on Woodland Avenue and extending it down on Main Street.

Council Member Rebecca Wyhof Salmon asked if there are any issues or tree diseases associated with planting cherry blossom trees. (The answer is no issues involving the chosen cherry trees).

Dr. O'Connell went to NC State University with a very similar project and did not receive the response in a timely manner, so he would like to do something closer to home to honor his wife. It was brought up that they may have an opportunity to enhance what is within the wrought iron gate in Depot Park with a botanical garden, which would feature some cherry trees as well. You could have a sponsorship program in honor of an individual that has made contributions and impacted your life. It would give you an opportunity to have a tree sponsorship program. There is an opportunity to have trees in medians, bulb outs, etc.

Dr. O'Connell stated that the festival would make people from various places want to visit Sanford and the next festival could be next year.

Mayor Pro Tem Salmon added that we have a Tree City USA and as part of the Appearance Commission is a tree committee, and she has not heard anything about it. She asked if Dr. O'Connell spoke with the committee. Mr. Taylor replied that he took him to meet Kelli Laudate, as well as Liz Whitmore and the next day, Dr. O'Connell went to the Arbor Day celebration. Mrs. Salmon noted that Mrs. Whitmore is working on the botanical garden, as well as, a living public art piece.

Dr. O'Connell offered to fund and provide trees and fertilizer in Jonesboro. He noted that it would take five years for the trees to make a showing.

Mayor Chet Mann noted that the offer was generous for the City, and the festival will be for Jonesboro. He suggested sending this to the Appearance Commission and maybe come back with something Council can adopt.

City Manager Hal Hegwer thinks that there are willing partners in this endeavor to see Sanford thrive. Mrs. Salmon suggested that since the trees need to be planted now, she suggested doing the Jonesboro trees and then look at this being a city-wide tree endeavor.

Mayor Chet Mann received consensus from Council to move forward. City Manager Hal Hegwer said that the city will move forward with the idea of the Cherry Blossom festival.

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Mayor Chet Mann and Council Member Charles Taylor proposed the idea of donating \$50-70 to sponsor a tree and citizens can use Friends of Sanford, Inc. organization as a vehicle for donation.

Mayor Chet Mann thanked Dr. O'Connell for his donation to the City.

### **Update on NC Department of Transportation Projects from the STIP (Exhibit D)**

Senior Long-Range Planner David Montgomery was introduced to provide updates on where STIP projects stand, particularly on the projects that require a local match. We have gotten four new projects as a result of prioritization 5.0 STIP process, which is highlighted in green on Exhibit D. At this point in time, we do not know what the match will be; he assumes that Lee County will handle the match with the Kelly Drive project. The other three new projects are the Charlotte Avenue with bicycle/pedestrian improvements with the local match of \$295,000 scheduled to be done in 2025; McIver Street improvements with the local match of \$199,000 scheduled for 2026; and Commerce Drive is scheduled for 2027 and the estimate is unknown at this time. He said the Carthage Street roundabout projects from Wicker Street to Fire Tower Road has been moved to 2024. The estimate for the Wicker Street sidepath was \$77,000 but is now estimated at \$284,000; the Broadway Road Widening was \$277,072 but is now estimated at \$308,216. The total local match for the projects listed on Exhibit D is estimated at \$1,906,216 through 2027; this figure does not include the match for the Kelly Drive, Horner Boulevard, and Commerce Drive projects. When the estimate comes in for those with the question marks, it will probably be around \$2.7 million. He wanted Council to be cognizant of the matching expenses for the projects. You are getting \$.80 for every \$.20 the City puts in. Mr. Montgomery highlighted that a plan is needed to figure out how to raise \$1.9 million dollars (over ten years) in local matching expenses for the projects.

Mayor Chet Mann suggested that focus should be on Wicker Street and expressed dismay that the Carthage Street project will be delayed until 2024. Mayor Chet Mann thanked David Montgomery for the updates.

### **Closed Session**

City Attorney Susan Patterson read a motion to go into closed session in accordance with N.C.G.S. 143.318-11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property. So moved by Council Member Sam Gaskins and seconded by Council Member James Williams, the motion carried unanimously.

### **Proposal to Provide Phase I Feasibility Analysis Services for Mill Site (Exhibit E)**

Community Development Director Marshall Downey reviewed the proposal to provide the Phase I Feasibility Analysis services for mill site (Exhibit E). He reminded Council that Marcia Perritt, the Associate Director of Development Finance Initiative, did a two-hour powerpoint presentation on the East Sanford Study and as part of that, this is one of their recommended strategies. This is where we take a site-specific development approach where they come in and do a Phase I, essentially looking at environmental factors that might be pros and cons to it, as well as financials. You will get a better understanding of what, we as a City, would need to do to reinvest in this to attract a private partner. If that goes well, the City could move into Phase II with them, which means we would do a much more detailed site plan. The timeline for the proposal will be for one to two months and the cost is \$15,100.

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**Other Business**

Council Member Sam Gaskins noted that some members of the audience missed something big at the EDP conference opening; it was Mayor Chet Mann's speech from today. He noted that Linda Suggs, a representative from the Gates Foundation, was impressed by the Mayor's speech about Sanford.

Council Member Charles Taylor wanted to recognize the city's staff for city employees' efforts on repaving. He wants to improve communication with the public for paving projects in the city. Council Member Jimmy Haire expressed gratitude for city council meetings getting better and better.

City Manager Hal Hegwer noted that a press release was sent out today on Project Safe Neighborhood, which will highlight a program that will benefit the community with public safety.

Management Analyst Holly Marosites provided updates in the community. She presented information about various meetings, events, and ceremonies in Sanford.

Mayor Chet Mann thanked Kelly Miller for the Sister City (from Mexico) event over the weekend.

**Adjournment**

Council Member Charles Taylor made the motion to adjourn. Seconded by Council Member James Williams, the motion carried unanimously.

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T. Chet Mann, Mayor

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Bonnie Davis, City Clerk

**SANFORD CITY COUNCIL  
WORK SESSION**

Tuesday, November 12, 2019  
225 East Weatherspoon Street, Sanford, NC

The City Council held a work session on Tuesday, November 12, 2019, at 6:00 p.m. in the West End Conference Room at City Hall. The following people were present:

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

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

Mayor Mann called the work session to order and congratulated Council Members Rebecca Wyhof Salmon, Byron Buckels, Jimmy Haire and Charles Taylor on being re-elected.

**Consider Discussion of Employing a Project Safe Neighborhood Law/Resource Coordinator, Memorandum of Understanding and Budget Amendment for Salary of Law Enforcement/Resource Coordinator (Exhibit A)**

City Manager Hegwer advised that we began the Project Safe Neighborhood initiative five years ago and it has been fairly successful in reducing crime. We have been in a partnership with the U.S. Attorney's office, and the local District Attorney's (DA) office and it has produced productive results. The U.S. Attorney's office feels it is time for everyone to get back together with a re-emphasis on the program. A lot of the coordination efforts with this program have been through the Sanford Police Department. We have been good at providing police services and the U.S. Attorney's office feels we need a better connection with the community. The new strategy entails hiring a coordinator/community servant to reach out more. As offenders come through this program, the US Attorney's Office wants to make sure they know that help will be available through the community college, substance abuse, or whatever type help it might entail. The U.S. Attorney's Office feels this has worked well in other communities. We have a Project Safe Neighborhood Memorandum of Understanding (MOU); which is a work in progress. On the last page of the MOU, it states that the public coordinator will be housed in the Lee County DA's office and the DA feels it will work best with this arrangement. The coordinator will receive daily supervision through the DA's office and would be paid by Lee County. The coordinator would work approximately 25 hours a week. We have had good conversations with the Lee County Sheriff's Department, Broadway Police Department and the City of Sanford; it will probably be a 50/50 split. Lee County will be discussing this at its next meeting. Staff wanted Council to review it and we will bring this up at a subsequent meeting for a vote. There will be a budget amendment for the position. We have had tremendous cooperation with the U.S. District Attorney's office.

Council Member Taylor asked if the benefits go through the County. Mr. Hegwer replied yes; it would be a temporary county employee. The County manager will bring this matter up at its next meeting. Mayor Pro Tem Salmon asked how long will this position last? Mr. Hegwer replied he did not know; however, some communities have had this in place for five years or more. We have tailored this program after Salisbury and a few other cities.

Mr. Taylor asked if any positions were full time? Mr. Hegwer replied yes. The U. S. Attorney's office has mentioned that they have hired some very intelligent people for these endeavors but it takes a year or two for them to understand the system if they are not familiar with Lee County and its resources, such as the community college, United Way, substance abuse, financial counseling, jobs, etc. and how those needs can be met. You want to make sure the individual understands and is familiar with all the resources in Lee County. While an individual is on parole, they can be called in and someone needs to have knowledge of the community and its resources.

Mayor Mann stated that there are some people who would be willing to work. Try for part-time and if not, come back and see what needs to be done. You are looking at a program agency to work between community and resources. He felt there are individuals who are available to do this endeavor.

Council Member Post asked when was the last time a group of potential targets were brought in, sat down, explained about Project Safe Neighborhoods and told other than the very first one; when was the last time? Mayor Mann replied that we had two call-ins. Mr. Post stated that for year 2019, \$171,013 was allocated to the Middle District of North Carolina for Project Safe neighborhoods; why do they need our money? Mr. Hegwer replied that he was told they have some money but they would like our assistance. They have a potential to have some additional funds in the future but they felt they needed partners. Police Chief Ronnie Yarborough added that they had so many cities and counties in the Middle District that are participating and successful so there may be some funds available to us but may not be released until next March. Mr. Post stated that the Council deserves to know the specific metrics used to determine who is a person that is a potential target for the Project Safe Neighborhood Program. Mr. Hegwer replied that it pretty well defined. He asked what the statistics look like, with the regard to demographics for people who are targeted by the government for Project Safe Neighborhoods and this is his opinion, isn't it true that it disproportionately affects African-Americans and minorities in the enforcement sector of Project Safe Neighborhoods? Chief Yarborough replied that UNC Greensboro was part of the grant that the US Attorney's office. UNC Greensboro came to Sanford and examined all the statistics and crime in Sanford. Normally, we would go out and decide which area we would target, but they gave the data to the Sanford Police Department that they had determined. So, the Police Department worked in conjunction with the U. S. Attorney's Office to attack those areas in Sanford, going after violent people, where we had the violent crimes and shootings. Those areas were decided by the study through UNC. Mr. Post said he would like to see the statistics on the demographics of people who get prosecuted through this program. Mr. Hegwer added that this is one of the reasons they did the study because they want to be able to show that they are after the people who are perpetrating the violence and it is not specific to one group of people. Mr. Post said that if it is done the right way and bring people in and say hey, you are target for whatever reason and we can help you not be a target; we can help you get in trade school and down the right path, I think that is great, but if we do not have that meeting (like we haven't in three to four years) and start locking people up for ten years over and over again, it does not solve the problem in his opinion. Mr. Post said it was a three-legged stool; he thought you had education, prevention and enforcement; we are talking about the enforcement sector of locking people up when we need to be having meetings more often, giving them an opportunity before we lock them up if they do not want to help themselves. Chief Yarborough said that Project Safe Neighborhood Program can only call in those people who have a violent record; it is not that they go out and target first-time offenders. A person has to have a record of gun violence, gun violence mixed with drugs offenses. They cannot call in anybody unless they are on probation for some of these offenses. Mr. Post wanted to make sure council knew what we were doing before we do it.

Chief Yarborough stated that the goal is to go after the violent offenders that are not willing to straighten their life up and go down the right road. These offenders need to know we are going after them. Mayor Mann added that if we could remove the violent offenders who are not willing to change, maybe that will be an influence the younger people to not take that step of using a gun. If we can prevent kids when they are young, we have a chance. It is about restoring the neighborhood.

Mr. Hegwer stated that the Memorandum of Understanding will get tweaked and a budget amendment for this position will be forthcoming. Mayor Mann stated that staff can ask Mr. Lang to come and give a presentation. If they have a call-in, he would like for all the Council Members to come to the call-in; you will be invited.

### **Consider Employee Perspectives Survey Results Presentation (Exhibit B)**

Human Resources Director Christy Pickens noted that an employee survey was performed by The MAPS Group, at Council's request. Once the surveys were returned, Eleanor Green, with The MAPS Group analyzed the information, along with individuals from NC League of Municipalities.

Eleanor Green presented the survey results in detail (Exhibit B). This survey followed the last one performed in 2010 – 2011 by the Employment Commission. The same survey questions and format were the same as used in 2010 and 2011. It was an anonymous survey and no demographic information collected. Surveys were done electronically with the exception of a few that were taken manually; 157 participants responded to the survey. The City redacted names from the comments made to protect confidentiality. The question was asked what do you recommend for our next steps? Ms. Green stated that one of the first things is to share the results with the employees and let them know they have been heard. Then, get some work groups together to talk about the results; trying to have some candid conversations and get some ideas on what they are telling you. It is very important to have some type of focus group with department directors to come up with some tangible efforts to let employees know Council heard the employees.

Mr. Hegwer added that this information was shared with employees the first time this survey was held. One of the items that resonated from this survey was training. We have a robust training-reimbursement program to allow people to continue their education where the City contributes up to \$2,000 a year. We have done a lot of things to offer employees training and we are looking at why this would be an issue; is it work schedules, etc. Mayor Mann suggested discussing this matter in January at a workshop.

A recess was taken at 7:17 PM, for dinner and the meeting was reconvened at 7:36 PM.

### **Consider Resolution Supporting Development of Rail Corridors Referred to as the S-Line and SA-Line for the Benefit of Higher Speed Rail, Improved Freight Movement, Improved Commuting Times and Economic Development (Exhibit C)**

Mayor Mann presented a powerpoint presentation regarding the development of rail corridors referred to as the S-Line and SA-Line and also a resolution in support of this effort. Mayor Mann stated that Council Members Buckels, Gaskins and Mayor Pro Tem Salmon attended meetings regarding this project. He has been asked to co-chair the S-Line committee with the Department of Transportation (DOT) with Mayor Vivian Jones from Wake Forest. He is asking the City and the County to approve a resolution to move forward with this project. The railroad track that comes through Sanford is the S-Line and it is owned by CSX. CSX is looking potentially to sell it. His role is as co-chair, with Mayor

Jones, is to see how we can get cities and private industry/development to work with the state to improve this for our use. Right now, the state does not control the train. Having the opportunity of a commuter train and freight trains controlled by a state agency could be a great benefit to the citizens of North Carolina. The portion being talked about is from Hamlet to Petersburg, Virginia. The S-Line would run from Hamlet, Aberdeen, Sanford, Apex, Cary, Raleigh, Wake Forest, Youngsville, Franklinton, all the way to Norlina and then there is an opportunity to cross the I-95 line. This is the train that CSX wants to run and continue; this is their future. It would be passenger and freight. Now CSX controls freight and that is where their profit is. The opportunity is for cities along the S-Line to get into the train business in one way or another. There will be a great opportunity to bring in private development to these cities to where the train would stop. The best maintained portion of the track is in Sanford to Raleigh and it can run 65 MPH because the maintenance is to a higher standard than any other portion.

Julie White is the Deputy Secretary for Multimodal Transportation, which is everything but cars. The idea is to educate people along the rail. At a meeting he attended, John Kane with Kane Realty came and spoke about the economic development opportunities especially in the Raleigh area. Ted Lord, with the Golden Leaf Foundation, was also present at the meeting. Julie White used to work for Dennis Wicker when he was Lieutenant Governor. He presented the powerpoint presentation (Exhibit C) stating the investment opportunities that have occurred with transit-oriented development in Charlotte, Miami, West Palm Beach, and could occur in the Raleigh area.

In twenty years, they have concerns about getting into Downtown Raleigh with the traffic. From Raleigh to Richmond, the S-line is the missing link and they really think economic development could occur if we can connect again to the Richmond, Virginia area; now you cannot do it. There are some real advantages if we could tie the lines together again. You could take the train from Sanford to Raleigh in 40 minutes and that is good for train speed. This S-Line runs through the Moncure Megasite; you could live in Raleigh or Sanford and go back and forth on a commuter train. They are looking at a potential spur to Chatham Park. The DOT is committed to making this happen. There will be a lot of federal grants for funding opportunities. This will be separate from the Amtrak. If the state purchases it, then it can be balanced out with commuter and freight. The next step is to secure funding and they want cities like Sanford to approve a resolution in support. Mayor Mann wanted to bring it to Council's attention, approving us to move forward and maybe a pilot program here in Sanford and possibly a stop where we are revitalizing.

**Consider Proposal to Provide Phase I Feasibility Analysis Services for Mill Site and Budget Amendment for Feasibility Study Analysis (Exhibit D)**

Community Development Director Marshall Downey added that when Julie White came down and spoke regarding the rail, it was the reinvestment around the rail that created the tax base expansion.

Mr. Downey explained that this proposal has been discussed several times. We are ready to execute the agreement. This is a Phase I feasibility study and the outcome is to prepare us with more detailed information. DFI will let us know if we need to pursue getting the property ready; get the market information out and if we are ready to move forward to solicit developers. The outcome would give us the final step as to whether or not we want to move forward into the last step in this process. They estimated a fee of \$15,100 and it will take two months to complete the study. Since the last time staff met with Council, there was interest in the old Singer building but also a third property (York Properties that had control over the old Father George Mill Site) is interested in participating in this

study and we were successfully engaged with them and DFI and we can include those properties with no more charge and it requires no additional time to complete the study.

Attorney Susan Patterson explained that we have received an option to purchase the Singer property that would be in place until March 31, 2021. It would allow the City due diligence to get on the property to evaluate it (feasibility study by DSI) and allow the City to purchase it for \$490,000. The purchase price would be for the appraised value with a gift to the City with a donation of any value over \$490,000. It is a \$1 option and the City will pay for the evaluations on the feasibility study to be done.

Attorney Patterson said this is a good period of time to evaluate the property; we would market it for someone else to purchase it. There is something different than the norm; normally when we buy a piece of property, the seller pays all the taxes for the year, but it is prorated in this agreement. Attorney Patterson stated that the owner thinks it will appraise at a higher value.

It was the consensus of Council to move forward with the DSI feasibility study. There is a budget amendment for the \$15,100 for the feasibility study.

#### **Consider Proposals for City Hall Walkways and Courtyard (Exhibit E)**

Facilities/Beautification Administrator Kris Furmage explained that the brick walkways were constructed in 1980 and we have had to do numerous point repairs on the loose brick in the Police Department and to the entrance of City Hall. He sought out a budget number prior to the budget year and asked for a recommendation on the design for the walkways. Staff felt going back with all brick would be more expensive and would require more maintenance. Staff was given the recommendation to go with concrete walkways but with brick bands crossing it, to keep some of the additional brick look and it would be similar to the streetscape. There are four different options. When they originally discussed this project, they were only looking at replacing the walkways but when he reached out for three quotes (when the money was approved) one of the quotes came back under budget such that we were able to redo the courtyard. Staff is seeking approval of a design to move forward. It was the consensus of Council to choose Option 2.

#### **Consider Bids for Franklin Drive Waterline Extension (Exhibit F)**

City Engineer Paul Weeks explained that staff received five bids for the Franklin Drive Waterline Extension which affects six parcels. Contractor bids came in lower than engineering estimates. The low bidder was Sandhills Contractors with a low bid of \$46,957 and the engineer's estimate was \$53,000. When some items were subtracted that would not get assessed against the property owner, the amount per lot would be \$5,807.17, opposed to what we thought was going to be \$8,800. We do not need any funds for this project as we bid out a water tank painting and the estimate came in lower estimated. We do not need a public hearing as this project came in below the engineer's estimate.

#### **Consider Discussion Regarding Tomberlin Road Petition Results (Exhibit G)**

City Engineer Paul Weeks gave a background on the petition. This project affected 11 parcels on Tomberlin and we estimated \$151,000 with an estimated per lot cost of \$3,450 (rounded). The apparent low bidder was Corbett Contracting with a bid of \$239,000 and that revised the cost per lot would be \$4,645.91; an increase of \$1,200 (35% increase). The estimate was done in 2017; on this one we had a hard time getting a contractor as we bid the project three times. He did not think when we bid the project again, we would get a better price; it is on the low side. The contractor's price that you compare to this was about \$505,000.

Staff received a letter from a homeowner requesting the City consider helping the homeowners with the additional cost. We contacted as many homeowners as we could, and seven out of the eleven homeowners, voted to go forward with the way it is now. Mr. Gaskins noted that it would amount to ten payments of \$601.67 over 10 years. Council felt it would be setting a precedent. Mr. Weeks stated that there is rock in that area and a lot of contractors are scared of rock and that is the reason for the cost. They are uncomfortable for quantifying the amount of rock; some contractors would not bid on it because of the rock. There will be a public hearing on November 19 due to the cost increase.

### **Consider a Facility Encroachment Agreement with CSX (Exhibit H)**

Paul Weeks explained that staff has been working on rehabilitation efforts on the Skunk Creek outfall, located by Dreamland Mobile Home Park, Highway 78. We have just finished the cured-in-place lining project of the gravity section which is the green line on the map listed as Exhibit H. The last section we need to work on is the crossing that runs under the CSX railroad and that is the green dot line on the map. We are proposing to move our crossing because the old one looks rough. We did some CCTV work and it did not look like it was in great shape. Typically, we do a Jack-in-a-Bore which is a pipe underneath the railroad and put a carrier pipe within a pipe so if we had a problem with the carrier pipe with the sewer flows, we could bypass and pump it, pull the carrier pipe out and replace it. In this particular case, they put one pipe through it a long time ago. This Encroachment Agreement is with CSX for them to allow the City to put another crossing under CSX railroad and abandon the old one. It is a one-time payment of \$10,000, which is called a license agreement. It was consensus of Council to place this item on the consent agenda.

### **Consider City of Sanford Quarterly Report (Exhibit I)**

Financial Services Director Beth Kelly explained the City of Sanford's Quarterly Report listed as Exhibit I.

### **Other Business**

Mr. Taylor noted that he had a conversation with Bonnie Buchanan at their dog center and he did not realize the magnitude of who they were bringing in. Ms. Buchanan informed him that they have to use so many rooms in Wake County because a lot of the hotels here do not allow dogs or pets. The dogs they are dealing with are not your run of the mill house pet. He felt she should have some conversation with the Tourism Development Authority because she had people from eleven different states the other day and used local caterers. You do not think about a dog show.

At the commissioners' meeting on November 18, a couple of years ago when YMCA closed its facility (the pool for a little while) we entertained a young lady, Ashley Long, who expressed concern about practice place. Ms. Long is now with Tier swimming, which is a swimwear company of accessories of swimwear, and she is instrumental in getting issues revamped at O.T. Sloan park for swimming. He found out this weekend that through the chairman of Tier swimwear, that they are donating 600 goggles to kids who will learn how to swim in Sanford. This will be presented at the Commissioner's meeting. He worked with Rudy Gaines, who is an Olympic announcer with NBC; he told Mr. Taylor that ten people drown a day in swimming; every time someone drowns, he gets an alert on his cell phone and out of that, African-American children are at 5.5 times greater chance of drowning than Caucasian kids. It is the second leading cause of death among kids. There is a huge initiative on teaching kids to swim. He is glad we have Ashley Long where she is and Michael Chadwick did a seminar with 600 kids. As the County looks at the bond referendum, he hopes they are looking at

swimming because there is a huge initiative at the national level to put a lot of resources into teaching kids to swim. The County needs to look at Horton Park.

Council Member Haire stated that we need to encourage the County to spruce up the parks. He stated with all the shootings occurring with the young children, you cannot wait on the criminal justice system, it is too late. When someone pulls the trigger, you have given up so much; it is sad. It has to be values that have been inherited and drilled in from a group of organizations over a long period of time. Something has changed with the youth.

Council Member Buckels mentioned the retreat and what time it would begin and end. Management Analyst Holly Marosites stated that she has emailed Council Members and several have responded. Based on responses, the dates of February 13-14 have been eliminated. She will poll Council with the dates of February 20–21 or 27-28. She will verify a date with Council once everything is finalized. Council Members preferred starting the retreat on Thursday morning and ending Friday at noon.

Ms. Marosites informed Council that Captain Alex Collazo, with the Sanford Fire Department, was recognized by the NC Automobile Dealers Association as part of their Hometown Heroes Program. He was nominated not only for his commitment to the City of Sanford but also his willingness to engage with our Mexican Sister City.

Mayor Mann stated that there was some discussion that the County Commissioners were not interested in moving forward with the multi-sports complex as there was some worries that they could not afford schools with the growth. The growth is great and that tax base will hopefully pay for the schools. The commissioners are now back on track with the multi-sports complex and Mr. Crumpton is meeting tonight with Sanford Area Soccer League (SASL) to make sure they have a total buy-in from them and their families. This will be the only item on the bond referendum. They are going to finance the college library and the Lee Early College building.

Mayor Mann congratulated Council Members Byron Buckels, Rebecca Wyhof Salmon, Jimmy Haire and Charles Taylor on being re-elected to Council.

### **Closed Session**

Council Member Buckels made a motion to go into closed session in accordance with N.C.G.S. B143-318(11)(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body. The motion was seconded by Council Member Taylor and carried unanimously.

### **Adjournment**

Council Member Taylor made the motion to adjourn. Seconded by Council Member Buckels, the motion carried unanimously.

City Council Work Session  
November 12, 2019

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

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T. Chet Mann, Mayor

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Bonnie Davis, City Clerk

**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, November 19, 2019, at 6 p.m., in Council Chambers. The following people were present:

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

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

**CALL TO ORDER**

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

**APPROVAL OF AGENDA**

Mayor Pro Tem Salmon made the motion to approve the agenda. Seconded by Council Member Buckels, the motion carried unanimously.

**SPECIAL AGENDA**

**Presentation by Assistant U.S. Attorney Rob Lang – Project Safe Neighborhood (“PSN”) (Exhibit A)**

Assistant U.S. Attorney Rob Lang explained that PSN has been used successfully in Sanford and Lee County since 2014. The program, which is partnership based and data-driven program, is a comprehensive violence reduction strategy that brings offenders who are at high risk for committing violent crime in for face-to-face meetings to discuss their records and provide options on how they can complete probation and successfully integrate back into society. It involves the probation department, schools, law enforcement and District Attorney’s office who all work with the small percentage of the criminal population who commit the large percentage of violent crimes in North Carolina. The strategy is to drive resources to that population through its community partners and service agencies and sends the message that they will be aggressively followed up by law enforcement if they continue violent criminal activity. It also works simultaneously with them after prison release to provide opportunities for success and there is also a prevention component for juveniles. The program has had dramatic success in some areas and moderate success in others.

Mr. Lang noted there is a great deal of concern in our community about violence, particularly youth violence. He has attended community meetings and several meetings have been held with community leaders. He suggested that something could be assembled in a relatively short period of time to upgrade the strategy and make Sanford safer for everyone. The program has been supported by Police Chief Yarborough since 2014, along with the Sheriff’s Department, District Attorney’s office, and Probation Department. These agencies want to pull youth from the violence and give them skills to be successful community members. The program is about partnerships, accountability, prevention and re-entry; being surgical and focused in using deterrents to rebuild our system; and focusing on the few causing the most trouble. They partner with UNC-Greensboro (an independent agency with their own guidelines) who run data that is reviewed frequently to determine success, locate problem areas, and determine whether dynamics have changed. The program has received funding from the federal

government and they have renewed the agreement with UNC-G for three years to help analyze data. He confirmed that his office refers cases and most offenders are on probation, have been in prison, or are on supervised release. He noted that removing guns removes danger and fear and allows the Social Services Department to work with offenders by helping them return to school or community college and reduce risk factors.

Council Member Post explained that he would support the PSN program as presented but he is not in favor of a program that proports to do one thing and does another in practice, nor is he in favor of the way the program was operated previously in Lee County. He confirmed that is in favor of stopping violence and removing illegal guns from our streets and helping high-risk offenders turn their lives around through rehabilitative programs. He suggested that PSN could work if applied fairly across the board using specific metrics for inclusion, rehabilitative programs and community resources for high-risk individuals, but the process previously used was arbitrary and capricious, affecting African-Americans and other minorities disproportionately since 2014; however, this could change if an objective and transparent process is used to determine PSN selections. He also suggested that no rehabilitative programs or community resources were established or offered previously and that incarceration should be used only as an absolute last resort. He stated that he would support PSN as presented with rehabilitative opportunities and hiring a PSN coordinator. He requested a plan with clear metrics to support PSN selections, along with a list of programs, local business partners, educational partners, rehabilitative measures and community resources.

Mayor Pro Tem Salmon agreed with much of Mr. Post's statement and suggested that the missing link may have been a project coordinator. She requested metrics from UNC-G, along with information to help evaluate success in our community, noting that we should fully understand the assembled resources, how were they offered, and determine whether these programs were sought, since the program will not operate properly if the resources are not reaching people. She questioned whether the coordinator hiring committee is the proper group to assemble those metrics or whether we need a group of community stakeholders, noting that we need a well-rounded approach that fits our community. She requested guidance on how to ensure we are not merely patching the problem but to fully commit, including how to properly evaluate and make adjustments along the way if necessary.

Council Member Williams, a Sanford resident for almost 75 years, stated that PSN has made a greater impact on violent crime than any other program he has seen and suggested the worst thing we could do to reduce crime is nothing. He spoke with a young lady today who was interested in establishing a re-entry program and he suggested that PSN can continue to make a difference if we keep it going.

Council Member Taylor noted that he attended the first PSN meeting about five years ago where opportunities on community college and mental health resources were presented to offenders and while he agreed that some infrastructure was lacking, the program never ceased to operate and was not abandoned. He stated that victims of crime have no knowledge of racial imbalance nor socioeconomics, only that they were victims. He commented that governing bodies cannot fix home infrastructure but can help fill in gaps and offer tools to reduce violent crime.

Council Member Buckels suggested that discussing the disproportionate number of African-Americans affected by crime should not be limited to this particular project since there is a disproportionate number of African-Americans in the prison system; however, he supported PSN in 2014 and supports it now. He suggested there are some misunderstandings about the program, which is not a "stop and frisk" program but one that identifies individuals, including some self-identified, based on

their criminal records that provides opportunities for them to change their behavior and determine their own paths; offenders cannot be forced to accept these opportunities. Mr. Buckels also noted as an African-American that the black community also wants to end violent crime. He agreed there is too much gun violence and wants a safe community for everyone, including his children and grandchildren.

Mayor Mann suggested there is a passion in our community that we did not have in 2014 when PSN was originally presented and that passion will make it successful. He suggested it will help remove the worst offenders who do not want to make good choices and encouraged everyone to work together as a community while law enforcement works to keep our streets safe. He also suggested that we, as a community, begin working with youth before they reach the age when it may be too late to instill morals and values, and that families, friends and neighbors should not be afraid to call out bad behavior.

Mr. Lang confirmed that service providers were available at the first call-in meeting in 2014 but few offenders registered for services, which has often been the experience across the board; however, those services are often sought when offenders begin work on re-entry. He stressed that the PSN model works and can work here, noting that he has seen it work repeatedly in other areas. Since accountability is one of the pillars, updates are presented quarterly in some areas at Council meetings. He agreed that more work should be done to develop resources but more emphasis could also be placed on encouraging participants to accept them.

#### Presentation of Farm-City Week Proclamation – Exhibit B

Lee County Extension Director Dr. Bill Stone explained that Farm-City Week, honoring the partnership and inter-dependence between urban and rural, will be celebrated November 22 through 28. He recognized Sarah Spartz, Secretary of the Lee County High School Future Farmers Association Chapter, and advisor Katelyn Lewis. Ms. Spartz explained that agricultural classes taken in high school changed her viewpoint on the industry and she now hopes to attend NC State University to pursue a degree in agriculture education. She invited everyone to upcoming events being held in the area. Mayor Mann read the Farm-City Week proclamation, presented it to Dr. Stone and thanked him for his work.

#### **CONSENT AGENDA**

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 (Risk Management – Storm Drainage) – Exhibit C

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 (Tree Planting in Jonesboro) – Exhibit D

Approval of Resolution Supporting the Development of the Rai Corridors Referred to as the S-Line and SA-Line for the Benefits of Higher Speed Rail, Improved Freight Movement, Improved Commuting Times and Economic Development – Exhibit E

Approval of Proposal to Provide Phase 1 Feasibility Analysis Services for Mill Site – Exhibit F

Approval of Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2019-2020 (DSI Phase 1 Feasibility Analysis Services for Mill Site) – Exhibit G

Approval of Facility Encroachment Agreement with CSX Transportation, Inc. – Exhibit H

City Council Meeting  
November 19, 2019

Approval of Award of Bid for Franklin Drive Water Line Extension Project Contract to Sandhills Contractors, Inc. (Pages 32-34) – Exhibit I

Council Member Gaskins made a motion to approve the Consent Agenda; seconded by Council Member Buckels, the motion carried unanimously.

**PUBLIC COMMENT (Exhibit J)**

Mandy Moss, of 299 Perry Pond Road; Hubert Wall, of 363 Perry Pond Road; and Ron Noles, of 2009 Cedar Lake Road, expressed opposition to the rezoning request for the Galvin's Ridge development ("Decisions on Public Hearings" item below).

Zach Anderson, with D.R. Horton Homes (2000 Ariel Parkway, Morrisville); Chip Pickard, Attorney for and Director of NC operations for Criteria Development (9794 Timber Circle, Daphne, Alabama); Kelly Race, with Withers Ravenel (engineers, land planners, environmental scientists, landscape architects for the Galvin's Ridge project- 137 S. Wilmington Street, Raleigh), expressed support for the rezoning request for the Galvin's Ridge Development.

**DECISIONS ON PUBLIC HEARINGS**

Application by Criteria Development to rezone approximately 422 acres of land with frontage on US Hwy 1/Jefferson Davis Hwy, Colon Road, and Perry Pond Road (access is via Colon Road and Perry Pond Road) for the purpose of developing a residential subdivision with approximately nine (9) acres along Colon Road reserved for commercial development. The request is to rezone to a site plan specific conditional zoning district that would be developed as per a Master Plan. The subject property is currently zoned Central Carolina Enterprise Park – Triassic Conditional Zoning District and is identified as Lee County Tax Parcels 9656-40-4064-00, 9656-30-6363-00, 9656-40-5730-00, 9656-30-2798-00, 9656-21-8042-00, 9656-21-6195-00, 9656-21-3414-00, 9656-21-1854-00, 9656-32-0572-00, 9656-31-3906-00, 9656-31-6495-00, 9656-42-9136-00, 9656-52-8194-00, 9656-64-5263-00, 9656-53-7929-00, 9656-33-6617-00 and 9656-12-9991-00 as depicted on Lee County Tax Maps 9656.01, 9656.02, 9656.03, 9656.04, and 9655.01 – Exhibit K

Mayor Mann explained that staff received a telephone call earlier alleging impropriety or conflict of interest amongst Council member(s) or the Mayor regarding this application for rezoning. He noted that this allegation was vetted and each Council member and the Mayor confirmed they had no conflict of interest.

Community Development Director Marshall Downey explained that the Planning Board, by a vote of three to one, recommends that Council approve this request for conditional zoning, with one condition which was accepted by the developer: that the proposed roadway connection to Perry Pond (an existing unpaved road) will serve only as an emergency access road and not as a public through-road open to the general public. It will be designed to comply with all applicable governmental regulations (such as fire codes) and would have some type of gate. He reminded everyone that Zoning Administrator Amy McNeill provided great detail on this project at the public hearing in September. The issue was tabled at the Planning Board's first meeting when the board directed staff to research several items shown on the first page of Exhibit J, including a concern with on- and off-street parking. Staff contacted the proposed homebuilder, D.R. Horton, and they provided a template used to control parking to the Planning Board prior to their second meeting in October. Another concern was "cost of services" but staff was unable to provide that information. General information on a community service cost study could be requested through a program at North Carolina State University.

Mr. Downey explained that the Plan SanLee Land Use Plan, which was adopted about a year ago, recommends this area as “Industrial Center” and the project, as proposed, does not conform to that designation; however, the Planning Board, in making their decision, did take into consideration several unique circumstances, including the fact that the current property owner, Triassic, LLC, petitioned for voluntary annexation and rezoning of the subject property in the spring of 2017, approximately one year before the Land Use Plan was adopted. As part of that approval, Triassic asked for conditional zoning, similar to what is currently presented, but in two phases, and it was approved with two different, specific phases. In Phase One, approved by Council in 2017, they asked only for industrial uses, which is primarily why the “industrial” designation was applied when the Land Use Plan was adopted; however, they also had a unique condition providing that on January 1, 2020, a group of land uses called “Phase Two”, which was primarily residential, would be allowed, with one condition – that the site plan design would be presented to the Planning Board and Council for approval, which is the current request.

Council Member Taylor requested clarification that this is a request for conditional zoning and that action by this board is not necessary to reject the plan given by the developer and there is an option to request that other things take place on the property in that conditional zoning. Mr. Downey confirmed that Council could make a request but the developer must accept it.

- Consider Vote to Approve a Statement on Long Range Plan Consistency as it Relates to this Rezoning Request

Council Member Gaskins stated that the proposed design appears to comply with the Plan SanLee designation of “Industrial Center” and therefore, moved that the request is consistent with the adopted long-range plan. The motion was seconded by Mayor Pro Tem Salmon. Mayor Mann opened the floor for discussion.

Council Member Taylor noted that he will ultimately be representing this area so he has a vested interest in the impact on services such as police, fire and schools. He explained that 583 lots that are 50 by 120 feet in size are proposed at Galvin’s Ridge along with 182 lots that are 65 feet by 120 feet and as many as 33 homes – three rows of eleven homes each – could be built in an area the size of the City Hall site. If buyers with school-aged children choose to live at Galvin’s Ridge, schools will be impacted: based on a comparative analysis, there may be 600 to 800 additional students. Regarding fire service, the City could staff nine people at the Northview Fire Station until a fire department could be built in that area; however, a fire station will also be needed near the new residential development at South Park in the southern portion of the county at an estimated cost of \$4.5 million. He also commented that there could be 130 homes at Galvin’s Ridge more than five road miles from the Northview station and insurance rates for those properties could increase by up to 150 percent. The City was recently revaluated by the Fire Marshal’s office and we were four points away from a level 4 rating, according to Mr. Taylor, and we are working to reach a level 2. If we have that many homes outside the district when we are rated again, he suggested we could easily lose those four points and that could affect every citizen in the City.

Regarding residential properties in the Deep River area, Mr. Taylor stated that he disagreed with comments that jobs in the industrial park would not support higher-priced housing: some of the County’s highest-paying jobs will be in the industrial park. He stated that the average tax value for homes north of Galvin’s Ridge (Crosby Lane and Allen Farm Road) is \$303,000; the median lot size is one acre; the median lot size is 1.15 acre; 71 homes have been built within 3,700 feet of Highway 1 at the Farrell Road intersection and the median value is \$300,000. While he acknowledged that he can’t tell a developer what to build, he would like to see townhomes in the \$250,000 price range and homes in the \$400,000 price range since you want the highest-priced product possible. He questioned whether we will have

properties that we are proud of in the future and that Council members will be proud that they approved. He expressed support for the individuals involved in this project but wants to ensure that we are not underselling ourselves compared to surrounding areas.

City Attorney Susan Patterson explained that Council will be voting on two items: the first on the project's consistency with the Land Use Plan and the second on whether to approve or deny the rezoning request. Council can approve or deny the rezoning request regardless of whether it is consistent with the plan. The only question is whether the proposed project is consistent with the current plan category of "Industrial Center." Council Member Gaskins reminded everyone that an agreement was made three years ago to allow developing the property as residential and that should be upheld. Mr. Downey confirmed that was the case but from a staff perspective, the proposal does not confirm to the plan; however, an option is available to approve the project with the understanding that the agreement was made before the Land Use Plan was adopted, as shown in Exhibit J. He also noted that the Planning Board recommended approval of the project because of that unique circumstance, that zoning for that Phase 2 was actually approved prior to adoption of the Land Use Plan.

Mayor Pro Tem Salmon withdrew her second to Mr. Gaskins original motion, noting that while she appreciates Mr. Gaskins intent, Mr. Downey's comments clarified the options.

Council Member Gaskins amended his motion and stated that the proposed design appears to comply with Council's original intent when the agreement was reached, so while the plan may not agree with the designation of "Industrial Center," it does agree with the original intent; therefore, he moved that the request is consistent with the original Land Use Plan. Council Member Taylor noted that the original plan was for industrial use, so Mr. Gaskins' motion was not valid. Mr. Gaskins responded that the original plan was that residential use would be allowed on January 1, 2020. Attorney Patterson explained that the consistency statement required by statute refers to consistency with the Plan SanLee Land Use Plan (formerly the "2020 Long Range Land Use Plan") designating various types of development in various areas and that Council can approve or deny the rezoning request as they see fit.

Council Member Gaskins amended his motion, stating that the proposed design appears not to comply with the Plan SanLee designation of "Industrial Center"; however, it does comply with our original agreement; therefore, he moved that the request is not consistent w/ the Plan SanLee but is consistent with the initial agreement made with the property owners. The motion was seconded by Mayor Pro Tem Salmon.

Council Member Taylor requested clarification as to whether the original agreement was strictly for industrial use, noting that we revised that document to provide that if the development would not be used as industrial by January 1, 2020, that it would revert to residential use. Attorney Patterson explained that the Developers' Agreement, from the beginning, had industrial for the Phase 1 use and then they were allowed to extend the uses to add additional residential uses on January 1, 2020; it was not a revision to that document. Mayor Mann noted that a public hearing was held prior to the 2017 vote allowing industrial use on the property with a secondary use of residential. The developers informed staff earlier this year that they would be moving to residential use. Council Member Gaskins reminded everyone that this agreement was made for the City's benefit. The decision to annex nearly 800 acres was not made lightly and was a benefit to the City when the agreement was made.

Council Member Taylor made a motion to table the rezoning request for no longer than 90 days so that staff could provide information that was requested but not provided because the public hearing

had already been held and new information could not be introduced. Mayor Mann responded that a request for new information had come only from Mr. Taylor tonight. Mr. Taylor stated that other Council Members and the City Manager had received additional information. Mayor Mann commented that no information had been presented at any formal meeting or workshop and Mr. Taylor responded that he was told it could not be provided, he would like to receive it, and that his motion stood. Council Member Haire seconded Mr. Taylor's motion to table the rezoning request for no longer than 90 days. Council Members Taylor and Haire voted in favor of the motion; Council Members Williams, Gaskins, Post and Buckels, along with Mayor Pro Tem Salmon voted against it; therefore, the motion to table failed.

Council Member Gaskins stated that the proposed design appears not to comply with the Plan SanLee designation of "Industrial Center" and therefore moved that the request is not consistent with the adopted Long-Range Plan, although it does agree with the original agreement made with the developer. Mayor Pro Tem Salmon seconded the motion. The motion carried by a vote of six to one, with Council Member Taylor voting against.

- Consider Vote to Approve or Deny the Rezoning Request – Consider Adoption of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – Exhibit L  
Council Member Gaskins stated that the proposed zoning map amendment is reasonable and in the public interest because the site has access to public water and sewer, and although the proposal does not conform to the Plan SanLee Land Use Plan, the prior 2017 rezoning approval did include a provision to allow future residential development if the subject property did not develop in an industrial manner within a certain time frame; the site plan submitted with the rezoning application appears to take into consideration the existing conditions and the current market trends; therefore, he moved to approve the request to rezone 422 +/- acres identified as Lee County tax parcels referenced in the staff report, from Central Carolina Enterprise Park and Triassic Conditional Zoning District, to Galvin's Ridge Subdivision Conditional Zoning District. Council Member Williams seconded the motion.

Council Member Taylor commented that he hopes we learn from our experiences with dense neighborhoods. He recalled that Terry Slate's request was denied and he felt that was the same conditional zoning situation. Two high density neighborhoods have been approved, and he agreed with one, but felt that Council owes staff and the Planning Board more clarity on what "density" means and what is being sought. He stated that the Technical Review Committee has expressed some concerns in their meetings and suggested that fire service is a major undertaking, especially considering that the rating could change because of this decision, not only for people in the Galvin's Ridge area and Ward 2 but all city residents. He stated that Council owes staff, developers and citizens a better framework for new proposed neighborhoods and their impacts, including a flood plan to address impervious surfaces. Mayor Pro Tem Salmon agreed that the UDO should be updated and a framework established to clearly outline expectations and suggested Council tackle this as the next major project. Mayor Mann concurred that the UDO should be top staff priority but noted the conditional zoning process was vetted for some time.

Council Member Gaskins requested that Fire Chief Wayne Barber clarify the fire rating. Chief Barber stated that when our last rating was issued, we were nearer Level 2 than Level 4 but there is the possibility that without contractual agreements with other local fire departments within five miles of these districts, we could have problems later; however, he believes we are able to make agreements with the Northview Fire Department and if we need to make agreements with other departments, we could do that as well in order to maintain our current rating. Council Member Taylor suggested that we will be

faced with the need for two fire departments within the next five years and questioned the impact on the City's budget, since we are looking at a cost of \$4.5 million for one station. Chief Barber noted that estimated cost was for the station, land and equipment but not for 15 staff members at an estimated cost of \$900,000 annually. He explained that SAFER grants could likely fund 75 percent of the first two years cost and 35 percent of the third year.

Council Member Williams noted that when any development is proposed, contractors meet with staff from the engineering, public works and fire departments before being presented to Council. Chief Barber confirmed that the Technical Review Committee ("TRC") reviews compliance with City codes and ordinances and it is common to have some dissention or reservations on various issues. Mr. Taylor suggested that projects that come before the TRC are often contentious and questioned whether there is anything of concern regarding Galvin's Ridge that could harm the City in the future. Chief Barber explained that Deputy Chief Ken Cotten attended TRC meetings on behalf of the fire department but when this area was annexed, it was apparent that another fire station would be needed. It will not be done initially and will take infill development to provide revenue for those services; agreements would be made with volunteer departments to provide service and increase manpower as the budget allows to fill in those gaps. Mayor Mann noted that the sooner the area develops, the sooner the fire station can be constructed; faster development fosters quicker service infrastructure. Deputy Chief Cotten explained that he receives plans and they are reviewed to identify any potential issues with street design, layouts, entrances and egress, which has been done for this project and staff also reviewed response times from current locations. Staff has had discussions with the developer and property owner regarding a land donation to the City and are in discussions to identify a location, which is important because we don't want to plan a station in an area that will be affected by subsequent road improvements. Mr. Taylor noted that decisions by the TRC often don't migrate back to Council and there is a dire need for a fire department on the south side of the city. He suggested that we ensure that infrastructure and other requirements are done on the front end of projects to prevent unexpected expenses such as not receiving the SAFER grants; while we will likely get funding for some positions through SAFER grants, we will still pay for the majority through our budget funded by all city taxpayers. Mayor Mann stated that Council has decided that we would like to have a fire station on the south side of the City but our response times don't dictate that we need one at this point so Mr. Taylor's implication that the City will suffer a lack of fire protection is not valid. He stated emphatically that citizens should not be concerned that the City is not prepared to respond to a fire on the south side of the City and this is shown by response times. Mr. Taylor commented that he was only noting the need for fire protection on the south side and now there will be two needs.

Mayor Mann called for a vote on the motion to approve the rezoning request. Votes were cast in favor by Council Members Williams, Gaskins, Post, Buckels and Mayor Pro Tem Salmon. Votes were cast against by Council Members Taylor and Haire; therefore, the rezoning request was approved.

#### Recess

Mayor Mann requested a brief recess. The meeting was reconvened at 8:00 p.m.

Regarding the previous item, Mayor Mann stated that he appreciated the many questions and concerns expressed but change is coming. He empathizes with those who expressed concern but it is difficult to balance that with land rights. He, along with other Council members, staff, and neighborhood residents, received many letters, phone calls and emails and while many were positive and rational, he received many that were threatening, hateful and full of unfounded allegations that did nothing to help the credible arguments. For several years, we have been working on a 2020 Land Use Plan, now referred

to as “Plan SanLee.” We took into consideration the need for more housing in Sanford and despite comments made to the contrary, there is a significant shortage of homes in Sanford but a growing number of jobs. For the last seven to eight years, Lee County has had the lowest volume of new residential construction in our 13-county region. This has been an impediment to growth and recruiting new companies. Now that we have announced 765 new high-paying jobs, with more than 1,500 over the last few years due to expansions, we want these employees to live here, and Galvin’s Ridge will be part of that solution. He reminded everyone that the 1,800-acre assemblage known as “Deep River Forest” is less than a mile away: with its 2 miles of frontage on the Deep River, it could potentially offer more than 4,000 homesites in Lee County. For more than twelve years, the owners of this development have been adding to their assemblage and with the activity and growth in Lee County, they are signaling that they may be ready to start developing in the next few years, so change was already coming to this area. The Deep River Forest owners requested annexation into the City and it was granted twelve years ago. They, just like the Triassic owners, have been paying City and County property taxes on that property, so the Triassic assemblage of nearly 500 acres was classified in our land use plan early on as residential. When the developers and owners decided to join the owners of CCEP, they changed their designation use to industrial but reserved the legal right to modify zoning back to residential if it wasn’t sold for industrial use by January 2020. Council members recognized we had to begin bolstering our housing stock and balance this. Some Council members visited other D.R. Horton sites in Burlington and had previously visited developments in Chatham and Wake Counties, including the neighborhoods of Twelve Oaks and Briar Chapel and came away with a comfort level that they would build what they promised. More importantly, the neighborhood would conform to city regulations and was designed in accordance with strict agreements between them and our Planning Board. A public hearing was held in 2017 on the rezoning that was subsequently approved by Council allowing industrial use of the site and automatically allowed, as a secondary right, residential use of the site if not sold for industrial use before January 1, 2020, and very few concerns or questions were raised at that time by the community. Tonight’s request was for a modification of the previously approved zoning. Mayor Mann stated that furthermore, he didn’t think local government can tell someone what they can do with their privately-owned land. Council can enforce existing codes and ordinances and require standards but that’s the extent of what we can do. Council didn’t own the property and didn’t seek or gain anything by changing its uses. It was anticipated that it would be sold for industrial use and many were surprised when the developers requested the revision back to residential, which had previously been agreed to by Council.

Mayor Mann went on to say that many Deep River residents expressed disdain for density but when done correctly, with quality, it can work. Having 100 acres of open space in a 422-acre park, as proposed at Galvin’s Ridge, is unique. Many comments were made about the Slate property for which annexation was denied. He suggested it was denied because it lacked the amenities, elevation changes, and variety of property types and housing stock that this development will offer. Despite a recent email claiming that 677 homes are currently listed for sale in Lee County, he stated that our real estate association confirmed that there are currently 133 homes listed for sale in Lee County: we are still last in our 13- county region. He provided the following statistics for Lee County: average median home sales price in 2018 was \$175,000, \$179,000 in 2019; median tax value is \$125,000; average median home tax value for the 1,193 homes in the Deep River Fire District is \$130,000; median home sales price for the 38 qualified sales in the Deep River fire district is \$254,750 (most near the airport); average residential tax value of the 71 parcels in the Colon Road/Deep River Road is \$136,000. He noted that home prices in Galvin’s Ridge will start at \$190,000 and go to \$350,000 as it develops over time, and will include more than three miles of public and private greenways, dog parks, sports park, playgrounds, community club and swimming pool; developers say it will take ten years to build out. Growth will not come overnight to this community and there will be time to react and meet demands for school and other

infrastructure. The developer has, as mentioned tonight, already agreed to provide land for a future fire station and a site is being sought and negotiated now. The County is aware of the need for new schools to accommodate a full build-out over the next ten years that will be paid for by the additional tax base and expansions currently being experienced. He also noted that Lee County now has 19,000 renters, with more than 5,000 who could afford to be homeowners, according to the National Association of Realtors and Mortgage Bankers' Association statistics and what we have is a shortage of quality desirable housing in Lee County.

He stated that Council had no legal basis or obvious reason to override the Planning Board's recommendation to approve the rezoning request. Communities in Chatham County, Wake County, the New Hill area and others have made these types of project work successfully in rural areas. While few like major change, we are not always able to stop it. People from Wake County has found that Lee County, particularly northern Lee County, is an attractive option for those working in the Triangle area. Colon Road will begin to take on a new look in the years going forward. He stated that the question he receives most frequently, on a regular basis, is when will certain businesses come to Sanford or Lee County, particularly a Target department store. The answer is that national retailers look at the number of rooftops and per capita income to determine whether a location is a candidate for them. Sanford and Lee County are transitioning from a rural to a more urban place. Many communities are shrinking, their tax bases drying up and services are being drastically cut. They are seeing their quality of life diminished and their children are leaving with no plans to return; we were on that path as recently as 2010. They have no easy answer to facilitate investment and jobs, nowhere people want to move to, live or work but we don't have that situation today. Change is inevitable but is not always negative. Some of this change has been welcomed, as it brings solutions to problems.

Mayor Mann confirmed that our Planning Department will remain diligent to confirm that the builder performs as promised, and we will continue to work to make Sanford as good as it can be for everyone. He thanked Council for their work on this issue, acknowledged the Planning Board's deliberation and thanked everyone for their heartfelt passion and hard work on the decision made tonight.

### **CASES FOR PUBLIC HEARING**

#### **Public Hearing- Application by Lee County to Extend Corporate Limits of the City of Sanford to Property Owned by Lee County on Tabitha Lane – Exhibit M**

Senior Long-Range Planner David Montgomery explained on October 11, 2019, staff received a petition and annexation boundary survey map from Lee County for the annexation of approximately 98.24 acres located along Tabitha Lane. Construction and operation of an aluminum forging facility by Bharat Forge is proposed for the site. As a non-contiguous annexation, it must meet five criteria for annexation as shown on the attached Exhibit L and Mr. Montgomery confirmed that it meets all five. Regarding consistency with the Plan SanLee Future Land Use Plan, Mr. Montgomery explained that the proposed area for annexation is identified in the Future Land Use Plan as "Suburban Neighborhood Place Type" and as such, is not in conformance with the Future Land Use Plan; however, the property is currently zoned "Light Industrial," so there was a reasonable expectation that the property might be used for industrial purposes in the future. He explained that the City's fire department would provide service to the area out of the Central Fire Station located at 512 Hawkins Avenue, approximately 4.5 miles from the property, with an estimated response time of eight minutes. Regarding estimated costs incurred by the City, the annexation area lies in the Northview Rural Fire Protection District. State statute requires the City to pay annually a proportionate share of any payments due on any debt relating to facilities or equipment of the rural fire department if the debt was existing at the time the petition for annexation was submitted to the City. The Lee County Tax Office shows that the total assessed value of the Northview

Rural Fire Protection District Area to be over \$390 million as of 2019 and the assessed value of the proposed annexation is approximately \$1,086,000. The annual debt payment for the Northview Fire Protection District Area is \$112,000 and using the formula, that is an annual payment of \$311.76. Regarding revenue, at the City's current tax rate of 60 cents per \$100 valuation, annual revenues of \$6,516 could be anticipated: this does not include the additional tax revenue that would be generated if the property were developed as industrial as envisioned. Pursuant to N.C.G.S. 160A-360(f), if the subject property is annexed, the City has up to 60 days to assign a city designated zoning district. A public hearing on the question of zoning is set for tonight, provided the annexation is approved.

Mayor Mann opened the public hearing.

Bob Joyce, Sanford Area Growth Alliance Economic Development Executive Director, expressed support for the annexation area, which will be the future home of Bharat Forge and Kalyani Precision Machining. Bharat will invest \$127.3 million and create 304 jobs. Kalyani Precision Machining will create 156 jobs and invest \$43 million in our community. This property is in an area that has traditionally been heavy industry and the Colon area was a center of manufacturing for more than 50 years when Sanford Brick and Tile Company was located there. Mr. Joyce suggested that this project will bring new life to the area, increase property values, and bring needed water and sewer services to the area. SAGA believes the rezoning request is proper and would be excellent growth for our area.

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

- Consider Ordinance to Extend the Corporate Limits of the City of Sanford – Exhibit N  
Council Member Gaskins made a motion to approve the Ordinance to Extend the Corporate Limits of the City of Sanford. Seconded by Council Member Buckels, the motion carried unanimously.

Public Hearing on Application by Lee County to rezone one 98.24 + acre tract of land addressed as 192/348 Tabitha Lane, a private road off of Colon Road, from Light Industrial (LI) to Heavy Industrial (HI). The subject property is identified as Tax Parcel 9655-21-2728-00 as depicted on Lee County Tax Map 9655.03 (Note: This rezoning request was conditional upon the subject property being annexed into the corporate City limits, for which a public hearing/vote by the Sanford City Council will held on November 19<sup>th</sup> [see prior item]. The intent of the annexation and follow-up rezoning was that the site be developed in an industrial manner.) – Exhibit O

Zoning Administrator Amy McNeill explained that Planning Staff received this rezoning application from Lee County as the first step in possibly redeveloping approximately 98 acres off Tabitha Lane in an industrial manner. She noted that this site was annexed into the corporate City limits in the preceding item. The intent is to rezone to Heavy Industrial to allow for redevelopment of the site as an aluminum forging facility by Bharat Forge Aluminum, USA. The site will be served by a public street, public water, and public sewer; therefore, a rezoning application has been submitted requesting a change from Light Industrial to Heavy Industrial. She reviewed surrounding property uses as shown on the attached Exhibit N and explained that the subject property is currently zoned Light Industrial. The proposed zoning of Heavy Industrial is established to provide areas of heavy manufacturing, concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities as shown on the Permitted Use List included in the package. She noted that David Montgomery previously mentioned the Long-Range Land Use designation and if rezoned, all uses permitted in the Heavy Industrial district would be permitted, and the site must be redeveloped per UDO design standards.

Ms. McNeill explained that staff recommends that the subject property be rezoned to Heavy Industrial. While this request does not conform with the recommendation of the Long-Range Plan “Suburban Neighborhood” designation, the subject property is currently zoned Light Industrial and was previously used as a local contractor’s shop. As such, there is a reasonable expectation that the property would continue to be used for industrial purposes. Additionally, with the proposed extension of public water and sewer and annexation into the City, she noted that it does appear reasonable to consider the request for Heavy Industrial (HI) zoning.

Mayor Mann opened the public hearing. With no speakers, he closed the public hearing.

Public Hearing on Application by Schoolhouse Sanford, LLC to update the site plan for the Ascend Leadership Academy Conditional Zoning District at 283 Harvey Faulk Road. The subject property is one 22.98 + acre tract of land developed with Ascend Leadership Academy charter school addressed as 283 Harvey Faulk Road and two single-family homes addressed as 3930 /3934 NC 87 Hwy and identified as Tax Parcel 9661-22-8224-00 as depicted on Lee County Tax Map 9661.03. If approved, the site would be rezoned to the Ascend Leadership Academy Conditional Zoning District-Revision #1 – Exhibit P

Zoning Administrator Amy McNeill explained that Planning Department staff received this rezoning application as the first step in revising the site plan associated with Ascend Leadership Academy Conditional Zoning District to allow for expansion of the existing charter school campus off Harvey Faulk Road. The proposed expansion consists of a new school building to be connected to public sewer, parking areas and drives, new soccer field, and associated site improvements. This property was recently annexed into the Corporate city limits. The Plan SanLee Land Use Plan identifies this area as “Mixed-Used Activity Center,” which is defined as facilitating development of large-scale integrated mix of uses with a single Master Plan Unit with contextual integration into surrounding development patterns, including strong mobility linkages. The subject property currently has access to public water and public streets, and the design for public sewer extension is in the works (the developer is working with the City Engineering Department on that). If rezoned, all uses permitted in the Ascend Leadership Academy Conditional Zoning District Revision #1 would be allowed (including the existing school). She noted that if Ascend Academy would like to revise the site plan again in the future, those plans must be presented to Council. A fourth public information meeting was held for this specific rezoning request on November 12 with four project representatives, one school representative and one planning staff member present but no members of the public attended.

Ms. McNeill informed Council that staff recommends the board support this request. In making this recommendation, staff found the rezoning proposal appears to be consistent with current development of the site and the intention to further develop this site was expressed at time of the recent annexation request. It is in keeping with the future land use place type for this site, per the Plan SanLee Land Use Plan, and the request appears to be reasonable and in the public interest based upon the location of the site between Harvey Faulk Road (a busy area with new development) and NC Highway 87.

Mayor Mann opened the public hearing.

Jim Way, with Schoolhouse Sanford, LLC (2144 Page Road, Durham), speaking as property owner and developer, stated that they are seeking a favorable ruling to the update of the site plan since it is necessary to support growth of the school.

Justin Smith, Managing Director of Ascend Leadership Academy (1102 Celandine Drive, Apex), stated that the school currently serves more than 300 students. They look forward to growing and welcoming more students as they continue to phase growth and they also look forward to holding athletic events, plays and musicals on their own campus and the opportunity to contribute to Sanford and enhancing the educational landscape. He confirmed there are about 80 students per grade level – sixth through ninth – and they plan to add a tenth-grade next year, along with another sixth-grade class. About 65 percent of their students are from Lee County, about 30 from Harnett County, with the remainder from Moore and Cumberland County, and Ft. Bragg.

Mayor Mann closed the public hearing and the Planning Board retired to the West End Conference Room.

Public Hearing – Tomberlin Road Sewer Extension Project

City Engineer Paul Weeks explained that this project is included in the program established by Council through which the City pays 75 percent of sewer extension costs, along with the entire tap cost if the homeowner connects at the time of construction. Homeowners are responsible for the remaining 25 percent of extension costs, along with the cost to connect to the tap and decommissioning the septic tank. The original engineering estimate for this project was about \$151,600 and the project was opened for bids three times. The apparent low bid from Corbett Contracting, Inc., was \$239,105 or about 35 percent higher than the engineers' estimate; therefore, all homeowners were contacted to determine how they wanted to proceed. Seven of the eleven property owners (64%) were in favor of proceeding; two were against; one was unknown and one was undecided. Notices were mailed to all affected parties on November 6 and was published in *The Sanford Herald* on November 7.

Mayor Mann opened the public hearing and with no speakers, closed the public hearing.

- Consider Budget Amendment for Tomberlin Road Sewer Extension Project – Exhibit Q  
Council Member Post made a motion to approve the Budget Amendment for the Tomberlin Road Sewer Extension Project. Seconded by Council Member Haire, the motion carried unanimously.
- Consider Capital Project Ordinance – Sewer Assessment Project Amendment – Exhibit R  
Council Member Post made a motion to approve the Capital Project Ordinance – Sewer Assessment Project Amendment for the Tomberlin Road Sewer Extension Project. Seconded by Mayor Pro Tem Salmon, the motion carried unanimously.
- Consider Award of Construction Contract for Tomberlin Road Sewer Extension Project – Exhibit S  
Council Member Post made a motion to approve the award of the Construction Contract for the Tomberlin Road Sewer Extension Project to Corbett Contracting, Inc. The motion was seconded by Council Member Gaskins.

Mr. Weeks explained that when the project was bid for the second time, core borings were provided to contractors to help them determine whether rock was present. Rock was found and this helped them determine how to bid. Two bids were received at the third bidding: Corbett at \$239,105 and Temple Grading and Construction at \$505,450. Temple Grading is currently working in the Botany Woods neighborhood, where they have run into a great deal of rock (common for the area). Corbin has

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not worked in our area before but had access to soil borings provided by staff and asked no questions during or after the time frame when the contract was open. They have done work for a number of other local municipalities but not for the City. After receiving favorable references, staff recommends awarding the contract to Corbett Contracting, Inc.

The motion to award the Construction Contract for the Tomberlin Road Sewer Extension Project to Corbett Contracting, Inc., carried unanimously.

### **REGULAR AGENDA**

There were no items on the regular agenda.

### **NEW BUSINESS**

#### **Consider Waiver of Late Listing Fee for Fred Anderson Acquisition Company, LLC – Exhibit T**

City Attorney Susan Patterson explained that staff received a request from Fred Anderson Acquisition Company, LLC, to release the \$219.47 late listing penalty for 2019 as a result of their failure to list personal property (an oversight according to their letter). The County Commissioners considered a request to waive the County's fee at its last meeting and the request was denied. Attorney Patterson confirmed that she reviewed prior actions for similar requests and found that some were granted and some denied. Council Member Taylor noted that requests are often denied because substantial notice is provided.

Council Member Taylor made a motion to deny the request to waive the late listing fee for Fred Anderson Acquisition Company, LLC. Seconded by Council Member Gaskins, the motion carried by a vote of six to one, with Council Member Post voting against.

#### **Consider Recommendation to Award Design Build Contract for Site Development of Project Forge – Exhibit U**

City Engineer Paul Weeks explained that this project is on an aggressive schedule, which has pushed staff to try something not previously done by our Engineering Department but is commonplace in the bidding world - the design/build process. At a recent meeting, Brian Jenn (with Freeze and Nichols) appeared before Council to explain with that process and criteria for this project was approved. He noted that the process for acquiring this service is similar to that for engineering services in that we are not seeking the lowest bidder; the selection is made based on qualifications.

The design/build process was used for the site development portion of Project Forge. Staff advertised twice but only one package was submitted and three are needed. Staff re-advertised and again received only one package, which was opened and evaluated. The package was from the team of WithersRavenel and Sanford Contractors, Inc.: both have done similar projects, are familiar with the site and will undoubtedly do a good job. He reviewed the scoring matrix and informed Council that staff recommends awarding the contract to Sanford Contractors, Inc., the prime contractor, at a guaranteed maximum price of \$743,927.32. He noted that another component must be added for the on-site road, which is not included in this contract although it may become part of it later. Mr. Weeks confirmed that funds are available and the bid fell within one percent of the engineers' estimate. He explained that bids are solicited by advertising in *The Sanford Herald*. A similar request was placed recently in *The Sanford Herald* and 13 firms responded, indicating there are methods through which this information is gathered from local newspapers. He also confirmed that two companies initially expressed interest and requested information (which was sent) but they did not submit a package.

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Council Member Gaskins made a motion to award the Design Build Contract for Site Development of Project Forge to Sanford Contractors, Inc. Seconded by Council Member Buckels, the motion carried unanimously.

Consider Appointment to the Appearance Commission (Exhibit V)

Mayor Mann explained that two applications were received for the term expiring June 30, 2020, on the Appearance Committee. Council Member Gaskins nominated Jason Pate. Mayor Pro Tem Salmon nominated Kamilah Davis (a Citizens' Academy graduate). Council Member Taylor made a motion to close nominations, which was seconded by Council Member Gaskins and carried unanimously.

Council Members Taylor, Williams, Haire, Buckels and Mayor Pro Tem Salmon voted for Kamilah Davis. Council Members Gaskins and Post voted for Jason Pate; therefore, Kamilah Davis was appointed to the Appearance Committee for a term expiring June 30, 2020.

**OTHER BUSINESS**

Council Member Taylor thanked staff for their service and wished everyone a happy Thanksgiving.

Council Member Gaskins commented on the work by everyone on the items discussed tonight.

Council Member Haire noted that the Wicker Farm (property rezoned for the Galvin's Ridge development) was quite attractive for development because it is on the northern end of the County. He suggested that we will be seeing more large tracts previously used as farmland developed for housing.

Mayor Mann noted the rest of the year will be busy, with the upcoming Christmas parade and Santa's visit to City Hall during the first week of December. He thanked Council for working through the meeting agenda.

**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

**SANFORD CITY COUNCIL  
WORK SESSION**

Tuesday, December 10, 2019  
225 East Weatherspoon Street, Sanford, NC

The City Council held a work session on Tuesday, December 10, 2019, at 6:00 p.m. in the West End Conference Room at City Hall. The following people were present:

Mayor Pro Tem Byron Buckels  
Council Member Jimmy Haire  
Council Member Charles Taylor  
Council Member James Williams  
City Attorney Susan Patterson  
Deputy City Clerk Vicki Cannady

Council Member Sam Gaskins  
Council Member Rebecca Wyhof Salmon  
Council Member Norman Charles Post, III  
City Manager Hal Hegwer  
City Clerk Bonnie Davis

Absent:

Mayor Chet Mann

Mayor Pro Tem Buckels called the work session to order.

**Consider Discussion of Subordination of Deed of Trust for the Sanford Buggy Building, LLC (Exhibit A)**

Local attorney Eddie Winstead explained that the City is the beneficiary of a Deed of Trust from Progressive Contracting, LLC secured by property known as the “Buggy Company.”. It includes not only the building, but also the large concrete pad and walkway between the Buggy Company and 121 Chatham Street (currently being used as “Café 121”). Progressive is in the process of selling the Café 121 property and the purchaser has requested that the City grant an easement for the area underneath the Café 121 canopy, which must also be released from BB&T’s deed of trust. Mr. Winstead explained that this would not transfer the property, only the right to use it.

Regarding the “encroachment” portion of the agreement, Mr. Winstead explained that the 100-year-old Buggy building actually encroaches about eight inches onto the adjoining property. While it has been surveyed a number of times over the years, smaller issues are discovered as equipment becomes more sophisticated. This part of the agreement is simply an acknowledgement by the City and BB&T that there is an encroachment, which is not actually in the easement area but at the rear end of the building where there is a slight curve extending to a maximum of about eight inches at the rear corner. The City’s permission is needed to position this easement first, which is important to the purchaser.

Mr. Winstead also explained that the easement includes language regarding the new owner maintaining “compatible use” of the property, for the “exclusive, perpetual easement for the purpose of ingress, egress and regress and use as a dining and entertainment area appurtenant to” Café 121; it cannot be used for storage or other purposes. The operator of Café 121 currently has potted plants marking the dining area and the only reason for any demarcation would be in connection with alcoholic beverage control regulations. The restaurant cannot serve alcohol on the Chatham Street sidewalk and it is not likely the operator would want to install any hard barrier, particularly if they don’t own the real estate.

Mr. Winstead confirmed he had spoken with BB&T staff and this type of transaction is routine for banks to accommodate business access areas and he anticipates no problem with them approving and

executing the document. He also confirmed that Greg Hamm, owner of Café 121, will still lease the property; the transaction is only to sell the real estate and the purchaser is not in the restaurant business.

Mayor Pro Tem Buckels confirmed there was consensus among Council members to address this item at the next Council meeting.

**Consider Request from Brick Capital Community Development Corporation (Exhibit B)**

Kerry Bashaw, the new director of Brick Capital Community Development Corporation (“Brick Capital”), reminded Council that the City conveyed a vacant 16.78-acre tract on Washington Avenue to BCCDC in 2006 for the express purpose of constructing affordable housing but after the economic downturn, that did not materialize so they deeded it back to the City after the ten-year property tax exemption period expired in 2015. He confirmed this property could still serve as a primary location for affordable housing in several ways. There are grant funding opportunities with the North Carolina Housing Finance Agency and the Federal Housing and Urban Development (“HUD”) agency, specifically for permanent supportive housing uses, which includes individuals with disabilities, the homeless population and individuals who age out of foster care. Brick Capital is interested in constructing multi-family housing, specifically permanent supportive housing, as well as single-family residences on the site. Among the plans he has formulated is a goal to bring a Community Land Trust (“CLT”) to Lee County, a form of ownership through which only “sticks and bricks” are sold to homeowners with the land under a 99-year lease. One of the problems with affordable housing is that after a home is sold, it can be resold at market rate. By controlling the land, the homeowner would still have equity when the property is sold but it wouldn’t be at market rate since there would be shared equity. Mr. Bashaw informed Council that his goal is for this lot to be the first model for a CLT in Lee County, particularly as we try to get ahead of growth. In Raleigh, Durham and other larger cities, they have found that affordable housing can’t be maintained if affording housing is sold at market prices. If we can get ahead of this and designate certain properties under the CLT model, he is hopeful it will prepare us for growth and help maintain affordable housing stock in Lee County.

Mr. Bashaw explained that the primary population currently served by Brick Capital must earn less than 80 percent of the area’s median income as defined by HUD. By selling the home without the land, we could go as low as 60 percent of the area’s median income, meaning that more homeowners could afford a home. When a home is built currently, the value of the land is included in the purchase price. By excluding the land value from an average Brick Capital home selling for \$150,000, the purchase price could be reduced to around \$125,000. He also confirmed that to his knowledge, there are no tax advantages to Brick Capital under the program nor would it reduce taxes paid to Lee County. Attorney Patterson stated that the tax value for the 16.78-acre tract is currently \$117,500.

Regarding the 99-year lease period, Mr. Bashaw explained that a separate entity would be established as the CLT and at least one-third, and as much as one-half, of the governing body would be composed of the homeowners themselves and have input in what happens in the community and their property. Excellent examples of this model in our area include the Community Home Trust in Chapel Hill and the Durham Community Land Trust. Mayor Pro Tem Buckels commented that he and Council Member Gaskins recently attended a conference in San Antonio, Texas, where they attended a session on affordable housing and it included information on the CLT concept. They were told that the program reduces the cost and down payment required of homeowners because it separates the land value from the home value and caps resale prices to maintain affordability. They were told it was the wave of the future for affordable housing and it is timely that Mr. Bashaw has suggested this model.

Mr. Hegwer confirmed that taxes will be billed again if Council approves transferring this property back to Brick Capital but if Council wants to shield Brick Capital from tax responsibility, the City could retain title. Kate Rumely, former BCCDC director, explained that initially, land for low-income housing was deferred for five years if housing was constructed but that was revised to ten years. She also reminded Council that UNC School of Government assessment included a recommendation that Brick Capital divest itself of all real estate. City Attorney Susan Patterson confirmed that her title notes from the time period prior to 2006 indicated that there was a period of time when Brick Capital was paying real estate taxes.

Attorney Patterson explained that the request to transfer the property back to Brick Capital also included a request for the City to waive water and sewer fees. They are normally waived in the redevelopment area since grants were used to install water and sewer lines and taps and have therefore already been paid; however, this property is south of that redevelopment area and according to GIS, there are sewer manholes at the edge of the property where service could be extended to the property. It is therefore in Council's discretion whether to waive those tap fees but the rationale used in the past to waive them is that those taps were already installed with grant funds but she doesn't think that extends to this piece of the property because it is below Hudson and Washington Avenue. Council Member Wyhof questioned whether that should be discussed when the actual plan for the property is unveiled since it is currently unknown whether the property will be used for single- or multi-family housing. Mr. Hegwer agreed that this decision could be made later.

Council Member Williams commented that Habitat for Humanity had questioned why they were charged tap fees but they had been waived for Brick Capital. The issue was that Brick Capital was constructing homes on sites that already had homes located there. He suggested that this issue be reconsidered and addressed. Attorney Patterson noted that "they" (Habitat or BC-??) were acquiring several lots at the same time. Mr. Hegwer agreed there was confusion and what happened was that when much of the redevelopment work was done, water and sewer taps were made because the line was being paid for, new lines were being installed and new lots created and it didn't make sense to charge additional fees because they were being built in the redevelopment area but this property isn't located in that area. This 16 acre tract is raw, undeveloped land and there may be a sewer line running through the site. He recommended that Council revisit this issue in the future since that could make a project, when identified, more viable. He questioned whether Council was comfortable including this item on the consent agenda for the next meeting and move forward with the conveyance. Brick Capital has indicated it will pay \$500 to help with closing costs. Mr. Bashaw confirmed that once the property is conveyed to the CLT, Brick Capital cannot sell the property without complying with stipulations.

Council Member Salmon requested more time to consider the land trust issue but Council reached consensus to move forward with conveying the property back to Brick Capital.

On a related matter, Community Development Manager Karen Kennedy explained that staff will apply for the 2020 Urgent Repair Program in January. Council has previously committed \$5,000 to this project, as has the County, for a \$10,000 local match to go along with the application for \$100,000 from the state. She asked Council to consider making that commitment for the upcoming year.

#### **Update from the Tourism Development Authority**

Tourism Development Authority Board President Kevin Brown played a low-resolution promotional video done by the TDA's marketing firm, Avenir Bold, noting that the finished video will be television quality. They will revisit our area seasonally to keep the content current and highlight our

assets. Content is also being developed for digital platforms (Facebook, Instagram, Twitter) and their website (all identifiers are “VisitSanfordNC”). In 2020, they plan to embark on more surgical campaigns and their first priority will likely focus on recreation and outdoor assets (Gross Farms, Kiwanis Family Park, etc.); they will also develop print and marketing strategies. Pursuant to the Memorandum of Understanding between the TDA and CCCC Trustees, events at the Civic Center will be included to promote the Civic Center. Footage from San-Lee Park and the Nature Center will also be included. Their website already has some video, along with links to its government partners (DSI, CCCC), and content on events, lodging, etc., will continue to grow.

Since he appeared before Council at the All-Boards meeting in April, the TDA has produced a quarterly newsletter that went out in July and October and Avenir’s digital marketing has produced about 1,200 followers. Posts have been made at least daily since mid-November and he encouraged everyone to “like” the Facebook page. Print advertising has been developed and the first-generation map went out statewide this past spring to welcome centers. An ad was purchased in April in *Lee County Living* magazine, the *Visit NC* travel guide in September and they piggybacked on the October SAGA Triangle Business Journal insert. While these publications don’t fall into their general pillar of activity, they saw it as a great opportunity to partner with SAGA with all of the notice coming to town after the announcements of the Pfizer expansion and the Bharat Forge site selection. An advertisement was purchased in *Chatham* magazine and an ad will be running in *The Sanford Herald* several times through January. They just appropriated \$20,000 for a small advertising project with *Our State* magazine that will be a precursor to an editorial spread in the future. They are awaiting partnership for a print package with *Visit NC*, a package of five magazines (some in-state, some out-of-state).

The TDA has also participated in sponsorships by granting \$10,000 to DSI to help with the StreetFest event held in April and \$5,000 to the Festival Latino held in October. These events – local but with potential to bring visitors from outside Lee County – are the type they seek to underwrite. They contributed \$15,000 to the NC Economic Development Partnership Conference held at the Civic Center and it received great feedback. The “Fishing University” project, a fishing tournament at Jordan Lake, was recently completed and video footage was shot at Deep River Sporting Clays, where Mayor Mann read a script for a 90-120 second commercial introducing the city to viewers. Matt Cashion, of Cashion Fishing Rods, is a national sponsor of the program. Footage concluded downtown with information on arts and entertainment, dining, shopping and the murals. The commercial will air 40 times over three television shows in 51 countries, so it will have a very far reach. He noted there are opportunities for other fishing tournaments and outdoor sports in the future (sporting clays, kayaking, parks, etc.). They are currently working on the American Junior Golf Association tournament coming to Carolina Trace in April 2020 and there is discussion about the TDA being the title sponsor at a cost of \$35,000.

The TDA has posted a job description on a number of platforms for the Executive Director position and they cast a wide net. They received fewer than 25 resumes and those have been narrowed down to a few applicants. Interviews are scheduled to conclude Monday, December 16, prior to the TDA meeting scheduled for December 17. They hope to have someone in the position by mid-January.

Council Member Taylor stated that he had spoken with Bonnie Buchanan, of Bon-Clyde Learning Center, a training facility for dogs, who told him that she has had some large dog shows here but many of our local hotels do not allow guests to bring pets into the hotels and they are staying at hotels in the Raleigh area. Mr. Brown responded that he had spoken with TDA Vice-Chair P.J. Patel about hoteliers being more accommodating to large events (the recent Fishing University project involved participants who had large boats that required overnight electrical charges) and Mr. Patel indicated he

was open to not only making accommodations but making that pitch to others in the local hospitality industry. Mr. Hegwer noted that many of the rules and regulations at lodging establishments are corporate level over which local management has no control. Mr. Taylor also noted that Speak Easy Billiards has hosted some major statewide billiard tournaments and Mr. Brown commented that locals are often not aware of events such as this but the current TDA board is very strong, representing a wide variety of business sectors- art, hospitality, real estate, entertainment, dining- and they are energized. Funding priorities for the balance of the fiscal year have been set and when they attend tourism conferences, they see that award-winning campaigns are focused on one specific aspect and they will follow suit going into next year. Annual revenue for the last couple of years has been \$200,000 to \$230,000 and this will increase with the addition of about 100 rooms coming online in the northern area of the City. The marketing firm hired by the TDA sells only communities and know where money is best spent; they have provided a great education.

### **Recess**

A recess was taken at 7:00 p.m. for dinner and the meeting was reconvened at 7:20 p.m.

### **Consider Discussion Regarding Broadway Road Sidewalk and Bike Lane (Exhibit C)**

Community Development Director Marshall Downey explained that we have been very successful in obtaining several DOT bike and pedestrian projects funded through partnerships in which the City pays only the required 20 percent cost match, with DOT paying 80 percent of the cost. Long-Range Planner David Montgomery presented a Master Plan spreadsheet of all projects in the que and associated costs in October and DOT wants a letter of intent for each of those projects confirming we are committed to our share of the costs. He presented a map (Exhibit C) showing the Broadway Road project with a red line indicating both sidewalks and bike lanes and green lines indicating bike lanes only. Conceptual images from the Planet Fitness location (corner of Broadway Road and Horner Boulevard) looking toward Horner Boulevard show “before and after”; however, he noted that DOT will not be relocating power lines underground. Current plans call for construction to begin in the 2021-2022 budget year but that is subject to change. He also noted that in 2016 (when originally presented to Council), the required 20 percent local match was estimated at approximately \$277,000; however, since the design has been revised for both sidewalks and improvements, the total is now \$308,216, an increase of about \$31,000.

Council Member Gaskins questioned whether we could get price estimates on converting to underground utilities during construction since the cost would be lower. Mr. Downey explained that this is typically done independently of the project and has not been discussed in the project scope. It could also present a challenge at this point since DOT would not likely absorb any additional costs. He also confirmed that grass would typically be sown rather than using artificial turf but maintenance would typically not be the City’s responsibility. Mr. Czar noted that the level of maintenance provided by the City typically exceeds that provided by DOT. City Manager Hal Hegwer commented that of the \$308,000 total cost, roughly \$112,000 is for sidewalk and the balance is of approximately \$195,000 is for bike lanes and if we don’t have a bike lane installed now, we will not likely have another opportunity. He also stated that no additional vote would be needed since no funds are currently being budgeted since the letter of intent merely keeps the project moving forward. Mayor Pro Tem Buckels confirmed there was consensus among Council to move forward.

Mr. Downey reminded Council that there has been discussion of locating the multi-sports complex near the Broadway Road and US Highway 421 Bypass intersection and there is an option to go off-road there and use the old railroad right-of-way as a potential greenway.

**Consider Discussion Regarding Tuition and Reimbursement for Employees (Exhibit D)**

City Manager Hal Hegwer explained that he was recently notified that the UNC School of Government (“SOG”) at Chapel Hill is offering a tuition-matching program scholarship of up to \$10,000 for their Master of Public Administration (“MPA”) program, a three-year on-line program offered to local governments who commit to tuition scholarships. Current tuition cost is \$1,209 per credit hour or approximately \$54,000 for the entire three-year program and since it is on-line, all students are classified as non-residents. The City currently has a tuition reimbursement policy that provides up to \$2,000 annually for participants in undergraduate programs or community college who maintain an average of C or higher and students in a graduate program who maintain a B average or higher. Roughly twelve to fifteen employees currently participate in the tuition reimbursement program. Staff recommends the City participate in the program since the SOG is willing to commit \$10,000 and the City would contribute approximately \$3,333 annually in order to receive the match. Council Member Taylor questioned whether it could be tied to employees who commit to stay with the City for a specific time period. Mr. Hegwer confirmed that the City policy already has a requirement that employees must remain employed by the City for at least one year after the last tuition reimbursement or the funds must be repaid. He also confirmed that very few employees who participated in the program have left the City after completion. Regarding employees who do not complete the program, he explained that the same guidelines would apply if Council chooses to participate in this program. Council Member Salmon, a graduate of the program, noted that its mission is to help local government employees do their jobs to the best of their ability, which is also helpful to the City’s mission, and hopes employees will take advantage of it.

Mr. Hegwer commented that he was excited about the program when he first learned of it because we can maximize cost reductions for the \$54,000 program, and it would increase the current tuition reimbursement of \$2,000 by only \$1,333 annually. Council reached consensus to move forward with the tuition match offered by the SOG for the MPA program.

**Consider Banking Services Contract (Exhibit E)**

Financial Services Director Beth Kelly explained that requests for proposals (“RFPs”) were posted online and sent to all local banks. Five responses were received and they were narrowed down to three based on qualifications, services and prices. Three different scenarios were presented by most banks: (1) earned credit rates (not typically recommended by the Government Finance Officers Association because they are not as transparent as service contract fees; they allow banks to “net” against their earnings from funds not being used in the account (2) interest-bearing accounts (several banks offer different rates based on the balance maintained in the account which typically run much lower than the Federal funds rate; and (3) a fixed rate (submitted by one bank). We have had a fixed rate in the past which allows us to keep a lower cash balance in checking accounts and invest those funds to earn higher rates. She will present a staff recommendation for Council approval, likely the interest-bearing or fixed rate scenario. Our accounts have been with First Citizens Bank for about eight years: we had a five-year contract, then an option to renew. They have maintained the same rate for the last three annual renewals and may offer that as an option. Council Member Taylor noted there are costs for changing banks but Mrs. Kelly confirmed this was included in the staff analysis. She noted that many of the interest-bearing fees are volatile because they charge by volume and that the fixed rate is enticing since it will make budgeting easier. When considering a five-year contract, it is difficult to anticipate how the economy will perform, interest rates, and the volume of our checks or accounts (particularly with the potential for new customer growth from new developments). With the fixed rate option, we can invest in other options and ladder them based on cash needs. She also noted that Lee County did their requests for proposals

this past spring and also received five responses, ultimately moving from First Citizens Bank to First National Bank (the new bank at the Lowe's Food Shopping Center).

### **Other Business**

Council Member Haire announced that the ground breaking ceremony for the MINA Charter School at the Kendale Shopping Center is scheduled for December 19, at 9:00 a.m.

Council Member Taylor thanked the fire department for their recent dinner event. He announced that the Commission on the Opioid Abuse Epidemic will meet December 11 at 6:00 p.m. and the Winter Wonderland event is planned for December 16, from 5:00 – 9:30 p.m. at the Lions Club Fairground.

Council Member Williams also thanked the fire department for their recent dinner, acknowledged their smoke detector program and thanked the firemen for their service.

Deputy Fire Chief Ken Cotten explained that after returning from the Sister City trip to Atizipan, Mexico, there was discussion regarding their lack of fire equipment. Fireman Alex Collazo (recently recognized for a "Hero's Award" by Heister Automotive) suggested they contact the Fire Marshall's Association. Responses were received from several departments, and air packs were organized, a local business helped box and ship them and they went out December 6.

Mr. Hegwer reminded everyone of the employee awards ceremony luncheon scheduled for Thursday, December 12, and encouraged everyone to attend.

Mayor Pro Tem Buckels thanked Council and staff for their efforts. Mr. Taylor reminded everyone that the Lee County Senior High School football team will be playing for the 3A state championship football game on Friday, December 13.

### **Closed Session**

Council Member Salmon made a motion to go into closed session in accordance with N.C.G.S. 143-318(11)(a)(3) to consult with an attorney employed by the governmental unit in order to preserve the attorney/client privilege. The motion was seconded by Council Member Taylor and carried unanimously.

### **Return to Regular Session and Adjournment**

Council Member Taylor made the motion to adjourn. Seconded by Council Member Salmon, the motion carried unanimously.

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

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T. Chet Mann, Mayor

---

Bonnie Davis, City Clerk

**CAPITAL PROJECT ORDINANCE AMENDMENT**

**MONCURE MEGASITE WASTEWATER PROJECT NO. S1703**

**BE IT ORDAINED** by the City Council of the City of Sanford, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinances 2017-29, 2017-58, 2017-69, 2018-51, and 2019-42 are hereby amended:

Section 1: The project authorized is for all necessary engineering functions, construction, and related activities associated with the installation of wastewater collection infrastructure needed to serve the Moncure Megasite to be financed through grants, installment purchase, limited obligation bonds, and/or reserves.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the loan proceeds and/or grant documents and the budget contained herein.

Section 3: The following transfer is required for the project:

<u>Transfer from the following accounts:</u>	Contingency	\$169,372
	Construction	69,796
	Land Easement	45,932

<u>Transfer to the following account:</u>	Transfer to Other Capital Project	\$285,100
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Section 4: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the loan and/or grant documents and state/federal regulations.

Section 5: Funds may be advanced from the Utility Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues received and claimed.

Section 7: The Finance Officer is directed to include in the annual budget information projects authorized by previously adopted project ordinances which will have appropriations available for expenditure during the budget year.

Section 8: Copies of this capital project ordinance shall be furnished to the Clerk to the City Council and the Finance Officer for direction in carrying out this project.

ADOPTED this, the 21st day of January, 2020.

\_\_\_\_\_  
T. Chet Mann, Mayor

ATTEST:

\_\_\_\_\_  
Bonnie Davis, City Clerk

**GRANT PROJECT ORDINANCE AMENDMENT**

**SANFORD / LEE COUNTY REGIONAL AIRPORT SEWER EXTENSION PROJECT NO. S1801**

**BE IT ORDAINED** by the City Council of the City of Sanford, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinances 2017-84, 2018-24, 2019-11, and 2019-44 are hereby amended:

Section 1: The project authorized is to extend sewer to the Sanford / Lee County Regional Airport. This project is to be financed through grant funds and reserves.

Section 2: The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Airport Sewer Extension Project \$ 285,100

Section 4: The following revenues are anticipated to be available to complete this project:

Transfer from Other Capital Project \$ 285,100  
(Moncure Megasite Sewer Project No. S1703)

Section 5: The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and state / federal regulations.

Section 6: Funds may be advanced from the Utility Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues received and claimed.

Section 8: The Finance Officer is directed to include in the annual budget information projects authorized by previously adopted project ordinances which will have appropriations available for expenditure during the budget year.

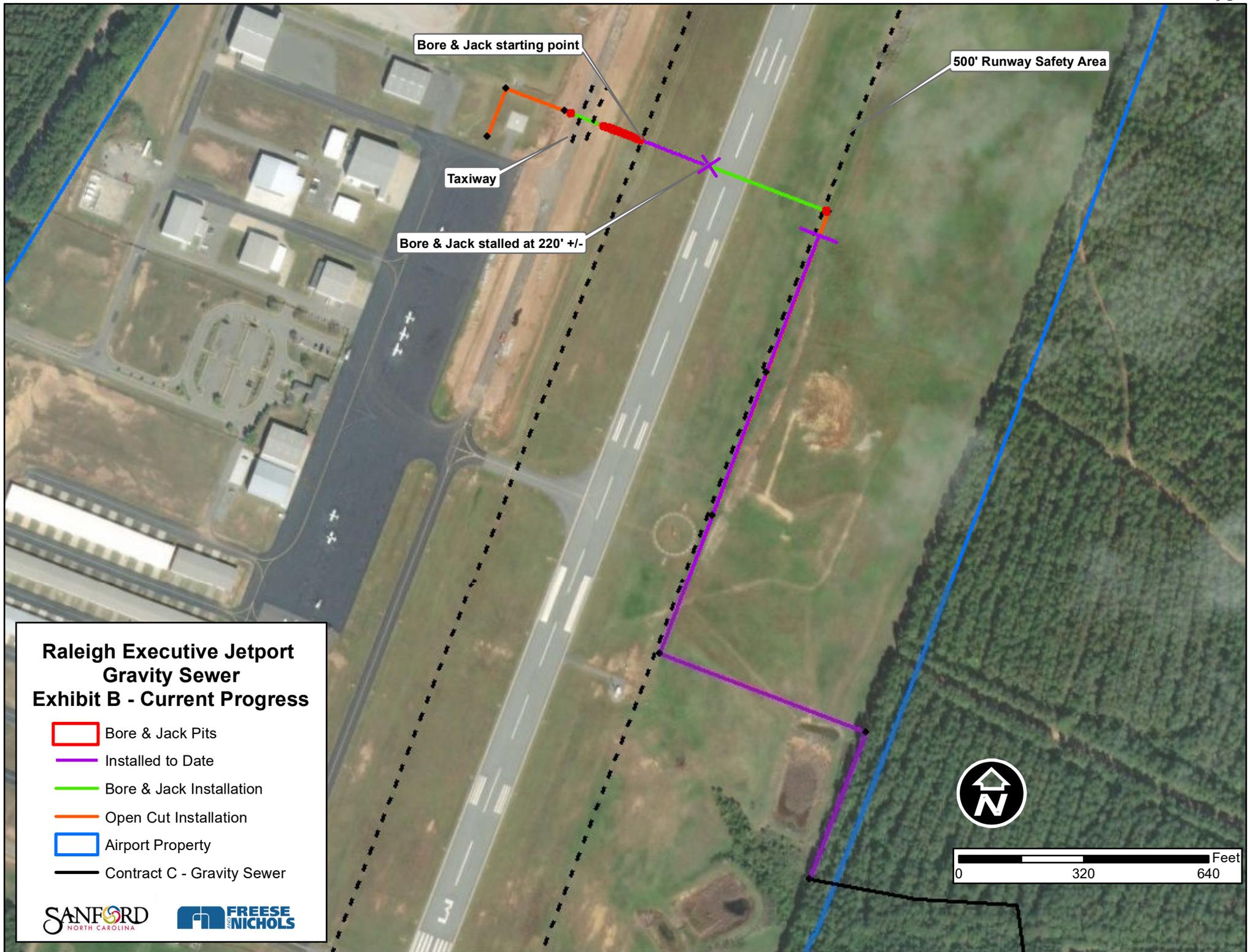
Section 9: Copies of this grant project ordinance shall be furnished to the Clerk to the City Council and the Finance Officer for direction in carrying out this project.

ADOPTED this, the 21st day of January, 2020.

\_\_\_\_\_  
T. Chet Mann, Mayor

ATTEST:

\_\_\_\_\_  
Bonnie Davis, City Clerk



Bore & Jack starting point

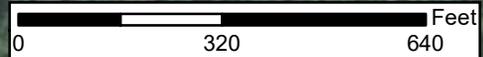
500' Runway Safety Area

Taxiway

Bore & Jack stalled at 220' +/-

**Raleigh Executive Jetport  
Gravity Sewer  
Exhibit B - Current Progress**

- ▭ Bore & Jack Pits
- Installed to Date
- Bore & Jack Installation
- Open Cut Installation
- ▭ Airport Property
- Contract C - Gravity Sewer





PUBLIC WORKS DEPARTMENT

## *CITY OF SANFORD*

P. O. BOX 3729

TELEPHONE 919-777-1122

FAX 919-774-8179

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*North Carolina 27331-3729*

OR 919-777-1118

Paul M. Weeks, Jr., P.E.  
City Engineer

### MEMORANDUM

TO: Mayor Mann and Members of Council

FROM: Paul M. Weeks Jr., P.E. 

DATE: January 13, 2020

SUBJECT: Recommendation to enter into an engineering agreement for Little Buffalo Sanitary Sewer Replacement – upper reach

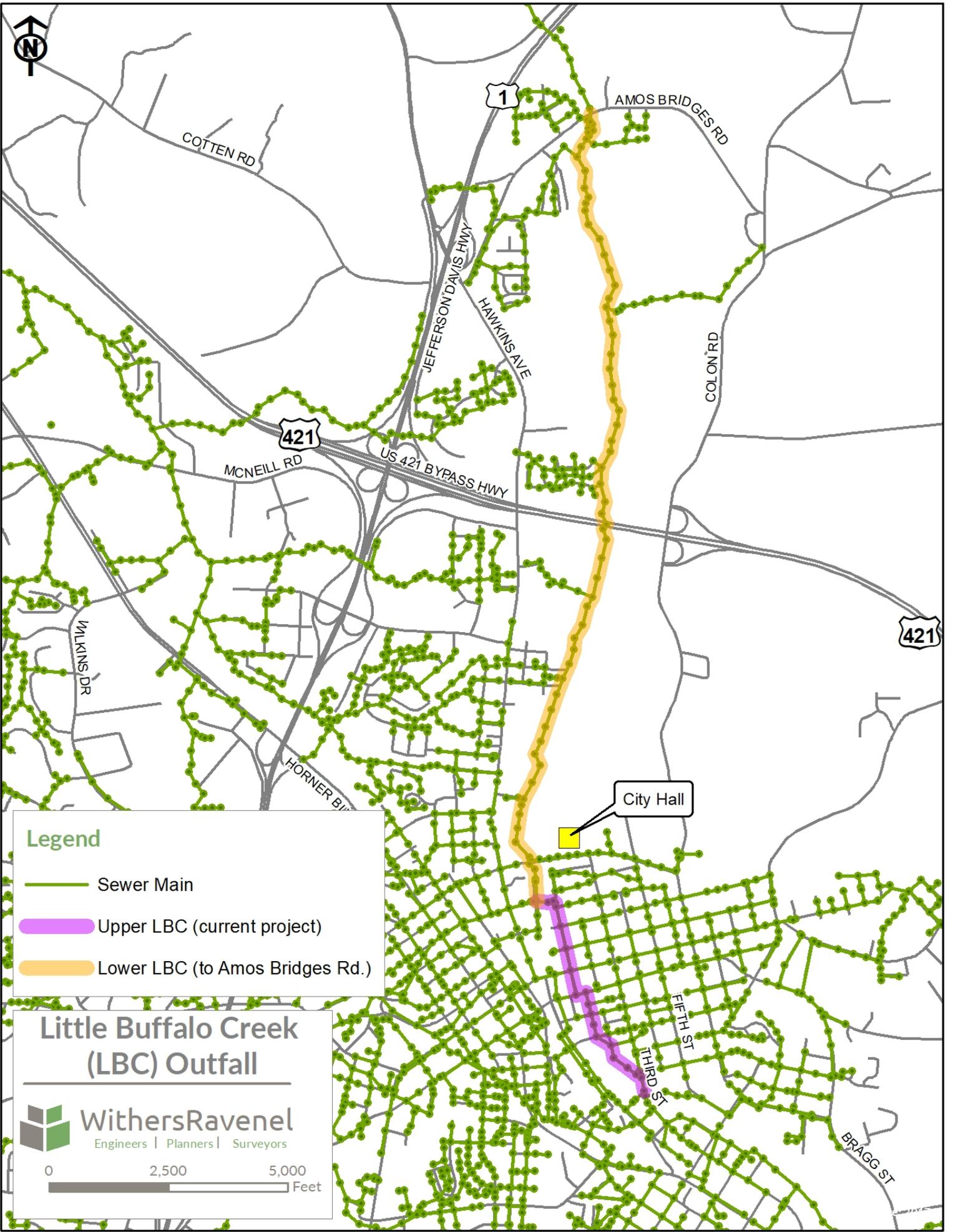
This project will replace approximately 5,200 feet of 12-inch sewer with 18-inch from Chisholm and First to Third and Alcott. This is the area where we experience chronic sanitary sewer overflows during rain events.

On April 30, 2019, staff received proposals from Freese and Nichols, WK Dickson, CJS, MS Consultants and WithersRavenel for this project. Please see the attached spreadsheet. Of the five consulting firms, Freese and Nichols and WithersRavenel were asked to interview with staff.

Upon completion of the interviews, the two finalists were evaluated and WithersRavenel was selected. WithersRavenel has worked on a number of projects in the City and staff finds their work to be acceptable.

Therefore, staff recommends that City Council enter into the attached agreement with WithersRavenel for \$414,630.

<b>CONSULTANT SELECTION</b>						
<b>REQUEST FOR QUALIFICATIONS (RFQ): LITTLE BUFFALO SEWER OUTFALL REHABILITATION - UPPER REACH</b>						
<b>RFQ due date: April 30, 2019 at 10 am</b>						
		Freese and Nichols	WK Dickson	CJS	MS Consultants	WithersRavenel
<b>SUBMITTAL REVIEW</b>						
1	Thoroughness of proposal	15	13	14	13	15
2	Firms assigned personnel and experience	15	13	12	13	15
3	Qualifications and abilities of staff assigned to the project	15	14	12	14	14
4	Experience work for North Carolina municipalities on similar type projects	12	14	14	13	15
5	Familiarity with the Locale	14	13	9	11	15
6	Documentation of staffing levels necessary to meet the timetable most desirable to the City	15	13	14	14	12
	<b>TOTAL</b>	<b>86</b>	<b>80</b>	<b>75</b>	<b>78</b>	<b>86</b>
<b>INTERVIEWS</b>						
1	Thoroughness of proposal	19				18
2	Firms assigned personnel and experience	18				19
3	Qualifications and abilities of staff assigned to the project	19				19
4	Experience work for North Carolina municipalities on similar type projects	17				18
5	Familiarity with the Locale	18				19
6	Documentation of staffing levels necessary to meet the timetable most desirable to the City	19				18
	<b>TOTAL</b>	<b>110</b>				<b>111</b>



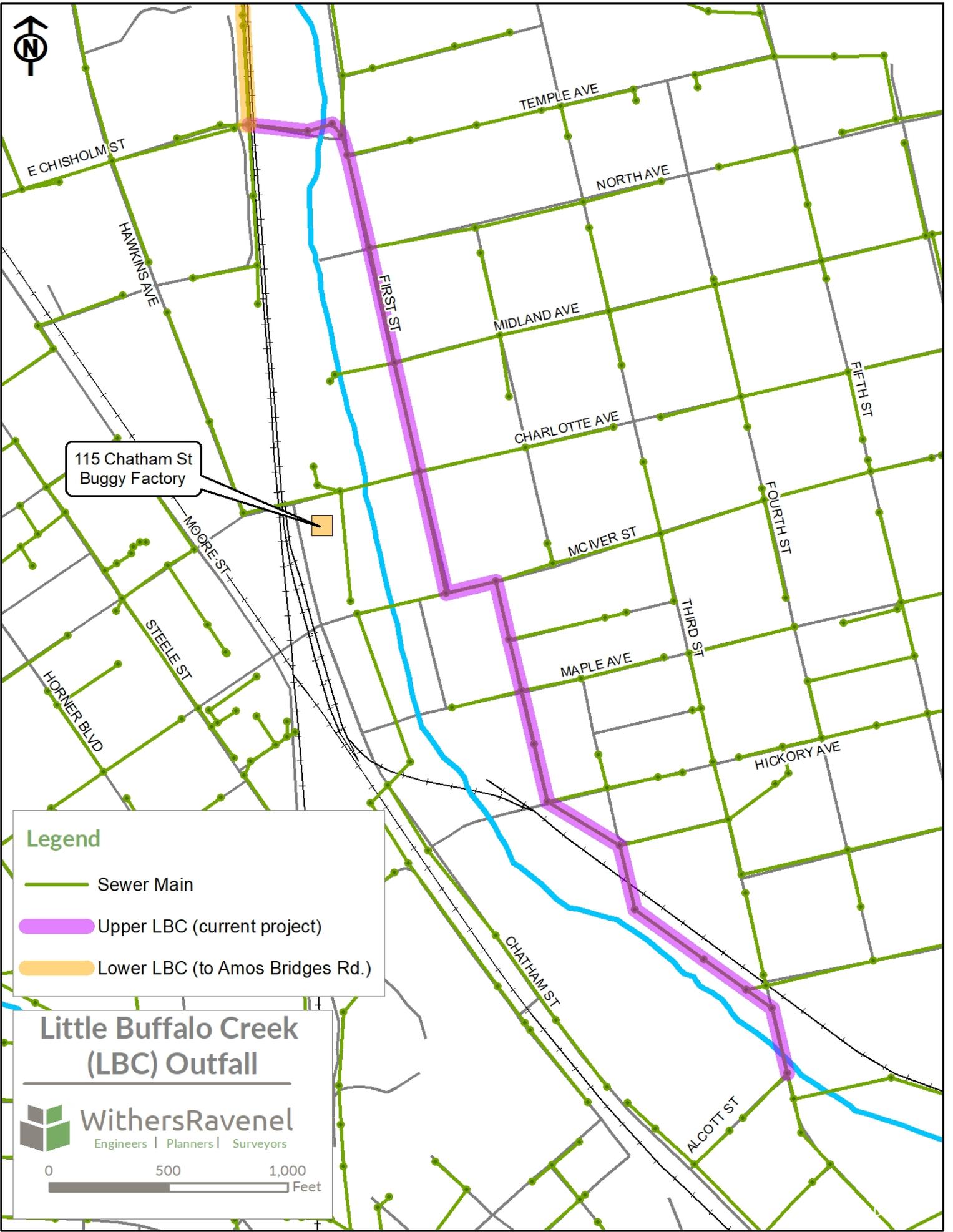
**Legend**

- Sewer Main
- Upper LBC (current project)
- Lower LBC (to Amos Bridges Rd.)

**Little Buffalo Creek (LBC) Outfall**

**WithersRavenel**  
Engineers | Planners | Surveyors

0 2,500 5,000 Feet



115 Chatham St  
Buggy Factory

**Legend**

- Sewer Main
- Upper LBC (current project)
- Lower LBC (to Amos Bridges Rd.)

**Little Buffalo Creek (LBC) Outfall**

**WithersRavenel**  
Engineers | Planners | Surveyors

0 500 1,000  
Feet



January 13, 2020

City of Sanford  
225 E. Weatherspoon Street  
Sanford, NC 27331

Attn: Mr. Paul M. Weeks, Jr.

RE: WR 02180604.00  
Engineering Services Agreement  
Little Buffalo Sanitary Sewer Replacement, Upper Reach

Dear Mr. Weeks:

WithersRavenel is pleased to provide this Agreement for Engineering Services to City of Sanford for the Little Buffalo Sanitary Sewer Replacement, Upper Reach Project. If you have any questions or concerns about the agreement please do not hesitate to call me at the number listed below.

Sincerely

WithersRavenel

A handwritten signature in blue ink that reads "Kevin Eason".

Kevin Eason, P.E.  
Senior Project Manager

424 Gallimore Road, Suite C | Greensboro, NC 27409  
Office: 336.605.3009 | Direct: 919.238.0361  
Email: keason@withersravenel.com

Attachments:

Agreement for Professional Services

# City of Sanford

## Little Buffalo Sanitary Sewer Replacement, Upper Reach Agreement for Professional Services

This AGREEMENT, the Modified (Sanford) Terms and Conditions (Exhibit I), and Fee and Expense Schedule (Exhibit II), are hereby included as part of the Agreement for Professional services dated \_\_\_\_\_ between City of Sanford (CLIENT) and WithersRavenel, Inc. (CONSULTANT) for Professional Engineering Services to be rendered in connection with the Little Buffalo Sanitary Sewer Replacement, Upper Reach (PROJECT).

### A. Project Description

The Project will replace approximately 5,440 linear feet of 12" gravity sewer collection lines along Little Buffalo Creek. The CLIENT has predetermined the need for an 18" sanitary sewer to replace the existing 12" sewer. The PROJECT begins on Alcott Street, then proceeds northwesterly to a point near the intersection of Chisholm Street and Wilson Street. The CLIENT desires to complete the project as expeditiously as possible.

The CONSULTANT's site visits have revealed that the Project will involve coordination with NCDOT for work within the NCDOT maintained right of way as well as the A&W Rail Road and CSX Rail Road.

The services will include coordination efforts with NCDOT and the railroads, field survey, final design, construction drawings, permitting, specifications, contract documents, bidding services and limited Construction Administrations/Observation Services.

The project timeline from Notice to Proceed of Design to the Bid is assumed to be 12-months and is contingent on the permitting and approvals schedule.

### B. Scope of Services

#### *Task 1 - Project Development*

This Task includes the services required to obtain background information and provide preliminary engineering and analysis needed to develop this AGREEMENT. These services have already been completed and includes:

- ▶ Gather data and develop mapping.
- ▶ Perform two (2) site visits to evaluate site conditions and develop preliminary engineering information.
- ▶ Identify specific issues and opportunities that could impact project costs and schedule.
- ▶ Develop a design and construction approach.
- ▶ Identify permitting/approval needs and critical path items.
- ▶ Prepare engineering costs and schedules.
- ▶ Provide preliminary project coordination and a Project kick-off meeting with the City.

#### **Task Meetings and Deliverables:**

- ▶ Project kick-off meeting and summary
- ▶ Project schedule

## Task 2 – Project Management

This Task captures the elements of project management needed to maintain the project schedule and budget. It also includes the establishment of the communication and quality assurance plan. This Task only includes the design, permitting and bid phases of the project.

### Task Meetings and Deliverables:

- ▶ Up to three (3) additional Project team meetings (CLIENT and CONSULTANT) meetings and summaries.
- ▶ Monthly Progress Reports and invoices - assume twelve (12) through the design phase
- ▶ Project schedule updates

## Task 3 – Funding Source Assistance

This Task includes the following:

### A. Funding Strategy

- ▶ With a basis of understanding of project components that were formulated in the previous tasks, CONSULTANT will use this knowledge to determine potential local, state, and federal loan and grant funding opportunities, evaluate fit, and consider eligibility requirements. For some of the funding opportunities it will be necessary to speak with probable funders to further qualify and quantify opportunities, as well as understand each funding program cycle and requirements in more detail.
- ▶ Draft a Project Funding Strategy for consideration by the CLIENT. Said Funding Strategy would reflect current funding status of key sources of financial assistance, recent dialogue with key staff members of potential funding agencies, and opinions related to the viability of said sources and their application to specific project components. Programs to be considered include, but are not limited to:
  - ▶ State Revolving Fund
  - ▶ USDA Guaranteed Loan Program through private lender
  - ▶ Available disaster resiliency funding through State and Federal programs
  - ▶ Other probable sources of internal revenue to offset debt, amortize debt, and fund future operational costs.

### B. Funding Application and Administration Assistance

- ▶ Funding application and administration assistance services are dependent upon the individual applications that the CLIENT decides to pursue along with key project component phasing assumptions.
- ▶ Develop clearly defined scope of applications that will be pursued and a supporting timeline for development and submission based on funding program cycles.
- ▶ Prepare funding source applications and submit to CLIENT for review and approval. Submit finalized application to funding agencies.
- ▶ Assist with providing timely reporting regarding funding to Town Council.
- ▶ Assist with applications to the LGC for financing for key Project components involving new debt.
- ▶ Upon approval from funding agencies, provide CLIENT with grant/loan administration for funding requiring such administrative services.
- ▶ ER/EID Development – Provide a Preliminary Engineering Report and an Environmental Report suitable to meet the selected funding agency requirements.

#### Task Meetings and Deliverables:

- ▶ Attend one (1) Council meeting and provide one (1) presentation.
- ▶ Funding application
- ▶ Engineering Report and Environmental Report

### Task 4 – Environmental Services

This Task includes the services for performing environmental due diligence to evaluate the potential to encounter groundwater and soil contamination. The Task also includes performing a Jurisdictional Determination and developing a 404/401 Preconstruction Notification (PCN) application for impacts to streams, waters, wetlands, and riparian buffers as needed.

#### A. Limited Environmental Screening

The CONSULTANT will complete a Limited Environmental Screening along the proposed corridor. The review will consist of government records search reviewing the subject site and surrounding vicinity for properties that could impact the proposed improvements. This task is not intended to be a Phase I ESA and will be limited to a government records review provided by Environmental Database Research, Inc. (EDR). This includes a map of the corridor that meets a reduced radius records requirement of ASTM E 1527-13. All databases will be searched a minimum of 750 feet each side of the proposed corridors, and those deemed a higher risk such as National Priorities List and state equivalents will be searched 0.5 miles on each side of the corridors. WR will document the findings, identifying sites, or release incidents along the corridor that may negatively impact the project. Sites with incidents that are identified along the corridor will be investigated, including a review of pertinent and available Sanborn Maps and/or Aerial Photography provided by EDR along with the government records search. WR will also complete incident file reviews at the respective regulatory agencies in order to understand the release and potential impacts to project (if needed).

##### a. Field Reconnaissance

CONSULTANT recommends a brief site visit be performing a driving reconnaissance of the entire corridor to verify the locations of the sites identified on the EDR Corridor Report and verify that no sites obviously omitted in the records search have not been addressed. This reconnaissance is a cursory and not comparable to the site reconnaissance conducted during a Phase I ESA.

##### b. Summary Report

CONSULTANT will prepare a letter report that summarizes the findings above and will include location maps of sites identified along with their relative risk as well as a summary table of the sites. It will summarize findings and make recommendations as to relative risk and recommendations.

- ▶ Additional assessments and studies shall be Additional Services.

## B. 404/401 Process

### a. Wetland Delineation

- ▶ Obtain preliminary site information, including aerial photos, USGS Quadrangle Maps, Lee County Soil Survey, Lee County GIS data, prior to conducting site visit.
- ▶ Conduct site review to determine if the project site contains jurisdictional wetlands, streams, and riparian buffers. Jurisdictional wetlands will be determined using criteria set forth in the 1987 US Army Corps of Engineers (USACE) Wetlands Delineation Manual and applicable Regional Supplement. Streams will be assessed using criteria set forth in the NC Division of Water Quality Identification Methods for the Origins of Intermittent and Perennial Streams (2005). CONSULTANT will delineate all jurisdictional wetlands and starting point of streams in the field using sequentially numbered Wetland Delineation flagging.
- ▶ Locate wetland flags and stream start point flags using Trimble GPS unit. GPS data will be used to prepare exhibits for wetland report.

### b. Field Survey for Federal and State Listed Threatened & Endangered Species

- ▶ Complete a review of literature and data from the NCDEQ, USFWS and NCNHP to determine listed species known to have ranges extending into Lee County that are likely to occur within the project.
- ▶ Conduct a pedestrian survey of the project study area to document vegetative communities and determine presence/absence of potential habitat for listed species.
- ▶ Conduct a pedestrian survey of the potential habitat within the project study area to determine the presence of protected species and/or potential habitat in which protected species may occur.
- ▶ Use GPS to locate any occurrences of listed species observed during the pedestrian survey.
- ▶ Prepare brief letter report documenting the results of threatened & endangered species survey and submit to USFWS for concurrence.

### c. US Army Corps of Engineer's Jurisdictional Determination

- ▶ Prepare a Jurisdictional Determination Request in support of the wetland delineation and submit to the US Army Corps of Engineers (USACE).
- ▶ Coordinate with the USACE to schedule a site visit to review and verify the wetland delineation. Any changes to the original wetland line as a result of the USACE field verification will be communicated to the surveyor for incorporation into the final wetland survey.
- ▶ Submit follow-up email to USACE recapping the results of the wetland verification and request USACE to respond concurring. This will provide adequate documentation for state and local submittals that the USACE has approved the delineation until the actual Jurisdictional Determination has been issued by the USACE, which may take several additional months to be issued.
- ▶ Upon completion of the field verification, the USACE will issue a Jurisdictional Determination, which will be valid for 5-years.

### d. 404/401 Permitting (if needed)

- ▶ CONSULTANT assumes that proposed impacts to wetlands and streams will meet conditions for authorization under a Nationwide Permit (NWP) 12.

- ▶ Prepare NWP Pre-Construction Notification (PCN) and supporting documentation and submit to the US Army Corps of Engineers (USACE) and NC Division of Water Resources (NCDWR) requesting authorization for the proposed impacts necessary to construct the project.
- ▶ Communicate with both agencies during the review period in order to identify comments/questions regarding site design, avoidance and minimization or mitigation requirements.
- ▶ Prepare and submit one (1) formal response to a request for additional information by either agency in order to facilitate issuance of the NWP.

#### **Task Meetings and Deliverables:**

- ▶ Brief letter report describing the Limited Environmental Screening results
- ▶ Exhibit of stream, water, wetland, and buffer features.
- ▶ PCN Application for impacts to jurisdiction features.

Note that the CLIENT will pay or reimburse the Consultant for any application fees.

### **Task 5 - SUE and Survey**

The CONSULTANT will conduct subsurface utility excavation (SUE) to provide horizontal and vertical spatial data to identify and locate underground utilities within the project corridor. It is assumed that some of this effort will require approvals from CSX Transportation and Atlantic and Western Railway (A&W) where such investigations will occur within their respective R/W.

- ▶ Conduct a Level B field investigation using Electromagnetic (EM) and Ground Penetrating Radar (GPR) to designate utilities along the project corridor(s). Mark all utilities in accordance with APWA guidelines using marking paint and/or pin flags. Provide a detailed sketch to the survey crews to use as a reference while locating all the Level B SUE paint. This information will be incorporated into project drawings.
- ▶ Perform Level A SUE (test holes by vacuum excavation) as needed to determine information such as size, depth, and material on critical utilities. All test hole locations will be conventionally surveyed and incorporated into project drawings. Appropriate traffic control measures will be used where required. This AGREEMENT assumes ten (10) test holes and 40 hours of traffic control.

This effort will require approvals from CSX Railroad and A&W Railway where survey will occur within their respective R/W.

- ▶ Horizontal locations will be based on NC State Grid, NAD'83 (2011) and Vertical control will be based on NAVD'88
- ▶ To expedite NCDOT design coordination, the CONSULTANT will conduct a preliminary conventional survey along the route to pick up manhole rim and invert information, ground elevation interval elevations. Dye-testing will be performed, if necessary, to confirm system connectivity in locations where such connectivity is not shown in the CLIENT's GIS dataset. Manhole surveys will include determining the diameter and material of those pipes seen in the structure.
- ▶ The CONSULTANT will coordinate with the CLIENT and the CLIENT will send out survey letters along the alignment.
- ▶ The CONSULTANT will perform a topographic survey along the PROJECT route to establish profile and location of all pertinent planimetric features and field markings provided the CONSULTANT's SUE staff. The survey will be an approximate 50-foot corridor along the

centerline of the existing sewer line. The survey will utilize UAS (unmanned aerial system) technologies as well as traditional survey methodologies to complete the field work. All surveys will be based on NAD 1983 State Plane Coordinates and will be listed on plan sheets.

- ▶ Remaining critical utilities (water, storm drains, gas, electric, etc.) within the PROJECT will be surveyed to determine their location (XYZ) to horizontal and vertical (10 assumed) accuracy of Class A survey.

**Task Meetings and Deliverables:**

- ▶ CAD survey mapping based on a 1:40 Scale
- ▶ A&WR R/W Encroachment applications
- ▶ CSX Railroad Encroachment applications

## **Task 6 – Geotechnical Exploration / CCTV and MH Assessments: Report Development & Review**

The CONSULTANT will provide the following tasks unless otherwise noted.

**A. Geotechnical Exploration**

- ▶ Perform up to ten (10) test borings along the proposed route to include preparing bore layouts, utility location, and traffic control.
- ▶ Geotechnical Report

**B. CCTV and MH Assessments**

- ▶ Perform CCTV assessment of the sewer system to verify connectivity and the existence/location of any active service laterals.
- ▶ Perform manhole assessments of affected manholes in accordance with Level I Manhole Assessment Certification Program (MACP) standards.
- ▶ The CONSULTANT will provide the CCTV and manhole assessments using a subconsultant selected for the services.
- ▶ Review of footage and development of NASSCO standard reports

**Task Meetings and Deliverables:**

- ▶ Geotechnical Report
- ▶ Video/photography of sewers and manholes
- ▶ Manhole and sewer assessment reports

## **Task 7 – Design Phase Services**

Based on the data and other information developed as part of the preceding Tasks the CONSULTANT will take the following steps to produce a preliminary design.

- ▶ The CONSULTANT will conduct a review of compiled data including the CCTV footages, manhole assessments, mapping and surveys, and SUE.
- ▶ The CONSULTANT will evaluate collected data to determine appropriate methods of manhole and pipeline replacement/rehabilitation which may include dig-and-replace, pipe bursting (HDPE, PVC and/or DIP), as well as cementitious lining and high-performance coatings for manhole rehabilitations/replacements.
- ▶ The CONSULTANT will consider the necessary logistics for maintaining water/sewer service to minimize interruption to service.

- ▶ Prepare a Preliminary Delineation Exhibit documenting the wetlands and streams to be surveyed, which will be provided to the client for preliminary planning purposes.

Once the above has been completed, the CONSULTANT will meet with the CLIENT to discuss the design and construction approach options identified with a goal of determining the design approach on which to develop the drawings.

After an approach has been determined the CONSULTANT will prepare detailed construction documents for the PROJECT as follows. The CONSULTANT will meet with the CLIENT at the CLIENT's request attend one (1) meeting for each submittal to review and discuss the construction documents.

- ▶ 30% design drawings at 1"-40' scale (Horizontal Alignment with Preliminary Vertical Alignment), Specification Table of Contents and Preliminary Opinion of Cost (Using available GIS Data and LiDAR)
- ▶ 60% design drawings at 1"-40' scale (Horizontal Alignment with Preliminary Vertical Alignment), Specification Table of Contents and Draft Opinion of Cost.
- ▶ 90% design drawings at 1"-40' scale (Horizontal Alignment with Preliminary Vertical Alignment), Specification Table of Contents and Draft Opinion of Cost.
- ▶ Final design drawings at 1"-40' scale and Specifications with an Opinion of Cost based on the final design.
- ▶ Front end documents and technical specifications will be developed this Project based on the Project Manual developed for other recent Sanford projects.
- ▶ Updated CLIENT standard details will be used on this Project, but if no such detail exists then the CONSULTANT will provide a detail.
- ▶ The construction documents for the PROJECT will consist of an overall site plan, plan and profile sheets of sewer line, sedimentation and erosion control, construction drawings details, Project Manual (Front End Documents and Technical specifications from the CLIENT, and a Bid Schedule prepared by the CONSULTANT).
- ▶ The CONSULTANT will coordinate design efforts with NCDOT and the railroads to expedite the approvals necessary for the installation of the sewer line within the R/Ws.

#### **Task Meetings and Deliverables:**

- ▶ Up to four (4) meetings and summaries at the completion of each design step.
- ▶ 30%, 60%, 90%, and final drawings.
- ▶ 90% and final Project Manuals
- ▶ 30%, 60%, 90%, and final OCs
- ▶ Permitting/Approval Exhibits
- ▶ Sedimentation and Erosion Control application\*
- ▶ A&WR R/W Encroachment applications\*
- ▶ CSX Railroad Encroachment applications\*
- ▶ NCDOT R/W Encroachment Agreement application\*
- ▶ Railroad and NCDOT coordination
- ▶ NCDEQ Fast-Track Sewer application\*

\*The CLIENT will pay or reimburse the Consultant for any application fees.

## **Task 8 – FEMA Coordination**

### **A. No-Rise Feasibility Evaluation**

The CONSULTANT will conduct a flood study to determine the potential feasibility of a No-Rise Certification for the proposed sanitary sewer line replacement. The CONSULTANT will obtain the effective hydraulic model from the North Carolina Floodplain Mapping Program. The CONSULTANT will modify the HEC-RAS hydraulic model using survey data provided by the Client and hydrologic data following acceptable practices outlined by FEMA. The CONSULTANT will incorporate the proposed improvements into the model. At the completion of analysis, the CONSULTANT will advise on the potential feasibility of a No-Rise Certification.

B. Flood Study Permitting Services

Base on the results of the No-Rise Feasibility Evaluation and upon written authorization from the Client, the CONSULTANT will proceed with either Task 8.B(a) (No-Rise Permitting) or 8.B(b) (CLOMR/LOMR FEMA Permitting) as follows:

a. No-Rise Permitting

No-Rise Certification Submittal

CONSULTANT will prepare and submit a No-Rise Certification and accompanying documentation for the Community Floodplain Manager's approvals. The CONSULTANT will respond to FEMA and the Community Floodplain Manager's review comments as part of this task.

No-Rise As-Built Survey

After completion of construction, the CONSULTANT will complete a survey of as-built elevations to include sewer inverts, top of building slabs, and the locations of fill placed within the floodway or floodplain in support of a No-Rise As-Built Certification Submittal.

No-Rise As-Built Certification Submittal

The CONSULTANT will update the No-Rise Certification model with the as-built survey information. The CONSULTANT will prepare a No-Rise As-Built Certification Submittal for the Community Floodplain Manager's approval. The No-Rise Certification Submittal will include a report of findings, sealed by a licensed engineer. The CONSULTANT will respond to the Community Floodplain Manager's review comments as part of this task.

Fees for this Task are estimated assuming that the as-built conditions match the original No-Rise Certification model and thereby minimal modeling is anticipated. If as-built conditions vary from the No-Rise Certification model, then additional engineering fees shall be required.

b. CLOMR/LOMR FEMA Permitting

CLOMR Submittal

CONSULTANT will prepare a CLOMR application for FEMA and the Community Floodplain Manager's approvals. The CLOMR application will include a report of findings along with the associated 100-year flood elevation mapping, sealed by a licensed engineer. The CONSULTANT will respond to FEMA and the Community Floodplain Manager's review comments as part of this task. CONSULTANT will provide draft public notice documents for advertisement by the Community

Floodplain Manager. The CLOMR application will be submitted to the North Carolina Floodplain Mapping Program (NCFMP) for approval.

#### LOMR As-Built Survey

After completion of construction, the CONSULTANT will complete a survey of as-built elevations to include sewer inverts, top of building slabs, and the locations of fill placed within the floodway or floodplain in support of a LOMR.

#### LOMR Permitting

After proper approvals and upon completion of construction, a Letter of Map Revision (LOMR) will be required. Fees for this Task are estimated assuming that the as-built conditions match the CLOMR approved model and thereby minimal modeling is anticipated. If as-built conditions vary from the CLOMR approved model, then additional engineering fees shall be required.

The CONSULTANT will update the approved CLOMR model with the as-built survey information. The CONSULTANT will prepare a LOMR application for FEMA and the Community Floodplain Manager's approvals. The LOMR application will include a report of findings along with the associated 100-year flood elevation mapping, sealed by a licensed engineer. The CONSULTANT will respond to FEMA and the Community Floodplain Manager's review comments as part of this task. CONSULTANT will provide final public notice documents for advertisement by the Community Floodplain Manager. The LOMR application will be submitted to the North Carolina Floodplain Mapping Program (NCFMP) for approval.

A No-Rise As-built Certification Submittal cannot begin until after construction has been completed and roads, channels, and drainage structures can be as-built surveyed. The schedule for construction activities are outside of the control of the CONSULTANT. The CONSULTANT reserves the right to charge additional fees for As-built Certification Submittal if the constructed facilities are not in compliance with the No-Rise Certification Submittal.

LOMR Permitting cannot begin until after construction has been completed and can be as-built surveyed. The schedule for construction activities are outside of the control of the CONSULTANT. The CONSULTANT reserves the right to charge additional fees for LOMR Permitting if the constructed facilities are not in compliance with the CLOMR.

#### **Task Meetings and Deliverables:**

- ▶ No-Rise Feasibility Evaluation and model.
- ▶ No-Rise or CLOMR model and documentation of NCFMP
- ▶ Floodplain Impact Permit Application
- ▶ No-Impact or LOMR Certification and As-built Survey (and documentation)

### **Task 9 – Construction Easements**

Upon approval by the CLIENT, the CONSULTANT will perform the necessary property surveys required to obtain Temporary and/or Permanent Construction easements.

- ▶ The CONSULTANT will conduct the property research and prepare plats and easements descriptions suitable for the CLIENT's use to obtain and record the property transactions.

- ▶ Pricing for this item is included in the Compensation for Services section below under Hourly/Unit Fees, based on the number of parcels for which deeds are prepared for.
- ▶ Easement negotiations and recording to be performed by others.

**Task Meetings and Deliverables:**

- ▶ Up to five (5) Permanent/TCE Easement Plats.

### **Task 10 – Bid Phase Services**

The CONSULTANT will perform the Bidding Services that include the following sub-tasks. This Task assumes a single bid process. Additional and/or multiple bids shall be considered Additional Services.

**A. Bid Advertisement**

- ▶ The CONSULTANT will assist the CLIENT in advertising the PROJECT for competitive formal bids. This will include preparing the "Notice to Bidders" for use by the CLIENT for advertising in local newspapers, plan rooms and the CLIENT's website.
- ▶ The CONSULTANT will provide electronic copies of construction documents for advertisement and bidding.

**B. Pre-Bid Meeting**

- ▶ The CONSULTANT will conduct a Pre-Bid Meeting with CLIENT, and prospective bidders and material suppliers. The CONSULTANT will prepare the agenda, take notes, and prepare a summary report of the meeting for distribution.
- ▶ The CONSULTANT will manage the project addendums. Subsequent to the Pre-Bid meeting the CONSULTANT will issue an addendum with the Pre-Bid Meeting Summary. During the bidding phase the CONSULTANT will issue additional addenda as deemed necessary by the CONSULTANT and/or the CLIENT. (Assume four (4) Addenda)

**C. Bid Opening**

- ▶ The CONSULTANT will attend the bid opening, prepare the bid tabulation documents, open bids and read into record as well as discuss the bid results with the CLIENT.
- ▶ The CONSULTANT will tabulate the bids and issue an opinion to the CLIENT as to the responsible low bidder for the project.

**Task Meetings and Deliverables:**

- ▶ Notice to Bidders
- ▶ Pre-Bid Meeting and summary
- ▶ Bid Opening Meeting and summary
- ▶ Up to four (4) Addenda
- ▶ Bid Tabulation, Results, and Recommendation

## **C. Additional Services Tasks:**

Upon receipt of separate written authorization from the CLIENT, the CONSULTANT will perform the Tasks 11 and 12.

## Task 11 – Construction Administration (CA) Services

As construction administration and review services are requested by the CLIENT, CLIENT agrees that such administration, review, or interpretation of construction work or documents by CONSULTANT shall not relieve any contractor from liability in regard to its duty to comply with the engineering standards for the Project, and shall not give rise to a claim against a contractor's failure to hold in accordance with the applicable plans, specifications or standards.

### A. Pre-Construction Conference

The CONSULTANT will attend a Pre-Construction Conference. At the pre-construction conference, procedural guidelines and specific Project requirements will be discussed with the CONTRACTOR. Among the items to be addressed are: correspondence distribution, shop drawing and scheduling procedures, Notice-to-Proceed date, critical schedule requirements, payment procedures, staging areas, emergency procedures, survey control requirements, quality control procedures and requirements, and coordination with quality assurance testing. The CONSULTANT will prepare and provide a meeting summary to the CLIENT and the CONTRACTOR. The CONTRACTOR shall be responsible to provide its SUB CONTRACTORS with the meeting summary(s).

### B. Construction Contract Administration

The CONSULTANT will act on behalf of the CLIENT and act as its representative during the estimated 270-calendar day construction period. The CONSULTANT will provide contract administration required for the PROJECT, including:

- ▶ Carry out the duties and responsibilities as the CONSULTANT as stated in the General Conditions and Supplemental Conditions of the construction contract; on behalf of the CLIENT, the CONSULTANT shall administer the construction contract, respond to CONTRACTOR correspondence, issue instructions from the CLIENT, and maintain a complete document file for the PROJECT. Documents to be maintained include, but are not limited to: correspondence, quality control procedures, daily observation records, shop drawing schedule, shop drawing and submittal log, change orders, scheduling, PROJECT meetings, costs and disbursement data, and progress reports. CONSULTANT will supervise and manage the work performed by the Resident Project Representative (RPR) during construction.

### C. Progress Meetings/Site Visits

During the estimated 270-calendar day construction period, the CONSULTANT will hold monthly progress meetings from Notice-to-Proceed through Substantial Completion. In these meetings, the CLIENT, CONSULTANT, and the CONTRACTOR will address such items including but not limited to: schedules, coordination problems, design issues, construction issues, pending change orders, outstanding shop drawings and other submittals, procurement delays, material or construction issues, and other issues related to completion of the PROJECT.

Based on on-site observations by the CONSULTANT and RPR, CONSULTANT will keep the CLIENT informed of the progress of the work and may recommend to the CLIENT to disapprove or reject work that does not conform to the Contract Documents.

### D. Shop Drawing and Submittals Review

The CONSULTANT will review and respond to Shop Drawings and submittals which the CONTRACTOR is required to submit for conformance with the design concept and compliance with the information given in the Contract Documents; The CONSULTANT will transmit one copy of shop drawings to the CLIENT with written comments. Included in the shop drawing review is the assessment of alternates proposed by the CONTRACTOR. Alternate requests will be reviewed for conformance with the Contract Specifications. This subtask assumes the review and response to up to 12 sets of Shop Drawings and reviews and responses to other submittals.

E. Review Pay Requests

Based on the on-site observations, information provided by the RPR, and review of the applications for payment and the accompanying data and schedules, the CONSULTANT will assess the percentage of PROJECT completion by the CONTRACTOR and recommend payments to the CONTRACTOR in the appropriate amount.

By recommending payment, CONSULTANT shall not thereby be deemed to have represented that observations made by CONSULTANT to check the quality or quantity of Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's Work in progress, or have involved detailed inspections of the Work beyond the responsibilities specifically assigned to CONSULTANT in this Agreement. Neither CONSULTANT's review of Contractor's Work for the purposes of recommending payments nor CONSULTANT's recommendation of any payment including final payment will impose on CONSULTANT responsibility to supervise, direct, or control the Work, or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to Contractor's furnishing and performing the Work.

F. Change Orders and Time Extensions

The CONSULTANT will provide contract administration services in connection with changes to the construction contract that reflect minor changes or deletions requested by the CLIENT, the CONSULTANT, or the CONTRACTOR. The CONSULTANT will maintain a listing of additional costs and credits as a result of change orders. CLIENT agrees to review change orders prepared by CONSULTANT and issue a directive on its opinion of the change order in writing. Larger changes or claims asserted by the CONTRACTOR and/or redesigns, analyses, or evaluation that are beyond the scope of this Scope of Services or required through no fault of the CONSULTANT, requested by the CLIENT or CONTRACTOR, shall be considered Additional Services.

G. Final Walk-Through and Certification

The CONSULTANT will conduct a walk-through review with the CONTRACTOR and the RPR to determine if the PROJECT has reached substantial completion and prepare a punch list of work items needed to meet final completion. After the CONTRACTOR has addressed the items in the punch list, the CONSULTANT will conduct one final walk-through review to determine if the work is acceptable and is in substantial conformance with the drawings and specifications to the best of the CONSULTANT's knowledge. Once the CONSULTANT and CLIENT deem the work to be acceptable and in substantial conformance with the drawings and specifications (to the best of the CONSULTANT's knowledge), the CONSULTANT can provide written notice of such to the CLIENT.

Additionally, the CONSULTANT can recommend final payment to CONTRACTOR as appropriate. Additionally, the CONSULTANT can certify that the PROJECT was built within substantial conformance with the drawings and specifications (to the best of the CONSULTANT's knowledge), but only if:

- ▶ CONSULTANT has been allowed to observe construction activities, startup, and testing which he deems appropriate.
- ▶ CONSULTANT determines that his observations support that the construction was carried out satisfactorily.
- ▶ Known nonconforming construction has been satisfactorily corrected.

#### H. Prepare Record Drawings

Using redline drawings, construction survey, and other information prepared by the CONTRACTOR and the RPR, the CONSULTANT will prepare Record Drawings for the PROJECT.

#### I. Resident Project Representative

The CONSULTANT will provide resident project representative services to the CLIENT. The duties are as follows:

- ▶ Observe the if the construction is proceeding according the Drawings and Specifications.
- ▶ Document the work in daily field observation reports.
- ▶ Document weather conditions as well as the ability of the contractor to perform the work.
- ▶ The Task assumes that full time observation will be required during most of the project and for critical stages. Non-critical stages of construction that include activities such as clearing, stripping, erosion and sediment control, miscellaneous grading, and seeding when only periodic observation may be warranted.
- ▶ The effort for this Task is based on a forty (40) hour work week, Monday through Friday plus additional time to prepare daily reports and internal supervision. If the Contractor desires to work more than forty (40) hours per week and/or on weekends the additional RPR effort and expenses shall be considered additional services.
- ▶ Utilizing the assumptions discussed above, the CONSULTANT has estimated that approximately 1,903 RPR hours will be required. The CONSULTANT is assuming there will be a full-time RPR for the duration of the PROJECT. The CONSULTANT has no control over inclement weather, the sequence, productivity, and, most importantly, the timing with which the Contractor will complete the work, and thus the number of field observation hours may differ from the 1,903 hours estimate. A day-by-day log will be kept of RPR hours so that the CLIENT can track the expenditure of these hours. If conditions of the Agreement or the scope of the work defined in the Agreement between the CONTRACTOR and the CLIENT is modified, such that the contract time is extended, then the CONSULTANT reserves the right to negotiate an increase in the budget for this task.

If, through no fault of CONSULTANT, such periods of time or dates are changed, or the orderly and continuous progress of CONSULTANT's services is impaired, or CONSULTANT's services are delayed or suspended, then the time for completion of CONSULTANT's services, and the rates and amounts of CONSULTANT's compensation, shall be adjusted equitably.

#### J. Standards of Performance

- ▶ CONSULTANT shall not at any time supervise, direct, control, or have authority over any CONTRACTOR's work, nor shall CONSULTANT have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any CONTRACTOR, or the safety precautions and programs incident thereto, for security or safety at the Site, nor for any failure of a CONTRACTOR to comply with Laws and Regulations applicable to that CONTRACTOR's furnishing and performing of its work. CONSULTANT shall not be responsible for the acts or omissions of any CONTRACTOR.
- ▶ CONSULTANT neither guarantees the performance of any CONTRACTOR nor assumes responsibility for any CONTRACTOR's, failure to furnish and perform the Work in accordance with the Construction Contract Documents.

CONSULTANT shall not be responsible for any decision made regarding the Construction Contract Documents, or any application, interpretation, clarification, or modification of the Construction Contract Documents, other than those made by CONSULTANT or its Consultants.

#### Task Meetings and Deliverables:

- ▶ Pre-Construction Meeting and summary
- ▶ Monthly Progress Meetings and summaries (assume 9)
- ▶ Daily reports
- ▶ Up to 10 RFIs
- ▶ Change Orders/Time Extensions
- ▶ Submittals/Shop Drawings reviews (assume 12)
- ▶ Pay Application Reviews
- ▶ Final Walkthrough Punchlist
- ▶ Closeout document review
- ▶ Certification
- ▶ Misc. Contractor Communication
- ▶ Final Acceptance Review Punchlist
- ▶ Perform / prepare correspondence, quality control procedures, daily observation records, shop drawing schedule, shop drawing and submittal log, change orders, scheduling, PROJECT meetings, costs and disbursement data, and progress reports.

### **Task 12 - Post-Construction Phase**

Upon written authorization from CLIENT during the Post-Construction Phase, CONSULTANT shall:

- ▶ Together with CLIENT, visit the Project to observe any apparent defects in the work, make recommendations as to replacement or correction of defective Work, if any, or the need to repair of any damage to the Site or adjacent areas, and assist CLIENT in consultations and discussions with Contractor concerning correction of any such defective work and any needed repairs.
- ▶ Together with CLIENT, visit the Project within one month before the end of the Construction Contract's correction period to ascertain whether any portion of the work or the repair of any damage to the Site or adjacent areas is defective and therefore subject to correction by Contractor.

- ▶ The Post-Construction Phase services may commence during the Construction Phase and, if not otherwise modified, will terminate twelve months after the commencement of the Construction Contract's correction period.

**Task Meetings and Deliverables:**

- ▶ Site walk through
- ▶ Report on findings and recommendations regarding repairs and/or corrections.

## D. Additional Services

Tasks 11 and 12 and other services that are not included in Section B or are specifically excluded from this AGREEMENT shall be considered Additional Services. The CONSULTANT will furnish or obtain from others Additional Services if requested in writing by the CLIENT and accepted by the CONSULTANT. Additional Services shall be paid by the CLIENT in accordance with the Fee & Expense Schedule outlined in Exhibit II.

- ▶ Surveying and SUE services other than specified in Section B
- ▶ Boundary Surveying
- ▶ Environmental services other than specified in Section B
- ▶ Phase I or Phase II ESAs
- ▶ Archeological assessments
- ▶ State Historical Preservation coordination
- ▶ Individual 404 Permit Application

## E. Client Responsibilities

During the performance of the CONSULTANT's services under this AGREEMENT, the CLIENT will:

- ▶ Provide access to all PROJECT areas.
- ▶ Obtaining right-of-entry across private property.
- ▶ Provide any information needed to complete the PROJECT not specifically addressed in the Scope of Services
- ▶ Execute the all necessary agreements with NCDOT, NCRR and CSX required for project approvals.
- ▶ Provide all available information pertinent to the PROJECT, including any GIS information, reports, maps, drawings, and any other data relative to the PROJECT
- ▶ Examine all proposals, reports, sketches, estimates and other documents presented by the CONSULTANT and render in writing decisions pertaining thereto within a reasonable period so as not to delay the services of the CONSULTANT
- ▶ Give prompt written notice to the CONSULTANT whenever the CLIENT observes or otherwise becomes aware of any defect in the PROJECT
- ▶ Pay all permit/review fees directly
- ▶ Handle matters requiring an attorney at law
- ▶ All regulatory and permitting fees (including all CLOMR/LOMR fees) charged by others shall be paid directly by the Client. (NOTE: The fee schedule posted by FEMA as of November 2019 is: CLOMR fee is \$6,750. LOMR fee \$8,250. This fee schedule is subject to change and provided for information only.)
- ▶ All fees charged by other related to advertising and public notices (as needed).
- ▶ Owner is responsible for supplying water for CCTV.

- ▶ Owner is responsible for supplying a place to dump debris collected from sewer or storm drain for CCTV
- ▶ Owner is responsible for digging up camera or cleaning nozzle if hung due to bad pipe or unknown buried structure for CCTV
- ▶ Owner is responsible for having a cleared and accessible easement for CCTV.
- ▶ Any changes to the alternatives or PROJECT requirements after CONSULTANT have begun work may require additional fees.
- ▶ Provide clearing and access to the aerial pipelines up to wetland areas
- ▶ Provide any information needed to complete the PROJECT not specifically addressed in the Scope of Services
- ▶ Provide all available information pertinent to the PROJECT, including any GIS information, reports, maps, drawings, and any other data relative to the PROJECT
- ▶ Examine all proposals, reports, sketches, estimates and other documents presented by the CONSULTANT and render in writing decisions pertaining thereto within a reasonable period so as not to delay the services of the CONSULTANT
- ▶ Give prompt written notice to the CONSULTANT whenever the CLIENT observes or otherwise becomes aware of any defect in the PROJECT
- ▶ Take pipeline coupons at locations agreed to by the CONSULTANT and CLIENT
- ▶ Pay all permit/review fees directly
- ▶ Handle matters requiring an attorney at law

Any changes to the alternatives or PROJECT requirements after CONSULTANT has begun work may require additional fees.

## F. Compensation for Services

### Hourly Fee

CONSULTANT proposes to provide the Scope of Services previously outlined on an hourly basis with an estimated budget as described in the following table. Compensation shall not exceed the total estimated compensation amount unless approved in writing by CLIENT.

Task Number	Task Name	*Hourly Fee Budget
1	Project Development	\$40,000
2	Project Management	\$22,000
3	Funding Source Assistance	\$45,000
4	Environmental Services	\$22,230
5	SUE and Survey	\$85,000
6	Geotechnical Exploration / CCTV and MH Assessments: Report Development & Review	\$42,500
7	Design Phase Services	\$94,000
8	FEMA Coordination	\$39,000
9	Construction Easements	\$11,000
10	Bid Phase Services	\$13,900
11	Construction Administration (CA) Services (Additional Services)	TBD
12	Post-Construction Phase Services (Additional Services)	TBD
<b>Total</b>		<b>\$414,630</b>

1. The Hourly Fee Budget estimate includes expenses such as mileage, printing, per diem, and similar expenses.
2. CLIENT shall pay CONSULTANT for Basic Services by an amount equal to the cumulative hours charged to the PROJECT by each class of CONSULTANT's personnel times Standard Hourly Rates (at the then current Fee & Expense Schedule) for each applicable billing class for all services performed on the PROJECT and reimbursable expenses which are include in the Hourly Fee Budget.
3. CONSULTANT may alter the distribution of compensation between individual phases of the work noted herein to be consistent with services rendered but shall not exceed the total estimated compensation amount unless approved in writing by CLIENT.
4. The Standard Hourly Rates charged by CONSULTANT constitute full and complete compensation for CONSULTANT's services, including labor costs, overhead, and profit.
5. CONSULTANT's estimate of the amounts that will become payable for specified services are only estimates for planning purposes, are not binding on the parties, and are not the minimum or maximum amounts payable to CONSULTANT under the Agreement.
6. When estimated compensation amounts have been stated herein and it subsequently becomes apparent to CONSULTANT that the total compensation amount thus estimated will be exceeded, CONSULTANT shall give CLIENT written notice thereof, allowing CLIENT to consider its options, including suspension or termination of CONSULTANT's services for CLIENT's convenience. Upon notice, CLIENT and CONSULTANT promptly shall review the matter of services remaining to be performed and compensation for such services. CLIENT shall either exercise its right to suspend or terminate CONSULTANT's services for CLIENT's convenience, agree to

such compensation exceeding said estimated amount, or agree to a reduction in the remaining services to be rendered by CONSULTANT, so that total compensation for such services will not exceed said estimated amount when such services are completed. If CLIENT decides not to suspend the CONSULTANT's services during the negotiations and CONSULTANT exceeds the estimated amount before CLIENT and CONSULTANT have agreed to an increase in the compensation due CONSULTANT or a reduction in the remaining services, then CONSULTANT shall be paid for all services rendered hereunder.

7. The CONSULTANT will bill the CLIENT for subcontracted expenses based on the unit prices charged for each class of work that has been accepted plus 15%.

## **G. Timeline for Services**

The professional services described herein shall be completed and submitted within a timeframe mutually agreed upon between the CLIENT and CONSULTANT.

## H. Acceptance

Receipt of an executed copy of this agreement will serve as the written agreement between CONSULTANT and CLIENT for the services outlined.

**Submitted by CONSULTANT:**

WithersRavenel, Inc.  
115 MacKenan Drive  
Cary, NC 27511




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Authorized Signature

Jeffrey J. Wing, PE, LEED AP  
Printed Name

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Vice President, Director - Utilities  
Title

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jwing@withersravenel.com  
Email Address

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919.469.3340  
Phone

---

**Accepted by CLIENT:**

City of Sanford  
225 E. Weatherspoon Street  
Sanford, NC 27331

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Authorized Signature

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Printed Name

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Title

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Email Address

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Phone

**PREAUDIT STATEMENT:** *This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act (NC G.S. 159-28(a)).*

Signature of Finance Officer:

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Printed Name:

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Date:

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Exhibit I – Modified (Sanford) Terms and Conditions  
Exhibit II – Fee & Expense Schedule

## EXHIBIT I - Sanford

### Modified Terms and Conditions

WithersRavenel, Inc.

The proposal submitted by WithersRavenel, INC. ("CONSULTANT") is subject to the following terms and conditions (collectively referred to as the "Agreement") and, by accepting the proposal, the services, or any part thereof, the CLIENT agrees and accepts the terms and conditions outlined below:

1. **Payment:**

- a) The CLIENT will pay CONSULTANT for services and expenses in accordance with periodic invoices to CLIENT and a final invoice upon completion of the services. Each invoice is due and payable in full upon presentation to CLIENT.
- b) If the CLIENT fails to make payment to the CONSULTANT within 45 days after the transmittal of an invoice, the CONSULTANT may, after giving 7 days written notice to the CLIENT, suspend services under this Agreement until all amounts due hereunder are paid in full. If an invoice remains unpaid after 90 days from invoice date, the CONSULTANT may terminate the Agreement and/or initiate legal proceedings to collect the fees owed, plus other reasonable expenses of collection including attorney's fees.

2. **Standard of Care:** CONSULTANT shall perform Agreement for CLIENT in a professional manner, using that degree of care and skill ordinarily exercised by and consistent with the standards of professionals providing the same services in the same or a similar locality as the project. THERE ARE NO OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE THAT WILL OR CAN ARISE OUT OF THE SERVICES PROVIDED BY CONSULTANT OR THIS AGREEMENT.

3. **Waiver of Consequential Damages/Limitation of Liability:** CLIENT agrees that CONSULTANT's aggregate liability for any and all claims that may be asserted by CLIENT is limited to \$1,000,000 or to the fee paid to CONSULTANT under this Agreement, whichever is greater.

4. **Representations of CLIENT:** CLIENT warrants and covenants that sufficient funds are available or will be available upon receipt of CONSULTANT's invoice to make payment in full for the services rendered by CONSULTANT, and that such payments shall be made in a timely fashion.

5. **Ownership of Instruments of Service:** All reports, plans, specifications, field data and notes and other documents, including all documents on electronic media, prepared by the CONSULTANT as instrument of service, shall remain the property of the CONSULTANT. The CONSULTANT shall retain all common law, statutory and other rights, including the copyright thereto. In the event of termination of this Agreement and upon full payment of fees owed to CONSULTANT,

CONSULTANT shall make available to CLIENT copies of all plans and specifications.

7. **Change Orders:** CONSULTANT will treat as a change order any written or oral order (including directions, instructions, interpretations or determinations) from CLIENT which request changes in the Agreement or CONSULTANT's scope of work. CONSULTANT will give CLIENT written notice within ten (10) days of a Change Order of any resulting increase in CONSULTANT's fees.

8. **Opinion of Cost/Cost Estimates:** Since the CONSULTANT has no control over the cost of labor, materials, equipment of services furnished by others, or over methods of determining prices, or over competitive bidding or market conditions, any and all opinions as to costs rendered hereunder, including but not limited to opinions as to the costs of construction and materials, shall be made on the basis of its experience and qualifications and represent its best judgment as an experienced and qualified professional familiar with the construction industry; but the CONSULTANT cannot and does not guarantee the proposals, bids or actual costs and will not vary significantly from opinions of probable costs prepared by it. If at any time the CLIENT wishes greater assurances as to the amount of any costs, he shall employ an independent cost estimator to make such determination.

9. **Assignment and Third Parties:** Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than the CLIENT and CONSULTANT, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of the CLIENT and the CONSULTANT and not for the benefit of any other party. Neither the CLIENT nor the CONSULTANT shall assign, sublet, or transfer any rights under or interests in this Agreement without the written consent of the other which shall not be unreasonably withheld. However, nothing contained herein shall prevent or restrict the CONSULTANT from employing independent subconsultants as the CONSULTANT may deem appropriate to assist in the performance of services hereunder.

10. **Project Site:** Should CLIENT not be owner of the project site, then CLIENT agrees to notify the site owner of the possibility of unavoidable alteration and damage to the site.

11. **Access to Site:** CLIENT is responsible for providing legal and unencumbered access to site, including securing all necessary site access agreements or easements, to the extent necessary for the CONSULTANT to carry out his services.

12. **Survival:** All of CLIENT's obligations and liabilities, including but not limited to CONSULTANT's rights and remedies with respect thereto, shall survive completion of the expiration or termination of this Agreement.

13. **Termination:** Either party may terminate the Agreement with or without cause upon ten (10) days advance written notice, if the other party has not cured or taken reasonable steps to cure the breach giving rise to termination within the ten (10) day notice period. If CLIENT terminates without cause or if CONSULTANT terminates for cause, CLIENT will pay CONSULTANT for all costs incurred, non-cancelable commitments, and fees earned to the date of termination and through demobilization, including any cancellation charges of vendors and subcontractors, as well as demobilization costs.

14. **Severability:** If any provision of this Agreement, or application thereof to any person or circumstance, is found to be invalid then such provision shall be modified if possible, to fulfill the intent of the parties as reflected in the original provision, the remainder of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and each provision of this Agreement shall be valid and enforced to the fullest extent permitted by the law.

15. **No Waiver:** No waiver by either party of any default by the other party in the performance of any provision of this Agreement shall operate as or be construed as a waiver of any future default, whether like or difference in character.

16. **Merger, Amendment:** This Agreement constitutes the entire Agreement between the CONSULTANT and the CLIENT and all integrated negotiations, written and oral understandings between the parties are merged herein. This Agreement can be supplemented and/or amended only by a written document executed by both the CONSULTANT and the CLIENT

17. **Unforeseen Occurrences:** If, during the performance of services hereunder, any unforeseen hazardous substance, material, element of constituent or other unforeseen conditions or occurrences are encountered which, affects or may affect the services, the risk involved in providing the service, or the recommended scope of services, CONSULTANT will promptly notify CLIENT thereof. Subsequent to that notification, CONSULTANT may: (a) if practicable, in CONSULTANT's sole judgment and with approval of CLIENT, complete the original scope of services in accordance with the procedures originally intended in the Proposal; (b) Agree with CLIENT to modify the scope of services and the estimate of charges to include study of the previously unforeseen conditions or occurrences, such revision to be in writing and signed by the parties and incorporated herein; or (c) Terminate the services effective on the date of notification pursuant to the terms of the Agreement.

18. **Force Majeure:** Should completion of any portion of the Agreement be delayed for causes beyond the control of or without the fault or negligence of CONSULTANT, including force majeure, the reasonable time for performance shall be extended for a period at least equal to the delay and the parties shall mutually agree on the terms and conditions upon which Agreement may be continued. Force majeure includes but is not restricted to acts of God, acts or failures of governmental authorities, acts of CLIENT's contractors or agents, fire, floods, epidemics, riots, quarantine restrictions, strikes, civil insurrections, freight embargoes, and unusually severe weather.

19. **Safety:** CONSULTANT is not responsible for site safety or compliance with the Occupational Safety and Health Act of 1970 ("OSHA"). Job site safety remains the sole exclusive responsibility of CLIENT or CLIENT's contractors, except with respect to CONSULTANT'S own employees. Likewise, CONSULTANT shall have no right to direct or stop the work of CLIENT's contractors, agents or employees.

20. **Independent Contractor:** In carrying out its obligations, CONSULTANT shall be acting at all times as an independent contractor and not an employee, agent, partner or joint venturer of CLIENT. CONSULTANT's work does not include any supervision or direction of the work of other contractors, their employees or agents, and CONSULTANT's presence shall in no way create any liability on behalf of CONSULTANT for failure of other contractors, their employees or agents to properly or correctly perform their work

22. **Hazardous Substances:** CLIENT agrees to advise CONSULTANT upon execution of this Agreement of any hazardous substances or any condition existing in, on or near the Project Site presenting a potential danger to human health, the environment or equipment. By virtue of entering into the Agreement or of providing services, CONSULTANT does not assume control of, or responsibility for, the Project Site or the person in charge of the Project Site or undertake responsibility for reporting to any federal, state or local public agencies, any conditions at the project site that may present a potential danger to the public, health, safety or environment except where required of CONSULTANT by law. In the event CONSULTANT encounters hazardous or toxic substances or contamination significantly beyond that originally represented by CLIENT, CONSULTANT may suspend or terminate the Agreement. CLIENT acknowledges that CONSULTANT has no responsibility as a generator, treater, storer, or disposer of hazardous or toxic substances found or identified at a site.

23. **Choice of Law:** The validity, interpretation, and performance of this Agreement shall be governed by and construed in accordance with the law of the State of North Carolina, excluding only its conflicts of laws principles. Any legal proceedings will take place in Lee County, NC.

24. **Construction Services:** If construction administration and review services are requested by the CLIENT, CLIENT agrees that such administration, review, or interpretation of construction work or documents by CONSULTANT shall not relieve any contractor from liability in regard to its duty to comply with the engineering standards for the Project, and shall not give rise to a claim against a contractor's failure to hold in accordance with the applicable plans, specifications or standards.

25. **Field Representative:** If CONSULTANT provides field services or construction observation services, the presence of the CONSULTANT's field personnel will only be for the purpose of providing observation and field testing of specific aspects of the Project. Should a contractor be involved in the Project, the CONSULTANT's responsibility does not include the supervision or direction of the actual work of any contractor, its employees or agents. All contractors should be so advised. Contractors should also be informed that neither the presence of the CONSULTANT's field representative nor the observation and testing by the CONSULTANT shall excuse contractor in any way for defects in contractor's work. It is agreed that the CONSULTANT will not be responsible for job or site safety on the Project and that the CONSULTANT does not have the right to stop the work of any contractor.

26. **Submittals:** CONSULTANT's review of shop drawings and other submittals is to determine conformity with the design concept only. Review of shop drawings and submittals does not include means, methods, techniques or procedures of construction, including but not limited to, safety requirements.



## EXHIBIT II

### Fee & Expense Schedule

Description	Rate
<b>Engineering/Landscape Architecture Project Mgmt</b>	
Principal	\$ 205
Client Experience Manager	\$ 190
Senior Project Manager	\$ 175
Project Manager	\$ 160
Assistant Project Manager	\$ 145
<b>Engineering</b>	
Senior Technical Consultant	\$ 190
Senior Project Engineer	\$ 175
Project Engineer III	\$ 160
Project Engineer II	\$ 145
Project Engineer I	\$ 135
Staff Professional III	\$ 125
Staff Professional II	\$ 115
Staff Professional I	\$ 95
Senior Project Coordinator	\$ 110
Project Coordinator	\$ 95
Senior Designer	\$ 140
Designer II	\$ 120
Designer I	\$ 110
Senior CAD Technician	\$ 115
CAD Technician II	\$ 100
CAD Technician I	\$ 90
<b>Landscape Architecture/Planning</b>	
Zoning Specialist	\$ 225
Senior Landscape Architect	\$ 165
Landscape Architect III	\$ 150
Landscape Architect II	\$ 135
Landscape Architect I	\$ 125
Landscape Designer II	\$ 115
Landscape Designer I	\$ 105
Senior Planner	\$ 155
Planner III	\$ 135
Planner II	\$ 115
Planner I	\$ 105
Planning Technician	\$ 95
<b>Construction Administration</b>	
Senior Construction Manager	\$ 155
Construction Manager II	\$ 135
Construction Manager I	\$ 125
Senior Resident Project Representative	\$ 115
Resident Project Representative II	\$ 105
Resident Project Representative I	\$ 95

Description	Rate
<b>Geomatics</b>	
Principal	\$ 200
Senior Technical Consultant	\$ 185
Geomatics Senior Manager	\$ 175
Geomatics Project Manager II (SR PM)	\$ 145
Geomatics Project Manager I	\$ 135
Geomatics Project Professional II	\$ 140
Geomatics Project Professional I	\$ 125
Geomatics CAD III	\$ 110
Geomatics CAD II	\$ 95
Geomatics CAD I	\$ 75
Geomatics GIS Specialist	\$ 120
Geomatics GIS Tech III	\$ 105
Geomatics GIS Tech II	\$ 90
Geomatics GIS Tech I	\$ 75
Geomatics Remote Sensing Crew (2-Man)	\$ 255
Geomatics Remote Sensing Crew (1-Man)	\$ 180
Geomatics SUE Crew (2-Man)	\$ 225
Geomatics SUE Crew (1-Man)	\$ 160
Geomatics Survey Crew III (3-Man)	\$ 200
Geomatics Survey Crew II (2-Man)	\$ 160
Geomatics Survey Crew I (1-Man)	\$ 130
Geomatics Survey Tech IV	\$ 105
Geomatics Survey Tech III	\$ 95
Geomatics Survey Tech II	\$ 70
Geomatics Survey Tech I	\$ 45
<b>Funding and Asset Management</b>	
F&AM Principal Consultant	\$ 165
F&AM Senior Project Manager	\$ 135
F&AM Project Manager	\$ 115
F&AM Project Consultant II	\$ 100
F&AM Project Consultant I	\$ 90
F&AM Staff Professional	\$ 70

Description	Rate
<b>Environmental / Geology</b>	
Principal	\$ 200
Senior Technical Consultant	\$ 185
Environmental Project Professional V	\$ 170
Environmental Project Professional IV	\$ 155
Environmental Project Professional III	\$ 140
Environmental Project Professional II	\$ 130
Environmental Project Professional I	\$ 120
Environmental Staff Professional III	\$ 115
Environmental Staff Professional II	\$ 105
Environmental Staff Professional I	\$ 95
Environmental Technician II	\$ 90
Environmental Technician I	\$ 75
Senior Biologist/Wetlands Scientist	\$ 145
Biologist/Wetlands Scientist III	\$ 125
Biologist/Wetlands Scientist II	\$ 115
Biologist/Wetlands Scientist I	\$ 105
Senior Hydrogeologist	\$ 165
Project Geologist II (Sr. Proj. Geologist)	\$ 140
Project Geologist I	\$ 120
Staff Geologist II	\$ 110
Staff Geologist I	\$ 100
<b>Administrative</b>	
Office Administrator III	\$ 100
Office Administrator II	\$ 95
Office Administrator I	\$ 90
Administrative Assistant III	\$ 80
Administrative Assistant II	\$ 70
Administrative Assistant I	\$ 65
<b>Expenses</b>	
Bond Prints (Per Sheet)	\$ 1.75
Mylar Prints (Per Sheet)	\$ 11.00
Mileage	Per IRS
Delivery - Project Specific (Distance & Priority)	
Subcontractor Fees (Markup)	1.15
Expenses / Reprod. / Permits (Markup)	1.15

Effective January 1, 2020 - Schedule is subject to change

## Consider Municipal Service District Expenditures

Please add a public hearing for MSD expenditure approvals to the January 21, 2020 council meeting. Finance has taken care of sending the public notice advertisements to the Sanford Herald as required by law. The list of expenditures to be approved is listed below:

<b>Training</b>	<b>\$1,250</b>
NC Main Street Conference	
 <b>Postage</b>	 <b>\$100</b>
Monthly Postage Charges	
 <b>Supplies-Holiday Decorations</b>	 <b>\$3,000</b>
Warm lights for Depot Park Christmas Lights	
 <b>Contractual Services</b>	 <b>\$27,545</b>
Director Salary	
 <b>Collection Fees</b>	 <b>\$480</b>
Tax Collection Fees	
 <b>Dues and Subscriptions</b>	 <b>\$850</b>
Chamber Dues	
CANVA	
Quickbooks	
Main Street Dues	
 <b>Building Improvement Grants</b>	 <b>\$5,000</b>
RISE Program	

Let me know if you have any questions or need additional information.

Thanks,

Cindy

Cindy O'Quinn  
 Senior Budget Analyst  
 City of Sanford  
 PO Box 3729  
 Sanford, NC 27331-3729  
 (919)777-1141

**NORTH CAROLINA**

**LEE COUNTY**

**THIS MEMORANDUM OF AGREEMENT (MOA)** is made and entered into, as of the date of the last signature below (the “Effective Date”) by and between **Lee County** (hereinafter “the County”); the **City of Sanford** (hereinafter “the City”); **Vernon Stewart**, District Attorney, Prosecutorial District 12 (hereinafter “the District Attorney”); and the **North Carolina Administrative Office of the Courts** (hereinafter “the NCAOC”).

**WITNESSETH**

**THAT WHEREAS**, the District Attorney has applied to the NCAOC Director, pursuant to G.S. 7A-64, for authority to hire one District Attorney Legal Assistant;

**WHEREAS**, pursuant to G.S. 160A-289.1, the City may appropriate funds under contract with the NCAOC for the provision of services for the speedy disposition of cases involving a threat to public safety;

**WHEREAS**, pursuant to G.S. 153A-212.1, the County may appropriate funds under contract with the NCAOC for the provision of services for the speedy disposition of cases involving a threat to public safety;

**WHEREAS**, the City and the County have appropriated funds to implement a program of expediting these cases, and have budgeted the sum to pay for the personnel position costs for each position listed in Appendix A, which Appendix A is attached hereto and is incorporated herein as if fully set out;

**WHEREAS**, the City and the County have agreed to share the costs associated with the position. Lee County will contribute 50% which reflects \$13,814 of Appendix A and the City of Sanford will contribute 50% which reflects \$13,814 of Appendix A;

**WHEREAS**, the NCAOC is responsible for administering the receipts and expenditures of the Judicial Branch, including the District Attorney’s office, and agrees to invoice the City and the County in amounts which are proportionate to each percentage contribution outlined above;

**WHEREAS**, the parties hereto have mutually agreed to the terms of this MOA as hereinafter set out.

**NOW THEREFORE**, in consideration of the terms and conditions hereinafter set forth, the City and the County do hereby agree to provide funds and the NCAOC agrees to administer those funds on behalf of the District Attorney for the position shown in Appendix A.

**THE TERMS AND CONDITIONS OF THIS AGREEMENT ARE AS FOLLOWS:**

1. The term of this MOA shall be for a period of one year, beginning on February 1, 2020 and terminating on January 31, 2021.
2. The employee under this contract will be the employee of the District Attorney for all purposes, and shall be hired by and work under the supervision and direction of the District Attorney for Prosecutorial District 12.
3. The City and the County will be responsible for paying the personnel and operating costs as budgeted and other related costs that may arise. Any changes in salary shall be communicated in writing to the City, the County, the District Attorney, and the NCAOC. The parties agree to act in good faith to facilitate such budget amendments as may be necessary from time to time. The District Attorney shall provide space and furnishings for their staff positions under this agreement commensurate with other staff offices, using space already provided by the County. The NCAOC shall provide administrative services (including Human Resources processing and payroll services) pursuant to this MOA, but shall not contribute funds or be responsible for paying any operating expenses of the project, nor shall the NCAOC, the City, or the County be responsible for the hiring or supervision of the positions.
4. The City and the County shall provide funds to the NCAOC Deputy Director for Financial Services as outlined in Appendix A. Expenses for unemployment, workers compensation and disability claims, as outlined in paragraph 7 below, are unforeseen expenses which are not included in Appendix A and may increase the financial obligation of the City and the County above and beyond the base amount indicated in Appendix A should a claim be filed.
5. The City and the County agree to provide to the NCAOC all operating costs associated with the position in this contract in accordance with annual NCAOC position cost statements supplied by the NCAOC Financial Services Division, as outlined in Appendix A. Typical operating costs in NCAOC position cost statements represent expenditures such as transportation, meals and lodging, postage, registration fees, maintenance agreements, office equipment, general office supplies, telephone service and equipment, personal computer and printer, software, and wiring and installation. Using funds provided by the City and the County, the NCAOC will purchase and maintain all equipment outlined in Appendix A. The City and the County will submit payment upon the receipt of a detailed invoice.
6. The City and the County agree that they will increase the payments under this MOA by the amount necessary to provide for each of the following increases in the compensation or benefits of any person whose position is funded under this MOA, with each increase to become effective on the effective date of the relevant increase in compensation or benefits as set forth by the North Carolina General Assembly. Should the amounts needed for any increase exceed ten percent (10%) of the total

contract amount, however, the City and the County must agree in writing to any amount in excess of ten percent (10%) of the total contract amount. If the City and the County do not agree in writing to pay the amount in excess of ten percent (10%), then the parties may terminate this MOA in accordance with paragraph 9 below.

- a. Any increase in salary due to legislative act, reclassification, in-range adjustment, or longevity.
  - b. Any increase in salary to which any assistant or deputy clerk is entitled under the pay plan adopted pursuant to G.S. §7A-102
  - c. Any legislatively mandated increase in the employer contributions to the North Carolina Teachers' and State Employees' Retirement System or the Consolidated Judicial Retirement System
  - d. Any legislatively mandated increase in the employer's premium to provide coverage under the North Carolina Teachers' and State Employees' Major Medical Plan
7. The City and the County agree to reimburse the NCAOC for any and all costs arising from an unemployment, workers' compensation and/or disability claim submitted by an employee under this contract who qualifies for such payments based on his/her duration of employment with the Judicial Department. The City and the County agree to reimburse the NCAOC for all costs arising from any such claim that is submitted after the contract period specified in paragraph 1 above, so long as the termination of employment or injury that is the subject of such claim occurred during said contract period. Costs arising from unemployment, workers' compensation and/or disability claims are not included in Appendix A and may result in costs in excess of those outlined in paragraph 4 above. Absent a specific line item in Appendix A for unemployment, workers' compensation, and/or disability costs, such costs may be offset and covered with (i) funds reallocated from other line items, where available; and/or (ii) lapsed salary resulting from vacant positions under this Agreement or future comparable agreements. Vacant positions under this Agreement may be held vacant for an extended period of time to ensure that there will be a sufficient amount of lapsed salary with which to reimburse the NCAOC for any such claims. This provision does not limit the authority of the Office of the North Carolina Attorney General to represent the NCAOC in any litigation that may arise hereunder. Additionally, the NCAOC may purchase worker's compensation insurance to cover any workers' compensation claims that may be filed in accordance with this MOA. The City and the County agree to reimburse the NCAOC for the cost of workers' compensation insurance premiums and deductibles paid by the NCAOC. The NCAOC will send an invoice to the City and the County for payment of any and all costs arising from an unemployment, workers' compensation and/or disability claim and for insurance premiums and deductibles. The invoiced amounts shall be proportionate to the amount allocated by each of the City and the County. The City and the County shall pay any invoice not later than 60 days after the receipt of the invoice by the City and the County.

8. The NCAOC, the City, and the County shall maintain all appropriate documentation of expenditures under this MOA for examination by the Office of the State Auditor. Upon request, the NCAOC shall provide to the City and to the County copies of said documentation and the City and the County shall provide to the NCAOC copies of such documentation.
9. This MOA may be terminated by the City, the County, the NCAOC, or the District Attorney upon giving sixty (60) days' notice in writing or by mutual consent of all of the parties.
10. The District Attorney shall immediately advise the City and the County in writing if the position is vacated. Said vacancy will terminate the operation of this MOA and result in the elimination of the position from the Judicial Department payroll.
11. It is understood and agreed between the City, the County, the District Attorney, and the NCAOC that the extension or renewal of payment specified in this MOA, is dependent upon and subject to the allocation, availability, or appropriation of funds by the City and the County.
12. It is understood and agreed between the City, the County, the District Attorney, and the NCAOC that nothing in this MOA shall be construed to obligate the NCAOC to maintain or request funding for positions or services initially provided under this MOA.
13. The terms of this MOA may be extended or modified by written amendment executed by all the parties.
14. This MOA, including Appendix A attached, is the entire agreement among the parties and there are no other agreements, oral, written, expressed or implied.

**IN WITNESS WHEREOF**, the parties or their duly authorized representatives have executed this MOA as of the Effective Date. The undersigned County Manager and City Manager agree to provide the NCAOC with copies of minutes or other documentation authorizing the execution of this contract on behalf of the County and the City.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**LEE COUNTY**

BY: \_\_\_\_\_  
County Manager

\_\_\_\_\_  
Finance Officer

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

**CITY OF SANFORD**

BY: \_\_\_\_\_  
City Manager

\_\_\_\_\_  
Finance Officer

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

**PROSECUTORIAL DISTRICT 12**

BY: \_\_\_\_\_  
District Attorney

**NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS**

BY: \_\_\_\_\_  
Interim Director

## APPENDIX A

**Estimated Contract Cost**

01/09/20

Invoices will be based on actual, not estimated, costs.

**Position Title: District Attorney Legal Assistant**

	February 2020 - January 2021 Original	February 2020 - January 2021 Adjustments	Projected February 2020 - January 2021 Costs
<b>Salary &amp; Longevity (\$20 per hour, 20 hours each week, 52 weeks)</b>	20,800		<b>20,800</b>
<b>Social Security 7.65%</b>	1,592		<b>1,592</b>
<b>Retirement (not eligible)</b>	0		<b>0</b>
<b>Health Insurance (not eligible)</b>	0		<b>0</b>
<b>Workers' Compensation</b>	104		<b>104</b>
<b>Unemployment</b>	250		<b>250</b>
<b>Office Supplies</b>	600		<b>600</b>
<b>Postage</b>	460	-460	<b>0</b> <sup>1</sup>
<b>Training/Conference Registration Fees</b>	0		<b>0</b> <sup>2</sup>
<b>Other Administrative Expenses</b>	500	-500	<b>0</b> <sup>2</sup>
<b>Law Books</b>	500	-500	<b>0</b> <sup>2</sup>
<b>Expert Witness Fees</b>	5,000	-5,000	<b>0</b> <sup>2</sup>
<b>Transcripts, Records, Briefs</b>	3,000	-3,000	<b>0</b> <sup>2</sup>
<b>Court Exhibits</b>	1,000	-1,000	<b>0</b> <sup>2</sup>
<b>Office Equipment</b>			
Dictation unit	N/R	-498	<b>0</b> <sup>2</sup>
File cabinet	N/R	-360	<b>0</b> <sup>2</sup>
<b>Hardware, Software, Support Services</b>	816		<b>816</b>
<b>Scanner</b>	N/R	-1,463	<b>0</b> <sup>2</sup>
<b>CD/DVD Duplicator</b>	N/R	-713	<b>0</b> <sup>2</sup>
<b>Telecommunications</b>			
Equipment, wiring, installation	N/R	-600	<b>0</b> <sup>2</sup>
Telecommunications - Data	493		<b>493</b>
<b>In-State Travel</b>			
Mileage (3600 miles x \$0.54/mile)	1,944		<b>1,944</b>
Flight	400		<b>400</b>
Ground Transport	50		<b>50</b>
Parking	50		<b>50</b>
Baggage Fees	25		<b>25</b>
Lodging (3 days x \$125/day)	375		<b>375</b>
Meals (3 days x \$43/day)	129		<b>129</b>
<b>Total Cost</b>	\$41,722	-\$14,094	<b>\$27,628</b>
<b>Total Recurring Cost</b>	\$38,088	-\$10,460	<b>\$27,628</b>
<b>Total Non-Recurring Cost</b>	\$3,634	-\$3,634	<b>\$0</b>

Non-recurring (N/R) costs are incurred when a new position is created or equipment is purchased or replaced.

<sup>1</sup> AOC waives recoupment during this fiscal year.<sup>2</sup> Expenses not anticipated during this fiscal year.

**AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET  
OF THE CITY OF SANFORD FY 2019-2020**

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina in regular session assembled.

Section 1: The following amounts are hereby amended to ordinance 2019-37 per G. S. 159-15 for the continued operation of the City of Sanford, its government, and activities for the balance of the fiscal year 2019-2020.

**GENERAL FUND  
APPROPRIATION OF FUNDS**

<u>REVENUES</u>		<u>EXPENDITURES</u>
100045 54000 Appropriated Fund Balance	13,814	10025100 00000 Police
		13,814
<b>Total Appropriation</b>	<b><u>\$ 13,814</u></b>	

Section 2. This ordinance shall be in full force and effective from and after the date of its adoption.

ADOPTED this, the 21st day of January, 2020.

\_\_\_\_\_  
T. Chet Mann, Mayor

ATTEST:

\_\_\_\_\_  
Bonnie Davis, City Clerk

**2019-2020 BUDGET ORDINANCE AMENDMENT****GENERAL FUND****Appropriation of Funds - results in increasing of budget****REVENUES**

Appropriated Fund Balance	13,814	To appropriate fund balance for item described below
---------------------------	--------	--

**EXPENDITURES**

Police	13,814	Project Safe Neighborhood Law Enforcement / Resource Coordinator
--------	--------	--

**AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET  
OF THE CITY OF SANFORD FY 2019-2020**

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina in regular session assembled.

Section 1: The following amounts are hereby amended to ordinance 2019-37 per G. S. 159-15 for the continued operation of the City of Sanford, its government, and activities for the balance of the fiscal year 2019-2020.

**GENERAL FUND  
APPROPRIATION OF FUNDS**

<u>REVENUES</u>	<u>EXPENDITURES</u>
100045 54000 Appropriated Fund Balance	10106600 00000 Golf
10,000	10,000
<b>Total Appropriation</b>	<b><u>\$ 10,000</u></b>

Section 2. This ordinance shall be in full force and effective from and after the date of its adoption.

ADOPTED this, the 21st day of January, 2020.

\_\_\_\_\_  
T. Chet Mann, Mayor

ATTEST:

\_\_\_\_\_  
Bonnie Davis, City Clerk

**2019-2020 BUDGET ORDINANCE AMENDMENT****GENERAL FUND****Appropriation of Funds - results in increasing of budget****REVENUES**

Appropriated Fund Balance	10,000	To appropriate fund balance for item described below
---------------------------	--------	--

**EXPENDITURES**

Golf	10,000	To budget funds for replacement of equipment that maintains bunkers and greens (Sandpro)
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STATE OF NORTH CAROLINA

LEASE

COUNTY OF LEE

This Lease, made and entered into this \_\_\_ day of January 2020, by and between Bharat Forge Aluminum USA, Inc., a North Carolina Corporation (BFA), its successors and assigns, hereinafter referred to as Company, as **Lessor** and City of Sanford, North Carolina, a North Carolina Municipal Corporation, (City), hereinafter referred to as City, as **Lessee**.

WHEREAS Company entered into an Incentive Agreement with Lee County, North Carolina, wherein Lee County agreed to transfer by deed a seventy-eight (78+/-) acre parcel of land to Company for the purpose of constructing a state of the art modern facility for the purpose of manufacturing critical components for the automobile and allied industry; and

WHEREAS Company entered into an Incentive Agreement with City wherein City agreed to provide site improvements (an internal road and grading of a pad) to assist with the Company's construction of a state of the art modern facility for the purpose of manufacturing critical components for the automobile and allied industry; and

WHEREAS Lee County is ready to convey the site to Company but City needs additional time to finish the site improvements; and

WHEREAS Company has agreed to Lease the premises to City to provide a right of access so that site improvements may be completed and the parties hereto wish to memorialize the terms of said agreement as set forth below.

W I T N E S S E T H :

Upon the terms and conditions hereinafter set forth, Lessor leases to Lessee the premises described, below for the consideration hereafter mentioned, and the parties hereto further covenant and agree as follows:

1. Premises. Lessor hereby leases to the Lessee the 78+/- acre parcel of property having tax identification number 9655-22-2125, as described in Exhibit A of the Incentive Agreement with Lee County dated October 16, 2019 and as shown in Plat Cabinet 2019, Slide 175, Lee County Registry.
2. Term. Lessor shall lease to Lessee the premises until such time as the site improvement work described in the Company's Incentive Agreement with the City is completed.
3. Consideration. This lease shall be given in consideration of the sum of One Dollar (\$1.00) in hand paid, the receipt and sufficiency of which is hereby acknowledged, and the improvements and activities performed by Lessee, upon the grounds of the leased premises. Any improvements shall revert to ownership of Lessor at the end of the term of this lease (including any extensions thereto).
4. Right of Access and Use. Lessor hereby grants to Lessee a right of access to the 78+/--acre parcel so that Lessee can complete the site improvements (internal road and pad) as stated in the Incentive Agreement with the City dated October 16, 2019.

- 5. Insurance. Lessee shall require its subcontractors to provide insurance to cover injuries to persons or property due to their activities upon the site. Lessor shall provide general liability insurance for the premises.
- 6. Hold Harmless. The Lessee hereby covenants and agrees to hold the Lessor harmless from claims or liabilities which may arise as a result of Lessee’s use of the premises.
- 7. Subordination and Attornment. Upon request of the Lessor, Lessee will subordinate its rights hereunder to the lien of any mortgage, now or hereafter in force, against the property provided, however, that in such case, the holder of such mortgage or the Lessor shall agree that this lease shall not be divested or in any way affected by foreclosure, or other default proceedings under said mortgage, obligations secured thereby, or Lease, so long as the Lessee shall not be in default under the terms of this Lease. This Lease shall remain in full force and effect notwithstanding any such default proceedings under said mortgage or obligation secured thereby. Lessee shall, in the event of the sale or assignment of Lessor’s interest in the premises, or in the event of any proceedings for the foreclosure of, or in the event of exercise of the power of sale under any mortgage made by Lessor, attorn to the purchaser and recognize such purchaser as Lessor under this Lease.
- 8. Governing Law. This Lease shall be governed by the laws of the State of North Carolina.
- 9. Notices. Any notice required by this Lease shall be addressed to the following:

Lessors: Bharat Forge Aluminum USA, Inc ATTN: Murali Raju 2105 Schmiede Street Surgoinsville, TN 37873 Phone:	Lessee: City Manager City of Sanford P.O. Box 3729 Sanford, NC 27331 Phone: 919-777-1112
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- 10. Amendment. No amendment of this Lease shall be effective unless reduced to writing and subscribed by the parties with all the formalities of the original.
- 11. Binding Effect. This Lease and any amendment thereto shall be binding upon the Lessor and Lessee and/or their respective successors and assigns.

IN WITNESS WHEREOF, the Parties have caused this Lease to be executed in their corporate names by their duly authorized officers, all as of the date first above written.

**BHARAT FORGE ALUMINUM USA, INC.**

(SEAL)

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
 Secretary

**CITY OF SANFORD,  
A North Carolina Municipal Corporation**

(SEAL)

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the County and state aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that he is \_\_\_\_\_ Secretary of Bharat Forge Aluminum USA, Inc., a North Carolina corporation, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_ President, sealed with its corporate seal and attested by \_\_\_\_\_ Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public (SEAL)

My Commission Expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that Bonnie Davis came before me this day and acknowledged that she is the Clerk of the City of Sanford and that by authority duly given and as the act of the Sanford City Council, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its Clerk.

Witness my hand and stamp and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public (SEAL)

My Commission expires: \_\_\_\_\_

This instrument has been preaudited in the manner required by  
The Local Government Budget and Fiscal Control Act

\_\_\_\_\_  
Beth Kelly, Finance Officer  
Sanford, North Carolina



PUBLIC WORKS DEPARTMENT

# CITY OF SANFORD

P. O. BOX 3729

TELEPHONE 919-777-1122

FAX 919-774-8179

*North Carolina 27331-3729*

OR 919-777-1118

 Paul M. Weeks, Jr., P.E.  
 City Engineer

## MEMORANDUM

TO: Mayor Mann and Members of Council

FROM: Paul M. Weeks Jr., P.E. 

DATE: January 13, 2020

SUBJECT: Recommendation to award a contract for Project Forge Sewer Extension

On December 19th at 2:00 pm staff received four bids for this project. The tabulated results are below:

	<b>Contractor</b>	<b>Bid Bond</b>	<b>Base Bid</b>	<b>Alt. Bid</b>	<b>Base + Alt</b>
1	Sandhills Contractors, Inc	Yes	\$ 1,538,520.00	\$162,915.00	\$1,701,435.00
2	Sanford Contractors, Inc	Yes	\$ 1,596,696.97	\$121,749.94	\$1,718,446.91
3	ELJ, Inc.	Yes	\$ 1,842,855.00	0	\$1,842,855.00
4	North American Pipeline Management, Inc.	Yes	\$ 1,737,905.00	\$1,595,384.00	\$3,333,289.00

The apparent low bidder is Sandhills Contractors, Inc.

Sandhills Contractors has worked with the City on a number of projects and we have found their work to be acceptable. We have received an executed E-Verify form and have reviewed their bid for accuracy.

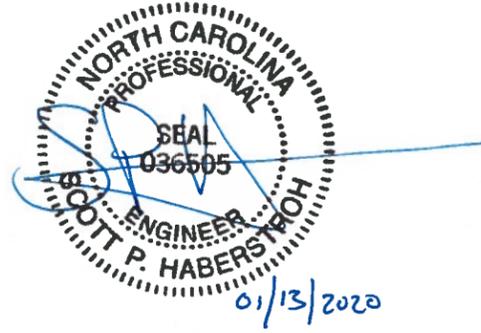
Since the project will be funded by CDBG and this award would take place prior to the formal release of funds, Staff recommends that Council tentatively award this project to Sandhills Contractors in the amount of \$1,701,435.00.

City of Sanford, NC  
 SFD19541 - Project Forge Sewer Extension  
 Bid Opening: December 19, 2019



ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	Sandhills Contractors, Inc.		Sanford Contractos, Inc.		ELJ Inc.		North American Pipeline Management, Inc.	
				UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID
<b>BASE BID</b>											
1	Mobilization (5% Maximum Base Bid)	1	LS	\$ 63,545.00	\$ 63,545.00	\$ 69,000.00	\$ 69,000.00	\$ 87,755.00	\$ 87,755.00	\$ 80,000.00	\$ 80,000.00
2	12-inch Gravity Sewer, PVC SDR 26:	6660	LF	\$ 153.00	\$ 1,018,980.00	\$ 144.90	\$ 965,034.00	\$ 180.00	\$ 1,198,800.00	\$ 182.00	\$ 1,212,120.00
3	12-inch Gravity Sewer, Ductile Iron, Class 350 (Ceramic Epoxy Lined):	216	LF	\$ 582.00	\$ 125,712.00	\$ 241.95	\$ 52,261.20	\$ 200.00	\$ 43,200.00	\$ 292.00	\$ 63,072.00
4	12-inch Gravity Sewer, Ductile Iron, Class 350 (Ceramic Epoxy Line) and 24-inch Steel Encasement Aerial Crossings	467	LF	\$ 214.00	\$ 99,938.00	\$ 350.31	\$ 163,594.77	\$ 300.00	\$ 140,100.00	\$ 314.00	\$ 146,638.00
5	4-foot Diameter Sanitary Sewer Manhole (All Depths):	31	EA	\$ 3,828.00	\$ 118,668.00	\$ 5,440.00	\$ 168,640.00	\$ 8,000.00	\$ 248,000.00	\$ 3,725.00	\$ 115,475.00
6	4-foot Diameter Drop Manhole (All Depths):	1	EA	\$ 10,037.00	\$ 10,037.00	\$ 15,567.00	\$ 15,567.00	\$ 15,000.00	\$ 15,000.00	\$ 12,600.00	\$ 12,600.00
7	Reinforced Concrete Support Piers	10	EA	\$ 4,164.00	\$ 41,640.00	\$ 10,260.00	\$ 102,600.00	\$ 5,000.00	\$ 50,000.00	\$ 4,800.00	\$ 48,000.00
8	Allowance 1 - Soil and Concrete Testing Allowance	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
9	Allowance 2 - Owner's Allowance	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
<b>TOTAL BASE BID PRICE</b>				<b>\$</b>	<b>1,538,520.00</b>	<b>\$</b>	<b>1,596,696.97</b>	<b>\$</b>	<b>1,842,855.00</b>	<b>\$</b>	<b>1,737,905.00</b>
<b>ALTERNATE 1</b>											
10	12-inch Gravity Sewer, Ductile Iron, Class 350 (Cement Lined)	6660	LF	\$ 26.00	\$ 173,160.00	\$ 20.58	\$ 137,062.80	\$ -	\$ -	\$ 212.00	\$ 1,411,920.00
11	12-inch Gravity Sewer, Ductile Iron, Class 350 (Cement Lined)	216	LF	\$ (15.00)	\$ (3,240.00)	\$ (22.42)	\$ (4,842.72)	\$ -	\$ -	\$ 244.00	\$ 52,704.00
12	12-inch Gravity Sewer, Ductile Iron, Class 350 (Cement Lined) and 24-inch Steel Encasement Aerial Crossings	467	LF	\$ (15.00)	\$ (7,005.00)	\$ (22.42)	\$ (10,470.14)	\$ -	\$ -	\$ 280.00	\$ 130,760.00
<b>ALTERNATE 1 PRICE</b>				<b>\$</b>	<b>162,915.00</b>	<b>\$</b>	<b>121,749.94</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>1,595,384.00</b>
<b>BASE BID</b>				<b>\$</b>	<b>1,538,520.00</b>	<b>\$</b>	<b>1,596,696.97</b>	<b>\$</b>	<b>1,842,855.00</b>	<b>\$</b>	<b>1,737,905.00</b>
<b>BASE BID + ALTERNATE A PRICE</b>				<b>\$</b>	<b>1,701,435.00</b>	<b>\$</b>	<b>1,718,446.91</b>	<b>\$</b>	<b>1,842,855.00</b>	<b>\$</b>	<b>3,333,289.00</b>

The bids tabulated herein were opened and read aloud at 2:00 PM, local time on December 19, 2019 in the City of Sanford Council Chambers at 225 E Weatherspoon Street, Sanford, NC 27330. The bid tabulation is correct in that it contains the prices as presented on the original bid proposal of each bidder.





Innovative approaches  
Practical results  
Outstanding service

1017 Main Campus Dr, Suite 1200 • Raleigh, North Carolina 27606 • 919-582-5859 • fax 817-735-7491 www.freese.com

December 23, 2018

Mr. Paul Weeks, PE, City Engineer  
City of Sanford, NC  
225 East Weatherspoon Street  
Sanford, NC 27331

**SUBJECT: Construction Contract Award Recommendation  
SFD19541 – Project Forge Sewer Extension**

Dear Mr. Weeks:

A total of four (4) bid proposals for the referenced project were opened and read publicly at 2:00 PM on Thursday December 19<sup>th</sup> at the City of Sanford Council Chambers, 225 E Weatherspoon St, Sanford, NC 27330. The project required bidders to provide a base bid price as well as one (1) alternate bid price from installing all ductile iron pipe in place of PVC pipe, as shown on the attached bid tabulation.

Freese and Nichols, Inc. has reviewed the bid proposals for completeness and accuracy in accordance with the project documents and the bidding requirements as set forth in the applicable North Carolina General Statutes. Based on our review of the bid proposal we have identified Sandhills Contractors, Inc. as the lowest responsive and eligible bidder in the total base bid and base bid plus alternate 1 bid amounts of \$1,538,520 and \$1,701,435.

If you agree with our recommendation, we will deliver the Notice of Award to Sandhills Contractors, Inc. along with the other contract document requirements. Upon receipt, Sandhills Contractors, Inc. will have 10 business days to sign and execute the contract and return it to Freese and Nichols.

Please let us know if you have any questions or need further information.

Sincerely,  
Freese and Nichols, Inc.

A handwritten signature in black ink, appearing to read 'SPH', written over a horizontal line.

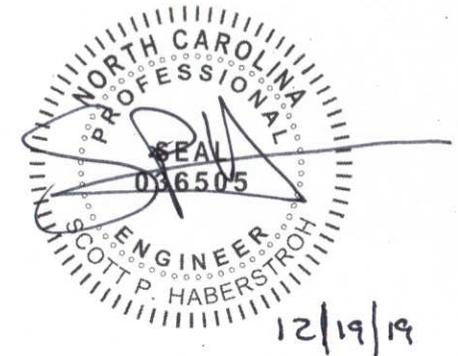
Scott Haberstroh, PE  
Sr. Project Manager

City of Sanford, NC  
 SFD19541 - Project Forge Sewer Extension  
 Bid Opening: December 19, 2019

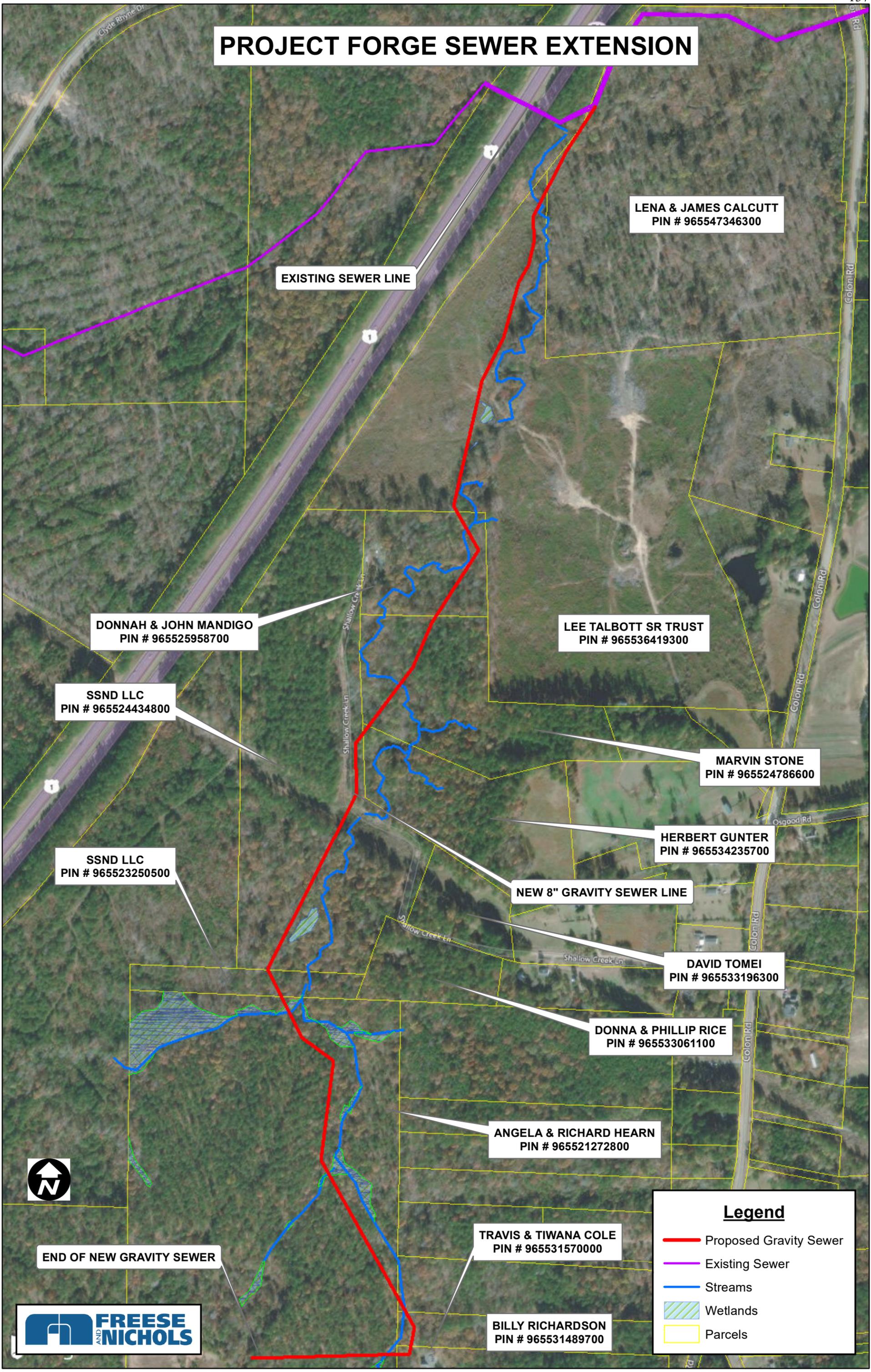


ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	SandHills Contractors, Inc.		Sanford Contractos, Inc.		EJ Inc.		North American Pipeline Management, Inc.	
				UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID
<b>BASE BID</b>											
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9	Allowance 2 - Owner's Allowance	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
<b>TOTAL BASE BID PRICE</b>				<b>\$</b>	<b>1,538,520.00</b>	<b>\$</b>	<b>1,596,696.97</b>	<b>\$</b>	<b>1,842,855.00</b>	<b>\$</b>	<b>1,737,905.00</b>
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<b>BASE BID + ALTERNATE A PRICE</b>				<b>\$</b>	<b>1,701,435.00</b>	<b>\$</b>	<b>1,718,446.91</b>	<b>\$</b>	<b>1,842,855.00</b>	<b>\$</b>	<b>3,333,289.00</b>

The bids tabulated herein were opened and read aloud at 2:00 PM, local time on December 19, 2019 in the City of Sanford Council Chambers at 225 E Weatherspoon Street, Sanford, NC 27330. The bid tabulation is correct in that it contains the prices as presented on the original bid proposal of each bidder.



# PROJECT FORGE SEWER EXTENSION



**LENA & JAMES CALCUTT**  
PIN # 965547346300

**EXISTING SEWER LINE**

**DONNAH & JOHN MANDIGO**  
PIN # 965525958700

**LEE TALBOTT SR TRUST**  
PIN # 965536419300

**SSND LLC**  
PIN # 965524434800

**MARVIN STONE**  
PIN # 965524786600

**SSND LLC**  
PIN # 965523250500

**HERBERT GUNTER**  
PIN # 965534235700

**NEW 8" GRAVITY SEWER LINE**

**DAVID TOMEI**  
PIN # 965533196300

**DONNA & PHILLIP RICE**  
PIN # 965533061100

**ANGELA & RICHARD HEARN**  
PIN # 965521272800

**TRAVIS & TIWANA COLE**  
PIN # 965531570000

**BILLY RICHARDSON**  
PIN # 965531489700

**END OF NEW GRAVITY SEWER**

**Legend**

- Proposed Gravity Sewer
- Existing Sewer
- Streams
- Wetlands
- Parcels



**RESOLUTION OF TENTATIVE BID AWARD FOR GRAVITY SEWER FOR PROJECT  
FORGE**

**WHEREAS**, on December 19, 2019, at 2:00 p.m. the City of Sanford received and opened bids in the City of Sanford Council Chambers for Project Forge gravity sewer extension; and

**WHEREAS**, the bids were reviewed by Freese and Nichols and a certified bid tab was submitted;

Name of Contractor	Base Bid Amount	Base Bid + Alternate Amount
1.Sandhills Contractor, Inc.	\$1,538,520.00	\$1,701,435.00
2. Sanford Contractors, Inc.	\$1,596,66.97	\$1,718,446.91
3.EIJ Inc.	\$1,842,855.00	\$1,842,855.00
4. North American Pipeline Management Inc.	\$1,737,905.00	\$3,333,289.00

**WHEREAS**, Sandhills Contractors, Inc. was the lowest responsive and eligible bidder for the gravity sewer project when compared to the base bid amount and base bid plus alternate bid amount; and

**WHEREAS**, the consulting Engineers recommend **TENTATIVE AWARD** to the lowest bidder(s).

**NOW, THEREFORE, BE IT RESOLVED** that **TENTATIVE AWARD** is made to Sandhills Contractor, Inc. in the total amount of \$1,701,435.00; and

**BE IT FURTHER RESOLVED** that such **TENTATIVE AWARD** be contingent upon the approval of the North Carolina Department of Commerce.

---

T. Chet Mann, Mayor

(Seal)

**Attest:**

---

Bonnie Davis, Clerk



P.O. Box 3729  
Sanford, NC 27331-3729

(919) 777-1110  
FAX: (919) 775-8205  
Email: hal.hegwer@sanfordnc.net

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## City of Sanford

---

**Hal Hegwer**  
City Manager

January 17, 2020

To: Mayor and Council Members

From: Hal Hegwer, City Manager

Subject: Waiver of Residency Requirement on the Sanford Housing Authority

Currently, we have two vacancies on the Sanford Housing Authority and the term for both vacancies end June 30, 2021. One vacancy occurred with the resignation of a member and one vacancy was due to a member moving outside the city limits. After discussing this matter with the City's liaison, Mayor Pro Tem Byron Buckels, he suggested waiving the requirement of residing in the City limits for the two attached applicants for the Sanford Housing Authority. It takes a majority vote of the Council to waive the requirements of the eligibility on a case-by-case basis. Attached is the City Code section regarding appointments to the Boards and Commissions.

Additionally, the North Carolina Constitution prohibits dual office holding. That means a person may hold no more than one elected and one appointed, or two appointed positions, at any one time. Also, the City's ordinance states "No person shall serve on more than one board at the same time." However, this has been waived in the past.

Attached are two applications for the Sanford Housing Authority; both applicants live outside the City limits. The City Clerk has placed a block ad in the newspaper for Wednesday, January 22, seeking applications for all boards that have vacancies, including the Sanford Housing Authority.

Please call me if you have any questions or concerns.

Attachments

**bonnie.davis@sanfordnc.net**

---

**From:** noreply@civicplus.com  
**Sent:** Monday, June 11, 2018 4:49 PM  
**To:** bonnie.davis@sanfordnc.net  
**Subject:** Online Form Submittal: Boards & Commissions Application

## Boards & Commissions Application

If you have any questions, please call City Clerk Bonnie Davis at 919-777-1111.

First Name of Applicant	Gabby
Last Name of Applicant	Murillo
Address	2623 Creek Trail
City	Sanford
State	NC
Zip Code	27330
Daytime Phone	9197701475
Evening Phone	<i>Field not completed.</i>
Marital Status	SINGLE
Spouse's Name	<i>Field not completed.</i>
Email	Gabby@CRYSTALCOPAS.COM
Registered Voter in Ward	<i>Field not completed.</i>
I Wish to Be Considered for Appointment to the Following Board / Commission / Committee	Housing Authority
List Any Experience / Qualifications You Have Relevant to the Above Board / Commission / Committee	2623 Creek Trail
List Below Your Second Choice Board / Commission / Committee, if Applicable	<i>Field not completed.</i>

List Any  
Experience/Qualifications  
You Have Relevant to the  
Second Preference

This is a reappointment

---

I Certify That All of the  
Information Contained in  
This Application is True to  
the Best of My Knowledge.

Gabby Murillo

---

Date

6/11/2018

---

Email not displaying correctly? [View it in your browser.](#)

**vicki.cannady@sanfordnc.net**

---

**From:** noreply@civicplus.com  
**Sent:** Tuesday, January 7, 2020 4:41 PM  
**To:** vicki.cannady@sanfordnc.net  
**Subject:** Online Form Submittal: Boards & Commissions Application

## Boards & Commissions Application

If you have any questions, please call City Clerk Bonnie Davis at 919-777-1111.

First Name of Applicant	Reginald
Last Name of Applicant	Peace, Jr.
Address	2914 Carbonton Road
City	Sanford,
State	NC
Zip Code	27330
Daytime Phone	919-353-5058
Evening Phone	<i>Field not completed.</i>
Marital Status	Married
Spouse's Name	Carly Peace
Email	reginaldpeace@gmail.com
Registered Voter in Ward	<i>Field not completed.</i>
I Wish to Be Considered for Appointment to the Following Board / Commission / Committee	Sanford Housing Authority
List Any Experience / Qualifications You Have Relevant to the Above Board / Commission / Committee	I have a degree in business management with a concentration in hospitality management. I have managed an apartment building.
List Below Your Second Choice Board / Commission / Committee, if Applicable	<i>Field not completed.</i>

List Any  
Experience/Qualifications  
You Have Relevant to the  
Second Preference

*Field not completed.*

---

I Certify That All of the  
Information Contained in  
This Application is True to  
the Best of My Knowledge.

Reginald E. Peace

---

Date

1/7/2020

---

Email not displaying correctly? [View it in your browser.](#)

## ec. 2-191. - Appointment and term of members; attendance at meetings.

- (a) *Authority of council to fix terms.* The council shall fix the terms of office and terms of appointment of all members of all boards, commissions, and committees of the city, whether the boards and commissions were created pursuant to general law, local law, Charter, or ordinance, and regardless of the terms established by general or local law, or Charter provisions, for particular boards and commissions.
- (b) *Applicability.* For the purposes of this section, the word "board" shall mean and include any board, commission, committee, agency or similar group made up in whole or in part of nonelected appointees of the council, whether established by general statute, charter, ordinance, resolution, or otherwise.
- (c) *Modification of requirements; conflicting provisions.* The procedures established by this section are intended to be a flexible guide for use by the council in the appointment and reappointment process to boards. Because of the need for flexibility, the council may, by majority vote, decide to waive, vary or otherwise modify the requirements of this section on a case by case basis. Unless otherwise required by the General Statutes, where any provision of this article conflicts with any provisions imposed elsewhere in the Code, the provisions of this section shall be deemed to be controlling.
- (d) *Appointments generally; duration of terms.* The terms of office of members of all boards shall be three years, and shall begin on July 1 and expire on June 30. Terms on all boards shall be staggered, with the term of approximately one-third of the membership expiring each year, to the end that, insofar as possible, there shall always be one or more members with experience on each board. All terms shall begin on July 1, next following appointment. All appointments to all boards shall be made by the council as a whole, and neither the power to appoint nor the power to recommend persons for appointment shall be delegated to any board or to any committee of the council. No person shall serve on more than one board at the same time. A person shall normally serve no more than two consecutive full terms on the same board. However, the council may waive this requirement on a case by case basis. All members of all boards shall serve at the pleasure of the council regardless of the terms for which appointed, and the council may in its discretion at any time remove any members of any board.
- (e) *Application for initial appointment.* In order to be eligible for initial appointment to a board, a person must file a written application on a form provided by the city clerk, setting forth name, address, and the name of the board to which appointment is desired. The application shall also include an affirmative statement that the applicant is a registered voter in the city. The application may be accompanied by any additional written information which the applicant wishes the council to consider, other than letters of reference and petitions of others advocating the appointment. In order to be considered by the council, an application must be filed with the city clerk not later than June 1 preceding the beginning of the term for which the appointment is desired. This subsection shall not apply to appointments to fill unexpired portions of terms to fill vacancies.
- (f) *Public notice of vacancies.* The city clerk shall cause a notice to be posted in one or more conspicuous locations at city hall at all times during the months of January, February, and March of each year. This notice shall specify the vacancies which will exist on boards, and will set forth the details of subsection (e) regarding the application procedure and the deadline for receipt of applications for appointment.
- (g) *Procedure for reappointment.* During the month of December of each year, the chairpersons shall notify all members of their boards whose terms expire June 30 of the following year informing them that they must notify the chairperson by February 1 if they wish to be considered for reappointment. The chairperson will then submit a written list of those members who wish to be reappointed to the city clerk by March 15 of each year.
- (h) *Consideration of applications.* Copies of all applications received by the city clerk by June 1 in a year shall be distributed during the month of June to each member of the council along with a list of the board members with expiring terms who wish to be reappointed. The council as a whole shall consider all applications received for appointment to all boards, and shall make such appointments as it deems appropriate. These appointments shall be made at the second meeting in June of each year. Applications received shall be kept on file until December 31 of the year received. To be considered for appointment, all applications must be filed during the year the appointment is to be made.
- (i) *Filling unexpired portions of terms.* The council intends to make appointments to fill unexpired

portions of terms, created by vacancies, as expeditiously as needed. Further, the council recognizes that the urgency of filling such vacancies may vary depending upon the circumstances of the vacancy.

- (j) *Attendance at meetings.* Although recognizing and appreciating the fact that members of the boards are generally citizen volunteers, the council deems it essential that members of all boards attend meetings regularly for the prompt and efficient transaction of city affairs. The chairperson of each board shall maintain attendance records on a form provided by the city clerk and shall forward a copy of this attendance record to the city clerk immediately following each board meeting.

- (k) Paragraphs (e), (f), (g) and (h) shall not apply to appointments made prior to December 31, 1994.

(Code 1985, § 31.01; Ord. No. 1994-16, 5-3-1994; Ord. No. 1996-10, 4-2-1996)

**§ 128-1.1. Dual-office holding allowed.**

(a) Any person who holds an appointive office, place of trust or profit in State or local government is hereby authorized by the General Assembly, pursuant to Article VI, Sec. 9 of the North Carolina Constitution, to hold concurrently one other appointive office, place of trust or profit, or an elective office in either State or local government.

(b) Any person who holds an elective office in State or local government is hereby authorized by the General Assembly, pursuant to Article VI, Sec. 9 of the North Carolina Constitution to hold concurrently one other appointive office, place of trust or profit, in either State or local government.

(c) Any person who holds an office or position in the federal postal system or is commissioned as a special officer or deputy special officer of the United States Bureau of Indian Affairs is hereby authorized to hold concurrently therewith one position in State or local government.

(c1) Where authorized by federal law, any State or local law enforcement agency may authorize its law enforcement officers to also perform the functions of an officer under 8 U.S.C. § 1357(g) if the agency has a Memorandum of Agreement or Memorandum of Understanding for that purpose with a federal agency. State and local law enforcement officers authorized under this provision are authorized to hold any office or position with the applicable federal agency required to perform the described functions.

(c2) Repealed by Session Laws 2015-201, s. 3(b), effective August 5, 2015.

(d) The term "elective office," as used herein, shall mean any office filled by election by the people when the election is conducted by a county board of elections under the supervision of the Bipartisan State Board of Elections and Ethics Enforcement. (1971, c. 697, s. 2; 1975, c. 174; 1987, c. 427, s. 10; 2006-259, s. 24(a); 2011-31, s. 13; 2014-100, s. 14.11(b); 2015-201, s. 3(b); 2015-241, s. 14.30(u); 2017-6, s. 3.)

**CLOSED SESSION**